13434

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-THIRD CONGRESS, SECOND SESSION.

IN THREE PARTS, WITH AN INDEX.

VOLUME III.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1875.

CONGRESSIONAL RECORD AND APPENDIX.

FORTY-THIRD CONGRESS, SECOND SESSION.

PART I.

CONGRESSIONAL RECORD.

[From December 7, 1874, to January 28, 1875.]

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FORTY-THIRD CONGRESS.

SECOND SESSION.

IN SENATE.

MONDAY, *December* 7, 1874.

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Forty-third Congress commenced this day. The Senators assembled in the Senate Chamber at the Capitol, in the city of Washington.

SENATORS PRESENT.

The following Senators were present: from the State of—

Maine—Hon. Hannibal Hamlin and Hon. Lot M. Morrill.
New Hampshire—Hon. Aaron H. Cragin and Hon. Bainbridge Wadleigh.
Vermont—Hon. George F. Edmunds and Hon. Justin S. Morrill.
Massachusetts—Hon. George S. Boutwell and Hon. William B. Washburn.
Rhode Island—Hon. Henry B. Anthony.
Connecticut—Hon. Orris S. Ferry.
New York—Hon. Roscoe Conkling.
New Jersey—Hon. Frederick T. Frelinghuysen.
Pennsylvania—Hon. Simon Cameron and Hon. John Scott.
Delaware—Hon. Eli Saulsbury.
Maryland—Hon. George R. Dennis and Hon. William T. Hamilton.
Virginia—Hon. John F. Lewis.
South Carolina—Hon. John J. Patterson and Hon. Thomas J. Robertson.
Florida—Hon. Simon B. Conover and Hon. Abijah Gilbert.
Alabama—Hon. George E. Spencer.
Mississippi—Hon. James L. Alcorn and Hon. Henry R. Pease.
Louisiana—Hon. J. R. West.
Texas—Hon. J. W. Flanagan.
Arkansas—Hon. Powell Clayton and Hon. Stephen W. Dorsey.
Missouri—Hon. Lewis V. Bogy and Hon. Carl Schurz.
Tennessee—Hon. Henry Cooper.
Kentucky—Hon. Thomas C. McCreery and Hon. John W. Stevenson.
West Virginia—Hon. Arthur I. Boreman and Hon. Henry G. Davis.
Ohio—Hon. John Sherman and Hon. Allen G. Thurman.
Indiana—Hon. Daniel D. Pratt.
Illinois—Hon. John A. Logan and Hon. Richard J. Oglesby.
Michigan—Hon. Zachariah Chandler and Hon. Thomas W. Ferry.
Wisconsin—Hon. Matthew H. Carpenter and Hon. Timothy O. Howe.
Iowa—Hon. William B. Allison and Hon. George G. Wright.
Minnesota—Hon. Alexander Ramsey and Hon. William Windom.
Kansas—Hon. James M. Harvey and Hon. John J. Ingalls.
Nebraska—Hon. Phineas W. Hitchcock.
California—Hon. John S. Hager and Hon. Aaron A. Sargent.
Oregon—Hon. James K. Kelly and Hon. John H. Mitchell.

The VICE PRESIDENT (Hon. HENRY WILSON, of Massachusetts) called the Senate to order at twelve o'clock m., there being a quorum of Senators present.

PRAYER.

Rev. BYRON SUNDERLAND, D. D., Chaplain to the Senate for the Forty-third Congress, offered the following prayer:

Almighty and everlasting God, we come to worship Thee as the Supreme Ruler and Rightful Lawgiver of the world; and as Thou hast borne us all hither in safety, let us not be unmindful of Thee this day, nor turn away from the love of our Father and our God. We thank Thee for Thy mercies to our nation; we acknowledge Thy chastisements, and pray that we may be corrected through them. We beseech Thee, bestow that favor upon all this great people without which they are wholly unequal to their mission in this land. Help the Government in its grave responsibilities. Bless this Congress during its present session. May the candle of the Lord light them through every maze of difficulty; and may Thy good Spirit rest and abide upon them. We ask it for Christ, the Redeemer's sake: Amen.

NOTIFICATION TO THE HOUSE.

On motion of Mr. ANTHONY, it was

Ordered, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

HOUR OF MEETING.

On motion of Mr. ANTHONY, it was

Ordered, That the hour of the daily meeting of the Senate be twelve o'clock meridian, until otherwise ordered.

NOTIFICATION TO THE PRESIDENT.

Mr. CONKLING submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee, consisting of two members, be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States, and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the Vice-President was authorized to appoint the committee on the part of the Senate; and Messrs. CONKLING and THURMAN were appointed.

GOVERNMENT OF THE DISTRICT.

Mr. MORRILL, of Maine. Mr. President, the joint select committee appointed under the act of Congress of the last session to make a frame of government for the District of Columbia have attended to that duty, and have instructed me to report a frame of government for the District of Columbia, with sundry provisions of statute designed to enforce such frame of government, accompanied by a written report, to which I respectfully ask the attention of the Senate. I move that the report lie on the table and be printed.

The motion was agreed to; and the accompanying bill (S. No. 963) for the better government of the District of Columbia was read and passed to the second reading.

REPORTS REQUIRED BY LAW.

The VICE-PRESIDENT. I have received and now lay before the Senate a report of the Secretary of the Senate, in compliance with section 73 of the Revised Statutes of the United States, containing a full and complete statement of the receipts and expenditures of the contingent fund of the Senate from July 1, 1873, to June 30, 1874. The report will lie on the table and be printed, if there be no objection.

Mr. SHERMAN. I think it would be better not to print these detailed reports until they are referred to the Committee on Printing. I move, therefore, that the question of printing the document lie on the table for the present, as we have no committees as yet.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of the Senate, in compliance with the seventy-fifth section of the Revised Statutes of the United States, containing a full and complete account of all property belonging to the United States in his possession on this day; which was ordered to lie on the table.

He also laid before the Senate a report of the Sergeant-at-Arms of the Senate, containing, in compliance with the seventy-fifth section of the Revised Statutes of the United States, a full and complete account of all property belonging to the United States in his possession this day; which was ordered to lie on the table.

He also laid before the Senate a report of the clerk of the Court of Claims, transmitting, in compliance with section 9 of the act entitled "An act to provide for appeals from the Court of Claims, and for other purposes," approved June 25, 1868, a statement of all judgments rendered by that court for the year ending December 7, 1874, the amounts thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims upon which said judgments have been rendered; which was ordered to lie on the table.

CREDENTIALS OF SENATORS ELECT.

The VICE-PRESIDENT presented the credentials of Hon. GEORGE F. EDMUNDS, elected by the Legislature of Vermont a Senator from that State for the term commencing on the 4th day of March, 1875; which were read and ordered to be filed.

He also presented the credentials of Hon. William W. Eaton, elected by the Legislature of Connecticut a Senator from that State for the term commencing on the 4th day of March, 1875; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. FERRY, of Michigan. I present the petition of Hiram Bateman, late of Company I, Third Regiment Michigan Volunteers, praying to be granted a pension. I propose that it be referred to the Committee on Pensions.

The VICE-PRESIDENT. The committees have not yet been appointed. The petition will be received, and lie on the table for the present.

Mr. FERRY, of Michigan. Very well; let that course be taken.

Mr. MORRILL, of Vermont. I present the memorial of Laban Heath, praying remuneration on account of defective work done at the Treasury printing department. I move that this memorial lie on the table until the committees shall have been appointed.

The motion was agreed to.

Mr. SARGENT. I present the petition of Rear-Admiral John L. Worden, United States Navy, praying that there may be granted to him, the officers and crew of the iron-clad steamer Monitor, the estimated value of the Merrimac, destroyed by the Monitor, to be distributed among the same as the estimated value of the Alabama was distributed to the officers and crew of the Kearsarge. I shall ask that this petition be referred to the Committee on Naval Affairs, when appointed.

The VICE-PRESIDENT. The petition will lie on the table for the present.

Mr. SARGENT. I also present the petition of Rufus Saxton and A. R. Eddy, lieutenant colonels and deputy quartermasters-general of the United States Army, praying to be restored to their appropriate rank, of which they claim to have been deprived by previous legislation of Congress. I shall ask that it be referred to the Committee on Military Affairs, when appointed.

The petition was ordered to lie on the table.

Mr. SARGENT. I also present the petition of Mrs. Susan Roberts, of Humboldt County, California, praying compensation for lands and private property taken and used by the Government of the United States for public purposes. This also is to be referred to the Committee on Military Affairs, when appointed.

The VICE-PRESIDENT. The petition will lie on the table for the present.

Mr. SCHURZ presented the petition of Elizabeth Reidenbach, widow of F. Reidenbach, late of Company E, Second Artillery, Illinois Volunteers, praying to be allowed a pension; which was ordered to lie on the table.

Mr. BOUTWELL presented the petition of J. S. Savage, of Newton, Massachusetts, inventor of a safety ballot-box, praying to be allowed to appear before the proper committee and explain its advantages; which was ordered to lie on the table.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 964) to provide for the revision of the laws for the collection of customs-duties; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 965) for the relief of certain settlers upon the public lands in the State of Kansas; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 966) to increase the efficiency of the Medical Department of the Army; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 967) for the relief of certain settlers on the public lands in the State of Nebraska; which was read twice by its title, and ordered to lie on the table and be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 968) for the relief of persons suffering from the ravages of grasshoppers; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 969) for the relief of Ferdinand Monti, a wagon-master in the Mexican war; which was read twice by its title, and ordered to lie on the table.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 970) for the relief of Andrew Hosmer, of Peoria, Illinois; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 971) to protect persons of foreign birth against forcible constraint or involuntary servitude; which was read twice by its title, and ordered to lie on the table.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 972) to enable Indians in certain cases to enter public lands of the United States under the homestead law, and for other purposes; which was read twice by its title, and ordered to lie on the table.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 973) to correct the date of commission of certain officers of the Army; which was read twice by its title, and ordered to lie on the table.

RECESS.

Mr. ANTHONY, (at twelve o'clock and seventeen minutes p. m.) Mr. President, there seems to be no business before the Senate; and, while we are waiting for the message of the President of the United States, I move that the Senate take a recess until one o'clock.

The motion was agreed to; and at one o'clock p. m. the Senate reassembled.

ARKANSAS JUDICIAL DISTRICTS.

Mr. WRIGHT. On the 17th of June last I had the honor to report from the Committee on the Judiciary House bill No. 3621, to abolish the western district of Arkansas, and for other purposes; and I give notice now that on Thursday morning, if I can obtain the floor, immediately on the expiration of the morning hour, I shall ask the Senate to proceed to the consideration of that bill.

THE INDIAN TERRITORY.

Mr. INGALLS. I beg leave to offer the following resolution:

Resolved, That the Committee on Indian Affairs be directed to inquire into the recent disturbances in the Indian Territory, and to report to the Senate what measures are necessary for the protection of life, liberty, and property, and the preservation of law and order, in that region, and whether the best interests of civilization do not demand the immediate establishment of courts of the United States in said Territory, as provided by the treaties of 1866.

As the committees have not yet been appointed, Mr. President, I suppose the proper course would be to have the resolution lie on the table for the present.

The VICE-PRESIDENT. The resolution will take that direction.

RECESS.

Mr. ANTHONY, (at one o'clock and five minutes p. m.) I move that the Senate take a recess until half-past one o'clock.

The motion was agreed to; and the Senate was again called to order at one o'clock and thirty minutes p. m.

ORGANIZATION OF THE HOUSE.

A message was received from the House of Representatives, by Hon. EDWARD MCPHERSON, its Clerk, as follows:

Mr. President, I have been directed to inform the Senate that a quorum of the House of Representatives has assembled, and that the House is now ready to proceed to business.

The House has passed a resolution directing the appointment of a committee, on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make; and has appointed Mr. HENRY L. DAWES of Massachusetts, Mr. ROBERT S. HALE of New York, and Mr. JAMES B. BECK of Kentucky the committee on the part of the House.

PRESIDENT'S ANNUAL MESSAGE.

Mr. CONKLING. Mr. President, the committee appointed by the Senate to apprise the President of the United States of the presence of the two Houses, and their readiness to proceed to business, having discharged that duty, have been informed by the President that he will presently communicate with the two Houses in writing.

Mr. O. E. BABCOCK, the Private Secretary of the President, then appeared below the bar and said: Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The VICE-PRESIDENT. The Chair submits to the Senate the annual message of the President of the United States; which will be read.

The Chief Clerk, Mr. William J. McDonald, thereupon read the message, as follows:

To the Senate and House of Representatives:

Since the convening of Congress one year ago the nation has undergone a prostration in business and industries such as has not been witnessed with us for many years. Speculation as to the causes for this prostration might be indulged in without profit, because as many theories would be advanced as there would be independent writers—those who expressed their own views without borrowing—upon the subject. Without indulging in theories as to the cause of this prostration, therefore, I will call your attention only to the fact, and to

some plain questions as to which it would seem there should be no disagreement. During this prostration two essential elements of prosperity have been most abundant: labor and capital. Both have been largely unemployed. Where security has been undoubted, capital has been attainable at very moderate rates. Where labor has been wanted, it has been found in abundance at cheap rates, compared with what—of necessaries and comforts of life—could be purchased with the wages demanded. Two great elements of prosperity, therefore, have not been denied us. A third might be added: our soil and climate are unequaled, within the limits of any contiguous territory under one nationality, for its variety of products to feed and clothe a people, and in the amount of surplus to spare to feed less favored peoples. Therefore, with these facts in view, it seems to me that wise statesmanship, at this session of Congress, would dictate legislation, ignoring the past, directing in proper channels these great elements of prosperity to any people. Debt—debt abroad—is the only element that can, with always a sound currency, enter into our affairs to cause any continued depression in the industries and prosperity of our people. A great conflict for national existence made necessary, for temporary purposes, the raising of large sums of money from whatever source attainable. It made it necessary, in the wisdom of Congress—and I do not doubt their wisdom in the premises regarding the necessity of the times—to devise a system of national currency which it proved to be impossible to keep on a par with the recognized currency of the civilized world. This begot a spirit of speculation involving an extravagance and luxury not required for the happiness or prosperity of a people, and involving, both directly and indirectly, foreign indebtedness. The currency being of fluctuating value, and therefore unsafe to hold for legitimate transactions requiring money, became a subject of speculation in itself. These two causes, however, have involved us in a foreign indebtedness, contracted in good faith by borrower and lender, which should be paid in coin, and according to the bond agreed upon when the debt was contracted—gold or its equivalent. The good faith of the Government cannot be violated toward creditors without national disgrace.

But our commerce should be encouraged; American ship-building and carrying capacity increased; foreign markets sought for products of the soil and manufactories, to the end that we may be able to pay these debts. Where a new market can be created for the sale of our products, either of the soil, the mine, or the manufactory, a new means is discovered of utilizing our idle capital and labor to the advantage of the whole people. But, in my judgment, the first step toward accomplishing this object is to secure a currency of fixed, stable value; a currency good wherever civilization reigns; one which, if it becomes superabundant with one people, will find a market with some other; a currency which has as its basis the labor necessary to produce it, which will give to it its value. Gold and silver are now the recognized medium of exchange the civilized world over; and to this we should return with the least practicable delay. In view of the pledges of the American Congress when our present legal-tender system was adopted, and debt contracted, there should be no delay—certainly no unnecessary delay—in fixing by legislation a method by which we will return to specie. To the accomplishment of this end I invite your special attention. I believe firmly that there can be no prosperous and permanent revival of business and industries until a policy is adopted, with legislation to carry it out, looking to a return to a specie basis. It is easy to conceive that the debtor and speculative classes may think it of value to them to make so-called money abundant until they can throw a portion of their burdens upon others. But even these, I believe, would be disappointed in the result if a course should be pursued which will keep in doubt the value of the legal-tender medium of exchange. A revival of productive industry is needed by all classes—by none more than the holders of property, of whatever sort, with debts to liquidate from realization upon its sale. But admitting that these two classes of citizens are to be benefited by expansion, would it be honest to give it? Would not the general loss be too great to justify such relief? Would it not be just as honest and prudent to authorize each debtor to issue his own legal-tenders to the extent of his liabilities? Than to do this would it not be safer, for fear of overissues by unscrupulous creditors, to say that all debt-obligations are obliterated in the United States, and now we commence anew, each possessing all he has at the time free from incumbrance? These proportions are too absurd to be entertained for a moment by thinking or honest people. Yet every delay in preparation for final resumption partakes of this dishonesty, and is only less in degree as the hope is held out that a convenient season will at last arrive for the good work of redeeming our pledges to commence. It will never come, in my opinion, except by positive action by Congress, or by national disasters which will destroy, for a time at least, the credit of the individual and the State at large. A sound currency might be reached by total bankruptcy and discredit of the integrity of the nation and of individuals. I believe it is in the power of Congress, at this session, to devise such legislation as will renew confidence, revive all the industries, start us on a career of prosperity to last for many years, and to save the credit of the nation and of the people. Steps toward the return to a specie basis are the great requisites to this devoutly to be sought for end. There are others which I may touch upon hereafter.

A nation dealing in a currency below that of specie in value labors under two great disadvantages: First, having no use for the world's acknowledged medium of exchange, gold and silver, these are driven out of the country, because there is no need for their use; second, the medium of exchange in use being of a fluctuating value—for after all it is only worth just what it will purchase of gold and silver; metals having an intrinsic value just in proportion to the honest labor it takes to produce them—a larger margin must be allowed for profit by the manufacturer and producer. It is months from the date of production to the date of realization. Interest upon capital must be charged, and risk of fluctuation in the value of that which is to be received in payment added. Hence high prices, acting as a protection to the foreign producer, who receives nothing in exchange for the products of his skill and labor except a currency good at a stable value the world over.

It seems to me that nothing is clearer than that the greater part of the burden of existing prostration, for the want of a sound financial system, falls upon the workingman, who must, after all, produce the wealth, and the salaried man who superintends and conducts business. The burden falls upon them in two ways: by the deprivation of employment, and by the decreased purchasing power of their salaries. It is the duty of Congress to devise the method of correcting the evils which are acknowledged to exist, and not mine. But I will venture to suggest two or three things which seem to me as absolutely necessary to a return to specie payments, the first great requisite in a return to prosperity. The legal-tender clause to the law authorizing the issue of currency by the National Government should be repealed, to take effect as to all contracts entered into after a day fixed in the repealing act; not to apply, however, to payments of salaries by Government or for other expenditures now provided by law to be paid in currency in the interval pending between repeal and final resumption. Provision should be made by which the Secretary of the Treasury can obtain gold as it may become necessary from time to time from the date when specie redemption commences. To this might and should be added a revenue sufficiently in excess of expenses to insure an accumulation of gold in the Treasury to sustain permanent redemption.

I commend this subject to your careful consideration, believing that a favorable solution is attainable, and, if reached by this Congress, that the present and future generations will ever gratefully remember it as their deliverer from a thralldom of evil and disgrace.

With resumption, free banking may be authorized with safety, giving the same full protection to bill-holders which they have under existing laws. Indeed, I would regard free banking as essential. It would give proper elasticity to the currency. As more currency should be required for the transaction of legitimate business new banks would be started, and in turn banks would wind up their business when it was found that there was a superabundance of currency. The experience and judgment of the people can best decide just how much currency is required for the transaction of the business of the country. It is unsafe to leave the settlement of this question to Congress, the Secretary of the Treasury, or the Executive. Congress should make the regulation under which banks may exist, but should not make banking a monopoly by limiting the amount of redeemable paper currency that shall be authorized. Such importance do I attach to this subject, and so earnestly do I commend it to your attention, that I give it prominence by introducing it at the beginning of this message.

During the past year nothing has occurred to disturb the general friendly and cordial relations of the United States with other powers.

The correspondence submitted herewith between this Government and its diplomatic representatives, as also with the representatives of other countries, shows a satisfactory condition of all questions between the United States and the most of those countries, and, with few exceptions, to which reference is hereafter made, the absence of any points of difference to be adjusted.

The notice directed by the resolution of Congress of June 17, 1874, to be given to terminate the convention of July 17, 1858, between the United States and Belgium, has been given, and the treaty will accordingly terminate on the 1st day of July, 1875. This convention secured to certain Belgian vessels entering the ports of the United States exceptional privileges which are not accorded to our own vessels. Other features of the convention have proved satisfactory, and have tended to the cultivation of mutually beneficial commercial intercourse and friendly relations between the two countries. I hope that negotiations which have been invited will result in the celebration of another treaty which may tend to the interests of both countries.

Our relations with China continue to be friendly. During the past year the fear of hostilities between China and Japan, growing out of the landing of an armed force upon the island of Formosa by the latter, has occasioned uneasiness. It is earnestly hoped, however, that the difficulties arising from this cause will be adjusted, and that the advance of civilization in these empires may not be retarded by a state of war. In consequence of the part taken by certain citizens of the United States in this expedition, our representatives in those countries have been instructed to impress upon the governments of China and Japan the firm intention of this country to maintain strict neutrality in the event of hostilities, and to carefully prevent any infraction of law on the part of our citizens.

In connection with this subject I call the attention of Congress to a generally conceded fact, that the great proportion of the Chinese

mmigrants who come to our shores do not come voluntarily, to make their homes with us and their labor productive of general prosperity, but come under contracts with head-men, who own them almost absolutely. In a worse form does this apply to Chinese women. Hardly a perceptible percentage of them perform any honorable labor, but they are brought for shameful purposes, to the disgrace of the communities where settled and to the great demoralization of the youth of those localities. If this evil practice can be legislated against, it will be my pleasure as well as duty to enforce any regulation to secure so desirable an end.

It is hoped that negotiations between the government of Japan and the treaty powers, looking to the further opening of the empire and to the removal of various restrictions upon trade and travel, may soon produce the results desired, which cannot fail to inure to the benefit of all the parties. Having on previous occasions submitted to the consideration of Congress the propriety of the release of the Japanese government from the further payment of the indemnity under the convention of October 22, 1864, and as no action had been taken thereon, it became my duty to regard the obligations of the convention as in force, and as the other powers interested had received their portion of the indemnity in full, the minister of the United States in Japan has, in behalf of this Government, received the remainder of the amount due to the United States under the convention of Simonoseki. I submit the propriety of applying the income of a part, if not of the whole, of this fund to the education in the Japanese language of a number of young men, to be under obligations to serve the Government, for a specified time, as interpreters at the legation and the consulates in Japan. A limited number of Japanese youths might at the same time be educated in our own vernacular; and mutual benefits would result to both governments. The importance of having our own citizens competent and familiar with the language of Japan, to act as interpreters and in other capacities connected with the legation and the consulates in that country, cannot readily be overestimated.

The amount awarded to the government of Great Britain by the mixed commission organized under the provisions of the treaty of Washington, in settlement of the claims of British subjects arising from acts committed between April 13, 1861, and April 9, 1865, became payable, under the terms of the treaty, within the past year, and was paid upon the 21st day of September, 1874. In this connection I renew my recommendation, made at the opening of the last session of Congress, that a special court be created, to hear and determine all claims of aliens against the United States arising from acts committed against their persons or property during the insurrection. It appears equitable that opportunity should be offered to citizens of other states to present their claims, as well as to those British subjects whose claims were not admissible under the late commission, to the early decision of some competent tribunal. To this end I recommend the necessary legislation to organize a court to dispose of all claims of aliens of the nature referred to in an equitable and satisfactory manner, and to relieve Congress and the Departments from the consideration of these questions.

The legislation necessary to extend to the colony of Newfoundland certain articles of the treaty of Washington of the 8th day of May, 1871, having been had, a protocol to that effect was signed in behalf of the United States and of Great Britain on the 28th day of May last, and was duly proclaimed on the following day. A copy of the proclamation is submitted herewith.

A copy of the report of the commissioner appointed under the act of March 19, 1872, for surveying and marking the boundary between the United States and the British possessions from the Lake of the Woods to the summit of the Rocky Mountains, is herewith transmitted. I am happy to announce that the field-work of the commission has been completed, and the entire line from the northwest corner of the Lake of the Woods to the summit of the Rocky Mountains has been run and marked upon the surface of the earth. It is believed that the amount remaining unexpended of the appropriation made at the last session of Congress will be sufficient to complete the office-work. I recommend that the authority of Congress be given to the use of the unexpended balance of the appropriation to the completion of the work of the commission in making its report and preparing the necessary maps.

The court known as the court of commissioners of Alabama claims, created by an act of Congress of the last session, has organized and commenced its work, and it is to be hoped that the claims admissible under the provisions of the act may be speedily ascertained and paid.

It has been deemed advisable to exercise the discretion conferred upon the Executive at the last session, by accepting the conditions required by the government of Turkey for the privilege of allowing citizens of the United States to hold real estate in the former country and by assenting to a certain change in the jurisdiction of courts in the latter. A copy of the proclamation upon these subjects is herewith communicated.

There has been no material change in our relations with the independent states of this hemisphere which were formerly under the dominion of Spain. Marauding on the frontiers between Mexico and Texas still frequently takes place, despite the vigilance of the civil and military authorities in that quarter. The difficulty of checking such trespasses along the course of a river of such length as the Rio Grande, and so often fordable, is obvious. It is hoped that the efforts of this Government will be seconded by those of Mexico to the effectual suppression of these acts of wrong.

From a report upon the condition of the business before the American and Mexican joint claims commission, made by the agent on the part of the United States, and dated October 28, 1874, it appears that of the 1,017 claims filed on the part of citizens of the United States 483 had been finally decided and 75 were in the hands of the umpire, leaving 462 to be disposed of; and of the 998 claims filed against the United States 726 had been finally decided, one was before the umpire, and 271 remained to be disposed of. Since the date of such report other claims have been disposed of, reducing somewhat the number still pending, and others have been passed upon by the arbitrators. It has become apparent, in view of these figures and of the fact that the work devolving on the umpire is particularly laborious, that the commission would be unable to dispose of the entire number of claims pending prior to the 1st day of February, 1875, the date fixed for its expiration. Negotiations are pending looking to the securing of the results of the decisions which have been reached and to a further extension of the commission for a limited time, which it is confidently hoped will suffice to bring all the business now before it to a final close.

The strife in the Argentine Republic is to be deplored, both on account of the parties thereto and from the probable effects on the interests of those engaged in the trade to that quarter, of whom the United States are among the principal. As yet, so far as I am aware, there has been no violation of our neutrality rights, which, as well as our duties in that respect, it shall be my endeavor to maintain and observe.

It is with regret I announce that no further payment has been received from the government of Venezuela on account of awards in favor of citizens of the United States. Hopes have been entertained that if that republic could escape both foreign and civil war for a few years, its great natural resources would enable it to honor its obligations. Though it is now understood to be at peace with other countries, a serious insurrection is reported to be in progress in an important region of that republic. This may be taken advantage of as another reason to delay the payment of the dues of our citizens.

The deplorable strife in Cuba continues without any marked change in the relative advantages of the contending forces. The insurrection continues, but Spain has gained no superiority. Six years of strife give to the insurrection a significance which cannot be denied. Its duration and the tenacity of its adherence, together with the absence of manifested power of suppression on the part of Spain, cannot be controverted, and may make some positive steps on the part of other powers a matter of self-necessity. I had confidently hoped at this time to be able to announce the arrangement of some of the important questions between this Government and that of Spain, but the negotiations have been protracted. The unhappy intestine dissensions of Spain command our profound sympathy, and must be accepted as perhaps a cause of some delay. An early settlement, in part at least, of the questions between the Governments is hoped. In the mean time, awaiting the results of immediately-pending negotiations, I defer a further and fuller communication on the subject of the relations of this country and Spain.

I have again to call the attention of Congress to the unsatisfactory condition of the existing laws with reference to expatriation and the election of nationality. Formerly, amid conflicting opinions and decisions, it was difficult to exactly determine how far the doctrine of perpetual allegiance was applicable to citizens of the United States. Congress, by the act of the 27th of July, 1868, asserted the abstract right of expatriation as a fundamental principle of this Government. Notwithstanding such assertion, and the necessity of frequent application of the principle, no legislation has been had defining what acts or formalities shall work expatriation, or when a citizen shall be deemed to have renounced or to have lost his citizenship. The importance of such definition is obvious. The representatives of the United States in foreign countries are continually called upon to lend their aid and the protection of the United States to persons concerning the good faith or the reality of whose citizenship there is at least great question. In some cases the provisions of the treaties furnish some guide; in others it seems left to the person claiming the benefits of citizenship, while living in a foreign country, contributing in no manner to the performance of the duties of a citizen of the United States, and without intention at any time to return and undertake those duties, to use the claims to citizenship of the United States simply as a shield from the performance of the obligations of a citizen elsewhere.

The status of children born of American parents residing in a foreign country, of American women who have married aliens, of American citizens residing abroad where such question is not regulated by treaty, are all sources of frequent difficulty and discussion. Legislation on these and similar questions, and particularly defining when and under what circumstances expatriation can be accomplished or is to be presumed, is especially needed. In this connection I earnestly call the attention of Congress to the difficulties arising from fraudulent naturalization. The United States, wisely, freely, and liberally offers its citizenship to all who may come in good faith to reside within its limits on their complying with certain prescribed reasonable and simple formalities and conditions. Among the highest duties of the

Government is that to afford firm, efficient, and equal protection to all its citizens, whether native-born or naturalized. Care should be taken that a right carrying with it such support from the Government should not be fraudulently obtained, and should be bestowed only upon full proof of a compliance with the law; and yet frequent instances are brought to the attention of the Government of illegal and fraudulent naturalization and of the unauthorized use of certificates thus improperly obtained. In some cases the fraudulent character of the naturalization has appeared upon the face of the certificate itself; in others, examination discloses that the holder had not complied with the law; and in others, certificates have been obtained where the persons holding them not only were not entitled to be naturalized, but had not even been within the United States at the time of the pretended naturalization. Instances of each of these classes of fraud are discovered at our legations, where the certificates of naturalization are presented either for the purpose of obtaining passports or in demanding the protection of the legation. When the fraud is apparent on the face of such certificates, they are taken up by the representatives of the Government and forwarded to the Department of State. But even then the record of the court in which the fraudulent naturalization occurred remains, and duplicate certificates are readily obtainable. Upon the presentation of these for the issue of passports, or in demanding protection of the Government, the fraud sometimes escapes notice, and such certificates are not infrequently used in transactions of business to the deception and injury of innocent parties. Without placing any additional obstacles in the way of the obtainment of citizenship by the worthy and well-intentioned foreigner who comes in good faith to cast his lot with ours, I earnestly recommend further legislation to punish fraudulent naturalization, and to secure the ready cancellation of the record of every naturalization made in fraud.

Since my last annual message the exchange has been made of the ratification of treaties of extradition with Belgium, Ecuador, Peru, and Salvador; also of a treaty of commerce and navigation with Peru, and one of commerce and consular privileges with Salvador; all of which have been duly proclaimed, as has also a declaration with Russia with reference to trade-marks.

The report of the Secretary of the Treasury, which by law is made directly to Congress and forms no part of this message, will show the receipts and expenditures of the Government for the last fiscal year, the amount received from each source of revenue, and the amount paid out for each of the departments of Government. It will be observed from this report that the amount of receipts over expenditures has been but $2,344,882.30 for the fiscal year ending June 30, 1874, and that for the current fiscal year the estimated receipts over expenditures will not much exceed nine millions of dollars. In view of the large national debt existing and the obligation to add 1 per cent. per annum to the sinking fund—a sum amounting now to over $34,000,000 per annum—I submit whether revenues should not be increased or expenditures diminished to reach this amount of surplus. Not to provide for the sinking fund is a partial failure to comply with the contracts and obligations of the Government.

At the last session of Congress a very considerable reduction was made in rates of taxation and in the number of articles submitted to taxation. The question may well be asked whether or not, in some instances, unwisely. In connection with this subject, too, I venture the opinion that the means of collecting the revenue, especially from imports, have been so embarrassed by legislation, as to make it questionable whether or not large amounts are not lost by failure to collect, to the direct loss of the Treasury, and to the prejudice of the interests of honest importers and tax-payers.

The Secretary of the Treasury, in his report, favors legislation looking to an early return to specie payments, thus supporting views previously expressed in this message. He also recommends economy in appropriations; calls attention to the loss of revenue from repealing the tax on tea and coffee, without benefit to the consumer; recommends an increase of ten cents a gallon on whisky; and further, that no modification be made in the banking and currency bill passed at the last session of Congress, unless modification should become necessary by reason of the adoption of measures for returning to specie payments. In these recommendations I cordially join. I would suggest to Congress the propriety of readjusting the tariff so as to increase the revenue and at the same time decrease the number of articles upon which duties are levied. Those articles which enter into our manufactures, and are not produced at home, it seems to me should be entered free. Those articles of manufacture which we produce a constituent part of, but do not produce the whole, that part which we do not produce should enter free also. I will instance fine wool, dyes, &c. These articles must be imported to form a part of the manufacture of the higher grades of woolen goods. Chemicals used as dyes, compounded in medicines, and used in various ways in manufactures, come under this class. The introduction free of duty of such wools as we do not produce would stimulate the manufacture of goods requiring the use of those we do produce, and therefore would be a benefit to home production. There are many articles entering into "home manufactures" which we do not produce ourselves, the tariff upon which increases the cost of producing the manufactured article. All corrections in this regard are in the direction of bringing labor and capital in harmony with each other, and of supplying one of the elements of prosperity so much needed.

The report of the Secretary of War, herewith attached, and forming a part of this message, gives all the information concerning the operations, wants, and necessities of the Army, and contains many suggestions and recommendations which I commend to your special attention.

There is no class of Government employés who are harder worked than the Army, officers and men—none who perform their tasks more cheerfully and efficiently, and under circumstances of greater privations and hardships. Legislation is desirable to render more efficient this branch of the public service. All the recommendations of the Secretary of War I regard as judicious, and I especially commend to your attention the following: The consolidation of Government arsenals; the restoration of mileage to officers traveling under orders; the exemption of money received from the sale of subsistence stores from being covered into the Treasury; the use of appropriations for the purchase of subsistence stores without waiting for the beginning of the fiscal year for which the appropriation is made; for additional appropriations for the collection of torpedo material; for increased appropriations for the manufacture of arms; for relieving the various States from indebtedness for arms charged to them during the rebellion; for dropping officers from the rolls of the Army, without trial, for the offense of drawing pay more than once for the same period; for the discouragement of the plan to pay soldiers by checks; and for the establishment of a professorship of rhetoric and English literature at West Point. The reasons for these recommendations are obvious, and are set forth sufficiently in the reports attached. I also recommend that the status of the staff corps of the Army be fixed—where this has not already been done—so that promotions may be made and vacancies filled as they occur, in each grade when reduced below the number to be fixed by law. The necessity for such legislation is specially felt now in the Pay Department. The number of officers in that Department is below the number adequate to the performance of the duties required of them by law.

The efficiency of the Navy has been largely increased during the last year. Under the impulse of the foreign complications which threatened us at the commencement of the last session of Congress, most of our efficient wooden ships were put in condition for immediate service, and the repairs of our iron-clad fleet were pushed with the utmost vigor. The result is that most of these are now in an effective state, and need only to be manned and put in commission to go at once into service.

Some of the new sloops authorized by Congress are already in commission, and most of the remainder are launched and wait only the completion of their machinery to enable them to take their places as part of our effective force. Two iron torpedo-ships have been completed during the last year, and four of our large double-turreted iron-clads are now undergoing repairs. When these are finished everything that is useful of our Navy, as now authorized, will be in condition for service; and with the advance in the science of torpedo warfare the American Navy, comparatively small as it is, will be found at any time powerful for the purposes of a peaceful nation.

Much has also been accomplished during the year in aid of science, and to increase the sum of general knowledge, and further the interests of commerce and civilization. Extensive and much needed soundings have been made for hydrographic purposes, and to fix the proper routes of ocean telegraphs. Further surveys of the great isthmus have been undertaken and completed, and two vessels of the Navy are now employed, in conjunction with those of England, France, Germany, and Russia, in observations connected with the transit of Venus, so useful and interesting to the scientific world.

The estimates for this branch of the public service do not differ materially from those of last year; those for the general support of the service being somewhat less, and those for permanent improvements at the various stations rather larger, than the corresponding estimate made a year ago. The regular maintenance and a steady increase in the efficiency of this most important arm, in proportion to the growth of our maritime intercourse and interests, is recommended to the attention of Congress.

The use of the Navy, in time of peace, might be further utilized by a direct authorization of the employment of naval vessels in explorations and surveys of the supposed navigable waters of other nationalities on this continent; especially the tributaries of the two great rivers of South America, the Oronoco and the Amazon. Nothing prevents, under existing laws, such exploration, except that expenditures must be made in such expeditions beyond those usually provided for in the appropriations. The field designated is unquestionably one of interest, and one capable of large development of commercial interests advantageous to the peoples reached and to those who may establish relations with them.

Education of the people entitled to exercise the right of franchise I regard essential to general prosperity everywhere, and especially so in republics, where birth, education, or previous condition does not enter into account in giving suffrage. Next to the public school the post-office is the great agent of education over our vast territory; the rapidity with which new sections are being settled, thus increasing the carrying of mails in a more rapid ratio than the increase of receipts, is not alarming.

The report of the Postmaster-General, herewith attached, shows that there was an increase of revenue in his Department in 1873 over

the previous year of $1,674,411, and an increase of cost of carrying the mails and paying employés of $3,041,468.91. The report of the Postmaster-General gives interesting statistics of his Department, and compares them with the corresponding statistics of a year ago, showing a growth in every branch of the Department.

A postal convention has been concluded with New South Wales, an exchange of postal cards established with Switzerland, and the negotiations pending for several years past with France have terminated in a convention with that country, which went into effect last August. An international postal congress was convened in Berne, Switzerland, in September last, at which the United States was represented by an officer of the Post-Office Department of much experience and of qualification for the position. A convention for the establishment of an international postal union was agreed upon and signed by the delegates of the countries represented, subject to the approval of the proper authorities of those countries.

I respectfully direct your attention to the report of the Postmaster-General, and to his suggestions in regard to an equitable adjustment of the question of compensation to railroads for carrying the mails.

Your attention will be drawn to the unsettled condition of affairs in some of the Southern States.

On the 14th of September last the governor of Louisiana called upon me, as provided by the Constitution and laws of the United States, to aid in suppressing domestic violence in that State. This call was made in view of a proclamation issued on that day by D. B. Penn, claiming that he was elected lieutenant-governor in 1872, and calling upon the militia of the State to arm, assemble, and drive from power the usurpers, as he designated the officers of the State government. On the next day I issued my proclamation, commanding the insurgents to disperse within five days from the date thereof, and subsequently learned that on that day they had taken forcible possession of the State-house. Steps were taken by me to support the existing and recognized State government; but before the expiration of the five days the insurrectionary movement was practically abandoned, and the officers of the State government, with some minor exceptions, resumed their powers and duties. Considering that the present State administration of Louisiana has been the only government in that State for nearly two years, that it has been tacitly acknowledged and acquiesced in as such by Congress, and more than once expressly recognized by me, I regarded it as my clear duty, when legally called upon for that purpose, to prevent its overthrow by an armed mob under pretense of fraud and irregularity in the election of 1872.

I have heretofore called the attention of Congress to this subject, stating that on account of the frauds and forgeries committed at said election, and because it appears that the returns thereof were never legally canvassed, it was impossible to tell thereby who were chosen; but from the best sources of information at my command I have always believed that the present State officers received a majority of the legal votes actually cast at that election. I repeat what I said in my special message of February 23, 1873, that in the event of no action by Congress I must continue to recognize the government heretofore recognized by me.

I regret to say that with preparations for the late election decided indications appeared in some localities in the Southern States of a determination, by acts of violence and intimidation, to deprive citizens of the freedom of the ballot because of their political opinions. Bands of men, masked and armed, made their appearance; White Leagues and other societies were formed; large quantities of arms and ammunition were imported and distributed to these organizations; military drills, with menacing demonstrations, were held; and, with all these, murders enough were committed to spread terror among those whose political action was to be suppressed, if possible, by these intolerant and criminal proceedings. In some places colored laborers were compelled to vote according to the wishes of their employers, under threats of discharge if they acted otherwise; and there are too many instances in which, when these threats were disregarded, they were remorselessly executed by those who made them.

I understand that the fifteenth amendment to the Constitution was made to prevent this and a like state of things, and the act of May 31, 1870, with amendments, was passed to enforce its provisions; the object of both being to guarantee to all citizens the right to vote, and to protect them in the free enjoyment of that right. Enjoined by the Constitution "to take care that the laws be faithfully executed," and convinced by undoubted evidence that violations of said act had been committed, and that a widespread and flagrant disregard of it was contemplated, the proper officers were instructed to prosecute the offenders, and troops were stationed at convenient points to aid the officers, if necessary, in the performance of their official duties. Complaints are made of this interference by Federal authority; but if said amendment and act do not provide for such interference under the circumstances as above stated, then they are without meaning, force, or effect, and the whole scheme of colored enfranchisement is worse than mockery and little better than a crime. Possibly Congress may find it due to truth and justice to ascertain by means of a committee whether the alleged wrongs to colored citizens for political purposes are real or the reports thereof were manufactured for the occasion.

The whole number of troops in the States of Louisiana, Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Arkansas, Mississippi, Maryland, and Virginia at the time of the election were four thousand and eighty-two. This embraces the garrisons of all the forts from the Delaware to the Gulf of Mexico.

Another trouble has arisen in Arkansas. Article 13 of the constitution of that State (which was adopted in 1868, and upon the approval of which by Congress the State was restored to representation as one of the States of the Union) provides in effect that before any amendments proposed to this constitution shall become a part thereof, they shall be passed by two successive assemblies, and then submitted to and ratified by a majority of the electors of the State voting thereon. On the 11th of May, 1874, the governor convened an extra session of the General Assembly of the State, which on the 18th of the same month passed an act providing for a convention to frame a new constitution. Pursuant to this act, and at an election held on the 30th of June, 1874, the convention was approved, and delegates were chosen thereto, who assembled on the 14th of last July and framed a new constitution, the schedule of which provided for the election of an entire new set of State officers in a manner contrary to the then existing election laws of the State. On the 13th of October, 1874, this constitution, as therein provided, was submitted to the people for their approval or rejection, and according to the election returns was approved by a large majority of those qualified to vote thereon, and at the same election persons were chosen to fill all the State, county, and township offices. The governor elected in 1872 for the term of four years turned over his office to the governor chosen under the new constitution; whereupon the lieutenant-governor, also elected in 1872 for the term of four years, claiming to act as governor and alleging that said proceedings by which the new constitution was made and a new set of officers elected were unconstitutional, illegal, and void, called upon me, as provided in section 4, article 4, of the Constitution, to protect the State against domestic violence. As Congress is now investigating the political affairs of Arkansas, I have declined to interfere.

The whole subject of executive interference with the affairs of a State is repugnant to public opinion, to the feeling of those who from their official capacity must be used in such interposition, and to him or those who must direct. Unless most clearly on the side of law, such interference becomes a crime; with the law to support it, it is condemned without a hearing. I desire, therefore, that all necessity for executive direction in local affairs may become unnecessary and obsolete. I invite the attention, not of Congress, but of the people of the United States, to the causes and effects of these unhappy questions. Is there not a disposition on one side to magnify wrongs and outrages, and on the other side to belittle them or justify them? If public opinion could be directed to a correct survey of what is, and to rebuking wrong and aiding the proper authorities in punishing it, a better state of feeling would be inculcated, and the sooner we would have that peace which would leave the States free indeed to regulate their own domestic affairs. I believe on the part of our citizens of the Southern States—the better part of them—there is a disposition to be law-abiding, and to do no violence either to individuals or to the laws existing. But do they do right in ignoring the existence of violence and bloodshed in resistance to constituted authority? I sympathize with their prostrate condition, and would do all in my power to relieve them—acknowledging that in some instances they have had most trying governments to live under, and very oppressive ones in the way of taxation for nominal improvements not giving benefits equal to the hardships imposed—but can they proclaim themselves entirely irresponsible for this condition? They cannot. Violence has been rampant in some localities, and has either been justified or denied by those who could have prevented it. The theory is even raised that there is to be no further interference on the part of the General Government to protect citizens within a State where the State authorities fail to give protection. This is a great mistake. While I remain Executive, all the laws of Congress and the provisions of the Constitution, including the recent amendments added thereto, will be enforced with rigor; but with regret that they should have added one jot or tittle to executive duties or powers. Let there be fairness in the discussion of southern questions, the advocates of both, or all political parties, giving honest, truthful reports of occurrences, condemning the wrong and upholding the right, and soon all will be well. Under existing conditions the negro votes the Republican ticket, because he knows his friends are of that party. Many a good citizen votes the opposite, not because he agrees with the great principles of State which separate parties, but because, generally, he is opposed to negro rule. This is a most delusive cry. Treat the negro as a citizen and a voter—as he is and must remain—and soon parties will be divided, not on the color line, but on principle. Then we shall have no complaint of sectional interference.

The report of the Attorney-General contains valuable recommendations relating to the administration of justice in the courts of the United States, to which I invite your attention.

I respectfully suggest to Congress the propriety of increasing the number of judicial districts in the United States to eleven, the present number being nine, and the creation of two additional judgeships. The territory to be traversed by the circuit judges is so great, and the business of the courts so steadily increasing, that it is growing more and more impossible for them to keep up with the business requiring their attention. Whether this would involve the necessity of adding two more justices of the Supreme Court to the present number I submit to the judgment of Congress.

The attention of Congress is invited to the report of the Secretary of the Interior and to the legislation asked for by him. The domestic interests of the people are more intimately connected with this Department than with either of the other Departments of the Government. Its duties have been added to from time to time, until they have become so onerous that without the most perfect system and order it will be impossible for the Secretary of the Interior to keep trace of all official transactions having his sanction and done in his name, and for which he is held personally responsible.

The policy adopted for the management of Indian affairs, known as the peace policy, has been adhered to with most beneficial results. It is confidently hoped that a few years more will relieve our frontiers from danger of Indian depredations.

I commend the recommendation of the Secretary for the extension of the homestead laws to the Indians and for some sort of territorial government for the Indian Territory. A great majority of the Indians occupying this Territory are believed yet to be incapable of maintaining their rights against the more civilized and enlightened white man. Any territorial form of government given them, therefore, should protect them in their homes and property for a period of at least twenty years, and before its final adoption should be ratified by a majority of those affected.

The report of the Secretary of the Interior, herewith attached, gives much interesting statistical information, which I abstain from giving an abstract of, but refer you to the report itself.

The act of Congress providing the oath which pensioners must subscribe to before drawing their pensions cuts off from this bounty a few survivors of the war of 1812 residing in the Southern States. I recommend the restoration of this bounty to all such. The number of persons whose names would thus be restored to the list of pensioners is not large. They are all old persons, who could have taken no part in the rebellion, and the services for which they were awarded pensions were in defense of the whole country.

The report of the Commissioner of Agriculture, herewith, contains suggestions of much interest to the general public, and refers to the approaching centennial and the part his Department is ready to take in it. I feel that the nation at large is interested in having this exposition a success, and commend to Congress such action as will secure a greater general interest in it. Already many foreign nations have signified their intention to be represented at it, and it may be expected that every civilized nation will be represented.

The rules adopted to improve the civil service of the Government have been adhered to as closely as has been practicable with the opposition with which they meet. The effect, I believe, has been beneficial on the whole, and has tended to the elevation of the service. But it is impracticable to maintain them without direct and positive support of Congress. Generally the support which this reform receives is from those who give it their support only to find fault when the rules are apparently departed from. Removals from office without preferring charges against parties removed are frequently cited as departures from the rules adopted, and the retention of those against whom charges are made by irresponsible persons, and without good grounds, is also often condemned as a violation of them. Under these circumstances, therefore, I announce that if Congress adjourns without positive legislation on the subject of "civil-service reform" I will regard such action as a disapproval of the system, and will abandon it except so far as to require examinations for certain appointees to determine their fitness. Competitive examinations will be abandoned.

The gentlemen who have given their services, without compensation, as members of the board to devise rules and regulations for the government of the civil service of the country, have shown much zeal and earnestness in their work, and to them as well as to myself it will be a source of mortification if it is to be thrown away. But I repeat that it is impossible to carry this system to a successful issue without general approval and assistance, and positive law to support it.

I have stated that three elements of prosperity to the nation, capital, labor, skilled and unskilled, and products of the soil, still remain with us. To direct the employment of these is a problem deserving the most serious attention of Congress. If employment can be given to all the labor offering itself, prosperity necessarily follows. I have expressed the opinion, and repeat it, that the first requisite to the accomplishment of this end is the substitution of a sound currency in place of one of a fluctuating value. This secured, there are many interests that might be fostered to the great profit of both labor and capital. How to induce capital to employ labor is the question. The subject of cheap transportation has occupied the attention of Congress. Much new light on this question will without doubt be given by the committee appointed by the last Congress to investigate and report upon this subject.

A revival of ship-building, and particularly of iron-steamship building, is of vast importance to our national prosperity. The United States is now paying over $100,000,000 per annum for freights and passage on foreign ships—to be carried abroad and expended in the employment and support of other peoples—beyond a fair percentage of what should go to foreign vessels, estimating on the tonnage and travel of each, respectively. It is to be regretted that this disparity in the carrying trade exists, and to correct it I would be willing to see a great departure from the usual course of Government in supporting what might usually be termed private enterprise. I would not suggest as a remedy direct subsidy to American steamship lines, but I would suggest the direct offer of ample compensation for carrying the mails between Atlantic sea-board cities and the Continent on American-owned and American-built steamers, and would extend this liberality to vessels carrying the mails to South American states and to Central America and Mexico; and would pursue the same policy from our Pacific sea-ports to foreign sea-ports on the Pacific. It might be demanded that vessels built for this service should come up to a standard fixed by legislation in tonnage, speed, and all other qualities looking to the possibility of Government requiring them at some time for war purposes. The right also of taking possession of them in such emergency should be guarded.

I offer these suggestions believing them worthy of consideration in all seriousness, affecting all sections and all interests alike. If anything better can be done to direct the country into a course of general prosperity, no one will be more ready than I to second the plan.

Forwarded herewith will be found the report of the commissioners appointed under an act of Congress approved June 20, 1874, to wind up the affairs of the District government. It will be seen from the report that the net debt of the District of Columbia, less securities on hand and available, is:

Bonded debt issued prior to July 1, 1874		$8,883,940 43
3.65 bonds, act of Congress June 20, 1874		2,088,168 73
Certificates of the board of audit		4,770,558 45
		15,742,667 61
Less special-improvement assessments (chargeable to private property) in excess of any demand against such assessments	$1,614,054 37	
Less Chesapeake and Ohio Canal bonds	75,000 00	
And Washington and Alexandria Railroad bonds	59,000 00	
In the hands of the commissioners of the sinking fund		1,748,054 37
Leaving actual debt, less said assets		13,994,613 24

In addition to this there are claims preferred against the government of the District amounting in the estimated aggregate reported by the board of audit to $3,147,787.48, of which the greater part will probably be rejected. This sum can with no more propriety be included in the debt account of the District government than can the thousands of claims against the General Government be included as a portion of the national debt. But the aggregate sum thus stated includes something more than the funded debt chargeable exclusively to the District of Columbia. The act of Congress of June 20, 1874, contemplates an apportionment between the United States Government and the District of Columbia, in respect of the payment of the principal and interest of the 3.65 bonds. Therefore, in computing with precision the bonded debt of the District, the aggregate sums above stated as respects 3.65 bonds now issued, the outstanding certificates of the board of audit, and the unadjusted claims pending before that board should be reduced to the extent of the amount to be apportioned to the United States Government in the manner indicated in the act of Congress of June 20, 1874.

I especially invite your attention to the recommendations of the commissioners of the sinking fund relative to the ambiguity of the act of June 20, 1874, the interest on the District bonds, and the consolidation of the indebtedness of the District.

I feel much indebted to the gentlemen who consented to leave their private affairs and come from a distance to attend to the business of this District, and for the able and satisfactory manner in which it has been conducted. I am sure their services will be equally appreciated by the entire country.

It will be seen from the accompanying full report of the board of health that the sanitary condition of the District is very satisfactory.

In my opinion the District of Columbia should be regarded as the grounds of the national capital, in which the entire people are interested. I do not allude to this to urge generous appropriations to the District, but to draw the attention of Congress, in framing a law for the government of the District, to the magnificent scale on which the city was planned by the founders of the Government; the manner in which, for ornamental purposes, the reservations, streets, and avenues were laid out, and the proportion of the property actually possessed by the General Government. I think the proportion of the expenses of the government and improvements to be borne by the General Government, the cities of Washington and Georgetown, and the county should be carefully and equitably defined.

In accordance with section 3, act approved June 23, 1874, I appointed a board to make a survey of the mouth of the Mississippi River, with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, &c.; and in accordance with an act entitled "An act to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation," I appointed a commission of engineers. Neither board has yet completed its labors. When their reports are received, they will be forwarded to Congress without delay.

U. S. GRANT.

EXECUTIVE MANSION, *December 7, 1874.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to the second section of the act of Congress approved the 23d of March last, entitled "An act to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions and Egypt, established or to be established under the authority of the Sublime Porte and of the government of Egypt," the President is authorized, for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions.

And whereas, pursuant to the authority thus in me vested, I have authorized George H. Boker, accredited as minister-resident of the United States to the Ottoman Porte, to sign, on behalf of this Government, the protocol accepting the law aforesaid of the said Ottoman Porte, which protocol and law are, word for word, as follows:

[Translation.]

The United States of America and His Majesty the Sultan being desirous to establish by a special act the agreement entered upon between them regarding the admission of American citizens to the right of holding real estate granted to foreigners by the law promulgated on the 7th of Sepher, 1284, (January 18th, 1867,) have authorized:

The President of the United States of America, George H. Boker, minister-resident of the United States of America near the Sublime Porte, and

His Imperial Majesty the Sultan, His Excellency A. Aarifi Pasha, his minister of foreign affairs, to sign the protocol which follows:

Protocol.

The law granting foreigners the right of holding real estate does not interfere with the immunities specified by the treaties, and which will continue to protect the person and the movable property of foreigners who may become owners of real estate.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman empire, the imperial government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow.

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority, and with the assistance of the magistrate or functionary invested with the necessary powers, the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force cannot enter it without the assistance of the consul or of the delegate of the consul of the power on which the foreigner depends.

By residence we understand the house of inhabitation and its dependencies: that is to say, the out-houses, courts, gardens, and neighboring inclosures, to the exclusion of all other parts of the property.

In the localities distant by less than a nine hours' journey from the consular residence the agents of a public force cannot enter the residence of a foreigner without the assistance of a consul, as was before said.

On his part the consul is bound to give his immediate assistance to the local authority, so as not to let six hours elapse between the moment at which he may be informed and the moment of his departure, or the departure of his delegate, so that the action of the authorities may never be suspended more than twenty-four hours.

In the localities distant by nine hours or more than nine hours of travel from the residence of the consular agent, the agents of the public force may, on the request of the local authority, and with the assistance of three members of the council of the elders of the commune, enter into the residence of a foreigner, without being assisted by the consular agent, but only in case of urgency, and for the search and the proof of the crime of murder, of attempt at murder, of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion, and of the fabrication of counterfeit money; and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or any other place.

These regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond the residence, the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offense should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

The functionary or the officer charged with the accomplishment of a domiciliary visit, in the exceptional circumstances determined before, and the members of the council of elders who shall assist him, will be obliged to make out a *procès-verbal* of the domiciliary visit, and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest consular agent without delay.

A special regulation will be promulgated by the Sublime Porte to determine the mode of action of the local police in the several cases provided heretofore.

In localities more distant than nine hours' travel from the residence of the consular agent, in which the law of the judicial organization of the *valayet* may be in force, foreigners shall be tried without the assistance of the consular delegate by the council of elders fulfilling the function of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding one thousand piasters as for offenses entailing a fine of five hundred piasters only at the maximum.

Foreigners shall have, in any case, the right of appeal to the tribunal of the *arrondissement* against the judgments issued as above stated, and the appeal shall be followed and judged with the assistance of the consul, in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore, shall not take place without the co-operation of the consul or of his delegate.

The imperial government will enact a law which shall determine the rules of procedure to be observed by the parties in the application of the preceding regulations.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the council of elders or of the tribunal of the canton, without the assistance of the consul, in cases which do not exceed the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the *arrondissement*, where the case may be brought and tried with the assistance of the consul or his delegate.

The consent of a foreigner to be tried as above stated, without the assistance of his consul, shall always be given in writing, and in advance of all procedure.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

The right of defense and the publicity of the hearings shall be assured in all cases to the foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

The preceding dispositions shall remain in force until the revision of the ancient treaties, a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly powers.

In witness whereof the respective plenipotentiaries have signed the protocol, and have affixed thereto their seals.

Done at Constantinople the 11th of August, 1874.

(Signed) A. AARIFI. [L. S.]
(Signed) GEO. H. BOKER. [L. S.]

[Translation.]

Law conceding to foreigners the right of holding real estate in the Ottoman empire.

Imperial rescript.—Let it be done in conformity with the contents. 7 Sepher, 1284, (January 18, 1867.)

With the object of developing the prosperity of the country, to put an end to the difficulties, to the abuses, and to the uncertainties which have arisen on the subject of the right of foreigners to hold property in the Ottoman empire, and to complete, in accordance with a precise regulation, the safeguards which are due to financial interests and to administrative action, the following legislative enactments have been promulgated by the order of His Imperial Majesty the Sultan:

ARTICLE I. Foreigners are admitted, by the same privilege as Ottoman subjects, and without any other restriction, to enjoy the right of holding real estate, whether in the city or the country, throughout the empire, with the exception of the province of the Hédjaz, by submitting themselves to the laws and the regulations which govern Ottoman subjects, as is hereafter stated.

This arrangement does not concern subjects of Ottoman birth who have changed their nationality, who shall be governed in this matter by a special law.

ART. II. Foreigners, proprietors of real estate in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

The legal effect of this equality is—

1st. To oblige them to conform to all the laws and regulations of the police or of the municipality which govern at present, or may govern hereafter, the enjoyment, the transmission, the alienation, and the hypothecation of landed property.

2d. To pay all charges and taxes, under whatever form or denomination they may be, that are levied, or may be levied hereafter, upon city or country property.

3d. To render them directly amenable to the Ottoman civil tribunals in all questions relating to landed property, and in all real actions, whether as plaintiffs or as defendants, even when either party is a foreigner. In short, they are in all things to hold real estate by the same title, on the same condition, and under the same forms as Ottoman owners, and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

ART. III. In case of the bankruptcy of a foreigner possessing real estate, the assignees of the bankrupt may apply to the authorities and to the Ottoman civil tribunals requiring the sale of the real estate possessed by the bankrupt, and which by its nature and according to law is responsible for the debts of the owner.

The same course shall be followed when a foreigner shall have obtained against another foreigner owning real estate a judgment of condemnation before a foreign tribunal.

For the execution of this judgment against the real estate of his debtor he shall apply to the competent Ottoman authorities, in order to obtain the sale of that real estate which is responsible for the debts of the owner; and this judgment shall be executed by the Ottoman authorities and tribunals only after they have decided that the real estate of which the sale is required really belongs to the category of that property which may be sold for the payment of debt.

ART. IV. Foreigners have the privilege to dispose, by donation or by testament, of that real estate of which such disposition is permitted by law.

As to that real estate of which they may not have disposed, or of which the law does not permit them to dispose by gift or testament, its succession shall be governed in accordance with Ottoman law.

ART. V. All foreigners shall enjoy the privileges of the present law as soon as the powers on which they depend shall agree to the arrangements proposed by the Sublime Porte for the exercise of the right to hold real estate.

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said protocol and law to be made public, for the information and guidance of citizens of the United States.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-ninth day of October, [SEAL.] in the year of our Lord one thousand eight hundred and seventy-four, and of the Independence of the United States of America the ninety-ninth.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

Mr. Campbell to Mr. Fish.

UNITED STATES NORTHERN BOUNDARY COMMISSION,
Washington, December 2, 1874.

SIR: I have the honor to transmit herewith, for the information of the Department, a preliminary report and sketch from Major W. J. Twining, United States Engineers, chief astronomer of the commission, showing the progress of the survey of the boundary during the past season.

From this report it will be seen that the survey of the boundary-line defined in the treaty of 1818 has been completed, and connected (on the summit of the Rocky Mountains) with the eastern terminus to the boundary-line from the Pacific Ocean defined in the treaty of 1846. The whole boundary-line between the United States and British possessions has now been established, with the exception of the boundary between British Columbia and Alaska.

The United States commission and the British commission are now engaged in working out the results of their field-operations, for the purpose of preparing the final joint maps necessary to a proper representation of the boundary-line and the territories adjacent thereto.

I have the honor to be, very respectfully, your obedient servant,
ARCHIBALD CAMPBELL,
Commissioner Northern Boundary Survey.

Hon. HAMILTON FISH,
Secretary of State.

Major Twining to Mr. Campbell.

UNITED STATES NORTHERN BOUNDARY COMMISSION,
Washington, D. C., December 1, 1874.

SIR: In answer to your request, I respectfully submit a brief statement of the work performed by the commission during the past summer.

During the summer of 1873 the boundary was surveyed and marked from the Red River of the North west to longitude 106° 12′. For a distance of ninety miles the marks were of a temporary nature, and are to be replaced by permanent monuments. This arrangement resulted from a difference of opinion which existed at that time in regard to the true definition of the forty-ninth parallel of latitude.

During the winter of 1873–'74 the surveys east of the Red River were completed to the Lake of the Woods, including the shore-line of that lake so far east as the Rainy River.

During the present season the work has been executed in the same manner as heretofore, under the agreement made last year between the chief astronomers of the United States and British commissions. This agreement was to the effect that the officers of the United States were to determine astronomical stations at intervals of forty miles, and to survey a belt of territory five miles wide south of the parallel, the English to determine a similar series of astronomical stations and to survey an equal belt of topography north of the line.

The distance remaining to be surveyed during the present year was three hundred and fifty-eight miles, from longitude 106° 12′ to longitude 114° 05′. I organized the parties in Saint Paul, Minnesota, on the 1st of June, and proceeded, by way of the Northern Pacific Railroad and the Missouri River, to Fort Buford. Thence, traveling by land, the advanced working parties reached the line at the initial point of this year's operations on the 1st of July.

The shortness of the season, and the immense distance to be traveled after the work should be completed, required that it should be finished early in September. With this object in view, the working parties were pushed to the utmost limit of their endurance, and by the 1st of September the eight astronomical stations assigned to the United States commission had been determined (by one party) and the line had been connected with the last station of the northwestern boundary, at the summit of the Rocky Mountains. Full details of the survey have been given in the preliminary reports from this office. Without recapitulation, I will only say that the results have been in every respect satisfactory.

The commission returned to Saint Paul by way of the Missouri River and the Northern Pacific Railroad, making the distance from Fort Benton to Bismarck, (twelve hundred miles,) in open boats, in eighteen days. The men were discharged on the 5th of October.

Thus in four months this expedition accomplished a journey of thirty-seven hundred miles, nine hundred of which was by land, and twelve hundred by water, in open boats, besides surveying and marking three hundred and fifty-eight miles of the boundary-line.

The topographical parties have been continuously in the field, both winter and summer, from the 1st of June, 1873, until the present time, with the exception of two months in the spring of 1874. They have demonstrated by experience that instrumental work can be done in that high latitude, even in the most rigorous part of the winter, where the country is wooded. On the open plains such exposure would be, beyond question, exceedingly dangerous.

The limits of this report will allow only a very brief statement of the general character of the country passed over.

That portion crossed by the part of the line surveyed during the present year was found to be an open plain, entirely destitute of timber, but easily practicable for wagon-trains, except in the vicinity of Frenchman's Creek, and the crossing of Milk River, where wide detours had to be made to avoid the *bad lands*.

From longitude 106° to the crossing of Milk River the country cannot be called attractive. The rain-fall is small, and water consequently scarce during the summer months. The soil is alkaline, and produces mostly sage-brush and cactus.

From the Sweet Grass Hills to the Rocky Mountains its character is entirely changed. The rain-fall appears to be ample. The belt along the foot of the mountains, in addition to scenery of rare beauty, presents to the eye of the practical man the more solid advantage of an unsurpassed fertility. Northwestern Montana is still the range of immense herds of buffaloes, whose numbers, contrary to the commonly-received opinion, are constantly increasing. This region is the country of the Blackfoot and Piegan tribes of Indians. It is also the debatable ground of the North Assinaboines, the Gros Ventres of the prairie, and the River Crows, while an occasional war-party of Sioux may be found as far northwest as the Sweet Grass Hills. With the exception of the Sioux, these tribes appear to be peaceably enough disposed.

W. J. TWINING,
Captain Engineers, Chief Astronomer.

ARCHIBALD CAMPBELL, Esq.,
Commissioner Northern Boundary.

Mr. CARPENTER. I move that the message be laid upon the table and printed, together with the accompanying documents.

The motion was agreed to.

ANNUAL REPORTS.

The VICE-PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the finances; which, on motion of Mr. EDMUNDS, was ordered to lie on the table and be printed.

He also laid before the Senate the annual report of the Comptroller of the Currency, in compliance with the provisions of section 61 of the national-bank act; which was ordered to lie on the table and be printed.

He also laid before the Senate the annual report of the Attorney-General, showing the operations of the Department of Justice for the fiscal year ending June 30, 1874; which was ordered to lie on the table and be printed.

Mr. EDMUNDS. I move that the Senate do now adjourn.

The motion was agreed to; and (at two o'clock and forty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 7*, 1874.

This being the day designated by the Constitution for the meeting of Congress, the members of the House of Representatives of the Forty-third Congress assembled in their Hall for their second session.

At twelve o'clock m. the Speaker, Hon. JAMES G. BLAINE, a member from the State of Maine, called the House to order.

PRAYER.

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

We come to Thee, O God, with adoration and thanksgiving. Thou art upon the throne; upon Thee the nations depend. In Thee we live. We thank Thee for life preserved and for the kind providence that again brings us together in the enjoyment of health both of body and of mind. We confess our sins and draw nigh with confidence to God because Thou art the God of pardons. O blot out all our transgressions and grant us Thy peace.

We seek Thy blessing, O Lord, as we enter upon these new responsibilities. Lift upon our land, upon our Government, and upon all our people the light of Thy countenance. Guide, we pray Thee, the Executive of this great nation, enduing him with heavenly wisdom, Give unto the members of his Cabinet Thy divine spirit. Control, we beseech Thee, our Senators, bestowing upon them heavenly wisdom. May our judges be clothed with righteousness. And remember in mercy these Thy servants, O Lord, blessing them in their persons, in their families, in their social relations, and in these great responsibilities which meet them day by day. We pray that Thou wouldst give unto them power over their own hearts, that Thou wouldst control them by Thy divine spirit; that Thou wouldst preserve them in their integrity in the midst of temptation, and give them consciences void of offense toward God and toward man.

Remember our great land, O God, in all its interests, that our garners may be full, yielding all manner of fruit; that our sheep may bring forth thousands and tens of thousands; that our oxen may be strong to labor; that our commerce and the industries of the nation may all be promoted; that education and religion may be advanced; that the press may be purified and made an engine of great power for good in our land; and that all that pertains to the well-being of this nation may be under Thy divine guidance; that there may be no complaining in our streets, and ours may be that righteousness which exalts a nation and the blessedness of that people whose God is the Lord.

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil: For Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

CALL OF THE ROLL.

The SPEAKER. This being the time fixed by the Constitution for the opening of the second session of the Forty-third Congress the Clerk of the House will call the roll of Members to ascertain whether a quorum is in attendance, and will also call the Delegates from the various Territories.

The roll was called, when the following-named Members and Delegates answered:

MAINE.

John H. Burleigh.
William P. Frye.
James G. Blaine.
Eugene Hale.

NEW HAMPSHIRE.

Austin F. Pike.
Hosea W. Parker.

VERMONT.

Charles W. Willard.
Luke P. Poland.
George W. Hendee.

MASSACHUSETTS.

James Buffinton.
Benjamin W. Harris.
Henry L. Pierce.
Samuel Hooper.
Daniel W. Gooch.
Benjamin F. Butler.
E. Rockwood Hoar.
John M. S. Williams.
George F. Hoar.
Henry L. Dawes.

RHODE ISLAND.

Benjamin T. Eames.

CONNECTICUT.

Joseph R. Hawley.
Stephen W. Kellogg.
Henry H. Starkweather.

NEW YORK.

Henry J. Scudder.
Samuel S. Cox.
John D. Lawson.
Fernando Wood.
Clarkson N. Potter.
David M. DeWitt.
Robert S. Hale.
William A. Wheeler.
Henry H. Hathorn.
David Wilber.
Clinton L. Merriam.
Ellis H. Roberts.
John G. Schumaker.
William E. Lansing.
R. Holland Duell.
Clinton D. MacDougall.
William H. Lamport.
H. Boardman Smith.
Freeman Clarke.
George G. Hoskins.
Lyman K. Bass.
Walter L. Sessions.
Lyman Tremain.

NEW JERSEY.

John W. Hazelton.
Amos Clark, jr.
William Walter Phelps.
Marcus L. Ward.
Isaac W. Scudder.

PENNSYLVANIA.

Samuel J. Randall.
Charles O'Neill.
Leonard Myers.
William D. Kelley.
Alfred C. Harmer.
James S. Biery.
Washington Townsend.
Hiester Clymer.
A. Herr Smith.
John B. Storm.
Lazarus D. Shoemaker.
James D. Strawbridge.
John B. Packer.
John A. Magee.
John Cessna.
R. Milton Speer.
Sobieski Ross.
Hiram L. Richmond.
Alexander W. Taylor.
James S. Negley.
William S. Moore.
Lemuel Todd.
Charles Albright.
Glenni W. Scofield.

MARYLAND.

Stevenson Archer.
William J. O'Brien.
Lloyd Lowndes, jr.
Thomas Swann.

VIRGINIA.

James B. Sener.
James H. Platt, jr.
J. Ambler Smith.
William H. H. Stowell.
Christopher Y. Thomas.
John T. Harris.
Eppa Hunton.
Reese T. Bowen.

NORTH CAROLINA.

Charles R. Thomas.
Alfred M. Waddell.
William M. Robbins.
Robert B. Vance.

SOUTH CAROLINA.

Joseph H. Rainey.
Alexander S. Wallace.

GEORGIA.

Andrew Sloan.
Richard H. Whiteley.
Philip Cook.
Henry R. Harris.
James C. Freeman.
James H. Blount.
Pierce M. B. Young.
Alexander H. Stephens.
Hiram P. Bell.

ALABAMA.

James T. Rapier.
Charles Pelham.
Charles Hays.
John H. Caldwell.
Joseph H. Sloss.
Alexander White.
Christopher C. Sheats.

MISSISSIPPI.

Lucius Q. C. Lamar.
Albert R. Howe.
Henry W. Barry.
George C. McKee.
John R. Lynch.

LOUISIANA.

Chester B. Darrall.

OHIO.

Milton Sayler.
Henry B. Banning.
John Q. Smith.
Lewis B. Gunckel.
Charles N. Lamison.
Isaac R. Sherwood.
Lawrence T. Neal.
William Lawrence.
James W. Robinson.
Charles Foster.
Hezekiah S. Bundy.
Milton I. Southard.
John Berry.
William P. Sprague.
Lorenzo Danford.
Laurin D. Woodworth.
James Monroe.
James A. Garfield.
Richard C. Parsons.

KENTUCKY.

Edward Crossland.
John Young Brown.
Charles W. Milliken.
William B. Read.
Elisha D. Standiford.
William E. Arthur.
James B. Beck.
Milton J. Durham.
George M. Adams.
John D. Young.

TENNESSEE.

Roderick R. Butler.
Jacob M. Thornburgh.
William Crutchfield.
John M. Bright.
Washington C. Whitthorne.
John D. C. Atkins.
David A. Nunn.
Barbour Lewis.
Horace Maynard.

INDIANA.

William E. Niblack.
Simeon K. Wolfe.
William S. Holman.
Jeremiah M. Wilson.
John Coburn.
William Williams.
Morton C. Hunter.
James N. Tyner.
Henry B. Sayler.
Jasper Packard.
Godlove S. Orth.

ILLINOIS.

John B. Rice.
Jasper D. Ward.
Charles B. Farwell.
Stephen A. Hurlbut.
Horatio C. Burchard.
John B. Hawley.
Franklin Corwin.
Greenbury L. Fort.
Granville Barrere.
Samuel S. Marshall.
William H. Ray.
Robert M. Knapp.
James C. Robinson.
John McNulta.
Joseph G. Cannon.
John R. Eden.
James S. Martin.
William R. Morrison.
Isaac Clements.

MISSOURI.

Edwin O. Stanard.
Erastus Wells.
William H. Stone.
Robert A. Hatcher.
Richard P. Bland.
Aylett H. Buckner.
Thomas T. Crittenden.
Abram Comingo.
Isaac C. Parker.
Ira B. Hyde.
John B. Clark, jr.

ARKANSAS.

Asa Hodges.
Thomas M. Gunter.
Oliver P. Snyder.
William J. Hynes.

MICHIGAN.

Moses W. Field.
George Willard.
William B. Williams.
Omar D. Conger.
Jay A. Hubbell.
Henry Waldron.
Julius C. Burrows.
Josiah W. Begole.
Nathan B. Bradley.

TEXAS.

William S. Herndon.
De Witt C. Giddings.
Roger Q. Mills.
William P. McLean.
John Hancock.
Asa H. Willie.

IOWA.

George W. McCrary.
William G. Donnan.
James Wilson.
John A. Kasson.
Jackson Orr.
Aylett R. Cotton.
Henry O. Pratt.
William Loughridge.
James W. McDill.

WISCONSIN.

Charles G. Williams.
Alexander Mitchell.
Charles A. Eldredge.
Philetus Sawyer.
Jeremiah M. Rusk.
Alexander S. McDill.

CALIFORNIA.

Charles Clayton.
Horace F. Page.
John K. Luttrell.
Sherman O. Houghton.

MINNESOTA.

Mark H. Dunnell.
Horace B. Strait.
John T. Averill..

OREGON.

James W. Nesmith.

KANSAS.

David P. Lowe.
Stephen A. Cobb.
William A. Phillips.

WEST VIRGINIA.

J. Marshall Hagans.
Frank Hereford.

NEVADA.

Charles W. Kendall.

NEBRASKA.

Lorenzo Crounse.

NEW MEXICO.

Stephen B. Elkins.

UTAH.

George Q. Cannon.

WASHINGTON.

Obadiah B. McFadden.

COLORADO.

Jerome B. Chaffee.

DAKOTA.

Moses K. Armstrong.

ARIZONA.

Richard C. McCormick.

IDAHO.

John Hailey.

MONTANA.

Martin Maginnis.

WYOMING.

William R. Steele.

DISTRICT OF COLUMBIA.

Norton P. Chipman.

The SPEAKER. The roll-call shows the presence of two-hundred and forty members—more than a quorum of the House.

SWEARING IN OF NEW MEMBERS.

The SPEAKER. The Clerk will now read the roll of members-elect (to fill vacancies caused by resignation and otherwise) whose credentials have been forwarded and are now on file.

The roll was called, and Mr. L. CASS CARPENTER of South Carolina in place of Mr. Robert B. Elliott, Mr. SIMEON B. CHITTENDEN of New York in place of Mr. Stewart L. Woodford, Mr. WILLIAM E. FINCK of Ohio in place of Mr. Hugh J. Jewett, and Mr. RICHARD SCHELL of New York in place of the late David B. Mellish, presented themselves and were duly qualified by taking the oath prescribed by the act of July 2, 1862.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of its clerks, informed the House a quorum of the Senate had assembled and that body was ready to proceed to business; and further, that the Senate had passed a resolution for the appointment of a committee on its part to join such committee as may be appointed on the part of the House of Representatives, to wait upon the President of the United States to inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication he may be pleased to make, and that the Senate had appointed Mr. CONKLING of New York and Mr. THURMAN of Ohio the committee on its part.

MESSAGE TO THE SENATE.

Mr. GARFIELD submitted the following resolution; which was read, considered, and agreed to:

Resolved, The Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

Mr. GARFIELD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. DAWES submitted the following resolution:

Resolved, That a committee of three members be appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait upon the President and inform him that a quorum of both Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make.

Mr. MAYNARD. Such committee, we have just been notified, has been appointed on the part of the Senate, and we should therefore recognize that fact in our resolution.

The SPEAKER. There being no objection, it will be journalized accordingly.

The resolution, as modified, was adopted.

The SPEAKER appointed Mr. DAWES of Massachusetts, Mr. HALE of New York, and Mr. BECK of Kentucky as the committee on the part of the House.

JURISDICTION OF CRIMINAL COURT, DISTRICT OF COLUMBIA.

Mr. PHELPS. I send to the desk a bill which I ask unanimous consent of the House to introduce for consideration at this time. I would ask the courtesy, if any member has objections to its consideration

after the reading, that I may be allowed three minutes in which to state the scope and object of the amendment which it contains.

The SPEAKER. The gentleman from New Jersey [Mr. PHELPS] asks unanimous consent to introduce a bill for consideration now.

Mr. G. F. HOAR. I desire to make an inquiry of the Chair—whether it is the custom of the House to present any business before the reception of the President's message? If it is, then I have no objection.

The SPEAKER. The proposition of the gentleman from New Jersey requires unanimous consent.

Mr. NEGLEY. Is it not proper to call for the regular order?

The SPEAKER. The usage is as indicated by the question of the gentleman from Massachusetts, not to present any business, but to wait until the joint committee appointed to wait upon the President has been heard from. The usage is to that effect, and the last time this question arose the House took a recess to wait for the report of the committee appointed to wait upon the President.

Mr. COX. Suppose we have the title of the bill read, and then perhaps there will be no objection from any quarter.

The SPEAKER. There being no objection, the bill will be read by its title.

The Clerk read as follows:

A bill to amend an act entitled "An act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes," approved June 22, 1874.

Be it enacted, &c., That the second section of an act entitled "An act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes," approved June 22, 1874, be, and hereby is, so amended as to read:

SEC. 2. That the provisions of the thirty-third section of the judiciary act of 1789 shall apply in all cases, except in actions for libel, to courts created by act of Congress in the District of Columbia.

Mr. HALE, of New York. Is that bill before the House?

The SPEAKER. It requires unanimous consent.

Mr. HALE, of New York. I object, unless it is referred to the Committee on the Judiciary.

The SPEAKER. Objection being made, the bill is not before the House.

RECESS.

Mr. GARFIELD. I move the House take a recess for twenty minutes.

The SPEAKER. That will hardly be sufficient time, if the House is to wait for the report of the committee to wait upon the President, and the gentleman from Ohio had better suggest a longer time.

Mr. GARFIELD. I move, then, that the House take a recess of an hour.

The motion was agreed to; and (at twenty-five minutes to one o'clock p. m.) the House took a recess for an hour.

PRESIDENT'S MESSAGE.

The recess having expired,

Mr. DAWES, from the committee appointed on the part of the House to join a like committee on the part of the Senate, to wait upon the President of the United States and inform him that a quorum of each House had assembled, and that the two Houses were ready to proceed to business, reported that the committee had performed that duty, and that the President had informed them that he would immediately send a message in writing to the two Houses.

Mr. O. E. BABCOCK, Private Secretary of the President, being announced at the bar of the House, said:

Mr. Speaker, I am directed by the President of the United States to deliver to the House of Representatives a message in writing.

The SPEAKER. The message of the President of the United States will be read.

The Clerk read the message, (which is printed in the record of the proceedings of the Senate.)

Mr. DAWES. I move that the message be referred to the Committee of the Whole on the state of the Union, and that, with the accompanying documents, it be printed.

The motion was agreed to.

Mr. DAWES. I also offer the following resolution:

Resolved, That there be printed twenty thousand extra copies of the President's annual message for the use of this House.

The SPEAKER. The resolution will be referred, under the law, to the Joint Committee on Printing.

REPORT OF THE SECRETARY OF THE TREASURY.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury; which was referred to the Committee on Ways and Means, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD, from the Committee on Appropriations, reported a bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made a special order for Tuesday, December 15, after the morning hour, and from day to day until disposed of.

Mr. HOLMAN. I reserve all points of order on this bill.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine, from the Committee on Appropriations, reported a bill (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made a special order for Wednesday, December 16, after the morning hour, and from day to day until disposed of.

Mr. RANDALL. Can points of order be reserved against all these bills together?

The SPEAKER. They must be reserved against each bill separately, as separate entries must be made upon the Journal.

Mr. RANDALL. Then I reserve all points of order upon this bill.

ARMY APPROPRIATION BILL.

Mr. WHEELER, from the Committee on Appropriations, reported a bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made a special order for Thursday, December 17, after the morning hour, and from day to day until disposed of.

Mr. ARCHER. I reserve all points of order on this bill.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE, from the Committee on Appropriations, reported a bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made a special order for Friday, December 18, after the morning hour, and from day to day until disposed of.

Mr. ARCHER. I reserve all points of order on this bill.

POST-OFFICE SCALES.

Mr. TYNER. I am directed by the Committee on Appropriations to ask that, by unanimous consent, I have leave to report, for present consideration, a bill making an appropriation to enable the Postmaster-General to carry into effect the law requiring the prepayment of postage on newspapers, approved June 25, 1874.

Mr. COX. Does the bill have any reference to the rates of postage?

Mr. TYNER. Not at all.

Mr. COX. Let the bill be read.

The SPEAKER. The bill will be read for information, after which objections, if any, to its present consideration, will be in order.

Mr. TYNER. I suggest that the Clerk read also the letter accompanying the bill.

The bill was read. It appropriates the sum of $30,000 out of any money in the Treasury not otherwise appropriated, for the purchase of scales for the use of the Post-Office Department.

The SPEAKER. The Clerk will now read the letter.

The Clerk read as follows:

POST-OFFICE DEPARTMENT, APPOINTMENT OFFICE,
Washington, D. C., November —, 1874.

SIR: The necessity for prompt action by Congress, in appropriating the necessary funds for the purchase of scales to enable this Department to carry into effect the law which requires the weighing of newspapers in bulk, on and after January next, it is hoped will be early brought to the attention of Congress.

From the best accessible data for estimates $30,000 will be required for platform and counter scales, independent of the estimates for letter-balances for current supplies.

Be pleased to give this your early attention.

Respectfully,

MARSHALL JEWELL.

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations.

The SPEAKER. Is there objection to considering this bill at this time? The Chair hears no objection, and the bill is before the House.

Mr. COX. I do not object to the passage of this bill, but I would like to say one thing: If prepayment of postage on newspapers must be enforced, Congress should amend the act, so as to allow the postage on all subscriptions taken before the law goes into effect to be paid at the destination of the paper, as heretofore, allowing no unpaid paper or printed matter to go from a post-office from and after the day such law shall take effect. This will enable publishers and patrons to close their accounts with no loss to any one.

I have prepared a bill to amend the Post-Office appropriation bill of June 23 last, so as to allow the postage on newspapers and publications referred to in the fifth and sixth sections of that bill to be paid at the destination of the mail-matter where the subscription was taken, prior to the 1st of January, 1875. Unless some such law be passed, there will be a great deal of trouble in the newspaper and publication offices of the country, and I hope the modification will be made before the 1st of January next. I hold in my hand a bill designed to effect that purpose.

Mr. BUTLER, of Massachusetts. I call for the regular order of business.

Mr. COX. The regular order of business is that I am on the floor.

Mr. BUTLER, of Massachusetts. What is the regular order of business?

The SPEAKER. The gentleman from Indiana [Mr. TYNER] is entitled to the floor, and the Chair understands that he has yielded to the gentleman from New York, [Mr. COX.]

Mr. TYNER. I must notify my friend from New York that I shall cut his speech short. I will hear what he has to say, if he will be very brief.

Mr. COX. I have been used to being cut short in this House; but perhaps in future I shall have a longer time, and I may treat the gentleman from Indiana more liberally, if he is here.

Mr. TYNER. But I shall not be here.

Mr. COX. The gentleman, then, was cut short before his time.

Mr. TYNER. You are right, sir.

Mr. COX. I want to call the attention of the House and the country to this matter. I desire that the committee shall consider the amendment to the law which I suggest, which is one that will save an immense amount of trouble to the publishers of newspapers and others.

Mr. SPEER. I desire to suggest to the gentleman from Indiana whether it would not be better to amend his bill by inserting the words "or so much thereof as may be necessary." The bill, as he offers it, appropriates absolutely $30,000. A less sum may be needed.

Mr. TYNER. If the gentleman makes a point on that, I have no objection to the amendment.

Mr. SPEER. Then I suggest that the words I have indicated be added.

There was no objection, and the amendment was agreed to.

Mr. TYNER. I am satisfied that the House is willing to pass this bill, and I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill (H. R. No. 3822) received its several readings, and was passed.

Mr. TYNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX. I now desire unanimous consent to introduce, for reference to the Committee on the Post-Office and Post-Roads, a bill to amend the Post-Office appropriation act of June 23, 1874, so as to allow the postage on newspapers and publications referred to in sections 5 and 6 to be paid at the destination of the mail-matter where subscriptions were taken prior to the 1st of January, 1875.

There being no objection, the bill (H. R. No. 3824) was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FORTIFICATION BILL.

Mr. STARKWEATHER, from the Committee on Appropriations, reported a bill (H. R. No. 3823) making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made the special order for December 22, after the morning hour.

Mr. RANDALL. I desire to reserve all points of order on that bill.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I demand the regular order of business. I think the rules require that the States shall be called for bills and joint resolutions.

The SPEAKER. If the regular order be demanded, that is the regular order of business.

Mr. KELLEY. I must insist on the motion to adjourn.

Mr. BUTLER, of Massachusetts. Let us introduce bills and resolutions for reference.

Mr. PHELPS. I desire to give notice that on Monday next, after the morning hour, or as soon thereafter as I may be recognized by the Speaker, I shall move that the rules be suspended, so as to enable me to introduce and have passed the bill which has been read.

Mr. KELLEY. I insist on my motion.

The question was taken on Mr. KELLEY's motion, and it was agreed to; and thereupon (at two o'clock and fifty-six minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARTHUR: The petition of W. F. Maddux, of Covington, Kentucky, for relief, to the Committee on War Claims.

By Mr. BUFFINTON: The petition of citizens of Westport, Bristol County, Massachusetts, for an appropriation for the improvement of the harbor of Westport, to the Committee on Commerce.

By Mr. BUTLER, of Massachusetts: The petition of 2,000 citizens of Massachusetts, for the relief and indemnification of William H. Steele, of Gloucester, Massachusetts, for the destruction of his schooner, Samantha A. Steele, at St. Helena Island, by the Federal forces, in 1863, to the Committee on Naval Affairs.

Also, the petition of Nancy T. Eastman, widow, mother of George W. Parsons, late a private in Company F, First Massachusetts Heavy Artillery, for a pension, to the Committee on Invalid Pensions.

By Mr. CHIPMAN: Petitions from citizens of Alabama, Arizona, Massachusetts, Nevada, New Jersey, New Mexico, Virginia, and Wisconsin, for the completion of the Washington National Monument by appropriation from the public Treasury, to the Select Committee on the Washington National Monument.

By Mr. FARWELL: The petition of publishers of periodicals, for the reduction of postage on periodicals to two cents per pound, to the Committee on the Post-Office and Post-Roads.

By Mr. GUNCKEL: The petition of Ernst Rost, for removal of charge of desertion, to the Committee on Military Affairs.

Also, the petition of Susan M. Seebohm, of Dayton, Ohio, for relief, to the Committee on Claims.

Also, the petition of Michael O'Brien, for a pension, to the Committee on Invalid Pensions.

By Mr. KENDALL: The petition of Max Rosenberg, for a pension, to the Committee on Invalid Pensions.

By Mr. POTTER: The petition of Jeremiah T. Hallett, of New York City, for increase of pension, to the Committee on Invalid Pensions.

By Mr. THOMAS, of Virginia: The petition of A. Bostick, of Halifax County, Virginia, for compensation for property taken by Federal troops in April, 1865, to the Committee on War Claims.

Also, the petition of Ira Hurt, sr., of Franklin County, Virginia, for compensation for cotton destroyed by the Federal Army in 1865, to the Committee on War Claims.

Also, the petition of Isabella W. Cunningham, of Pittsylvania County, Virginia, for compensation for cotton destroyed by the Federal Army in 1865, to the Committee on War Claims.

IN SENATE.

TUESDAY, *December* 8, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Hon. JOHN W. JOHNSTON, from the State of Virginia; Hon. A. S. MERRIMON and Hon. MATT W. RANSOM, from the State of North Carolina; Hon. WILLIAM SPRAGUE, from the State of Rhode Island; and Hon. JOHN P. STOCKTON, from the State of New Jersey, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of the Interior, in compliance with the act of July 12, 1870, containing a list of property belonging to the United States in charge of that Department; which was ordered to lie on the table.

He also laid before the Senate a letter of the Secretary of the Interior, transmitting a report of the surveyor-general of New Mexico, concerning land grant to Ignacio de Roival and Jacinto Pelaez, being private land claim No. 92, in Santa Fé County; also, report on land granted for the cañon del Rio Colorado tract, being private land claim No. 93—land grant to Antonio Elias Armenta, and others, in Taos County; also, report concerning land granted to Salvador Vernal and Tomas Lopez, being private land claim No. 94, in Colfax County, all in said Territory; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS presented the petition of Rosa Ward, mother of Andrew Ward, a soldier in the late war, praying for a pension; which was ordered to lie on the table.

He also presented the petition of Mary E. Cane, mother of Martin Cane, late a private of Company B, Tenth Regiment Vermont Volunteers, praying for a pension; which was ordered to lie on the table.

Mr. LOGAN presented the petition of F. M. Blount, praying the passage of a law relieving him from loss by reason of having taken a counterfeit five hundred dollar United States note as a clerk in the office of the assistant treasurer at Chicago, Illinois; which was ordered to lie on the table.

He also presented the petition of the publishers of the Little Corporal and other periodicals, praying an amendment of the postal law, fixing the rate on periodicals, &c., at two cents per pound, and authorizing prepayment of postage by stamps or stamped wrappers; which was ordered to lie on the table.

Mr. INGALLS presented the petition of William G. Ford, praying compensation for use and occupancy by the Government of a certain building owned by him in Memphis, Tennessee, from 1862 to 1865; which was ordered to lie on the table.

He also presented the petition of Jonathan G. Lang, late of Company B, First United States Dragoons, praying for a pension; which was ordered to lie on the table.

Mr. PRATT. I present the petition of Nathan Upham, late corporal of Company G, Eighty-fourth Indiana Volunteers, praying to be allowed a pension. The petition is accompanied with evidence, which I ask may be laid, with the petition, on the table, until the appointment of the Committee on Pensions.

The VICE-PRESIDENT. That order will be made.

Mr. HARVEY presented a petition of citizens of Kansas, signed by the governor, secretary of state, and others, praying the passage of House bill No. 3281, to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 2, 1864;" which was ordered to lie on the table.

Mr. STEVENSON presented the petition of Mrs. Elizabeth Carson, of Paris, Bourbon County, Kentucky, praying compensation for commissary and quartermaster stores taken for the use of the United States Government; which was ordered to lie on the table.

He also presented the petition of Annie Horine, of Jessamine County, Kentucky, praying compensation for commissary stores taken for the use of the United States Government; which was ordered to lie on the table.

Mr. CONOVER presented the petition of Salvador Costa, of Tallahassee, Florida, praying compensation for losses sustained by reason of the destruction and use of the sloop Mary Lawrence; which was ordered to lie on the table.

Mr. JOHNSTON presented the petition of David Fultz, a citizen of Staunton, Virginia, praying the Senate to reject the nomination of Samuel M. Yost as postmaster of the city of Staunton; which was ordered to lie on the table.

Mr. SCOTT. I present the petition of J. B. Lippincott & Co. and others, publishers of Philadelphia, praying that the postage upon periodicals be fixed at two cents per pound; that prepayment by fractional stamps or stamped wrappers, when desired, be authorized, and that the rate on transient matter sent from the office of publication be fixed at two cents per pound. I move that the petition lie on the table to be referred to the Committee on Post Offices and Post Roads, when appointed.

The motion was agreed to.

Mr. SCOTT presented the supplemental petition of William Williams, of Pittsburgh, Pennsylvania, late captain of Company A, First Battalion Pennsylvania Cavalry, praying to be granted a pension; which was ordered to lie on the table.

BILLS INTRODUCED.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 974) to enable the supreme court of the District of Columbia to proceed with its jury business; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 975) to amend section 110 of the act of June 30, 1864, and section 9 of the act of July 13, 1866, imposing taxes upon the circulation of other than national banks; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. CAMERON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 976) to promote economy and efficiency in the marine-hospital service; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 977) fixing the times for holding the circuit court of the United States in the districts of California, Oregon, and Nevada; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 978) for the relief of homestead and pre-emption settlers on the public lands; which was read twice by its title, and ordered to lie on the table and be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 979) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army; which was read twice by its title, and ordered to lie on the table.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 980) fixing the salary of the President of the United States; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 981) providing for the construction of a United States telegraph line between the cities of Washington, District of Columbia, and Boston, Massachusetts; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. INGALLS. I have been requested to ask unanimous consent to introduce a bill for the relief of William G. Ford. The bill is accompanied by numerous documents and papers. I ask that it lie on the table and be printed, and be referred, with the papers, when the committees are appointed.

There being no objection, leave was granted to introduce a bill (S. No. 982) for the relief of William G. Ford; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 983) to provide for the transfer of certain causes from the district to the circuit courts of the State of Alabama; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 984) to regulate the lien of judgments in the courts of the United States on real estate; which was read twice by its title, and ordered to lie on the table and be printed.

DELINQUENT OFFICERS—IMPROVEMENT GRANTS.

Mr. DAVIS. I offer the following resolution that I ask may be printed, and lie on the table for the present:

Resolved, That the President of the United States be, and he is hereby, requested to furnish the Senate with a detailed statement, commencing with the 30th of June, 1865, and closing with the last fiscal year, showing therein the names of all postmasters, paymasters, quartermasters, commissaries, collectors of internal revenue, collectors of customs, officers of the Freedmen's Bureau, and any other officers or set of officers from whom any sums of money were due at the close of the last fiscal year, and which now remain unpaid; also the names of the sureties of such officers, the penalty of their official bond, the amount due and when due in each case; the total of such sums so due, by whom and from what State such officers were appointed, and whether there are any suits now pending to recover said sums of money, and, if so, against whom, in what courts, and for what amount.

The President is also requested to report the number of acres of the public lands and the amount of bonds and money granted to railroads, canals, or other works of internal improvement, giving therewith the names, dates, and amounts in each case, and also the grand total; also, the number of acres of the public lands and the amount of bonds heretofore granted or voted by Congress to railroads or contemplated railroads for which no certificates or evidences of ownership have been issued, stating in detail the name of the railroad and the amount granted or voted to the same, and the grand totals of such grants.

Mr. President, the information sought is somewhat voluminous, and it may be that there may be some objection to some part of the resolution. Therefore I ask that it lie upon the table and be printed, with a view of being called up at an early day. I now give notice that at an early day I will call it up.

The VICE-PRESIDENT. It is moved that the resolution lie on the table and be printed.

The motion was agreed to.

TAX AND TARIFF BILL.

Mr. SHERMAN. Mr. President, there is a bill pending between the two Houses relative to the internal-revenue bill and to customs duties, upon a motion made by me at the last session to postpone it until yesterday. A committee of conference had been appointed by the two Houses and agreed on a report, but the House of Representatives disagreed to the report of the committee. Upon examining the rules of the Senate I am at a loss to know whether, under the circumstances, it can be taken up now, or must be postponed until next Monday. I should like to have the judgment of the Chair upon that question. The Secretary has the bill before him. It would expedite the public business, and would give us better time now to examine the details of the bill in a new committee of conference, if we were at once to have a committee appointed; but I am at a loss to know whether, under the rules of the Senate, it would be in order to move to take up the bill now. It is pending here in the Senate, and was postponed until yesterday. It strikes me it does not fall within the rule which makes bills pending between the two Houses in order at the end of six days from the beginning of the session. I ask the decision of the Chair on that question.

The VICE-PRESIDENT. The Chair is of opinion that it would not be in order to act upon the bill now; that the twenty-first joint rule binds the Senate, and prevents action upon any business of the last session until the expiration of six days.

Mr. SHERMAN. I shall not question the decision of the Chair, because there is some doubt about the point, but will allow the matter to go over until Monday, when I give notice I will make a motion to take up the bill with a view to have another committee of conference appointed. [After a pause.] If there is no other business, I move that the Senate adjourn.

The motion was agreed to; and (at twelve o'clock and twenty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 8, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ADDITIONAL MEMBERS.

The following additional members appeared: WILLIAM B. SMALL of New Hampshire, ALVAH CROCKER of Massachusetts, THOMAS J. CREAMER of New York, ROBERT HAMILTON of New Jersey, JOHN W. KILLINGER of Pennsylvania, CARLTON B. CURTIS of Pennsylvania, EPHRAIM K. WILSON of Maryland, JOHN P. C. SHANKS of Indiana.

ORDER OF BUSINESS.

Mr. GARFIELD. I call for the regular order of business.

The SPEAKER. The regular order is the calling of committees for reports. The morning hour now begins at twelve minutes past twelve o'clock, and reports are first in order from the Select Committee on the Centennial Celebration and the Proposed National Census of 1875.

Mr. KELLEY. That committee is not prepared to report.

AFFAIRS IN ARKANSAS.

Mr. POLAND, from the select committee to inquire into the condition of affairs in Arkansas, reported the testimony taken by the committee during the vacation; and the same was ordered to be printed and recommitted.

Mr. RANDALL. Not to be brought back on a motion to reconsider.

The SPEAKER. It is merely testimony, and cannot be brought back on a motion to reconsider.

BOARD OF AUDIT FOR THE DISTRICT OF COLUMBIA.

Mr. HALE, of Maine, from the Committee on Appropriations, reported a joint resolution (H. R. No. 119) to continue the board of

audit to examine and audit the unfunded or floating debt of the District of Columbia; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution provides that the board of audit constituted by section 6 of the act for the government of the District of Columbia, and for other purposes, approved June 20, 1874, shall be continued until otherwise provided by law, with all the power and duties specified in said section, and with compensation to the members of the board at a rate proportioned according to time to that granted in said act, and payable as therein provided; that the time for presenting claims be extended for the period of thirty days from this date, and that persons having sustained damages to real estate, but failed to present the same to the board of public works, may present the same for audit and allowance within the time above limited as specified in the seventh class of claims mentioned in the said sixth section; provided, that when the title to claims evidenced by certificates of the auditor of the board of public works is involved in suits now pending in any court of competent jurisdiction, such court shall not be ousted of jurisdiction in respect of such question of title; and that after the board of audit shall have ascertained the amount, if any, due upon any such claims, the certificates of said board of audit shall be issued and be convertible in favor only of the person finally adjudged in such court to be entitled thereto, and when said party may, by law, have execution of such judgment or decree.

Mr. HOLMAN. It seems to me that bill should be first considered in Committee of the Whole.

Mr. HALE, of Maine. If the gentleman will allow me a moment, the board of audit created by the act for the temporary government of the District of Columbia consisted of the First and Second Comptrollers of the Treasury——

Mr. HOLMAN. I do not yield my point of order; I will hear the gentleman.

Mr. HALE, of Maine. I think the gentleman will have no objection when I explain. The term of service of that board of audit so created expired on yesterday. The gentleman will see, of course, that it is essential that the work they have almost completed should be completed. It is nothing but a matter of auditing those claims. The members of the board were carefully selected; there was a unanimous sentiment in this House in their favor, I believe. This joint resolution proposes nothing except to provide that for the continuance of the work this board shall go on and continue to audit. The gentleman must see that if this joint resolution shall be referred to the Committee of the Whole it may go over for a week or a fortnight, perhaps for a month; and I do not think he would desire that.

Mr. HOLMAN. The principal objection I have to considering this joint resolution at this time is, that it has not been printed and we do not understand what it is. Let it be again reported.

Mr. HALE, of Maine. I hope that will be done.

The joint resolution was again read.

Mr. BECK. I desire to ask the gentleman if there ought not to be a provision in this resolution requiring the report of the board to be made to this House not later than the 1st day of February next? According to the joint resolution, as it now reads, it is an indefinite postponement of their report.

Mr. HALE, of Maine. The joint resolution was first drawn extending the time no further than the 4th of March next. But with the view that probably this Congress would pass some bill from the committee authorized to report upon the permanent government of the District of Columbia, it was thought better to insert the words "until otherwise provided by law." I have no objection to insert after those words the words "not later than the 1st of February next."

Mr. BECK. If that is done we can then have knowledge of the debt.

Mr. HOLMAN. I think this should go to the Committee of the Whole and be printed.

Mr. HALE, of Maine. If the Chair shall rule that this, being the regular report of a committee, is liable to the point of order raised by the gentleman from Indiana, [Mr. HOLMAN,] then I will ask that it be printed, and that the committee have leave to call it up for consideration to-morrow morning.

Mr. RANDALL. The gentleman will see that individual rights are here involved to a large extent.

Mr. HALE, of Maine. I do not wish to press it unduly. I will move that it be printed and recommitted to the Committee on Appropriations, and ask that they have leave to report it back to-morrow morning.

No objection was made, and it was so ordered.

Mr. BUTLER, of Massachusetts. I ask leave to submit an amendment, to be printed with this joint resolution.

Mr. HALE, of Maine. I have no objection.

The amendment was read, as follows:

Provided further, That interest on such unaudited claims be reckoned to the date of presentation.

There being no objection, the proposed amendment was ordered to be printed.

PACIFIC MAIL CONTRACT.

Mr. TYNER, from the Committee on Appropriations, reported a letter of the Attorney-General of the United States to the Postmaster-General, concerning the obligation of the Post-Office Department to continue the contract with the Pacific Mail Steamship Company for an additional monthly mail between San Francisco and China and Japan, under the provisions of the act of June 1, 1872, authorizing such contract; and moved that the same be printed and recommitted.

Mr. HOLMAN. If that can be brought back on a motion to reconsider I desire to prevent it.

The SPEAKER. No legislation can be based upon it.

The motion of Mr. TYNER was then agreed to.

PAY OF NATIONAL-BANK EXAMINERS.

Mr. DURHAM, from the Committee on Banking and Currency, reported a bill (H. R. No. 3825) amending the act providing a national currency and fixing the compensation of national-bank examiners; which was read a first and second time.

The bill, which was read, provides that section 54 of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, be so amended that the latter clause of the section, after the word "chancery," fixing the compensation of persons authorized to make examinations of national banks, be amended to read as follows: "That all persons appointed to be examiners of national banks shall receive compensation for such examinations as follows: For examining national banks having a capital not exceeding $100,000, $20; those having a capital of from $100,000 to not exceeding $200,000, $25; those having a capital of from $200,000 to not exceeding $300,000, $30; those having a capital of from $300,000 to not exceeding $400,000, $35; those having a capital of from $400,000 to not exceeding $500,000, $40; those having a capital of from $500,000 to not exceeding $600,000, $50; those having a capital exceeding $600,000, $75; which amounts shall be assessed by the Comptroller of the Currency upon, and paid by, the respective associations so examined; and shall be in lieu of the compensation heretofore allowed for making said examinations."

Mr. SPEER. Is the compensation named in this bill for these bank examiners an increase of that allowed by existing law?

Mr. DURHAM. It is not.

Mr. WILLARD, of Vermont. I raise the point of order, that this bill, affecting salaries, must receive its first consideration in Committee of the Whole.

The SPEAKER. The Chair does not think the bill is liable to that point, because it does not propose to take money from the Treasury of the United States, but directs that the bank examiners shall be paid by the banks.

Mr. DURHAM. Mr. Speaker, if gentlemen will examine the present law they will find that under it national-bank examiners are entitled to five dollars a day for making these examinations, together with mileage. For illustration, the examiner of a bank located in my own town may live in the city of Louisville, a distance of one hundred miles from Danville, yet such examiner, when he estimates his mileage, counts it from the city of Washington. So it is all over the Western and Southern States. There is a great deal of difficulty growing out of this fact, and for the purpose of obviating this difficulty the Committee on Banking and Currency have, at the request of the Comptroller of the Currency, prepared this bill, regulating the amount to be allowed by the amount of the capital invested in these various banks. That is the difference between the existing law and the bill now reported.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. DURHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MAYNARD. I suggest to my colleague on the committee [Mr. DURHAM] that the title of the bill be so amended as to read "An act to amend the national-bank act, and fixing the compensation of national-bank examiners."

Mr. DURHAM. I suppose that modification is appropriate.

The SPEAKER. If there be no objection, the title will be amended as suggested.

There was no objection, and the title was amended accordingly.

NATIONAL BANKS IN LIQUIDATION.

Mr. MAYNARD, from the Committee on Banking and Currency, reported a bill (H. R. No. 3826) to amend the act entitled "The national-bank act;" which was read a first and second time.

The bill provides in the first section that when any association organized under the national-bank act shall have gone into liquidation and have been closed under the provisions of the forty-second section thereof, and any creditor of such association shall have obtained a judgment against it, and execution thereon shall have been returned unsatisfied, it shall be the duty of the Comptroller of the Currency forthwith, on the application of such judgment creditor, and a certificate from the clerk of the court in which such judgment may have been rendered, setting forth that such judgment has been rendered and that execution thereon has been issued and returned unsatisfied, to appoint a receiver for such association, who shall proceed in the manner provided for receivers under the fiftieth section of said act, and who shall enforce the personal liability of the shareholders in the manner prescribed in said section 50 and in this.

The second section provides that when any association organized under the said act shall have gone into liquidation and have been closed under the provisions of the forty-second section thereof, and no receiver shall have been appointed for the term of two years, or when any association so organized shall have been in the hands of a receiver for the same length of time, the individual liability of the shareholders provided for by the twelfth section of said act may be enforced by any creditor of such association by bill in equity, in the nature of a creditor's bill, brought by such creditor on his own behalf and on behalf of all other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district within which any of the shareholders may reside or be found, or in which such association may have been located or established.

Mr. MAYNARD. Mr. Speaker, the nature of this bill is such that I ought, probably, to call the attention of the House to the defect in the present national-bank act which the bill is intended to remedy. For this purpose I will ask the Clerk to read the forty-second section of that act.

The Clerk read as follows:

SEC. 42. *And be it further enacted*, That any association may go into liquidation and be closed by the vote of its shareholders owning two-thirds of its stock. And whenever such vote shall be taken, it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the association, by its president or cashier, to the Comptroller of the Currency, and publication thereof to be made for a period of two months in a newspaper published in the city of New York, and also in a newspaper published in a city or town in which the association is located, and if no newspaper be there published, then in the newspaper published nearest thereto, that said association is closing up its affairs, and notifying the holders of its notes and other creditors to present the notes and other claims against the association for payment. And at any time after the expiration of one year from the time of the publication of such notice as aforesaid the said association may pay over to the Treasurer of the United States the amount of its outstanding notes in the lawful money of the United States, and take up the bonds which said association has on deposit with the Treasurer for the security of its circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of this act, and from that time the outstanding notes of said association shall be redeemed at the Treasury of the United States, and the said association and the shareholders thereof shall be discharged from all liabilities therefor.

Mr. MAYNARD. I will now ask to have the forty-sixth section read as far as I have marked.

The Clerk read as follows:

SEC. 46. *And be it further enacted*, That if any such association shall at any time fail to redeem in the lawful money of the United States any of its circulating notes, when payment thereof shall be lawfully demanded, during the usual hours of business, at the office of such association or at its place of redemption aforesaid, the holder may cause the same to be protested.

Mr. MAYNARD. Read now section 50 as far as I have marked.

The Clerk read as follows:

SEC. 50. *And be it further enacted*, That on becoming satisfied, as specified in this act, that any association has refused to pay its circulating notes as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he shall deem proper, who, under the direction of the Comptroller, shall take possession of the books, records, and assets, of every description, of such association, collect all debts, dues, and claims belonging to such association, and upon the order of a court of record of competent jurisdiction may sell or compound all bad or doubtful debts, and on a like order sell all the real and personal property of such association on such terms as the court shall direct; and may, if necessary to pay the debts of such association, enforce the individual liability of the stockholders provided for by the twelfth section of this act.

Mr. MAYNARD. Mr. Speaker, it will be seen from these parts of the national-bank act which have been read that a bank may go into voluntary liquidation, at the option of the shareholders, by providing for the payment of its outstanding notes, but there is no special provision made for its general creditors. There is a provision made by which the holders of the outstanding notes may present them, and, if not paid, have them protested. There is a further provision, made in case the notes are not paid and are protested, that the Comptroller may appoint a receiver to take charge of the assets of the bank, to collect the debts due it, and pay off its obligations, as well as to discharge its notes of circulation. And, if it becomes necessary, the receiver may call upon the shareholders of the bank to pay in, as they are required to do under the twelfth section of the act, an amount equal to their share of stock.

Now, then, the difficulty which has arisen is this—it is not an imaginary one, but an actual one: A bank goes into voluntary liquidation. It provides for the redemption of its notes, so they are redeemed as often and as fast as they are presented; but the Comptroller has held that being done under the act, he has no power to appoint a receiver. The creditors, bringing suit against the bank, getting judgment, and issuing execution, find no assets, and their execution is returned unsatisfied, attempt to reach the shareholders and require them to respond under the provisions of the twelfth section of the act to meet unsatisfied judgments. It has been held by one of the courts of the city of New York that this cannot be done except through and by the appointment of a receiver, and the creditor repelled in attempting to reach the shareholders without the interposition of a receiver by the holding of the Comptroller of the Currency in that regard he had no power to appoint a receiver except in the case of notes not being paid on presentation, is substantially without remedy. It is quite possible the decision of the court in New York, if an appeal has been taken, may be reversed by the Supreme Court of the United States. In the opinion of the Banking and Currency Committee it is not right to keep the creditors waiting and make them incur the expense of settling the construction of the law by a future decision, when it may be settled by legislative enactment. Therefore we provide in the bill which we now offer, consisting of two sections, a twofold remedy. In the first place, where the creditor, in a case like that which I have presented, shall obtain judgment and have execution returned unsatisfied, upon the Comptroller of the Currency being notified to that effect he shall appoint a receiver, whose duty it shall be to proceed against the shareholders and require them to respond according to the provisions of the twelfth section of the national-bank act. That is one section. The other section—the second section—is that a creditor may himself, if there be no receiver, proceed by a general bill against the shareholders of the bank in the name of himself and the other creditors of the bank who may choose to take advantage of it. The bill has been introduced to remedy the evil I have pointed out, and this is the remedy proposed. The committee thought it would be a comparatively simple remedy, and that it would be efficacious, and unless any gentleman desires to raise any question in regard to it I will ask the previous question.

Mr. PIKE. I desire to ask the gentleman from Tennessee a question for information.

Mr. MAYNARD. I will hear the gentleman.

Mr. PIKE. Will the gentleman from Tennessee inform the House whether it is the purpose of this amendment to make the shareholders of national banks personally liable for debts of the bank?

Mr. MAYNARD. It is not intended by this bill to make them liable any further than the original act, under the twelfth section of which they are now held liable to an extent equal to the amount of their shares. This is a method of enforcing that liability.

Mr. PIKE. The bill goes no further than that?

Mr. MAYNARD. No further.

Mr. NIBLACK. I was called out of the Hall, and was not present when the gentleman from Tennessee commenced to explain his bill. I desire to ask whether it has been reported from the Committee on Banking and Currency?

Mr. MAYNARD. It is reported by that committee.

Mr. NIBLACK. At the present session, or during last session?

Mr. MAYNARD. During last session.

Mr. NIBLACK. Then I desire to be allowed to say in the hearing of the gentleman from Tennessee that the experience of the last year or two shows the necessity of amending the existing banking law in some particulars which are not embraced in this bill. For instance, I am aware the question has arisen in the Comptroller's Office as to his power to supervise the action of directors of national banks in the declaration of dividends or in their refusal to make dividends and in the carrying of the earnings of the banks almost indefinitely to the surplus fund. This, and some other questions kindred to this, it was my intention to bring in some form or other before the Committee on Banking and Currency, and I trust the gentleman from Tennessee will consent that this bill may be postponed for a short time, until the suggestions in a report of the Comptroller of the Currency can be more carefully considered by that committee, and until various gentlemen have an opportunity of being heard in regard to some proposed amendments which it is thought should be made in view of recent experiences of the working of the banking act.

I was not able to hear very distinctly the reading of the bill, but I am satisfied that it does not cover the whole ground which an amendment of the banking law ought to cover, in view of the difficulties that have surrounded the management of the banks, and especially the closing up of banks within the past year. I hope, therefore, the gentleman will consent to a postponement or recommittal of the bill, which will only involve the necessity of reporting it again with some other amendments.

Mr. MAYNARD. There is much force in the remarks of my honorable friend from Indiana, and the Committee on Banking and Currency by no means regard this bill as the sum of what they may feel disposed to recommend. This bill was presented to meet a case which had arisen. It was presented at an early day of last session, and it is now brought forward to-day because the committee is called in regular order, and I suppose it is morally certain that after this call the Committee on Banking and Currency will not be again reached in regular order.

Mr. NIBLACK. I suggest that the gentleman move to recommit the bill with a motion to reconsider pending, so that it may be brought up at any time. I know that some legislation on the subject is urgent, but I think that whatever is done should be done in one bill. Let it go back to the Committee on Banking and Currency, a motion to reconsider being pending.

Mr. MAYNARD. With leave to report at any time?

Mr. NIBLACK. Yes, sir; I hope there will be no objection to that.

Mr. MAYNARD. I will accept the gentleman's proposition if it be agreeable to the House.

Mr. POTTER. What is the suggestion?

Mr. MAYNARD. The suggestion of the gentleman from Indiana is that this bill be recommitted to the Committee on Banking and Currency, with leave to report it back at any time with or without amendment.

Mr. POTTER. There are some explanations which I should like to have from the chairman of the Committee on Banking and Currency, but I have no objection to the course now indicated.

Mr. MAYNARD. It is understood that the committee will have leave to report with or without amendment?

The SPEAKER. Certainly; any germane amendment will be in order.

The bill was ordered to be printed, and recommitted to the Committee on Banking and Currency, with leave to report at any time.

BRIDGE ACROSS MISSOURI RIVER.

Mr. HOUGHTON, from the Committee on the Pacific Railroad, reported back, with the recommendation that it do pass, the bill (H. R. No. 3279) amendatory of and supplemental to the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and for other purposes.

The bill, which was read, provides in its first section that the bridge constructed by the Union Pacific Railroad Company across the Missouri River between Omaha, in the State of Nebraska, and Council Bluffs, in the State of Iowa, together with its approaches on both sides of said river, be, and the same is hereby, declared to constitute, and shall be operated as, a part of the continuous line of the Union Pacific Railroad.

The second section requires the said railroad company to make semi-annual reports, signed and verified by the treasurer of said company, setting forth in detail the amount received monthly by said railroad company for tolls and charges for the use of said bridge; the first report to include the tolls and charges received for the six months ending June 30, 1874; said reports to be forwarded to and filed with the Secretary of the Interior within thirty days thereafter.

Mr. COX. I believe that bill was acted on in the last session of Congress and defeated. I believe there are points legislated on in that bill which are matters of litigation.

Mr. CROUNSE. They are all before the courts.

Mr. HOUGHTON. The gentleman is in error. The bill was reported by the committee during last session, but was not acted on.

Mr. SPEER. Is it not true that the correct interpretation of several acts of Congress is now before the courts?

Mr. HOUGHTON. No, sir.

Mr. CROUNSE. It is.

Mr. SPEER. And this is an attempt to construe that legislation?

Mr. CROUNSE. That is the object of the bill; to forestall the action of the courts, to prejudice the rights of States.

Mr. COX. I move that the bill be laid on the table.

Mr. HOUGHTON. I believe I have the floor, and therefore that motion is not now in order.

The SPEAKER. The gentleman from California [Mr. HOUGHTON] is entitled to the floor.

Mr. CROUNSE. Is it the purpose of the gentleman to put this bill on its passage at this time?

Mr. HOUGHTON. It is.

Mr. CROUNSE. Will I be entitled to any time to present the adverse view to this bill?

Mr. HOUGHTON. If it is desired to debate this bill, and any time can be fixed, I am willing to agree that the time shall be equally divided between its friends and opponents.

Mr. CROUNSE. Will it be in order to move to lay this bill on the table?

The SPEAKER. The gentleman from California [Mr. HOUGHTON] is entitled to the floor for an hour.

Mr. HOUGHTON. As there are several gentlemen who desire to be heard upon this bill, if the House will fix any time when it may be taken up and considered, some day this week, I will agree that the time shall be equally divided between those in favor of the bill and those opposed to it; otherwise I will go on now.

Mr. ORTH. Go on now.

Mr. HOUGHTON. The purpose of this bill is not, as is erroneously supposed by some gentlemen here, to affect any existing litigation. Its purpose is simply to compel the Union Pacific Railroad Company to operate its line of road throughout its entire length as one continuous line, and not make two transfers at the Missouri River, at Omaha.

Mr. CROUNSE. If I may interrupt the gentleman, I would like to know upon what understanding this discussion is proceeding. There was a proposition that the discussion of this bill should be deferred to some future day, when time should be given for its discussion.

The SPEAKER. That proposition was withdrawn by the gentleman. This bill is in the morning hour, and will occupy the morning hour from day to day until disposed of or otherwise ordered by the House.

Mr. CROUNSE. I would ask the gentleman if my side of the question is to have any time assigned to it; and, if so, how much?

Mr. HOUGHTON. I do not know how much time can be assigned to the gentleman; but he will have an opportunity to be heard.

The Union Pacific Railroad Company, in order to complete its connection with eastern roads at Omaha across the Missouri River, availed itself of permission given to it by the act of Congress of 1864 to construct this bridge. The bridge thereby became a part of the Union Pacific Railroad, as much so as any other part of the road constructed by that company. A special act was passed in 1866, authorizing this company to issue bonds for the purpose of raising money to pay for the construction of this bridge. But the authority to build this bridge is conferred by the amendatory act of 1864, incorporating, chartering, and authorizing the construction of that road.

I send to the Clerk's desk and ask to have read the law by which authority was conferred upon this railroad company to construct this bridge.

The Clerk read as follows:

SEC. 9. *And be it further enacted*, That, to enable any one of said corporations to make convenient and necessary connection with other roads, it is hereby authorized to establish and maintain the necessary ferries upon and across the Missouri River and other rivers which its road may pass in its course; and authority is hereby given said corporation to construct bridges over said Missouri River and all other rivers for the convenience of said road.

Mr. HOUGHTON. This is the only authority ever given to this railroad company to construct this bridge. Ever since this bridge has been constructed it has been operated by this company as an independent thing, under the name of the "Transfer Company;" so that a double transfer has to be made of all through business between the Pacific and the Atlantic crossing the Missouri River by that route. That business is subject to a separate and independent charge for crossing this river. I believe the charge upon every freight car, loaded or empty, passing over this bridge, is ten dollars; such is my information. An additional charge of fifty cents is imposed upon each passenger crossing the bridge. In addition to this, the passengers are subject to a very great inconvenience and annoyance. They are compelled to change cars at Omaha, to take seats in a transfer car, and then be transported accross the river to the Iowa side, and then to change cars again. Baggage has to be rechecked on one side or the other of the river. People are compelled to stand out of doors upon open platforms, exposed to the inclemency of the weather at all seasons of the year, for the purpose of watching when their baggage is transferred from the car to the platform to have it rechecked.

Mr. CROUNSE. If the gentleman will allow me a moment I will correct him. Since the gentleman obtained his information the baggage has been all transferred to the Omaha side.

Mr. HOUGHTON. It is but a short time since I passed over that route, and my baggage was not transferred in that way.

The opposition to this measure arises, as I understand and believe, out of some arrangement claimed to have been made between the city of Omaha and the Union Pacific Railroad Company, by which certain lands and certain privileges within the limits of the city were granted to that company in consideration of its making Omaha the terminus of its road, which I believe to be in violation of the law of Congress. The act incorporating that company requires it to operate its whole line as a continuous line of road. If a break is to be made at Omaha, the road is not operated as one continuous line. The only pretense made by that company, as I understand, is that this bridge is not a part of the Union Pacific Railroad. I maintain that the bridge is just as much a part of the road as any portion constructed by the company between Ogden and the eastern terminus. It is authorized and constructed under the same law; there never was any other authority for it.

Mr. HALE, of New York. If the gentleman from California [Mr. HOUGHTON] will permit me, I wish to ask who are the nominal owners of this bridge? Is it owned by the Union Pacific Railroad Company or by a separate corporation?

Mr. HOUGHTON. It is owned by the Union Pacific Railroad Company. The bonds which were issued for the construction of the bridge were issued by that company; and all the other property of the company is just as much liable as is this bridge for the payment of those bonds; only the bridge is first subjected to liability for the payment of those bonds before it can be held for any other debts of the company.

Gentlemen here have referred to some litigation which they say is pending and is intended to be affected by this bill. That is an entire misapprehension. This bill is not intended to affect any pending litigation, and in my opinion it cannot have such operation. I understand that there is now pending in the Federal courts of the State of Iowa an action prosecuted by some individual against the Union Pacific Railroad Company, or against this transfer company, (I do not know which,) for damages, or something of that sort.

Mr. CROUNSE. The proceeding is for a *mandamus* to compel the company to operate the road in the manner this bill contemplates. That proceeding is now before two Iowa judges—Judge Dillon and Judge Love; and it would seem to me that Iowa ought to be content with that.

Mr. HOUGHTON. I am not familiar with the litigation; I speak of it only as I have understood it. I am now informed by a gentleman from Iowa that it is an action for a *mandamus* to compel the company to operate this road across the river.

Mr. CROUNSE. Exactly, just as this bill contemplates. That question is now before the courts.

Mr. HOUGHTON. But that matter can make no difference here. I understand that there is a controversy between some parties who claim that Omaha is the legal terminus of this road, and other parties who claim that the legal terminus is upon the other side of the river. But I think that matter is entirely independent of this question. By the act of 1864, which authorized the construction of this bridge, authority was conferred upon the President of the United States to fix the eastern terminus of the Union Pacific Railroad at some point on the western boundary of the State of Iowa.

Mr. CROUNSE. That boundary is in the middle of the Missouri River.

Mr. HOUGHTON. The President, in pursuance of the authority conferred upon him by this act of Congress, fixed the terminus of the road on the western boundary of Iowa, opposite a certain section in Nebraska of which I do not remember the number. This was all done before the Union Pacific Railroad Company availed itself of the permission given by the act of 1864 to build this bridge. The railroad company was not required by its original charter, nor by the amendment of 1864, to construct the bridge; but permission was given by the latter law for the company to construct the bridge at its option. I say that when the company availed itself of that permission and built this bridge it added this much to the line of its road. In any event the company so understood it, because as soon as it built the bridge it abandoned that portion of its road which it had built from its present terminus in the city of Omaha to the point on the Missouri River claimed to have been fixed by the President, which is distant some two or three miles from the Union Pacific terminus in Omaha. It received its subsidy bonds for that portion of the road; but after it elected to avail itself of the permission given by this amendment of 1864, and constructed this bridge, it abandoned that portion of the road and took up its track, thereby manifesting an intention on the part of the company itself to fix its terminus at the eastern end of this bridge. And the fact is that from the time this bridge has been built it has been operated by the Union Pacific Railroad, and by no other company. It is true they have operated it under the pretense that it was by an independent organization called a transfer company, but no such organization ever existed in fact—it exists only in name. It is operated by the Union Pacific Railroad itself.

Mr. BIERY. I should like to ask the gentleman a question for information. Is it that independent company which interferes with the operation of this bridge?

Mr. HOUGHTON. No, sir; there is no independent company there at all.

Mr. BIERY. What power does interfere with the operation of the bridge?

Mr. CROUNSE. I can answer the gentleman, if I am allowed.

Mr. BIERY. What power interferes with the free operation of this bridge?

Mr. HOUGHTON. There is no power which interferes with the free operation of the bridge that I am aware of. The Union Pacific Railroad refuses to operate it without a transfer upon the western side of the Missouri River.

Mr. BIERY. I understand the Union Pacific Railroad owns this bridge—that it is their property; why, therefore, do their cars not pass over the bridge without interference?

Mr. HOUGHTON. Simply because they have entered into a contract with the city of Omaha by which they have received a large subsidy from the city of Omaha to retain the terminus there, and by doing so they make passengers change cars on that side of the river. That is the only reason for it.

THE GENERAL CALENDAR.

Mr. DAWES. I move to go into the Committee of the Whole on the state of the Union upon the general Calendar.

The SPEAKER. The morning hour having expired, the gentleman from Massachusetts [Mr. DAWES] makes a motion that the House resolve itself into the Committee of the Whole on the state of the Union to consider the general Calendar.

Mr. DAWES. I desire to say to the House that it is desirable to take up the general Calendar as early as possible in the session, as there is a good deal of important business upon it, and unless reached before the appropriation bills it will not likely be reached at all. No better time seems to me than now, after the morning hour.

The SPEAKER. The Chair begs to make a suggestion to the chairman of the Committee on Ways and Means. He observes upon the general Calendar there are two bills from his own committee which have been made special orders.

Mr. DAWES. I do not propose to ask the attention of the committee to those bills.

The SPEAKER. For that purpose it will be necessary to pass an order of the House to enable the committee to lay them aside if it shall choose to do so.

STAMP DUTIES ON MATCHES AND BANK CHECKS.

Mr. DAWES. I move that the bill (H. R. No. 262) to repeal the stamp duty or tax on matches and the bill (H. R. No. 168) to repeal all stamp taxation on bank checks and friction matches may be laid aside by the Committee of the Whole on the state of the Union when they are reached in their order.

The motion was agreed to.

LAND SOLD FOR DIRECT TAXES IN THE INSURRECTIONARY STATES.

Mr. HOLMAN. What is the first bill upon the Calendar?

The SPEAKER. A bill (H. R. No. 1191) for the relief of owners and purchasers of land sold for direct taxes in the insurrectionary States.

Mr. DAWES. I do not suppose that bill will be called up for action. A similar bill has already been passed.

The SPEAKER. The motion to go into the Committee of the Whole on the state of the Union for the consideration of the general Calendar will enable the committee to take up whatever bill it may choose.

THE RELIEF OF SETTLERS IN IOWA, ETC.

Mr. McCRARY. I desire to offer a couple of bills for reference which ought to be acted upon at an early day.

The SPEAKER. The Chair hears no objection to the introduction of the bills for reference.

Mr. McCRARY, by unanimous consent, introduced a bill (H. R. No. 3827) for the relief of certain settlers on public lands in certain portions of Iowa, Minnesota, Nebraska, and Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BLACK HILLS INDIAN RESERVATION.

Mr. McCRARY also, by unanimous consent, introduced a joint resolution (H. R. No. 120) to provide for the extinguishment of the Indian title to the Black Hills reservation in Dakota Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OVERCHARGE OF DUTIES ON TONNAGE.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3828) to provide judicial remedies for overcharge of duties on tonnage and imports; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH J. BROWN, OF GEORGIA.

Mr. STEPHENS, by unanimous consent, introduced a bill (H. R. No. 3829) for the relief of Joseph J. Brown, of Augusta, Georgia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

DUTY ON IMPORTS.

Mr. WOOD, by unanimous consent, introduced a joint resolution (H. R. No. 121) fixing the rates of duty on imported merchandise; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TAX ON OTHER THAN NATIONAL-BANK CIRCULATION.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 3830) to amend section 110 of the act of June 30, 1864, and section 9 of the act of July 13, 1866, imposing taxes on the circulation of other than national banks; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. HUBBELL. I ask unanimous consent that the committee have leave to report at any time, as it is an important measure.

The SPEAKER. They would have the right to report at any time for reference to the Committee of the Whole.

SACRAMENTO RIVER.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 3831) to appropriate money to improve the navigation of the Sacramento River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PETALUMA CREEK.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 3832) to appropriate money to improve the navigation of Petaluma Creek; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FEATHER RIVER.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 3833) to appropriate money to improve the navigation of Feather River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATIONAL CURRENCY.

Mr. HOLMAN, by unanimous consent, introduced a bill (H. R. No. 3834) to substitute United States notes for the issues of the national banking associations: which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PURCHASE OF PRODUCTS OF INSURRECTIONARY STATES.

Mr. DAWES, by unanimous consent, introduced a bill (H. R. No. 3835) declaring the effect of permits to purchase products of the insurrectionary States, in certain cases, granted by the President during the war of the rebellion; which was read a first and second time.

Mr. DAWES. I have introduced this bill at the request of a gentleman who is absent, and do not commit myself to its merits.

The bill was referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF SETTLERS IN KANSAS.

Mr. PHILLIPS, by unanimous consent, introduced a bill (H. R. No. 3836) for the relief of certain settlers on the public lands in the State of Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PHILLIPS also, by unanimous consent, introduced a bill (H. R. No. 3837) for the relief of certain pre-emption settlers on the public lands in the State of Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS AGAINST POST-OFFICE DEPARTMENT.

Mr. YOUNG, of Georgia, by unanimous consent, introduced a bill (H. R. No. 3838) for the payment of all accounts for services rendered to the Government in the postal service of the United States previous to 1861; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

COUNSEL IN SUITS AGAINST THE UNITED STATES.

Mr. BECK, by unanimous consent, introduced a bill (H. R. No. 3839) to prohibit Senators, Representatives, and Delegates in Congress from acting as counsel or otherwise in any suit or proceeding against the United States, and for other purposes; which was read a first and second time.

Mr. BECK. I ask that the bill may be referred to the Committee on Ways and Means.

Mr. HOLMAN. I think it should be referred to the Committee on War Claims.

Mr. BUTLER, of Massachusetts. I would suggest the Committee on the Judiciary.

Mr. BECK. It is the same bill which was passed by the House, from the Committee on Ways and Means, twice last session.

Mr. RANDALL. I should like to have the bill read. The reading of it will show where it should go.

The SPEAKER. The Clerk will again report the title of the bill.

The title of the bill was again read.

Mr. RANDALL. Let the bill go to whatever committee will report it first.

Mr. BECK. The Committee on Ways and Means have twice reported that bill, and it was twice passed by the House, but was defeated each time in the Senate. That committee will promptly report it again, I have no doubt, and therefore I think that is the committee to which it should be referred. It is a bill applying principally to revenue cases. I hold in my hand a record showing the importance of it.

Mr. BUTLER, of Massachusetts. I appeal to the gentleman from Kentucky whether that bill does not, under the regular organization of committees, properly belong to the Committee on the Judiciary.

Mr. BECK. I think not, because it applies to cases specially pertaining to the revenue.

Mr. BUTLER, of Massachusetts. No; it does not.

Mr. BECK. For example, take this case, the report of which I hold in my hand, the recent case of the New York Central Railroad against the United States—where the Senator from New York [Mr. CONKLING] lately obtained judgment against the United States for over $600,000 for payments made to the internal revenue the other day—and the costs as taxed in the Farragut cases, which the gentleman from Massachusetts knows all about.

Mr. RANDALL. I think the bill belongs to the whole House. It is to correct an existing evil which should be remedied at once by the House, and need not be referred to any committee.

Mr. HOLMAN. I ask that the bill may be reported in full.

The bill was read. It provides that no Senator, Representative, or Delegate to Congress shall, after his election or during his continuance in office, act as agent, attorney, proctor, advocate, solicitor, or counsel for any person against whom suits or proceedings other than criminal have been, or are about to be, commenced for violation of the revenue laws, or who has any claim for drawbacks or reclamations for duties, taxes, or excises paid or demanded, or for the United States, or any agent, employé, informer, officer or officers of the revenue or customs service of the United States, in any suit or proceeding relative to the customs used, excises, or taxes; nor shall he receive any compensation, gift, or reward from such persons or officers for any service, advice, counsel, or aid afforded such person or persons, officer or officers, agent, informer, or employé. And any person offending against this provision shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by fine not exceeding five thousand dollars, and imprisonment for a term not exceeding ten years, at the discretion of the court trying the same, and shall be forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States; and any person who shall pay, or cause to be paid, to any Senator, Representative, or Delegate, or to any person for his use or benefit, directly or indirectly, any sum of money or other thing of value because of such services or advice relative to any of the matters aforesaid, shall have a right at any time to bring suit for the recovery thereof, or its value, in any court of the United States, against such Senator, Representative, or Delegate, or the person or persons who received the same, or may unite all such persons in the same suit.

The SPEAKER. The question is to which committee shall this bill be referred.

Mr. RANDALL. I move that the House proceed to the consideration of this bill.

The SPEAKER. That would require unanimous consent.

Mr. RANDALL. I ask unanimous consent.

The SPEAKER. If there be no objection, the question is on ordering the bill to be engrossed and read a third time.

Mr. G. F. HOAR. I desire to ask the gentleman from Kentucky [Mr. BECK] a question for my own information. I am in favor of this bill; but I desire to know if the gentleman has considered the question of the constitutional authority of Congress to impose disqualification to hold office except for crime?

Mr. BECK. I am willing to strike out that part of the bill. The gentleman from Massachusetts [Mr. G. F. HOAR] spoke to me about that last summer, and I told him then I had not considered the question.

Mr. BUTLER, of Massachusetts. I observe that the gentleman says this bill provides that somebody may bring suit to get the money back. That may be a very valuable privilege, but it does not provide that he shall recover anything.

Mr. BECK. I suppose if he have the right to bring the suit, he may have the right to recover; the court will take care of that. I am willing to strike out that portion of the bill which disqualifies from holding office.

Mr. G. F. HOAR. With the leave of the gentleman from Kentucky, [Mr. BECK,] I desire to say simply that it seems to me it would be a very bad precedent to establish to make a disqualification to hold office by congressional enactment.

Mr. BECK. I have agreed to strike out that portion of the bill which reads "and shall be forever thereafter incapable of holding any office of honor, profit, or trust under the Government of the United States."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BECK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY VAN CAMPEN.

Mr. SMITH, of New York, introduced a bill (H. R. No. 3840) granting a pension to Henry Van Campen, of Steuben County, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK B. COFFEY.

Mr. SMITH, of New York, also introduced a bill (H. R. No. 3841) granting a pension to Frank B. Coffey, of Chemung County, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESTORATION OF DUTIES.

Mr. MYERS introduced a bill (H. R. No. 3842) to restore the duty of 10 per cent. on certain manufactures of cotton, wool, iron, paper, glass, leather, &c.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HARBOR IMPROVEMENTS.

Mr. KELLOGG introduced a bill (H. R. No. 3843) for continuing the improvement at the mouth of the Connecticut River, Saybrook, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. KELLOGG also introduced a bill (H. R. No. 3844) for continuing the improvement of New Haven Harbor, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADDITIONAL REPRESENTATIVE FOR NEBRASKA.

Mr. CROUNSE introduced a bill (H. R. No. 3845) granting to the State of Nebraska an additional Representative; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TRAVELING EXPENSES OF UNITED STATES OFFICERS.

Mr. MOORE introduced a bill (H. R. No. 3846) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

J. G. FELL, EDWARD HOOPER, AND GEORGE BURNHAM.

Mr. TOWNSEND introduced a bill (H. R. No. 3847) for the relief of J. G. Fell, Edward Hooper, and George Burnham, trustees; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

PENITENTIARY IN ARIZONA.

Mr. McCORMICK introduced a bill (H. R. No. 3848) providing for the erection of a penitentiary in the Territory of Arizona; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

GEORGE H. KIMBALL.

Mr. McCORMICK also introduced a bill (H. R. No. 3849) for the relief of George H. Kimball; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROCEEDINGS IN BANKRUPTCY.

Mr. O'BRIEN introduced a bill (H. R. No. 3850) to amend chapter 4, title 61, of the Revised Statutes of the United States, by adding thereto

a new section; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALARY OF PRESIDENT.

Mr. COX introduced a bill (H. R. No. 3851) to repeal the increase of the salary of the President of the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PINKNEY ROLLINS.

Mr. VANCE introduced a bill (H. R. No. 3852) for the relief of Pinkney Rollins, collector of internal revenue of the seventh district of North Carolina; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ALFRED THORNBURG.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 3853) for the relief of Alfred Thornburg; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUPPLIES TO SIOUX INDIANS IN MINNESOTA.

Mr. STRAIT introduced a bill (H. R. No. 3854) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished the Sioux or Dakota Indians in Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

UNITED STATES COURTS IN MINNESOTA.

Mr. DUNNELL introduced a bill (H. R. No. 3855) to change the times and places for holding the circuit and district courts of the United States for the district of Minnesota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. ELLIS H. ROBERTS introduced a joint resolution (H. R. No. 122) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSION CLAIMS.

Mr. STRAWBRIDGE introduced a bill (H. R. No. 3856) to provide for the more perfect and efficient examination of claimants for pensions and claimants for increase of pension, and for the appointment of a corps of pension examining surgeons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JETHRO M. BOYD.

Mr. SAYLER, of Indiana, introduced a bill (H. R. No. 3857) for the relief of Jethro M. Boyd, of Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ASSISTANT SURGEONS IN THE ARMY.

Mr. ALBRIGHT introduced a bill (H. R. No. 3858) to authorize the promotion of the three senior assistant surgeons of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREE BANKING.

Mr. MERRIAM introduced a bill (H. R. No. 3859) for free banking; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HENRY JACKSON.

Mr. GARFIELD introduced a bill (H. R. No. 3860) for the relief of First Lieutenant Henry Jackson, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM MASSIE.

Mr. BUNDY introduced a bill (H. R. No. 3861) to pay William Massie $150 as a soldier in the late war, and to place his name on the pension-rolls; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALLOWANCE OF CLAIMS.

Mr. LAWRENCE introduced a bill (H. R. No. 3862) to limit the time for the allowance of claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DISTILLATION OF BRANDY FROM APPLES, ETC.

Mr. PAGE introduced a bill (H. R. No. 3863) in relation to the distillation of brandy from apples, peaches, and grapes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. PAGE also, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Foreign Affairs be instructed to inquire whether any legislation or other action on the part of the Government of the United States is necessary to prevent the immigration or importation of coolies under contract for servile labor, and Chinese women brought to the United States for the purpose of prostitution; and that said committee report by bill or otherwise at its earliest practicable convenience.

ENTRY OF PUBLIC LANDS BY INDIANS.

Mr. PARKER, of Missouri, introduced a bill (H. R. No. 3864) to enable Indians in certain cases to enter public lands of the United States under the homestead law, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OBSTRUCTION TO MAIL TRAINS.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 3865) to punish the obstruction of mail trains, and to make the murder or assault of an officer in the employ of the United States cognizable in the Federal courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PETER JOSEPHS.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 3866) granting a pension to Peter Josephs, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

TAXATION OF STATE BANKS.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 3867) fixing the rate of taxation upon State banks in State banking associations; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GRADUATES OF THE NAVAL ACADEMY.

Mr. SPRAGUE introduced a bill (H. R. No. 3868) to arrange the graduates of the United States Naval Academy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TEXAS AND PACIFIC RAILROAD.

Mr. HOUGHTON, by unanimous consent, introduced a bill (H. R. No. 3869) amendatory of and supplementary to an act to incorporate the Texas and Pacific Railroad Company and to aid in the construction of its road, and for other purposes, approved March 3, 1871, and an act supplementary thereto, approved May 2, and an act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean, approved July 27, 1866; which was read a first and second time, and, with the accompanying papers, referred to the Committee on the Pacific Railroad, and ordered to be printed.

SAN JOSÉ, CALIFORNIA.

Mr. HOUGHTON also, by unanimous consent, introduced a bill (H. R. No. 3870) confirming to the city of San José, in the State of California, the title to certain lands; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

EZRA B. BARNETT.

Mr. WILBER, by unanimous consent, introduced a bill (H. R. No. 3871) for the relief of Ezra B. Barnett, postmaster at Norwich, in the State of New York; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

IMPROVEMENT OF THE GREAT KANAWHA RIVER.

Mr. HEREFORD, by unanimous consent, introduced a bill (H. R. No. 3872) making an appropriation for continuing the improvement of the Great Kanawha River, in the State of West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. W. DREW.

Mr. NESMITH, by unanimous consent, introduced a bill (H. R. No. 3873) for the relief of J. W. Drew, late additional paymaster in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REAPPROPRIATION OF SURPLUS FUND.

Mr. NESMITH also, by unanimous consent, introduced a bill (H. R. No. 3874) to reappropriate money transferred to the surplus fund; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

BREECH-LOADING MUSKET AND CARBINE.

Mr. NESMITH also, by unanimous consent, introduced a bill (H. R. No. 3875) providing for the manufacture of the breech-loading musket and carbine; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EFFICIENCY OF THE MEDICAL DEPARTMENT OF THE ARMY.

Mr. COBURN, by unanimous consent, introduced a bill (H. R. No. 3876) to increase the efficiency of the Medical Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ABOLITION OF STAMPS ON CHECKS, ETC.

Mr. TOWNSEND, by unanimous consent, introduced a bill (H. R. No. 3877) to repeal all acts of Congress which require stamps to be affixed to checks, drafts, and orders for the payment of money; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOSEPH H. WALTON.

Mr. TOWNSEND also, by unanimous consent, introduced a bill (H. R. No. 3878) increasing the pension of Joseph H. Walton, late first sergeant Company H, Ninety-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INTERNATIONAL ARBITRATION.

Mr. TOWNSEND also, by unanimous consent, introduced a joint resolution (H. R. No. 123) authorizing and requesting the President of the United States to correspond with foreign nations concerning the establishment of a system of international arbitration; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ISAAC J. MACKINLEY.

Mr. POTTER, by unanimous consent, introduced a bill (H. R. No. 3879) for the relief of Isaac J. Mackinley, late third lieutenant in the United States revenue-marine service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INDIANS IN INDIANA AND MICHIGAN.

Mr. PACKARD, by unanimous consent, presented a memorial of certain Indians residing in Indiana and Michigan; which was referred to the Committee on Indian Affairs, and ordered to be printed.

BANKRUPTCY.

Mr. STORM, by unanimous consent, introduced a bill (H. R. No. 3880) amendatory of the act of June 22, 1874, relating to bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELECTIONS IN NORTH CAROLINA, SOUTH CAROLINA, ETC.

Mr. WHITE, by unanimous consent, introduced a bill (H. R. No. 3881) to regulate elections in the States of North Carolina, South Carolina, Georgia, Alabama, Louisiana, and Florida, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHTS OF CITIZENS TO VOTE.

Mr. WHITE also, by unanimous consent, introduced a bill (H. R. No. 3882) to amend an act entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes;'" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. HARRIET CADY.

Mr. COTTON, by unanimous consent, introduced a bill (H. R. No. 3883) granting a pension to Mrs. Harriet Cady; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY C. TOY.

Mr. COTTON also, by unanimous consent, introduced a bill (H. R. No. 3884) granting a pension to Mary C. Toy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARMY RECORD OF LIEUTENANT-COLONEL W. L. ELLIOTT.

Mr. TODD, by unanimous consent, introduced a bill (H. R. No. 3885) to correct the Army record of Lieutenant-Colonel W. L. Elliott; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RETIRED OFFICERS OF THE ARMY.

Mr. FIELD, by unanimous consent, introduced a bill (H. R. No. 3886) relating to retired officers of the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COLONEL BENJAMIN H. GRIERSON.

Mr. HURLBUT, by unanimous consent, introduced a bill (H. R. No. 3887) to fix the date of entry into the military service of Colonel and Brevet Major-General Benjamin H. Grierson, of the United States Army, and to correct his record on the Army Register; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DOMESTIC FUGITIVES FROM JUSTICE.

Mr. CLAYTON, by unanimous consent, introduced a bill (H. R. No. 3888) to make further provision for the arrest, detention, and delivery of domestic fugitives from justice; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALARY OF THE PRESIDENT OF THE UNITED STATES.

Mr. SMALL, by unanimous consent, introduced a bill (H. R. No. 3889) to reduce the salary of the President of the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

TAX ON FRICTION MATCHES.

Mr. SPEAR, by unanimous consent, introduced a bill (H. R. No. 3890) repealing the stamp duty or tax on friction matches; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CLAIM OF SUGG FORT.

Mr. LAWRENCE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury and the Secretary of War be, and they are hereby, directed to inform this House, at as early a day as practicable, if not incompatible with the public interest, what action, if any, has been taken on a claim of Sugg Fort, of Robertson County, Tennessee, for commissary stores and supplies, and if the same has been allowed and paid, when the said claim was presented, when acted on and on what evidence, and what action, if any, has been taken by either since the payment of said claim; and that all the evidence and papers in relation to the said claim be communicated to this House.

ENROLLED BILL SINGED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2104) to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory.

ANNUAL REPORT OF ATTORNEY-GENERAL.

The SPEAKER laid before the House a letter from the Attorney-General, transmitting his annual report for the fiscal year ending June 30, 1874.

Mr. BUTLER, of Massachusetts. Let that be referred to the Committee on the Judiciary.

Mr. SENER. I have no objection to that reference.

The letter and accompanying report were referred to the Committee on the Judiciary, and ordered to be printed.

GENERAL CALENDAR.

The SPEAKER. The pending motion is that the House do resolve itself into Committee of the Whole on the state of the Union on the general Calendar, with the understanding that the committee shall have the same power to lay aside a special order as they have to lay aside what is not a special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. TYNER in the chair.

LANDS SOLD FOR TAXES IN INSURRECTIONARY STATES.

The first business on the Calendar was the bill (H. R. No. 1191) for the relief of owners and purchasers of land sold for direct taxes in the insurrectionary States.

Mr. POLAND. A bill substantially like this was passed by the House at the last session. I move that this be laid aside.

Mr. GARFIELD. I don't understand precisely the effect of the motion of the gentleman from Vermont.

Mr. POLAND. What I desire to obtain is that the bill be passed over without any action.

There being no objection, the bill was passed over.

DEPOSITS IN SAVINGS-BANKS.

The next business on the general Calendar was the bill (H. R. No. 1399) amending the ninth section of the act approved July 13, 1866, concerning deposits in savings-banks.

Mr. KASSON. This is a bill the subject of which was acted upon during the last session of Congress. I move that it be laid aside to be reported to the House, with the recommendation that it do lie on the table.

The motion was agreed to.

ESTIMATES, APPROPRIATIONS, AND PUBLIC ACCOUNTS.

The next business on the general Calendar was the bill (H. R. No. 1046) to revise, consolidate, and amend the statutes in relation to estimates, appropriations, and public accounts.

Mr. GARFIELD. I move that that bill be passed over for the present.

The motion was agreed to.

CURRENCY.

The next business on the general Calendar was the bill (H. R. No. 41) for the improvement of the currency and the reduction of the interest on the funded debt of the United States.

Mr. MAYNARD. This bill was introduced by my friend from Pennsylvania, [Mr. KELLEY,] and was referred to the Committee on Banking and Currency, who instructed me to report it back with an adverse recommendation, and to ask that it be placed on the Calendar. It has been placed there, and is the bill which is known very well by members of the House as the 3.65 convertible bond bill. That involves a question of a great deal of public interest—one that has entered very largely into the discussions of the country during the last few months. It seems to me we may as well take up this bill and consider it at this time as at any other period of the session. We probably have as much leisure now, and our minds are as little preoccupied now as they will be. If that meets the approval of the Committee of the Whole, I trust we may proceed with the consideration of this bill now. It is a very short bill; let it be read.

Mr. KELLEY. Having presented this bill, when it was reached upon the Calendar I rose for the purpose of moving that we now proceed to its consideration. I sincerely hope the Committee of the

Whole will so do. If the gentleman from Tennessee [Mr. MAYNARD] proposes to take charge of it, I shall have to submit. But parliamentary law is opposed to placing an infant to nurse with those who have an interest in its destruction. And as my friend has committed himself against this measure, and his committee having reported adversely upon it, I think the rule would seem to apply here.

Mr. MAYNARD. In the remarks that I made I did not propose to assume the character, much less the responsibilities, of a wet-nurse to this bill. I am perfectly aware of the maternal attitude of the gentleman from Pennsylvania, [Mr. KELLEY,] and endeavored to state it in the remarks which I made. My object was, inasmuch as my name appears upon the Calendar in connection with this matter, to submit it to the care and management and tender nursing of the gentleman from Pennsylvania, who, I have no doubt, will entertain the committee with a very interesting and instructive speech upon the merits and advantages involved in the bill.

The CHAIRMAN. The Chair would suggest to the gentleman from Pennsylvania that no formal motion is necessary to bring this bill before the committee. It is there by reason of having been taken up in its regular order. The Chair recognizes the gentleman from Pennsylvania as entitled to the floor.

Mr. KELLEY. Mr. Chairman, it is—suppose we have the bill read. I am afraid that gentlemen are not aware of its purport.

Mr. MAYNARD. Before the bill is read I think we had better understand a technical point of parliamentary law. Being the member who reported this bill, I understand I would have the right to open and conclude debate upon it. That right, I presume, would be given me, and I propose to transfer it to the gentleman from Pennsylvania. I do not wish to deprive him of any advantage, and if he will allow me nominally to take charge of the bill, I will surrender to him all my time now, and again at the conclusion of the debate.

Mr. KELLEY. The gentleman is in that only courteous, as I have ever known him during the many years we have been together here. Let the bill be read.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the amount of United States notes in circulation be limited, except as hereinafter provided, to $400,000,000; and that any holder of said notes presenting any sum not less than fifty dollars, or some multiple thereof, to the Treasury of the United States, or any of the assistant treasurers, shall receive in exchange therefor an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of 3.65 per cent. per annum, payable semi-annually, which the Secretary of the Treasury is hereby authorized to prepare and furnish for that purpose; and that when any person shall demand of the Treasurer of the United States, or any assistant treasurer, redemption of said bonds, it shall be the duty of said Treasurer or assistant treasurer to pay in United States notes the principal of said bond or bonds, with accrued interest, and cancel and forward the bonds thus redeemed to the Treasurer of the United States forthwith, in such manner as the Secretary may prescribe.

SEC. 2. That the Secretary of the Treasury shall cause to be prepared United States notes of the several denominations now in use to the amount of $50,000,000, which shall be held as a reserve or redemption fund for the purpose of securing prompt payment of said bonds when demanded, and the United States notes so held in reserve shall be used only when needed for the payment of said bonds on their presentation, and shall be withdrawn and placed again in reserve out of any United States notes not otherwise appropriated, received by the Treasury Department thereafter; and the whole amount of United States notes received by the Treasury Department in exchange for said bonds bearing 3.65 per cent. interest shall be appropriated and applied by the Secretary of the Treasury, as rapidly as practicable, to the purchase or redemption of any bonds of the United States outstanding at the passage of this act.

SEC. 3. That national banks are hereby authorized to hold said bonds bearing 3.65 per cent. interest instead of the reserve of United States notes now required by law.

The CHAIRMAN. The Chair recognized the gentleman from Tennessee because it appears from the Calendar that he had charge of the bill. The Chair understands that gentleman to yield to the gentleman from Pennsylvania [Mr. KELLEY] to advocate the bill.

Mr. MAYNARD. I yield my time now to the gentleman from Pennsylvania, and will claim the right to close the debate, intending to yield that time also to him.

Mr. KELLEY. Mr. Chairman, the coming up of this bill at this time is a surprise to me. I had not thought it possible that it could be reached so early in the session. I admit, however, that it is an agreeable surprise, for no time could be more fitting for the discussion of the questions involved than to-day. The President's message was read to us yesterday, and it contains one short sentence that should be printed in bold letters and bright colors over the door of every dwelling and workshop in the country. No truth could be more pregnant or more instructive to the American people than the one contained in that brief sentence so pertinent to this discussion. It reads thus:

> Debt—debt abroad—is the only element that can, with always a sound currency, enter into our affairs to cause any continued depression in the industries and prosperity of our people.

Why, sir, foreign debt, carrying gold interest, is what is crushing the hearts and the hopes and undermining the morals of the laboring people of our country. It is that indebtedness which is filling our alms-houses with people skilled in many industries and eager to toil for their living. It is that foreign debt, that annual gold indebtedness for interest on the principal, that is stripping the thrifty and industrious laborer of his earnings hoarded through years in savings-banks; that is compelling him to see his humble but mortgaged home pass to the capitalist at a nominal price, because he has not been permitted to earn the little stipend that would enable him to pay his monthly dues to the building association, or his semi-annual installment to the capitalist. It is that foreign debt which is causing a vast tide of emigration to flow from our shores, and repelling hundreds of thousands of immigrants who hoped and expected to find shelter, freedom, and prosperity under our republican institutions.

And, sir, the bill just read by the Clerk is a proposition to abate this foreign indebtedness by authorizing the Government to avail itself of the resources of the American people, and to so locate a large part of the public debt immediately, and all of it ultimately, that when it shall pay its interest it will pay it to those from whom it has drawn the money by hard and heavy taxation.

This is my sole object in proposing the issue of convertible bonds, and I stand not upon the phraseology of my bill. I am ready to accept amendments. What I ask is the inauguration of a system by which the honor of the Government may be vindicated by its acceptance of the currency it issued and which it now repudiates, and that the people may be relieved of the curse of this debt—"debt abroad"—which is the only thing that can interfere with our prosperity.

When the Government issued greenbacks it acted with wisdom enlightened by the experience of history. Thaddeus Stevens, then the great mind of this House, knew the story of French assignats, and knew that they had failed because they had been predicated on the revenues of property to which the government issuing them had no legal tenure, and that when the church reclaimed her property and the returning nobility claimed its, there was no means of redeeming the paper. He knew, too, the story of our continental paper; that it had been issued with no means provided for its redemption or absorption. He knew, sir, (for in 1862 he and I talked over the wise opinions pressed upon the Continental Congress by Benjamin Franklin,) that that great man had urged that Congress not to increase the issues of paper, but to borrow from the people those which had already been made by offering them an interest-bearing bond; and, as I have recently had occasion to write, had Franklin's advice been taken, the story of continental money would not have become, as it now is, a snare and a delusion to many honest, well-meaning, and patriotic people; because the amount issued would have been small, the excess would have flowed back upon the Treasury, the people would have held interest-bearing bonds which in time would have been paid off, and the whole amount of the debt would have been nominal in comparison with the figures presented by the total issue of continental money.

Sir, I say that when we issued Treasury notes, now known as greenbacks, these instructive lessons were present to the minds of those who created that beneficent currency; and they provided that the notes should be convertible into interest-bearing bonds of the Government, that whoever took them and found them in excess of his wants could invest them with the Government and receive compensation therefor. But, sir, evil counsels prevailed. The House determined that those notes should be full legal-tender for all debts, public and private; but the Senate yielded to the evil counsels which to-day seem to control both this and that branch of our national Legislature. It amended the House bill by providing that the interest on the bonds should be paid in gold, and in that instant it in so far repudiated the instrument of exchange, the currency it was authorizing the Government to issue, for it also provided that in order to secure a sufficient supply of gold for the payment of that interest the customs duties should be collected in gold.

Sir, when it became inevitable to him that the country must be lost or the bankers gratified, my venerable colleague in sadness of spirit consented to yield, and the Pandora's box from which all our financial evils have sprung was then created with open lid. A demand for gold was thus created beyond the means of the country to meet. Foreign bankers saw the position in which we had placed ourselves. Speculators at home united with them, and together they aggravated the wide disparity between gold and the legal-tender notes of the Government, which these unfortunate provisions had created. France in her great trouble, taught by her own experience, and having our calamities which resulted from this partial repudiation of our legal-tender notes before her, recently made through the Bank of France an issue of irredeemable legal-tender notes to the amount of hundreds of millions; and yet the difference between gold and paper there has never exceeded 1 per cent.

And why? Why, sir, simply because France, wiser or more honest than we, made her irredeemable bank note a legal tender for all debts, public and private. No "gold ring" could be formed there, no speculation was open to foreign bankers; but the artist, manufacturer, jeweler, or other person who wanted gold for mechanical or scientific uses could buy it with the irredeemable notes of the Bank of France at a depreciation of from ¼ of 1 per cent. to 1 per cent.

It is impossible to estimate the loss we have sustained by this partial repudiation. For some years it was but partial, and we still recognized our greenbacks as money upon which the Government would pay interest. We maintained a system of temporary loans. They bore many names; compound-interest notes, seven-thirties, certificates of indebtedness, &c., but they were all temporary loans, in which the Government took the use of the people's money, agreeing to return it forthwith or upon short notice, and to pay interest for the time it held it.

But, sir, the capitalists of Europe and this country succeeded in

persuading Congress and the executive department of the Government that it would not be a fraud to cheat laborers, whether on the farm or in the factory or the mine, by depreciating the currency with which it paid them; that it would not be dishonest to further depreciate the medium for which the farmer sells his grain and the laborer his toil, and induced Congress to repeal all provisions under which our legal-tenders could be invested in the funded debt of the Government, and which gave strength, character, and value to them. And the act of 1870 was vigorously and eloquently marshaled by the then chairman of the Banking Committee, the gentleman now a member from Ohio, [Mr. GARFIELD,] which required the payment and cancellation of the poor $54,000,000 of three per cents in which the greenback might still be temporarily invested.

How stands your greenback now? Repudiated by the Government. It will not receive it for customs. It will not accept it at par for interest-bearing loans. Yet it makes labor take it in compensation for its toil and the farmer for the produce of his acres. Is that honest? Are bankers more numerous than laborers or farmers? Can they not of their abounding wealth provide themselves with the comforts of life, while honest laborers are compelled to seek refuge in the almshouse or commit petty crime to secure the shelter of the jail? These are the legitimate fruits of repudiation by Congress of the currency itself had created.

I speak for the American people, and I ask the Government to be honest to its own people before it is generous to foreign bankers and bondholders.

Now, sir, in so far as we refuse to receive the greenback for interest-bearing investments, we, as I have said, repudiate it, and we increase that load of debt—debt abroad—which the President pronounces almost the only source of embarrassment from which we can suffer. Our country is drained of gold. We owe more as interest annually than we can obtain, and therefore we have to pay the deficiency in gold-bearing bonds, and thus aggravate the evil. We must pause in this career, or a wronged and oppressed people may refuse to bear the burden becoming so grievous.

Why, sir, may we not give the American people an opportunity to loan money to the Government? I do not ask you to compel anybody to loan the Government a dollar. All I plead for, gentlemen, is that you permit the American people to lend to the Government that which the Government forces them to take as money; while by repudiating it and refusing to receive it, as it does, it depreciates its value. The way to enhance its value is to increase its uses.

What does the bill propose? This; that any citizen or corporation having money lying idle, for which no present use exists, may lend it to the Government at the rate of 3.65 per cent., recalling it as he would do from a savings-bank or individual to whom it had been loaned on call when the time comes for more advantageous use. What good would that do? you say. Why, sir, in the first place, it would remove the brand of repudiation from our legal-tenders, and it would give the Government immediately—and when I say immediately I mean within, say, six months from the time when the first bond should be issued—about five hundred million dollars at that low rate of interest, payable to our own people within our own limits, with which to redeem gold-bearing bonds now held by foreigners. It would relieve us of that amount of that debt abroad which so curses us. It would give increased value to the greenback, and thereby diminish the disparity between it and gold. It would diminish the demand for gold, and thereby again decrease the disparity between gold and the greenback.

And, sir, more and better than this, it would quicken every industry in the country. How so? Why, sir, our currency no longer circulates; it has ceased to perform the function of currency; it is hoarded as capital. More than sixty millions of it lie dead in the Treasury. What is the office of currency? It is to run, to circulate, to pass from hand to hand in effecting exchanges of property and values. Why does it not run, why does it not circulate? Because capitalists know that with the cry of contraction and the threatened repeal of the legal-tender clause the production of the country must still further contract. They know that with the Government insisting on contraction and capitalists hoarding the currency as capital, the prices of all property must depreciate and vast amounts of it exchange hands by forced sales.

They know, sir, that the time has already come when the loss of interest will be more than compensated by the purchase of mills, factories, forges, furnaces, mines, farms, and homes at one-third their real value at sheriffs' or marshals' sales. They are permitting their capital to lie in the form of currency to use it when they have so cursed and crushed the productive powers of the country that they can again make 100 or more per cent. on their investments as they did when they bought our bonds with greenbacks, which their counsels had depreciated by inducing Congress to consent to their partial repudiation. This bill would bring those $60,000,000 of currency into circulation. How? If those who have deposited it entertain the views I express? Why, sir, there are all over the country balances lying in the hands of insurance companies and other corporations, unproductive or producing small rates, and incurring the risks incident to deposit with banks or bankers. Those sums would flow into the Treasury in exchange for a temporary loan. Business men with their energies paralyzed, who are unwilling to produce goods to sell on a constantly declining market, would give activity to the currency in their possession by putting it into three-sixty-fives as an absolutely safe depository.

The bill makes it the duty of the Secretary of the Treasury to invest funds so received as rapidly as practicable in gold-bearing bonds, so that the money would not only flow to the Treasury from these sources, but it would flow out in the purchase of gold-bearing bonds. It would circulate; confidence would be restored; the people would feel that at last the Government recognized its own currency, and would no longer oppress and wrong them by striving to contract its volume. And when these many mickles had made their muckle in the Treasury, the greedy holders of those $60,000,000 would find that they had been circumvented, that property was rising not only in price but in value, and would give the Government the right to use that money, of which it is now the mere depositary, by putting it into these convertible bonds.

I will not answer objections in advance; I shall wait to hear what they may be, trusting to the courtesy which never forsakes him of my friend from Tennessee [Mr. MAYNARD] to give me, as he has said he will, part of the last hour of the debate. In concluding, therefore, this impromptu speech, on a very well-considered subject, I take leave to say that if it shall be the sense of the committee to strike out that clause which provides for $50,000,000 additional of currency to be held as a redemption fund, and to say that the Secretary of the Treasury shall hold a certain percentage of the money deposited for the three-sixty-fives as a redemption fund, I shall make no objection to it.

Mr. BUTLER, of Massachusetts. I observe that the bill fixes the limit at $400,000,000, which was the amount first fixed in the bill of last year. I would suggest to the gentleman from Pennsylvania, so that it cannot be an objection to the bill in any man's mind, that it is expansion if we fix the limit in the bill at $382,000,000.

Mr. KELLEY. I thank the gentleman very much for bringing that point to my attention, for I have before me a copy of the bill, with the substitution at the point where this modification is suggested of $382,000,000, the amount of currency now fixed, for $400,000,000, and an addition to the second section, which makes it the duty of the Secretary to buy with the proceeds of these bonds gold-bearing bonds, a clause giving him the option to purchase gold with which to redeem said bonds; my idea being that if the bonds should be run up to artificial prices, the Secretary could then buy gold and call overdue bonds; the object of the bill being to relieve the country of what our President says is its greatest curse, debt—debt abroad, which is held by people who do not love us or our institutions.

If any gentleman desires to speak, and I have time, I shall have no objection to yielding it to him.

The CHAIRMAN. The gentleman has twenty-five minutes of his time remaining.

Mr. KELLEY. If nobody desires to speak, I propose to amend the bill in accordance with the suggestions which I have made. I send to the desk these amendments, and ask the Clerk to read them.

The Clerk read as follows:

On page 2 of the bill, on line 18, after the word "and," insert these words: "of such assistant treasurer to;" so that it will read:

And of such assistant treasurer to forward the bonds thus redeemed to the Treasurer of the United States forthwith, in such manner as the Secretary may prescribe.

At the end of the bill add the following: "for the purchase of gold with which to redeem said bonds."

Mr. BUTLER, of Massachusetts. Mr. Chairman, I desire to speak in my own right.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. KELLEY] yield the floor absolutely?

Mr. KELLEY. I do.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. BUTLER, of Massachusetts. Mr. Chairman, I had not intended at this early hour of the session, if at all, to occupy the attention of the House. It may be, except upon incidental business, the only time that I may ever claim the attention of the House.

For myself this question as a political one has passed away from all interest. Eight years ago I announced substantially the proposition contained in this bill as what I believed to be the only safety to the currency of the country. I saw that the greenback which, when it was made legal tender, was made convertible into United States 6 per cent. bonds, had, by the action of Congress, inspired by the capitalists of both hemispheres, been repudiated and set aside by having that privilege taken away, and that it had no value except as a legal tender for certain debts of the Government and for the debts of the people. And I saw that there was nothing of value that could be predicated upon it, and I made the suggestion, now embodied in this bill, that there should be a bond of the Government authorized and prepared, which should allow the greenback to be funded in that which should bear an interest which should give it value; and I chose 3.65 as the rate of interest for two reasons: First, as I supposed that this bond would pass from hand to hand in the transactions of life largely, that there might be a convenient rate of interest in which to make the account—a mill a day for ten dollars, half a cent for fifty dollars, one cent for one hundred dollars, so that all could be reckoned without trouble and inconvenience.

But I had a higher and more controlling motive than that. I looked

abroad over the world, and I saw that the gold dollar of the world was invested, on the average, at about 3 per cent. Take the whole gold investments in Government securities of the world, and they do not yield over 3 per cent.; they would not average even that were it not for our large 6 per cent. gold loans. That being so, I said, let us make the greenback dollar of the United States a little better than the gold dollar of the world; that is, it shall be competent for investment at any hour at the rate of 3.65 interest, or a little better than the average gold dollar of the world. And that will bring up the greenback equal to the gold dollar of the world without shock to the business or prosperity of the country.

I elaborated this idea in a speech to the House. Because of this simple proposition to bring up the value and utilize the greenback I was instantly attacked as a repudiator. No man ever answered the argument. It was made on this floor nearly six years ago, in February, 1869, and no man has ever answered the argument—nay, no man has ever attempted to answer the argument, and no man has attempted to show that this proposition is not feasible, and will not accomplish all that is claimed for it. The reply has always been calling hard names or insisting that nothing should be done which should save the prosperity of the country, only that all values should be forced down by contraction until the creditors, both of the people and the Government, could be paid in gold, dollar for dollar, for that which they had loaned in greenbacks, sometimes at 50 per cent. discount from gold.

How stands the fact? You have a legal-tender dollar with which the whole business of this people is done; but you make no provision for its redemption now or hereafter. You require every man to take it in pay for all his possessions he is obliged to sell. You pay it as an equivalent for the blood and limbs of your soldiers; with it you compensate their widows and orphans for the lives of husbands and fathers; and yet you provide no means by which to give it a standard value, even by offering to pay interest upon it.

Now, the proposition is simply to allow the people of the United States to go to their Government and say, "We have taken your money; we desire that you will at least pay us interest on it until you redeem it in actual value." The answer has been made, "Your scheme will not be effective, because no man will take the 3.65 bonds; because there are other and higher rates of interest for money in legal-tenders which can be obtained." I therefore said, in order to make it desirable for the people to take these bonds, they should be convertible into money and the money reconvertible into bonds at the pleasure of the holders. They should have this quality; so that, when men desire no longer to hold the bonds, they should have back their money. If they think they can make better use of the money than to obtain 3.65 interest for it, they should have the opportunity. But, when the money of the Government which they hold will not yield them 3.65 interest, they should have the opportunity to pay back the money and take the bonds. And with the money which the Government received for its 3.65 bonds it could either buy gold or redeem our bonds now out at 6 per cent. interest which we have pledged ourselves to redeem in gold, unwisely and unjustly, as I think and have always thought—a proposition which I almost alone contested on this floor; a decision unjust to the people and unwise in the Government. But it now being the contract of the United States, that contract must be kept in solemn faith, however unwise and however unjust. We have made it; we are bound by it. Others have acted upon it; and I never desire to go back one jot or one tittle from any obligation, public or private.

But this is not the only thing in which the 3.65 bond, if adopted, will be of advantage to the country. What is all business suffering from to-day? What is it that shuts up every mill in Massachusetts, or makes it run only on partial time? Why is it that 60,000 men in that State who desire labor to-day cannot get it; and 90,000 men in the city of New York, as it is said? In Pennsylvania there are hundreds of thousands thrown out of employment. Why is it? Why is all business enterprise crippled?

It is not for want of money. O, no; there is not a member on this floor who cannot go into New York and with Government bonds obtain at 3 per cent. on call as many millions as he chooses to make a deposit of collateral for. But if he goes there and asks for a loan, as a business loan, on six months' time, he cannot borrow a dollar at less than 7, 8, 9, or 10 per cent. a year interest. You cannot borrow money on time for any interest at which any business can be carried on. And why? Because it is understood that the Congress of the United States and the Executive of the United States are determined to reduce the currency of the country until we get to specie payments. Specie payments! There never were specie payments; there never will be specie payments. Specie value we shall get to, and all the sooner if you give specie value to your greenback.

This contraction of the currency reduces the value of all business enterprises until they are not safe security for investments or loans.

What is the objection to contraction? If all the property of this country would go down equally and together, I would hold up both my hands to contract it until we got to specie value, if you please. But what is the fact? Statisticians tell us, with more or less of accuracy, (and I am not here to quarrel whether it is accurate or not—it is accurate enough for all my purposes,) that there is $16,000,000,000 of private property in this country. Be it so. A little more or a little less makes no difference. I think that is an underestimate; but such is the estimate of the statisticians.

Now, no man denies that one-quarter of all that property is in invested debt; $2,300,000,000 is debt of the Government; and then we have various other sorts of invested debt. Now, what I mean by "invested debt" is that capital which is, in the cant language of the day, "salted down"—that which is loaned for purposes of investment, not for purposes of use in business. When I speak of "invested capital," I want to be distinctly understood as meaning that capital which is lent at interest as an investment, and not for business purposes. When I speak of capitalists, I am referring to capitalists of that kind. A business man who is using all his capital in productive enterprises of one sort or another I do not hold to be a capitalist. Generally he has out as much indebtedness as he can pay; he may be a man of property, but he is not a capitalist, because he is using in business purposes all the money that he owns or may be able to borrow. When I speak of capital, I speak of invested debt or money in hand.

Now, one-quarter of all the property of this country is in invested debt—bonds and mortgages, securities of various descriptions. Of this there can be no doubt. Now, then, the difficulty is that we are striving to bring down the property of this country to a specie valuation; and already we have brought down real estate in New York 33 per cent.; in Massachusetts at least 25 per cent.; and the case is the same all over the country except in the granaries of the farmers of the West. How is it in Chicago? That city, after the fire had swept over it and left it desolate, was largely rebuilt upon money obtained on mortgage; and those mortgages are now coming home. The property upon which such securities rest has therefore already been brought down something like 30 per cent.; but invested debt never comes down—never, never—not one dollar. We are bringing down 30 per cent. the value of the active productive property of this country—for what purpose? For the purpose of getting at "specie payment." What does "specie payment" mean? The payment of this invested debt the other quarter in a currency worth 10 or 12 per cent. more than the money in which it was contracted, and in some cases 40 per cent. more if the debt was contracted when gold was at a high premium. You are thus bringing down the value of three-fourths of the property of this country to raise the other quarter—the invested capital, the property of the men who live on usury—10 per cent. higher. Is there anybody who can deny this? Have I not stated the fact exactly as it exists? I am not here to quarrel with men about their opinions upon finance; but I ask them to look at this stubborn fact which no man can deny or doubt.

What is the consequence? The consequence is that we are eaten up by interest. No sane man can believe that an honest, steady, well-founded business can be carried on by any man who pays more than 6 per cent. for the use of the money with which it is done. I am not here to say that you should pass laws against taking usurious interest. By no means. I speak, I trust, with reverence; but when the Lord thundered from Mount Sinai to his chosen people an interdict against usury, he succeeded so poorly with his usury law that "Jew" and "usurer" have come to be synonyms. I am not here to ask for laws against usury. I expect that men will make the most they can out of their money. What I am endeavoring to impress upon the House is that there should not be such a condition of law, such an administration of its finances by Government, as to give facility for this usury. Why, sir, if men can lend their money for 7, 8, 9, 10, 11, 12, and 15 per cent. interest, it is because of the high rate of interest paid by the Government. It is axiomatic in finance (if there is any such thing as an axiom in finance) that upon Government securities money can always be borrowed at the lowest rate of interest when the Government is at peace and when everybody has confidence in its ability to pay its obligations. Now, of this $4,000,000,000 of invested debt the Government is a borrower for $2,300,000,000, or more than one-half; and it borrows it at never less than 5 per cent. and from that to 6 per cent. The Government, which offers the best security, pays these rates. Then, when you come to the next best security, which is perhaps on town, city, and county bonds, it is necessary to pay 6 and 7 per cent. When you get to the next best security, say railroad bonds, 7 or 8 per cent. interest is required; and when you come to borrow for business purposes, because of the risks in business paper, the business man must pay 8 or 9 per cent. in Massachusetts; and going from the money-centers southward and westward the rate reaches 10, 12, 15, and 20 per cent.

Now, I want the Government, for its immense loan, to come into the market as a borrower at a lower rate of interest, and then the rate upon the next best class of securities will range lower, and so on till the rate of interest on all forms of indebtedness comes down. That is why I want 3.65 per cent. interest bonds issued by the Government and offered as an investment to the people. Let the Government go into the market as a borrower at that rate, and the general rate of interest will come down. You cannot get it down by simple legislation against taking usury. That is impossible, because men loan their money at what they can get for it on the best security they can get; and upon this axiom of finance, low rate of interest with good security and high rate of interest with poor security; and the business investment is the lowest security.

MESSAGE FROM THE PRESIDENT.

The committee informally arose, and a message in writing was received from the President of the United States, by Mr. BABCOCK, his Private Secretary.

CURRENCY.

The committee resumed its session.

Mr. BUTLER, of Massachusetts. Now, Mr. Chairman, let us see how this method of investment—the 3.65 bond—will affect another financial problem. Run your minds back, those of you who are old enough, and tell me what precipitated the great financial crash and panic of 1837. Was it not the failure of the Philadelphia Trust Company? What started the great panic of 1857? The failure of the Ohio Life and Trust Company. What induced the great failures and panic of September, 1873? Not the failure of Jay Cooke & Co. Every business man had discounted their failure six months before. They saw that the North Pacific Railroad could not go through; that it was only a question of time; and that nobody believed in the enterprise going through on the basis it then had, however desirable it should do so, unless, perhaps, the too confiding readers of religious newspapers, who read the advertisements and editorials indorsing the Northern Railroad bonds, and who thought that those statements were as true as the other parts of what they read in their papers. But when the Union Trust Company of New York failed every man was frightened, and every cent of money was tightly gripped and held as money alone is held. Where, then, was your greenback at that hour, this filthy rag; this broken promise to pay; this dishonored note, that sometimes is sneered at in this House? The people clutched it and pocketed it and held to it as the only financial sheet-anchor. Banks held on to it. If these sneers and epithets thrown at the greenback are true, why did not the banks pay out just these filthy rags which people had paid into them? When the people called for them, instead of that they gave us certified checks that we had money in the banks, but too precious to be paid out. There was no want of confidence in the value of the people's money. It was the doubt in the minds of the bankers whether they would ever get the worth of them back if they let them go.

Why in each of those years, 1837, 1857, 1873, did these trust companies fail? Because, by the very nature of their business, they are borrowers on call; and therefore they must always fail. They borrow money at 4 per cent. on call, and they must let it out at a higher rate of interest in order to make money on it. To do this they must loan it on time; and whenever a call is made the money cannot be got except by calling in their own loans and distressing their own customers; and as time loans cannot be called in fast enough, then they fail, and all confidence is lost. Panics, failures, and distress follow.

For a like reason, Mr. Chairman, and gentlemen of the House of Representatives, every man in the eastern part of the country is doing business constantly upon the top of a volcano. He does not know any day but he may be ruined without any imprudence or possibility of hinderance on his part. For example, we have in the State of Massachusetts two hundred millions to-day of capital thus held in our savings-banks subject to call, every dollar of it; and if the servant-girls of Massachusetts should call for their wages every business of the State of Massachusetts would be entirely disordered. And why? Not because the banks were not sound, but because, being a call loan to the banks, they could not realize on their investments soon enough to meet the demand, and therefore a panic and financial distress would come.

Now, then, who would not rather have a bond at 3.65 per cent., on which he could get his money from the Government, than to have the trust companies' notes for money deposited on call at 4 per cent.? That is only saying, who would not rather lend his money to the Government at 35 per cent. less than to an individual? Every financial transaction shows that.

Mr. MERRIAM. Will the gentleman pardon me just one moment?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. MERRIAM. Do you propose that the thousand of millions of dollars held to-day in the savings-banks of the country shall be called in to be invested in 3.65 per cents, breaking up business in Massachusetts and bringing chaos all over the country?

Mr. BUTLER, of Massachusetts. I will answer that question. I do not propose that the thousand millions in the savings-banks shall be called in and put into 3.65 per cents; that result must be regulated by the wishes of the owners of the money; but I desire that the negro of the South may at least have an opportunity to invest his money in 3.65 per cents rather than in freedman's banks where he does not get back 3.65 per cent. of his principal.

I give the fullest notice of this desire of mine anywhere and everywhere. I want the people of this country to have, as is given to its people by the government of Great Britain, a perfectly safe place in which to put their money. Perfect safety is to be had and is only compatible with a low rate of interest. That is what I want; and then, if people put their money in unsafe investments for a high interest, it is their fault and not mine. But if I do not provide them with a safe place to put their money, but leave them to the tender mercies of speculators to take it from them, that is my fault, not theirs. Behold the exact difference between my opponents and myself. I want it precisely understood. I am here as a legislator. I do not think that more than one thousand million will come out because our savings-banks are in so far speculative machines and they divide 6 and 7 per cent., which they ought not to do. Such rates of interest are not consistent with safety. That is the difficulty, and therefore I want this change made. It would and should be gradual. But when men choose to put their money in 3.65 bonds and have it safe at all times and in all panics I want them to have the privilege. And what is the objection to it? The Government saves the interest. Is that objectionable? Let your deficit of ten to twenty millions at the end of this year, which will surely come, answer. Besides, my proposition will keep the interest at home which we now pay abroad. The terrible effects of sending abroad the vast sums we pay for interest are just now being felt. We owe abroad national, state, city, railroad, and other debts, on which we have one hundred and fifty millions of interest every year to pay abroad in gold. Where is that immense sum yearly coming from? Not from the earth by gold-producing, because we produce but sixty odd millions from the earth in all our mines. It has to be paid in some other form. Most of it heretofore has been paid by selling more bonds, thus increasing the cost. But now that resource is stopped, and that is among the reasons why the whole wheels of business are stopped.

Sir, on this point let us learn a little from history. Let me call your attention to one illustration; I do not know but I have done so more than once before, but I fear it fell on unwilling ears, like seed sown on stony ground. Look at Ireland, which half a century ago was prosperous as no other land on the earth was prosperous; full of manufactories, full of productions, and—which is the greatest evidence of prosperity—producing people in a greater degree than any other country on the earth. She had then eight million people, happy and prosperous, and living at home in comparative comfort. But in an evil day it became fashionable, her government being removed from her soil, for all the owners of her land to live abroad. Thus came to be what is known as Irish absenteeism. What is that? Why it means that landlords took the rents of their property in Ireland and spent it all abroad, nothing coming back in return to the soil. The effect of Irish absenteeism has been that in a single generation that country was depopulated from eight million people to four, after going through starvation, such as will be in New York this winter, and in Pennsylvania this winter, if not in Massachusetts—after going through starvation in 1848, until we had to send the frigate Macedonian with bread to feed her starving people. Thus was Ireland divested in a single generation of four million of her people, while most of the estates of her land-owners passed through bankruptcy in the "encumbered estates court," as it is called. What did this great mischief? All writers on political economy, even the most aurophobic of all writers up of gold, agree that absenteeism was the cause. As a result of absenteeism there was in all collected from that country and spent abroad not more than two and a half million pounds sterling, annually, or a little over twelve and a half million dollars. And this comparatively small sum did all this horrible work—starvation, death, and depopulation.

We have our landlords in the shape of the bondholders abroad to whom we must pay $150,000,000 interest annually. The amount paid by Ireland at first was only $1.50 per man of her population. The amount in our case is $150,000,000, being $3.50 per man. I think with our resources we can stand it without the terrible ruin that came on Ireland. But we cannot stand it with every mill idle, every ship tied up at the wharf, every furnace closed, and every source of profit cut off, and the costs of transportation in such a condition that it takes four bushels of corn to get one from Minnesota to the sea-board; for a bushel of corn which is worth twenty cents there is worth $1.05 when I feed it to my horse on the shores of the Atlantic. In this condition of things we cannot even produce enough to pay the drain. Now, as a mode of relief we simply ask what? Not to expand the currency, not to extend the currency, not to inflate the currency, not to repudiate any obligation, but that the Government shall say to all men, "Here is our money which we have provided for the currency of the country; for any of it you do not want for use we will give you 3.65 per cent. interest, and when you can do anything better with it you shall have it again for that purpose." And let any man tell me what there is of danger, of shock to the business of the country, under this system.

I observed that many men representing national banks on this floor voted against this proposition when it was up before. I agree that when in operation it will cut into the deposits of national banks—I do not mean those paper deposits of book-keeping which are the proceeds of discounts made to customers, but actual deposits—I agree that it will cut in some degree into them; but I observe that my friend from Pennsylvania has made provision for compensation by allowing these 3.65 bonds to be kept in the vaults of the national banks as their reserves, for they are just as good as the greenbacks, and so much better, because they bear interest.

While that provision was being read a gentleman said to me here "What advantage will it be to the Government to pay interest on the reserves of the banks?" Pardon me; in order to do that the banks will have to pay the greenbacks into the Treasury equal in amount with the bonds they hold as reserves, and with those greenbacks the Government could buy gold, or purchase the bonds now out at 6 per cent. interest and save the difference of interest, and be so much the gainer from the transaction. This canceling the bonds at higher rates of interest would bring down the rate of interest all over the country, as I have before shown.

It is the fullest conviction of the truth, the utility, the statesmanship of these financial propositions, and the prosperity of all industrial pursuits which will come to the country if they become laws that has impelled me to their advocacy steadily, unwaveringly, unflinch-

ingly. I know these ideas are not understood, and are therefore not popular, in my section of the country. I am aware that I stood alone of all New England in voting for this proposition when it was last before the House. I was told that if I did vote for it I never should come back here. I did not much doubt that; but I thought in my mind if this relief is not given to the industries of the country I shall not stay at home alone. Nor shall I.

This distress has by our action been brought upon the country. The republican party is held responsible for it; and we are so. Why? We have become a party under the control of the invested capitalist, the bondholder, and the monopolist. When the republican party started it attracted to it the true men of the country, because it was started to bring up labor, and it commenced at the lowest stratum, the slave, and raised him to be a citizen. War was forced upon us, and the necessities of the Government, which the republican party administered, to have money, brought to the party, of necessity, the capitalists of the country. And at last, when the war was over, we became a party at the head of which was the capitalist, and at the tail of which was the negro, with not much affiliation between head and tail, let me say to you. [Laughter on the democratic side.] No occasion for you to laugh, for the war left the democratic party in the same condition. The old whig party leaders, the capitalists of that party who would not go into the republican party, to begin with, because they would not consent to the elevation of the laboring man, finding nowhere else to go, went over and became the leaders of the democratic party. So your party has the old whig bondholders and the old Bourbons of the whig party for the head, and the Irishman for the tail, and there is very little affiliation between head and tail there. And so both parties find themselves in this abnormal condition: No community of idea or action on financial questions.

The responsibility of action comes upon the republican party, as we are in power. We have for the last time an opportunity to relieve this country of its distresses. We have for the last time an opportunity to recover the confidence of the people, and to show that the prosperity of the industries of the people are the objects of your care. If we fail now, we fail forever. A party once inaugurated remains through a generation, and that means forever for all of us here present.

I have now given you succinctly, not elaborately at all, my views. The best evidence that I can afford of their sincerity, of the deep conviction with which they are imprinted upon my mind, is that I have ventured to hold them when they are unpopular and where they are unpopular. And I ventured to do it to my injury in the view of those who think political life is all that there is in this world; to my gain, perhaps, in the minds of those who think that anywhere else is preferable to being in politics. I certainly have this gain, that hereafter I can defend or prosecute the United States in course of my professional labors as I like, which is a boon that no member of Congress can enjoy, taken away in part by the envy of those whom nobody will employ on either side.

Mr. KELLEY. I ask the gentleman from Ohio [Mr. GARFIELD] to yield to me for the purpose of offering a substitute for the second section of this bill as amended. I will also inform the committee that I will ask the House to order the bill with the pending amendments to be printed, so that every gentleman may have it on his desk tomorrow.

The proposed substitute was read, as follows:

That the Secretary of the Treasury shall invest 75 per cent. of United States notes received in exchange for said convertible bonds, as rapidly as may be practicable, in the purchase or redemption of any bonds of the United States outstanding at the date of the passage of this act, or in the purchase of gold with which to redeem said bonds.

Mr. GARFIELD. I do not propose at this time to enter into a general debate on this bill, but only to say that we are now plunging into the midst of the discussion of a bill of which I suppose there are not ten printed copies in this Hall. I have failed to procure a copy at all, and have been able to see only the official copy at the Clerk's desk.

Mr. KELLEY. It is no fault of the author of the bill that it cannot be found. It is upon your Calendar as House bill No. 41 and also House bill No. 539. And I have announced my purpose to ask the House, when we shall go out of committee, (inasmuch as the Committee of the Whole cannot do it,) to order the bill to be printed, so that it may be on every member's desk in the morning.

Mr. GARFIELD. It is for that reason that I am unwilling that the debate shall continue until the House could see in print the propositions submitted for its consideration. I will, however, in this connection say just enough to protest against the doctrines which have just been advocated in support of this measure.

I will do but little more than to state my own opinion. I give to every other gentleman what I demand for myself—the utmost credit for sincerity of conviction. I assume, therefore, that those who advocate this measure believe it to be for the good of the country. I believe, on the contrary, that this measure is fraught with measureless evil to every great and good interest of the people of the United States; evil not to the Government alone, but to the Government, to the capitalists, and most of all to the laboring interests of the country. For the last ten years I have given as much of my time (with whatever ability I could command) to the study of this question as to any other before the American people; and I believe it clearly demonstrable that were we now to enter upon the path pointed out in this bill and advocated by the two gentlemen [Mr. KELLEY, and Mr. BUTLER of Massachusetts] who have just addressed the House, that path would lead us by a rapid grade downward to the most measureless disaster that has ever befallen the business and the prosperity of the American people.

I do not now propose to give my reasons for this opinion; but I will call attention to one or two indications of the broad differences between the line of ideas which I hold and those held by the gentlemen who have spoken. For example, the gentleman from Massachusetts [Mr. BUTLER] says truly that a man can borrow millions on millions in New York to-day at a very low rate of interest if he wants to borrow it on call, but if he offers commercial paper, and desires money for six, eight, ten, or twelve months, he cannot get it except at a large rate of interest. But the gentleman's statement of the reason why money cannot be readily borrowed for such periods is to me most amazing. He says the reason is that men are afraid that the President and Congress will take measures to resume specie payments.

Mr. BUTLER, of Massachusetts. I do not remember to have said that.

Mr. GARFIELD. I so understood the gentleman.

Mr. BUTLER, of Massachusetts. No, sir; I said that Congress was going on with the contraction of the value of property. I said we never would "resume specie payments."

Mr. GARFIELD. In other words, capitalists who have abundance of money in their hands will not lend it for ten or twelve months ahead, for fear the legislation of Congress will make that money better at the time it is to be paid back! Here is a reversal of all the ordinary motives on which men act in money matters. Now precisely the reverse is the fear of the money-lender. He declines to lend money out of his hands for a series of months because just such measures as this threaten to depreciate the value of his money, so that when it comes back to him it is likely to be worth far less than when he parted with it. If that had been the reason given by the gentleman, I could have understood its force.

This measure is perfectly adopted to the work of destroying the confidence of leading capitalists and business men, and leading them to hold their money back from investment for fear of spoliation and loss.

Again, the gentleman says that in his State and in all the States of the Union the business of the country slumbers on a volcano, because, for example, $200,000,000 are invested in the savings-banks of Massachusetts on call, and should the servant-girls of that State all at once make a demand for their deposits now in the savings-banks, the business of that State would instantly collapse. Now, as I understand the nature of this bill, its effect will be to put the vast financial interests of the Government in just the position which the gentleman pictures as the condition of affairs in Massachusetts; so that most of the great obligations which this Government owes shall be obligations on call; so that there may be a rush, not of servant-girls alone, but of speculators all over the land, to demand either more greenbacks for their bonds or more bonds for their greenbacks. Of course, for all the great volume of money that our capitaljsts hold to-day and are willing to lend out, as the gentleman says, for 3 per cent. on call, they would ask the Government to give them 3.65 per cent. during such dull times as they might not use it more profitably.

Mr. KELLEY. If the gentleman will allow me, I wish to ask him, whether the Government would be injured by receiving it at 3.65 per cent. interest in paper and redeeming with it 6 per cent. gold bonds?

Mr. GARFIELD. With the prospect of being called on the next week to use more than all it had received in meeting the demand to pay out the currency again! It is a proposition to this effect: That if there be a lull in the business of the country, so that a hundred millions of currency may be lying idle at any time, the Treasury of the United States shall take that money and give the owner interest on it. But the moment the owner finds it valuable to speculate he comes back to the Government and says: "Give me the money now. I have not needed it while you had it, and I asked you to keep it for me and pay me interest on it, but now I can speculate a little with it at a higher rate, and therefore I ask you to give it back to me." That is the proposition.

Mr. KELLEY. Why do not the owners of the sixty millions which lie dead in your Treasury offer it? Would the fact that they could earn more than 3.65 per cent. interest make them more eager to offer it? They stand as a perpetual repudiation of that argument.

Mr. GARFIELD. If the gentleman pursues the policy of demonetizing gold and making it a commodity, I do not wonder the people who have the commodity should be willing that the Treasury should take care of it for them. But let gold again become money, the money of the Constitution, and he will find the owners of that sixty millions will not let it lie idle.

Mr. KELLEY. It is not sixty millions of gold, but of greenbacks.

Mr. GARFIELD. The gentleman will excuse me, I have but a word more to say. Mr. Chairman, we have been and still are passing through a great financial revolution in this country—a revolution which began when the war broke out and has not yet ended. We passed from the level of peace up to the perilous and stormy heights

of war, and as a dire necessity—not as a matter of choice, but as an imperative and dreadful necessity of war—we issued some $350,000,000 of paper, as a forced loan, with the avowed purpose on the part of all thoughtful statesmen of that time to take up that issue at the earliest possible moment, and restore the Government to the standard of real money—to the standard of the Constitution. We went ballooning, and in those days of unparalleled inflation, in accordance with the immutable laws of trade, we found that all business was easy. Externally, at least, there was an appearance of prosperity. But such prosperity must always be paid for. The return to solid values is always hard. We have been coming down through great stress and strain. Distress, panic, and hard times have marked our pathway in returning toward solid values.

The gentleman from Massachusetts [Mr. BUTLER] says there has been 33 per cent. of shrinkage of values in New York and 25 in Massachusetts, and great shrinkage everywhere.

Now, when we are almost down to the solid ground of honest values, the proposition of these gentlemen is that we shall cut loose forever—I use the word in the sense in which the gentleman from Massachusetts [Mr. BUTLER] used it—we shall cut loose forever from the old traditional standard of value, and go floating, ballooning, flying, with no hope of return again forevermore. Holding the views I do, it would be base in me not to protest to the extent of my power against any scheme which would plunge the country again into the chaos and darkness in which we have so long been wandering in regard to our finances.

If there ever was a time when American statesmanship needed courage and self-denial, that self-denial which shall reduce, *reduce*, REDUCE expenditures, reject all schemes of expansion, spurn all measures that tend to push us further away from solid values and honest industries, that time is now.

In my judgment this country owes a debt of gratitude to the President of the United States and to the Secretary of the Treasury for their utterances yesterday on this subject. I believe they will receive the thanks of the thoughtful people of this country without distinction of party. In the midst of pressure, contention, and divided counsels, they have spoken calmly and wisely, and in striking contrast with the talk to which we have just listened. Let us not mistake effects for causes. I am amazed at gentlemen who say that the cause of our financial disaster is a lack of currency, and that more currency will remedy the evil. On the contrary, it is clear to me that one of the prime causes of our disaster has been the unsettled, unsteady, fickle, and uncertain value of the money which our people use, and the remedy for this evil is to return to the solid ground. Let us determine, once for all, that by no device of paper credit, by no tricks of the printing-press, by no empty symbol of value that has no value behind it, can prosperity be wooed back to our land.

Now, Mr. Chairman, I rose simply to express the hope that we may have this bill printed, that the committee may rise, and we may take full time to consider this measure; or, what will be better, that we waste no more time in discussing it, but that all our efforts be expended in an opposite direction. I yield the floor to my friend from Massachusetts, [Mr. DAWES.]

Mr. DAWES took the floor.

Mr. MAYNARD. If the gentleman from Massachusetts desires to go on to-night with his remarks I am quite content he should do so, and will propose, after he is through, that the committee rise, and we postpone this discussion to another day.

Mr. DAWES. I did not rise, Mr. Chairman, for the purpose of engaging in this debate. The gentleman from Ohio [Mr. GARFIELD] has yielded the floor, and I suppose I have it in my own right.

I propose to ask the committee to rise, and renew this debate on an early day. It was upon my motion that the House went into committee, not for the special purpose of precipitating this debate upon the currency, but for the purpose of addressing ourselves to the current business of the House. But I do not know, sir, that I regret that we have come at once upon the subject which rises above all others in importance, and presses itself for a solution more than any other upon the consideration of this Congress in this its last session. I shall myself, so far as I can, endeavor to urge upon the House the consideration of this question, until they announce to the country some settled policy upon it. I desire, therefore, to ask the committee to rise, and that we be permitted on the morrow, if it be convenient, to renew this debate, not for the purpose of indulging in general platitudes or enunciations of principle, but for the solution of this one question. The Government of the United States has $382,000,000 of its promises afloat in the land. No other nation has the like; and this nation in no other part of its history was ever in this situation. The difficulties in business, the difficulties that beset the employment of labor and capital, arise solely from the depreciation of these $382,000,000 of the promises of the Government. They are below par; and that measure, and that measure alone, will bring relief to this country that will make them on a par with the money of the civilized world. We need not address ourselves to any other collateral issue or discuss any other elemental principle. The question is, What policy is it that will make these promises equal to the money of the world? They are the promises of the Government, and it is the Government that has depreciated its own promises. It is incumbent upon the representatives of the Government here to provide that the Government shall make up to those they have forced to take its depreciated paper the difference between it and gold. No other method will be tolerated by the civilized world that will bring relief to the distress of labor, to the stagnation of capital, to the disturbance of values, from which we now suffer.

I do not desire at present to occupy the attention of the House one moment longer, but, holding the floor, I move that the committee rise.

Mr. COX. I ask the gentleman to withdraw his motion for a moment. I desire to address the committee for only one minute.

Mr. DAWES. I would be more disposed to yield to the gentleman if I had finished my remarks.

Mr. COX. I thought the gentleman had finished.

Mr. DAWES. I hold the floor for the purpose of finishing my remarks.

Mr. COX. The gentleman will allow me to say what will not interrupt his speech at all. I rose for the purpose of deprecating this discussion. I speak what I believe to be the opinion of the solid men, the merchants and others of New York City as well as of other places, when I say that this discussion is entirely inconsequential, and that it will produce bad effects; and I for one am not to be held responsible for bringing it on. You cannot pass this law this session. You may pass it in this House, but you know that you cannot pass it in the Senate, and you know that the President will veto it if you pass it.

Mr. KELLEY. I rise to a question of order. We are not to be overawed by threats either of what the Senate will do or of what the President will do.

Mr. COX. This is the dying groan of a dying party.

The question being taken on the motion of Mr. DAWES that the committee rise, it was agreed to.

So the committee rose; and, the Speaker having resumed the chair, Mr. TYNER reported that the Committee of the Whole on the state of the Union, having had under consideration the general Calendar, had come to no decision on any bill contained therein.

Mr. KELLEY. I ask consent that the bill last under the consideration of the Committee of the Whole be printed as amended.

There being no objection, it was so ordered.

REPORT OF THE SECRETARY OF STATE.

The SPEAKER laid before the House the following communication from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report, dated the 8th instant, with accompanying papers, from the Secretary of State, in compliance with the requirements of section 203 of the Revised Statutes of the United States.

U. S. GRANT.

WASHINGTON, *December 8*, 1874.

The SPEAKER. The report relates to the fees of consuls and diplomatic officers, and will be referred to the Committee on Foreign Affairs, and ordered to be printed.

CONTESTED ELECTION—BELL VS. SNYDER.

The SPEAKER also laid before the House additional testimony in the case of Bell *vs.* Snyder, third district of Arkansas; which was referred to the Committee on Elections.

Mr. GARFIELD. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at three o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BECK: The petition of James Turner, Washington Bell, John Warnock, and other colored depositors in the branch of the Freedmen's Bank at Lexington, Kentucky, for relief in such form as is equitable for losses sustained by them, to the Committee on Banking and Currency.

Also, the petition of Annie Horine, of Jessamine County, Kentucky, for relief, to the Committee on War Claims.

Also, the petition of Elizabeth Carson, of Bourbon County, Kentucky, for relief, to the Committee on War Claims.

Also, the petition of David W. Knox, of Cincinnati, Ohio, for relief, to the Committee on War Claims.

By Mr. EAMES: The petition of Thomas G. Williams and other colored citizens of Newport, Rhode Island, for the passage of the civil-rights bill, to the Committee on the Judiciary.

By Mr. KELLEY: The petition of umbrella manufacturers of the United States, for a readjustment of duties, to the Committee on Ways and Means.

By Mr. LAMAR: The petition of Martha Webb, daughter and heir of Joel Sprouse, deceased, for accrued pension to the date of his death under act of February 14, 1871, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. McFADDEN: The petition of 515 citizens of Washington Territory, for aid to the Seattle and Walla-Walla Railroad, to the Committee on the Territories.

By Mr. O'BRIEN: The memorial of England & Bell, manufacturers of matches, for repeal of tax on matches, to the Committee on Ways and Means.

By Mr. O'NEILL: The petition of Sarah A. Clements, for a pension, to the Committee on Invalid Pensions.

By Mr. RANDALL: The petition of J. B. Lippincott & Co. and other publishers of Philadelphia, that pamphlet and periodical postage be fixed at two cents per pound, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBBINS: Resolutions of the North Carolina Legislature, in favor of a modification of the internal-revenue laws, to the Committee on Ways and Means.

Also, resolutions of the North Carolina Legislature, concerning Federal land tax, to the Committee on Ways and Means.

Also, resolutions of the North Carolina Legislature, for the repeal of the tax on tobacco, to the Committee on Ways and Means.

Also, resolutions of the North Carolina Legislature, in favor of a modification of the internal-revenue laws, to the Committee on Ways and Means.

Also, resolutions of the North Carolina Legislature, concerning Federal land tax, to the Committee on Ways and Means.

Also, resolutions of the North Carolina Legislature, for the repeal of the tax on tobacco, to the Committee on Ways and Means.

Also, resolutions of the North Carolina Legislature, asking an appropriation to open Scuppernong River, to the Committee on Commerce.

Also, resolutions of the North Carolina Legislature, asking further appropriation to finish the work on the bed of Cape Fear River, to the Committee on Commerce.

Also, resolutions of the North Carolina Legislature, asking an appropriation for the construction of Government buildings in Greensborough and Asheville, North Carolina, to the Committee on Public Buildings and Grounds.

Also, resolutions of the North Carolina Legislature, asking compensation for destruction of court-house by Federal troops in Davidson County, North Carolina, in 1865, to the Committee on War Claims.

By Mr. STEPHENS: The petition of Joseph J. Browne, a British subject resident in the United States, to be compensated for property destroyed in the burning of Columbia, South Carolina, to the Committee on Foreign Affairs.

By Mr. SWANN: The petition of J. E. Montell & Bro., of Baltimore, to be refunded stamp tax collected under act of July 20, 1868, on snuff which had previously been declared free of tax, to the Committee on Ways and Means.

Also, the petition of citizens of Baltimore, for the repeal of the stamp tax on matches, to the Committee on Ways and Means.

By Mr. THORNBURGH: The petition of the Knox County Section of the East Tennessee Medical Society, in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. TOWNSEND: The petition of William Darlington, Joseph J. Lewis, John M. Broomall, Isaac Sharpless, and 540 others, asking legislation for the establishment of a general system of international arbitration, to the Committee on Foreign Affairs.

By Mr. VANCE: The petition of Pinkney Rollins, collector seventh district, North Carolina, for relief, to the Committee on Ways and Means.

Also, resolutions of the North Carolina Legislature, asking an appropriation to open Scuppernong River, to the Committee on Commerce.

Also, resolutions of the North Carolina Legislature, asking further appropriation to finish the work on the bed of Cape Fear River, to the Committee on Commerce.

Also, resolutions of the North Carolina Legislature, asking an appropriation for the construction of Government buildings in Greensborough and Asheville, North Carolina, to the Committee on Public Buildings and Grounds.

Also, resolutions of the North Carolina Legislature, asking compensation for destruction of court-house by Federal troops in Davidson County, North Carolina, in 1865, to the Committee on War Claims.

By Mr. WILBER: Papers relating to claim of E. B. Barnett, postmaster at Norwich, Chenango County, New York, for relief, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

WEDNESDAY, *December* 9, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Hon. JOHN B. GORDON, from the State of Georgia, and Hon. MORGAN C. HAMILTON, from the State of Texas, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT. The Chair will lay before the Senate a letter of the Treasurer of the United States, communicating, in obedience to law, copies of his accounts for the third and fourth quarters of the year 1872, and the first and second quarters of the year 1873. These papers are voluminous, and unless desired they will not be printed.

Mr. SHERMAN. I hope the order to print those Treasury accounts will not be made until the Committee on Printing recommends it. It is of no earthly account to print these documents; but if some Senator desires to have them printed, a motion to print may be referred to the Committee on Printing.

The VICE-PRESIDENT. The papers will lie upon the table for the present.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented the memorial of the type-founders of the United States, signed by type-founders resident in Philadelphia, Boston, San Francisco, Chicago, and a number of other cities, remonstrating against the ratification of the Canadian reciprocity treaty so far as it relates to printing types and materials; which was ordered to lie on the table.

Mr. SCOTT. I present the memorial of the Texas and Pacific Railway Company, and the Atlantic and Pacific Railroad Company, praying Congress to aid those companies in the construction of their roads. After stating that the building of these highways has been arrested by the financial embarrassment now existing in the country, they proceed to give numerous reasons why aid should be extended to provide a complete and southern system of roads to the Pacific. I will not detain the Senate by enumerating these reasons, but, in compliance with the rule requiring a brief summary of a petition to be given, I will content myself with saying that, in order to complete this system in the least number of miles required to cover the territory to which we should have access, they propose that the Atlantic and Pacific Railroad Company should deflect its line southwestwardly from Vinita, its present terminus, and that the Texas and Pacific Railway Company should construct its line so that a connection can be made with the road of the Atlantic and Pacific Railroad Company at some convenient point on or east of the one hundred and fourth meridian, to be agreed upon as best for the interest of the companies and the Government, thus saving the construction of about fifteen hundred miles of road, and restoring to the United States about thirty million acres of land heretofore granted to aid in such construction. To accomplish this purpose they suggest that it may be done by the Government—using the words of the memorial—"guaranteeing the interest on 5 per cent. gold bonds of the companies, as follows: That for each section of ten or more miles of continuous road constructed and equipped by either company, the Secretary of the Treasury shall, for and in the name of the United States, guarantee the interest at the rate of 5 per centum per annum in gold—but not the principal—on bonds to be issued by such company, for road constructed and equipped in the open or plain country, say for one-half of the line authorized, at the rate of $30,000 per mile; and for the remaining road constructed in the rough or mountainous country at the rate of $40,000 per mile; being an average of $35,000 per mile on the whole line each company is authorized to construct; an additional amount of $5,000 per mile of such bonds to be issued by each company and deposited with the Secretary of the Treasury until after the completion of the road each company is respectively authorized to build, and then expended in the purchase of such additional equipment or other permanent improvements as the officers of the companies shall certify under oath the increasing business of their roads requires."

This memorial has been placed in my hands by a citizen of Pennsylvania, the president of the Texas Pacific Railroad Company, and as such the representative of many other citizens of that State, as well as of other States interested in these improvements. It is accompanied by a bill, the provisions of which I have not had time to examine, but I am informed that it is designed to give effect to the suggestions of the petition. I will offer that bill when it shall be in order, holding myself free to approve or reject its provisions, as I may find upon examination that they deserve to be approved or rejected. I move that the memorial lie on the table to be referred to the Committee on Railroads, when appointed.

The VICE-PRESIDENT. The memorial will take that direction.

Mr. BOUTWELL presented the petition of Julius Pickering, of Auburn, New York, praying for an extension of his patent for an improved method of attaching straps to boot-legs; which was ordered to lie on the table.

Mr. MORRILL, of Maine. I present the petition of merchants, millers, shippers of coal, flour, and other products, and citizens interested in the commerce of the port of Georgetown, District of Columbia, asking for the passage of the bill which is annexed; "that the Baltimore and Potomac Railroad Company be, and it is hereby, required to remove the obstructions from the channel in the draw through the railroad-bridge used by said company, across the Potomac River, from Washington City to the State of Virginia; and that said company be, and they are hereby, required to cause the channel through said draw to be unobstructed to navigation for a width at least of sixty-six feet." This petition is very numerously signed, and I ask that it lie on the table with a view to its reference to the proper committee when the committees are appointed.

The VICE-PRESIDENT. That order will be made.

Mr. CHANDLER presented the memorial of the National Association of Lumbermen, remonstrating against the ratification of the treaty between the United States and Canada, known as the "reciprocity treaty;" which was ordered to lie on the table.

Mr. INGALLS presented a petition of H. H. Reed and other citizens of Smith's County, Kansas, praying permission to leave their homesteads for the period of one year, without forfeiting their titles thereto,

by reason of the ravages of grasshoppers; which was ordered to lie on the table.

Mr. HAMLIN presented the petition of Horace Brown, of Milo, Piscataquis County, Maine, praying to be granted a pension on account of services rendered in the war of 1812; which was ordered to lie on the table.

Mr. STEVENSON presented the petition of Blanton Duncan, as trustee, &c., praying compensation for the use and occupancy by United States troops of a dwelling-house and other property in Kentucky, during the late war, belonging to his wife and children; which was ordered to lie on the table.

COMMITTEES OF THE SENATE.

Mr. ANTHONY. I beg leave to interrupt the proceedings at this point to move that the Senate proceed to the election of standing committees, in order that the bills may be referred immediately.

The motion was agreed to.

Mr. ANTHONY. I ask unanimous consent to dispense with the rule which requires the chairmen of committees to be elected by ballot.

There being no objection, the rule was dispensed with.

Mr. ANTHONY. I now offer a resolution, which I ask to have read.

The resolution was read, as follows:

Resolved, That the following be the standing committees of the Senate during the present session:

On Privileges and Elections—Messrs. Morton, (chairman,) Carpenter, Logan, Alcorn, Anthony, Mitchell, Wadleigh, Hamilton of Maryland, and Saulsbury.

On Foreign Relations—Messrs. Cameron, (chairman,) Morton, Hamlin, Howe, Frelinghuysen, Conkling, Schurz, Stockton, and McCreery.

On Finance—Messrs. Sherman, (chairman,) Morrill of Vermont, Scott, Wright, Ferry of Michigan, Fenton, and Bayard.

On Appropriations—Messrs. Morrill of Maine, (chairman,) Sprague, Windom, West, Sargent, Allison, Dorsey, Stevenson, and Davis.

On Commerce—Messrs. Chandler, (chairman,) Spencer, Conkling, Buckingham, Boutwell, Gordon, and Dennis.

On Manufactures—Messrs. Robertson, (chairman,) Sprague, Gilbert, Fenton, and Hager.

On Agriculture—Messrs. Frelinghuysen, (chairman,) Robertson, Lewis, Davis, and Gordon.

On Military Affairs—Messrs. Logan, (chairman,) Cameron, Spencer, Clayton, Wadleigh, Kelly, and Ransom.

On Naval Affairs—Messrs. Cragin, (chairman,) Anthony, Morrill of Maine, Sargent, Conover, Stockton, and Norwood.

On the Judiciary—Messrs. Edmunds, (chairman,) Conkling, Carpenter, Frelinghuysen, Wright, Thurman, and Stevenson.

On Post-Offices and Post-Roads—Messrs. Ramsey, (chairman,) Hamlin, Ferry of Michigan, Flanagan, Dorsey, Jones, Saulsbury, Merrimon, and Johnston.

On Public Lands—Messrs. Sprague, (chairman,) Windom, Stewart, Pratt, Oglesby, Harvey, Boutwell, Kelly, and Tipton.

On Private Land Claims—Messrs. Thurman, (chairman,) Ferry of Connecticut, Fenton, Bayard, and Bogy.

On Indian Affairs—Messrs. Buckingham, (chairman,) Allison, Oglesby, Morrill of Maine, Ingalls, Bogy, and McCreery.

On Pensions—Messrs. Pratt, (chairman,) Oglesby, Ingalls, Patterson, Allison, Hamilton of Texas, and Norwood.

On Revolutionary Claims—Messrs. Brownlow, (chairman,) Gilbert, Conover, Johnston, and Goldthwaite.

On Claims—Messrs. Scott, (chairman,) Pratt, Boreman, Wright, Mitchell, Washburn, Dennis, Merrimon, and Goldthwaite.

On the District of Columbia—Messrs. Lewis, (chairman,) Spencer, Hitchcock, Robertson, Jones, Dorsey, and Hamilton of Maryland.

On Patents—Messrs. Ferry of Connecticut, (chairman,) Windom, Wadleigh, Hamilton of Maryland, and Johnston.

On Public Buildings and Grounds—Messrs. Morrill of Vermont, (chairman,) Gilbert, Cameron, Stockton, and Cooper.

On Territories—Messrs. Boreman, (chairman,) Hitchcock, Cragin, Clayton, Ransom, Patterson, Cooper, and Hager.

On Railroads—Messrs. Stewart, (chairman,) Scott, West, Ramsey, Hitchcock, Cragin, Howe, Frelinghuysen, Hamilton of Texas, Ransom, and Hager.

On Mines and Mining—Messrs. Hamlin, (chairman,) Sargent, Tipton, Goldthwaite, Alcorn, Harvey, and Jones.

On the Revision of the Laws of the United States—Messrs. Conkling, (chairman,) Carpenter, Stewart, Alcorn, and Ransom.

On Education and Labor—Messrs. Flanagan, (chairman,) Patterson, Ingalls, Morton, Frelinghuysen, Pease, Bogy, and Gordon.

On Civil Service and Retrenchment—Messrs. Wright, (chairman,) Boutwell, Sherman, Hamlin, Howe, Hamilton of Maryland, and McCreery.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Carpenter, (chairman,) Jones, and Dennis.

On Printing—Messrs. Anthony, (chairman,) Howe, and Saulsbury.

On the Library—Messrs. Howe, (chairman,) Allison, and Edmunds.

On Engrossed Bills—Messrs. Bayard, (chairman,) Lewis, and Cooper.

On Enrolled Bills—Messrs. Clayton, (chairman,) Pease, and Kelly.

The VICE-PRESIDENT. The question is on the passage of the resolution proposed by the Senator from Rhode Island.

The resolution was agreed to.

Mr. ANTHONY. I move that there be added to the standing committees a committee on revision of the rules, to consist of three members.

The motion was agreed to.

Mr. ANTHONY. Asking unanimous consent to dispense with the rule which requires the chairman to be elected by ballot, if there be no objection, I nominate Mr. FERRY of Michigan, Mr. HAMLIN, and Mr. MERRIMON as the Committee on Revision of the Rules.

The VICE-PRESIDENT. The Chair hears no objection, and the rule is suspended. The question is on the motion to appoint the gentlemen named upon the committee.

The motion was agreed to.

Mr. ANTHONY. I move that the Select Committee on Transportation Routes to the Sea-board and the Select Committee on the Levees of the Mississippi River be continued during the present session.

The motion was agreed to.

Mr. ANTHONY. Asking unanimous consent to dispense with the rule which requires the chairmen to be elected by ballot, I nominate the following persons for those committees.

There being no objection, the rule was dispensed with, and the list was read, as follows:

SELECT COMMITTEES.

On Transportation Routes to the Sea-board—Messrs. Windom, (chairman,) Sherman, Conkling, West, Conover, Mitchell, Norwood, Davis, and Johnston.

On the Levees of the Mississippi River—Messrs. Alcorn, (chairman,) Clayton, Schurz, Cooper, and Harvey.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. RAMSEY, it was

Ordered, That the papers in the case of Miss Rebecca S. Wright be taken from the files of the Senate and referred to the Committee on Military Affairs.

Mr. CONKLING. I am requested to move an order authorizing C. F. Johnson, of Mobile, Alabama, to withdraw his papers touching a tobacco claim. I find there has been an adverse report in this case, and the order therefore should be that copies be left if the originals are withdrawn.

The VICE-PRESIDENT. That order will be made if there be no objection.

BILLS INTRODUCED.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 985) to provide that all pensions on account of death wounds received or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted, on application filed previous to January 1, 1875, shall commence from the date of death or discharge, and for the payment of the arrears of pensions; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. FERRY, of Connecticut, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 986) explanatory of section 25 of the act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights;" which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 987) to reduce and fix the Adjutant-General's Department of the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 988) to authorize the Secretary of War to ascertain the expenses incurred by the State of Kansas in resisting the Indian invasions of 1874; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 989) amendatory of, and supplementary to, an act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes, approved March 3, 1871, and an act supplementary thereto, approved May 2, 1872; and an act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean, approved July 27, 1866; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 990) providing for the entry of certain lands in the State of Louisiana; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 991) to provide for the selection of grand and petit jurors in the District of Columbia; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BOUTWELL (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 992) for the relief of Isaac H. Tower; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 993) for the relief of Luther Hall; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 994) for the relief of James R. Porter; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 995) for the construction of a military wagon-road from Sidney, Nebraska, to the post at the Red Cloud and Spotted Tail agencies; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

REFERENCES OF BILLS, ETC.

Mr. SHERMAN. I move that the various bills and petitions, and also the report of the Secretary of the Treasury and other reports, be referred to the appropriate committees by general order.

The motion was agreed to.

Under this general order of reference, bills heretofore introduced were taken from the table and referred as indicated:

A bill (S. No. 964) to provide for the revision of the laws for the collection of customs duties—to the Committee on Finance.

A bill (S. No. 965) for the relief of certain settlers upon the public lands in the State of Kansas—to the Committee on Public Lands.

A bill (S. No. 966) to increase the efficiency of the Medical Department of the Army—to the Committee on Military Affairs.

A bill (S. No. 967) for the relief of certain settlers on the public lands in the State of Nebraska—to the Committee on Public Lands.

A bill (S. No. 968) for the relief of persons suffering from the ravages of grasshoppers—to the Committee on Military Affairs.

A bill (S. No. 969) for the relief of Ferdinand Monti, a wagon-master in the Mexican war—to the Committee on Military Affairs.

A bill (S. No. 970) for the relief of Andrew Hosmer, of Peoria, Illinois—to the Committee on Claims.

A bill (S. No. 971) to protect persons of foreign birth against forcible constraint or involuntary servitude—to the Committee on the Judiciary.

A bill (S. No. 972) to enable Indians in certain cases to enter public lands of the United States under the homestead law, and for other purposes—to the Committee on Indian Affairs.

A bill (S. No. 973) to correct the date of commission of certain officers of the Army—to the Committee on Military Affairs.

A bill (S. No. 974) to enable the supreme court of the District of Columbia to proceed with its jury business—to the Committee on the Judiciary.

A bill (S. No. 975) to amend section 110 of the act of June 30, 1864, and section 9 of the act of July 13, 1866, imposing taxes upon the circulation of other than national banks—to the Committee on Finance.

A bill (S. No. 976) to promote economy and efficiency in the marine-hospital service—to the Committee on Commerce.

A bill (S. No. 977) fixing the times for holding the circuit court of the United States in the districts of California, Oregon, and Nevada—to the Committee on the Judiciary.

A bill (S. No. 978) for the relief of homesteads and pre-emption settlers on the public lands—to the Committee on Public Lands.

A bill (S. No. 979) for the relief of First Lieutenant Henry Jackson, Seventh Calvary, United States Army—to the Committee on Military Affairs.

A bill (S. No. 980) fixing the salary of the President of the United States—to the Committee on Civil Service and Retrenchment.

A bill (S. No. 981) providing for the construction of a United States telegraph line between the cities of Washington, District of Columbia, and Boston, Massachusetts—to the Committee on Post-Offices and Post-Roads.

A bill (S. No. 982) for the relief of William G. Ford—to the Committee on Military Affairs.

A bill (S. No. 983) to provide for the transfer of certain causes from the district to the circuit courts of the State of Alabama—to the Committee on the Judiciary.

A bill (S. No. 984) to regulate the lien of judgments in the courts of the United States on real estate—to the Committee on the Judiciary.

WASHINGTON MARKET COMPANY.

Mr. MORRILL, of Vermont. I desire to offer the following resolution:

Resolved, That Senate report No. 449, Forty-third Congress, first session, and Senate bill No. 937, from the Committee on Public Buildings and Grounds, be referred to the Committee on the Judiciary, with instructions to report what action shall be taken thereon.

As this merely involves a question of law, it is very proper it should be considered by the Committee on the Judiciary.

The resolution was agreed to.

Mr. SHERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at twelve o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 9, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

The following additional members appeared: JAMES S. SMART, PHILIP S. CROOK, and ELI PERRY, of New York; JOHN J. DAVIS, of West Virginia; WILLIAM A. SMITH, of North Carolina; FREDERICK G. BROMBERG, of Alabama, and LIONEL A. SHELDON, of Louisiana.

CUSTOMS DUTIES.

Mr. WOOD. I ask unanimous consent to submit a resolution calling for executive information. I send it to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be directed to forthwith obtain and transmit to this House a report from the collector of customs at the port of New York, setting forth distinctly whether, on any article entered at that port since June 22, 1874, a higher or lower rate of duty has been levied than was levied or was chargeable under the instructions of the Treasury Department on a like article, if imported into the same port on the 1st day of December, 1873; and if a higher or lower rate has thus been imposed, then to specifically enumerate in his report each article which has been the subject thereof, according to its commercial designation, and declare the rate which the instructions of the Treasury Department required to be in force on said 1st day of December and the different rate on a like article since the said 22d day of June; and that the Secretary of the Treasury be also directed, in case the collector of New York shall report that the rates have been increased or diminished on any article, to accompany the said report by a statement as to each article, showing whether the said change was caused by any new matter in the Revised Statutes of June 22, 1874, not contained in previous laws; and, if so, point out precisely such change, or alteration, of previous laws, citing statutes and sections; and if the said increase or diminution was not required by any such new matter in the Revised Statutes, then to explain by what authority the increase or diminution of duty was made, giving in respect to each and every article the whole text of the letter of instructions or order the Treasury Department imposing the rate in force on the said 1st day of December, and of the correspondence, instructions, or circular by which that rate was changed after the said 22d day of June.

Mr. SCOFIELD. I would inquire of the gentleman why he does not direct his resolution to the Secretary of the Treasury, and call upon him for the facts, and not for what the collector of the port of New York may have said about it? I would like to have the resolution so modified, and then I should think it ought to pass. I think there is some misapprehension about this subject, and the public should be fully informed upon it.

Mr. WOOD. The port of New York is referred to by the resolution for the purpose of obtaining the information at the earliest possible moment. I will, however, accept the modification suggested by the gentleman from Pennsylvania, and call upon the Secretary of the Treasury for the information.

Mr. KELLOGG. I suggest that this resolution be first referred to the Committee on Ways and Means, and let them examine and report to the House whether the information is necessary. Last session the services of two or three hundred clerks in the Department were almost constantly required to answer such resolutions as this; and I then made up my mind that I would not consent to such calls unless recommended by some competent committee.

Mr. WOOD. If the gentleman from Connecticut [Mr. KELLOGG] objects to the adoption of the resolution, I will consent to its reference to the Committee on Ways and Means.

Mr. KELLOGG. I think it should first be examined by that committee.

Mr. WOOD. Let it be referred, then.

No objection being made, the resolution was accordingly referred to the Committee on Ways and Means.

REVISED STATUTES.

Mr. POLAND. I ask unanimous consent to submit for consideration at this time the following resolution:

Resolved by the House of Representatives, (the Senate concurring.) That the Congressional Printer be directed to bind one hundred copies of the Revised Statutes of the United States without the index; forty copies for the use of the Senate and sixty copies for the use of the House.

Mr. GARFIELD. Why without the index, the most valuable part of the book?

Mr. POLAND. The Revised Statutes are all prepared and printed except the index, which is not yet completed, and will not be for some time. It is indispensable, however, that we have some copies for use in the two Houses.

Mr. GARFIELD. I thought you were excluding the index as something you did not want.

Mr. POLAND. O, no; it is not yet completed.

Mr. ELDREDGE. I think the gentleman from Vermont [Mr. POLAND] had better not press that resolution this morning. I understand that the volume of Revised Statutes is found to be so full of defects that it must be re-examined from beginning to end, and almost altogether revised. I do not think we had better go to the expense of printing any such thing until it is further revised.

Mr. POLAND. It is all printed now; and for the purpose of determining whether it be as the gentleman from Wisconsin [Mr. ELDREDGE] says, I think we had better have a few copies to examine and find out.

Mr. ELDREDGE. I think one copy will answer. The gentleman from Vermont is the only gentleman I think that wants it or desires it.

Mr. SCOFIELD. I desire to inquire of the gentleman from Vermont how copies of these Revised Statutes can be obtained. I have had letters from lawyers in the country inquiring of me whether they can subscribe for these books and obtain them at the cost of press-work and printing, as they can other documents. I would like to have the gentleman state to us how that is, so that the lawyers and others in the country may know how they can be supplied.

Mr. POLAND. The law that we passed for the publication of the Statutes provided that they should be sold, when ready for distribution, at the cost of printing and binding; and they are to be sold at that cost to the profession and everybody else who chooses to purchase them.

Mr. SCOFIELD. Will the gentleman state about how much that cost will be?

Mr. POLAND. I do not know; I cannot tell.

Mr. MAYNARD. Is there any other method of obtaining them except by applying to the Government Printing Office?

Mr. POLAND. This matter is all left by law with the Secretary of

State, who is to take such measures as he deems proper in order to make these volumes accessible to the whole people.

Mr. MAYNARD. Have any measures been taken to place copies of these Revised Statutes where they can be referred to by the various courts?

Mr. POLAND. I suppose that could not be done until the volumes are fully prepared and printed. They are now, I understand, all prepared and printed with the exception of the index, which is not yet complete. The object of my resolution is to supply the two Houses of Congress with a few copies at once, so that we may have them to use, even without an index. It is indispensable that we should have them.

Mr. LAWRENCE. Should not the resolution be modified, so as to provide that the copies furnished under it shall include the index so far as completed?

Mr. POLAND. Of course that will be done.

The resolution was adopted.

Mr. POLAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER.

Mr. GARFIELD. I demand the regular order of business.

The SPEAKER. The regular order being demanded, the morning hour now begins at twenty minutes past twelve o'clock, and the House resumes the consideration of the bill reported from the Committee on the Pacific Railroad, a bill (H. R. No. 3279) amendatory of and supplemental to the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and for other purposes. The gentleman from California [Mr. HOUGHTON] is entitled to one-half hour.

Mr. HOUGHTON. Mr. Speaker, since the adjournment of the House yesterday I am informed that telegrams have been received, stating that the proceeding in the United States court for the district of Iowa, to procure a *mandamus* against the Union Pacific Railroad Company, has been argued and submitted. I understand that the question to be passed upon in that case is whether this road is now operated in accordance with existing laws. If the court should decide that the road is so operated, then there will be no necessity for the legislation proposed in this bill; but if the court should decide that the road is not operated in accordance with existing laws, then the legislation here proposed will be proper. I therefore move that the further consideration of this bill be postponed until the second Tuesday of February next, after the morning hour.

Mr. GARFIELD. I shall object to any order that may interfere with the appropriation bills.

The SPEAKER. That question will be for the majority of the House to determine.

Mr. GARFIELD. If the gentleman will except appropriation bills from the proposed order I shall not object.

Mr. HOUGHTON. I suppose that most of the appropriation bills will be disposed of by the time named in my motion; and when the question now pending judicially has been decided, as it will be in all probability before that time, this bill can be disposed of, perhaps, in an hour at the most.

Mr. GARFIELD. Mr. Speaker, if the gentleman does not ask to have the bill made a special order I do not object.

Mr. HOUGHTON. We desire to have it made a special order for that day.

The SPEAKER. The question is on the motion to postpone the further consideration of this bill until the second Tuesday in February, after the morning hour.

The motion was agreed to.

Mr. HOUGHTON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER continued the call of committees for some time, no reports being presented; when

Mr. DAWES said: I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union upon the President's annual message, for the reference of the various subjects embraced therein.

The SPEAKER, having put the question on the motion, declared that the noes appeared to prevail.

Mr. DAWES. I will state why I make this motion. It is because it is apparent that none of the regular committees are prepared to report.

Mr. CONGER. The gentleman is mistaken about that. Some of the regular committees are prepared to report.

Mr. DAWES. I understood that committees were being run through and losing their places, because they do not happen to be prepared.

Mr. CONGER. Some of us are anxious that the committees not ready to report shall be "run through," so as to reach those that are ready.

Mr. DAWES. I understand the gentleman now. I think, however, that——

Mr. BRADLEY. I desire to say to the gentleman from Massachusetts that there are committees that were not permitted to report during the last session, because they were not called, and the several members—some of them, at least—have been waiting patiently for an opportunity to report. I hope the call will be allowed to proceed.

The SPEAKER. The Chair must correct the gentleman. There is no committee that was not called during the last session.

Mr. DAWES. I will state just why I make the motion; then, of course, the House will determine the matter for itself. There are several committees next to be called that do not happen to be ready. This call may be the only opportunity they will have to report at this short session; hence they are unwilling to lose their place. It does not seem quite fair to them to take them thus unawares.

The question being put on the motion of Mr. DAWES, there were—ayes 111, noes 23.

Mr. CONGER. I wanted to answer the gentleman from Massachusetts, [Mr. DAWES;] but as the Speaker announced the motion to be lost, I did not press my right to the floor. If, however, there is to be a further division, I would like to make a reply to the gentleman.

The SPEAKER. The Chair will hear the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I wish to say this, that although all of the committees may not be prepared now to submit reports, yet if we hear those which are prepared we may be enabled to go through with the call of the committees this morning, and can again commence it the next time the call of committees is in order. There are committees who waited during the last part of the last session to be called who were not reached, and if we go along during this session waiting for committees who are dilatory or not ready to report, we will not have opportunity for some of the committees lower down on the list to be called at all. I think we should take advantage of the present opportunity to hear reports and consider such business as is ready for consideration now. I hope the House will go on with the call in the morning hour. I demand a division.

The SPEAKER. A division has been already had, but the gentleman can call for tellers.

Mr. CONGER. I ask for tellers.

Tellers were not ordered.

So the motion was agreed to.

THE PRESIDENT'S ANNUAL MESSAGE.

The House accordingly resolved itself into a Committee of the Whole House on the state of the Union (Mr. HOSKINS in the chair) on the President's annual message.

Mr. DAWES. Mr. Chairman, I offer the following resolutions.

The Clerk read as follows:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session, together with the accompanying documents, as relates to finance and taxation, to the receipts into the Treasury, to deficiencies in the revenue, to the public debt and public credit, the revision of the tariff and internal-revenue laws, to retiring and funding United States notes, and to the ways and means of supporting and meeting the liabilities of the Government, be referred to the Committee on Ways and Means.

Resolved, That so much of said message and accompanying documents as relates to the necessary appropriation for carrying on the Government in its several departments, to deficiencies in appropriations for the Post-Office Department, and to appropriations for mail-steamship service between the United States and other countries, be referred to the Committee on Appropriations.

Resolved, That so much of said message and documents as relates to banks and banking, to the currency, and resumption of specie payments, be referred to the Committee on Banking and Currency.

Resolved, That so much of said message and documents as relates to the encouragement of American steamship lines, to the revival of American ship-building, and to commerce and navigation, be referred to the Committee on Commerce.

Resolved, That so much of said message and documents as relates to the public domain be referred to the Committee on the Public Lands.

Resolved, That so much of said message and documents as relates to the Post-Office Department, and to land and ocean mail service, be referred to the Committee on the Post-Office and Post-Roads.

Resolved, That so much of said message and documents as relates to an increase of the judicial districts of the Government and to a corresponding increase of judges of the Supreme Court, to courts and the judiciary, be referred to the Committee on the Judiciary.

Resolved, That so much of said message and documents as relates to the revision of the laws of the United States be referred to the Committee on the Revision of the Laws of the United States.

Resolved, That so much of said message and documents and the accompanying correspondence as relates to foreign affairs, to treaties with foreign governments, and to fraudulent naturalization, be referred to the Committee on Foreign Affairs.

Resolved, That so much of said message and documents as relates to the Army of the United States be referred to the Committee on Military Affairs.

Resolved, That so much of said message and documents as relates to the Navy of the United States be referred to the Committee on Naval Affairs.

Resolved, That so much of said message and documents as relates to agriculture, and the Department of Agriculture, be referred to the Committee on Agriculture.

Resolved, That so much of said message and documents as relate to the management of Indian affairs be referred to the Committee on Indian Affairs.

Resolved, That so much of said message and documents as relates to the Pacific Railroads be referred to the Committee on the Pacific Railroad.

Resolved, That so much of said message and documents as relates to claims against the Government, not including claims growing out of any war in which the United States has been engaged, be referred to the Committee on Claims.

Resolved, That so much of said message and documents as relates to manufactures be referred to the Committee on Manufactures.

Resolved, That so much of said message and documents as relates to private land claims be referred to the Committee on Private Land Claims.

Resolved, That so much of said message and documents as relates to mines and mining be referred to the Committee on Mines and Mining.

Resolved, That so much of said message and documents as relates to coinage, weights, and measures be referred to the Committee on Coinage, Weights, and Measures.

Resolved, That so much of said message and documents as relates to public buildings and grounds be referred to the Committee on Public Buildings and Grounds.

Resolved, That so much of said message and documents as relates to the expenditures on the public buildings be referred to the Committee on Expenditures on Public Buildings.

Resolved, That so much of said message and documents as relates to the Territories of the United States be referred to the Committee on the Territories.

Resolved, That so much of said message and documents as relates to pensions and to the Pension Bureau be referred to the Committee on Invalid Pensions.

Resolved, That so much of said message and documents as relates to revolutionary pensions and to pensioners of the war of 1812 be referred to the Committee on Revolutionary Claims and War of 1812.

Resolved, That so much of said message and documents as relates to patents and the Patent Office be referred to the Committee on Patents.

Resolved, That so much of said message and documents as relates to expenditures in connection with the Treasury Department be referred to the Committee on Expenditures in the Treasury Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the State Department be referred to the Committee on Expenditures in the State Department.

Resolved, That so much of said message and documents as relates to the expenditures in connection with the War Department be referred to the Committee on Expenditures in the War Department.

Resolved, That so much of said message and documents as relates to the expenditures in connection with the Navy Department be referred to the Committee on Expenditures in the Navy Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the Post-Office Department be referred to the Committee on Expenditures in the Post-Office Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the Department of the Interior be referred to the Committee on Expenditures in the Interior Department.

Resolved, That so much of said message and documents as relates to the militia be referred to the Committee on the Militia.

Resolved, That so much of said message and documents as relates to the Territory of the District of Columbia be referred to the Committee for the District of Columbia.

Resolved, That so much of said message and documents as relates to education and labor and to the Bureau of Education be referred to the Committee on Education and Labor.

Resolved, That so much of said message and documents as relates to civil-service reform be referred to the Select Committee on the Reorganization of the Civil Service of the United States.

Resolved, That so much of said message and documents as relates to railways and canals, and all questions growing out of the subject of "cheap transportation," be referred to the Committee on Railways and Canals.

Resolved, That so much of said message and documents as relates to claims growing out of any war in which the United States has been engaged be referred to the Committee on War Claims.

Resolved, That so much of said message and documents as relates to the proposed centennial celebration be referred to the Select Committee on the Centennial Celebration and the proposed National Census of 1875.

Resolved, That so much of said message and documents as relates to the condition of affairs in Arkansas, be referred to the select committee to inquire into the condition of affairs in the State of Arkansas.

Resolved, That so much of said message and documents as relates to the condition of the Southern States and to the enforcement of the provisions of the Constitution and the laws therein be referred to a special committee, to consist of seven members of the House, to be appointed by the Speaker.

Resolved, That so much of said message and accompanying documents as relates to the Department of Justice be referred to the Committee on the Expenditures in the Department of Justice.

Resolved, That so much of said message and accompanying documents as relates to the claims of aliens be referred to the Committee on War Claims.

Mr. DAWES. I move the adoption of those resolutions.

The resolutions were adopted.

Mr. DAWES. I move the committee rise and report the resolutions to the House.

The motion was agreed to; and the House accordingly rose, and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the President's annual message, and had directed him to report to the House certain resolutions.

Mr. DAWES. I call for the previous question on the adoption of the resolutions.

The previous question was seconded and the main question ordered, and under the operation thereof the resolutions were adopted.

Mr. DAWES moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESIGNATION OF MEMBERS.

The SPEAKER. The Chair lays before the House the following communication:

The Clerk read as follows:

BUTLER, PENNSYLVANIA, *December* 1, 1874.

DEAR SIR: At our late election, on the 3d ultimo, I was elected a law judge for the seventeenth judicial district of Pennsylvania for a term of ten years, to commence on the first Monday of January, A. D. 1875. I have, in consequence, tendered my resignation as a member of the Forty-third Congress of the United States from the twenty-third district of Pennsylvania, to take effect on the 1st of January, 1875. The governor of Pennsylvania, to whom my resignation was tendered, has accepted the same, and has caused writs to be issued authorizing an election to be held on the 22d instant to fill the vacancy.

Very respectfully,

E. MCJUNKIN.

Hon. J. G. BLAINE,
Speaker House of Representatives,
Washington, D. C.

The SPEAKER. The Chair received during the recess the resignation of Hon. ROBERT B. ELLIOTT, a Representative from South Carolina, whose place has been filled and his successor sworn in. He also received the resignation of Hon. STEWART L. WOODFORD, of New York, whose place has also been filled and his successor sworn in.

COLUMBIA HOSPITAL FOR WOMEN AND LYING-IN ASYLUM.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an appropriation for the Columbia Hospital for Women and Lying-in Asylum, Washington, District of Columbia; which was referred to the Committee on Appropriations, and ordered to be printed.

MONTANA INDIAN WAR CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the payment of the Montana Indian war claims of 1867; which was referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. SEIBERT.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the claim of George W. Seibert, contractor for grading streets and sidewalks in front of the United States arsenal grounds in the city of Indianapolis, Indiana; which was referred to the Committee on Claims.

GEORGE WRIGHT.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the case of George Wright, for remuneration for the use of his patent linchpin; which was referred to the Committee on Patents.

PROTECTION OF BANKS OF COLORADO RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the protection of the banks of the Colorado River at Yuma Depot from the action of the current; which was referred to the Committee on Commerce.

BOISE BLANC MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the military reservation on Boise Blanc, Michigan; which was referred to the Committee on Military Affairs.

REPORT OF THE TREASURER OF THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Treasurer of the United States, transmitting, in compliance with the act of September 2, 1789, his adjusted quarterly accounts of the general receipts and expenditures of the United States for the third and fourth quarters of 1872 and the first and second quarters of 1873, being for the fiscal year ending June 30, 1873.

Mr. RANDALL. I suggest that that be printed.

The letter and accompanying statements were referred to the Committee on Appropriations, and ordered to be printed.

EDWARD BOOKER.

Mr. THOMAS, of Virginia. I ask unanimous consent to introduce and have put upon its passage a bill removing the political disabilities of Edward Booker, of Henry County, Virginia.

The SPEAKER. A petition accompanies this bill from the person for whose benefit it is asked.

There being no objection, the bill (H. R. No. 3891) was received, read three times, and passed, two-thirds voting in favor thereof.

ARTIFICIAL LIMBS.

Mr. NIBLACK, by unanimous consent, introduced a bill (H. R. No. 3892) to regulate the issue of artificial limbs to persons disabled in the military or naval service of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORRECTION OF DATES OF COMMISSIONS.

Mr. NESMITH, by unanimous consent, introduced a bill (H. R. No. 3893) to correct the dates of commission of certain officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUISIANA JUDICIAL DISTRICTS.

Mr. MOREY. I desire to ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of Senate bill No. 88, and that it be placed back on the Speaker's table. On the last night of the session a motion was made that this bill be referred to the Judiciary Committee, to which I objected, and the bill was ordered to be laid on the Speaker's table. It appears on the Journal that it was referred to the Judiciary Committee. That was a mistake. I would state that my only object is that we may have more speedy action on the bill. A bill exactly similar to this one has already been reported from the House Judiciary Committee, and is in Committee of the Whole.

Mr. RANDALL. What is the bill?

Mr. MOREY. It is the bill to divide Louisiana into two judicial districts.

Mr. RANDALL. What does the CONGRESSIONAL RECORD say?

Mr. MOREY. That it was referred to the Judiciary Committee.

Mr. RANDALL. Then it corresponds with the Journal. I submit you cannot change it now.

Mr. MOREY. This is similar to the bill which was reported unanimously from the Committee on the Judiciary; and as we cannot go back and correct the Journal, I have asked consent to submit the motion which I have indicated.

The SPEAKER. The Chair will state the request of the gentleman from Louisiana. The bill from the Senate was on the Speaker's table, and, in the disposition of the business on the Speaker's table at the close of the session, the Journal shows and the RECORD shows that this bill was referred to the Judiciary Committee. The gentleman says that he objected to that reference. It was at a time when unanimous consent was required for such a disposition of the bill. The Chair has no recollection in regard to it. The Journal shows that the bill was referred. The gentleman now asks that the bill should be placed precisely where it was, and where, according to his statement, it should be if his objection had been heard. Is there objection?

Mr. HOLMAN. If the bill was not referred, and the Journal is wrong, the bill should be restored to its place. Otherwise——

The SPEAKER. The Chair would state that, going through the bills upon the Speaker's table by unanimous consent, if there had been any objection to the reference of any particular bill, it would have remained where it was upon the table. The gentleman from Louisiana [Mr. MOREY] will not gain a single point by having his bill back upon the Speaker's table, for it is a bill against which a point of order would lie, requiring it to go to the Committee of the Whole on the state of the Union, as it creates a new office.

Mr. MOREY. Does that objection lie against a Senate bill?

The SPEAKER. Against a Senate bill as well as against a House bill. The bill is in just as good a position now as it would be if put back upon the Speaker's table.

Mr. MOREY. Then I withdraw my request.

POST-OFFICE BUILDING IN SACRAMENTO, CALIFORNIA.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 3894) appropriating $100,000 for the site and construction of a post-office building in the city of Sacramento, California; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

PROTECTION OF FOREIGNERS.

Mr. PAGE also, by unanimous consent, introduced a bill (H. R. No. 3895) to protect persons of foreign birth against forcible constraint or involuntary servitude; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LAND TITLES, ETC., IN MISSOURI.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 3896) granting legal titles to all New Madrid locations in the State of Missouri for which patents have not heretofore been issued; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. BUCKNER also, by unanimous consent, introduced a bill (H. R. No. 3897) authorizing the archives of the several land offices in the State of Missouri to be delivered to said State whenever said offices shall be closed and discontinued; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RAVAGES BY GRASSHOPPERS.

Mr. CROUNSE. I ask unanimous consent to introduce and have passed a little bill against which, I apprehend, there will be no objection. It is a bill for the relief of certain settlers on the public lands in the State of Nebraska.

The bill, which was read, provides that it shall be lawful for homestead and pre-emption settlers on the public lands in the State of Nebraska, whose crops were destroyed or seriously injured by grasshoppers in the year 1874, to leave and be absent from said lands until May 1, 1875, under such regulations as to proof of the same as the Commissioner of the General Land Office may prescribe; and that during such absence no adverse rights shall attach to said lands, but such settlers shall be allowed to resume and perfect their settlement as though no absence had been enjoyed or allowed.

Mr. CLYMER. While I may not object to the bill, I think it should be first considered by the Committee on the Public Lands.

Mr. CROUNSE. It is the same bill that was passed at the last session.

Mr. G. F. HOAR. How could we pass at the last session a bill in relation to ravages by grasshoppers in 1874?

Mr. CROUNSE. In regard to the State of Minnesota the year before.

Mr. KASSON. Also the State of Iowa.

Mr. CLYMER. Let it go to the Committee on the Public Lands with leave to report it back at any time. I promise the gentleman it shall be done very promptly if so referred.

Mr. CROUNSE. Very well; I will not object.

No objection being made the bill (H. R. No. 3898) was accordingly received, read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. McCRARY. I desire to make a request with reference to the matter just passed upon by the House. I ask that the Committee on the Public Lands have leave to report any bill upon that subject; if they see fit, one more general in its scope, which was introduced by me yesterday, and which applies to the entire region devastated by grasshoppers.

The SPEAKER. The Chair will state that the leave already granted by the House to report at any time having been given in reference to a particular bill, an amendment would not be in order to add another locality.

Mr. McCRARY. I will ask that the committee have leave to report bills in relation to other localities similarly situated.

No objection was made, and leave was accordingly granted.

MILEAGE OF OFFICERS.

Mr. CESSNA, by unanimous consent, introduced a bill (H. R. No. 3899) explanatory of an act entitled "An act making appropriations for the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A. K. EATON AND J. D. JENKINS.

Mr. PRATT, by unanimous consent, introduced a bill (H. R. No. 3900) for the relief of Ariel K. Eaton and James D. Jenkins, of Mitchell County, Iowa; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SAMUEL H. STEVENS.

Mr. ORR, by unanimous consent, introduced a bill (H. R. No. 3901) to confirm the title of Samuel H. Stevens to certain lands in Iowa; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FERDINAND MONTI.

Mr. AVERILL, by unanimous consent, introduced a bill (H. R. No. 3902) for the relief of Ferdinand Monti; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONITOR AND MERRIMAC.

Mr. HALE, of Maine, by unanimous consent, introduced a bill (H. R. No. 3903) for the relief of Rear-Admiral John L. Worden, and the officers and crew of the United States steamer Monitor, who participated in the action with the rebel iron-clad Merrimac, on the 9th day of March, 1862; which was read a first and second time.

Mr. HALE, of Maine. I move that this bill be printed, and, with the accompanying memorial, referred to the Committee on Naval Affairs.

Mr. RANDALL. I move to amend the motion of the gentleman from Maine, [Mr. HALE,] so as to refer the bill to the Committee on War Claims. It is in the nature of a claim.

Mr. HALE, of Maine. It should go to the Committee on Naval Affairs, to which all such matters have heretofore gone.

Mr. RANDALL. I hope that reference will not be made. This is clearly in the nature of a claim.

Mr. HALE, of Maine. It is not in the nature of a claim, because it is not claimed that anything is due. It is purely a matter of grace whether anything shall be allowed. The Naval Committee, it seems to me, is the appropriate committee to consider the case.

Mr. RANDALL. These men are not entitled to prize-money under existing law.

Mr. HALE, of Maine. They are not entitled to anything whatever under existing law.

Mr. RANDALL. Then the case should go as a claim to the Committee on War Claims.

Mr. HALE, of Maine. I ask that the title of the bill be read again.

The Clerk again read the title of the bill.

Mr. HALE, of Maine. Mr. Speaker——

Mr. RANDALL. If the gentleman wants to discuss this question, I shall ask the same privilege.

Mr. HALE, of Maine. No, I do not wish to discuss the question. I only want to remark that such matters have always gone to the Naval Committee. I am not a member of that committee; but it seems to me that this case ought to go there.

Mr. RANDALL. All I say is that this is in the nature of a claim; that great favoritism has already been shown to the Navy, as distinguished from the Army, in connection with prize-money; and I want the case to go where it should go legitimately under the rules.

Mr. HALE, of Maine. I think the gentleman himself must see that this is not a claim.

Mr. KASSON. Will the gentleman state what committee had jurisdiction of the similar case relating to the Kearsarge?

Mr. HALE, of Maine. The Committee on Naval Affairs.

Mr. KASSON. This is just such a case as that, and I think it ought to go to the same committee.

Mr. HALE, of Maine. Precisely. This is purely a question whether Congress shall give a gratuity.

Mr. RANDALL. They do not claim that this vessel was captured.

Mr. KELLOGG. Let me suggest to my friend from Maine that the Committee on War Claims, in view of the powers given to it, would have been the appropriate committee to consider the case of the Kearsarge.

Mr. HALE, of Maine. The province of the Committee on War Claims, as I understand, is to consider subject-matters in which there is a claim put forward for services rendered in connection with the war or for property taken or lost. Now, here is a subject entirely aside from that, presenting a question whether Congress will, in its grace, give something outright to these men.

Mr. RANDALL. Then it has not really the merit of a claim, because the proposition is for a gratuity. That is a still stronger reason why it should go to the Committee on War Claims.

Mr. HALE, of Maine. What has that committee to do with gratuities?

Mr. RANDALL. Why, sir, if it is proposed to give money away upon an application in the nature of a claim, whether it be an absolute claim or not, the matter comes within the purview of the Committee on War Claims.

Mr. HALE, of Maine. This is a case growing out of a great and significant naval exploit; and all such things have gone to the Committee on Naval Affairs. I ask for a vote.

Mr. RANDALL. I warn the House in reference to this matter. The same proceeding was had as to the Farragut money.

The question being taken on the amendment of Mr. RANDALL as to the motion of Mr. HALE, of Maine, there were—ayes 58, noes 69; no quorum voting.

Tellers were ordered; and Mr. RANDALL and Mr. HALE, of Maine, were appointed.

The House divided; and the tellers reported—ayes 66, noes 84.

So the amendment of Mr. RANDALL was not agreed to.

The question recurring on the motion of Mr. HALE, of Maine, to refer the bill to the Committee on Naval Affairs, it was agreed to.

Mr. HALE, of Maine, moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF THE DISTRICT COMMISSIONERS.

Mr. WHEELER, by unanimous consent, submitted the following resolution; which was referred, under the law, to the Committee on Printing:

Resolved, That there be printed for the use of the commissioners of the District of Columbia one thousand copies of the report of said commissioners and the accompanying documents, in addition to the number provided by law.

BOARD OF AUDIT FOR THE DISTRICT OF COLUMBIA.

Mr. HALE, of Maine. In pursuance of leave granted yesterday, I now report back from the Committee on Appropriations the joint resolution (H. R. No. 199) to continue the board of audit to examine and audit the unfunded or floating debt of the District of Columbia.

The joint resolution, which was read, provides that the board of audit constituted by section 6 of the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, be continued until otherwise provided by law, with all the powers and duties specified in said section, and with compensation to the members of the board at a rate proportioned, according to time, to that granted in said act, and payable as therein provided; and the time for presenting claims is hereby extended for the period of thirty days from this date; and persons having sustained damages to real estate, but failed to present the same to the board of public works, may present the same for audit and allowance within the time above limited, as specified in the seventh class of claims mentioned in said sixth section; provided, that when the title to claims evidenced by certificates of the auditor of the board of public works is involved in suits now pending in any court of competent jurisdiction, such court shall not be ousted of jurisdiction in respect of such question of title; and after the board of audit shall have ascertained the amount, if any, due upon any such claim, the certificates of said board of audit shall be issued and be convertible in favor only of the person finally adjudged in such suit to be entitled thereto, and when said party may by law have execution of such judgment or decree.

The SPEAKER. The pending amendment is that moved by the gentleman from Massachusetts, [Mr. BUTLER,] to add to the end of the joint resolution the following:

Provided, That interest on such unaudited accounts be reckoned to the date of presentation.

Mr. BECK. I wish to offer an amendment, which I ask at least may be read.

Mr. WILSON, of Indiana. I also desire to move an amendment.

Mr. HALE, of Maine. I wish to say the committee whose organ I am at present in this matter does not propose to open it to discussion or amendment as affecting the work done by these commissioners. It came before us incidentally in relation to continuing salaries; for as no salaries will be continued, because the law under which they were created has expired in its operation, the commissioners have requested us to put in a resolution simply continuing the duties of the board of audit. And that is what has been attempted in the pending joint resolution. Under these circumstances I do not feel like opening the question to a broad discussion of what these commissioners have done or what they have reported, because that is not involved here. As the amendment of the gentleman from Massachusetts [Mr. BUTLER] was moved yesterday in such manner that it can be voted on, of course I cannot prevent that vote being taken; but I do not want to consent to any further amendment if I can help it.

Mr. BECK. Will the gentleman allow the amendment I desire to offer to be read?

Mr. HALE, of Maine. Certainly.

The Clerk read as follows:

Strike out in line 4 of the printed record the words "otherwise provided by law," and insert the following: "February 1, 1875, on or before which date a full report of the action of the board shall be laid before Congress."

Mr. WILSON, of Indiana. I should like to have an amendment read.

Mr. HALE, of Maine. Let it be read.

Mr. WILSON, of Indiana. I wish to move the following, to come in as a second section to the bill.

The Clerk read as follows:

Said board of audit shall proceed forthwith to examine and audit the accounts of the treasurer and auditor of the late board of public works according to the provisions of the said act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 30, 1874, as required by said act, and shall specifically report whether the accounts of said treasurer were so kept from day to day as to show his payments of currency or bonds; to whom paid and upon what authority; whether or not the moneys and other assets which were received by or were under the control of said treasurer have been properly accounted for by said treasurer, and what, if any, of such moneys or other assets have been paid out or disposed of by said treasurer without auditor's warrants or certificates therefor; what, if any, payments were made without evidence that the same were made for or on account of public improvements in the District of Columbia made by the said board of public works; what, if any, payments were made upon illegal or irregular warrants, accounts, or vouchers; what, if any, amounts remain in the hands of said treasurer; and to the end aforesaid, and to enable said board of audit to complete the duties assigned thereto in said act, said board shall have all the powers and perform all the duties in said act set forth, and shall make report of their proceedings herein and pursuant to said act, together with all oral testimony taken by them, to Congress at the present session thereof.

Mr. MAYNARD. There should be added the words "or any other matter or thing which may be deemed proper and desirable."

Mr. HALE, of Maine. Let me suggest to the gentleman from Kentucky if this amendment of the gentleman from Indiana should pass he should extend his time, say fifteen days, because this adds to the labor very much, and it might be impossible to furnish this thing so early.

Mr. BECK. I will say to the gentleman from Maine that all I want is a report shall be made to this Congress, and if the work is not then completed, to enable it to renew these powers; but let us know in time what has been done, so as to act in the premises.

Mr. HALE, of Maine. If the gentleman will move his amendment so as to make it the 15th, instead of the 1st of February, I will admit the amendment of the gentleman from Indiana.

Mr. BECK. I have no objection, so we can get a hearing.

Mr. WILSON, of Indiana. Did the gentleman from Kentucky notice the terms of the amendment I have offered?

Mr. BECK. I could not hear it distinctly in the midst of the confusion.

The SPEAKER. There is too much confusion in the Hall. The House will come to order.

Mr. WILSON, of Indiana. The amendment I have submitted requires the board to report to this Congress. I wish the Clerk to read its concluding paragraph.

The Clerk read as follows:

To enable said board of audit to complete the duties assigned thereto in said act, said board shall have all the powers and perform all the duties in said act set forth, and shall make report of their proceedings herein and pursuant to said act, together with all oral testimony taken by them, to Congress, at the present session thereof.

Mr. GARFIELD. I desire to ask the gentleman from Indiana whether in requiring these commissioners to report to Congress whatever oral testimony they have taken he does not ask them to do what they cannot do? They may have had oral testimony in cases settled a month or three months ago which they have not preserved, and which it would be impossible for them to report.

Mr. WILSON, of Indiana. I will modify the amendment by adding after the words "oral testimony" the words "hereafter taken."

Mr. HALE, of Maine. Let those words be inserted.

Mr. COX. Will the gentleman from Indiana yield to me to offer an amendment?

Mr. WILSON, of Indiana. I have not the floor for that purpose.

The SPEAKER. The Chair understands the gentleman from Maine [Mr. HALE] to admit the amendments of the gentleman from Kentucky and the gentleman from Indiana.

Mr. HALE, of Maine. I do, if they are made harmonious.

Mr. BECK. I will modify the amendment I have offered by changing the date from the 1st to the 15th of February.

Mr. CHIPMAN. Will the gentleman from Maine yield to me to offer an amendment or two?

Mr. HALE, of Maine. I think, as a matter of convenience, the amendments of the gentleman from Kentucky and the gentleman from Indiana, as modified, should in the first place be adopted.

The SPEAKER. If there be no objection to these several amendments which are pending, they will be considered as agreed to.

Mr. HOLMAN. I object to the amendment offered yesterday by the gentleman from Massachusetts, [Mr. BUTLER.]

The SPEAKER. That will be considered as still pending.

There being no objection, the amendments of Mr. BECK, and Mr. WILSON of Indiana, as modified, were agreed to.

Mr. HALE, of Maine. Is the amendment offered by the gentleman from Massachusetts [Mr. BUTLER] still pending?

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] was understood to have liberty to offer his amendment, and it was considered as pending. It cannot be disposed of without a vote.

Mr. HOLMAN. I ask that it may be again reported. It is in conflict with the well-established rules of Congress.

The SPEAKER. The Chair supposed that the amendment of the gentleman from Massachusetts had been rejected informally; but there must be a vote upon it to appear on the record.

The Clerk read the amendment of Mr. BUTLER, of Massachusetts, as follows:

Add to the end of the joint resolution the following:

Provided, That interest on such unaudited accounts be reckoned to the date of presentation.

Mr. HALE, of Maine. I ask the Clerk to read a letter from the First Comptroller of the Treasury, who is one of the members of the board of audit. It is very brief.

The Clerk read as follows:

COMPTROLLER'S OFFICE, *December* 9, 1874.

DEAR SIR: The amendment offered by General BUTLER to the joint resolution to continue the board of audit ought not to pass in the form offered. On certain claims the board of audit allowed interest to August 1, 1874. General BUTLER's amendment is to allow interest to the date of presentation, and will allow tardy claimants an advantage over the diligent, and an advantage over those whose claims have been audited. Interest on the 3.65 bonds commenced August 1.

Sincerely yours,

R. W. TAYLER.

Hon. EUGENE HALE.

Mr. HALE, of Maine. I hope the amendment will be voted down.

Mr. RANDALL. I desire in connection with this subject to state a few facts to the House.

Mr. HALE, of Maine. Does the gentleman from Pennsylvania have the floor? I have not yielded it.

Mr. RANDALL. I understood that the Speaker had recognized me. I will be very brief, not occupying, I think, more than five or six minutes.

Mr. HALE, of Maine. I will yield that time to the gentleman.

Mr. RANDALL. I want to show that the allegations as to the debt of this District made by the President of the United States in his message sent to Congress on Monday are gross errors, and I will show this from the very papers which the President himself ought to have had in his possession when he was making up his message.

The accounts agree as to the items of the bonded debt, making a total of $8,883,940.43, and they further agree as to the amount of the 3.65 bonds issued under the law passed at the last session, namely $2,088,168.73. They further agree as to the certificates of the board of audit, amounting to $4,770,558.45. These sums aggregate $15,742,667.61. The President goes on to make a credit against the funded debt, which had he known the truth and the facts he could not have made. He claims as a credit "less special improvement assessments (chargeable to private property) in excess of any demand against such assessments" of $1,614,054.37. Now, I maintain that not one dollar of that amount has as yet been collected, and that, when it shall be collected, it is pledged to the liquidation of a further indebtedness of the District entirely omitted by the President of the United States in his statement, but not omitted by the board of audit, to wit, the 8 per cent. certificates, of which those issued amount to $1,522,400. That money, if it is ever collected, is pledged in honor and by law to go to the payment of that debt of 8 per cent. certificates.

Furthermore, the President of the United States claims that the sum of $3,147,787.48 is not of the character of a funded debt. The board of audit distinctly deny that allegation, and say that this is in fact a part of the funded debt of the District, and no man familiar with accounts can fail to see that it is in fact a part of the funded debt. Adding that, we have a debt of $20,412,855.09. The board of audit claim a credit against this of about $460,000, not rightfully, as I consider; but when we refer to the report of the engineer of this District what do we find? We find that under class 4, which the board of audit state as part of the indebtedness, there is an item of $1,500,000; and Lieutenant Hoxie, the engineer of the District, estimates what will hereafter be required, and what, in truth, is a part of the actual debt of this District, that is, the sum of $1,700,000. Therefore, assuming the correctness of the very figures of this report, the aggregate debt of this District—and I stand ready to prove it to any man who is familiar with accounts—is $22,112,855.

There are plausible credits, I admit. But admitting all the credits claimed, whether by the President of the United States or by anybody else connected with the board of audit or the commissioners, the actual debt of this District remains over $20,000,000. And that is twice the amount that the people who had this management of the affairs of this District had the right to incur under the very letter of the law.

I am in favor of everything that will probe this matter to the bottom. We have not yet got to the bottom of the affairs of this District. In closing I invite, whether from the President or any officer of any Department, the very closest scrutiny of my figures in this respect, having not the least fear but what I will be found to be right, for I have taken them from the very figures presented to us in their own reports.

Mr. CHIPMAN. I ask the gentleman from Maine [Mr. HALE] to yield to me for two or three minutes.

Mr. HALE, of Maine. I will yield to the gentleman for a few minutes.

Mr. CHIPMAN. I cannot think of going into this matter of the District accounts at this time. I think this discussion is inopportune and premature. I have not the official documents.

Mr. RANDALL. I want to give my contradiction of the statement of the President of the United States that the debt of the District is only $14,000,000.

Mr. CHIPMAN. Undoubtedly the whole attack is upon the President of the United States.

Mr. RANDALL. I do not care who it is upon.

Mr. CHIPMAN. As it has been throughout the whole controversy. The District of Columbia is nothing; you have trampled it under your feet; we have no longer a government of the people. The President of the United States stands by the capital of the United States, and hence the attack upon him.

The gentleman from Pennsylvania [Mr. RANDALL] is usually fair in his arguments. But in this case he does not treat the House with his usual candor. The President does not state that the sum of $1,614,054.37 is an actual credit at this moment. He only suggests in his message that those special assessments are collectible, and that when collected they will go to the credit of our account.

Mr. RANDALL. Does he not deduct it from the debt?

Mr. CHIPMAN. He deducts it, but he places it openly before Congress.

Mr. RANDALL. Does he not misstate the facts?

Mr. CHIPMAN. He does not. That item is simply in the nature of bills receivable. Under the law the District of Columbia became responsible for the payment of all the improvements made. In order to recover the other side of the account an assessment was made under the law against private property, and this is one of the items of credit offsetting so much of the debit side.

Mr. RANDALL. Will the gentleman allow me to ask him a question right here?

Mr. CHIPMAN. Certainly.

Mr. RANDALL. It is whether the 8 per cent. certificates issued, to the extent of $1,522,400 by the District government, have not been realized by that government and the money spent?

Mr. CHIPMAN. I would answer the gentlemen if I had the papers before me. But to answer him without examination might lead me into error, as the gentleman probably is.

Mr. RANDALL. I have them.

Mr. CHIPMAN. I only rose to point out the error of the gentleman's argument. The District of Columbia has certain bills receivable—credits in the nature of bills receivable—not collected. But we claim that in reckoning our debt we have the right to consider those bills receivable for what they are worth. If collected, they will reduce our debt so much; if not collected, then the gentleman is right. Whether the President has included these 8 per cents or not I cannot say without examination. Certainly he could never have intentionally omitted what is known to the world as having been at one time in the nature of a bonded debt. This is a matter of public record, and there can be no dispute about the facts. I only suggest the error of the gentleman in not allowing us this credit when collected.

Mr. RANDALL. No, sir; I am right, whether they are collected or not.

Mr. CHIPMAN. I did not interrupt the gentleman, and I protest against his going into this subject now. The truth is, these special assessments were levied against the private property in front of which the improvements are made. The gentleman will not deny that that property is ample to pay those assessments. The gentleman knows that under the ordinary rules of law they are preferred debts against the property; that even a mortgage must give way to an assessment for improvements for the public good. Hence, as a matter of fact, this is an item in our account for which we should receive credit.

I protest against the gentleman making an attack upon anybody on account of the District of Columbia, until that portion of the President's message has been referred to the appropriate committee and an examination made, so as to determine whether the President is right or wrong. Do not let any gentleman take the floor prematurely and attack any officer connected with the affairs of the District, and particularly the President, who is simply stating what comes to him in an official form from the officers of the District government.

Mr. RANDALL. I am not attacking the President of the United States; I am reviewing his figures, and I say again——

Mr. HALE, of Maine. I must resume the floor.

Mr. RANDALL. I want to say a word.

Mr. HALE, of Maine. I cannot yield further.

Mr. RANDALL. I hope the House will allow me to say a word.

The SPEAKER. The gentleman from Maine [Mr. HALE] declines to yield further.

Mr. RANDALL. I ask leave to say a word.

Mr. HALE, of Maine. The gentleman from Pennsylvania [Mr. RANDALL] has had his say.

Mr. RANDALL. And I want another.

Mr. HALE, of Maine. I cannot agree to have this discussion prolonged indefinitely. I said, in beginning, that I could not agree that all the discussion that would naturally come up about the action of the commissioners and their reports should come up on this proposition, which is simply to continue the board of audit, and to which, I understand, nobody objects.

Now, in reference to this assumed contradiction that the gentleman from Pennsylvania [Mr. RANDALL] has raised here in his eagerness to make an issue with the President of the United States as to the

District of Columbia, the sentiments of the message I gave attention to when read in the House and have examined somewhat since. The President claims to present from the documents furnished to him a statement of the financial condition of the District. Now, for one, I am free to say that upon that subject I was agreeably disappointed. I say freely that the debt of the District, upon any figures, so far as I have seen them, is not so large as I for one had feared at the time we adjourned it would be. I have felt it a subject of congratulation that, after all the suspicion and reproach that have been cast upon the late District government, (in some of which I shared,) this showing is so much better than had been expected. I have no doubt, though I do not undertake to speak for the President, that he has had the same feeling.

Now, what does he say in his message accounting for the largest item of difference so loudly heralded by the gentleman from Pennsylvania? The President sums up the indebtedness of the District as follows:

Bonded debt issued prior to July 1, 1874	$8,883,940 43
3.65 bonds, act of Congress June 20, 1874	2,088,168 73
Certificates of the board of audit	4,770,558 45
	15,742,667 61

From this he deducts certain claims by way of offset—bonds owned by the city, and special-improvement assessments. He deducts these, as he clearly had a right to do. This leaves a debt of nearly $14,000,000. He goes on then to say:

In addition to this—

I am quoting the President's language, which the gentleman from Pennsylvania did not quote.

Mr. RANDALL. I had it right before me, and I stated its substance correctly.

Mr. HALE, of Maine. The President says:

In addition to this there are claims preferred against the government of the District amounting in the estimated aggregate reported by the board of audit to $3,147,787.48, of which the greater part will probably be rejected.

These claims do not come within the class already presented and considered by the board of audit, certified to by them, and therefore ranking as proven claims, but they are of that shadowy form and nature that claims commonly are; and they justify the remark of the President following what I have just read:

This sum can with no more propriety be included in the debt account of the District government than can the thousands of claims against the General Government be included as a portion of the national debt.

There is the statement; and I leave it to the House whether the President has been guilty of lack of candor. He presented the financial condition of the District as shown by the documents or reports coming to his hands, as it was proper he should do, the subject-matter being one of national interest. After giving the figures of the bonded debt and outstanding certificates of indebtedness, and the offsets which he claims should be allowed—bonds owned by the District and the special improvement assessments—he makes the statement I have read in reference to this large amount of unaudited claims, between three and four million dollars.

I appeal to the candor of the House whether upon this there is anything that should excite the mad haste of the gentleman from Pennsylvania, to make an issue with the President of the United States, and clamor here that he has been guilty of making a false exhibit because the gentleman can take a certain set of columns and figure out a certain result while he suppresses the explanations of the presidential message.

Now, Mr. Speaker, when I introduced this little bill, designed simply to continue the board of audit, I did not intend that there should be even as much discussion as there has been. I cannot consent that it go further. The gentleman has had his say; he has occupied the time that he asked, and reply has been made to him. If the House does not want to pass this bill continuing this board of audit, with the amendments I have admitted, that of the gentleman from Indiana, [Mr. WILSON,] who was chairman of the special committee having this subject in charge, amended by the gentleman from Kentucky, [Mr. BECK,] who certainly can be allowed to represent the feeling of the other side on this subject, then the House may reject it and the whole matter may stop here and now. But I cannot consent that this measure, which it is important should go through at once, shall be any further delayed.

Mr. RANDALL. I join issue of fact with the gentleman.

Mr. HALE, of Maine. I call the previous question.

Mr. RANDALL. I affirm that the President has omitted from his statement of the District debt any allusion to the $1,522,000 of 8 per cent. certificates, while he has claimed and deducted as a credit the amount of the special assessments, which are by law dedicated to the payment of those 8 per cent. certificates.

Mr. HALE, of Maine. I insist on the call for the previous question.

Mr. RANDALL. Furthermore, I claim that the officers of the government of this District have negotiated that million and a half of 8 per cent. certificates and have spent the money.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] is out of order.

Mr. HALE, of Maine. I call the previous question.

Mr. CHIPMAN. I had desired to offer some amendments.

Mr. HALE, of Maine. I cannot yield for further amendments.

Mr. COX. Will the gentleman from Maine [Mr. HALE] allow me to send an amendment to the desk?

Mr. HALE, of Maine. I have just refused to allow an amendment to be offered by my friend on the right, [Mr. CHIPMAN.]

Mr. COX. Let my amendment be read; perhaps the gentleman will accept it. I will state that it provides for the employment of two accountants. Surely they are needed.

Mr. HALE, of Maine. There is already authority for the employment of accountants.

Mr. COX. But my amendment names two persons—Mr. Godman, of Ohio, and Mr. William Warren, of New York.

Mr. HALE, of Maine. I am satisfied that there is now authority to employ all the accountants that may be needed. If I had not already declined to yield for further amendments, I would not decline now.

Mr. HOLMAN. I suppose it is understood the amendment of the gentleman from Massachusetts [Mr. BUTLER] is rejected.

The SPEAKER. It actually has not been voted on.

The amendment of Mr. BUTLER, of Massachusetts, was disagreed to.

The SPEAKER. The question now recurs on the engrossment and third reading of the joint resolution as amended by the amendment of the gentleman from Indiana, [Mr. WILSON,] as modified by the gentleman from Kentucky, [Mr. BECK.]

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HALE, of Maine, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES DISTRICT COURT OF IOWA.

Mr. McCRARY, by unanimous consent, presented a letter from James M. Love, judge of the district court of the United States, district of Iowa, in relation to a bill to confer circuit court powers on said court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

STENOGRAPHER FOR HOUSE COMMITTEES.

The SPEAKER. When Mr. Francis H. Smith, stenographer for the committees of the House, resigned, the duty of naming his successor devolved upon the Chair, and he now appoints Mr. Andrew Devine, to date from the beginning of the present session.

Mr. SPEER moved that the House adjourn.

The House divided; and there were—ayes 98, noes 43.

So the motion was agreed to.

The House accordingly (at five minutes to two o'clock p. m.) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BARRERE: The petition of Andrew Hosmer, to be compensated for cotton alleged to have been unlawfully taken by the Government, to the Committee on Claims.

By Mr. BUFFINTON: The petition of John L. Shorey, that the postage on periodicals be fixed at two cents a pound, to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS: The petition of William Henton, a pilot in the Navy, for the passage of a law authorizing him to be put on the retired list as master, to the Committee on Naval Affairs.

By Mr. DUELL: The petition of Ira Rockwell, for arrears of pension due his son, Morris D. Rockwell, deceased, to the Committee on Invalid Pensions.

By Mr. FARWELL: The petition of T. M. Blount, teller in assistant treasurer's office, Chicago, for relief, to the Committee on Claims.

By Mr. HUNTON: The petition of Thomas Oxley, to be compensated for supplies taken for the use of the United States Army, to the Committee on War Claims.

By Mr. KELLOGG: The petition of Ives, Judd, and others, of Connecticut, for the repeal of the tax on matches, to the Committee on Ways and Means.

By Mr. RANDALL: The petition of Lydia Peak, widow of William Peak, for a pension, to the Committee on Invalid Pensions.

By Mr. ELLIS H. ROBERTS: The petition of E. A. Wheeler, of Oneida, New York, relative to pensions to soldiers in the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. SAYLER, of Indiana: The petition of 13 citizens of Gibson County, Indiana, for the passage of a law authorizing the manufacture and sale of patent-right articles by others than owners of patent-rights, upon payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 27 citizens of Tuscaloosa County, Alabama, of similar import, to the same committee.

Also, the petition of 17 citizens of Fairfield County, South Carolina, of similar import, to the same committee.

Also, the petition of 9 citizens of Grundy County, Iowa, of similar import, to the same committee.

Also, the petition of 26 citizens of Polk County, Oregon, of similar import, to the same committee.

Also, the petition of 26 citizens of Scott County, Arkansas, of similar import, to the same committee.

Also, the petition of 21 citizens of Pottawattomie County, Iowa, of similar import, to the same committee.

Also, the petition of 10 citizens of Bradley County, Tennessee, of similar import, to the same committee.

Also, the petition of 24 citizens of Greene County, Iowa, of similar import, to the same committee.

Also, the petition of 26 citizens of Milton County, Georgia, of similar import, to the same committee.

Also, the petition of 24 citizens of McNairy County, Tennessee, of similar import, to the same committee.

Also, the petition of 22 citizens of Clackamas County, Oregon, of similar import, to the same committee.

Also, the petition of 30 citizens of Rusk County, Texas, of similar import, to the same committee.

Also, the petition of 18 citizens of Fulton County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Dade County, Georgia, of similar import, to the same committee.

Also, the petition of 65 citizens of Bedford County, Tennessee, of similar import, to the same committee.

Also, the petition of 20 citizens of Cherokee County, Alabama, of similar import, to the same committee.

Also, the petition of 13 citizens of Rice County, Minnesota, of similar import, to the same committee.

Also, the petition of 9 citizens of Simpson County, Kentucky, of similar import, to the same committee.

Also, the petition of 12 citizens of Lawrence County, Indiana, of similar import, to the same committee.

Also, the petition of 41 citizens of Madison County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Olmsted County, Minnesota, of similar import, to the same committee.

Also, the petition of 24 citizens of Franklin County, Iowa, of similar import, to the same committee.

Also, the petition of 16 citizens of Washington County, Georgia, of similar import, to the same committee.

Also, the petition of 19 citizens of Marshall County, Tennessee, of similar import, to the same committee.

Also, the petition of 29 citizens of Kane County, Illinois, of similar import, to the same committee.

Also, the petition of 18 citizens of Turner County, Dakota, of similar import, to the same committee.

Also, the petition of 6 citizens of Lane County, Oregon, of similar import, to the same committee.

Also, the petition of 7 citizens of Sebastian County, Arkansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Pendleton County, Kentucky, of similar import, to the same committee.

Also, the petition of 16 citizens of Audrain County, Missouri, of similar import, to the same committee.

Also, the petition of 12 citizens of Henry County, Tennessee, of similar import, to the same committee.

Also, the petition of 14 citizens of Thurston County, Washington Territory, of similar import, to the same committee.

Also, the petition of 20 citizens of Greene County, North Carolina, of similar import, to the same committee.

By Mr. VANCE: The petition of citizens of Buncombe County, North Carolina, for a mail-route from Swannano post-office, Buncombe County, North Carolina, to Love's, in Greene County, Tennessee, via Bull Creek, Weaverville, Keiths', and Gahagans, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

THURSDAY, *December* 10, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Hon. GEORGE GOLDTHWAITE, from the State of Alabama, Hon. OLIVER P. MORTON, from the State of Indiana, and Hon. THOMAS M. NORWOOD, from the State of Georgia, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3822) making an appropriation to enable the Postmaster-General to carry into effect the law requiring the prepayment of postage on newspapers, approved June 25, 1874;

A bill (H. R. No. 3825) to amend the national-bank act, and fixing the compensation of national-bank examiners;

A bill (H. R. No. 3839) to prohibit Senators, Representatives, and Delegates in Congress from acting as counsel or otherwise in suits or proceedings against the United States;

A bill (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia; and

A joint resolution (H. R. No. 199) to continue the board of audit to examine and audit the unfunded or floating debt of the District of Columbia.

The message also announced that the House had passed a resolution to bind one hundred copies of the Revised Statutes of the United States without the index; in which the concurrence of the Senate was requested.

The message further announced that the House requested the Senate to return to it the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2104) to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS presented the petition of the Houston, Trinity and Tyler Railroad Company, of Texas, praying compensation for railroad iron taken by the military authorities for the use of the United States at Galveston in 1865; which was referred to the Committee on Claims.

Mr. WASHBURN presented a petition of John L. Shorey, publisher of the Nursery, praying a reduction of the rates of postage on periodicals; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented two petitions, largely signed by American seamen and others engaged in commerce, praying for such legislation as will the better promote the efficiency of the marine-hospital service; which were referred to the Committee on Commerce.

Mr. PATTERSON presented the memorial of Alexander Henderson, praying for the balance due him as consul at Londonderry, Ireland; which was referred to the Committee on Commerce.

Mr. BOUTWELL. I move that the petition of Penelope L. Heald, on which an adverse report was made, be taken from the files and referred to the Committee on Pensions, and in support thereof I submit for the same reference the affidavit of John L. Borden in support of the application.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. BOREMAN, it was

Ordered, That E. Boyd Pendleton have leave to withdraw his papers from the files of the Senate on leaving copies of the same.

BILLS INTRODUCED.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 996) for the relief of the Allegheny Valley Railroad Company; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. HAGER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 997) for the adjudication of title to lands claimed by José Apis and Pablo Apis, in the State of California; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Private Land Claims.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 998) supplemental to an act entitled "An act to provide for the payment of the expenses incurred by the Territories of Oregon and Washington in the suppression of Indian hostilities therein in 1855 and 1856," approved March 2, 1861; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 999) providing for holding the terms of the United States district court for the southern division of Iowa at Burlington, in said division; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1000) amending the concluding proviso to section 3262 of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. WASHBURN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1001) to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

BILL RECOMMITTED.

On motion of Mr. INGALLS, it was

Ordered, That the bill (H. R. No. 2680) granting a pension to Mrs. Jane Dulaney, with the accompanying papers, be recommitted to the Committee on Pensions.

NOTICES OF BUSINESS.

Mr. WRIGHT. On the first day of the session, I gave notice that on this morning I should call up the bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes. In view of the operation of the twenty-first joint rule of the two Houses, I suppose I cannot well insist upon the hearing of that bill this morning; but I now give notice that I shall on Tuesday of next week, if I can get the floor, immediately on the expiration of the morning hour, ask the Senate to proceed to its consideration.

And while I have the floor, Mr. President, I desire to say also that on the 10th of March, 1874, there was reported from the Committee on the Judiciary a bill (S. 587) declaring the true intent and meaning of the Union Pacific Railroad acts approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes. That bill has been upon the Calendar from that time to this; and on Friday of next week, if I can get the floor, I shall ask the Senate to proceed to its consideration. In this connection, allow me to say also that there is a report from the Committee on the Judiciary on the subject, and I trust Senators will examine it, as its perusal will probably abbreviate the discussion very much, if discussion shall follow.

REVISED STATUTES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring,) That the Congressional Printer be directed to bind one hundred copies of the Revised Statutes of the United States without the index; forty copies for the use of the Senate, and sixty copies for the use of the House.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 3839) to prohibit Senators, Representatives, and Delegates in Congress from acting as counsel, or otherwise, in suits or proceedings against the United States; and

A bill (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia.

The bill (H. R. No. 3825) to amend the national-bank act, and fixing the compensation of national-bank examiners was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. R. No. 199) to continue the board of audit to examine and audit the unfunded or floating debt of the District of Columbia was read twice by its title, and, on motion of Mr. MORRILL, of Maine, referred to the Committee on Appropriations.

The bill (H. R. No. 3822) making an appropriation to enable the Postmaster-General to carry into effect the law requiring the prepayment of postage on newspapers, approved June 25, 1874, was read twice by its title.

Mr. WEST. The ordinary course with that bill would be to refer it to the Committee on Appropriations; but the necessity for its immediate passage induces me, upon consultation with the chairman of that committee, to ask the consideration of the Senate to it at the present time. I accordingly make the motion that the Senate now proceed to the consideration of that bill.

Mr. SHERMAN. I trust the Senate will not at the beginning of the session set an example which is very mischievous; and it is a thing very rarely done in the Senate to pass bills from the other House without a reference. It will take but a moment to refer it, and it had better be done.

Mr. WEST. I will say, in reply to what the Senator from Ohio states, that unless this bill is passed immediately there will be a cessation of the circulation of the entire press of the United States on the 1st of January, because there will be no means of weighing the mails, according to the statute we passed at the last session. I think if the Senator understood what the bill was he would not object.

Mr. SHERMAN. The committee can report the bill to-day or to-morrow. If it be reported to-day by the committee, there will be no objection; but we ought to have the examination of the appropriate committee.

Mr. WEST. One objection carries it over, and I must consider that an objection.

Mr. SHERMAN. I move that the bill be referred to the Committee on Appropriations.

The motion was agreed to.

THE STEAMBOAT LAW.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for the return to it from the Senate of the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes; and the Secretary was directed to return the bill to the House of Representatives in compliance with its request.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of State, in compliance with the requirements of section 208 of the Revised Statutes of the United States, being a statement of such fees as have been collected, accounted for, and reported by the consular and diplomatic officers of the United States during the years ending December 31, 1873, and June 30, 1874, together with the rates or tariffs of fees and a full list of consular officers in office on the 20th of December, 1873; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a message from the President of the United States, communicating, in answer to a Senate resolution of February, 1873, information in relation to the condition of the records and documents of Mexico relating to the land now embraced in the Territories of Arizona and New Mexico; also to their place of custody and deposit, and to the method of procuring authentic transcripts of such records and documents; which was ordered to lie on the table and be printed.

REVISED STATUTES.

Mr. ANTHONY. I ask leave to make a report. The Committee on Printing, to whom was referred a resolution of the House of Representatives to print one hundred copies of the Revised Statutes without the index, have instructed me to report back the same with an amendment, and ask for its present consideration.

It is well known, to the legal gentlemen here at least, that the publication of the Revised Statutes is delayed by the time required to prepare the index, and it is not probable that the index will be complete—such an index as we must have—under a month. Meantime it is constantly necessary to refer to the laws. A very few copies have been already printed—I think but fifty—and there is a table of contents to the book, made up from the headings of the chapters, but no index. The committee have enlarged the number from one hundred to one hundred and fifty. The amendments are noted on the manuscript resolution.

Mr. SHERMAN. The only purpose of this is for thirty days?

Mr. ANTHONY. Yes, sir; but thirty days sometimes means sixty. It is thought the index will be ready in thirty days.

Mr. SHERMAN. Even if it were sixty, it is manifest the House resolution has provided for binding enough for all practical purposes—forty for the Senate, sixty for the House. I was about to say that as this is all labor wasted after thirty or sixty days, after the index is prepared, it seems to me the smaller number would be better.

Mr. ANTHONY. The committee have enlarged the number at the suggestion of some legal Senators, rather than according to their own judgment.

Mr. SHERMAN. If those Senators say it is important, very well.

Mr. ANTHONY. We think there ought to be one copy for each committee-room of the Senate and each committee-room of the House, and then there ought to be half a dozen copies here and half a dozen in the House for constant reference, and then I suppose it is very desirable that some of the Executive Departments or Bureaus should have additional copies.

The VICE-PRESIDENT. The amendments will be read, and the resolution.

The Secretary read the House resolution, and also the amendments reported by the Committee on Printing.

The Committee on Printing propose to amend the resolution by striking out in line two "one hundred" and inserting "one hundred and fifty;" in line five, striking out "forty" and inserting "sixty;" and in line six, striking out "sixty" and inserting "ninety;" so as to make the resolution read:

That the Congressional Printer be directed to bind one hundred and fifty copies of the Revised Statutes of the United States without the index; sixty copies for the use of the Senate, and ninety copies for the use of the House.

Mr. EDMUNDS. I wish to say, in answer to the Senator from Ohio, that I am advised it will be some considerable time before the perfected volume, with the index, will be ready. The gentlemen engaged upon it are now busy with the index. The index, of course, when printed with the volume, will be a permanent index, and cannot be changed. The Senator from Ohio is perfectly aware how essential it is that for so vast a book the index should be absolutely accurate and very copious, with cross-references and all that sort of thing.

Mr. SHERMAN. The Senator from Rhode Island said it would be ready in thirty days. If it extends over the session, I could see the necessity for a greater number.

Mr. EDMUNDS. It will be more than thirty days, I have no doubt, and it ought to be so long that the gentlemen engaged upon it will not feel themselves hurried into leaving the index in the least degree insufficient or imperfect, because once printed it cannot well be changed. It is to stand for forty years, as we hope. Therefore, it appeared to me that it would be much wiser to put them under a little less pressure and to get on ourselves with the letter-press and the table of contents, which is prepared, for the time being. Every committee needs one copy; we need half a dozen here in the Chamber; the other House needs them; the Departments need them. It is almost impossible to find one of these books now; and as the expense is the mere cost of the paper practically, it is only a trifle.

The VICE-PRESIDENT. The question is on the amendments.

The amendments were agreed to.

The resolution, as amended, was concurred in.

GOVERNMENT OF THE DISTRICT.

Mr. MORRILL, of Maine. I desire, Mr. President, to obtain the consent of the Senate at the present time to fix a day for considering the bill reported from the joint select committee to frame a gov-

ernment for the District of Columbia. That bill is a pretty long bill, and will require some little time in its reading; but I hope that it will commend itself to the Senate in its general provisions, so that when they are considered the details will not be found to be very embarrassing. But if it is to be considered, as there is undoubtedly public demand that some bill of the kind should be considered at an early day, it must be done, I take it, in the first days of this session; and it seems to me that within the next few days will be the opportune time for the consideration of that bill. I ask the Senate, therefore, that a day next week may be agreed upon for the consideration of that bill; and as the Senator from Ohio [Mr. SHERMAN] has some proposition for Monday next, I would name Tuesday of next week. I move that the bill be assigned for consideration on Tuesday next.

Mr. WRIGHT. I trust the Senator from Maine will not insist on that. I have given notice that I intend to call up a bill from the Committee on the Judiciary on Tuesday. Will not Wednesday suit him as well?

Mr. MORRILL, of Maine. I would not antagonize this bill against pressing business from other committees.

Mr. SHERMAN. The motion that I propose to make on Monday will take about two minutes; it is merely to appoint a committee of conference. So I will withdraw any claim for Monday.

Mr. MORRILL, of Maine. If the Senator from Iowa desires to go on with his bill in advance of this, suppose he takes Monday for his bill.

Mr. WRIGHT. That would be well enough but for the fact that the Committee on the Judiciary meets on Monday, and a question germane to the bill that I propose to call up we desire to consider before it is taken up.

Mr. MORRILL, of Maine. Well, sir, I want to go on with this bill. With a sort of understanding that the Senate will give their attention to it, I do not care whether it be set down for Monday or Tuesday.

Mr. WRIGHT. Suppose the Senator from Maine fixes Monday for his bill.

Mr. MORRILL, of Maine. I will take that day if that be the pleasure of the Senate, with a view of having it read on Monday at least, and then will give way to the Senator from Iowa in regard to his bill.

The VICE-PRESIDENT. The Senator from Maine moves that Monday next be specially assigned for the consideration of the bill (S. No. 963) for the better government of the District of Columbia.

The motion was agreed to.

SMITHSONIAN INSTITUTION REGENTS.

Mr. HAMLIN. I ask unanimous consent to introduce a joint resolution, and I ask for its present consideration.

There being no objection, leave was granted to introduce a joint resolution (S. R. No. 11) filling an existing vacancy in the Board of Regents of the Smithsonian Institution; and it was read twice, as follows:

Resolved, &c., That the existing vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the appointment of George Bancroft, of the city of Washington, in place of William T. Sherman, resigned.

The joint resolution was considered as in Committee of the Whole.

Mr. HAMLIN. I will say only, that there is an existing vacancy, as stated in that joint resolution, occasioned by the resignation of General Sherman, who has moved from this city. The law requires that that regent shall be from the city. Mr. Bancroft, the eminent historian, has come here to reside. All three of the Board of Regents on the part of this body think it is eminently fitting that he should be designated by Congress to fill that existing vacancy.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were re-opened.

ADJOURNMENT TO MONDAY.

On motion of Mr. BOREMAN, it was

Ordered, That when the Senate adjourns to-day, it be to meet on Monday next.

NEWSPAPER POSTAGE LAW.

Mr. WEST. I am directed by the Committee on Appropriations to report back House bill No. 3822, making an appropriation to enable the Postmaster-General to carry into effect the law requiring the prepayment of postage on newspapers, approved June 25, 1874, with an amendment, and to ask for its immediate consideration.

Mr. EDMUNDS. I ask that for information the amendment proposed by the committee may be read. I dare say I shall have no objection to the bill being considered to-day.

The VICE-PRESIDENT. The amendment will be read, and also the bill.

The bill was read. It appropriates the sum of $30,000, or so much thereof as may be necessary, for the purchase of scales for the use of the Post-Office Department.

The amendment reported by the Committee on Appropriations was to insert at the end of the bill the following words:

Proposals for furnishing said scales shall be invited by seven days' public notice, given by the Postmaster-General, and the contract shall be awarded to the lowest and best responsible bidder, the contractor to be allowed a reasonable time, in the discretion of the Postmaster-General, to deliver the articles contracted for.

Mr. EDMUNDS. I have no objection to the present consideration of the bill.

The bill was considered as in Committee of the Whole by unanimous consent.

The amendment reported by the Committee on Appropriations was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

Mr. CAMERON. I move that the Senate do now adjourn.

The motion was agreed to; and (at one o'clock and six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 10, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. COBURN. I rise to move a correction of the Journal. The reference of the communication of the Secretary of War in relation to the claim of George W. Seibert, contractor for grading streets and sidewalks in front of the United States arsenal grounds in the city of Indianapolis, Indiana, instead of to the Committee on Claims, should be to the Committee on Appropriations. I move that correction of the Journal.

There being no objection, it was ordered accordingly.

The Journal, as amended, was approved.

PERSONAL EXPLANATION.

Mr. STOWELL. Mr. Speaker, on the 30th of October, three or four days before the election, my political opponent, Mr. Charles H. Porter, made a number of charges against me, which were published in the Petersburgh Index and Appeal of the 31st.

The SPEAKER. Yesterday was marked by a great deal of confusion in the Hall during the transaction of business, and the Chair hopes it will not be continued.

Mr. STOWELL. The Petersburgh Index and Appeal the next day contained a synopsis of these remarks, which I will ask the Clerk to read.

The Clerk read as follows:

Mr. Porter then came to Stowell.

He said: Stowell stood here on the 7th of October to vilify me, but, coward-like, he dared not give me a chance to reply. He has been notified that this meeting would be held by an advertisement; that charges would be preferred against him; and if he has failed to be present, it is his own fault.

I wish here to make a statement which I believe, but which I do not know of my own knowledge to be true, though I have it from a source which is entitled to entire trust. About one year ago Stowell sold the naval cadetship of this district for $1,000. The circumstances were these: A step-son of Dr. Beaty, named Schoolcraft, living a short distance from Richmond, went to Charlotte County, and boarded with a man named McGeorge about thirty or forty days, and was appointed to the Naval Academy from the fourth district. This was in violation of the law of Congress on the subject, and would subject him to expulsion from that body; while Whittemore's case showed well enough what course would be pursued when a cadetship had been sold.

I make these statements boldly; and if Mr. Stowell feels himself aggrieved, he can find his remedy before the courts by a suit for slander, and let the evidence show what the truth really is. Stowell has sold himself, and he will sell you all.

Mr. STOWELL. I had no opportunity before the election to deny that statement; but the result of the election shows the opinion of the people of my district of Mr. Porter's statements, he receiving but 38 votes in all, and I over 15,000. On the 3d of November I denied the charges in the following letter.

The Clerk read as follows:

BURKEVILLE, VIRGINIA, *November* 3, 1874.

DEAR SIR: Your issue of the 31st contains an account of a meeting held in Petersburgh on Friday night, at which Mr. Charles H. Porter charges me with selling the naval cadetship for $1,000, and with having sold my vote in favor of the refunding cotton tax, and also upon the Credit Mobilier and other questions. These statements I denounce, singly and collectively, as *infamous lies*.

I was canvassing in a distant part of the district, and did not learn of the article until too late to deny it in your paper before the day of election; so that the vile slander has been and is now being circulated broadcast over the district without any contradiction, and the malicious purpose for which it was issued has been successfully carried out.

What effect it will have upon the republican voters who are casting their ballots while I write this I cannot say. Before they read this the votes will have been cast and counted and the returns made, so that the result cannot now be changed. Those who vote for me will do it upon their faith in my innocence; and I am quite sure the majority of the republicans will judge it to be what it is, an infamous falsehood, circulated upon the eve of an election for the express purpose of defeating myself. Yet I deem it due to such of my friends as have stood by me to-day, while this shadow was resting upon me, as well as a vindication of myself, to denounce every one of the statements made by Mr. Porter as outrageous false-

hoods, even though the 7,000 majority, which every intelligent republican and conservative will acknowledge was mine three days ago, may now be changed into a minority that will be my defeat.

I propose to bring this whole question before the proper tribunal at the earliest practicable day; and, if I am not completely vindicated to the satisfaction of *all* the people, then I shall resign the place with which a kind constituency has honored me for the last four years.

Very respectfully,

W. H. H. STOWELL.

To the EDITOR DAILY INDEX AND APPEAL.

Mr. STOWELL. Since that time copies of the original charges, as published in the papers, have been sent to prominent newspapers in the North and South, but my denial has never gone with those charges. I will ask that the following may be read to show the fact I state to be true.

The Clerk read as follows:

The copy of the Dispatch containing the Graham and Brady correspondence, and a copy of the Farmville Mercury containing Mr. Chambliss's letter to W. H. H. Stowell, member of Congress, have been sent to the New York Times for publication in that great national journal.

Mr. STOWELL. In view of all these facts, as a matter of justice to myself, to the people who elected me, and to the members of this House, I ask that there shall be an investigation of this subject by the proper committee of this House, and that that committee shall have full power to send for persons and papers.

Mr. FRYE. I move that this subject be referred to the Committee on Naval Affairs for investigation, as that seems to be the proper committee; and that for the purpose of this investigation they shall have power to send for persons and papers.

Mr. HARRIS, of Virginia. I desire to amend by adding with leave to report at any time, so there may be an early investigation of these charges.

Mr. MAYNARD. As this is a personal matter, affecting a member of this House, it seems to me the committee would have that privilege under the rules. As it relates to the conduct of a member of this House, it is privileged in its very nature..

The SPEAKER. The Chair presumes there will be no objection to it.

Mr. STOWELL. I have no objection to it. I am anxious for an early and complete investigation of these charges.

The resolution, as modified, was adopted.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. BECK. I desire to offer a resolution which I send to the desk. I have been requested to do so by the commissioners themselves.

The Clerk read as follows:

Whereas, under the seventh section of the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, the trustees of said corporation deemed it advisable to close up its business, and for that purpose selected three persons as commissioners, whose selection was approved by the Secretary of the Treasury; and whereas it is advisable to know what progress said commissioners have made in their duties: Therefore,

Resolved, That the Secretary of the Treasury be directed to obtain from said commissioners and to furnish to this House, at as early a day as practicable, a report of the present condition of said company, setting forth what progress they have made toward closing up its affairs.

Mr. BECK. The commissioners desire to have this resolution adopted.

Mr. MAYNARD. I do not know that I have any special objection to make to this resolution. It is proper, however, to say that the matter has been before the Committee on Banking and Currency, and that they have already presented a request to the commissioners for a report in order that it might be presented to the House.

Mr. BECK. The object can be accomplished by this resolution.

Mr. MAYNARD. I only thought it proper to state that fact.

The preamble and resolution were adopted.

WINONA AND SAINT PETER RAILROAD COMPANY.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 3904) to carry into effect the provisions of an act of Congress approved January 15, 1873, entitled "An act for the extension of time to the Winona and Saint Peter Railroad Company for the completion of its road;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. WHITTHORNE, by unanimous consent, introduced a bill (H. R. No. 3905) directing the commissioners in charge of the Freedman's Savings and Trust Company to declare an immediate dividend, and to institute suit against the trustees, officers, and agents of said company, with a view of holding them personally liable to the depositors for the deposits made in said company; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REPORTS OF COMMISSIONER OF AGRICULTURE.

Mr. FORT. I ask unanimous consent to submit the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring.) That one-third of the reports of the Commissioner of Agriculture for the years 1872 and 1873, printed upon the appropriation of $50,000 by the act of June 21, 1873, be delivered to the Sergeant-at-Arms of the Senate, and that two-thirds of the said reports be delivered to the Doorkeeper of the House of Representatives, for distribution among the people by Senators and Representatives.

The SPEAKER. Does the gentleman submit this resolution for action or for reference?

Mr. FORT. For action.

Mr. HOLMAN. I hope it will be reported again.

The resolution was again read.

Mr. SPEER. The date should be 23d of June, 1874.

Mr. DONNAN. The printing of the report of 1874 has not been ordered.

Mr. SPEER. The action referred to in the resolution was taken in 1874, not 1873.

Mr. FORT. The Clerk will please correct the date, so as to make it 1874.

The resolution, as modified, was agreed to.

Mr. FORT. I also send to the desk a preamble and resolution relating to the same subject; which I offer for reference.

The Clerk read as follows:

Whereas the annual reports of the Commissioner of Agriculture for the years 1872 and 1873 have not been printed for the use of Congress, because of a misconstruction of the act of 23d June, 1874: Therefore,

Resolved by the Senate and House of Representatives, That the Congressional Printer be, and he is hereby, instructed to print for the use of the Senate fifty thousand copies of the reports of the Commissioner of Agriculture for each of the years 1872 and 1873, and for the use of the House of Representatives one hundred and eighty thousand copies of the said reports for each of the said years for distribution among their constituents.

Mr. FORT. This is a resolution which the Commissioner of Agriculture has sent to me to offer, and I offer it in his behalf. He has also sent a letter accompanying the resolution, which, if the House has no objection, may be read. If the reading is not desired, it may be referred to the committee with the resolution.

Mr. MAYNARD. Before any action is taken on the resolution, I would suggest that the word "misconstruction" might imply, whether intended or not, a censure on somebody, which I presume it is not intended to make. I would suggest the substitution of the word "misapprehension."

Mr. KILLINGER. I should like to have the letter read, that it may go upon the record.

The SPEAKER. The resolution is merely for reference, not for action.

There being no objection, the resolution and accompanying letter were referred to the Committee on Printing.

AMENDMENT OF THE RULES.

Mr. HOLMAN, by unanimous consent, submitted the following amendment to the rules; which was referred to the Committee on the Rules, and ordered to be printed:

It shall be in order to move as an amendment on any appropriation bill to which it shall be germane an amendment abolishing any office or public employment, or an amendment reducing the salary or compensation of such office or public employment.

SOUTHERN IOWA DISTRICT COURT.

Mr. WILSON, of Iowa, by unanimous consent, introduced a bill (H. R. No. 3906) providing for holding the terms of the United States district court for the southern division of Iowa at Burlington, in said division; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONSULAR CERTIFICATES.

Mr. WILLARD, of Vermont, by unanimous consent, from the Committee on Foreign Affairs, reported a bill (H. R. No. 3907) repealing section 3 of the act making appropriation for the consular and diplomatic service of the Government, and for other purposes, approved February 22, 1873; which was read a first and second time.

Mr. WILLARD, of Vermont. I desire that the bill may be now put upon its passage.

The bill, which was read, repeals section 3 of the act making appropriation for the consular and diplomatic service of the Government for the year ending June 30, 1874, and for other purposes, approved February 22, 1873.

Mr. WILLARD, of Vermont. I ask that the section which the bill proposes to repeal be read.

The Clerk read as follows:

SEC. 3. That no consular officer of the United States shall hereafter grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States which have passed a consulate after purchase for shipment.

Mr. WILLARD, of Vermont. This bill has been agreed to unanimously by the Committee on Foreign Affairs.

Mr. KASSON. What is the object of it?

Mr. WILLARD, of Vermont. In the consular and diplomatic appropriation bill passed in 1873 was the provision which has just been read at the Clerk's desk—

That no consular officer of the United States shall hereafter grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States which have passed a consulate after purchase for shipment.

The object of the provision at the time of its adoption was, as I understand it, to compel the purchases made of goods or animals in Canada for shipment to the United States to be entered at the first consulate which they might reach.

The bill was passed undoubtedly for the purpose of increasing consular fees at interior consulates in Canada, and at the instance of those consuls, especially at the instance of the consul at Toronto. It has proved in practice very inconvenient to persons shipping goods

from Canada, especially persons going into Canada to purchase animals to bring into the United States, as it might require them to enter for certificate any animals they might purchase at the first consulate they might reach. And as they might buy some at one place and others at another, they might be obliged to obtain half a dozen certificates for what was really one purchase.

This matter was brought to the attention of the Committee on Foreign Affairs by a petition signed largely by shipping merchants of Buffalo; and the attention of the committee was also called to it further by the gentleman who represented the Buffalo district [Mr. BASS] as a matter of great inconvenience to shippers, and as resulting in no advantage to the Government. The committee were unable to see how the Government could possibly derive any advantage, although the provision might give some little local advantage to consuls. Therefore they have recommended the repeal of that provision.

Mr. KASSON. The point to which I wished to call attention was how this repeal would affect the security for collection.

Mr. WILLARD, of Vermont. It does not affect it in the slightest degree.

Mr. KASSON. What provision will take the place of that repealed?

Mr. WILLARD, of Vermont. The old law allows shippers to enter their goods at any consulate. In the cases to which I have called attention, if this provision was repealed, shippers would enter their goods at the frontier and would enter them all at one consulate.

Mr. CONGER. I wish to add to what has been said this, which is within my own knowledge, that many persons importing articles from Canada have been compelled to wait at the frontier until they could send back to the consulate at Toronto, or at London, or at other places in Canada, and in some cases take back the articles purchased for a distance of from fifty to two hundred miles and have them certified to by the consul without any possible benefit to any one except to increase the fees of the interior consuls. The present law works very injuriously, and I hope it may be repealed.

Mr. MERRIAM. I would say that the object of the consul at Toronto in asking this provision to be passed was this, it was supposed that the consul nearest the point where the purchases were made would be a better judge of the value of the property purchased in that vicinity. It was not for the purpose of increasing his own fees. I see no objection to the passage of this bill.

Mr. CONGER. I know that was the plausible reason given.

Mr. WILLARD, of Vermont. I suppose there is no further objection to the bill, and I call for a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JUDICIAL COURTS OF THE UNITED STATES.

Mr. WILSON, of Indiana, by unanimous consent, introduced a bill (H. R. No. 3908) to repeal the second section of an act entitled "An act to amend an act to establish the judicial courts of the United States, approved September 24, 1789," approved February 5, 1857; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JURISDICTION OF THE SUPREME COURT.

Mr. WILSON, of Indiana, also, by unanimous consent, introduced a bill (H. R. No. 3909) prescribing the jurisdiction of the Supreme Court in certain cases therein named; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OCEAN MAILS.

Mr. DUELL, by unanimous consent, introduced a bill (H. R. No. 3910) to authorize the Postmaster-General to contract with the agents of the American line of mail steamships for the carrying of the mails of the United States from New York to the republics of Venezuela, Colombia, and Hayti, and the islands of Jamaica, Trinidad, and Martinique; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SWANN, from the Committee on Appropriations, reported a bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1876, and for other purposes; which was read a first and second time, ordered to be printed, referred to the Committee of the Whole on the state of the Union, and made a special order for the 23d of December after the morning hour, and from day to day until disposed of.

Mr. ARCHER. I ask that all points of order upon the bill be reserved.

ADJUTANT-GENERAL'S DEPARTMENT.

Mr. McDOUGALL, by unanimous consent, introduced a bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING IN JERSEY CITY.

Mr. SCUDDER, of New Jersey, by unanimous consent, introduced a bill (H. R. No. 3913) to amend an act entitled "An act to provide for the erection of a public building for a post-office and other offices of the United States at Jersey City, New Jersey;" which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HARVEY LULL.

Mr. SCUDDER, of New Jersey, also, by unanimous consent, introduced a bill (H. R. No. 3914) to enable Harvey Lull, of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-hinge; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SAINT LOUIS BRIDGE.

Mr. NEGLEY. I desire to report back from the Committee on Commerce House bill No. 3550, amendatory of an act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri." In order to enable the Committee on Commerce to avail themselves of the suggestion contained in a recent report of the Engineer Department, I ask the House to allow the consideration of this bill to go over until next Monday after the morning hour, instead of being considered under the regular call of the committees to-day.

Mr. HALE, of Maine. To be disposed of on that day?

The SPEAKER. Not to go over from that day.

No objection was made, and it was so ordered.

SUFFERERS FROM THE OVERFLOW OF THE MISSISSIPPI.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the issue of supplies under the act of April 23, 1874, to sufferers from the overflow on the Lower Mississippi and on the Tombigbee, Warrior, and Alabama Rivers; which was referred to the Committee on Appropriations, and ordered to be printed.

ANNUAL REPORT OF THE COMPTROLLER OF THE CURRENCY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Comptroller of the Currency transmitting, in compliance with the national-bank act, his twelfth annual report; which was referred to the Committee on Banking and Currency, and ordered to be printed.

FORT KEARNEY MILITARY RESERVATION.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the Fort Kearney military reservation, in Nebraska; whichwas referred to the Committee on Military Affairs, and ordered to be printed.

CLAIM OF THOMAS STEWART.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the claim of Thomas Stewart for compensation for damages in the washing away of his farm, alleged to have been caused by the act of the United States authorities in changing the channel of the Mississippi River at Bordeaux Chute; which was referred to the Committee on War Claims.

FURNITURE OF THE HOUSE OF REPRESENTATIVES, ETC.

The SPEAKER also laid before the House a communication from the Chief Clerk of the House of Representatives, transmitting, in compliance with the act of July 15, 1870, an account of property belonging to the United States in his possession at this date; which was referred to the Committee on Appropriations, and ordered to be printed.

BURLINGTON AND MISSOURI RIVER RAILROAD.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, in answer to a resolution of the House of June 18, 1874, in relation to the Burlington and Missouri River Railroad, in Nebraska; which was referred to the Committee on the Public Lands, and ordered to be printed.

HOT SPRINGS, ARKANSAS.

Mr. BRIGHT. By direction of the Committee on Private Land Claims, I ask to submit for immediate action the following resolution:

Whereas there are numerous claimants to the Hot Springs tract of land in the State of Arkansas, and Congress by the act of June 11, 1870, authorized these claimants within two years to bring suit in the Court of Claims to have their respective rights adjudicated; and whereas all the claimants except the heirs of Don Juan Filhiol have filed their claims in said court within the time prescribed by statute, and there is now a bill pending before this House on the Private Calendar allowing the Filhiol heirs the further time of thirty days to bring their suits in the Court of Claims; and whereas the Court of Claims now in session will probably reach and determine said cause before the pending bill for the relief of the Filhiol heirs can be reached in its regular order: Therefore,

Be it resolved by the House of Representatives of the Congress of the United States, That the Court of Claims be requested to suspend all action in said cause during the present session of Congress unless House bill No. 608 for the relief of said Filhiol heirs shall be acted on at an earlier date.

The SPEAKER. Is there objection to this resolution? If not, it will be considered as adopted.

Mr. POTTER. I thought the application was to have the resolution taken up for consideration.

The SPEAKER. So it is; but as no one appeared desirous to debate it the Chair was about to put the question. If the gentleman desires to speak upon it the Chair will hear him.

Several MEMBERS. The resolution is all right.

Mr. POTTER. I do not think it is all right, though I have no objection to its being taken up for consideration.

Mr. BRIGHT. The resolution cannot unjustly affect the interests either of the Government or any private party.

The SPEAKER. Does the gentleman from New York propose to debate the resolution?

Mr. POTTER. Yes, sir; but, in the first place, I hope the gentleman in charge of it will be good enough to explain it. It so happens that I was a member of the Committee on Private Land Claims when the act to which reference is made in the resolution was passed. It was passed after a great deal of consideration, and was regarded as a very wise measure for obtaining a judicial determination in respect of property which had for so many years remained unimproved. Now, I should be glad to know why a bill in contravention of that act should be passed. If a satisfactory reason be given, I shall not make any further objection.

Mr. BRIGHT. In answer to the gentleman from New York, [Mr. POTTER,] I will ask the reading of the report of the Committee on Private Land Claims upon this subject at the last session, which will answer fully the interrogatory of the gentleman.

The Clerk read as follows:

The descendants of Don Juan Filhiol claim title to a tract of land known as the Hot Springs tract, situated in the State of Arkansas. Their memorial shows that there are missing links of title, or at least such a cloud upon the title that they are induced to ask Congress either to confirm their title or to allow them thirty days to bring their suit in the Court of Claims to establish it.

A former act of Congress, June 11, 1870, gave these parties two years within which to bring their suit. They failed to bring it within the time; hence their application for the further extension of time.

In support of their claim they say that their ancestor, Don Juan Filhiol, was an officer in the Spanish army in the war between Spain and England, and acted as the commandant of the post of Ouchita, in the province of Louisiana, then belonging to Spain; that, as a recompense for this and other military services, sundry grants of land were made to him, among the number the Hot Springs tract, by Don Estovan Miro, then Spanish governor-general of the province of Louisiana, and who was authorized to make such grants; that the grant to the Hot Springs tract bears date 12th December, 1787, but the original grant is not produced before the committee. The reason given for its non-production will be alluded to in another connection.

The memorial further states that Don Juan Filhiol sold said Hot Springs tract to his son-in-law, Narcisso Bourjeat, by deed dated November 25, 1803, and a copy of such deed is exhibited. That said Bourjeat resold said land to Don Juan Filhiol, by deed bearing date July 17, 1806, and a copy of such deed is produced.

It is further stated that Don Joan Filhiol was married in 1782; had three children; that his wife died before he died, and that he died in the year 1821, about eighty-one years of age; and that memorialists are his lineal descendants.

They further state that Grammont Filhiol, son of Don Juan Filhiol, has from time to time, for the past fifty years, employed different agents and attorneys to prosecute their claim, but that they had either neglected to do so, or they, by collusion with others, endeavored to secure the land for themselves.

The deed from Don Juan Filhiol refers to a grant from Don Estovan Miro as the basis of the claim of Don Juan Filhiol. This recital, however, would only be evidence as between parties and privies to the deed, and would not be evidence to establish the existence of the original grant as against strangers and adverse claimants.

The original grant remains unaccounted for, except by a probability that is raised by circumstantial statements that it was burned at the time the old Saint Louis Hotel was burned in New Orleans in 1840, or that it was sent to the governor-general of Cuba, or was sent to the home government of Madrid.

The memorialists have filed with the committee a paper purporting to be a copy of a copy of a grant answering the description of what they allege was the original. There is also a copy of a certificate and figurative plan accompanying the supposed copy of the grant, made by Don Carlos Trudeau, surveyor-general of Louisiana under the government of Miro and Carondelet.

The evidence of Lozare shows that Don Juan Filhiol, during his life, claimed the land. Other evidence shows that he leased the springs to one Dr. Stephen P. Wilson about the year 1819; but there is no evidence before the committee to show that Don Juan Filhiol, or any one claiming under him, ever had the actual possession of the land.

By the report of the Hon. Thomas Ewing, the Secretary of the Interior, June 24, 1850, (Senate Executive Document No. 70, Thirty-first Congress, 1849-'50, volume 14,) it appears that the Interior Department had the whole subject of the Hot Springs before it, and to which reference is made for the detailed history.

We, however, may allude to the leading facts presented in the report:

One Francis Langlois claimed title to the "Hot Springs" by virtue of a New Madrid location certificate dated November 26, 1818, pursuant to the act of Congress, February 17, 1815, for the relief of the citizens of New Madrid County, Missouri Territory, who suffered by the earthquake.

S. Hammond and Elias Rector applied to the surveyor of public lands for the State of Illinois and Territory of Missouri for an entry or donation of land to include the Hot Springs on the 27th January, 1819.

The widow and children of John Perceval filed in the office of the Interior Department in 1838, or some year prior thereto, a caveat to suspend the issuance of a patent to any other claimants, and setting up a claim for themselves under the pre-emption act of 1814, and showing by proof that John Perceval had possession of land as early perhaps as 1814, and held the possession to the time of his death; and that his widow and children, by themselves or tenants, had held the possession up to the filing of their caveat.

About the year 1841 Ludovicus Belding and William and Mary Davis set up a claim to the land.

On the 1st of March, 1841, Congress passed "An act to perfect the titles to the lands south of the Arkansas River, held under New Madrid locations and pre-emption rights under act of 1814."

These lands had not been subject to location and pre-emption prior to 24th August, 1818, the date of the Quapaw treaty, which extinguished the Indian title.

On the 26th April, 1850, Hon. S. Borland, as agent of Grammont Filhiol, set up a claim of title to the Hot Springs, based upon the Spanish grant before alluded to, and applied to the Department for time to prepare and present the claim. This was the first time the claim was brought legally to the notice of the Government.

On the 20th April, 1832, Congress passed an act reserving the Salt and Hot Springs from entry or location, or for any appropriation whatever.

The Department of the Interior was much embarrassed in the disposition of these conflicting claims. The opinion of the Attorney-General was invoked. He decided in favor of the Langlois claim on the 29th of April, 1850, but it does not appear that the Filhiol claim was prepared for his action at the time. But before the patent could issue caveats were filed and suspended the issuance; and no patent has issued from the Government since that time.

It does not appear that any steps were taken for the settlement of these claims from the year 1850 to 1870. In 1870 Congress passed the act authorizing the different claimants to have their titles adjudicated in the United States Court of Claims, and allowing them two years to bring suits.

On the 26th day of May, 1824, (4 United States Statutes, page 52, section 1,) Congress authorized claimants to lands in Missouri, under any French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued before the 10th March, 1804, and which was protected or secured by the treaty between the United States and France on 3d April, 1803, might petition the district court of Missouri and have such claims established.

By the fourteenth section of this act the same provision was applied to similar claimants in the Territory of Arkansas, and was to continue in force until 1830.

This act was revived by section 1, act of June 17, 1844, (5 United States Statutes, 676,) and continued in force five years from date of its passage.

The Supreme Court of the United States held these acts only conferred jurisdiction on the courts to hear and determine upon imperfect grants. (9 Howard, 127; 11 Howard, 609.)

It is contended that the Filhiol grant, assuming the existence of such grant did not fall within the jurisdiction of the court, as it was not an "imperfect grant," but a perfect grant, which had been lost, mislaid, or suppressed. The jurisdiction of the court being limited by statute, it perhaps would not have stretched the jurisdiction far enough to have set up and established the existence of the missing grant, so as to give effect to it. The whole train of decisions on kindred questions shows that the courts of the United States have confined themselves quite rigidly to the authority conferred by act of Congress.

On the 23d June, 1860, Congress passed an act for the final adjustment of private land claims in the States of Louisiana, Florida, and Missouri, but by a singular omission did not include Arkansas. This act authorized the courts to determine the cases according to equity and justice.

In 1801 Spain, by the treaty of Saint Ildefonso, ceded the territory of Louisiana to France. By treaty of April 30, 1803, France ceded Louisiana to the United States, the United States claiming the river Perdido as the eastern boundary, while the Spaniards claimed the Mississippi as the western boundary, and held possession to the Mississippi, except the island of New Orleans, until 1810, when the United States took possession by force.

Spain continued to make grants and concession of lands to persons within the disputed territory until 1810, but both Congress and the courts declared all such grants made after the treaty of Saint Ildefonso, in 1801, actually void. These parties claimed also that the United States were bound to perfect any incomplete titles, according to the stipulations of the treaty of cession of the Floridas by Spain, February 22, 1819. But Congress and the courts, in like manner, held that this treaty did not embrace the disputed lands.

After Congress and the courts had been worried more than half a century with these claims, and the mind of Congress being affected with the idea that many of these claims rested upon a well-grounded equity, by the act of June 23, 1860, enlarged the jurisdiction of the courts to cases of *equity* as well as *law*.

Parties came in under this act, and had their claims adjudged valid which had been previously adjudged void.

The case of the United States *vs.* Lynd (11 Wallace, 632) embodies the history of the congressional and judicial proceedings in these cases.

This committee has been unable to perceive any reason why Congress did not extend the provisions of the act of 1860 to private land claims in the State of Arkansas. To remedy the omission, however, Congress passed the act of 1870, which opened the doors of the Court of Claims to claimants from Arkansas; and within the two years allowed by the act the claimants have all commenced their proceedings except the Filhiol heirs.

The committee might indulge in some criticisms on the want of due diligence on the part of the Filhiol heirs; but the want of diligence is more apparent than actual.

From necessity their appearance in court must be by attorney. They were timely in the employment of such attorney; but their attorney, as charged by them, was delinquent. Whether this delinquency of the attorney was from accident or design we do not think ought to be visited upon the claimants as a forfeiture of their rights, whatever they may be.

There have been great embarrassments from the want of proper tribunals to determine the various perplexing questions growing out of private land claims. The claimants could not be held responsible for the defects of these tribunals. Ancestors have spent their lives pursuing their claims through land offices, through cabinet offices, through Congress, and through the inferior and appellate courts, without success, and have left their descendants to renew the contest under the disadvantage of loss or weakening of evidence from lapse of time.

After the purchase of the Floridas, in 1819, and the extinction of all the asserted claim of Spain to any part of the territory between the Perdido and Mississippi Rivers, and the extinction of Indian titles, Congress has manifested a liberal disposition by the passage of different remedial acts, (even extending to cases previously adjudicated, as in the Lynch case, 11 Wallace.)

Your committee, keeping in the line of this liberal policy, feel warranted in recommending the passage of the bill. They do so the more readily as the contest is still pending in the Court of Claims, where the rights of all parties may be finally settled by the judgment of the court.

Mr. MAYNARD. How does this get before the House?

Mr. BUTLER, of Massachusetts. By unanimous consent.

The SPEAKER. The gentleman from Tennessee [Mr. BRIGHT] asked unanimous consent to introduce the resolution.

Mr. MAYNARD. I do not wish to be ungracious to my colleague, but this involves title to some very important property which ought to have been settled a long while ago. I will interpose objection until I can look into it, and if I become satisfied it is proper, then I will withdraw my objection.

Mr. BRIGHT. It is not a question of the merits of this controversy.

Mr. RANDALL. Is it not too late to make objection?

The SPEAKER. Some of the members of the House did not hear the resolution when read.

Mr. RANDALL. I submit whether it is not too late to object.

The SPEAKER. The Chair was coming to that point, whether it was too late or not.

Mr. BUTLER, of Massachusetts. The resolution has been introduced and under consideration, and the report of the committee has been read.

The SPEAKER. The resolution was read, and it was stated that after the reading of the resolution objection would be in order. The Chair often warns gentlemen that unanimous consents are always to be watched in order they may not be taken unaware. The resolution will be again read.

The resolution was again read.

Mr. BRIGHT. I would like to make a word of explanation, simply giving a summary of the object of the resolution.

Mr. MAYNARD. I reserve my point of order.

Mr. RANDALL. What is the point of order?

Mr. MAYNARD. I say that I reserve all points of order.
The SPEAKER. What points of order?
Mr. MAYNARD. The power to withhold my consent.
The SPEAKER. It is too late to withhold consent, the resolution having been considered. The gentleman asked consent and no one objected. The Chair had really pronounced the resolution to be passed when the gentleman from New York [Mr. POTTER] interposed objection and desired to debate it. Then the report of the committee was read.

Mr. POTTER. The application which the Chair announced was to introduce the resolution for consideration. I did not object to its being introduced for consideration.

The SPEAKER. The resolution is now before the House for consideration.

Mr. BRIGHT. A word of explanation. If the House will give me attention for a moment I think I can so explain the object of the resolution that there shall be no objection to its passage. There are numerous claimants to what is called the Hot Springs tract of land in the State of Arkansas. By the act of June 11, 1870, Congress authorized these different claimants to submit their respective claims to the Court of Claims for final adjudication. During the two years of the limitation authorized all of the claimants filed their claims except the heirs of Don Juan Filhiol. The reason given for their delinquency or apparent want of diligence was their counsel failed to represent their interest faithfully, as they should have done. Hence they were excluded by the limitation of the statute. In order to obviate the disadvantage to which they were put, they made application to this body to give them by bill the space of thirty days within which they should make their application. That bill is now pending. The suit of the other claimants is now pending in the Court of Claims, and the information is now the court will speedily reach those claims; that they will be heard and determined, in all probability, before the action of the House upon the pending bill on the Private Calendar.

The resolution is simply one of request that the court would stay its proceedings until the action of Congress upon the bill now pending before it, so as to give those parties an opportunity of being heard. It does not propose to determine the merits of any one of these claimants; by no means to countenance either one of them; but simply to give them opportunity to lay them all at the feet of this Court of Claims for settlement and adjudication, so they shall all be finally determined, and Congress cease to be worried, as it has been for the last half a century, on this subject, and there shall be quietude in relation to this disputed property. If it belongs to the Government, let it be so decided; if it belongs to either of the claimants, let it be so decided, and we will have an end of it; and then Congress will be relieved from the worry to which my honorable friend from New York [Mr. POTTER] was subjected some years ago as a member of the Committee on Private Land Claims. Therefore, as it can work no injury to the Government and can work no injury to the parties, I ask for the passage of the resolution, hoping the House will adopt it as an act of justice to these parties.

Mr. POTTER. I have the highest respect for my distinguished friend from Tennessee, [Mr. BRIGHT;] but I cannot see in this resolution an act of justice to anybody, and least of all to the United States. The Hot Springs of Arkansas is an extremely valuable tract of land, the title to which so far remains in the United States; nor have the officers of the Government ever yet been satisfied that any person was entitled to claim them. Year after year, for thirty years or more, claimants have been before the Congress of the United States, asking some patent or some other action of Congress which would establish a right under which they might get from the Government a title to or concession of these lands. The claims of these parties have been various and contradictory, and have been the subject also of litigations which, so far as they have resulted in anything, have resulted, I understand, in determining that no existing claimant had a good title to these springs against the Government. After years of such applications before Congress there was passed in 1870 a bill reported by the Committee on Private Land Claims, of which I was then a member, authorizing the United States to bring the action now pending, for the purpose of settling its title and that of all claimants to this valuable reservation, and authorizing every person who asserted a title to appear within two years and assert his rights. Now, these Filhiol heirs, who claim their title under a grant from Spain, failed within the two years to make any appearance, and then they caused to be introduced into this Congress a bill, I presume, either for the purpose of enabling them to have a determination of their rights in the Court of Claims or perhaps—its scope has not, I believe, been stated—to have the lands granted them. And when Congress comes to consider that bill, if satisfied that these parties have any rights, they can pass upon them and allow them what is their due. But in the meantime, when other parties have made claims in respect of these lands, when the case has been heard in open court and witnesses examined and documents produced, and the cause has been submitted to the Court of Claims——

Mr. BUCKNER. It has not yet been argued.

Mr. POTTER. Then what necessity is there for a resolution to prevent that court from passing on this case, which it has not yet reached, and which it cannot, therefore, I presume, possibly decide before the next Congress meets?

Mr. BRIGHT. The cause is fixed to be heard on Monday next, according to my information.

Mr. POTTER. What, then, prevents the Filhiol heirs from applying to the court to be allowed to set up their claims and being heard when their case comes up? But here is a resolution which furnishes no excuse for the delay of these claimants, and which asks us to prevent the court from deciding, not upon the rights of these parties, but upon the rights of other parties who have appeared before the court. It seems to me that the rights of these persons will not be prejudiced beyond relief by Congress, if they be entitled to relief, by any decision the court can make on the case as it now stands. And if by any means their rights shall be prejudiced, it is open to Congress, when the bill for their relief is brought up, to give them any relief which justice may require. But it has been my experience, not only, as the Speaker has just suggested to the House, that "unanimous consent" is a most dangerous form of action by the House, and one which requires constant watching, but, as I have further found, that these resolutions, which come to the House with innocent faces, apparently asking nothing that should be denied, but referring to some other action to be taken at some other time, are too often like the Trojan horse, which, while fair without, yet carried armed men and dangerous enemies within. For my part I have done my duty when I called the attention of the House to this resolution affecting this valuable property, and which was just about being passed without a single objection. From my general knowledge of the subject I am not inclined to interfere with the action of Congress taken years ago, remitting this subject to the courts; and at all events I am unwilling to interfere with it, as proposed by this resolution, without further explanations and reasons for the action desired than have yet been given.

Mr. BRIGHT. I desire to say a word or two in reply to the gentleman from New York, [Mr. POTTER,] who seems to have entered into a discussion of the merits of the question. The object of this resolution is not to reach the merits of the controversy; it is simply to ask a favor of the Court of Claims, that it shall suspend its action until there shall be definite action upon the part of Congress in relation to the merits of the controversy. It is unnecessary for me to criticise the parliamentary rule of the House in relation to the giving unanimous consent to the passage of a resolution. It is immaterial whether it is sometimes a Trojan horse whose bowels are filled with the elements of destruction. It is presumed, however, that we have intelligent Representatives of the people who will judge of the propriety of every measure which is submitted to them.

I think, Mr. Speaker, the rule is entirely proper to guard against outrage and injustice and surprises that may take place even in the judicial forums of the country, and when astute men may be plying their efforts around the Capitol of the United States, when there are far distant parties who cannot be heard here except by representatives, and whose rights are to be stricken down and slaughtered at the instance of those more diligent parties, and who are here to take an undue advantage of them. I do not see the propriety of interposing objection in relation to the relief that is sought at the hands of Congress.

Mr. MAYNARD. Will my colleague [Mr. BRIGHT] tell us whether these parties have been in possession of the property?

Mr. BRIGHT. If my colleague [Mr. MAYNARD] had listened to the reading of the report he would have learned that they were in the constructive possession of the property, perhaps, during the years 1822, 1823, and 1824.

Mr. MAYNARD. I mean at the present time.

Mr. BRIGHT. My information is that they have not been in possession since that time.

Mr. MAYNARD. That is my information. If they have not been in possession, of course they have brought no suit, and their claim has lain dormant.

Mr. BRIGHT. I am much obliged to my colleague for the suggestion he has made. It enables me to give an explanation of the apparent delinquency of these parties. There is a long history concerning the adjudication of these different claims. Perhaps as early as 1821 the Government began to provide jurisdiction for the settlement of these claims, extending the time from time to time up to 1860. As stated in the report of the committee, the Government authorized the claimants to lands in Florida, in Louisiana, and in Missouri to file their claims before the courts established; but by a singular omission Arkansas was not included. Hence you find that the Government was to blame, not the parties, for their apparent delinquency in not filing their claims in these courts. As soon as the Government by the act of 1870 provided the jurisdiction where their claim could be heard, they attempted to avail themselves of the license of the Government, and employed counsel for the purpose of prosecuting their claims in this court, but through the negligence of their counsel they failed to have their case brought before the court. That is the history of the matter, as I understand it.

Recurring now to the merit of the resolution; if these parties are excluded from the benefit of this act, they certainly will not be concluded by the judgment of the court. As a matter of course a renewed application will be made to Congress, and we will continue to roll the slow stone of Sisyphus in relation to these private land claims until another generation perhaps will be subjected to the toil, as their predecessors have already been, of taking up these cases for themselves. The great objects in view are these: First to have equal justice

done to all parties; in the second place to have all parties included; and in the third place to have Congress relieved of the worry and annoyance of these applications.

Mr. MAYNARD. My colleague will allow me to suggest that there are other interests involved as well as the interests of these parties. As I understand it, there are persons in possession of this property. While the United States asserts a title thereto they, of course, are unwilling to improve the property, so as to make it such as is required of a great central resort of that kind, while there is a litigation with the Government pending. Their case is now nearly ready to be heard. It would be an act of great injustice to them to postpone their controversy still further, it may be indefinitely, and to leave this embarrassment resting over them many years for the benefit of parties who, to say the least of it, have not shown any remarkable diligence.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me a single word?

Mr. BRIGHT. Certainly.

Mr. BUTLER, of Massachusetts. Does not the law of 1870 provide that the case shall go to the Supreme Court in any event; that is, that the Attorney-General may bring suit; and if the decision of the Court of Claims is against the Government, there shall be an appeal? As I understand this resolution, you desire now only to hold the case open until the 4th of March, the end of this Congress. The appeal will have to go over until the next October term of the Supreme Court. If so, will any delay take place?

Mr. BRIGHT. I think not; I think no delay can possibly take place. The right of appeal is provided for by the act of 1870.

Mr. MAYNARD. If these parties should intervene in the litigation, of course the case would have to be prepared *de novo* in reference to their claim, and it might be years before the case would be heard upon their claim, and probably it would go over beyond the next term of the Supreme Court.

Mr. BRIGHT. In regard to the question of diligence, such questions being hypothetical and contingent, it is very difficult to determine them. I would state, however, that ample time would be allowed to these parties to have their case prepared and submitted to the adjudication of the court within time to take it to the next term of the Supreme Court. So much for the question of delay, as suggested by my colleague. While there may be an apparent inconvenience to parties, the higher object of justice to be obtained to all parties ought to be paramount. It is the very object of a court of justice to dispense equal, ample, full justice to all parties; and it is to the interest of Congress to have these cases finally determined. So far as the Government is concerned, if the property belongs to the Government, let the Government turn them all out of court.

Mr. WILLARD, of Vermont. If this was a simple proposition to refer this particular case of these particular heirs to the Court of Claims for adjudication, there would be very little objection to it. But it is manifest that there is a further purpose—I do not mean on the part of the committee, but on the part of those who are pressing the claim. It seems that the title to all these lands was intended to be settled by the law which passed Congress at some former session, remitting these claims to the Court of Claims, and giving them a certain time within which to present their claims. I have not yet heard any reason which seems to me in the smallest degree satisfactory why these heirs have not availed themselves of that law; why they have not already presented their case. I can see a reason why possibly their proofs may not have been all ready; but why they have not presented their case does not seem to me apparent.

But waiving that point—supposing that matter to be satisfactorily explained—I can see another reason, which seems to me to be an obvious one, why this bill should now be urged on the part of some persons who are pressing it from the outside. The Court of Claims, as I understand, has heard substantially the proofs upon which the title of the claimants to that land is likely to rest and upon which it is to be decided. It would not be a surprising thing, Mr. Speaker, if those parties had learned enough on the progress of the case to anticipate unfavorable action of the court upon their cause, and that they are therefore ready to delay by any device whatever the final judgment, which they anticipate will be adverse.

Now, I do not understand that this resolution proposes to submit the bill that is now before Congress in behalf of these Filhiol heirs to the Court of Claims; but it proposes to allow that bill to be pressed here in Congress for a final decision. If a decision can be obtained in Congress in favor of these heirs, I can see why all these other claimants would be exceedingly glad to have the judgment of the court (which they doubtless anticipate will be adverse) postponed. I can see no good reason why such a resolution as this should be introduced here except for the purpose of staving off a decision of the Court of Claims upon a case which has already been presented to it and in which the decision may probably be adverse, in order to have another forum, the Congress of the United States, pass upon that very question.

As was stated by the gentleman from New York, [Mr. POTTER,] these claims have been pressed upon the attention of Congress for years; and we supposed that we had finally disposed of them by sending them all to the Court of Claims. A part of them went there; this particular claim did not go there; it now comes here; and Congress is not only asked to decide this claim, but the parties have also the presumption to ask that the question which has already been submitted to that court shall not pass to a final decision until Congress has acted upon the merits of this claim. It seems to me that this is not a wise measure of public policy. If it were deemed necessary, in order to save the rights of these parties, to send them as individuals to the Court of Claims, that proposition might be less objectionable; but certainly there should be no postponement of the decision, because if that decision should be reached during the present session it might, and probably would, enlighten Congress as to the merits of this very claim.

Mr. BRIGHT. I yield to the gentleman from Louisiana, [Mr. MOREY.]

Mr. MOREY. Mr. Speaker, there seems to be a great deal of misapprehension in the House as to the character of the legislation that has been proposed in connection with this measure. There is a bill now pending which, after very full examination, was reported by the Committee on Private Land Claims, extending for thirty days the time in which to file in the Court of Claims any claim to the Hot Springs, Arkansas. In 1870 an act was passed allowing two years in which such claims should be filed. Those two years have expired. The bill which has been reported and is now on the Calendar gives thirty days additional. The claim referred to in the resolution is the only claim that is to be filed, as I understand. There will be no delay in the final adjudication of the question. It is merely proposed to allow this claim, which is believed to be a just claim, to be passed upon by the court in connection with the other cases.

Now, I would suggest to the gentleman from Tennessee [Mr. BRIGHT] that it would be less objectionable to the House if he would so change his motion as to ask unanimous consent to the fixing of an early day—some day next week—for which this bill reported from the committee, giving thirty days in which to file additional claims, shall be made a special order. I think this would be preferable to this resolution, in the form of a request addressed to the Court of Claims, which is objectionable in the minds of some members. Why should we not make this bill a special order for some day next week, so that we may pass upon the merits of the question as to allowing this claim to go into court?

Mr. BRIGHT. I understand that the case will be taken up in the Court of Claims on Monday next. Therefore, unless a postponement can be obtained by such a resolution as I have submitted, the object sought will not be accomplished.

Mr. MAYNARD. I would suggest that to-morrow is private-bill day, and when we go into Committee of the Whole on the Private Calendar we shall probably reach this very bill and can then act upon and dispose of it. This will supersede any necessity for further action.

Mr. BRIGHT. If to-morrow shall be set aside for the consideration of the pending bill, I have no objection to withdrawing the resolution; or the resolution might be passed at the present time and to-morrow set for the consideration of the bill.

Mr. SPEER. I should object to that.

Mr. MAYNARD. I would suggest that this resolution, if it comes from the committee, be recommitted; or, if it does not, that it be referred, and that it be printed, with liberty on the part of the committee to report at any time. This will overcome the objections in the minds of some members. The report which has been read will go into the RECORD, together with the debate we have had to-day. I suppose there can be no feeling in the House on the subject, except that some gentlemen are evidently not satisfied as to the merits of the question. I am free to say that I am not.

Mr. BRIGHT. The object is to postpone the action of the court until the bill can be acted on. If that could be accomplished by setting a day certain for action on the bill, I should have no objection.

Mr. MAYNARD. I was about to suggest if it be committed to the Committee on Private Land Claims, with liberty to report it back at any time from that committee, the action of that committee would have great persuasive force with the House, and the resolution and the other papers being printed, together with the debate we have had, would probably satisfy the difficulties which have arisen in the minds of many gentlemen. I make this suggestion, and if it prevails I shall move to go into the Committee of the Whole House on the state of the Union on the general Calendar, to continue the currency discussion.

Mr. BRIGHT. Does my colleague make that suggestion?

Mr. MAYNARD. I will make the motion that the matter be referred to the Committee on Private Land Claims, that the bill and accompanying documents be printed, and that committee have the right to report the same back at any time.

Mr. HYNES. I object.

Mr. G. F. HOAR. I also object.

Mr. SPEER. There is a bill already on the Calendar.

Mr. HYNES. There is already a bill of record, all that was thought necessary by the committee, which is now on the Private Calendar, standing nearly at the head of the Calendar; so that as soon as we go into the Committee of the Whole House on the Private Calendar we can reach it, and sufficiently soon to pass upon it.

Mr. MOREY. I will make a suggestion, with the permission of the gentleman from Tennessee, that this be committed to the Committee of the Whole House to be considered, and when we go into the Committee of the Whole House on the Private Calendar that it shall be the first thing to be considered.

Mr. SPEER. I object to that.

The SPEAKER. Then the question is on ordering this joint resolution to be read a third time.

Mr. MOREY. I understand the gentleman from Pennsylvania withdraws his objections to my motion, if it be acceptable to the gentleman from Tennessee, that this be committed to the Committee of the Whole on the Private Calendar, to be considered in connection with the bill to which the resolution relates.

Mr. KILLINGER. I move to lay the whole subject on the table.

Mr. BRIGHT. I have the floor, and do not yield for that purpose.

Mr. BUTLER, of Massachusetts. Let the resolution go to the Committee of the Whole House on the Private Calendar, to be considered in connection with the bill on the same subject which is now upon the Private Calendar.

Mr. BRIGHT. I have no objection to that.

There being no further objection, it was ordered accordingly.

ADJOURNMENT OVER.

Mr. GARFIELD moved that when the House adjourns to-day it adjourn to meet on Monday next.

The House divided; and there were—ayes 97, noes 99.

Mr. LOUGHRIDGE demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. LOUGHRIDGE were appointed.

Mr. CROOKE demanded the yeas and nays.

The yeas and nays were ordered.

Mr. GARFIELD. As this is going to consume time, and some gentlemen wish to speak to-day on the currency question, I will withdraw my motion for the present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCDONALD, its Chief Clerk, notified the House that that body had passed the concurrent resolution of the House that the Congressional Printer be directed to print one hundred copies of the Revised Statutes of the United States without the index, forty copies for the use of the Senate and sixty for the use of the House, with amendments, in which its concurrence was requested.

It further stated that it had passed a bill (H. R. No. 3822) making an appropriation to enable the Postmaster-General to carry into effect the law requiring the prepayment of postage on newspapers, approved June 25, 1874, with amendments, in which the concurrence of the House was requested.

It further stated it had passed without amendment a bill (H. R. No. 3748) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, formerly Charlestown, in connection with the United States navy-yard.

It further informed the House that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the Mint of the United States;

A bill (S. No. 867) to correct a clerical error in the act granting the right of way over the public lands to the Denver and Rio Grande Railway Company, approved June 28, 1872; and

Joint resolution (S. R. No. 11) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

THE GENERAL CALENDAR.

Mr. MAYNARD. I move the House resolve itself into the Committee of the Whole on the state of the Union to take up for consideration the general Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. TYNER in the chair.

CURRENCY.

The CHAIRMAN stated that the unfinished business on the general Calendar was the bill (H. R. No. 41) for the improvement of the currency and the reduction of the funded debt of the United States, on which the gentleman from Massachusetts [Mr. DAWES] was entitled to the floor.

Mr. WILLARD, of Vermont. Will the gentleman from Massachusetts yield to me to offer an amendment which I desire to have printed?

Mr. DAWES. I yield to the gentleman for that purpose.

The CHAIRMAN. The Chair desires to suggest to the gentleman from Vermont that the Committee of the Whole have no power to order printing.

Mr. WILLARD, of Vermont. Then I simply offer the amendment.

The Clerk read as follows:

Add at the end of section 1 the following:

And the United States notes commonly known as greenbacks shall not be a legal tender in payment of debts contracted after the 1st day of July, A. D. 1875.

Mr. DAWES. Mr. Chairman, the fact that this bill stands at the head of the general Calendar, blocking all other business upon it, would of itself be sufficient reason for some final disposition of it; but, beyond that, it pertains to a matter about which, however much we may differ as to the proper remedy, all agree that there is a pressing demand on all hands for legislation. Those who are in favor of this bill and of the policy of expansion which is sure to follow from it, as well as those who are opposed to the bill and to that policy, all alike agree that the present condition of things is fraught with evil of an alarming character, demanding the attention of the people's Representatives on whom that people have waited patiently for action till patience itself is well-nigh exhausted.

The President of the United States and the Secretary of the Treasury call your attention to this condition of things, and press upon us immediate action; the President putting it before all other matters in his message. The two gentlemen who contend upon this floor for the honor of the fathership of this measure vie with each other in calling attention to the necessity of action. We are told, on the one hand, by the Executive, that there is labor enough and capital enough in the country; that labor is knocking at the door of capital and anxious for employment; that capital, for some reason or other, closes its vaults and holds more fast than ever its grip upon the money of the country. We are told by our distinguished friends who have advocated this measure that the people are crying out for employment; that twenty-five or thirty thousand, more or less, in my own State, and twice that number in Pennsylvania, are to-day without employment; that the banker and the capitalist are clutching the money and holding it back from active operation in business.

So, Mr. Chairman, you see that those who look upon this measure from opposite sides agree that the evil and the mischief to be remedied are the same. It comes, then, to the question whether the measure before the House will remedy the evil. There is no lack of earnestness in the demand for the remedy. There is great diversity of opinion as to what will prove a remedy. Those who pursue the line of policy indicated by the bill declare that the evil lies in the policy favored by those who oppose it; and with equal earnestness they are met by the other side with the argument that it is the very condition of things you propose to aggravate and perpetuate that has brought about the calamities all of us deplore. It would be quite well for us to answer the question why it is that labor is out of employment and that capital is not willing to trust itself in the hands of the laborer. My colleague, in attempting to answer this question, says that while you can borrow money enough on Wall street or in any other money market on call at 2 or 3 per cent., when it is attempted to borrow it for investment in active business for any length of time you must pay 6 or 8 per cent. The fact is substantially as stated by my colleague. The reason he gives why the capitalist will not loan his money at the same rate on investment that he will upon call is, as he says, because he is afraid that the Executive and Congress will contract the currency.

Mr. BUTLER, of Massachusetts. And thereby reduce values.

Mr. DAWES. I want to ask my colleague if a large part of his argument was not this, that his objection to contracting the currency was the advantage it gave the creditor over the debtor?

Mr. BUTLER, of Massachusetts, rose.

Mr. DAWES. Do not disturb me just now.

Mr. BUTLER, of Massachusetts. Very well.

Mr. DAWES. I understand my colleague's argument to be of two parts: First, that the man with money to lend would not lend it on time because he was afraid that Congress and the Executive would contract the currency, and which would thereby increase the value of the money with which he was to be paid.

Mr. BUTLER, of Massachusetts. O, no.

Mr. DAWES. And the other part of his argument was that about one-third, more or less, of all the property of the country was in investments, and that you compelled the debtor, by increasing the value of his money, to pay the creditor in an increased value of currency greater than the value of it when he borrowed the money; and therefore it was unjust to the debtor.

Mr. BUTLER, of Massachusetts. Will the gentleman now allow me to state exactly what my position was?

Mr. DAWES. I would rather not at present.

Mr. BUTLER, of Massachusetts. You do not want to misstate my proposition?

Mr. DAWES. Certainly not.

Mr. BUTLER, of Massachusetts. But that is not my proposition.

Mr. DAWES. My colleague has withheld from the RECORD the remarks he made the other day——

Mr. BUTLER, of Massachusetts. I was away, and could not put them in.

Mr. DAWES. I am aware of that. It was not from any design, I know. Meanwhile I will go through with my answer to his argument as I understand it and find it in all the papers. Then, perhaps, I will answer it as he now seeks to present it. Now, if it be true that the reason the capitalist will not consent to loan his money on time is because he is afraid of a contraction of the currency, it will be because the currency when contracted will not be worth so much to him as it was when the loan was made.

Mr. BUTLER, of Massachusetts. O, no; not at all.

Mr. DAWES. If it is worth more to him when he is paid, then of course he would rather lend on time. But if what we who believe in a solid specie basis claim is really true, that what the capitalist is afraid of is not that you will contract the currency but that you will expand it, and by expansion make it less valuable, then of course the fear of expansion—not contraction—is the cause of the increased rate.

Mr. BUTLER, of Massachusetts. He is afraid he will not get his pay at all.

Mr. DAWES. Two cannot talk on this subject at the same time, and I will ask the Chair to arrange who shall speak.

The CHAIRMAN. The gentleman from Massachusetts [Mr. DAWES] is entitled to the floor.

Mr. BUTLER, of Massachusetts. I will not interfere with the gentleman [Mr. DAWES] any more. I only want to protest that he is misstating my argument. Having done that, he may misstate it as much as he likes.

Mr. DAWES. I did not intentionally misstate it. I state it as I heard it and as he is reported in all the papers.

Now, I insist upon it that there can be no question that the reason why you are obliged to pay more for money on time than on call is because of the apprehension that Congress is going to inflate the currency, not to contract it. And it is because the capitalist knows that an inflated currency is not worth as much as a contracted currency; that it will not purchase as much; that its purchasing power is less. And if he is to be paid nine months or a year hence in a currency whose purchasing power is less, he must have a greater rate of interest. If he is to be paid in a currency whose purchasing power is greater, he will take a less rate of interest. And the test is the rate of interest in the market to-day. And the answer to what I understood to be my colleague's argument is in that very fact. It is all summed up in these words: We have a currency over the value of which Congress has control, and no mortal can tell what that value will be nine months or a year hence. Now, my colleague says something else to-day, or says that he intended the other day to state it somehow differently.

Mr. BUTLER, of Massachusetts. O, no.

Mr. DAWES. Different from what I understood it.

Mr. BUTLER, of Massachusetts. Not differently at all.

Mr. DAWES. Perhaps not different from what he said, but from what I understood him. He either stated that to be the reason, or he stated the opposite to be the reason.

Mr. BUTLER, of Massachusetts. No.

Mr. DAWES. Because there is no other horn to that dilemma. It must be either from contraction or inflation.

Mr. BUTLER, of Massachusetts. Pardon me; I can explain in three words, if you will allow me.

Mr. DAWES. I would rather you would not.

Mr. BUTLER, of Massachusetts. I know you would.

Mr. DAWES. My colleague is reported in all the papers to have said this:

> But if he wants money as a business loan, he cannot borrow it on commercial paper at less than 7, 8, 9, or 10 per cent. Why? Because it is understood that Congress and the Executive are determined to contract the currency until specie payment is reached.

Mr. BUTLER, of Massachusetts. That is true.

Mr. DAWES. There is one alternative. My colleague will not deny that he stated, what everybody claims to be the truth, that money raised on commercial paper on time commands a greater rate of interest than money on call. Now, it is for one of two reasons: It is either because the man who lends the money expects it to be paid back to him in a depreciated currency, or in an appreciated currency, one or the other.

Mr. BUTLER, of Massachusetts. No; he may not expect to get his pay at all; that is the trouble.

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. BUTLER, of Massachusetts. No; he does not yield to him.

Mr. DAWES. If that be the reason, that he may not get it at all, that is a risk that every man runs who loans money on time under any circumstances whatever. No legislation, either in this bill or in any other, could take away that element of risk in the lending of money. It is a risk as much under the one alternative as under another. The proposition of my colleague and of the gentleman from Pennsylvania, in the bill before the committee, is to make that which was a war measure of the Government—the introduction of Government promises to pay without provision for their immediate payment—a permanent part of the currency of the country in time of peace. I said when on the floor before that it was a departure from all the former policy of the Government of the United States.

It is a question whether there is any power under the Constitution of the United States, except that power which rises above almost every other—the power of self-preservation in time of war—that authorizes the Government at all to issue this kind of paper. So little did the framers of the Constitution dream of the exercise of such a power under any circumstances, that they did not provide in terms for its exercise even for the purpose of saving the life of the Government in the perils of war. And the Supreme Court of the United States has indicated in its late opinions and judgments grave doubts whether there exists at all in the Government any such power except to meet the exigencies of war. That the power was exercised from the most patriotic motives all admit. All now admit that it was an absolute necessity at the time. The history of the creation of those promises of the Government is that they came out of the groans and the burdens of the life-struggle of the nation, and are not the healthy development and growth of the country in its normal condition. It were a marvel that out of such a state of things, and to meet such a terrible exigency, there came, as by chance, a peace policy setting at naught all the laws of finance by which the civilized world has till now been governed.

I hold in my hand the autograph letter of the then Secretary of the Treasury, the late Chief Justice of the United States, in which he returned to the Committee on Ways and Means the first bill that was introduced into the House of Representatives creating these legal-tender notes. In that letter is set forth the necessity for their creation; the struggle in his own mind to come to the conclusion that in that state of things there was power in the Government to make them a legal tender—a conclusion which he afterward, as Chief Justice, reversed; and his anxiety to meet the issue with a corresponding power to fund them in a 6 per cent. gold-bearing bond to keep them at a level with specie and to secure their immediate retirement as soon as the necessities of the Government should permit. And I hold also a subsequent letter to that committee in which, when in order to float in the darkest hours of the war the ten-forty bonds the Government made the fatal mistake of abandoning the idea of funding these notes in a 6 per cent. gold-bearing bond, he records his anxiety and distress, in view of the necessity pressing upon him, to resort as a substitute for this funding process to that other alternative of contraction, which brings with it so much distress and consequent opposition. I do not feel quite at liberty to put these letters upon the record without permission. I allude to them because they do but give expression to the entire sentiment of those in every branch of this Government who created these notes.

War, with its necessities and burdens, being passed, the country looked to us for a policy that would cause these notes to pass away also, and the abnormal condition of things created thereby to fade with the memories of the war. They have looked in vain. Indeed, until within a short time it has been the announced policy to let things alone, and allow the country to grow up to the expanded condition of the currency, and so relieve itself of this abnormal, this strange condition of things. But I am here to rejoice with my friend from Ohio [Mr. GARFIELD] that at last an unmistakable voice comes to our aid from high authority, demanding an affirmative and an aggressive policy toward these Treasury notes. I rejoice that our hands are being strengthened in the effort (if we have courage to make it) to bring this country back to the laws of trade; those laws which no sophistry of argument, or misapprehension of facts, or misconstruction of circumstances, however specious, can put to naught. But the effort is now, by the bill before the House, to perpetuate this condition of things, and make it the permanent policy of the land.

One of the advantages which, as I understood my colleague when he spoke and as I find him reported, he expects will flow from legalizing and perpetuating this condition of things through the present bill is that it will save the Government interest. Upon this point I would ask the attention of the House for a moment, for I believe the reverse to be true. He proposes by means of this bill to make the Government a depository, a grand national savings-bank, to keep the surplus greenbacks of individuals who are tired of carrying them; the Government giving the individual a bond in place of the greenbacks. As the bond is a bond payable on call, the greenbacks must be in the Treasury to meet the call. The bond bears 3.65 per cent. interest. The greenback lies idle in the Treasury. Now, this proceeding undoubtedly saves somebody interest; and the only mistake my colleague made was in overlooking the fact that it saves the interest to the holder of the bond, while the Government pays that interest for the privilege of keeping in its vaults greenbacks for the individual. The Government is to be made the safe depository for the individual under circumstances that forbid investment; and then the Government is to pay the depositor 3.65 per cent. interest for the privilege of holding his money for him. That is another error of fact brought to the support of this proposition.

The gentleman from Pennsylvania [Mr. KELLEY] proposes in his amendment to the bill another anomaly. He proposes that the moment any holder of greenbacks deposits them in the Treasury and takes a Government bond for them bearing interest at 3.65 per cent., the Secretary of the Treasury shall thereupon take 75 per cent. of that deposit and purchase with it a portion of the outstanding debt of the country. Then there will be left in the Treasury 25 per cent. only of the greenbacks. The owner of the bond may come the next day and demand the whole of his greenbacks, though three-fourths of them have gone beyond reach. Yet the gentleman from Pennsylvania at the same time proposes to limit the Government to the present issue of $382,000,000 of greenbacks, so that it will not be enabled to issue another dollar to meet three-fourths of the call which the depositor makes upon him. Under his proposition the Government may be required to pay back the whole of the deposit of greenbacks, while it has only one-fourth of those greenbacks to pay it with. For illustration: I may take $1,000 of greenbacks and deposit them in the Treasury, and then the Secretary of the Treasury is required by this law to take $750 of those greenbacks and invest them in the outstanding debt of the nation. To-morrow I go back to the Secretary and demand my $1,000 of greenbacks in exchange for the bond that I purchased with them; but the Secretary says, "I have only $250 of the amount; what shall I do?" That is not my difficulty; that is a difficulty of this proposition.

Another advantage which the gentleman from Pennsylvania says this process of his has over all others is that it will appreciate the value of the greenback. Let us look at that. He makes greenbacks exchangeable for a currency-bond bearing 3.65 per cent. interest.

Then the greenback and the bond will each be worth as much as the other. If the bond brings a certain price, the greenback will bring the same price; for they are exchangeable one for the other. Now, a 5 per cent. thirty-year bond is worth in the markets of the world somewhere about par to-day, and it is payable in gold. A 3.65 gold-bearing bond, having thirty years to run, would be worth just about eighty-four dollars on the hundred. If it is payable in greenbacks, as proposed by the gentleman from Pennsylvania, it will be worth just so much less as greenbacks are worth less than gold to-day—10 per cent., or nearly that.

The greenback is 10 per cent. below par to-day, and if you make it exchangeable for the 3.65 bonds, which are worth only eighty-four, you sink it in a moment to eighty-four, and it cannot be otherwise.

Mr. KELLEY. Let me ask the gentleman a question right here?

Mr. DAWES. Not now.

Mr. KELLEY. The bonds can never become commercially put upon the market while redeemable at par at the Treasury.

Mr. DAWES. Five-twenties are redeemable at par at the Treasury, and yet they are put upon the market. As suggested by my friend here, what mystery is there in a bond that bears 3.65 per cent. interest from any other bond? Then, if it sinks the greenback to 84 in gold and to only 75 when payable in currency, as provided here, you see at once you inflate the values just in that proportion. You render it necessary to have so many more greenbacks to do the same amount of business as there is difference between their present value and the value of that bond, and that is inflation of the most alarming character. All prices, all values, all business, are at once, as an inevitable consequence, inflated to almost, if not quite, the exact difference here shown.

But a stranger argument than all comes from my friend from Pennsylvania, [Mr. KELLEY,] and that is that he is going to meet that great illuminating maxim which is found in the President's annual message—(and which he wants written over the doors of all the poor men in this country)—that maxim, contained in these words of the President's message, "debt, debt abroad, is the only element which can, with always a sound currency, enter into our affairs to cause any continued depression in the industries and prosperity of our people." My friend never stopped for a moment to consider the qualifying words, "with always a sound currency," used by the President, and on which this whole debate hinges, but flaunts his panacea for a foreign debt, which is the funding of it in a currency-bond bearing 3.65 interest, by which he promises to draw out of the hands of the foreign bankers our five-twenties 6 per cent. gold-bearing bonds in exchange for it. That is the sublimest stretch of financial imagination and the loftiest flight of political economy that it has ever been my good fortune to witness sent abroad upon the air from this House. Where is the fool abroad who holds any of the fifteen hundred millions of the debt of the United States payable in coin at 6 per cent. or 5 per cent. who is going to let it come back here in exchange for a currency-bond that bears only 3.65 per cent. interest? What is his inducement? What possible motive can lie at the bottom of such a proceeding?

But I take it my friend's answer to all this is, there is another element in this bond which I have not considered, namely, that he can convert it into greenbacks whenever he pleases, or carry his greenbacks back and get this bond again. Interconvertibility is the cabalistic word which is to work miracles upon our foreign as well as domestic debt. In other words, it is that he can play fast and loose with it. Now, that would indeed be a thing of great value to a foreign holder of our bonds! It would be of immense value to those who hold these fifteen hundred millions of our bonds that they could exchange them for greenbacks whenever they pleased by coming over here. But my friend from Pennsylvania is mistaken in this effect of his bond, or else all the laws which have governed trade heretofore and controlled men in the transaction of their business have proved erroneous. But suppose he succeeds in thus locking up every greenback in exchange for his 3.65, and then tolls back from foreign countries an equivalent of 5.20 bonds, he has funded after all only three hundred and eighty-two millions out of fifteen hundred millions of our foreign indebtedness, and his illuminated passage from the President's message over the doorway of the domicile of the poor man remains still an unfulfilled and delusive utterance. It has brought no bread to his table, no employment to his willing hands, nor has it set in motion one dollar of idle capital. There still remain unaffected by all this process fifty-eight millions of unemployed currency in the vaults of the banks of New York, and the wheels of business are as motionless as ever.

My colleague, in further support of this measure, proposed to cure another evil, and that was the great cost in transportation. He is to bring this measure into the platform of the cheap transportationists and the grangers of the West. Commenting upon the necessity for some relief in that quarter, my colleague made the following statement—I hope I understood him right this time—that the condition of things between the East and West in the cost of transportation was such that it took four bushels of corn to carry one bushel from the West to the sea-board. I believe I understood him right for once. Then I went to the price-current, and found that on the day he made his speech the price of a bushel of corn in Chicago was seventy-five cents, and in Boston about ninety-three cents. I turned to the cost of freight on a bushel of corn, and instead of finding it four times seventy-five cents, or three dollars, I found it from eighteen to twenty-one cents to New York, and twenty to twenty-two in Boston.

Mr. BUTLER, of Massachusetts. Was that Chicago-raised corn—was the corn you found at seventy-five cents raised in Chicago?

Mr. DAWES. No, sir.

Mr. BUTLER, of Massachusetts. That is not West by a long chalk.

Mr. DAWES. That is the matter with this statement, is it?

Mr. BUTLER, of Massachusetts. Let me put you right. I said taking freight from Minnesota where corn in some parts is twenty cents a bushel and is some 100 or 105 at the sea-board.

Mr. DAWES. From Saint Louis the cost is about the same as from Chicago, and from the center of Iowa it costs about eight cents more. Minnesota does not raise corn. There is no arithmetic except that published by my colleague which can make freights from any section known as the West four times seventy-five cents on a bushel of corn. He cannot make it half a dollar.

Mr. BUTLER, of Massachusetts. Have you added interest, commissions and middle-men? Do not try to cheat the people; give them fair play.

Mr. DAWES. Interest, insurance, and middle-men are common to both conditions of the currency, and therefore do not enter into this discussion. On a bushel of corn they are a mere bagatelle.

I beg to refer to another statement of my colleague, connected so closely as it is with our own State, and which excited my surprise; and that is his alluding to a matter of which the State of Massachusetts is very proud. Our State has one hundred and seventy-five savings-banks, in which was deposited $200,000,000 by more than six hundred thousand depositors, more than one in every three of her inhabitants; and an investigation showed that three-fourths of all were the fruits of wage-labor. My colleague intimated that, in this disturbed state of things as regards values, if the servant-girls of Massachusetts should call at once upon its savings-banks for their deposits, it would collapse all business in that State; and the remedy for the evil is the proposition to make the Government itself a savings-bank for that purpose. Now, I do not mean to intimate that my colleague has a feeling of the slightest hostility to any possible interest in Massachusetts, nor do I make a claim for myself to one particle more of zeal or fidelity for her interests, as I understand them, than I concede to my colleague as he understands them. But from my stand-point his propositions are all fraught with disaster and ruin, and I must say that I deeply regret any intimation or use of language which can possibly suggest to those to whom three-fourths of all that capital of two hundred millions on call in Massachusetts belongs, that there is such a condition of things possible that shall tempt them to make that call. My colleague, I am confident, would, on further reflection, never indulge in even a whisper of alarm in the ear of those whom he proposes by this bill to feed by reducing the purchasing power of their daily pay with chaff and a stone instead of bread. The depositors in the New England savings-banks can never be tempted to exchange the safety of these institutions for the uncertainty and risks which this bill involves.

I have shown, Mr. Chairman, that the direct and inevitable consequence of the substitution of this bill for the existing state of things, instead of bringing relief by appreciating the greenback to gold at par, will sink it 10 or 15 per cent. below its present value, and thereby take from the laborer, not only in Massachusetts, but the country over, 10 or 15 per cent. of the present purchasing power of his day wages, cutting down his now scanty loaf of bread that much. That is one of my objections to the measure. Well, my colleague says that his argument in favor of this measure has not been answered and cannot be answered. I am not going to enter into the lists with him in an argument upon that point. I am simply employing myself now with stating some insuperable objections to his bill. Whatever may be his philosophy, whatever may be the laws of political economy, sound or unsound, upon which he bases his bill, this fact, and this alone, inevitable as the laws of trade or the motions of the heavenly bodies, is enough for me. No policy shall receive my sanction that will further depreciate one iota this abnormal and strange currency which the Government has forced upon us; and that policy, and that alone, which I can be made to see will bring them nearer and nearer to the standard of the money of the world shall receive my vote.

Now, sir, one moment upon a suggestion which I think will have that tendency. It may not be, and is not, of course, the only one. My colleague may see insuperable objections to that, and others may. The greenback is a promise made by the Government. They have promised to pay me a hundred dollars; they do not say when; they do not provide a method for my enforcing it. It is worth something, and the whole value of it arises not alone from the ability of the promisor to pay, but from his disposition also. Now, some other value enters into the market price of this paper than the wealth of the nation of which we hear so much. It is not enough that the maker of the paper is able to pay. The question is whether he will pay. I may have a note of hand against my colleague or any other member of this House for a thousand dollars. I take it into the market; I satisfy the buyer that there is a million of dollars behind that; but his answer to me is, "Will the maker of that note pay it when I ask him?" If I cannot answer that question the note drops in the market. No matter how much the maker of it is worth; no matter how many millions of dollars of property this nation have behind the promise,

if the maker thereof does not pay it and will not pay it, it is good for nothing to the holder, and its market value drops.

[Here the hammer fell.]

Mr. DAWES. I should like to have a few minutes more.

The CHAIRMAN. The Chair has no power in the Committee of the Whole to ask the committee for an extension of time. The gentleman from New Jersey [Mr. PHELPS] is recognized.

Mr. PHELPS. I shall be glad to yield to the gentleman from Massachusetts what time he requires.

Mr. DAWES. I thank the gentleman for his courtesy and will not abuse it.

Now, that is what is the matter with the greenback to-day. It is not that the Government cannot, but that it will not pay. The greenback would be worth just as much as a gold dollar to-day if the Government would pay it when you present it. It never will be worth as much as a gold dollar until the Government does do that thing. Do that thing and all the rest follows. Make the greenback exchangeable for a gold dollar, and it makes no difference whether you retire it or let it remain a part of the currency. Whenever you can have a dollar for it, then you do not want a dollar for it. Whenever you can get your national-bank bill convertible into so many dollars, that moment you would rather have the bill than the dollars. So it will be with the greenback. Make it exchangeable at par for a gold dollar or what is worth a gold dollar, and that moment there ceases the desire to make the exchange at all, and it becomes as good a currency as coin itself.

Now, sir, if the Government of the United States has not got gold dollars enough to pay this $382,000,000, what should it do? It should just tell the holder of them, "I will give you what is an equivalent; I will give you a bond that is worth par." Now, that is one way to bring the greenback to par. Another way to bring it to par is to make it scarce by contraction or by any other process. Any process that makes it scarce on the one hand and compels you to take it on the other compels you to pay more for it.

The remedy lies in one of two methods. The Government pays me this promise with a gold-bearing bond, or contracts its currency until it is so scarce that a man will have to give par for it.

What is the difference between these two methods? The difference is just this: in the one case the Government pays the discount; in the other the holder of the note pays it. Now which is right? The Government is the promissor; the Government made this paper; the Government by its own course has depreciated it. There is no power in the wide world but the power of the Government itself to depreciate its paper. The Government itself went to work by its own legislation, no matter whether *ex necessitate rei*, or in any other way; the fact is indisputable that the Government depreciated its own paper. Then, should not the Government itself bear the loss? The Government compelled me to take a one hundred dollar promise, and then by its own legislation made that promise worth only ninety dollars. Now this question is presented: either the Government shall make good that ten dollars of its own promise, or it will make me take the promise and make good the difference too. The difference between the effect of these two methods is as wide as the difference in their justice.

The process of contraction, making it scarce, brings about the evils my colleague and the gentleman from Pennsylvania [Mr. KELLEY] deprecate; appreciates values as they say, disturbs the relation of labor and capital, and, as they say, brings ruin upon the debtor and exalts the creditor. The other way, which is the wise and righteous rule, that the Government shall itself take care of its own paper, not depreciate it, shall make good that difference—that way disturbs no values, keeps the relation of debtor and creditor where it was before the existing state of things, brings values on the one side and on the other to a common level without depreciating the one or appreciating the other. The only manly, honest, and courageous way is for the maker of the paper to meet its obligations. That which is honest and manly in an individual in this regard is the only honest, manly, and upright course for the nation itself. It would be infamous for the nation to depreciate its own paper and then refuse to redeem it. I have shown that the inevitable effect of the bill before the House is further to depreciate in the market the promises of the Government, and it is only necessary to add that there is no pretense that the bill holds out the slightest promise of redemption. Though not intended for that result by its authors, it stands before the world as a measure further to bring dishonor upon the Government and distrust and consequent disaster upon the business of the country.

The effect of a dishonest and mean course on the part of an individual may be confined to himself and those with whom he deals. But the Government deals not only with all its people, but with all other peoples; and its credit at home and its faith with its creditors here and abroad depend upon its good name before the nations of the world. By so much the more is it incumbent upon the Government, regardless of all consequences to itself of expenditure in the matter of interest, to walk up in a manly, bold, and courageous manner and meets its obligations.

To that end, at the last session of Congress I introduced a bill providing for the funding of these greenbacks in a gold-bearing bond of such a rate of interest as would make the bond par in the markets of the world, and as they should be funded, meeting the necessities of trade and currency with free banking. If those bonds remain at par, of course the greenback exchangeable for it would also remain at par. I see no reason why the greenbacks, when brought to par, could not with safety remain a part of the currency. But if those laws of trade, stronger than legislation, and which will not lie, shall in their effect decide that, as between these two kinds of currency, the greenback and the national currency, this one shall go to the wall and the national-bank currency take its place, it goes there without loss to the holder, without dishonor to the Government, and we will again be where we were before the war—upon that basis of gold and silver which is alone recognized as money in the Constitution and by the civilized world.

It is now suggested that at some fixed period we should repeal the legal tender character of these notes. If that is done, of course they must be funded, and they must be funded in an equivalent gold-bearing bond, or the nation stands before the world repudiating its contracts. I see no necessity for such a repeal. Let them be brought to par and take their chances by the side of free banking, and let the instincts of trade decide between them. Therefore, whether it is accompanied with the suggestion of the gentleman from Vermont [Mr. WILLARD] and the recommendation of the Secretary of the Treasury and the President, that after a time the legal tender character of these notes be repealed, or whether you do it with the idea that the laws of trade shall determine whether they shall longer exist or not, you do that, and that only, which common honesty requires at the hands of this Government.

Now, a single word more and I have done. There are many details of such a bill, many obstacles in the way that must be removed, I know. I do not intend to set myself up as a teacher in this matter. I only suggest a way out of this difficulty. If discussion shall show that a better way opens, that does lead out instead of leading further into that boundless and bottomless bog upon which we have been floundering since the war, that measure shall receive my support. But I insist upon it that those who are responsible for the administration of public affairs shall not allow any time to be lost. I can understand why my friend from New York [Mr. COX] deprecates our touching this question this session. I can understand why it will be taking from him a stored-up capital against the republican party, that they have put off too long this duty. I only wonder that any one on this side of the House will give his ear to any such suggestion from that quarter. The purpose and consequence of delay are so clearly to the advantage of those for whom he speaks, and so certain to bring disaster upon the party which he opposes and every business interest and obligation of the country, that the coolness of this suggestion of delay from that quarter is equaled only by the folly of acquiescence in it on our part.

The republican party has just three months in which to save or to bury itself, and has the rare opportunity of performing the work for itself. No other power can accomplish its ruin. It will pass out of mind and memory in the politics of this country, if at all, by its own hand. It has the power as well as the opportunity of accomplishing either of these results. In the past glory and achievements of that party, I am as proud as any one. In the grand possibilities of its future no man has more faith than I have, and in the work which it has thus far accomplished no man has devoted more of years or strength. Let me say, therefore, to those who have its future in their keeping, whatever else may betide it, let it not die for want of courage.

The CHAIRMAN. The gentleman from New Jersey [Mr. PHELPS] has forty-five minutes of his time remaining.

Mr. PHELPS. I shall not long occupy the attention of the House. I do not wish on this occasion to enter into any tedious review of those first principles of finance which are now familiar to all. Why should I tell the old story? The words of man may have heretofore been unable to force a recognition of them, but the providence of God has flashed a recognition into the heart of every American citizen, and argument at last is needless.

In my opinion, Mr. Chairman, this Government has been for more than twelve years without any money. It has had a currency, and it has labored with whatever success it might to force this currency to do the duty of money.

This currency has been called by some, especially the men whose gift was that of eloquence, "the best currency which the world has ever seen." Others, whose gift was rather of reason and premonition, have called it a depreciated, an inferior currency, which called loudly for improvement.

Our currency, call it good or bad, is not equal to the money which it seeks to represent, and is below par in gold; and this has been the nature of the currency which we have tried to use since the beginning of the war. It was unequal to money, because it lacked the first requisite of money; it had no permanence of value; it fluctuated like the waves of the sea. This currency was worth 50; to-day is worth 90; and to-morrow, if the views of my friend from Pennsylvania [Mr. KELLEY] should prevail, may be worth 10. May I not say that a currency which fluctuates in this way, like the waves of the sea, is a bad currency, and which can only harm us and the people whom we represent?

Who now denies that such fluctuation in the measure of value is the source of innumerable woes, material and moral, breeding and perpetuating panics, while it touches with the hand of death all the industries of the nation.

Let us grant, then, that this currency is bad, and let us next consider how it shall be made good. But first, what made it bad? The currency is, in my opinion, bad for two reasons. The first reason is that it consists exclusively of promises of the United States Government to pay money, and the Government does not honor these promises; does not pay them. Of course, then, this currency is unequal to money, and must so continue until the holder of the greenback can knock at the door of the national Treasury and demand a fulfillment of the promise. When the promise of the Government is kept, then these Treasury notes, which constitute the only currency that we have, are equal to money, are at par with gold, and the currency is good. Let me repeat, our currency is bad because it consists exclusively of the promises of the Government to pay money, and which the Government refuses to pay.

There is another reason. We find operating in the field of finance that same law of supply and demand which mortals vainly seek to escape. There is more currency than the country needs; and because there is a superfluity of it, it sinks in value. The supply exceeds the demand. If you could increase the demand, you would increase the value; if you cannot increase the demand for currency, you must diminish its amount or diminish its value. And this currency of ours, because it is excessive in amount, is below the value of money, is not at par in gold.

You have now the two reasons why, in my opinion, this currency is depreciated. The next question is, how shall we improve and appreciate it? The most natural course would seem to be to remove the causes which have brought about this effect. We ought in the first place to redeem the promises of the Government; these promises, which constitute the currency, should be paid. It is no longer an excuse to say that their payment is impossible. It is not impossible. We ought to pay these promises of the Government, because they are due and we can pay them. Borrow money on time and furnish the Treasury of the United States with the means by which to redeem its honor. We can easily borrow on our bonds, and we need not borrow very much.

Do not think it necessary that we should borrow that amount of money which would balance dollar by dollar the whole amount of our circulation. We have not to borrow three hundred and eighty-six millions. The experience of banking, from its inception, has been that a small sum of money is sufficient to float a large amount of currency. Borrow one hundred millions and we could resume to-morrow, were it wise to insist on immediate resumption. This first method of improving the currency is the better; borrow on time and pay the promissory notes of the Government, which are due—all of them.

But there is another method. If we are unwilling to do the whole of our duty; if we are unwilling to undertake to keep all our promises which circulate from hand to hand, telling to every man, woman, and child the protracted dishonor of the country, let us do a part, let us do what we easily can—diminish their number. For even if the Government did not keep all its promises, did not redeem all the greenbacks, it could redeem some; it could withdraw and cancel a part. And this withdrawal and cancellation should proceed until the residue were forced to par. We should need to withdraw but a few. Potent influences aid us in the appreciation of the balance.

The country needs some medium of exchange, and can get no other. This is an inexorable necessity, and stamps some value on the greenback. Then there is the legal-tender act, which brings its duress; and law, while not omnipotent, is very powerful. This brings more. And then comes the hope of the citizen, growing to assurance, that the promises of the Government, thus reduced in number and amount, must ultimately be paid. These three influences would aid to keep the irredeemable greenbacks at par with gold were their proportions curtailed to the actual needs of the country's business.

To sum up: Reason would suggest these two ways of perfecting our currency and making it as good as money:

We could borrow money enough on time to pay all our demand notes, and then our currency is at par; or

We could borrow enough to pay off a portion of our demand notes, and by the necessities of trade, the pressure of law, and the growth of credit, float the rest at par. Ought we not to take one course or the other?

But my friend from Pennsylvania, [Mr. KELLEY,] whose measure is now before the House, comes and looks at this problem and proffers a different solution. He ignores the public creditor, and glories in national protests. He would let the debt stand forever, and recognize insolvency as the permanent condition of a free people. Not one dollar would he pay; not one greenback would he withdraw or cancel. Gathering them all as the inevitable outgrowth of our civilization, he would permanently build upon this yeasty and fluctuating mass of protested paper a magnificent fabric of governmental banking, at the top of which should fly a broad flag with the mystic numbers "3.65."

Mr. KELLEY. As the gentleman from New Jersey proposes to speak for me, I should like to ask him a question. I protest against his interpretation. I ask whether you relieve yourself of debt by borrowing money to pay your present creditors? That, I understand, is his suggestion, that we shall borrow money with which to pay off greenbacks. That is the method of Mr. Micawber, who paid everybody when he could borrow the money to pay, and when he could not pay, gave his creditors due-bills, what the United States Government did in order to save the life of the nation in a great war. I do not believe in the Micawber method of transferring our debt by borrowing money to pay it.

Mr. PHELPS. My friend from Pennsylvania fails to make a distinction familiar to the minds of all business men, and which his friend Mr. Micawber, whom I would not cite as the very best illustration of business shrewdness, himself never failed to perceive.

He forgets to make this distinction. I may borrow money and promise to pay it in nine years. I am not then insolvent; I have not broken my promise; I am not in the hands of my creditors until nine years have elapsed and the payment of the debt is demanded and refused. But if I promise to pay one day after date, and the morrow comes and the promise with it, I *am* insolvent; I *have* broken my promise; I *am* in the hands of my creditor unless then and there I pay it. Recognizing this distinction, I ask the United States Government to pay the dollar which it promised twelve years ago—*to pay one dollar* to every man who presented a greenback. I ask the United States Government to sell its bonds, payable in twenty or forty years, so as to pay its creditors now. *Their* debt is due, and should be paid.

Now, Mr. Chairman, I was saying the plan proposed by my friend from Pennsylvania was to recognize—it is evident from his question that I do not misinterpret him—this debt as permanent; and his bill shows I am correct in charging that upon this yeasty and uncertain basis he wishes to rear a magnificent fabric of governmental banking, and crown it with a flag that shall give back to the skies all the mystery of that magic number "3.65."

The conception of the scheme is grand and courageous. I admit also the beauty and perfection of its details. It lacks but one thing—it lacks money. But this banking system is conceived in perfect harmony with that financial system which now exists, and of which it shall be a complemental part. The financial system is based upon battle-worn and blood-stained greenbacks, and these are based upon the wealth and resources of this great and free country. So the financial system groups all the advantages of the earth.

And now comes my friend from Pennsylvania, and to it adds a banking system which is based upon paying and receiving interest at 3.65; which is based upon the fact that the earth revolves around the sun in three hundred and sixty-five days. So this banking system takes to itself the main advantages of the heavens. And when you unite the two together this financial system and this banking system you make a wall buttressed by earth and heaven against which all opposition beats in vain. He who speaks against the financial system despises patriotism, and he who speaks against the banking system ignores astronomy.

Now, Mr. Chairman, no government ought to go into the banking business. If any government ought to go into the banking business, it is not ours, because it is insolvent. It would seem as if the first requisite of successful banking would be money to lend; but this Government gets into the banking business under this bill because it has money to borrow. This lack of capital would in ordinary cases be an obstacle. But my friend is not discouraged. "The Government shall bank on credit." Very good. Its credit is already somewhat strained; some of its notes are protested, all are below par.

There is no money, there is poor credit. It is a desperate adventure, but it may succeed. You can improve its credit; you must. If the Government is to bank on credit and not on money, its credit must be good. As it has no money it must show that it can earn it. Then the customer can say, "I admit that the Government bank has no money; I admit its credit is weak; but its future is assured, for its business will be profitable." Alas! no customer can say this. For the Government bank disavows the expectation of profit, and boasts the expectation of loss. It is not to make profit, but its customers. So our Government bank has no money, poor credit, and a certainty of loss.

Is not this fair? Does not this bill propose, when money is worth more than 3.65 per cent., the Government shall lend it to its customers, so that they can profit? And does it not propose, when the money market is dull and money is worth less than 3.65, that the Government shall then take the money and the customer the bond, to make an interest through the bank which he could not make outside?

It does appear strange that men are so loth to listen to the teachings of experience. Why, sir, does not this bill deny that action and reaction are equal, and give hope that a man may pull himself over the fence by his boot? For, mark you, Mr. Chairman, the only conception of government which would make this bill other than ludicrous is to suppose that the Government is an independent something, separate and distinct from us, drawing money and resources from other reservoirs; that it is, in other words, a vast engine, which supplies its own fuel and fire so as to make the steam, which it can forever distribute among the machinery of its citizens gratuitously. But this conception of government is not correct. Our Government is only a part of us, and has no power, no resources, no money, except what we give it; and the money which the Government would loan is the money of its citizens.

Why, Mr Chairman, this same cry which we hear to-day is the cry which has echoed through six thousand years and which thundered

here last session, "We want money." And this attempt which we are making to-day is an attempt which has strewed these six thousand years with failures, and which will fail to the end—an attempt to make money. This cry will doubtless be heard all through the centuries to come, for the poor we shall always have with us. And this attempt will doubtless be made so long as men shall be born to hug the delusions of hope and scoff at reason.

All, all, in vain. There is no way to get money except to earn it or to steal it. You cannot make it. And my friend from Pennsylvania [Mr. KELLEY] may stand forth with his interconvertible wand, and he may shout his magic password "three-sixty-five" before all the paper our mills can produce, and neither the wand nor the password shall change that paper into gold or currency into money.

And when in the beginning he launched this measure by a proud allusion to Thaddeus Stevens, the Great Commoner, who preceded him in this House, I thought how Stevens during the times of our war issued here his edicts which Congress had only to record, and how he dared once in the pride of transcendent talent to fight against the stars.

He, too, sought by enactment to make of currency money, of paper gold. With what result? The quick lips of your Speaker had scarcely declared that bill an act before the telegraph from Wall street announced gold at 280. And so the laws of God again conquered the laws of man, and the Creator again showed himself stronger than his creature.

Mr. Chairman, I have spoken longer than I had intended. I wish only again to reiterate that in my opinion there is but one way to make this currency equal to money, to bring it to par with gold. That is to follow that straight and narrow path which is the path of honesty. The private citizen has to follow it; the Government, too, must follow it. The citizen pays his debts. We must pay our debts. Then only can we expect to be prosperous and happy; then only shall we again be a happy, a prosperous, and an honored nation.

Mr. SMITH, of New York. I have no purpose of making a speech on this occasion. I desire only to explain the reasons which will control my own vote upon this bill.

First, I am opposed to all inflation of the currency. With the exception of my vote for the $400,000,000 greenback bill, for reasons which will appear, as I proceed, I have voted steadily and uniformly against expansion in every guise in which it has been presented to the House.

Second, I am in favor of the resumption of specie payments by the Government at the earliest moment possible, without serious detriment to the finances of the Government.

Third, I am not only opposed to all expansion of the currency, but I am equally opposed to any legislation in the interest of national-bank currency to the exclusion of the legal-tenders, and for these reasons: The legal-tenders represent the non-interest-bearing debt of the Government. Upon the $382,000,000 of legal-tender notes the Government is paying no interest whatever. Upon the $356,000,000 of national-bank circulation the Government is paying, by way of interest upon the bonds deposited as security, between twenty and twenty-one million dollars in gold every year.

I do not think that the substitution of national-bank currency, for the purpose of driving out the circulation of legal-tenders, is thrifty statesmanship. I am quite aware that these national banks pay taxes to the Government, which in part compensates for the interest which the Government pays upon that circulation, but it is only in part.

In the next place, I am opposed to driving greenbacks out of circulation, for the reason that they are legal-tenders, and that in the future even more than in the past they will be of signal service to the finances of our country. Now, in place of any extended argument to demonstrate this proposition, let me cite an illustration. In 1857, if at the distance of nearly twenty years my recollection is correct, the Ohio Life Insurance and Trust Company failed. Certain banks in New York City were involved with this company. There were runs upon those banks for specie payments, and they were compelled to suspend. Other banks were so far complicated with them that they suspended also, and nearly every bank in the country had suspended specie payments within the space of ten days. They shut up like oysters, throwing out the paper of solvent customers, who went to protest, and the consequence was, well nigh universal financial ruin and devastation.

Now, suppose that in 1857 there had been in circulation, or in the Treasury, $382,000,000 of legal-tenders, and that they could have been had in exchange for Government bonds at par with gold, that disaster to the country which happened from public fright, because of the inability of the banks to redeem their notes, would never have happened. And in the future, when the Government shall have resumed specie payments, in times of public panic, if your legal-tenders are in existence, to be had for Government bonds at par with gold, they will be worth more to the commerce and the finances of the country than their face in gold, because they cannot be exported; while your gold, in a sufficient amount to bear the strain of a general panic, cannot be kept in the country. For this reason they will prove to be a handy thing to have in the house. And when resumption of specie payments by the Government is sufficient to meet and overcome the financial evils which we now encounter, are we willing recklessly and madly to throw away the legal-tenders, which could be made of infinite value to the commerce of the country in the future? And let me add that, in my humble judgment, in any issue before the people, between greenbacks and bank-notes, the greenbacks will win, and, brought to par, they ought to win.

Now, I desire not to be misunderstood. I would consent to the continuance of these legal-tenders in circulation only upon condition that they shall be exchangeable for gold at the Treasury of the United States. Before you compel the people to resume specie payments, set them the example. Resume yourselves. Pay gold for your greenbacks at the Treasury. I am unalterably opposed to driving them out of circulation in the interest of national-bank notes. I will vote to make them receivable for customs dues in part. If need be, I will vote to retire them gradually until they come to par, with liberty to reissue them when they are at par. And I will vote with peculiar satisfaction for the measure suggested by the gentleman from Massachusetts, [Mr. DAWES,] to fund them in a gold-bearing bond which is worth par.

Now, while there are in the bill of the gentleman from Pennsylvania [Mr. KELLEY] some features which impress me very favorably, I think there are very grave objections to it.

It has been said in this debate that there is no expansion in it, and that allegation has gone unchallenged. Mr. Chairman, it seems to me that there is expansion in this bill; that there is illimitable expansion in it; for this reason: these 3.65 per cent. bonds, it is provided in this bill, may be issued of the denomination of fifty dollars. The $382,000,000 of greenbacks may be returned to the Treasury and in exchange for them there may be issued $382,000,000, in fifty-dollar Government bonds bearing 3.65 per cent. interest. Now what is to prevent that 3.65 per cent. bonds from being circulated as currency? Why sir, it was said here last winter by the gentleman from Massachusetts, [Mr. BUTLER,] if I mistake not, that the very object of making this interest 3.65 per cent. was that it might be easy of computation being one cent per day upon $100, so that they might readily pass from hand to hand, with the interest added. Not only would those Government bonds be circulated as currency, and thereby expand the currency, but they would be sought for with avidity precisely as the interest-bearing Treasury notes were sought after some years ago when they were in circulation. Now, what would be the result? If the $382,000,000 of greenbacks were returned and exchanged for Government bonds, and three-fourths of the greenbacks received by the Government were reissued to buy gold for the purpose of taking up our bonds abroad, precisely as is contemplated by this bill, then the greenbacks thus reissued would be put into circulation again, so that after the first exchange there would be in circulation, counting those greenbacks and the Government bonds issued for them, $668,000,000, and that process would be repeated *ad infinitum*. Thus the amount of paper circulating as currency in the shape of greenbacks and these bonds (which, as I said before, would be sought for with avidity, because they bear an interest easy of computation) would be limited only by the amount of Government bonds which we could call in under this process.

For this reason it seems to me there is illimitable inflation in this bill, which I deplore and against which I must protest. But, in the endeavor to relieve one objection to the bill, I move that it be amended in the first section by inserting the words "one thousand" in lieu of the word "fifty," in order that the bonds shall be required to be of the denomination of not less than one thousand dollars.

Mr. MAYNARD. Mr. Chairman, we have had a very interesting discussion, as is manifest from the excellent attention which has been given; but I submit that perhaps we had better adjourn. I move, therefore, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TYNER reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 41) for the improvement of the currency and the reduction of the interest on the funded debt of the United States, and had come to no resolution thereon.

POST-OFFICE SCALES.

Mr. TYNER. I ask unanimous consent to have taken from the Speaker's table, for concurrence in the amendment of the Senate, the bill (H. R. No. 3822) making an appropriation to enable the Postmaster-General to carry into effect the law requiring the prepayment of postage on newspapers, approved June 25, 1874.

There being no objection, the amendment of the Senate was read, as follows:

Add to the bill the following:

Proposals for furnishing said scales shall be invited by seven days' public notice given by the Postmaster-General; and the contract shall be awarded to the lowest and best responsible bidder, the contractor to be allowed a reasonable time in the discretion of the Postmaster-General to deliver the articles contracted for.

The amendment was concurred in.

Mr. TYNER moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAINT CLAIR AND CARONDELET BRIDGE.

Mr. NEGLEY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to furnish to the House of Representatives for its use the report of the board of engineers appointed to examine the site of the Saint Clair and Carondelet bridge at Saint Louis, Missouri.

Mr. NEGLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT TILL MONDAY.

Mr. HOLMAN. I move that when the House adjourns to-day it be to meet on Monday next.

The question being taken, there were—ayes 83, noes 92.

Mr. HOLMAN called for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. EAMES were appointed.

The House divided; and the tellers reported—ayes 77, noes 94.

So the motion was not agreed to.

Mr. GARFIELD. I ask to make a suggestion, that the House meet to-morrow for debate only.

Mr. BUTLER, of Massachusetts. By no means.

Mr. GARFIELD. Several gentlemen desire to speak.

Mr. BUTLER, of Massachusetts. I understand that; but I have no invitation to that frolic to-morrow, and I am not going to agree to the proposition. I want to come here and do business.

Mr. GARFIELD. I do not know what "frolic" the gentleman refers to. If my proposition is objected to, I demand the yeas and nays on the motion of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. BUTLER, of Massachusetts. I suppose that in a few days the gentleman from Ohio [Mr. GARFIELD] will want the appropriation bills to stop all other business.

The SPEAKER. The Chair thinks the gentleman from Ohio is too late in calling for the yeas and nays.

Mr. BUTLER, of Massachusetts. I move that the House adjourn.

FILLING OF VACANCIES ON COMMITTEES.

The SPEAKER. Before submitting the motion to adjourn, the Chair will detain the House by announcing appointments to fill vacancies on the following committees:

The Select Committee on the Arkansas Election Investigation: Mr. SCUDDER, of New York.

The Committee on the Judiciary: Mr. FINCK, of Ohio.

The Committee on Reform in the Civil Service: Mr. CHITTENDEN, of New York.

The Committee on the Centennial Celebration and the Proposed National Census of 1875: Mr. SCHELL, of New York.

The Committee on Invalid Pensions: Mr. STRAWBRIDGE, of Pennsylvania.

The Committee on Education and Labor, and also the Committee on Expenditures in the Navy Department: Mr. CARPENTER, of South Carolina.

There was a vacancy created last session by the resignation of Mr. ROBERT S. HALE as chairman of the Committee on the District of Columbia. No action was taken further than the rules indicated, and the Chair will have the rule read to show what takes place in such an emergency.

The Clerk read as follows:

The first-named member of any committee shall be the chairman, and in his absence, he being excused by the House, the next named member; and so on as often as the case shall happen, unless the committee, by a majority of their number, shall elect a chairman.

The SPEAKER. The operation of this rule makes the gentleman from Pennsylvania [Mr. HARMER] the chairman of the Committee on the District of Columbia.

PROTECTION OF LIVES OF PASSENGERS.

On motion, by unanimous consent, a message was ordered to be sent to the Senate, requesting the return of the bill (H. R. No. 58) to revise, amend, and consolidate the laws relating to security of life on board of vessels propelled in whole or in part by steam, and for other purposes.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. MCDONALD, its Chief Clerk, notifying the House that the President *pro tempore* of that body had appointed Mr. MORRILL, of Vermont, commissioner on the statue of General Nathanael Greene, as provided for in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

It further announced that, in compliance with the request of the House, the Senate returned the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to security of life on board of vessels propelled in whole or in part by steam, and for other purposes.

The motion of Mr. BUTLER, of Massachusetts, was then agreed to; and accordingly (at three o'clock and forty-five minutes, p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBRIGHT: The petition of Charles B. White, George M. Sternberg, and J. J. Woodward, assistant surgeons United States Army, asking redress of grievances, to the Committee on Military Affairs.

By Mr. BECK: The petition of Rachel E. Turner, widow of James H. Turner, deceased, late adjutant Twenty-Fourth Kentucky Volunteers, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. BLAINE: The petition of Annie C. Grant, widow of Frederick T. Grant, inventor of the patent known as "Grant's patent sliver-machine," for extension of patent, to the Committee on Patents.

By Mr. BLAND: The petition of citizens of Crawford and Gasconade Counties, Missouri, for the establishment of a post-route from Cuba, Crawford County, to Herman, Gasconade County, to the Committee on the Post-Office and Post-Roads.

By Mr. CHAFFEE: The petition of William Craig, of the Territory of Colorado, for relief, to the Committee on Military Affairs.

By Mr. CHIPMAN: The petition of citizens of the District of Columbia and of the State of Virginia, for a free bridge over the Potomac River at Georgetown, to the Committee on the District of Columbia.

Also, the memorial of citizens of Tennessee, praying Congress to complete the Washington Monument, to the Select Committee on the Washington Monument.

Also, the petition of J. R. D. Morrison, for relief, to the Committee on War Claims.

Also, the petition of John D. Smith and others, pensioners, for the passage of a law providing for the payment of arrearages of pensions, to the Committee on Invalid Pensions.

By Mr. G. F. HOAR: The petition of Henry Hoyle, for increase of pension, to the Committee on Invalid Pensions.

By Mr. KASSON: The petition of citizens of Clark County, Iowa, for change of location of United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

Also, the petition of attorneys of Clark County, Iowa, of similar character, to the same committee.

By Mr. LANSING: Resolutions of the Board of Trade of Oswego, New York, in favor of the reciprocity treaty with the Dominion of Canada, to the Committee on Foreign Affairs.

By Mr. MCCRARY: The petition of citizens of Des Moines County, Iowa, for change of location of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

Also, the petition of citizens of Henry County, Iowa, of similar character, to the same committee.

By Mr. NIBLACK: The petition of Commander Richard L. Law, United States Navy, for relief, to the Committee on Naval Affairs.

Also, the petition of John V. Miller, late private Fifty-eighth Ohio Volunteers, for a pension, to the Committee on Pensions.

By Mr. PAGE: The memorial of the trustees of the town of San Leandro, California, in relation to the proposed ship-canal to connect the bay of San Francisco with San Leandro Bay, to the Committee on Commerce.

By Mr. PLATT, of Virginia: The petition of the incorporators of the Society of Original Knights of Saint Augustine, for extension of chartered privileges, to the Committee on the District of Columbia.

By Mr. SHELDON: The petition of James Graham, of New Orleans, asking legislation to enable him to settle his accounts as United States marshal, to the Committee on Claims.

Also, the petition of James Graham, asking the refunding of moneys paid by him to the United States for property sold under confiscation acts, to the Committee on Claims.

By Mr. SMITH, of Virginia: The petition of Edward T. Maynard, late private Sixteenth United States Infantry, for a pension, to the Committee on Invalid Pensions.

By Mr. VANCE: The petition of William H. Moore, to be compensated for property taken by United States troops, to the Committee on War Claims.

Also, the petition of Adolphus M. Gudger, to be compensated for property taken by United States troops, to the Committee on War Claims.

Also, the petition of Wiley G. Woody, to be restored to the pension-rolls, to the Committee on Invalid Pensions.

By Mr. WILSON, of Iowa: The petition of citizens of Johnson County, Iowa, for change of location of United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

Also, the petition of citizens of Poweshiek County, Iowa, of similar character, to the same committee.

Also, the petition of citizens of Iowa County, Iowa, of similar character, to the same committee.

By Mr. WOOD: The petition of Annie M. Dudley, widow of William H. Voorhies, *alias* William J. Brown, late of Company F, One hundred and fifty-ninth New York Volunteers, for removal of charge of desertion from her deceased husband, to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 11, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

REGENCY, SMITHSONIAN INSTITUTION.

Mr. HOOPER. I move, by unanimous consent, to take from the Speaker's table Senate joint resolution (S. R. No. 11) filling an exist-

ing vacancy in the Board of Regents to the Smithsonian Institution, for consideration at this time.

There was no objection, and the joint resolution, which was read, provides that the existing vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by George Bancroft, of the city of Washington, in place of William T. Sherman, resigned.

The joint resolution was taken up, read a first and second time, ordered to a third reading, and, being read the third time, was passed.

Mr. HOOPER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISED STATUTES.

Mr. POLAND. I move, by unanimous consent, to take from the Speaker's table the amendments of the Senate to the concurrent resolution of the House in reference to the binding of the Revised Statutes of the United States.

There was no objection, and the original resolution, which was read, provides that the Congressional Printer be directed to bind one hundred copies of the Revised Statutes of the United States without the index; forty copies for the use of the Senate, and sixty copies for the use of the House.

The SPEAKER. This concurrent resolution comes back with the following amendments of the Senate.

The Clerk read as follows:

In line 4 after "one hundred" insert "fifty;" in line 5 strike out "forty" and insert "sixty;" and in line 6 strike out "sixty" and insert "ninety."

The SPEAKER. The amendments increase the whole number to one hundred and fifty, giving ninety to the House and sixty to the Senate.

Mr. POLAND. I move concurrence in the amendments of the Senate.

The amendments of the Senate were concurred in.

Mr. POLAND moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEXAS AND MISSISSIPPI RAILROAD.

Mr. MOREY, by unanimous consent, from the Committee on the Public Lands, reported back a bill (H. R. No. 3746) extending the time for the completion of the railroad in the State of Louisiana from the Texas State line to a point on the Mississippi River opposite Vicksburgh, Mississippi, and moved that it be printed and recommitted.

Mr. HOLMAN. Consent is only given on condition the bill is not to be brought back on a motion to reconsider.

The bill was ordered to be printed and recommitted.

DISPOSITION OF PUBLIC LANDS IN ALABAMA, ETC.

Mr. MOREY also, by unanimous consent, from the same committee, reported back a bill (H. R. No. 3605) to place the States of Alabama, Mississippi, Louisiana, Florida, and Arkansas upon the same footing in regard to the disposition of public lands within their limits as the other States, and moved that it be ordered to be printed and recommitted.

Mr. HOLMAN. Consent is given on the same condition, that this bill is not to be brought back on a motion to reconsider.

The motion was agreed to.

RELIEF OF SETTLERS ON PUBLIC LANDS.

Mr. ORR, by unanimous consent, from the Committee on the Public Lands, reported back, with the recommendation that it do pass, the bill (H. R. No. 3327) for the relief of certain settlers on the public lands in certain portions of Iowa, Minnesota, Nebraska, and Kansas.

The bill, which was read, provides in its first section that it shall be lawful for homestead and pre-emption settlers, in those portions of Iowa, Minnesota, Nebraska, and Kansas where the crops of such settlers were destroyed or seriously injured by grasshoppers in the year 1874, to leave and be absent from said lands until May 1, 1876, under such regulations as to proof of the same as the Commissioner of the General Land Office may prescribe.

The second section provides that during such absence no adverse rights shall attach to said lands; said settlers being allowed to resume and perfect their settlements as though no such absence had been enjoyed or allowed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ORR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I demand the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at twenty minutes past twelve o'clock; and, this being Friday, the House proceeds to the consideration of private business, the pending bill coming over from last session being House bill No. 3425, for the relief of Rollin White.

Mr. HOLMAN. I desire to present a question of order in reference to the consideration of bills under the six-day rule of the House and the twenty-first joint rule, which will be found on page 34 of the Digest of the Rules of the House, and which I ask the Clerk to read.

The Clerk read as follows:

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place. And all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress, as if no adjournment had taken place.

[And by the twenty-first *joint rule* the resumption of all undisposed-of bills, resolutions, and reports, which originated in either House, is in like manner provided for. The word "resolutions" in the foregoing rule has been invariably held to apply to "joint resolutions" only.].

Mr. HOLMAN. The question I raise is whether the House, under this rule, can proceed in the first six days of the session to the consideration of the unfinished business of the preceding session.

The SPEAKER. The rule has been in existence for many years, and attention has been very seldom called to it.

Mr. KELLOGG. Does the gentleman from Indiana [Mr. HOLMAN] wish to obstruct the public business at this short session?

Mr. HOLMAN. I simply insist on the rules of the House being complied with.

Mr. KELLOGG. The gentleman was pursuing the same course when he voted to adjourn over from Thursday till Monday.

Mr. HOLMAN. This is a day for raids on the public Treasury; and any rule of the House the enforcement of which will prevent that is a good one.

Mr. CONGER. I desire to ask if that is a joint rule or a House rule?

The SPEAKER. The Clerk will again read the rule. The Chair remembers the point being raised once on the rule since he was a member of the House; but never since he has been in the Chair.

The rule was again read.

The SPEAKER. The Chair will now hear the gentleman from Indiana in support of his point of order.

Mr. HOLMAN. The only construction the rule seems to admit of is that the business of the preceding session shall not be taken up for six days; that a reasonable time shall elapse for the introduction of new business at the new session.

The SPEAKER. The rule does not say that the business shall not be taken up within the first six days of the session.

Mr. HOLMAN. But the inference seems irresistible, from the terms of the rule, that the business coming over from the preceding session shall be postponed until after the first six days of the new session. The implication of the rule is certainly one of limitation.

The SPEAKER. If the Chair may be allowed to address an inquiry to the gentleman from Indiana, he would ask him what is the implication as to the business to which the House would proceed on the first six days of the session?

Mr. HOLMAN. The limitation applies to the business which comes over from the preceding session, and implies that new business of the new session shall occupy the six days? The purpose of the rule seems to be very manifest; that the business which came over from the preceding session, inasmuch as it is informally dropped by the adjournment of the House, shall be resumed after six days are given to the introduction of new business. There should be some interval, that the first six days of the session may be devoted to the consideration of the new business of the House, independent of that which came over from the preceding session; as under the old rule the business of each session terminated with it.

The SPEAKER. Will the gentleman state what business there can be before the House in the first six days? In the ordinary routine of the business of the House, the Chair would be at a loss to know what business would be before the House.

Mr. RANDALL. Would it not be in order now to move to go into Committee of the Whole upon an appropriation bill?

The SPEAKER. There is no appropriation bill that can be reached until Tuesday of next week.

Mr. SCOFIELD. Does the rule exclude business that came from the Senate?

The SPEAKER. The Chair was getting at the spirit of the rule. The question was raised, he remembers now, during the speakership of his immediate predecessor. He thinks the gentleman from Indiana mistaken as to the effect of his point of order.

Mr. HOLMAN. What is the reason of the rule?

The SPEAKER. The Chair thinks the reason of the rule is this: That by reason of an adjournment any business pending at the end of the previous session should not get the go-by or be neglected; but it is mandatory upon the House that after six days of the session the House shall proceed to consider the business coming over from the previous session. It is affirmative; it is not a negation; it does not say that the House shall not take up that business before the end of the six days, but that at the end of the six days the business before the committees coming over from the previous session shall be regularly proceeded with.

Mr. HOLMAN. Why, then, say "after six days?" Why not say that the House shall proceed with the business that came over from the previous session?

The SPEAKER. The Chair does not know why that expression was used, except that the fact of receiving messages from the Departments and referring the same, and other preliminary business of that kind, might occupy the six days. There is not a single negative in the whole rule. It does not say that the House shall not proceed to do what it pleases in the first six days. It says that after six days the House shall resume the consideration of business from the previous session.

Mr. HOLMAN. The House could exercise that very power, in the absence of such a rule, from the beginning.

The SPEAKER. Undoubtedly; and the House has been doing so. At this session the House in Committee of the Whole has been considering a report which came over from the last session.

Mr. HOLMAN. The House has been considering it by unanimous consent, without any question having been raised upon the rule. Apparently the first six days of the session are designed to be consumed in the introduction of appropriation and other bills, and providing for the order of business, and other preliminaries.

The SPEAKER. The Chair will indicate by a practical point the application of the rule. There comes over from the Committee on Patents a report made in the last session. The House adjourned upon that report at the end of the last session. The rule intends that the Committee on Patents shall not be allowed upon its call to interpose any new business, but that the business coming over from the last session shall be resumed. It is an affirmative declaration that the business coming over from the last session shall have precedence of any new business prepared by the committee; and that after six days it must be proceeded with before any other report from the committee can be taken up.

Mr. HOLMAN. Permit me to ask this question of the Chair: Whether the construction the Chair is inclined to put upon this rule is that heretofore given to it?

The SPEAKER. The Chair thinks that is the previous construction of the rule.

Mr. HOLMAN. The other branch of Congress has adopted a different construction; that is, that this rule implies limitation upon the consideration of business coming over from the previous session.

The SPEAKER. The Chair thinks the point was raised and decided by his predecessor. The decision does not seem to have been minuted in the Digest, probably because there was no appeal from it. But the Chair thinks the decision was made by Speaker Colfax as he now reiterates it.

Mr. COX. The rule reads:

And all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress, as if no adjournment had taken place.

That seems to be an implication that that kind of business might be taken up at the commencement of the second session, and consequently a limitation upon the construction of the preceding portion of the rule.

The SPEAKER. Still it is mandatory; it provides that all business before committees of the House shall be resumed at the commencement of the next session. It gives the committees six days' more time for the preparation of the business of the House; the committees would be employed for a week in preparing business for the House. The Chair thinks the limitation is suggestive of the meaning of the rule.

Mr. SCOFIELD. I am told that prior to the adoption of that rule all business fell with the session.

The SPEAKER. It fell with the session.

Mr. SCOFIELD. And this rule was adopted in order to carry business over to the next session.

The SPEAKER. The Chair thinks so. Formerly the call of committees began at each session at the beginning of the list of committees. For many years the practice has been otherwise; and now the call of committees is resumed, in pursuance of the principle of that rule, just where it left off at the previous session, which seems to carry out the spirit of the rule.

Mr. SCOFIELD. If you could not resume the business at all in the subsequent session, prior to the adoption of this rule, it can now be resumed only under the rule. If prior to the adoption of the rule all business of the former session fell with the adjournment, and the business had to be begun *de novo*, under this rule we must begin at the end of the six days, because the rule does not apply to the first six days of the session. It is only because of the existence of this rule that the business of the former session does not fall altogether.

Mr. GARFIELD. It seems to me that the historical fact alluded to by the gentleman from Pennsylvania [Mr. SCOFIELD] would be decisive not only of the origin of the rule but of its purpose. And I may add a further reason, which seems to me to be of some force. Not far from the same time a rule was adopted requiring the Committee on Appropriations to report their bills within thirty days of the commencement of the session. It would be very natural that the ordinary work before the House should be held off for six days, that is the work on the Calendar, in order to allow, not the Appropriation Committee alone, but all the committees of the House to prepare work and get ready for a fair start. If the work of the House should commence instantly upon the commencement of the session, there would be no time for that preliminary preparation. It seems to me this is a limitation simply, intended to compel the House to resume the business of the previous session at the end of six days, but leaving us free to resume it before that time if we choose. It seems to me the Speaker is clearly right.

ROLLIN WHITE.

The SPEAKER. The Chair holds that the bill is properly before the House. It will be read.

The Clerk read as follows:

Be it enacted, &c., That the Commissioner of Patents be, and hereby is, authorized to rehear and determine the applications of Rollin White for the extension of his letters-patent for improvements in fire-arms, issued April 3, 1855, numbered 12632, 12648, and 12649, (No. 12638 having been reissued May 1, 1866; Nos. 2236 and 12649 having been reissued October 27, 1863, in divisions numbered 1557, 1558, and 1559,) upon the evidence, in the same manner and with the same effect as if they were original applications, made within the time prescribed by law for said extensions before the Commissioner of Patents, and as if no hearing had ever occurred; application to be made within ninety days of the passage of this act: *Provided*, That, in case of such extensions being granted, no damage shall be recovered for infringements thereof between the date of the expiration of the original patents and the date of such extensions: *And provided also*, That the Government of the United States, to whom said White has heretofore released, shall still have the right to manufacture and use all the improvements included in said patents in case of such extensions, freely and without charge, and without liability for damages for the use of said patents: *And provided also*, That in case said extensions shall be granted any person, firm, or corporation that since the expiration of said patents and prior to the passage of this act shall have constructed machinery for the manufacture of the inventions described in said patents or have engaged in the manufacture of said inventions, using machinery previously constructed therefor, shall have the right to apply for and be entitled to receive a license from said Rollin White to manufacture and sell the fire-arms described in said patents for and during the extended term thereof, upon reasonable conditions as to security for payment of the royalty hereinafter mentioned, and prescribed uniform quality of arms manufactured, and as to making report on oath of manufacture and sales, and upon payment of a royalty to said Rollin White of fifty cents, in quarter-yearly payments, upon each and every fire-arm so manufactured.

Mr. CONGER obtained the floor.

Mr. KELLOGG. I wish the gentleman from Michigan [Mr. CONGER] would state whether the report in this case has been printed. I have sent to the document-room and could not obtain a copy. I understand no order was ever made to print it.

Mr. CONGER. The report is printed.

I yield to the gentleman from Iowa [Mr. MCCRARY] for fifteen minutes.

Mr. MCCRARY. Mr. Speaker, I do not ordinarily desire to discuss bills of this character reported by the Committee on Patents; but my knowledge of Rollin White and my regard for him induced me some time since to make a careful examination of this case, the result of which is a firm conviction in my mind that this bill ought to pass. I believe it to be a case that will appeal to the sense of justice of every gentleman upon this floor who will take the pains to inquire into the facts. As a general thing I am not in favor of the extension of patents; nor have I generally been able to favor bills which merely provided for an extension of the time within which to apply for an extension. But this is a case, in my judgment, of such overwhelming equity that the bill ought to pass. It is an application for a rehearing simply. As to the merits of the case when it shall come to be tried upon its merits I have no opinion now to express. It is not necessary, nor is it proper, that the House should go into that question; but I think every gentleman upon this floor will agree that Mr. White, like every other man who has a case to be tried before a judicial tribunal, ought to have a fair and impartial hearing, and if he has been denied this without any fault of his own—if he has been denied this by reason of the misconduct, the fraud, or the crime of others—then I think the House will not hesitate to accord to him the right to a fair and a full hearing.

Mr. White made his application for an extension of this patent in due season. The Commissioner of Patents fixed the time for the hearing within one or two days of the expiration of the period within which it could be heard. A postponement of two days would have deprived the Commissioner of all jurisdiction in the case. So that it was absolutely necessary to hear and determine the case on the day first fixed by the Commissioner, and I beg the House to bear that in mind. It was not possible for Mr. White to obtain a postponement of the hearing of this case beyond the time fixed by the Commissioner for the trial, because a postponement would have put it beyond the time in which under the law it could be heard at all. The Commissioner of Patents had no jurisdiction to hear it after the expiration of the time fixed by law.

Now, sir, he did not have a fair, full, and impartial hearing for two reasons: First, because the testimony shows conclusively that his attorney was taken suddenly ill and was not able to transact any business for some time before the hearing of the case. The result was that he failed to send forward a considerable part of the testimony which was in his hands, some of which was very material to the rights of Mr. White. I apprehend, if there was nothing in this case beyond that, any court in Christendom would grant a new trial.

And that, sir, is not the most important matter in this case. Mr. White had taken a large amount of testimony before the commissioner in New York. This testimony was placed in the hands of one of the officers of the court there where the testimony was taken. It was locked up in a room for safe-keeping. Two days before the time for the hearing of this matter before the Commissioner of Patents the room was broken into, the trunk in which these exhibits and testimony were kept was broken open, and every particle of testimony

to be found there which was intended to be used by Mr. White was stolen and carried away.

Let me show the House that I am not mistaken on this point. The testimony of Mr. Keefe, which was taken before the committee, and which is a part of the report in this case, states the facts in these words:

Testimony of Hamilton M. Keefe, crier of the United States circuit court.

SOUTHERN DISTRICT OF NEW YORK,
City and County of New York, ss:

Hamilton M. Keefe, of the city of New York, being duly sworn, deposes and says:

I am crier of the United States circuit court for the southern district of New York, and have charge of all the models during examinations in said court. Kenneth G. White, esq., United States commissioner, before whom the testimony in the matter of the application of Rollin White for an extension of his patent of fire-arms was taken, instructed me to lock up the models which had been put in evidence in this case. I did so, put some of them in the trunk and the rest in a carpet-bag, and locked them up in a room adjoining the United States circuit court-room, and to which room no one had access but myself. I had occasion to go into the room on the afternoon of the 17th of March, as late as 5 p. m., and then saw that they (the models) were all there safe. I came out and locked the door.

On the morning of the 18th of March I visited the room, and found that during the night it had been opened by some one, and the trunk broken open, most all of the models taken, and the carpet-bag had been taken away altogether, said carpet-bag having in it exhibits. There was also a valise, which contained books and papers in the case, which had been dragged out of the room, through the court-room through an open window, where I found it in the morning. In the room where these models and papers were kept were also a number of valuable models in other cases, and a quantity of clothes belonging to this deponent, none of which had been disturbed. I assisted in packing up all the pistols and exhibits that I found left after the robbery, and I have this day delivered all of them to the express company to be forwarded to the Commissioner of Patents, at Washington, District of Columbia.

HAMILTON M. KEEFE.

Subscribed and sworn to before me this 23d day of March, 1870.

J. F. STILLWELL,
United States Court, Southern District of New York.

Now, sir, that this testimony and these exhibits which were thus stolen from this claimant on the very eve of his trial were material and were important and necessary to a full and fair hearing of his case is entirely clear from the report of the examiner himself, made to the Commissioner of Patents, on this case.

That report reads:

The evidence filed by the applicant in this case is almost unintelligible, owing to the entire absence of the exhibits to which the witnesses refer. I am informed verbally that these exhibits were abstracted from the office of the magistrate before whom the testimony was taken, after they were packed up for transmission to this office. That the invention is useful, valuable, and important to the public is apparent to my mind, and upon the latter point there is sufficient testimony from disinterested parties.

There, Mr. Speaker, is proof which no man can question that this claimant did not have a fair hearing of his case because somebody stole the evidence from the commissioner on the eve of the trial and when it was too late to replace it.

Now, sir, it is a fair inference—it is an irresistible conclusion from these facts—that somebody stole that evidence and those exhibits and carried them off for the purpose of defeating Mr. Rollin White and preventing him from having a fair trial on his application for an extension of this patent. Who else could have had any motive for abstracting this testimony? Who else could have had any motive for carrying off these exhibits? No man under the sun except some one who wanted to defeat the application of Mr. White for an extension of this patent. Other property was in this same room, property of value, and these exhibits and this testimony were of value to no man upon the face of the earth except Rollin White and the men who were seeking to defeat him in his application for an extension. They took nothing else; they left everything else of value in the room, and only carried off the evidence upon which Rollin White relied for a fair hearing of his case before the Commissioner. As I have said, they carried off nothing else at all.

To me, sir, I say, it is clear, and I put it to any lawyer on this floor that there is not a court on the face of the civilized globe which, upon presentation of facts like these, would hesitate for one moment to say that this party was entitled to a new trial. That is all there is in this bill. It is a provision that Mr. White shall have a hearing upon the facts, upon the testimony as he can produce it. Whether he will be granted an extension I do not undertake to say; that I do not know. All that I claim is, as I said at the beginning, that he is entitled to a fair and full hearing; and in order that he may have this, it is necessary to pass the bill which is now pending.

Mr. MERRIAM. I wish to ask the gentleman if it is not the fact that all the models necessary to perfect his case were in the Patent Office at the time that he made application for the extension?

Mr. McCRARY. Quite the reverse of that is the fact, Mr. Speaker, I know that Mr. Foote, who was Commissioner of Patents at the time, subsequently wrote a letter in which he said that in his opinion no amount of evidence could have been introduced that could have changed his judgment in that case. But I think that was a statement which will not commend itself very much to any fair-minded man. A judge who cannot be convinced by evidence, by any amount of evidence, is not the sort of judge that I would like to have my cause tried before. The fact is as stated by this Commissioner who examined this case, that it was, as he says, entirely unintelligible because of the absence of these very models and these very exhibits which had been stolen from Mr. White. And I say, sir, that any man who will look through the case will see that in a case so complicated as this, without the models and exhibits by which the claimant expected to sustain his case, no court could have a clear and intelligible understanding of its merits; no court could fairly and fully and impartially try it. Mr. White's application was resisted as it is resisted now by the great manufacturing companies of the country—Remington & Co., in the district of my friend from New York, [Mr. MERRIAM,] and other manufacturers in the State of Connecticut, who resisted him then and resist him now, and have fought him about this patent for years.

Mr. MERRIAM. If the gentleman will allow me, I would simply say that all opposition was withdrawn at the time this extension was asked for, mostly by a compromise with those parties.

Mr. McCRARY. There was a compromise with some of them, perhaps, but not with all of them. The whole case is in a nutshell, and I hope the House will not be drawn away from it. This man had a suit before the Commissioner of Patents. He had his counsel employed for many years, who was familiar with all the facts of the case, and had prepared for the trial. His counsel was taken suddenly ill; so ill, that it was impossible to communicate with him at all. His counsel had in his hands important papers and valuable testimony, which he did not, on account of his illness, send forward to the hearing. And in addition to going into the trial under the difficulty of having a new counsel, who had been brought into the case at the last hour, and the case being a difficult and complicated one, his testimony, in the hands of an officer of the court at New York, was stolen and taken away; so that, according to the testimony of the examiner himself, his case was rendered unintelligible. Now, if that be not a good case for granting a rehearing, to the end that there may be a fair trial, I do not know what would make a good case. I say nothing as to the merits. I take it that the Commissioner of Patents will try it fairly; but I say this man is entitled to a fair trial.

Mr. MERRIAM. Will the gentleman yield to me to say——

Mr. McCRARY. I have the floor from the gentleman from Michigan, [Mr. CONGER.]

Mr. MERRIAM. I want to answer one point of the gentleman from Iowa.

Mr. CONGER. I cannot yield to the gentleman just now. I have yielded ten minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. GARFIELD. If the gentleman from Connecticut will allow me a few minutes, I desire to have read from the New York Tribune an editorial paragraph. I ask the Clerk to read the paragraph which I have marked.

The Clerk read as follows:

A HALF-MILLION STEAL.—The first of the jobs makes it appearance at the Capitol early, and, we regret to say, in one of General GARFIELD'S surprisingly prompt appropriation bills. We beg the general to relieve himself and his committee from responsibility for it at once. * * * A correspondent, thoroughly well informed, traces in detail, in another column, the various steps of the robbery. Let us here reproduce the outline.

The Pacific Mail was in the enjoyment of a subsidy of $500,000 dollars per annum. Mr. Stockwell, one of its numerous retiring presidents, succeeded in getting a law authorizing $500,000 more, on condition that enough new first-class iron steamers should be placed on the line to do the mail service by the 1st of October, 1873. The company failed to get them on by that time, has not yet got them on, and has only two of them, the Tokio and City of Peking, even built. The Postmaster-General reported this failure to Congress in December, 1873. Congress thereupon made no appropriation for the subsidy, and the bill itself only escaped repeal because of the view, generally expressed, that the company's failure to comply with its terms made it null. Congress being out of the way, Attorney-General Williams was appealed to for one of his opinions. He conveniently decided that the failure of a year or two, more or less, made no difference. Postmaster-General Jewell, new to the duties of his office, and easily imposed on in matters of routine, has been induced to estimate for the extra $500,000 subsidy as if it had been earned; and General GARFIELD has promptly reported it to Congress in the postal appropriation bill.

We call upon every friend of honesty in the public service to watch this job, and to resist it from the outset. We are unwilling to believe that either Governor Jewell or General GARFIELD could have been aware of its nature; but after this exposure there can be no decent pretext for continuing the claim.

Mr. GARFIELD. Mr. Speaker, I do not suppose that the editor of the New York Tribune desired to do an injustice either to the Committee on Appropriations or the chairman of that committee. It is clear that the editor was misled by some correspondent. That correspondent does not appear to have been the Washington correspondent, but some person writing in New York. The editor charges that a "half-million steal," characterized further down as a "robbery," has been introduced into the House by me, in the post-office appropriation bill, and it is intimated that the Committee on Appropriations met in the vacation, partially for the purpose of preparing this scheme and launching it thus early into the House.

Of course I need not say in the hearing of the House one word upon this subject. Every member of the House knows that the Committee on Appropriations has not yet reported the post-office appropriation bill to the House. I may add further that the Committee on Appropriations has not even taken the bill up for consideration. I may add further that for one I have not yet even looked through the estimates on that subject as submitted in the Book of Estimates. I may say further that the committees of the two Houses on appropriations were authorized by joint resolution to meet in the vacation for the purpose of preparing the appropriation bills, for one thing, and for the further purpose of inquiring whether something could not be done to retrench the expenses in the several Departments of the Government.

The committees met in joint session during the vacation, and their attention was called to two items of expenditure which they consid-

ered very large. One was the cost of collecting the revenues from customs. The other was the growing deficiency in the Post-Office Department. To find out the real facts in regard to both these items two sub-committees were appointed, consisting of three from each committee, making joint sub-committees of six members, one on the cost of collecting the revenues from customs, and the other on the expenses of the Post-Office Department. These joint sub-committees have been earnestly at work. The Committee on Appropriations of the House agreed that they would not take up or consider at all the estimates for the Post-Office Department until that sub-committee had reported. They therefore have not taken the subject up at all. A few days ago the gentleman from Indiana, [Mr. TYNER,] who has charge of that post-office appropriation bill—as I never had in any Congress—requested the committee to decide that they would not take up the post-office appropriation bill until after the holiday vacation, in order to allow the sub-committee more time to go over the whole subject more thoroughly.

Now, with the statement of these facts, I must say that it is surprising that a great journal, basing its statements on what it calls "a thoroughly well-informed correspondent," should commence by charging at the head of its article "a half a million steal," and afterward by calling it "a robbery;" and intimating that the four weeks of hard work which was done by the Committee on Appropriations, for the sole purpose of making our work thorough and trenchant, was undertaken for a mercenary and dishonorable purpose. And more especially is it surprising when that journal two days before published the titles of all the appropriation bills which have been reported at this session, and the post-office appropriation bill was not of the number. I have no doubt the editor of the Tribune will be glad to make the correction; but I mention this to show with what facility and on what slight grounds men in public life are charged with unworthy motives and dishonorable conduct.

Mr. MAYNARD. Does the gentleman suppose that this is the first instance of the kind?

Mr. TYNER. Perhaps I have, to some extent, been the innocent cause of the charge made against the chairman of the Committee on Appropriations [Mr. GARFIELD] in the columns of the New York Tribune, and I beg the House to listen to me a moment only, while I explain all the connection that the Committee on Appropriations or I myself, as an individual member thereof, have had to do with this subject of the Pacific Mail Steamship subsidy.

Last year the Postmaster-General, in his annual report, notified the President and the country that the Pacific Mail Steamship Company had failed to comply with the terms of its contract, in providing for the mail service between San Francisco and China and Japan iron steamships of the kind and capacity named in the contract. He therefore did not make a recommendation for the continuance of the additional subsidy of $500,000. Hence the Committee on Appropriations last year did not even take up and consider the subject of a subsidy to that company, but reported the post-office appropriation bill to this House precisely as it passed both Houses and became a law, without a word or figure on the subject of a subsidy.

This session the Postmaster-General, in his annual report, calls the attention of the President and of Congress to the fact that the question of the obligation of the Post-Office Department to pay this additional subsidy had been submitted to the Attorney-General of the United States, who had thereupon written out for that Department an opinion to the effect that the Post-Office Department was bound for this additional subsidy. Thereupon the Postmaster-General, in his estimates, submits this additional estimate of $500,000 for that subsidy.

On looking over the report of the Postmaster-General and his allusion to these facts, I deemed it my duty, as a member of the Committee on Appropriations, to ascertain precisely what had been decided by the Attorney-General. Hence I called upon the superintendent of foreign mails in the Post-Office Department to furnish me with a copy of the opinion of the Attorney-General. That copy came to me in my morning mail one day during the present week; and, without even looking at a single line or word of it, because I had no time, I called the attention of the Committee on Appropriations to the fact that a copy of this opinion was in my hands, and suggested the propriety of asking an order from the House to print it as a matter of information to the committee and to the House. I was authorized by the committee to ask for such an order, which I did, and the order to print was made. That is the only step that has been taken by the committee in regard to this question of the Pacific Mail Steamship subsidy; and the only purpose I had in view—and I am sure the only object the committee had in view—was simply to get the opinion of the Attorney-General printed, in order that they might consider whether or not, in their judgment, it was binding either upon them or upon Congress.

And when the question of the appropriations for the Post-Office Department shall come up, I presume the opinion of the Attorney-General will be read, in connection with all other facts and all other matters of whatever character and description that may be brought before that committee pertaining to that bill. These are the facts of the case. The Committee on Appropriations have not acted upon the matter in any way whatever.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. SCOFIELD. On yesterday the House passed a resolution, at the instance of the gentleman from Kentucky, [Mr. BECK,] asking the Secretary of the Treasury to call upon the commissioners who were appointed to investigate the affairs of the Freedman's Savings and Trust Company for their report and to transmit it to this House. I wish to ask the gentleman from Kentucky to consent that his resolution be so far modified as to direct the commissioners to furnish their report to this House, without resorting to this roundabout way of going to the Secretary of the Treasury for the report. I think the gentleman will make no objection.

Mr. BECK. The resolution as sent to me was in the form now indicated by the gentleman from Pennsylvania, [Mr. SCOFIELD.] Thinking, however, that the House could only call upon the heads of the Executive Departments for such information as this, I inserted the words which the gentleman now proposes to strike out. If that language has led any one to think that I was disposed to hold the Secretary of the Treasury responsible in this matter, I want of course to relieve him of that imputation.

Mr. SCOFIELD. I think, if the resolution be left in that form, it might give rise to an impression that the Secretary is responsible.

Mr. BECK. The modification suggested can be made, if the gentleman knows that the report will in that case be sent to the House.

Mr. RANDALL. I judge that the resolution has already been transmitted.

Mr. SCOFIELD. No, sir; it has not.

The SPEAKER. If there be no objection, the resolution will be considered as modified in accordance with the suggestion of the gentleman from Pennsylvania.

There being no objection, the resolution was accordingly modified.

ROLLIN WHITE.

The House resumed the consideration of the bill for the relief of Rollin White.

Mr. CONGER. I yield ten minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. Before I occupy any time in the argument on this question I wish to ask that some arrangement may be made for allowing more time for the discussion. I understand that the chairman of the Committee on Patents has but an hour to give, and hence he is offering us five and ten minutes each. A number of us are very much interested in this question and desirous of being heard. It is utterly impossible for me to state even in my most rapid and condensed way the essential facts in this argument in ten minutes. Now I ask that an hour be given to each side.

Mr. POTTER. What is the limitation of time?

A MEMBER. The morning hour.

The SPEAKER. Unless a motion to go into Committee of the Whole should be interposed this business may run on until the adjournment.

Mr. HAWLEY, of Illinois. Will the bill hold its place in the morning hour until disposed of?

The SPEAKER. It will hold its place from Friday to Friday until disposed of.

Mr. HAWLEY, of Illinois. Then nothing is gained, I suppose, by cutting it off this morning at the end of an hour; but if it should occupy the whole of the morning hour next Friday it might prevent other committees from reporting. Therefore it may be best that the question should be allowed to occupy two hours to-day, as it would facilitate business on the Private Calendar.

The SPEAKER. The morning hour runs for the entire day unless interrupted by a privileged motion.

Mr. STARKWEATHER. I suggest that we take an hour to-day and an hour next Friday. The bill is not before us in print—only in manuscript. It is a very important measure, involving interests to the amount of millions. If it should go over till next Friday we shall have a better opportunity then to know precisely what the bill is. Some amendments will be proposed, I think. If the bill goes over till next week it can be printed; and when the matter is finally voted upon the House will have had an opportunity to understand the question fully.

Mr. HAWLEY, of Illinois. I wish to say that I think there will be no objection to giving an additional hour this morning; and if there be no objection I hope that arrangement will be made now. I ask unanimous consent that an hour be added to the present morning hour.

Mr. POTTER. That is, that the morning hour be extended until twenty minutes after two o'clock.

The SPEAKER. The morning hour will not come to an end till the adjournment to-day, unless there should be a motion to go into Committee of the Whole. The Chair will make a remark that will apply to every Friday during the session. There is no need ever of having unanimous consent in reference to a matter which a majority can control. If a majority of the House should desire to consider this bill to-day they can go on with it, because when the morning hour expires a motion to go into Committee of the Whole if voted down leaves the bill before the House.

Mr. HAWLEY, of Illinois. I only made the suggestion to save time, so that when the morning hour expires we may not consume perhaps half an hour in deciding whether we shall continue the consideration of this bill or shall go into Committee of the Whole.

The SPEAKER. Will the gentleman state his proposition?

Mr. HAWLEY, of Illinois. My proposition was that an hour

should be added to the present morning hour to enable gentlemen to get through with this bill to-day, unless it should be disposed of sooner.

The SPEAKER. There has been a considerable portion of the time occupied by gentlemen upon other matters which have been interposed.

Mr. CONGER. The committee have had but fifteen minutes, the time occupied by the gentleman from Iowa, [Mr. McCRARY.]

The SPEAKER. If the gentleman from Illinois [Mr. HAWLEY] will indicate by the clock the time to which he desires the morning hour extended, the Chair will submit the question. It had better be put in that form, as the time has become somewhat confused.

Mr. CONGER. If three o'clock be named that will allow an hour and three-quarters.

Mr. HAWLEY, of Illinois. I object to that.

The SPEAKER. Is there objection to the vote being taken at half past two o'clock?

Mr. POTTER. Yes, sir; I object.

The SPEAKER. The gentleman from Connecticut will proceed. A great deal of time is lost in trying to get unanimous consent to that which a mere majority may control. The gentleman from Michigan [Mr. CONGER] has yielded ten minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. I wish I could be allowed a little more time.

Mr. CONGER. It is impossible for me to divide the time in any other manner.

Mr. HAWLEY, of Connecticut. The gentleman from Iowa [Mr. McCRARY] says that a new hearing is all that is proposed and all that is asked by this bill. In that he is very much mistaken, as I could show in thirty minutes and will try to show in ten. That is but a small part of what is asked. In the first place, this patent, in its origin, was of extremely doubtful propriety and validity. It was in existence for fourteen years, levying a heavy taxation upon all the arms manufactured in the country. It expired five years ago last April, and has not been in force from that time until this.

It went through this House once with no debate whatever; it slipped through the Senate with scarcely any debate; it was vetoed by the President; and it was then immediately attempted to push it through over the veto. When it came to the House it was defeated by a vote of 168 to 12. There was an appeal taken to the Supreme Court of the United States from a decision in favor of its validity, and the case was twice argued there. Twice the court was equally divided, leaving the decision to stand; showing there were in the minds of that court very serious doubts of its propriety.

The gentleman says the case was imperfectly, if not improperly, heard before the Commissioner. It is true Mr. Keller, who is said to have been chief counsel for Mr. White, was ill at the time of the hearing; but it is of record that Mr. Harding of Philadelphia, Mr. Stoughton of Washington, and Mr. J. J. Coombs of Washington, some of the ablest counsel in the country, conducted the hearing; and they and White argued the case, as the Commissioner says, with ability. The gentleman states that the evidence was not all in. Commissioner Foote says, in his letter of January 17, 1870:

> I was not aware that Mr. White had failed to obtain all the testimony he desired. I do not now recollect that any complaint was made in that respect. The time the application was pending, about two and a half years, would seem to have been sufficient to probate all needful evidence.
>
> At the hearing it was stated by Mr. White that a part of his models, intended to illustrate his inventions, had been lost or stolen, and it appeared to be to him a source of much regret and disappointment. I do not think, however, that I had any difficulty in fully comprehending his inventions and other devices referred to without them, from the papers and models in the Patent Office. * * *
>
> In view of the facts detailed I do not think that more arguments or more illustrations, or, indeed, more testimony, would have altered the conclusions at which I arrived or the decision which I made.

The gentleman says certain models and some evidence in the case were lost. By whom lost—through whose fault? Who took them away? As likely to be one side as the other in an application for extension like the one now pending. But in fact nobody appeared against the patent in that last hearing. Nothing appears here to show how the evidence disappeared, but the Commissioner says the loss was not material.

Mr. Speaker, I have one question to raise with the committee or somebody in this case, and I might as well raise it now as at any time. I assert that this bill has never been printed. Can any member of the committee deny it? It is not even in the private pamphlet which the advocates of this measure are circulating about the House. It may be supposed that the bill is in the CONGRESSIONAL RECORD of May 23, with the report of the committee, as it purports to be. It is not there. It is nowhere in full, every word of it, except in the manuscript copy upon the Clerk's desk, which perhaps nobody but myself has read and compared with the pretended copy in the RECORD.

Mr. PARKER, of New Hampshire. Here is a copy of the bill.

Mr. HAWLEY, of Connecticut. It is not a perfect copy of the bill, for the most important two lines are left out in that privately printed copy. They are left out in the RECORD. I have compared the original manuscript bill on the Clerk's desk, and it reads as follows:

> *And provided also*, That in case said extensions shall be granted, any person, firm, or corporation that, since the expiration of said patents and prior to the passage of this act, shall have constructed machinery for the manufacture of the inventions described in said patents, or have engaged in the manufacture of said inventions using machinery previously constructed therefor, shall have the right to apply for and be entitled to receive a license from said Rollin White to manufacture and sell the fire-arms described in said patents for and during the extended term thereof, upon reasonable conditions as to security for payment of the royalty hereinafter mentioned [and prescribed uniform quality of arms manufactured] and as to making report on oath of manufacture and sales, and upon payment of a royalty to said Rollin White of fifty cents, in quarter-yearly payments, upon each and every fire-arm so manufactured and sold.

The words "and prescribed uniform quality of arms manufactured" are omitted from the bill as printed in the RECORD and in the copies circulated by the petitioner. I cannot stop, of course, to explain and tell you why there are perhaps no lines in the whole bill more important than the two lines thus omitted. If the bill should pass as in the manuscript every manufacturer might find himself entrapped. The patentee would have power to establish a model to which every licensed manufacturer would be obliged to conform, and all the great arms manufactories would be at his absolute mercy. I do not say the committee intended this. Of course they did not; they have never even observed this, but somebody made the most extraordinary accidental omission which I have known in some years.

The gentleman from Iowa, [Mr. McCRARY,] who believes every word he says, has stated that this is nothing but a petition and bill for a rehearing. Now let us see what else there is in it. Recall the proviso I have just read.

The committee put in a proviso by which White may prevent every manufacturer in the country from touching breech-loading pistols except such manufacturers as may have during the last five years made some machinery and engaged in the manufacture under the supposition that the patent has expired. Pass this bill, and should the Commissioner renew the patent a new manufacturer might fill his rooms with new machinery under the reasonable supposition that he could manufacture upon paying fifty cents royalty, but he might further find that White would grant him no permission whatever to make a single pistol, he not having made any machinery or pistols during the last five years!

Moreover, this will give to White, if he licenses anybody to make pistols, the power to prescribe the quality and kind, the object being to prevent the great manufacturers of the country from keeping and selling cheaper pistols, as they are abundantly able to do, many valuable patents having expired and they having on hand extensive and valuable machinery. All the great establishments, having no private bargain with White made before the renewal, can be absolutely governed by him. Now the manufacturers of fire-arms in this country are able to compete with all foreign makers if you let them alone. There was a heavy tax in favor of this invention for fourteen years. Our makers are now free. The manufacturers abroad are under no restriction in regard to the use of the patent. The substance of the invention is putting the metal cartridge in at the rear of the chambers, which are bored completely through for that purpose. Every foreign manufacturer can make pistols of that kind without tax. The bill proposes to put a practical prohibition on their bringing in pistols to compete with ours, (no free-trader can vote for that,) and you put on every American manufacturer a duty of fifty cents on each pistol, which he has got to pay to White or his backers before he can send pistols abroad to compete in foreign markets. Our manufacturers are sending their pistols all over the world. But you are to put a charge of fifty cents on each pistol, which will weigh them down as against foreign makers. You shut up against them all the markets of the world, confining them to this country alone, and in this country you confine the manufacture to such men as Rollin White may license at the rate of fifty cents for each pistol, and to just such pistols as he may prescribe to each! He has undoubtedly private contracts with some favored friends at the rate of ten and twenty cents.

And that brings me to another issue with the committee. I charge that the opponents of this measure offered to prove before the committee that private bargains existed between Rollin White and certain manufacturers, which gave them special privileges, to the detriment of all the rest of the world. They are responsible men, who were ready to prove that fact, and stand ready to prove it to-day.

General W. B. Franklin, who presented a brief as representative of the Colt Arms Company, wrote to the committee:

> HARTFORD, CONNECTICUT, *April* 18, 1874.
>
> DEAR SIR: I learned only this afternoon that the case of Rollin White, applicant for extension, has been referred to one member of the sub-committee to examine and report to the sub-committee, which report may be made next Wednesday; and that the hearing is adjudged by the committee to be closed. On behalf of the Colts' Patent Fire-Arms Manufacturing Company I beg leave to remonstrate against the committee coming to any decision in this matter in the present condition of the evidence before them.
>
> Mr. White, in his reply to our argument, asserts *indirectly* that he has no private agreement *now existing* with particular licensees by which they shall be practically secured a monopoly of the manufacture of the arms if the patent is extended; and he would not make this assertion if he did not suppose it to be important that the committee should so *believe*. But we are in possession of information which leaves no doubt in our mind that this assertion is *not true*, but that, on the contrary, there is an agreement recently made between White and D. B. Wesson, of Springfield, Massachusetts, and *now in force*, of that very kind which White indirectly asserts does not exist, and which, if exposed to the committee, would materially affect their judgment as to reporting the proposed bill. We therefore respectfully urge upon the committee that before any report is made or any sub-report received White be required to satisfy the committee by *his* oath and that of *Mr. Wesson* that no such contract exists, and that a day be appointed for their examination in this behalf, not earlier than the 28th instant, so that we may have opportunity to attend and cross-examine. We are convinced that there is danger of a fraud being prac-

ticed upon the committee, and earnestly urge upon you to see that the above means be taken to frustrate it.

Your obedient servant,

W. B. FRANKLIN,
Vice-President and General Agent.

Hon. B. T. EAMES,
United States House of Representatives, Washington, D. C.

To which the committee responded:

WASHINGTON, D. C., *April* 22, 1874.

SIR: Your letter to the Hon. B. T. EAMES was submitted by him to the committee this morning. I am directed by them to reply that there seems no occasion for the examination by the committee of either White or Wesson. The committee has pleasure in assuring you that they will use due care to see that no fraud is practiced upon them.

Respectfully,

T. J. SEAVER, *Clerk.*

General W. B. FRANKLIN.

The committee promised to "use due care to see that no fraud was practiced," but there is no provision against this practical fraud in the bill. There is nothing in it that will tend to secure the public against secret contracts at a low royalty or none at all, certain manufacturers being favored and others practically forbidden to work by reason of a fifty-cent royalty and a prescribed standard. I now here charge that such secret contracts exist, and I can have the charge sustained, as the remonstrants offered to sustain it before the committee. Everybody knows who D. B. Wesson is, of the firm of Smith & Wesson, arms manufacturers. He says in a letter of April 2, 1874, to certain counsel:

I think you should advise the Colt Company to require *all the facts in the case* to be stated by White under oath; and if the whole *truth* cannot be obtained in this way, to summon those who can and will state the whole truth. For my part I do not believe in attempting to obtain the passage of an act of Congress or the extension of a patent by fraud or deception.

Yours, truly,

D. B. WESSON.

And Mr. Wesson is the man who has had hitherto the most benefit from that patent, and he is one of the men who have to-day a private contract contingent upon the renewal of the patent. He very honorably urged that Congress should not be imposed upon by fraud. I charge that the committee has not heard evidence and has refused to hear evidence upon the point that private contracts exist for the benefit of certain manufacturers to the absolute mastery over other manufacturers, while White and his counsel were indirectly denying such contracts, but the printed argument shows very carefully not positively denying, and that the committee, promising to exercise due care against them, has not put a word in the bill upon the subject!

I have here memoranda of the various contracts that had been made about the time of the expiration of the patent and after the time of the expiration of the patent with various parties; but I cannot dwell upon them.

Now, in compressing my remarks into ten minutes, the chairman of the committee has made it impossible for me to state various interesting facts in relation to this matter which I wished to place before the House. I have here a copy of a letter of Schuyler, Hartley & Graham, very large dealers, who know as much about this matter as any persons in the country. From a careful estimate they have made they say there have been manufactured and sold in this country, in the year preceding this letter of May 26, 1874, no less than 255,000 pistols liable to royalty under this patent, and they give the estimate in detail.

The committee wish to put a tax upon these manufacturers of fifty cents a pistol, when they are willing to make a pistol for from two to four or five dollars and upward, and that for the benefit of a man who has already received, as the Commissioner of Patents wrote, $70,000 above his expenditures. The Commissioner says White's aggregate receipts were $93,899; from which deduct $22,457 for expenses, leaving $71,442 as White's reward. White claimed to have spent in litigation the additional sum of $38,321. But Smith & Wesson, who did nearly all the work under the patent, say they have paid that, and it has never been repaid to them. It is not to be deducted from the money received by White.

I have already shown that this is a tax on American manufactures at the very time when we are desiring to increase our exports and to diminish our imports. We have better machinery; we export machinery to enable foreigners to make arms, and then we can make pistols here so as to compete with them in their own countries, though they may have our machinery. And you are asked to add a duty of fifty cents on every pistol made here and sent abroad—a duty directly for the benefit of foreigners in foreign markets. That is the bill of equity which the committee have brought in. The primary and public purpose of the patent law is not to enrich the individual, but to stimulate industry for the benefit of the whole country. We say to a citizen, "Devise some valuable invention and we will give you a special right to it for a number of years, and you may make money out of it, and we will then give it to the world free for the general benefit"——

[Here the hammer fell.]

Mr. HAWLEY, of Connecticut. I beg pardon of those who thoroughly understand the gross injustice of this bill for having so imperfectly presented the merits of the case in the brief time which has been allowed me.

Mr. CONGER. I had not proposed at this time, and do not now propose, to say anything upon the merits of this bill.

Mr. HAWLEY, of Connecticut. I think not.

Mr. CONGER. And I think not. But I propose to comment a little upon the peculiar manner in which the gentleman from Connecticut [Mr. HAWLEY] has left out of consideration entirely the merits of this bill in order to make an assault upon the Committee on Patents of this House, and in advance to prejudice the members of this House against that committee. If the gentleman had paid attention to the records of this House, if he had read the printed report of this committee which for months has been upon the tables of members, he would not have made such charges as he has now rashly and foolishly made here against the committee on the representations of interested parties who have never been before the committee, but who state that they sought to be there and were refused.

Mr. HAWLEY, of Connecticut. Let me correct that statement.

Mr. CONGER. I cannot have it taken out of my time now. The gentleman has had his say.

Mr. HAWLEY, of Connecticut. You are misstating me, or stating what is not the fact.

Mr. CONGER. On the 23d of May last there was printed in the RECORD the report of the Committee on Patents, full and complete. The gentleman might well have attended to the reading of the records of Congress. The bill is printed in that.

Mr. HAWLEY, of Connecticut. No, sir.

Mr. CONGER. The bill was printed in this report on the 23d of May last. And in the report of the committee they say that they report the bill with an amendment, and that amendment is printed in the report. What is the amendment about which the gentleman has made such sweeping assertions? If he had devoted his time more to the reading of the records of this House, and among them the report of the Committee on Patents, he would not have placed himself in the unpleasant predicament of causelessly attacking his fellow-members here before the House and the country. I commend to the gentleman from Connecticut further diligence in reading the reports of the committees of this House.

Mr. HAWLEY, of Connecticut. Now the gentleman must permit me to say——

Mr. CONGER. Let the gentleman wait with patience until I have done. The committee say:

The arguments presented to us have had reference to the bill before recited as thus amended.

How amended? It is an amendment relative to the quality of the fire-arms, and is the only difference in the bill subsequently reported to the House. What did the committee say on the 23d of May last in their report which the gentleman might have read if he chose?

The committee are of opinion that the bill as submitted with the proposed amendment is a proper one for the favorable consideration of Congress, as it seems to guard all the interests affected, whether of the United States or of manufacturers in this country who have in good faith embarked their capital in the manufacture of these particular fire-arms.

Now mark, Mr. Speaker, and gentlemen of this House, what is said in regard to the provision which the gentleman has attacked:

The provision as to the quality of the arms seems essential in order that all the manufacturers who may take licenses of Rollin White, should his patent be extended by the Commissioner of Patents, may share equally in the protection of the patents, and be free from an injurious competition upon the part of those who might, in order to get control of the market, fill it up with cheap, inferior pistols, more dangerous to the user than to anybody else.

Now, that is the report of this committee, spread upon the records of this House, which the gentleman has declared to be secret, and has styled to be clandestine.

Mr. STARKWEATHER. If the gentleman——

Mr. HAWLEY, of Connecticut. Mr. Speaker——

Mr. CONGER. One at a time, gentlemen. You are both from Connecticut, and both I believe represent the same fire-arms manufacturing company.

Mr. STARKWEATHER. I wish to inquire of the gentleman from Michigan [Mr. CONGER] whether the bill in the printed form circulated among members is the same as the bill on the table?

Mr. CONGER. It is, with the exception of the amendment to which the committee refer and with regard to which I have read.

Mr. STARKWEATHER. I heard the bill read, and it is my impression that it is not the same.

Mr. CONGER. It can be read again if necessary and a comparison made. I speak only from my memory of the bill and of the report of the committee.

I had not intended to take any part in this discussion, but merely to "farm out" my time to those who, like the gentleman from Connecticut [Mr. HAWLEY] and others, having constituents interested in different manufactories of fire-arms, wish to oppose this bill, and also to those who might wish to advocate the claims of Rollin White, who comes here with the unanimous report of the Committee on Patents in his favor—a committee whose reputation before this House during the last session, I venture to say, has not been that of a committee desirous to press upon the House or the country any patent or any extension contrary to the public interest. We have sought carefully to guard the public interest in every case, and have had heretofore the sanction of the House for every report we have made. I merely rose to rebuke in my feeble way the gentleman from Connecticut [Mr. HAWLEY] in charging this committee with any clandestine attempt to impose upon the House, when their report is printed not

only in the form now before members, but printed in the RECORD of the 23d of last May.

In regard to the hearing before the committee, I wish to say that they never refused in this or any other case a full, absolute, and perfect hearing of all those in favor of a proposed measure and all those opposed to it. Not a member of this committee is connected either with patentees or inventors or manufacturing companies. We never have declined to hear evidence. On the contrary, we have frequently, in this case as in several others, reopened questions for a hearing time and again. I say this to the honor of my associates on the committee. They have devoted their time to the hearing of these important cases with a diligence, a patience, a perseverance, that I have never witnessed on any other committee with which I have been associated in this House. Therefore I deny the allegation, whether it comes from the gentleman from Connecticut or whoever else it may come from, that there has been anything secret, anything clandestine, anything wrong, in the action of the committee in this or in any other case. Unrebuked by me, there shall not come from representatives of these vast manufacturing companies, either through letters to their friends in this House or otherwise, any imputation that there has been clandestine action on the part of the committee.

I want to say further, that in this very record the committee say that they gave notice to the manufacturing companies and their attorneys in regard to these matters, including this very question of the quality of arms, to appear before the committee and be heard. Besides that, the brief of the company in whose interest the gentleman from Connecticut speaks recites the very language of this amendment. That brief, which was presented to our committee, contains this language:

> The proposed bill does not even give the trade, if the extension is granted, the equal rights which it seems to give. In the first place the amendment, which consists in inserting the words "and prescribed quality of arms manufactured," in line forty-two, is cunningly contrived to undo what the rest of the last proviso does.

Now that is their brief before our committee. Yet the gentleman from Connecticut tells this House that we smuggled this proviso in without his friends knowing anything about it.

Mr. HAWLEY, of Connecticut. The gentleman ought certainly to allow me to correct a misapprehension under which he is laboring. I have said that that proviso is in the bill, in the manuscript bill, but not in the printed form in the RECORD, or in the pamphlet which the friends of this bill have distributed. Of course that provision will pass if the bill should pass.

Mr. CONGER. Of course that language is in the manuscript bill; of course it is in the bill we have reported. But what did the gentleman from Connecticut say, if I remember his words aright? He assured the House that this provision was clandestinely inserted in the bill without the knowledge of the gentlemen whom he represents.

Mr. HAWLEY, of Connecticut. O, no.

Mr. CONGER. Yet in their printed brief, presented on the 6th of April last (our report being made on the 22d of May, and printed in the CONGRESSIONAL RECORD of May 23,) the manufacturing company that the gentleman represents recites the language of this amendment as I have read it here.

Now, I ask the gentleman from Connecticut and other gentlemen, in arguing this case before the House, not to tread too closely upon the action of a committee whose action they so totally misunderstand, and not to impugn the motives of our committee, when the printed record shows that they have been fair and open in every transaction connected with this matter.

Now, sir, I do not propose to speak upon the merits of this case. The report of the committee, together with the remarks of other gentlemen who will speak, will, in my judgment, be a sufficient answer to these four or five or six gentlemen in whose districts are these great manufacturing companies that have so long pressed this poor cripple, Rollin White, to the earth, and prevented his getting any benefit from an invention from the use of which they have received thousands and hundreds of thousands—I do not know that I would go too far in saying millions—of dollars of profit, and who desire still to do so.

Mr. McCRARY. Is not the provision to which attention has been called inserted for the benefit and protection of the manufacturers? If the bill should be passed without such a condition, would it not allow the patentee to fix his own terms?

Mr. CONGER. That is the manner in which the committee viewed the matter. They required Mr. White to accept, whether he wished to or not, that provision, because it is for the public interest as they understand, though it may be against Mr. White's interest. It is the interest of the country that, whoever may manufacture arms, they should be of good quality, and not, in the language of the report, more dangerous to the user than to the object against which they are directed. I yield now for five minutes to the gentleman from New Hampshire, [Mr. PARKER.]

Mr. PARKER, of New Hampshire. Mr. Speaker and gentlemen of the House, as one of the members of the Committee on Patents it is proper I should say a word in regard to the question now before the House. It is important that we understand clearly what is the question now pending, and not confuse it with anything foreign to the subject. It is not a question of the extension of the patent of Rollin White, as is assumed by the gentleman from Connecticut, [Mr. HAWLEY.] We do not ask the House to pass an arbitrary law extending the patent of Rollin White, but we simply ask that this House will give Rollin White a day in court; that it will place him where the law placed him in 1869. That is all. Under the law existing at that time Rollin White had the right, as every other patentee had, whose patent had expired, to appear before the Commissioner of Patents, and there prosecute his application for an extension after the same had run fourteen years. He did so; but was deprived of a fair and full hearing by reason and on account of the sickness and inability of his counsel to be present. To show this fact, I ask to have read at the Clerk's desk the following letter from his counsel, which shows the embarrassment under which Mr. White labored at that time, and which is sufficient to convince any reasonable man that he ought to have another hearing before the Commissioner of Patents.

The Clerk read as follows:

NEW YORK, *January* 26, 1872.

SIR: It was in consequence of severe illness that I was prevented from prosecuting Mr. White's application for extension before Mr. Foote, then Commissioner of Patents. At a late day in the proceedings Mr. Harding took charge of the preparation and management of the applications, and that was at so late a day that it was impossible for him to develop all the evidence necessary to a full understanding of the merits of all the applications. I know that the exhibits, which were stolen when it was too late to replace them, were essential to enable any person, except one determined to defeat the application, or under the influence which caused the theft, to reach a just and satisfactory opinion on the propriety of extending some of the patents in question.

But imperfect as the evidence was as to some of the patents, it was, in my judgment, sufficient to justify the extension of one of the patents, for that had successfully passed through the severest of legal tests in the first and second circuits and in the Supreme Court.

There is no doubt that White's invention, known in the market as the Smith & Wesson pistol, is superior to all others. The inventor, who was entitled to a large reward, will be left in poverty unless his patents can be extended. I know the merits of his invention and the hardships to which the inventor has been subject, having been his counsel in the complicated, protracted, and expensive litigations which resulted in sustaining the legality of his patents, just in time to see all of his hopes blasted by rejection of an extended term of his patents.

Respectfully, yours,

C. M. KELLER.

To the CHAIRMAN OF THE COMMITTEE ON PATENTS,
House of Representatives.

Mr. PARKER, of New Hampshire. Now, it can be seen Rollin White has not had a fair, candid, and impartial hearing in regard to this matter. It is only proposed by this committee to place him where the law placed him in 1869, so that he may be permitted to go again before the Commissioner of Patents and be heard. Then the constituents of the gentleman from Connecticut [Mr. HAWLEY] can appear before the Commissioner and be heard if they have any rights to protect; or if there are any merits in their defense they can then present them to the Commissioner. That is the tribunal, the proper tribunal, to try this controversy. During the life of this patent only about $10,000 was realized above the expenses for this most valuable invention; while on the other hand these parties opposing have realized a very large amount.

We do not come here, gentlemen of the House of Representatives, asking you to pass upon the merits involved in this extension, but simply—and I ask the House to understand it—that this man may go before the proper tribunal and there try the merits of his case, everybody having notice, everybody appearing, everybody being heard then and there. Gentlemen, is this a fair proposition, is this a reasonable proposition? Such as ought to commend itself to the minds of candid men? Is there anything unreasonable in this request? Is there any injustice here? It seems to me to be the plainest principle of equity.

The gentleman from Connecticut [Mr. HAWLEY] is very apprehensive that injustice is going to be done. Ah! gentlemen, I fear that, like the Irishman, his constituents are apprehensive that justice will be done; and that is what troubles them and what they most fear.

The gentleman from Connecticut says that Rollin White has been here five years asking this action. It is true; and the reason why he has been kept here for five years is because he has been opposed by this gigantic monopoly from Hartford, Connecticut, the Colt Arms Manufacturing Company, backed by millions and millions of money—one of the most gigantic corporations and monopolies in this country, and one they ask to have perpetuated. They are the parties who have opposed this poor, lame man, who has been kept here at expense these long years. These are the men who have said to Rollin White, after they have been rolling in wealth, "You shall not have a day in court. You shall not be heard." We simply ask this House to give him the privilege of being heard; that is all there is of this case.

Mr. CONGER. I yield for five minutes to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. KELLOGG. I ask the gentleman from Michigan to yield to me for a longer period than five minutes—say ten minutes.

Mr. CONGER. I cannot yield.

Mr. KELLOGG. If I am to have only five minutes, then I hope I will have the attention of the House for that length of time, and will be brief as possible in doing justice to this bill.

Now, Mr. Speaker, I have no charge to make against my friend from Iowa, [Mr. McCRARY.] I listened with interest to what he had to say, for I know he is sincere and means to do what is right in the case. I have no charge to make against the Committee on Patents or any member of it, and concede they have acted fairly in all respects. But, sir, I say that there is no man who is familiar with

the history of this application for a patent during the last six years but will say, if there is not deception in this House, there is and has been deception with outside parties, who have been seeking to impose upon this House by inducing it to grant this extension. Shakespeare tells us time was, "when the brains were out, the man would die;" but there seems to be something about this Rollin White concern, no matter how often it has been killed, which enables it to spring up again into new life at every session. The patent had already existed fourteen years for this patentee and for Smith & Wesson's pistols; and the patent for one year on those pistols during the war was worth ten or twelve ordinary years. Indeed, it has really had an equivalent for thirty or forty years of profitable existence for this patentee and for Smith & Wesson, at least, who have made the most money out of the patent, as is said; but the patentee made ten times its real worth.

The patentee came to the Commissioner of Patents before 1869, with five or six parties opposing him, asking for an extension of the patent. He got rid of one after another of his opponents, and finally, when other parties had one of their number there as they supposed, opposed to it, he bought him off at the last hearing or arranged in some way to get rid of him, as the letter of Mr. Foote, the Commissioner of Patents, shows; and they had not a particle of evidence before the Commissioner against the patent extension, at the final hearing; and then even the Commissioner would not extend his patent when he had bought off his last opponent, because he had no real ground for an extension. And Mr. Foote, the Commissioner of Patents himself, as appears in this report in the Congressional Globe of the Forty-first Congress, says that he had a perfect understanding of the whole case. The absent models did not make any difference in the cause.

My friend from New Hampshire [Mr. PARKER] has quoted a letter from White's lawyer to show that he did not have a fair hearing on account of the loss of some models, and triumphantly asks if that is not full proof he did not have a fair hearing. The assertion of his own lawyer when he lost his case! I put against that the statement of the tribunal before whom it was heard, that of the Commissioner of Patents, who could have no interest in it. There it is. I have no time to read it, but will make it part of my remarks:

NATIONAL HOTEL,
Washington, January 17, 1870.

DEAR SIR: For the purpose of answering the inquiries in your letter of the 14th instant I have re-examined the papers on file in the Patent Office to refresh my recollection.

On the hearing of Mr. Rollin White's application for an extension of his patent Mr. Harding, of Philadelphia, and Mr. Stoughton, of this place, appeared as his counsel. Mr. White spoke in his own behalf, and Mr. Harding was heard two or three times; and to those acquainted with that gentleman I need not say that the cause was argued with much ability. It was stated that Mr. Keller, of New York, who had acted as counsel for Mr. White in suits upon his patent and in taking testimony to be used on his application, was absent on account of sickness.

Several persons (perhaps they could not properly be called "counsel") seemed to be much interested in Mr. White's behalf, and strongly pressed the granting of the extension.

Soon after Mr. White's application was made (in 1866) objections to the extension were filed in the Patent Office by several persons, and testimony in support of them was taken. Afterward the opposition of some was formally withdrawn, and at the hearing no one appeared to oppose the extension.

I was not aware that Mr. White had failed to obtain all the testimony he desired. I do not recollect that any complaint was made in that respect. The time the application was pending, about two and a half years, would seem to have been sufficient to probate all needful evidence.

At the hearing it was stated by Mr. White that a part of his models, intended to illustrate his inventions, had been lost or stolen, and it appeared to be to him a source of much regret and disappointment. I do not think, however, that I had any difficulty in fully comprehending his inventions and other devices referred to without them, from the papers and models in the Patent Office.

* * * * * * *

Very respectfully, yours,

ELISHA FOOTE.

There is the statement of the Commissioner himself. He did not think he was entitled to have a patent. Then this Mr. White came to Congress in the short session at the opening of the Forty-first Congress, and when little business was done; and long after the hour of midnight, when members were asleep on the benches, and without any hearing before the Committee on Patents by any other parties interested, that bill was put through. That bill was vetoed. It came up again in the long session of the Forty-first Congress, and there was a full discussion on its merits; and after that discussion this House voted by yeas and nays—12 for an extension and 168 against. And my good, honest friend from Iowa [Mr. MCCRARY] was one of the 12. He believed in the case honestly then, as he does now. But the House, with a full understanding of the facts, voted it down, ten to one. The case has been coming here again ever since.

Early in the last Congress it was brought before the Committee on Patents, of which I was then a member. I will not say what took place in the committee, but I will say what took place outside the committee, and what did not take place in a session of the committee. This same man, White, came and asked us to give the patent to a Mr. Hubbell, of Philadelphia, when he found he could not get it himself, thus admitting that he was not the first inventor. It was shown to our committee that this Mr. Hubbell was the prior inventor of the two, though it was an old invention. He made an arrangement with Hubbell by which he could have his share, and he wanted that a bill should be passed for Hubbell's benefit and they could divide. And finally a report was got in on the last night of the session of last Congress, without its having been ever read to the committee, as far as I know, or at least I have never known of it; and when I went to my friend who reported it and asked him what he meant, he said it was simply reported that it might get on the record and that no action was expected. None was had that Congress. Now, that same report comes up here word for word *verbatim et literatim*, as having been adopted by the Committee on Patents of the Forty-third Congress.

This patent went to the Supreme Court, as my colleague has stated, and this applicant was not able to sustain his case there except by a divided decision. It had its full term of fourteen years, four of which were years of war, with ten or a hundred fold more pistols sold than in any other year; and this patentee, having had a full hearing before the Commissioner in 1869, the Commissioner himself saying that he had a full and fair hearing, and the last opponent having been bought off and the Commissioner having then refused to give him an extension of the patent, now asks for a renewal of it. He asks us to do what a tribunal established for this very purpose by your laws and under the Constitution has refused to do.

[Here the hammer fell.]

Mr. CONGER. I yield five minutes to the gentleman from New York, [Mr. HALE.]

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. CONGER. According to the memorandum of the time I have yielded to various gentlemen, I have had only forty-five minutes.

The SPEAKER. The Chair has reckoned this hour very liberally at an hour and ten minutes; but he will not himself oppose any objection to the extension of the gentleman's time. What time does the gentleman from New York propose to occupy?

Mr. HALE, of New York. Five minutes.

Mr. CONGER. I desire to have fifteen minutes more of this hour.

Mr. POTTER. How much time has the gentleman from Michigan remaining?

The SPEAKER. The gentleman from Michigan claims that he has fifteen minutes of his hour remaining; and it is not the habit of the Chair to doubt the word of any gentleman who makes a conscientious statement.

Mr. POTTER. I only supposed his hour would expire some time.

Mr. CONGER. I will give the gentleman from New York whatever time he requires.

Mr. POTTER. Very well.

Mr. HALE, of New York. This bill is not a bill for the extension of a patent. It is a bill to give to a claimant a day in court on his application for an extension of his patent under general laws. The report of the Committee on Patents and the statement which has been so fully and succinctly made by the gentleman from Iowa [Mr. MCCRARY] this morning establish the fact that by fraud this man has been prevented from a fair hearing of his case before the constituted tribunal. It is said by those who oppose this bill that years have elapsed since this patent expired and means have been invested in this manufacture, and that it would be hard on those who had made large investments, on the fact that the patent had expired, that it should now be renewed. There would be force in the argument if it were not for a few other things to be borne in mind, the first being the proposition which I have already made and which is so fully sustained by all the evidence in the case, that it was by the fraud of the men who now oppose this bill, the men interested in the opposition to it, that this man was prevented from having a hearing.

When so prevented, this claimant did not lie idle for five years. He does not come here for the first time. He presented his case to Congress at once. The two Houses passed a bill five years ago for his relief. That bill was vetoed by a veto which must be fresh in the recollection of many gentlemen in this House, and which certainly struck everybody as a surprise as regards the matter of form. From that day to this, the particular objection on which the veto message was based having been immediately obviated, this claim has been before Congress in one form or other, and I challenge contradiction when I say that it has been fought by these great and rich manufacturing companies—fought by every means within their power, lawful and unlawful, honorable and dishonorable, honest and corrupt.

I say, and I make the assertion upon my own responsibility, that corrupt expenditures of money have been made by the parties opposing the passage of this bill, to an extent that should have the thorough investigation of this House, and when the facts appear should be met with due and proper punishment.

The merits of this patent are not now in discussion here. This proposition is simply to send it to the tribunal which has the right to determine upon it. I know something of this man. I knew him when a boy. I know him now to be an honorable, upright, laborious, worthy man. I believe that the opposition which has been instigated against him comes from these great companies that substantially monopolize the manufacture of fire-arms in this country, and that they have pressed this opposition most unscrupulously. It is a new position for me to advocate the extension of a patent. I have almost if not quite uniformly been found opposing these applications. I have been found in opposition to my friends from Connecticut, who are now opposing this bill, when they were pressing matters in the interest of these great corporations, and I was fighting for the rights of the people. Our positions are now reversed. The corporations are here fighting this bill, and a worthy and poor inventor is met by their opposition. I trust the House will pass this bill and give this man the relief he asks.

Mr. DAWES. I am not like the gentleman from New York who has just taken his seat, [Mr. HALE.] I am in no other attitude than that which I have always occupied in this House—one of opposition to extension of patents. I do not know that I should press myself upon the consideration of this House at this time but for the remark of the gentleman from Connecticut [Mr. HAWLEY] that a constituent of mine holds a secret arrangement with this patentee, by which, if the patent is extended, he will have the benefit of it without the payment of a royalty. I wish to say that I am in this House in the interest of no manufacturer of fire-arms. If I have a constituent who has made such an arrangement as that, while I may know him personally to be an honest and honorable man, one who will make no dishonorable arrangement, he cannot get me to represent him here in putting any provision in a law which will give binding force to such a contract. I do not believe he has made any such arrangement. If he has, I hope no legislation of this House will give a sanction to any such contract as that. I am always opposed to the extension of patents.

I hope the gentleman from New York [Mr. HALE] will not forget the statement he has just made here, and which he says he makes upon his own responsibility, that corrupt measures have been resorted to in opposition to this bill. After having made that statement, he cannot omit to call upon the House to investigate such a charge as that.

Mr. HALE, of New York. Allow me to say that I do not refer to the present Congress. I take the full responsibility of what I said, here and elsewhere.

Mr. DAWES. Of course my friend from New York will do that; I only suggested that he should not forget it.

There are two or three points in this case to which I desire to call the attention of the House. First, this clause in the amendment, although it is worded to carry the idea that the object of it is to keep up the quality of the arms, it seems to me is so worded that Rollin White will have it in his power to make the form of the arm a part of his description, and if so, it puts every manufacturer in the country in his power. I do not object to his requiring quality to be kept up without respect to form, but if he can prescribe the form and measure and dimensions of the arm, he will have power to stop the manufacture of arms is this country by everybody who has not his license.

Another thing: There is no regard paid here in this bill to that condition of things which exists all over this country, and which will affect the manufacture of arms; that is, that while this patent has been four or five years open to the public, in the competition of the manufacture of arms throughout the country, contracts have been made for the future for years in advance, on the supposition that this invention was free to all. If this bill passes this patentee will come down upon these men and compel the payment by them of fifty cents for each pistol which may be made under the contracts which in the sharp competition of free manufacture have been made for the future delivery of arms.

Then there is another thing. In order to escape the objection of the veto and in order to escape the opposition elsewhere, it is provided that the Government of the United States may manufacture these arms without paying him his royalty. Now, the fact is that the Government has gone into the manufacture of fire-arms, for sale, not only in this country but to foreign countries; and, being protected by the laws of nations, they supply arms to nations at war. And yet the private manufacturers in this country will be put to the disadvantage of that particular provision of the bill by being required to pay fifty cents royalty in competition with the United States Government, who will manufacture without the payment of royalty.

One word more about this fifty-cent royalty. I understand it to be based upon the estimate that there are manufactured every year in this country three hundred thousand of these arms. That will give a royalty to this man of $150,000 a year. If this bill passes at all, it seems to me the royalty should be reduced to not exceeding twenty-five cents.

I wish further to say that the foundation of the patent of Rollin White—his whole claim here—is for an invention so constructed that it was not a particle of use to anybody at all until other people's improvements made it a safe, useful, and desirable arm. He, being at the bottom, can now avail himself of all other people's improvements, without which he was never able to put an arm upon the market.

Now, one word about the allusion which has been made to my watching this matter in a previous Congress. Without any interest in it myself, I was requested by a colleague of mine on the last night of the session (he being obliged to leave here in the nine-o'clock train) to watch this measure and oppose it in his behalf, because some of his constituents had been promised a hearing and had failed to get it.

[Here the hammer fell.]

Mr. DAWES. I would like to have a minute or two more.

Mr. CONGER. I have but five minutes more. If the House will extend the time ten minutes the gentleman from Massachusetts [Mr. DAWES] can occupy a few moments more, and my friend from New York [Mr. MERRIAM] can occupy five minutes, at the end of which time I shall call the previous question.

The SPEAKER. The Chair hears no objection to that arrangement.

Mr. CONGER. Then I yield one minute more to the gentleman from Massachusetts.

Mr. DAWES. As I was saying, a colleague of mine, for the reason that his constituents had been denied a hearing, requested me on the last night of a former session to watch and oppose this bill. I did watch it all night long here, with the full knowledge of the men then having it in charge. But just before noon on the last day of the session, when according to custom it was my duty to move for a committee to wait upon the President and inform him that Congress had concluded its business, I went to the President's room for that purpose; and before I got to the Rotunda this bill was called up and passed. It did not, however, reach the President till after twelve o'clock, and therefore it went over to the next session, when it was vetoed.

Mr. CONGER. I wish the gentleman had been able to be on hand, and then probably the President would not have vetoed the bill. I now yield four minutes to the gentleman from New York, [Mr. MERRIAM.]

Mr. MERRIAM. Mr. Speaker, before entering upon the discussion of this question I wish to call the attention of my colleague [Mr. HALE, of New York] to one statement he has made that might be construed as reflecting on gentlemen who deservedly rank among the purest men in this country, the Messrs. Remington, of Ilion, New York, whom I have the pleasure to know personally. I ask my colleague whether, in his allusion to fraud and dishonesty, he intended to embrace those gentlemen?

Mr. HALE, of New York. O, no; not in the slightest degree. I had not thought of the Remingtons.

Mr. MERRIAM. That is all I have to say on that point.

Mr. Speaker, I am very glad that this question is to come before the Representatives of the American people to-day for final action. There is a principle involved in it that reaches beyond the individual interest of Mr. Rollin White, which should now be settled forever. No such monstrous proposition has been presented to Congress since my experience here, if ever before.

To resurrect and give life to a patent five years dead would be to strike a blow at the material interests of mechanical industry in this country from which it could not recover in our day and generation.

The principle involved in this proposition strikes at the very heart of our industries. It reaches so far, and involves such vast interests, that I rejoice that each Representative of the American people will have an opportunity to make his record, that will hold him to full responsibility. Capital is always sensitive and timid; it shrinks from danger. No man in this House, no man in this country, could be induced to invest a dollar in any manufacture based upon the use of any invention patented ten, twenty, or fifty years ago, if this dead patent be resurrected.

Now, what are the facts in this case? Five years ago last April this patent expired. The fire-arms manufacturers of this country, as I know in the case of the Remingtons in my district, have expended large amounts of money in buildings and machinery, which they would not have done except for the expiration of this patent. They have obtained contracts from abroad to manufacture these pistols, which they could not afford to execute under the provisions of this bill. If you renew this patent and add fifty cents to the cost of each pistol manufactured, you not only affect injuriously the manufacturers, but you deprive American skilled labor of employment to the extent of all attainable foreign contracts at a time when employment is not too abundant in this country.

Moreover, you could strike no other so heavy a blow at the inventive genius of this country. Once let it be understood throughout this country that after a patent has expired it can be renewed, and the capitalists will not invest one dime in any patent, because it can be taken away from them at any moment by similar power of legislation. There are three hundred thousand pistols manufactured annually in this country. Fifty cents upon each of these is $150,000 per annum, which it is proposed to give to Mr. Rollin White under this bill; so that his proposed seven years' extension would be equivalent to $1,050,000—certainly an amount which is fabulously large, considering the doubtful rights of the petitioner.

My colleague [Mr. HALE, of New York] has said that this bill simply allows this man to have a hearing. Why, sir, every man in this House knows that the passage of this bill will be equivalent to a mandatory order to the Commissioner of Patents to grant this extension, and it would be so considered by the Commissioner.

My friend from Iowa [Mr. MCCRARY] spoke with much sympathy in behalf of his acquaintance, Mr. White. I am glad that I do not know him personally, and can stand up here and plead for justice and right without sympathy for individuals. He has said that White did not have a fair hearing because his attorney was sick. The Commissioner of Patents in his report says "the cause was argued with ability by three able and experienced patent attorneys."

Unfortunately the manufacturers of this country are constantly worried by pretended inventors and black-mailers, and by applications for renewal of expired patents such as is contemplated in this bill. It is time Congress put upon such annoyers its seal of condemnation. Our manufacturers are liberal toward inventors. The Messrs. Remington have paid for patents more than half a million dollars, and are always ready to be liberal in their dealings with inventors.

This proposition seems to me to be an outrageous attempt to benefit one man at the expense of the many, and which, in its bearing, will harm alike inventors, manufacturers, and the laborer.

Mr. CONGER. I now yield for five minutes to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. Mr. Speaker, I do not come within the personal objection raised by gentlemen who advocate this bill to those who have opposed it in debate. Within my district there is no manufacturer of arms, or other persons, especially interested in opposing the extension of this patent. Indeed, as far as I know, among my constituents there is not a single person who has any interest in opposing the extension except that interest against the longer continuation of this monopoly in the manufacture of arms which is common to all citizens of the United States.

But, sir, I should be wanting in my sense of duty if, with my convictions, I failed to take advantage of whatever time I can get to protest to this House against an extension of this patent, which I believe to be as absolutely without merit as any extension which has been asked for within my experience here.

I understand very well, sir, as gentlemen who present this bill have told the House, that the bill is not for a direct extension of a patent, but only (in the language of one of them) to give Mr. White a day in court. But, Mr. Speaker, if there is anything certain about the matter, to my mind it is that, when this day in court is once given, and this application comes to be reconsidered, it will result that this monopoly, worth, I am told, not less than a million dollars, will be granted.

Now, what is the history of this claim for a day in court? In 1868 Rollin White applied to the Commissioner of Patents then in office, Mr. Foote, for an extension of this patent. The application was pending before him for two years, pressed by some of the most eminent counsel in the country. During all that time there was no other suggestion of these lost papers, as I see by the letter of the Commissioner in the seventy-ninth volume of the Globe, now before me, than that certain models and illustrations were lost. But the Commissioner here declares that the absence of those models in no way prevented his understanding the case; and he declares also that the ends of justice did not require any reconsideration of the case, and that his conclusion would not be changed by the evidence the inventor has claimed he could not then produce. After that a motion for rehearing was made before the Commissioner, the proper authority to consider it, just like a motion for rehearing before a court, and was by him refused. Later, in the spring of 1869, in the last hours of an evening session, a bill was rushed through without debate, authorizing a new application to the Commissioner. That bill was returned at the next session of Congress by the President with a veto message, in which he referred to the report of the Chief of Ordnance, who declared the interest of justice required that no further reconsideration of this application should be had; and after a great debate in this House between the gentleman from Massachusetts, [Mr. BUTLER,] who advocated the passing of the bill over the veto, and the gentleman from Illinois, [Mr. Farnsworth,] then here, which every gentleman in this House will recollect, the motion to pass the bill over the veto failed by 168 nays to 12 yeas.

With that history I am cognizant, as I was then in the House. I was one of the members requested, on the night the bill passed, by one of the counsel for Mr. White, not to make any objection to defeat the bill; and I have not forgotten his representations of the merits of the bill; and since its subsequent veto that gentleman has not been able to impress me in respect of any matter before the Congress of the United States with any confidence in his judgment.

I repeat, that during the period of this application before the Commissioner of Patents, and after these papers are said to have been taken, Mr. White claimed only to have lost certain of his models, which the Commissioner writes did not prevent his understanding the case. The inventor then moved for a rehearing before the Commissioner charged with the consideration of these questions, and that rehearing was denied. Then he came to the Congress, and slipped through without objection, toward the close of a short spring session, a bill for a reconsideration of his case by the Commissioner. That bill having been vetoed, he now comes in, five years afterward, when great industries have established themselves, when these revolving arms have grown to be so considerable an article of export that our citizens send out every year hundreds of thousands of dollars' worth of them to other nations, and again asks for yet another reconsideration; which, as certainly as it is granted, will, I believe, result in an extension which will give to this man or to those behind him a monopoly that will in the end reach even a million dollars.

I am opposed on principle, Mr. Speaker, to all extensions of patents. If during the fourteen years of exclusive right to the invention granted to the patentee formerly—now seventeen years—a man cannot make such use of his invention as to make it pay him a suitable return, that is his misfortune. The public interest then, at least, requires that he should give up his monopoly and let others try what can be done with the invention. There is no public policy or wisdom, as I think, in any further extension after that. But to those gentlemen who think otherwise, who are disposed to decide this case with reference only to its particular merits, I say the application for an extension of this patent has been heard and denied by the regular tribunal established for that purpose.

After that hearing an application for a rehearing has been denied. Yet after that a bill for a reconsideration of the application passed Congress and that bill was vetoed, and by an overwhelming majority of both Houses the veto was sustained. And now, five years after all that, the inventor comes once more to Congress and again requests an opportunity for a further rehearing of this case. For my own part I am utterly opposed to it. The application seems to me to be without a shadow of justice, and I should have failed in my sense of duty if I had not made my earnest protest against the adoption of this bill.

Mr. EAMES. The gentleman from New York said, as I understood, that the veto had been sustained by both Houses. I ask him if the veto was sustained in the Senate, the House in which the bill originated?

Mr. POTTER. I understood that the bill originated in the House.

Mr. McCRARY. The bill was passed by the Senate over the veto by a large majority, and then came down to this House. A personal controversy arose, in which the bill was lost sight of entirely, and the veto was sustained. That is the fact.

Mr. POTTER. In regard to the action of the Senate then I stand corrected.

Mr. CONGER. I yield now to the gentleman from Vermont, [Mr. POLAND.]

Mr. POLAND. I am not in the position of most of the gentlemen who have argued in reference to this bill. I know nothing of these under-currents. I know nothing in relation to the particular parties, individuals, or companies who are engaged in the manufacture of pistols. I do not know who is to be benefited or who is to be harmed by the passage of this bill. My views in relation to it and my judgment upon this case are based upon the record here. A great many gentlemen have taken occasion to say that they are opposed to the extension of any patents at all, and that they uniformly vote against all these bills that authorize the extension of patents or the application for extension. Now, Mr. Speaker, I cannot be governed by any consideration of that sort. The law gives every patentee the right to apply for an extension; it was a legal right which the statutes of the United States gave to every individual patentee who applied within the time provided for an extension of his patent. This is by no means a bill to extend this man's right; it is merely for the purpose of giving him an opportunity for the exercise of a right which he lost without his fault. He made his application within the time the law provided to have a hearing before the Commissioner of Patents, with a view to having his patent extended.

It seems to me, Mr. Speaker, that the only proper course for this House to take is to say that this man shall have a fair opportunity to avail himself of that privilege and that right which the law gave him, and whether we believe in the extension of patents or not is not a consideration that should influence the view of any man upon this subject. This Mr. Rollin White, just before the expiration of his patent, applied to the Commissioner of Patents for a hearing as to whether he was entitled to an extension of his patent, and just upon the eve of that hearing, I believe the very night before that hearing came on by the Commissioner, an important part of his evidence was stolen, and he had not anything to present before the Commissioner. I do not know who stole it. But almost everybody who steals is some one that has some interest in the thing stolen. I think it is a fair presumption that somebody that was interested to defeat his application for an extension was the thief; but whether it was somebody that stole it for the purpose of preventing him from having a fair hearing, or whether it was somebody that stole it out of mere wantonness and mischief, makes no difference as regards the effect on the rights of Rollin White.

Therefore, with only a part of his testimony in his possession, and in the absence of his models, he was obliged to go on with the hearing before the Commissioner of Patents. My old friend, Mr. Foote, who was then Commissioner of Patents, says he understood the case just as well without the evidence as with it. He says he does not think it would have made any difference in his judgment if he had had the testimony. And perhaps that may be so, but I do not think we should put so high an estimate on the judgment of Commissioner Foote or anybody else. I think this House has the right to say, and is bound to say, that a man shall not be deprived of a right which the laws gave him, the right of having a hearing, on account of somebody stealing his evidence.

The Commissioner decided against the application of Rollin White, who then came before Congress for the purpose of having a new trial granted to him before the Commissioner. Now, Mr. Speaker, it seems to me that the only question for this House to decide is whether Rollin White has had a fair opportunity to test his case before the Commissioner, which was a right that the law had secured to him in the first instance if he had not been deprived of it. He made his application here and to the Senate. The bill passed both Houses, and it did not pass without very full discussion; and the subject was very well understood. The bill went up to the President and was vetoed, not upon any of these grounds which have been suggested here in the discussion to-day, but upon the grounds stated to the President by General Dyer, then the Chief of Ordnance, that the bill interfered with the rights of the Government; and upon this information given by General Dyer, very strangely as I think, the President refused to put his signature to the bill. I have only to say in reference to that that I think this matter of vetoes has greatly improved since that time.

Now, Mr. Speaker, several of the gentlemen who have spoken have talked about delay. There has been a long delay of five years.

They ask, Are we to allow a man after a lapse of five years to come in and ask for a hearing? I agree, if the man had himself been guilty of any laches in these five years we ought not to grant this. But Rollin White came here on his crutches at the earliest moment. Rollin White and his crutches have become as familiar to all of us as any object around this Capitol. Is, then, Rollin White to be taunted, or anybody who supports this bill to be taunted, on the ground that he has been guilty of laches?

Has he not prosecuted his case before Congress with the very greatest diligence? Is it his fault at all that this thing has not been determined before this time? But it is true that, whether rightfully or not, other persons have engaged in the manufacture of these pistols and have been using this patent; and in order that no injustice shall be done to anybody the committee have carefully provided that every man who has gone to any expense in this matter, who has built machinery for the manufacture of pistols, may still continue to manufacture them upon paying a royalty that they have fixed—a moderate royalty. They may continue the manufacture of pistols, and not be losers by the investment that they have made in this machinery.

Now, my friend from Massachusetts [Mr. DAWES] says there is great injustice in this bill, because it authorizes the Government to go into the manufacture and sale of these arms to everybody. If the gentleman will look carefully into the bill, he will see that it provides no such thing. It provides—and I suppose that provision was inserted to meet the objection stated in the veto message, the objection of General Dyer, that the Government shall have the right to manufacture these arms—it provides that the Government shall have the right to manufacture and use these arms, but not to sell them; shall have the right to manufacture such as may be desired for the use of the Government, but not for the purpose of selling to anybody.

It seems to me that the single question for us to determine is whether by the fraud of somebody, by some fraud or some accident, Rollin White has been deprived of that hearing before the Commissioner of Patents to which the law gave him a right. It has been said by some gentlemen, by the gentleman from New York, [Mr. MERRIAM,] that the passage of this bill would be equivalent to the final and conclusive extension of the patent; that authorizing a man to go before the Commissioner of Patents and have a rehearing is equivalent to determining that his patent shall be extended. I say to the gentleman from New York, to the House, and to everybody, that the idea that the Commissioner of Patents is at all bound by the judgment of the House as to whether patents should be extended or not is not true. No Commissioner has ever acted upon any such theory or belief. This man will stand before the Commissioner, if we authorize him to have another hearing, precisely as he would have stood if he had had his hearing in the outset, without ever coming to Congress at all. The judgment of the Commissioner is left just as unbiased, and he is just as free to determine the question whether there ought or ought not to be an extension of this patent, as if this was the original hearing before him while the original patent was still in force.

Mr. CONGER. Before I call the previous question, I desire to say in the moment still allowed me that in all stages of this question, when it has been presented to Congress and a vote has been had upon it, uniformly a majority vote has been given in favor of allowing a rehearing of this case. And I want to say further, what is very much to the credit of the heart of my friend from Massachusetts, [Mr. DAWES,] if not to his memory, that he is recorded as voting against the veto of the President; that his influential voice was given in favor of overriding that veto and allowing Mr. White a chance to be heard.

Mr. DAWES. I see I am so recorded.

Mr. CONGER. The friends of Mr. White thanked him then as I do now for his candor and sincerity. And the few good men who voted to sustain the veto——

A MEMBER. How many were there?

Mr. CONGER. There were twelve of them, who have long since been forgotten in the history of the country, as all who vote against it now may expect to be forgotten.

This is not a proposition to grant an extension of this patent by act of Congress. Long ago our committee informed this House that they would not bring in any bill to grant an extension of any patent whatever by act of Congress. We propose to remit Mr. White to the place he occupied when he had a right to a rehearing, and which place he lost without any fault of his own. We remit him to the Commissioner of Patents; and if under the rules and regulations and decisions of the Patent Office he is entitled in justice and equity to have his patent extended, the Commissioner will grant an extension; if not, he will not grant it.

It seems to me that this House should understand the temper of their Committee on Patents well enough to know that every individual man of them is determined as strongly as any member of the House may be against the extension of any patent whatever to the injury of the public. It is the unanimous and continued voice of the committee, of which I have the honor to be chairman, to oppose every extension and every law which leads to the extension of a patent which may infringe upon the rights of the public. This case in its equities comes so far within that rule that the committee, composed of members of both political parties, unanimously recommend this House to grant this right to a rehearing to this poor, crippled man. He has received but a few thousand dollars, a paltry pittance, for an invention which has all over the world revolutionized the use of fire-arms. To-day he is wandering about the streets of this capital city in such poverty that he is unable to pay for his board from day to day, while men are in the enjoyment of untold millions of wealth and their representatives on this floor are refusing him the poor boon of a rehearing before the Commissioner of Patents upon the merits of his case. I stand, as I have ever stood in this House, the avowed opponent of every extension of a patent where the inventor has received a sufficient remuneration, or, if he has not received it himself, where the public have paid a sufficient remuneration for any invention whatever by any inventor.

Mr. POTTER. How much has Rollin White received? The Commissioner reports that he has received $71,000.

Mr. CONGER. I will tell the gentleman what Rollin White has received. Our committee report that he has received $70,899 and has expended $60,779, leaving about $10,000 as all that he has ever received for the ground-work patent of all these inventions, which extend through all the fire-arms of all the nations of the earth, as well as the arms used by amateurs and sportsmen throughout the land.

Mr. DAWES. My friend from Michigan [Mr. CONGER] has stated how I voted when this case was up before; I wish he would tell the House how he voted.

Mr. CONGER. Was I a member of the House at the time?

Mr. DAWES. The gentleman voted against the bill.

Mr. CONGER. I presume it is likely I voted for the veto. I am opposed to extensions, and always have been, until convinced by overpowering evidence against my will that the extension ought to be granted.

Mr. KELLOGG. Will my friend answer one question? What new light has been thrown on this case since 1872, when we both voted against this patent?

Mr. CONGER. I was then a new member of this House.

Mr. KELLOGG. So was I.

Mr. CONGER. I was then ready to follow (which, I thank God, I have forgotten lately to do) these old members, upon whose judgment I thought I might rely with implicit confidence. I have learned since that time, as every member does who stays here more than one Congress, that I must depend on my own judgment more than that of even the best of my associates.

Mr. DAWES. What made you part company with me?

Mr. CONGER. Perhaps because I have no arms-manufacturing company in my district.

Mr. DAWES. I assure the gentleman that I have no acquaintance with the gentlemen manufacturing arms in my district, to whom he refers—do not even know them by sight.

Mr. CONGER. Then there is a gentleman in my friend's district who has control, I understand, of three hundred and seventeen voters; and yet my friend does not even know him by sight! I commend the example of my friend from Massachusetts to gentlemen on the democratic side, who say that republican politicians not only know every man that controls votes, but control the men themselves. The illustrious example of my friend refutes all these old charges of the democracy against the republican party.

Mr. DAWES. I know there are certain gentlemen in my district, very honorable men, engaged in this manufacture; but I never had the pleasure of making their acquaintance.

Mr. CONGER. I had hoped that my friend knew all the "honorable gentlemen" in his district.

Mr. DAWES. The inconsistency of my friend is that he accuses me of changing my vote when he himself has changed his vote.

Mr. CONGER. I changed my views on proper information, as I have no doubt the gentleman did.

Mr. DAWES. You converted me and I converted you!

Mr. CONGER. I now demand the previous question.

The previous question was seconded and the main question ordered, which was upon ordering the bill to be engrossed and read a third time.

The question being taken, there were—ayes 72, noes 94.

Mr. CONGER called for tellers.

Tellers were ordered; and Mr. DAWES and Mr. CONGER were appointed.

The House divided; and the tellers reported—ayes 69, noes 79.

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 88, nays 128, not voting 74; as follows:

YEAS—Messrs. Adams, Ashe, Averill, Barber, Begole, Bell, Bradley, Burrows, Carpenter, Coburn, Comingo, Conger, Crooke, Crutchfield, Darrall, Dobbins, Dunnell, Eames, Freeman, Frye, Hagans, Robert S. Hale, Henry R. Harris, Hathorn, John B. Hawley, John W. Hazelton, Hendee, Herndon, Hodges, Hoskins, Hubbell, Hunton, Hurlbut, Leach, Lewis, Lowe, Magee, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McLean, McNulta, Moore, Niblack, Nunn, Orr, Orth, Packard, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Perry, Phillips, Pike, Poland, Pratt, Ray, Richmond, Robbins, Rusk, Schell, Sessions, Sherwood, Sloan, Sloss, Small, Smart, H. Boardman Smith, Snyder, Sprague, Stanard, St. John, Swann, Charles R. Thomas, Christopher Y. Thomas, Todd, Vance, Waddell, Waldron, Wallace, Wheeler, White, Whitehead, and Jeremiah M. Wilson—87.

NAYS—Messrs. Archer, Arthur, Atkins, Banning, Barnum, Beck, Biery, Bland, Blount, Bowen, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Caldwell, Cannon, Cessna, Chittenden, John B. Clark, jr., Clements, Clymer, Cook, Corwin, Creamer, Crittenden, Crossland, Danford, Davis, Dawes, DeWitt, Donnan

Duell, Durham, Eden, Eldredge, Field, Finck, Fort, Foster, Garfield, Giddings, Gooch, Gunckel, Gunter, Eugene Hale, Hamilton, Benjamin W. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Gerry W. Hazelton, Hereford, Houghton, Howe, Hunter, Hyde, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, Luttrell, Lynch, Marshall, Martin, McKee, Merriam, Milliken, Mills, Mitchell, Monroe, Morrison, Neal, Nesmith, O'Brien, Packer, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Potter, Rainey, Randall, Read, Ellis H. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Henry J. Scudder, Sener, Sheats, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Southard, Speer, Starkweather, Stone, Storm, Strait, Strawbridge, Taylor, Thornburgh, Townsend, Tremain, Tyner, Marcus L. Ward, Wells, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—129.

NOT VOTING—Messrs. Albert, Albright, Barrere, Barry, Bass, Berry, Bright, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Cotton, Cox, Crocker, Crounse, Curtis, Farwell, Glover, Hancock, Harmer, Havens, Hays, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hynes, Kendall, Killinger, Knapp, Lamar, Lamison, Lansing, Lofland, Loughridge, Lowndes, McJunkin, Morey, Myers, Negley, Niles, O'Neill, Pelham, Pendleton, Purman, Ransier, Rapier, Rice, William R. Roberts, Ross, Sawyer, John G. Schumaker, Scofield, Isaac W. Scudder, Shanks, Sheldon, George L. Smith, J. Ambler Smith, William A. Smith, Standiford, Stephens, Stowell, Sypher, Walls, Jasper D. Ward, Whitehouse, Whiteley, and Charles G. Williams—74.

So the bill was not ordered to be engrossed for a third reading.

During the vote,

Mr. SENER stated that his colleague, Mr. SMITH, who was unavoidably absent, would, if present, vote in the negative.

Mr. COMINGO stated that his colleague, Mr. GLOVER, was detained from the House by illness.

The vote was then announced as above recorded.

Mr. DAWES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. DAWES. Mr. Speaker, I rise to a privileged question. I desire to state to the House that the last Congress directed its Committee on Ways and Means to investigate a charge——

A MEMBER. This Congress, was it not?

Mr. DAWES. No; just at the close of the last Congress—a charge against the Pacific Mail Steamship Company that it had procured by corrupt means a subsidy from Congress. In pursuing the investigation the committee were unable to secure the attendance of the agent of that company who was here in Washington advocating the passage of the measure, and the investigation substantially fell through. It was just at the close of the last Congress. They were unable to find him. The present Congress at it last session ordered the Committee on Ways and Means to renew that investigation. They were unable to attend to that duty at the last session, but they took it up immediately on assembling at this session of Congress.

Our subpena was sent out under the order of this House for such witnesses, among others this agent, Mr. Irwin, to appear before the committee. They were unable to find him until last night. The examination of the testimony to-day shows that the Pacific Mail Steamship Company themselves have been for a considerable time unable to find him; that a few weeks since he returned from Europe and appearing before the officers of that company notified them he was about to resail for Europe on the following Saturday. They thereupon, in proceedings which had reference to this same matter, caused his arrest. He gave bail, and they have not known where he has been since. Last night our officer was able to find him and served a subpena on him. At ten o'clock last night I received a telegram from him in New York, which I propose to have read, in which he says he is not able, on account of pressing business, to be here before next Tuesday. The telegram was laid before the Committee on Ways and Means this morning, and a reply was sent to him by telegram that the committee could not consent to any delay. Since then a telegram has been received from our officer saying that Mr. Irwin is ill and unable to come. A reply from him to the telegram of the committee represents him to be so ill as to be unable to come before next Tuesday. I am instructed by the committee to lay the matter before the House, together with a resolution for his arrest. If these telegrams represent him exactly as he is, it would hardly appear he was in contempt; but the circumstances attending his arrest by the company on a matter pertaining to this very question now being examined by the committee, on notice from him that he was to sail for Europe next Saturday, and not seeing him since, and the fact of the telegram to me last night that the reason he could not appear was on account of pressing business—I say the circumstances of the case are such as to induce the Committee on Ways and Means to have some little want of confidence in these telegrams, and they choose if this witness shall escape and not appear before the committee—inasmuch as the whole investigation seems to pivot upon his examination—if he shall escape and not appear before the committee, they choose, the House, and not the committee, shall take the responsibility. I will, in order that the whole case may be before the House, send up the telegrams in their order that they may be read and spread upon the Journal; and then I will offer a resolution to bring him here and leave it to the House to decide whether they will cause him to be brought here on these statements or not, so the committee may feel if any miscarriage shall happen in this investigation it will not be the fault of the committee itself.

Mr. BECK. I hope the chairman of the Committee on Ways and Means will further state that the investigation at the close of the last Congress was in great part defeated because this witness could not be found, and because the president of the company, Mr. Stockwell, then feigned insanity, or was really insane temporarily, and has now gone to Europe. It would seem from all the circumstances they did seek to avoid investigation.

Mr. DAWES. I intended to state and thought I had stated the fact of the absence of this witness from the examination during the last Congress.

Mr. RANDALL. I wish to ask the gentleman from Massachusetts whether this witness, Irwin, has not within the last two days been in this city?

Mr. DAWES. If that is so, it is a fact new to the committee.

Mr. RANDALL. The rumor on the streets says that is the fact.

Mr. DAWES. It is new to me. I have a telegram, purporting to come from him from New York, dated at 11.16 a. m. to-day. I now send to the desk and ask to have read a telegram received from him yesterday.

The Clerk read as follows:

NEW YORK, *December* 10, 1874.

HON. HENRY DAWES:

I have important engagements to-morrow and Saturday, and cannot travel at night without serious injury. I therefore ask your indulgence until Tuesday, when I will, without fail.

Address Hoffman House.

RICHARD B. IRWIN.

Mr. DAWES. I now send up the telegram received by the Sergeant-at-Arms to-day.

The Clerk read as follows:

NEW YORK, *December* 11, 1874.

HON. N. G. ORDWAY,

Sergeant-at-Arms House of Representatives, Washington, D. C.:

Found Irwin last night late. He will not be able to start before Monday on account of health. What shall I do?

A. BRADSHAW.

Mr. DAWES. On sending my message to-day, saying that the committee could consent to no delay, I received the telegram which I now send to the desk to be read. I understand the gentleman from New Jersey [Mr. PHELPS] has some telegrams which ought to be read. I do not know what their contents are.

The Clerk read as follows:

NEW YORK, *December* 11, 1874.

HON. HENRY L. DAWES:

Telegram received. I intend no disrespect to the committee or yourself, but it will be utterly impossible for me to start before Monday without increasing my illness to such an extent that my presence will be useless for weeks. I will positively appear on Tuesday.

R. B. IRWIN.

Mr. DAWES. The gentleman from New Jersey [Mr. PHELPS] may now send up whatever telegrams he may have.

Mr. PHELPS. The telegram which I send to the desk I have received since the gentleman from Massachusetts [Mr. DAWES] began his remarks, and when the telegram has been read I should like, through his courtesy, to say a few words. Mr. Irwin, whose name has been mentioned, is, or rather has been a constituent of mine, and was tolerably well known to me.

The Clerk read as follows:

NEW YORK, *December* 11, 1874.

WILLIAM WALTER PHELPS:

Please see DAWES. I am too ill to move before Monday; am confined to my room, unable to write and hardly able to speak audibly. If the committee's haste is anything more than *pro forma* it is simply brutal. I have assured them that I will attend on Tuesday without fail. If they want security beyond my word it is ready. What can I do more? As they worry me with hourly telegrams for nothing, I shall be dangerously ill. Please answer.

R. B. IRWIN.

Mr. PHELPS. As I think the remarks of the gentleman from Massachusetts have been calculated to do injustice to one who is absent, I take the floor in his behalf to do him justice. I have known Mr. Irwin for some years, and in all the relations in which I have met him he has so borne himself that it is right for me to say here that I have no reason to believe him to be other than an honest and trustworthy citizen. Many of the facts which have been alleged by the gentleman from Massachusetts, and which would, if true, show that my opinion of the honesty and trustworthiness of this man is unfounded, are, as I believe, incorrect.

Mr. Irwin is the victim of this powerful corporation whose servant he has been. I know that to shield themselves an administration of the Pacific Mail Company, which was turned out of power, brought an action against him. I know, on the information of his attorney, that he has been ready and eager to defend that action, and for that purpose has secured and paid the ablest counsel in the city of New York. I know that he has sought by every means within his power to force that trial to an immediate issue; and that, according to his own statement, he returned from Europe for the express purpose of contributing by his personal efforts to a more speedy trial of the cause. So much with reference to the accusations made that he is a fugitive from justice and seeks to escape the consequences of a civil action which is brought against him by the Pacific Mail Company. I repeat, so far is that from being the case that he has been eager to make his defense and has always sought to bring his case to trial. So, at least, Irwin himself has assured me. He is not a fugitive from justice, nor a wanderer in the world. He is a man of means, and he left for

Europe only, as was the story of his friends and neighbors, for the purpose of rest and relaxation. He left word with his friends and with his counsel and with his father-in-law, who is a man of large estate and position, that he was to be summoned at any time for a proper cause; and there has never been one single moment when friend or foe, by going to the office of his counsel at 33 Wall street, or by seeking his father-in-law, at Englewood, New Jersey, could not have secured his presence in America at any time. Irwin has told me he is willing and ready to go before this committee; and any delay which now occurs must be due, I am bound to believe, to the fact he has stated in his telegram, that he is ill at home. This much I have stated from my own knowledge, derived in some cases from him and in other cases from his attorney.

Whether this man, in connection with the Pacific Mail, has done dishonorable things or not, I do not know; but, having known him for years, and having known these facts, for him, who had been a constituent of mine and left my district to discharge his duties in connection with the Pacific Mail Company, I have felt bound to state these facts, and to say that the House and the committee ought not to be prejudiced by these charges which the gentleman from Massachusetts, under his conception of the facts, has made.

Mr. BUTLER, of Massachusetts. I do not know anything of the facts here at all, but I suppose what is desired is to get this person to appear before the committee, and in the first place to see that he does not put himself beyond the reach of the House. Now, to-day is Friday, and he could not be brought here in time to deal with him before Monday morning.

Mr. DAWES. We will adjourn over to-morrow.

Mr. BUTLER, of Massachusetts. And then Sunday intervenes. I was about to make this suggestion: Let an attachment issue against him, and instruct the Sergeant-at-Arms to take him in charge and keep him safely and then bring him up on Monday morning.

Mr. DAWES. That would be entirely satisfactory.

Mr. PHELPS. My only objection is this: Why should he be treated as if he were a criminal? Why should we proceed as if he intended to escape or avoid the jurisdiction of this House, when he has shown no such intention, and when his illness is a sufficient excuse for his absence?

Mr. BUTLER, of Massachusetts. I want to answer that. It is urged that these telegrams are not sufficient. It can do this man no harm to be simply under surveillance; if he is honest in his intention to appear here it will only bring him here, and if he is not honest in that intention, then it will secure his attendance and no mischief will be done.

Mr. MAYNARD. In the last Congress, when I was a member of the Committee on Ways and Means, we had this matter of the Pacific Mail Steamship subsidy before us for investigation. I would ask the chairman of that committee [Mr. DAWES] if this is one of the witnesses that we tried to get and were unable to secure?

Mr. DAWES. He is.

Mr. MAYNARD. Has the gentleman satisfied himself—of course he examined the matter before bringing so serious a subject to the attention of the House—has he satisfied himself that this witness is endeavoring to evade the process of the House, and to avoid appearing before the committee to give testimony?

Mr. DAWES. I was just about to say in answer to the gentleman from New Jersey [Mr. PHELPS] that he did not correctly understand what I said. I made no such charge at all as he would seem to indicate. I was instructed by the Committee on Ways and Means to submit this full statement to the House, in order that the House might take the responsibility if it should turn out that this witness was trying to evade appearing here. I know nothing of my personal knowledge of Mr. Irwin that would justify me in stating to the House that he desires to evade appearing here. But the impression left upon the minds of the committee this morning in connection with their efforts during the last Congress to obtain his presence here was such as to induce the committee to instruct me to make this motion and to submit this statement to the House. I have done it in as few words as possible. I know of no one fact that would justify me in saying that I believe or disbelieve that he was trying to evade appearing here. The committee have sought to put their own officer in the position suggested by my colleague, [Mr. BUTLER,] without bringing this matter before the House. But they ascertained that if they did so without the action of the House it would be entirely futile. It was their purpose, if the House granted the warrant, to do exactly as is suggested by my colleague, send an honorable officer there, and if he found Mr. Irwin really sick not to disturb him, but only to secure his attendance. If, however, upon these telegrams and the statements of the gentleman from New Jersey [Mr. PHELPS] the House shall think that it is right and proper to let this man be without any restraint, the committee will have discharged their duty by laying the matter before the House.

So much has been said, so grave accusations have been made against this company, and by this company hurled back upon the head of this Mr. Irwin, whether right or wrong; and whether the gentleman from New Jersey is right in his construction or the gentleman who appeared before the committee this morning is right, we have no evidence. All we desire is that the presence of this man should be secured. If he is really sick, but desires to appear here, it would be cruel to press him before he is able to attend.

Mr. BECK. I desire to ask the gentleman from New Jersey [Mr. PHELPS] does he know why it was that Mr. Irwin evaded, appearing before the committee at the close of the last Congress?

Mr. PHELPS. In answer to the gentleman from Kentucky, I would say that I do not know any of the facts of Mr. Irwin's connection with the committee; I do not know that he tried to evade, or what evidence there is that he tried to evade, appearing before the committee. All that I know is that Irwin went abroad, was in Europe, and staid there. If the evidence is that he went there to escape the summons of the committee, then they should act as they propose. That fact warrants compulsion. But I do not understand there is any allegation made further than that when the committee wanted him they found he had gone to Europe.

Mr. BECK. We tried to get him, and we were unable to do so. Several of the European steamers sail to-morrow, and I for one believe that unless this man is put under some restraint to appear here, he will again leave. I do not want him brought here if he is sick; I only want to secure his attendance here. I have no faith in his appearing here voluntarily.

Mr. KASSON. I would ask the gentleman from New Jersey [Mr. PHELPS] for his authority for stating that this man came back from Europe for the purpose of hurrying up this investigation.

Mr. PHELPS. It is this: Perhaps two weeks before I came here Mr. Irwin called upon me and complained of the injustice of his being made the scape-goat of the Pacific Mail Steamship Company, and said he insisted upon forcing them to try the suit they had brought against him for stock-jobbing purposes.

Mr. KASSON. My point is this: The evidence before the committee is that after he returned from Europe he said he was going back on the steamer that left the following Saturday. It was that statement that induced the company to bring an action against him. Clearly if the evidence before the committee is correct he cannot have returned from Europe for the purpose of having this investigation made. The further statement is made before the committee that up to this time he has failed to answer the allegations made in the suit brought against him. Upon these facts I desire to know if the authority of the gentleman is such as to induce him to believe that the evidence before the committee is incorrect?

Mr. PHELPS. I understood that this gentleman and his counsel had been eager to bring the case to trial; that they had been unable to do so heretofore, and were now anxious to press it. This I learned either from Mr. Irwin, or Mr. Chapman, his counsel, an eminent lawyer of New York, both of whom have spoken of the matter to me.

Mr. KASSON. Then there is a conflict of statements.

Mr. DAWES. I will state to the House that it was the intention of the committee, if a warrant should be granted, to use it in the manner suggested by my colleague, [Mr. BUTLER,] merely to prevent any escape, if there was the slightest intention of that kind.

Mr. G. F. HOAR. I ask leave to call the attention of the House for one moment to the very bungling and awkward condition of the law in regard to this matter. There is not a justice of the peace in the country, there is not a United States commissioner, there is not the humblest magistrate authorized to verify facts by judicial examination, who has not authority, when a witness declines to appear before him, to issue process at once to compel his attendance. Yet, when the House of Representatives or the Senate has authorized a committee to investigate, with authority to send for persons and papers, and a witness refuses to appear, it is necessary to bring the matter to the attention of the House, thus interfering with its ordinary business, involving also great publicity and delay, which ordinarily facilitates escape if there is any such design.

Now, sir, it seems to me that the Judiciary Committee ought to be charged with the duty of preparing a general bill, under which, when a committee is authorized to send for persons and papers, either the committee itself or the Presiding Officer of the respective branch of Congress shall have power to issue a warrant for the purpose of compelling attendance of witnesses. Certainly it would be no interference with the liberty of a citizen to lodge in the Presiding Officer of the House or of the Senate the power to issue a warrant at once in such cases. I shall, therefore, as soon as this question is disposed of, ask unanimous consent to refer this subject to the Judiciary Committee.

Mr. DAWES. I now offer the customary resolution. I leave it entirely with the House to take the responsibility in this matter.

The Clerk read as follows:

Whereas Richard B. Irwin was on the 10th day of September, 1874, duly summoned to appear and testify before a standing committee of this House on the Ways and Means, charged with the investigation of certain allegations against the Pacific Mail Steamship Company, and has without sufficient cause neglected to appear before said committee pursuant to said summons: Therefore,

Resolved, That the Speaker issue his warrant, directed to the Sergeant-at-Arms, commanding him to take into custody the body of the said Richard B. Irwin, wherever to be found, and to have the same forthwith brought before the bar of the House, to answer for contempt of the authority of the House in thus failing and neglecting to appear before said committee.

Mr. DAWES. Of course, if Mr. Irwin should come here under that warrant and the committee should be satisfied that he has not intended to treat them with contempt, they will come in and ask that he be discharged.

Mr. HAWLEY, of Illinois. It seems to me, Mr. Speaker, that this resolution is not in accordance with the suggestion of any gentleman who

has spoken. There have been read in the hearing of the House telegrams to the effect that Mr. Irwin is sick, and therefore unable to appear; yet this resolution recites that he "has without sufficient cause neglected to appear." Furthermore, the resolution provides that he shall be "forthwith brought before the bar of the House to answer for contempt." It does not say "as soon as he is able to be brought here." He may be too sick to come; yet the resolution unqualifiedly requires his immediate attendance.

Mr. LAWRENCE. Under the resolution the officer charged with the execution of the warrant would have a discretion as to when the party should be brought here.

Mr. DAWES. I modify the resolution by striking out the words "without sufficient cause."

The resolution, as modified, was agreed to.

Mr. G. F. HOAR, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Judiciary Committee be directed to consider the expediency of authorizing by the general law the Presiding Officers of the two Houses, or some other person, to issue proper process to compel the attendance of witnesses who have disobeyed the summons of either House.

HYGEA HOTEL, FORTRESS MONROE.

Mr. PLATT, of Virginia, by unanimous consent, introduced a bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygea hotel, at Fortress Monroe, Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPRINTING LEGISLATIVE APPROPRIATION BILL.

Mr. GARFIELD. I ask unanimous consent to offer the following resolution, which I suppose must go to the Committee on Printing, although there is really a necessity that it should be adopted today:

Resolved, That there be printed for the use of the House of Representatives seven hundred copies of the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876.

The SPEAKER. If the gentleman will move that the bill be reprinted, that will accomplish the object.

Mr. GARFIELD. Very well; I withdraw the resolution, and make that motion.

The motion was agreed to.

EXPENSES OF UNITED STATES COURT IN NEBRASKA.

Mr. COX. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice be directed specially to inquire into the expenses of the United States court in Nebraska, with power to send for persons and papers.

Mr. BUTLER, of Massachusetts. I object. I am tired of this investigation of everybody.

Mr. COX. I hope the gentleman will not object to the reference of the resolution to the committee.

Mr. BUTLER, of Massachusetts. I do not object to the reference of the resolution.

The resolution was received, and referred to the Committee on Expenditures in the Department of Justice.

CLAIMS OF ALIENS.

Mr. LAWRENCE, by unanimous consent, introduced a bill (H. R. No. 3916) to provide for the adjudication of the claims of aliens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADJOURNMENT OVER.

Mr. YOUNG, of Georgia. I move that when the House adjourns today it adjourn to meet on Monday next.

The motion was agreed to.

Mr. YOUNG, of Georgia, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF POLITICAL DISABILITIES.

Mr. BROMBERG. I ask unanimous consent to introduce a bill to relieve P. U. Murphy and John A. Brown, of Alabama, of political disabilities.

Mr. MAYNARD. These things had better be brought in during the morning session.

Mr. BROMBERG. Petitions accompany each case, and I do not see any good reason why the bill should not be passed at this time.

Mr. MAYNARD. If the bill be brought in in the morning session I do not know that I will object.

PRESERVATION OF ARMY CLOTHING.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting the report of the board of officers to investigate the process of John A. Cowles & Co. for the preservation of clothing from moth and mildew; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY POST—CARLIN, NEVADA.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the establishment of a new military post in the Department of California, near Carlin, Nevada; which was referred to the Committee on Military Affairs, and ordered to be printed.

PROPERTY BELONGING TO THE UNITED STATES.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of July 15, 1870, an inventory of property belonging to the United States in his Department on December 1, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

INSPECTION OF DISBURSING OFFICERS' ACCOUNTS.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting, in compliance with the act of April 20, 1874, reports of inspection of disbursing officers' accounts; which was referred to the Committee on Military Affairs, with discretion to that committee to order the printing if they shall deem it necessary.

SAINT CLAIR AND CARONDELET BRIDGE.

The SPEAKER also laid before the House a report of the Secretary of War, on the Saint Clair and Carondelet bridge; which was referred to the Committee on Commerce, and ordered to be printed.

CONTINGENT FUND OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER also laid before the House a letter from the Clerk of the House, transmitting, in accordance with law, his annual report of the disbursement of the contingent fund of the House; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY ROADS.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the bill (H. R. No. 2419) to provide for the construction of a military road in Oregon; which was referred to the Committee on Military Affairs, and ordered to be printed.

P. U. MURPHY AND J. A. BROWN.

Mr. BROMBERG. The gentleman from Tennessee [Mr. MAYNARD] withdraws his objection to the bill. I asked unanimous consent to introduce——

Mr. MAYNARD. I withdraw my objection.

Mr. BROMBERG, by unanimous consent, introduced a bill (H. R. No. 3918) to relieve P. U. Murphy and J. A. Brown, of Alabama, of political disabilities; which was read a first and second time.

Mr. BROMBERG. A petition accompanies each case, praying for this relief.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; two-thirds of the House concurring therein.

NICHOLAS H. LAMBDIN, UNITED STATES NAVY.

Mr. O'BRIEN, by unanimous consent, introduced a bill (H. R. No. 3917) to compensate Nicholas H. Lambdin, assistant engineer United States Navy, for loss of effects on board of the Virginius at the time of the sinking of said vessel, September 26, 1873; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

And then, on motion of Mr. KELLOGG, (at three o'clock and fifty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BROWN: The petition of Alice Park, to be compensated for the use of her property by the United States authorities, to the Committee on War Claims.

By Mr. COBB, of Kansas: Resolutions of the Legislature of Kansas, memorializing Congress to extend the time for payment of dues on public lands in Kansas to January 1, 1876, to the Committee on the Public Lands.

Also, resolutions of the Legislature of Kansas, memorializing Congress to permit homestead and pre-emption settlers in Kansas to abandon their several claims for one year without detriment, on account of the grasshopper invasion and drought, to the Committee on the Public Lands.

Also, resolutions of the Legislature of Kansas, in relation to settlers on Miami Indian lands, to the Committee on Indian Affairs.

Also, resolutions of the Legislature of Kansas, recommending a change in the management of Indian affairs, to the Committee on Indian Affairs.

Also, resolutions of the Legislature of Kansas, memorializing Congress to postpone all payments on the Kansas Indian reserve and trust lands, on account of the ravages of grasshoppers, &c., and an unprecedented drought destroying the crops, to the Committee on Indian Affairs.

By Mr. COBURN: The petition of John S. Bishop, late first lieutenant Sixty-eighth Illinois Volunteers, for relief, to the Committee on Military Affairs.

By Mr. FRYE: The remonstrance of the National Association of Lumbermen against the so-called reciprocity treaty between the United States and the British North American provinces, to the Committee on Foreign Affairs.

By Mr. O'NEILL: The petition of Annabella Evans, widow of Morris Evans, for a pension, to the Committee on Invalid Pensions.

By Mr. PIKE: The petition of Anna Butterfield, for a pension, to the Committee on Invalid Pensions.

By Mr. THORNBURGH: The petition of Solomon Bogart, father of Columbus Bogart, deceased, for pay due his son as second lieutenant Fifth Tennessee Volunteers, to the Committee on Military Affairs.

By Mr. WHITEHEAD: The petition of William S. Morris, of Lynchburgh, Virginia, to be compensated for the destruction of tobacco and other property by United States troops, to the Committee on War Claims.

By Mr. WILLIAMS, of Michigan: The petition of Mary Jordan, widow of Charles L. Jordan, formerly of Company K, Second New York Cavalry, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, *December* 14, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Hon. THOMAS F. BAYARD, from the State of Delaware, and Hon. REUBEN E. FENTON, from the State of New York, appeared in their seats to-day.

The Journal of the proceedings of Thursday last was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of George W. Coffin, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Lorenzo P. Gudger, of Dalton, Georgia, praying compensation for property alleged to have been confiscated by the Government; which was referred to the Committee on Claims.

Mr. MORTON. I present a petition which, as it is short, I ask to have read.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States:

The undersigned, citizens of the United States, and residents of the State of Indiana, show to Congress that they are men of color, who speak on their own behalf and that of 15,000 colored voters of said State, and protest against a recent decision of the supreme court of said State, by the force of which they are deprived of citizenship in said State and their children denied the equal privilege of education in public schools. And they represent that this decision involves a great public question, and overthrows rights established by the Constitution of the United States. That it is unfair and burdensome upon the colored citizens to compel them to incur the expenses of an appeal in this case.

Therefore, referring to a copy of said decision, they beg Congress to direct the proper law-officer of the Government to appeal said cause to the Supreme Court of the United States.

INDIANAPOLIS, *December* 8, 1874.

Mr. MORTON. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. ANTHONY. I offer the memorial of F. & J. Rives, proprietors of the Congressional Globe, and late publishers of the proceedings of Congress, praying that, in consideration of the large amount of property which they have invested in the publication of the debates of Congress, which publication has now been transferred to the Government Printing Office, Congress may purchase their building and materials. I move that the memorial be referred to the Committee on Printing.

The motion was agreed to.

Mr. WRIGHT presented the petition of Francis J. Comstock, praying compensation for hay used by the United States Army in 1865; which was referred to the Committee on Military Affairs.

Mr. INGALLS presented the petition of Peter O'Farrell, Frank H. Osborne, and James Whitlock, corresponding committee for the workingmen of Kansas, praying additional compensation for work required to be done by them in the military Department of the Missouri, in violation of what is known as the eight-hour law; which was referred to the Committee on Appropriations.

Mr. INGALLS. I also present resolutions passed by the Legislature of Kansas, in special session, in September of the current year, asking for the extension of time for homestead and pre-emption settlers, and also for the extension of time of payment by certain settlers on Indian lands in that State. I move the reference of these resolutions to the Committee on Public Lands.

The motion was agreed to.

Mr. PRATT presented the petition of William D. Moore, praying an amendment of the act of February 14, 1871, so as to extend pensions to the widows of all soldiers of the war of 1812 where the marriage occurred before 1850; which was referred to the Committee on Pensions.

He also presented the petition of Henry H. Robinson, of Fort Wayne, Indiana, praying Congress to reduce the salary of the President of the United States to $25,000 per annum; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of P. A. Krise praying an amendment to the act of February, 1871, giving pensions to the soldiers of the war of 1812; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a memorial of the Importers and Grocers' Board of Trade, of New York, praying a careful revision and simplification of the revenue and collection laws; which was referred to the Committee on Finance.

Mr. BOUTWELL presented the petition of H. W. Boardman, attorney in the matter of the petition of George H. Wellman, of Lowell, Massachusetts, asking leave to appear for certain parties before the Committee on Patents in opposition to the extension of the Wellman patent for stripping top-flats of carding-engines; which was referred to the Committee on Patents.

Mr. CAMERON presented two petitions of American merchant seamen of San Francisco, two petitions signed by 210 merchant shipowners and shippers of Louisville, Kentucky, and a petition of 100 American merchant seamen of New York, praying Congress to adhere to the present marine-hospital system; which were referred to the Committee on Commerce.

He also presented the petition of Charles B. White, George M. Sternberg, and J. J. Woodward, assistant surgeons United States Army, praying for such legislation as will authorize their promotion to the rank of surgeon; which was referred to the Committee on Military Affairs.

Mr. CONKLING presented the petition of Thomas Westnedge, of Kalamazoo, Michigan, praying the passage of an act allowing him certain bounty for services as a volunteer soldier during the late war; which was referred to the Committee on Pensions.

He also presented the petition of the mutual insurance companies of New York, praying a repeal of the clause which excludes them from a share in the distribution of the Geneva award; which was referred to the Committee on the Judiciary.

Mr. BAYARD presented the memorial of Captain H. S. Hawkins, Sixth United States Infantry, asking reimbursement for property lost on the Missouri River by reason of the sinking of the steamer Miner, at Yankton, Dakota, in May, 1872; which was referred to the Committee on Military Affairs.

Mr. THURMAN. I present the petition of Madeleine V. Dahlgren, daughter, and Romaine de Overbeck and Vinton Goddard, grandchildren of the late Samuel F. Vinton, stating certain provisions in the will of Mr. Vinton, the effect of which is to jeopard to some extent a trust estate created by that will, and asking Congress to pass an enabling act giving to the courts jurisdiction to prevent by decree this destruction of the estate. The question is purely a legal one whether Congress is competent to grant this relief; and I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. BOREMAN, it was

Ordered, That Riley H. Smith have leave to withdraw his papers from the files of the Senate on leaving copies with the Secretary.

BILLS INTRODUCED.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1002) declaring the effect of permits to purchase products of the insurrectionary States in certain cases granted by the President during the war of the rebellion; which was read twice by its title.

Mr. MORTON. Mr. President, I introduce that bill by request. I do not profess to understand the merits of it, and do not wish to be considered as indorsing it. I move that it be printed and referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1003) fixing a minimum price upon certain restored public lands; which was read twice by its title, referred to the Committee on Public lands, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1004) fixing a minimum price upon certain land in the State of California; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1005) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1006) making an appropriation for continuing the improvement of the Great Kanawha River, in the State of West Virginia; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1007) for the relief of James W. Long, late a captain in the United States Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1008) for the relief of John S. Wood, late first lieutenant Seventh Pennsylvania Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seeds; which was read twice by its

title, referred to the Committee on Agriculture, and ordered to be printed.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1010) to amend "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1011) for the relief of Asa J. Merrow; which was read twice by its title, and, with accompanying affidavits, referred to the Committee on Military Affairs.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1012) for the relief of the district judge of Vermont; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1013) explanatory of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874; which was read twice by its title.

Mr. EDMUNDS. Mr. President, I move that that bill be printed and referred to the Committee on the Judiciary, because the clause in the Army bill, in the way we have of sticking everything into an appropriation bill, relates entirely to judicial officers.

The motion was agreed to.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1014) to amend an act entitled "An act regulating proceedings in criminal cases and for other purposes," approved March 3, 1865; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1015) amending the law granting pensions so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the army of the United States and become disabled; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1016) granting a pension to Sarah E. W. Elderkin; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. RAMSEY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1017) for the relief of Ana M. Rolas y Robaldo, widow of Francisco Robaldo, deceased; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1018) for the relief of John Cleghorn, late register of the land office at Sioux City, Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1020) for the relief of John Fletcher; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1021) to refer to the Court of Claims and the Supreme Court the determination of the rights of the Central Branch Union Pacific Railroad Company under existing laws; which was read twice by its title.

Mr. INGALLS. As the Committee on the Judiciary have already reported adversely to this bill, I shall not ask its reference, but that it may lie on the table and be printed; and I desire now to give notice to the Senator from Iowa [Mr. WRIGHT] that when he calls up this subject on Friday next, I shall move to substitute this for the bill now on the Calendar reported by him.

The VICE-PRESIDENT. The bill will lie on the table and be printed, if there be no objection.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1022) to provide for the government and to promote the civilization of Indians; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 12) to provide for a writ of error from the supreme court of Indiana to the Supreme Court of the United States in a certain case involving the rights of colored citizens; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

BILL RECOMMITTED.

On motion of Mr. INGALLS, it was

Ordered, That the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases, be recommitted to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 605) for the relief of settlers on railroad lands, reported adversely thereon, and moved its indefinite postponement; which was agreed to; the subject-matter having been embraced in a previous bill.

He also, from the same committee, to whom was referred the bill (S. No. 201) to create an additional land district in the State of Kansas, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the petition of Mrs. Susan Roberts, of Humboldt County, California, praying compensation for lands taken and used by the Government of the United States for public purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

HOMESTEAD SETTLERS.

Mr. HARVEY. The Committee on Public Lands, to whom were referred the bill (S. No. 965) for the relief of certain settlers upon the public lands in the State of Kansas; the bill (S. No. 967) for the relief of certain settlers on the public lands in the State of Nebraska, and the bill (S. No. 978) for the relief of homestead and pre-emption settlers on the public lands, have had the same under consideration, and have directed me to report them back with a recommendation that they be indefinitely postponed, and also to report a bill for the relief of certain settlers on the public lands as a substitute for those bills. I ask the present consideration of the bill now reported, for the reason that the situation is such (as will be evident to the Senate when the bill is read) that there is a necessity for its early passage if it is to accomplish the relief sought.

The VICE-PRESIDENT. The bills recommended to be indefinitely postponed will be so postponed if there be no objection. The bill reported will be read the first time.

The bill (S. No. 1023) for the relief of certain settlers on the public lands was read, and ordered to a second reading. The bill was read a second time by its title.

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent for the consideration of this bill. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

The bill was read at length. The first section provides that it shall be lawful for homestead and pre-emption settlers on the public lands, whose crops were destroyed or seriously injured by grasshoppers in the year 1874, to leave and to be absent from said lands until July 1, 1875, under such regulations as to proof of the same as the Commissioner of the General Land Office may prescribe; and where such grasshoppers shall reappear in 1875, to the like destruction of the crops of settlers, the right to leave and to be absent as aforesaid shall continue to July 1, 1876.

The second section provides that during such absence no adverse rights shall attach to such lands, but the settlers are to be allowed to resume and perfect their settlement as though no such absence had been allowed.

The third section extends the time for making final proof and payment by pre-emptors, whose crops have been destroyed or injured, for one year after the expiration of the term of absence provided for in the first section.

Mr. RAMSEY. I should like to ask the Senator from Kansas whether this bill applies to the Union generally?

Mr. HARVEY. It applies to the public lands wherever these ravages have been suffered. That was the object in preparing this substitute for a number of bills which had been introduced on the same subject, and which applied only locally or to particular cases. This bill provides for wherever the condition of affairs is such as to make it a necessity. It has been submitted to the Commissioner of the Land Office, and he approves of the object aimed at.

Mr. THURMAN. One thing in the bill which strikes me as a little singular is that an invitation is extended to the grasshoppers to come next year. I think that provision of the bill had better be stricken out. I think the bill is right enough so far as the cases that have already occurred and of which we can have knowledge are concerned; but I do not know that the spirits have been consulted and have foretold with absolute certainty that we shall have a grasshopper plague next year.

Mr. HARVEY. The Senator misapprehends the facts when he speaks of this as an invitation for the return of the grasshoppers. He will no doubt recollect that last spring a bill of like nature was passed for the relief of certain districts in Iowa and Minnesota, which contained a provision exactly the same so far as it referred to those particular districts; and the fact was that they did return, and no law provided for the relief of those who happened to live in other districts upon public lands of the United States; and hence the necessity for the same relief being afforded wherever the same circumstances exist.

Mr. THURMAN. Then the provision ought to be that whenever the grasshoppers eat up the crops of a man who has settled on the public lands, he may leave those lands for a season. It ought to be general. The mere mention of such a bill in Congress last year, it seems, made the grasshoppers come this; and if we put it in this year, they will come next, and I do not know when they will stop

coming. I think the best way is to strike out that part which relates to the year 1875; and I move that that be done.

Mr. HARVEY. If the Senator from Ohio will stop to consider, he will see that the bill only provides for so far ahead as Congress can safely go, leaving the future to be provided for by a future Congress if it shall become necessary. The difficulty with the former bill was that it did not provide, as it might have done, for the condition of affairs which we find now; and this bill has to relate back to the ravages committed by these insects last summer. I hope the Senator from Ohio will withdraw his motion to amend in that respect. The provisions of this bill were fully considered in the Committee on Public Lands.

Mr. MORRILL, of Vermont. I heartily approve of the object of this bill, but it seems to me it is very latitudinarian. There is no place specified where this law shall be applicable, except wherever the grasshoppers may have seriously interfered with the crops. This will leave it entirely to the discretion of the Department to say where this law shall apply and where it shall not. It seems to me that Senators may as well here and now define the localities where this bill is to be made to apply as to leave it to the discretion of the Department officers; for who can say how much the grasshoppers may destroy to make this bill applicable or not? I certainly think it ought to be limited to certain States or to particular counties, rather than to be left general in its application all over the country.

Mr. HARVEY. The Senator from Vermont may remember the fact that the bill passed last winter for this object provided for certain districts in certain States, and this year the ravages have been elsewhere in numerous other districts in other States and Territories. Already on the Calendar of the Senate there were three bills providing for different localities, and a number of others were being prepared; while in the House as many bills on the same subject had been prepared, each specifying a locality. This was the situation when the committee considered the subject. It would occupy the time of the Senate and House a good portion of this short session to provide for each district separately by a bill. The matter having been considered in the committee to whom all the bills on this subject that were introduced into the Senate were referred, the conclusion of the committee was that it was better to provide a bill that should meet the case wherever such a condition of affairs existed. That was the object in view in the preparation of this bill. That is why it was prepared as a substitute for other bills essentially the same in their provisions, but applying only to different localities. I hope gentlemen will be able to see the necessity for the early passage of such a measure.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio, which will be read.

The CHIEF CLERK. It is proposed to amend section 1 by striking out the following words:

> And where such grasshoppers shall reappear in 1875 to the like destruction of the crops of settlers, the right to leave and be absent as aforesaid shall continue to July 1, 1876.

Mr. FLANAGAN. Mr. President, one word as to the amendment. My distinguished friend from Ohio [Mr. THURMAN] is a far-seeing man. I like him for it; I like his vigilance; and, sir, the idea has occurred to me in all probability that if the grasshoppers were to visit the country again next year, as he has a hope the democracy will, the country will not be able to stand both these plagues. [Laughter.] I think he is very prudent, and advises, perhaps, well upon that subject. Both of them could not be withstood by this mighty nation. Therefore I am disposed to look well to the grasshoppers in the first place, they being presented to us now for our action, and will in due time give my friend consideration upon the other branch of the subject. [Laughter.]

Mr. THURMAN. That would be nothing but a return of the kindness with which the democracy of Texas have taken care of my friend. [Laughter.] They have looked after him, and it is perfectly right that he should look after them. But I do not think, Mr. President, that we shall have many more plagues in this country after a few years. I think we are going to be free from all sorts of plagues, either of the grasshopper kind or the political kind.

But, in all seriousness, I do not want to anticipate that these grasshoppers are to come next year, and that we are to disarrange the whole homestead system of the public lands by a provision like that. What has taken place we know, and we can legislate upon it, and I am in favor of the bill if you strike out that provision in relation to the future; but if we shall make it a standing provision that when grasshoppers return—without saying how they are to return, what damage they are to do, and without any computation of the extent of damages but in the mere general language of the bill that if grasshoppers return next year—then the settler is to have until July, 1876, to be absent from his possession, it does seem to me to be overturning the homestead law. I am quite serious about this matter. There is no certainty about it. What is meant by grasshoppers returning? They return every year more or less, perhaps, in every State in this Union. What is meant by the language of the bill that, if grasshoppers return next year, then the settler may abandon his possession for eight months, or nearly a year, and yet that that year shall count for him although he is not in possession at all? This is a serious matter, Mr. President. I hope that the Senator from Kansas will agree that that part shall be stricken out, and then we can pass his bill.

Mr. HARVEY. I think if the Senator from Ohio will consider the matter he will see that if a provision of that kind had been made at the last session and the bill then passed had been general in its application, no necessity would have existed for the passage of this bill now. I am perfectly certain that had the Senator been within any of the districts affected by this plague he would not now insist upon his amendment. He may or may not be aware of the fact that in a certain portion of this continent these grasshoppers, or as they are more properly called locusts, are generated year after year, and it is impossible to anticipate in legislation where their ravages may be committed. One year they may come to one section or district, and the next year to another. It is therefore best and perfectly proper that this bill should pass as it is. Otherwise in many sections in many States and Territories those people who are living upon the public lands, enduring many hardships and contending against many other difficulties, would be discouraged and absolutely compelled to leave and return permanently to their former homes. These settlers are a worthy class of people. They were lately, many of them, your own immediate constituents; they have gone on the public lands in the new States and Territories in the hope of building up new homes. As I have said, they encounter many other difficulties. Certainly it is as little as the Congress of the United States can do to afford this relief, that they may in those sections where the crops have been utterly destroyed and none of their neighbors are able to give them employment be permitted to go away for a few months to more fortunate sections where employment and subsistence can be procured until they are able to return and perfect their settlements.

I sincerely hope that the Senator from Ohio will not insist on his amendment.

Mr. RAMSEY. Let the Senate vote it down.

Mr. HARVEY. I hope the Senate will vote it down if it is insisted on.

Mr. EDMUNDS. I ask that the bill and amendment be read. I do not know that I fully understand them yet. I was not in when the bill was taken up.

The VICE-PRESIDENT. The bill and amendment will be read.

The Chief Clerk read the bill and amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio.

The amendment was rejected.

The bill was reported to the Senate without amendment.

Mr. CONKLING. I should like to know whether the phraseology of the bill is "where grasshoppers return next year" or "when grasshoppers return."

Mr. HARVEY. "Where."

Mr. CONKLING. "Where grasshoppers return."

Mr. HARVEY. The Senator from Massachusetts will remember that in committee that question was raised, and I suggested that the word should be "where." Probably the Senator from Ohio may have misapprehended the reading of the bill.

Mr. THURMAN. I would like to inquire of the chairman of the Committee on Public Lands, or the member who reported the bill, whether the bill is intended to provide that the time of absence mentioned in it shall be counted as so much occupancy under the homestead law; or whether the term of occupancy required by the homestead law must actually take place, and this only prevents the occupancy from being forfeited by this temporary lapse?

Mr. SPRAGUE. It is the latter.

Mr. THURMAN. It is only to obviate the necessity of continuous occupancy?

Mr. SPRAGUE. Certainly; the time is to be the same as under the present law.

Mr. THURMAN. The settlers are to continue to occupy precisely as at present; and the bill only relieves them from continuous occupancy. Is that it?

Mr. HARVEY. That is the object. It is only that adverse rights may not attach by reason of this permitted absence of the settler.

Mr. THURMAN. It is all right, then, on that point.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECEPTION OF KING OF SANDWICH ISLANDS.

Mr. CAMERON. I offer the following resolution, and ask for its immediate consideration:

> *Resolved*, That a joint committee of two from the Senate and three from the House of Representatives be appointed by the Chair to take measures for the proper notice of the presence at the capital of His Majesty Kalakaua, the King of the Hawaiian Islands.

Mr. CARPENTER. What Chair is to make the appointment?

Mr. CAMERON. The President of the Senate will of course appoint two and the Speaker of the House will appoint three. The phraseology can be changed.

Mr. MORTON. I suggest to the Senator from Pennsylvania that he say the "Presiding Officer of each House."

Mr. CAMERON. Very well; let it be so altered.

Mr. SPRAGUE. I think the resolution had better lie over one day.

Mr. CAMERON. I hope the Senator from Rhode Island will not object to the immediate passage of the resolution. If we are to do anything, we had better do it at once.

Mr. SPRAGUE. I withdraw my objection.

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. HAMLIN. I suggest to the Senator from Pennsylvania that

be strike out the words "by the Chair," and add at the end "the Senators to be appointed by the Presiding Officer of the Senate and the Members of the House to be appointed by the Speaker of the House."

Mr. CAMERON. I was about to take the amendment of the Senator from Indiana, which is shorter, and say "be appointed by the Presiding Officers of the respective Houses."

The VICE-PRESIDENT. The modification will be made.

Mr. SARGENT. I suggest also that it ought to be in the form of a concurrent resolution. "Resolved by the Senate (the House of Representatives concurring.")

Mr. CAMERON. Very well

The VICE-PRESIDENT. That modification will be made.

The resolution, as modified, was agreed to.

TAX AND TARIFF BILL.

Mr. SHERMAN. I move to proceed to the consideration of House bill No. 3572, with a view to appoint a committee of conference.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. No. 3572) to amend existing customs and internal revenue laws, and for other purposes.

Mr. SHERMAN. I move that the Senate further insist on its amendments, and agree to the further conference asked by the House of Representatives.

Mr. EDMUNDS. What is this bill?

Mr. SHERMAN. It is the tax-bill of the last session, pending on a request for a committee of conference.

Mr. EDMUNDS. A customs or an internal-revenue bill?

Mr. SHERMAN. Both. "The little tariff bill," it was called.

Mr. EDMUNDS. "The little tariff bill." I know it by that name.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, that the Senate further insist on its amendments to this bill and agree to the further conference asked by the House of Representatives.

The motion was agreed to; and, the VICE-PRESIDENT being authorized by unanimous consent to appoint the committee of conference on the part of the Senate, Mr. SHERMAN, Mr. FRELINGHUYSEN, and Mr. COOPER were appointed.

BULK OF THE RECORD.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Public Printing be directed to inquire whether the volume of the CONGRESSIONAL RECORD cannot be reduced in bulk without impairing its value as a record of the debates and proceedings in Congress.

REPORT OF SMITHSONIAN INSTITUTION.

Mr. SARGENT. During the last session the Senate passed a concurrent resolution for the printing of the Report of the Smithsonian Institution for 1873. The resolution went to the House of Representatives and was there passed with an amendment, the difference between the two Houses being that the House amendment somewhat increased the number of copies to be printed, assigning a portion to the House and a portion to the Senate. The Senate concurrent resolution simply provided for printing seventy-five hundred copies for the use of the Smithsonian Institution. I ask that that resolution be considered, for the purpose of concurring in the amendment of the House of Representatives.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from California moves that the Senate proceed to the consideration of the resolution relative to printing the report of the Smithsonian Institution.

The motion was agreed to, and the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Secretary will state the condition of the question.

The CHIEF CLERK. On the 27th of February, 1874, the Senate passed the following resolution:

Resolved, (the House of Representatives concurring,) That seventy-five hundred additional copies of the Report of the Smithsonian Institution for the year 1873 be printed for the use of the Institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

On the 15th of May following the House of Representatives passed the resolution with the following amendment:

Strike out all after the word "That" and insert:

Ten thousand five hundred copies of the Report of the Smithsonian Institution for the year 1873 be printed, two thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and seventy-five hundred for the use of the Institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

The amendment was concurred in.

LIBRARIAN'S REPORT.

Mr. HOWE. I submit the annual report of the Librarian of Congress, and move that it be referred to the Joint Committee on the Library, and printed.

The motion was agreed to.

Mr. HOWE. In that connection I offer the following resolution:

Resolved, That five hundred extra copies of the annual report of the Librarian of Congress for the year 1874 be printed for distribution by the Librarian.

The resolution was referred to the Committee on Printing under the rules.

TWENTY-FIRST JOINT RULE.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Rules be instructed to consider and report upon the expediency of repealing or modifying the twenty-first joint rule of the two Houses of Congress.

OVERFLOWED LANDS IN WISCONSIN.

Mr. HOWE. I move to proceed to the consideration of House bill No. 3339.

The motion was agreed to; and the bill (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26 in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin, was considered as in Committee of the Whole. It provides that so much of the bed of the marsh or pond in sections 14, 23, and 26, in township 16 north, of range 20 east of the fourth principal meridian, in the county of Sheboygan, in the State of Wisconsin, as shall or may be reclaimed by draining the water from the same, shall be owned and held, so far as any rights or interests of the United States are concerned, by the owners of the lands abutting upon the marsh or pond, and draining the same to the center or thread thereof, and divided among the several owners adjoining and abutting the marsh or pond, according to the rules of law upon payment by the adjoining owners into the Treasury of the United States of $1.25 per acre for the amount of land that has been or may be so reclaimed.

The bill was reported to the Senate without amendment.

Mr. SHERMAN. I think the Senate ought to have upon record some reason for this bill. Is there a report in the case?

Mr. HOWE. There is no written report.

Mr. SHERMAN. Let the Senator state the circumstances.

Mr. HOWE. There are parts of these three sections which were returned by the surveyors "covered by water," and never surveyed. The adjacent owners propose to deepen the outlet and drain off that water, and they propose to pay $1.25 an acre for so much of this unsurveyed swamp as they may recover from water. That is all there is of it.

Mr. SHERMAN. Why was not this land ceded to the State as swamp land?

Mr. HOWE. Simply because it was not surveyed by the surveyors; but accompanying the bill there is an act of the Legislature of Wisconsin transferring the right of the State. So that is all clear.

Mr. SHERMAN. Then there can be no conflict between the settlers and the State?

Mr. HOWE. None at all.

The bill was ordered to a third reading, read the third time, and passed.

COMMITTEE SERVICE.

Mr. BOREMAN was, on his motion, excused from further service on the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3827) for the relief of certain settlers on the public lands in certain portions of Iowa, Minnesota, Nebraska, and Kansas;

A bill (H. R. No. 3907) repealing section 3 of the act making appropriation for the consular and diplomatic service of the Government, and for other purposes, approved February 22, 1873; and

A bill (H. R. No. 3918) to relieve P. U. Murphy and John A. Brown, of Alabama, of political disabilities.

The message also announced that the House had passed the joint resolution (S. R. No. 11) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 3822) making an appropriation to enable the Postmaster-General to carry into effect the law requiring the prepayment of postage on newspapers, approved June 25, 1874.

The message also announced that the House had concurred in the amendments of the Senate to the concurrent resolution of the House in reference to the binding of the Revised Statutes of the United States.

The message further announced that the House had passed a concurrent resolution in reference to the distribution of the reports of the Commissioner of Agriculture; in which the concurrence of the Senate was requested.

DISTRICT BOARD OF AUDIT.

The PRESIDING OFFICER. The morning hour having expired, it becomes the duty of the Chair to call up the special order, which is the bill (S. No. 963) for the better government of the District of Columbia.

Mr. MORRILL, of Maine. Subject to the special order, I ask the unanimous consent of the Senate to make a report from the Committee on Appropriations. The Committee on Appropriations, having had under consideration the joint resolution (H. R. No. 119) to continue the board of audit to examine and audit the unfunded or floating debt of the District of Columbia, have instructed me to report it back and recommend its passage, and I ask for the present considera-

tion of the resolution, as it seems to be important that the duties of the board should be entered upon.

Mr. EDMUNDS. I think that matter had better go over until to-morrow. I want to look at the joint resolution. My friend from Maine has no objection to its going over till to-morrow.

Mr. MORRILL, of Maine. Let it go over.

The PRESIDING OFFICER. The joint resolution will go on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had directed him to return to the Senate the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes, recalled from the Senate for clerical correction.

The message also announced that the House had concurred in the resolution of the Senate to appoint a joint committee to take measures for the proper notice of the presence at the capital of His Majesty Kalakaua, King of the Hawaiian Islands; and had appointed Mr. GODLOVE S. ORTH of Indiana, Mr. E. ROCKWOOD HOAR of Massachusetts, and Mr. SAMUEL S. COX of New York, the committee on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3822) making an appropriation to enable the Postmaster-General to carry into effect the law requiring the prepayment of postage on newspapers, approved June 25, 1874; and

A bill (H. R. No. 3743) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, (formerly Charlestown,) in connection with the United States navy-yard.

REPORTS OF COMMISSIONER OF AGRICULTURE.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That one-third of the reports of the Commissioner of Agriculture for the years 1872 and 1873, printed upon the appropriation of $50,000 by the act of June 23, 1874, be delivered to the Sergeant-at-Arms of the Senate, and that two-thirds of the said reports be delivered to the Doorkeeper of the House of Representatives, for distribution among the people by Senators and Representatives.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 3827) for the relief of certain settlers on the public lands in certain portions of Iowa, Minnesota, Nebraska, and Kansas—to the Committee on Public Lands.

A bill (H. R. No. 3907) repealing section 3 of the act making appropriation for the consular and diplomatic service of the Government, and for other purposes, approved February 22, 1873—to the Committee on Appropriations.

A bill (H. R. No. 3918) to relieve P. U. Murphy and J. A. Brown, of Alabama, of political disabilities—to the Committee on the Judiciary.

THE STEAMBOAT LAW.

Mr. SCOTT. House bill No. 1588, which has just been returned from the House of Representatives, we are informed was sent for by them for clerical correction. In the absence of the chairman of the Committee on Commerce, and at his request, I move that, instead of that bill going to the committee, it be now restored to its place on the Calendar, as it was simply returned to the House to correct a clerical mistake.

The motion was agreed to.

RECEPTION OF KING OF HAWAIIAN ISLANDS.

The VICE-PRESIDENT appointed Messrs. CAMERON and MCCREERY as members of the joint committee on the part of the Senate to take measures for the proper notice of the presence at the capital of the King of the Hawaiian Islands.

GOVERNMENT OF THE DISTRICT.

Mr. MORRILL, of Maine. I call for the regular order.

The PRESIDING OFFICER, (Mr. ANTHONY.) The special order is the bill (S. No. 963) for the better government of the District of Columbia.

The bill was read a second time by its title, and considered as in Committee of the Whole.

Mr. MORRILL, of Maine. I hope it will be the pleasure of the Senate to have this bill first read at length, and after that, if it shall be the pleasure of the Senate, I will make some explanation of its features.

The PRESIDING OFFICER. The bill will be read at length.

The Chief Clerk proceeded to read the bill, and having occupied two hours and a half in reading fifty-two sections—

Mr. ANTHONY. It is time to adjourn.

Mr. MORRILL, of Maine. In a moment. I am advised by the officers of the document-room that the demand for this bill by those who are specially interested in it in the District has outrun the supply very much, and that it will be a convenience if a larger number of the bill could be printed, say some three or four hundred copies. I would not propose more than that. I move that three hundred additional copies of the bill be printed.

The motion was agreed to.

Mr. ANTHONY. I move that the Senate do now adjourn.

Mr. MORRILL, of Maine. That is, with the understanding that this bill retains its place on the Calendar for to-morrow.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island that the Senate do now adjourn.

The motion was agreed to; and (at three o'clock and thirty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 14, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at ten minutes after twelve o'clock.

ABRAANNA DUNN.

Mr. FRYE introduced a bill (H. R. No. 3919) for the relief of Abraanna Dunn; which was read a first and second time, and referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT JUDGE OF VERMONT.

Mr. WILLARD, of Vermont, introduced a bill (H. R. No. 3920) for the relief of the district judge of Vermont; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAINT ALBANS RAID CLAIMS.

Mr. WILLARD, of Vermont, also presented a joint resolution of the General Assembly of the State of Vermont, in relation to the so-called Saint Albans raid claims; which was referred to the Committee on War Claims, and ordered to be printed.

ISAAC H. TOWER.

Mr. HARRIS, of Massachusetts, introduced a bill (H. R. No. 3921) for the relief of Isaac H. Tower, of Dedham, Massachusetts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH BALLISTER.

Mr. HOOPER introduced a bill (H. R. No. 3922) for the relief of Joseph Ballister; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH WARREN MONUMENT ASSOCIATION.

Mr. PIERCE introduced a bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association, of Boston, Massachusetts, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RUDOLF EICKEMEYER.

Mr. EAMES introduced a bill (H. R. No. 3924) to enable Rudolf Eickemeyer to make application to the Commissioner of Patents for an extension of letters-patents for a machine for stitching linings into hats; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

STONINGTON HARBOR, CONNECTICUT.

Mr. STARKWEATHER introduced a bill (H. R. No. 3925) for continuing the improvement of Stonington Harbor, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STAMPS ON CHECKS, ETC.

Mr. STARKWEATHER also introduced a bill (H. R. No. 3926) to repeal all acts requiring stamps on checks, drafts, and orders for the payment of money; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TORNADO OF JULY 4, 1874.

Mr. KELLOGG introduced a bill (H. R. No. 3927) for the relief of certain persons in the city of Washington, District of Columbia, whose dwelling-houses were unroofed by the tornado of July 4, 1874; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MILFORD HARBOR, CONNECTICUT.

Mr. KELLOGG also introduced a bill (H. R. No. 3928) for continuing the improvement at Milford Harbor, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HOUSATONIC RIVER, CONNECTICUT.

Mr. KELLOGG also introduced a bill (H. R. No. 3929) for continuing the improvements of the Housatonic River, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALEXANDER ANDERSON.

Mr. TREMAIN introduced a bill (H. R. No. 3930) for the relief of Alexander Anderson; which was read a first and second time, and, with the accompanying documents, referred to the Committee on Military Affairs, and ordered to be printed.

GENEVA AWARD ADJUDICATION.

Mr. TREMAIN also introduced a bill (H. R. No. 3931) to amend "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration, constituted by virtue of the first article of the treaty concluded at Washington the 8th day of May, 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read a first and second time referred to the Committee on the Judiciary, and ordered to be printed

INDICTMENTS FOR LIBEL IN THE DISTRICT OF COLUMBIA.

Mr. TREMAIN also introduced a bill (H. R. No. 3932) in relation to indictments for libel in the District of Columbia, and the trial thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. TREMAIN. Inasmuch as this bill relates to the same subject that the gentleman from New Jersey [Mr. PHELPS] has given notice he will call up before the House and offer a resolution concerning, I ask that the Clerk read the bill.

The Clerk read the bill.

M. NELSON DICKINSON.

Mr. HALE, of New York, introduced a bill (H. R. No. 3933) for the relief of M. Nelson Dickinson, post-master at Warrenburgh, Warren County, New York; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JACOB PARMENTER.

Mr. HALE, of New York, also introduced a bill (H. R. No. 3934) for the relief of Jacob Parmenter; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

Mr. GARFIELD. I think that these bills for the relief of private individuals ought to go to the Committee on Claims.

The SPEAKER. The Committee on Appropriations can report them back.

Ma. GARFIELD. The committee have reported back several such bills.

KEZIA ZOLLER.

Mr. MERRIAM introduced a bill (H. R. No. 3935) granting a pension to Kezia Zoller, of Little Falls, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUBSCRIPTIONS TO STOCK CORPORATIONS.

Mr. COX introduced a bill (H. R. No. 3936) to provide for the enforcement of subscriptions to stock-corporations organized under the laws of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS TO WIDOWS AND MINOR CHILDREN.

Mr. DUELL introduced a bill (H. R. No. 3937) to fix the time for the commencement of pensions to widows and minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID SALISBURY.

Mr. MACDOUGALL introduced a bill (H. R. No. 3938) granting a pension to David Salisbury, late a private Company F, One hundred and sixtieth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE GREEN M'KOWN.

Mr. SMART introduced a bill (H. R. No. 3939) granting a pension to Catherine Green McKown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. W. CRONK.

Mr. CLARK, of New Jersey, introduced a bill (H. R. No. 3940) authorizing the President to appoint C. W. Cronk passed assistant engineer on the retired list United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

IMPROVEMENT OF KILL VON KULL.

Mr. CLARK, of New Jersey, also introduced a bill (H. R. No. 3941) for continuing the improvement of Kill Von Kull, between Staten Island and New Jersey; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CORRECTION OF ARMY OFFICER'S RECORD.

Mr. ALBRIGHT introduced a bill (H. R. No. 3942) authorizing the Secretary of War to correct an Army officer's record; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREE BANKING, ETC.

Mr. ALBRIGHT also introduced a bill (H. R. No. 3943) to establish free banking, to reduce the interest on the bonded indebtedness of the United States, and to retire legal-tender notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

POSTAGE ON LETTERS.

Mr. SPEER introduced a bill (H. R. No. 3944) reducing the postage on all letters to one cent; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

OFFICIAL TERM OF THE PRESIDENT OF THE UNITED STATES.

Mr. STORM introduced a joint resolution (H. R. No. 124) proposing an amendment to the Constitution concerning the official term of the President of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALLEGHENY RIVER.

Mr. NEGLEY introduced a bill (H. R. No. 3945) to provide for the improvement of the Allegheny River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MONONGAHELA RIVER.

Mr. NEGLEY also introduced a bill (H. R. No. 3946) to provide for the further improvement of the Monongahela River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OHIO RIVER.

Mr. NEGLEY also introduced a bill (H. R. No. 3947) to provide for the further improvement of the Ohio River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARTIN KELLEY.

Mr. NEGLEY also introduced a bill (H. R. No. 3948) to provide for an increase of pension in favor of Martin Kelley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE A. ARMES.

Mr. NEGLEY also introduced a bill (H. R. No. 3949) to authorize the restoration of George A. Armes to the rank of captain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. LYLE MCCULLOUGH.

Mr. MOORE introduced a bill (H. R. No. 3950) granting a pension to J. Lyle McCullough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM LAVERY.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 3951) for the relief of William Lavery; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EIGHT-HOUR SYSTEM OF LABOR.

Mr. SMITH, of Virginia, also introduced a bill (H. R. No. 3952) to amend an act entitled "An act constituting eight hours a day's work for all laborers, workmen, and mechanics employed by or in behalf of the Government of the United States;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE C. WEDDERBURN.

Mr. SMITH, of Virginia, also introduced a bill (H. R. No. 3953) for the relief of George C. Wedderburn, of Richmond, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. W. AND C. ROWLAND.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 3954) for the relief of Messrs. J. W. and C. Rowland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. J. SULLIVAN.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 3955) for the relief of E. J. Sullivan, of Rockingham County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEBTS OF SOUTHERN STATES.

Mr. SMITH, of North Carolina, introduced a bill (H. R. No. 3956) for the relief of the Southern States by the compromise and settlement of their debts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN H. PLEMMONS.

Mr. VANCE introduced a bill (H. R. No. 3957) for the relief of John H. Plemmons; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN S. HUGGINS.

Mr. RAINEY introduced a bill (H. R. No 3958) for the relief of John S. Huggins, of South Carolina; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JAMES A. STEWART.

Mr. BELL introduced a bill (H. R. No. 3959) for the relief of James A. Stewart, of Fulton County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOEL A. BILLUPS.

Mr. BELL also introduced a bill (H. R. No. 3960) for the relief of Joel A. Billups, executor of the estate of John Billups, deceased, late of Clarke County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS ATKINS.

Mr. BELL also (at the request of Mr. SLOAN) introduced a bill (H. R. No. 3961) for the relief of Thomas Atkins, late collector of internal revenue and disbursing agent of the United States for the fourth collection district of the State of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONDITION OF RECONSTRUCTED STATES.

Mr. WHITELEY introduced a preamble and joint resolution (H. R. No. 125) to provide a commission to investigate the legal and political condition of the reconstructed States; which was read a first and second time, ordered to be printed, and to be referred to the select committee on the Southern States, when appointed.

CAUSES IN UNITED STATES COURTS OF ALABAMA.

Mr. CALDWELL introduced a bill (H. R. No. 3962) in relation to the transfer of causes in the United States circuit courts of Alabama; which was read a first and second time, referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

RANK OF ARMY OFFICERS.

Mr. DARRALL introduced a bill (H. R. No. 3963) relating to the rank of officers in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVIGATION OF OHIO RIVER.

Mr. SAYLER, of Ohio, introduced a bill (H. R. No. 3964) to preserve the free navigation of the Ohio River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ENTERPRISE INSURANCE COMPANY.

Mr. SAYLER, of Ohio, also introduced a bill (H. R. No. 3965) for the relief of the Enterprise Insurance Company, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZA J. FONT.

Mr. BUNDY introduced a bill (H. R. No. 3966) for the relief of Eliza J. Font, mother of Jeremiah Keeton, late of Second Virginia Cavalry; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LINE OFFICERS OF THE NAVY.

Mr. BUNDY also introduced a bill (H. R. No. 3967) to amend an act entitled "An act to establish and equalize the grade of line-officers of the United States Navy," approved July 16, 1862, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SERVICES IN PENSION CASES.

Mr. SHERWOOD introduced a bill (H. R. No. 3968) regulating contracts for services in rejected and difficult pension claims; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PREPAYMENT OF POSTAGE ON NEWSPAPERS, ETC.

Mr. FINCK introduced a bill (H. R. No. 3969) to repeal certain sections of the post-office appropriation bill of June 23, 1874, which require the prepayment of postage on newspapers and other publications; which was read a first and second time, referred to the Committee on the Post Office and Post-Roads, and ordered to be printed.

HEIRS OF JAMES BURNETT.

Mr. DURHAM introduced a bill (H. R. No. 3970) granting additional pay to the heirs of James Burnett, a captain in the revolutionary war; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

MARTIN WOOLDRIDGE.

Mr. DURHAM also introduced a bill (H. R. No. 3971) refunding to Martin Wooldridge, of Russell County, Kentucky, $283, which has been improperly paid by him for internal revenue purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SAMUEL A. WILBORNE.

Mr. DURHAM also introduced a bill (H. R. No. 3972) granting a pension to Samuel A. Wilborne, of Adair County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. CHARLTON.

Mr. HARRISON introduced a bill (H. R. No. 3973) for the relief of James H. Charlton, of Davidson County, in the State of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW MORRISON.

Mr. HARRISON also introduced a bill (H. R. No. 3974) for the relief of Andrew Morrison, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGETTE E. WILKINSON.

Mr. HARRISON also introduced a bill (H. R. No. 3975) for the relief of Georgette E. Wilkinson, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF E. H. CHILDRESS.

Mr. HARRISON also introduced a bill (H. R. No. 3976) for the relief of the estate of E. H. Childress, deceased, late of Nashville, Tennessee, through Thomas Chadwell, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. FANNY P. MURFREE.

Mr. BRIGHT introduced a bill (H. R. No. 3977) for the relief of Mrs. Fanny P. Murfree, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM M. PIPER.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 3978) for the relief of William M. Piper, of Tennessee, late a provost marshal, with the rank of captain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT TO NATIONAL BANKING ACT.

Mr. MAYNARD presented an amendment to be proposed to the bill (H. R. No. 3979) to amend the act entitled "the national banking act;" which was referred to the Committee on Banking and Currency, and ordered to be printed.

SOLDIERS OF WAR OF 1812.

Mr. MAYNARD also introduced a bill (H. R. No. 3980) to amend the act of February 14, 1871, granting a pension to the soldiers of the war of 1812; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES D. C. WILLIAMS.

Mr. PACKARD introduced a bill (H. R. No. 3981) for the relief of Charles D. C. Williams, late captain of marine artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH N. M'CULLOCH.

Mr. FORT introduced a bill (H. R. No. 3982) for the relief of Joseph N. McCulloch, late captain Company C, of the Seventy-seventh Regiment of Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. HURLBUT introduced a bill (H. R. No. 3983) to aid the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway along the tide-water from Saint Louis to Chicago; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. MARY J. EDDY.

Mr. MARSHALL introduced a bill (H. R. No. 3984) for the relief of Mrs. Mary J. Eddy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. MORRISON introduced a bill (H. R. No. 3985) making an appropriation for continuing the improvement of the Mississippi River, between the Missouri and Illinois Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JACOB GALL, OF ILLINOIS.

Mr. MORRISON also introduced a bill (H. R. No. 3986) for the relief of Jacob Gall, of Monroe County, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIM OF THE HEIRS OF SAMUEL RHEA.

Mr. FARWELL introduced a bill (H. R. No. 3987) to give the Court of Claims jurisdiction to hear and determine the claim of the heirs of Samuel Rhea; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREE BANKING.

Mr. FARWELL introduced a bill (H. R. No. 3988) to authorize free banking, and to provide for the resumption of specie payments; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

By unanimous consent the bill was ordered to be printed in the RECORD, as follows:

An act to authorize free banking, and to provide for the resumption of specie payments.

Be it enacted by the Senate and House of Representatives in Congress assembled, That all limitations imposed by the national-bank act limiting the aggregate amount of national-bank circulation, or limiting the amount to any one bank, be, and the same are hereby, repealed.

SEC. 2. That national-bank notes shall be issued to old and new associations by the Comptroller of the Currency at ninety cents upon the dollar of the full value of any United States coin bonds deposited for that purpose.

SEC. 3. That the Secretary of the Treasury shall retire and cancel on the first day of each and every month, beginning on the 1st day of July, 1875, $1,000,000 of United States notes, and shall continue such retirement and cancellation until the notes outstanding shall be at par with the gold coin of the United States, when he shall discontinue such retirement and cancellation.

SEC. 4. That to enable the Secretary of the Treasury to carry out the provisions of this act he is hereby authorized and directed to use the surplus revenues of the Treasury; but if such surplus revenue should at any time be insufficient for this purpose, he is hereby further directed to sell, for the purposes of this act, a sufficient amount of United States bonds authorized to be issued by the act of July 14, 1870.

ANDREW HOSMER.

Mr. BARRERE introduced a bill (H. R. No. 3989) for the relief of Andrew Hosmer, of Peoria, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

O. R. M'DANIEL.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 3990) granting a pension to O. R. McDaniel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOVERNMENT AND CIVILIZATION OF INDIANS.

Mr. PARKER, of Missouri, introduced a bill (H. R. No. 3991) to provide for the government and to promote the civilization of Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DEPARTMENT OF COMMERCE.

Mr. STANARD introduced a bill (H. R. No. 3992) to establish a Department of Commerce; which was read a first and second time, and, with accompanying memorial from the National Board of Trade, referred to the Committee on Commerce, and ordered to be printed.

THOMAS P. MADDEN.

Mr. STONE introduced a bill (H. R. No. 3993) for the relief of Thomas P. Madden, assignee of R. K. Dodge, for supplies furnished Mendiceno reservation, California, in 1859 and 1860; which was read a first and second time, and referred to the Committee on Indian Affairs.

FREDERICK C. BUTLER.

Mr. HATCHER introduced a bill (H. R. No. 3994) for the relief of Frederick C. Butler, of New Madrid County, Missouri; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TAXATION ON FOREIGN PRODUCTIONS, ETC.

Mr. FIELD introduced a bill (H. R. No. 3995) to increase the taxation on foreign productions and facilitate the resumption of coin payments by the Treasury; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

UNITED STATES COURTS IN UTAH.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 3996) conferring jurisdiction upon United States courts in the Territory of Utah in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANDREW TEN BROOK.

Mr. WALDRON introduced a bill (H. R. No. 3997) for the relief of Andrew Ten Brook, late consul at Munich; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LIGHT-HOUSES IN MICHIGAN.

Mr. BRADLEY introduced a bill (H. R. No. 3998) making appropriations for light-house purposes in Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES W. LONG.

Mr. BRADLEY also introduced a bill (H. R. No. 3999) for the relief of James W. Long, late a captain in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EXPENSES OF HOSTILE INCURSIONS IN TEXAS.

Mr. HANCOCK introduced a bill (H. R. No. 4000) authorizing the Secretary of War to ascertain the expenses incurred by the State of Texas for army equipments, military stores, and all other expenses in repelling hostile incursions in said State in the years 1870, 1871, and 1874; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TEXAS INDEMNITY BONDS.

Mr. GIDDINGS introduced a bill (H. R. No. 4001) for the redemption of over-due bonds of the United States, known as "Texas indemnity bonds;" which was read a first and second time.

Mr. GIDDINGS. I ask that the bill be referred to the Committee on the Judiciary.

Mr. GARFIELD. I would suggest that this bill should go to the Committee on Ways and Means.

The SPEAKER. The Chair understands that there is a legal question as to the liability to the United States, which makes it proper that the bill should go to the Judiciary Committee.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

FORT SILL RESERVATION.

Mr. MILLS introduced a bill (H. R. No. 4002) placing the Fort Sill reservation under the jurisdiction of the War Department; which was read a first and second time.

Mr. MILLS. I ask that the bill be referred to the Committee on Military Affairs.

Mr. SHANKS. This bill, as it has reference to an Indian reservation, ought to go to the Committee on Indian Affairs.

The SPEAKER. The Chair thinks the bill properly belongs to the Committee on Indian Affairs.

Mr. MILLS. I introduced a bill last session, which was referred to the Committee on Indian Affairs, and I did not get a report on it.

The SPEAKER. That is not a sufficient reason for changing the reference under the Monday morning call.

The bill was referred to the Committee on Indian Affairs, and ordered to be printed.

IOWA DISTRICT COURT.

Mr. McCRARY introduced a bill (H. R. No. 4003) to confer on the district court of the United States in and for the district of Iowa additional jurisdiction; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROLLIN WHITE.

Mr. McCRARY also introduced a bill (H. R. No. 4004) for the relief of Rollin White; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MAJOR JAMES M. ROBERTSON.

Mr. CASSON (by request) introduced a bill (H. R. No. 4005) for the relief of Major James M. Robertson, Second Artillery, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATHAN JOHNSON.

Mr. McDILL, of Iowa, introduced a bill (H. R. No. 4006) authorizing and requiring the Secretary of the Interior to restore the name of Nathan Johnson, private Captain S. L. Williams's Kentucky Militia, to the roll of pensions of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

SECOND LIEUTENANT CHARLES YOUNG.

Mr. McDILL, of Iowa, also introduced a bill (H. R. No. 4007) for the relief of Second Lieutenant Charles Young, of Company A, First Ohio Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JONATHAN ROBERTS.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 4008) granting a pension to Jonathan Roberts, of Marshall County, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. WATERBURY.

Mr. RUSK introduced a bill (H. R. No. 4009) for the relief of William H. Waterbury, postmaster at Augusta, Wisconsin; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RESTORED LANDS IN CALIFORNIA.

Mr. LUTTRELL introduced a bill (H. R. No. 4010) fixing the minimum price upon certain restored lands in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SAVINGS-BANKS.

Mr. PAGE introduced a bill (H. R. No. 4011) for the relief of savings-banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SAMUEL J. SHORT AND OTHERS.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 4012) for the relief of Samuel J. Short and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN LANDS IN KANSAS.

Mr. PHILLIPS introduced a bill (H. R. No. 4013) providing for the sale of the Kansas Indian lands in the State of Kansas to actual settlers, and for the disposition of the proceeds of the sale; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BENJAMIN P. M'DONALD.

Mr. LOWE introduced a bill (H. R. No. 4014) for the relief of Benjamin P. McDonald, of Kansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. W. GREELEY.

Mr. HAGANS introduced a bill (H. R. No. 4015) for the relief of A. W. Greeley, Fifth Cavalry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OREGON CENTRAL PACIFIC RAILWAY COMPANY.

Mr. NESMITH introduced a bill (H. R. No. 4016) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN S. WOOD.

Mr. KENDALL introduced a bill (H. R. No. 4017) for the relief of John S. Wood, late first lieutenant Seventh Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS NEWMAN.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 4018) for the relief of Thomas Newman, late lieutenant Thirteenth Infantry, United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

APPROPRIATIONS.

Mr. ARMSTRONG introduced a bill (H. R. No. 4019) appropriating money for certain purposes therein named; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

APPROPRIATION OF REVENUES OF DAKOTA.

Mr. ARMSTRONG introduced a bill (H. R. No. 4020) appropriating money out of certain revenues in the Territory of Dakota; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DAKOTA AND MONTANA RAILROAD COMPANY.

Mr. ARMSTRONG also introduced a bill (H. R. No. 4021) to incorporate the Dakota and Montana Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EQUESTRIAN STATUE OF GENERAL ZACHARY TAYLOR.

Mr. McCORMICK introduced a joint resolution (H. R. No. 126) for the erection of an equestrian statue in the city of Washington, District of Columbia, in honor of General Zachary Taylor, twelfth President of the United States; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

DELILAH PURCELL.

Mr. CHIPMAN introduced a bill (H. R. No. 4022) for the relief of Mrs. Delilah Purcell, of Uniontown, District of Columbia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF ABRAHAM LIVINGSTONE.

Mr. CHIPMAN also introduced a bill (H. R. No. 4023) for the relief of the heirs of Abraham Livingstone, deceased; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

MICHAEL NASH.

Mr. CHIPMAN also introduced a bill (H. R. No. 4024) for the relief of Michael Nash, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGETOWN AND TENALLYTOWN RAILROAD.

Mr. CHIPMAN also introduced a bill (H. R. No. 4025) to incorporate the Georgetown and Tenallytown Railroad, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN also introduced a bill (H. R. No. 4026) to amend an act entitled, "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

He also introduced a bill (H. R. No. 4027) for the government of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The States and Territories having been called through for bills and joint resolutions on leave for reference only to their appropriate committees, the next business in order is the call of States for resolutions. Heretofore the more usual practice has been at the commencement of a second or subsequent session of Congress to begin the call at the beginning of the list of States. The Chair thinks that a fair interpretation of the rule, in conjunction with the taking up the call of committees where it ended at the close of the last session, is to have the call of States for resolutions begin with the State where the call rested at the close of the session. Although that is a new ruling, the Chair will venture to make it now in connection with the ruling made the other day. The call, therefore, rests with the State of Georgia.

SOUTHERN MAILS.

Mr. YOUNG, of Georgia. Under this call, I introduce a bill authorizing the settlement of certain accounts in the Post-Office Department.

The SPEAKER. Has the gentleman offered a bill before under this call?

Mr. YOUNG, of Georgia. I have.

The SPEAKER. Then it requires unanimous consent for the gentleman to offer a second bill.

Mr. YOUNG, of Georgia. I ask unanimous consent for that purpose.

The SPEAKER. The bill will be read.

The bill directs the Secretary of the Treasury to settle the accounts now audited by the proper officers of the Government, for carrying the mails of the United States previous to April, 1861, provided that not more than the sum of $200,000 be paid out.

Mr. WILLARD, of Vermont. I raise the point of order that this bill, making an appropriation, should receive its first consideration in Committee of the Whole.

The SPEAKER. The point of order is well taken, and the bill will be so referred.

Accordingly, the bill (H. R. No. 4028) was received, read a first and second time, ordered to be printed, and referred to the Committee of the Whole.

PAYMENT OF DUTIES ON IMPORTS IN LEGAL-TENDERS.

Mr. HARRIS, of Georgia, introduced a bill (H. R. No. 4029) authorizing the payment of one-half of the duties on imports in legal-tenders or national-bank notes instead of gold; which was read a first and second time.

Mr. GARFIELD. I make the point of order that this bill, relating to a tax or charge upon the people and affecting the revenue, should receive its first consideration in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order, and the bill will be so referred.

The bill was accordingly referred to the Committee of the Whole, and ordered to be printed.

AFFAIRS IN ALABAMA.

Mr. CALDWELL submitted the following resolutions, upon which he called the previous question:

Resolved, That the Secretary of War be, and is hereby, directed to furnish to the House a detailed statement showing the number of United States troops stationed in the State of Alabama on the 3d day of November, 1874, and their distribution, whether in regiments, companies, or squads, and the places at which said troops were located, and whether said troops acted independently or as a posse of the United States marshal.

Resolved further, That the Secretary of War is hereby directed to furnish to the House a detailed statement of the manner in which he has executed the provisions of joint resolution passed at the first session of the Forty-third Congress authorizing the President of the United States to issue Army rations and clothing to the destitute people of the Tombigbee, Warrior, and Alabama Rivers, in the State of Alabama, showing the amount and kind of provisions distributed, the times at which, the places where, and to what persons said provisions were distributed; and also such further information as he may be in possession of respecting the distribution of said provisions by persons not in the military service of the United States.

Mr. GARFIELD. The law of last session requires just such a report as this resolution proposes to call for.

The SPEAKER. The question is on seconding the demand for the previous question.

The previous question was seconded and the main question ordered, which was upon agreeing to the resolution.

The question being taken, there were—ayes 61, noes 89.

Mr. CALDWELL and Mr. FINCK called for the yeas and nays.

Mr. KASSON. Is it too late to make the point of order that this resolution, being a call for executive information, must, under the rule, lie over for one day?

The SPEAKER. The point of order would be too late even if it were good. The previous question having been seconded and the main question ordered, the House must dispose of the resolution.

Mr. KASSON. I was under the impression that the rules required a delay of one day in acting upon resolutions calling for executive information.

The SPEAKER. They do; and that point would have been enforced if it had been made in time.

Mr. POTTER. Would it apply to a resolution offered under a suspension of the rules?

The SPEAKER. This resolution is not offered in the form of a motion to suspend the rules. The point would have been good if it had been made in time; but it cannot be made after the previous question has been seconded. The Chair gives notice to gentlemen that the business of Monday morning will bear close watching if they want to save their points of order.

Mr. CONGER. Is not this resolution divisible?

The SPEAKER. It is not.

Mr. CONGER. It embraces two distinct subjects.

The SPEAKER. The previous question is operating upon the resolution.

Mr. KASSON. I am inclined still to press my point, owing to the fact that while the gentleman from Ohio [Mr. GARFIELD] was on the floor, as he will remember, I made (though I presume I was not heard by the Chair) the point that the resolution must lie over one day. I think that this is the proper course; not that I am not perfectly willing to obtain all proper information, but the resolution calls for what I believe it will be impossible to furnish—the name of every person to whom relief has been given.

Mr. RANDALL. If it is impossible to furnish that information the Secretary of War can say so when he comes to answer.

Mr. GARFIELD. The gentleman from Iowa did make that point.

The SPEAKER. The Chair will state that he submitted quite as deliberately as is the habit in the morning hour of Monday the question whether the previous question should be seconded, and it was seconded *nem. con.* and the main question was considered as ordered. It was quite within the power of the vote which *viva voce* refused to pass the resolution to refuse to second the previous question, in which case the resolution would not have been before the House. The Chair heard no point made in time; and the previous question being seconded, it is the duty of the Chair to rule that the point, being made afterward, comes too late. The resolution is therefore properly before the House. On its passage the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. HALE, of New York. Is it in order to move to reconsider the vote by which the main question was ordered?

The SPEAKER. It is.

Mr. HALE, of New York. I make that motion for the purpose of moving a reference of this resolution to an appropriate committee.

Mr. RANDALL. How did the gentleman from New York vote upon ordering the main question?

The SPEAKER. That cannot be told; there is no record.

Mr. RANDALL. It is very well understood how he voted.

Mr. ELDREDGE. It seems to me that the gentleman from New York ought not to insist on smothering this resolution. That is evidently his purpose. Why should we not take a vote now upon the resolution? The information proposed to be called for is valuable.

Mr. GARFIELD. I make the point that debate is not in order.

Mr. COX. I call for the yeas and nays on the motion to reconsider.

Mr. BECK. Is it in order now to insist upon the point that the gentleman from New York not having voted with the prevailing side, cannot move to reconsider.

The SPEAKER. O, no. It has been ruled times without number that, where there is no record of a vote, the right of any member to move a reconsideration cannot be called in question, even though he may have been recognized by everybody in the House as having voted against the prevailing side.

Mr. RANDALL. Still the fact that the gentleman from New York did so vote is worthy of passing notice.

The SPEAKER. That may be, but it is not a matter for the Chair.

Mr. BECK. The gentleman from New York will not say that he did not vote against ordering the main question.

The SPEAKER. That does not affect the question. The rule is well settled that only upon a recorded vote can a question be raised as to the inability of a member to make a motion to reconsider. The gentleman from New York is quite in order in making his motion. The question is upon ordering the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 93, nays 138, not voting 59, as follows:

YEAS—Messrs. Albright, Averill, Barrere, Barry, Bass, Begole, Bundy, Burchard, Burleigh, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Coburn, Conger, Corwin, Crocker, Crounse, Crutchfield, Curtis, Dobbins, Donnan, Duell, Dunnell, Farwell, Frye, Garfield, Gooch, Gunckel, Hagans, Robert S. Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hyde, Lansing, Lewis, Lowndes, Lynch, Maynard, Alexander S. McDill, MacDougall, McKee, McNulta, Moore, Myers, Negley, Nunn, O'Neill, Orth, Packard, Packer, Isaac C. Parker, Pike, Thomas C. Platt, Pratt, Rainey, Ray, Richmond, Sawyer, Sessions, Shanks, Sheats, Small, Smart, A. Herr Smith, William A. Smith, Snyder, St. John, Strait, Strawbridge, Christopher Y. Thomas, Todd, Tyner, Wallace, Marcus L. Ward, Whiteley, Wilber, George Willard, John M. S. Williams, and William Williams—93.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barber, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Burrows, Caldwell, John B. Clark, jr., Clymer, Stephen A. Cobb, Comingo, Cook, Cox, Crittenden, Crossland, Danford, Davis, Dawes, DeWitt, Durham, Eames, Eldredge, Field, Finck, Fort, Foster, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hunter, Hunton, Kasson, Kelley, Kellogg, Kendall, Lamison, Lawrence, Lawson, Leach, Loughridge, Luttrell, Magee, Marshall, James W. McDill, McJunkin, McLean, Merriam, Milliken, Mills, Monroe, Morey, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Page, Hosea W. Parker, Pendleton, Perry, Phelps, Phillips, Pierce, James H. Platt, jr., Potter, Randall, Read, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Milton Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Starkweather, Stephens, Stone, Storm, Swann, Thornburgh, Townsend, Tremain, Vance, Waddell, Waldron, Wells, Wheeler, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—138.

NOT VOTING—Messrs. Albert, Barnum, Biery, Bradley, Buckner, Benjamin F. Butler, Cain, Chittenden, Freeman Clarke, Clements, Clinton L. Cobb, Cotton, Creamer, Crooke, Darrall, Eden, Freeman, Eugene Hale, Harmer, Harrison, Havens, Hays, Hendee, Hersey, E. Rockwood Hoar, Hurlbut, Hynes, Killinger, Knapp, Lamar, Lamport, Lofland, Lowe, Martin, McCrary, Mitchell, Niles, Parsons, Pelham, Poland, Purman, Ransier, Rapier, Rice, William R. Roberts, Ross, Rusk, Henry B. Sayler, Sener, Sheldon, George L. Smith, J. Ambler Smith, Standeford, Stowell, Sypher, Taylor, Charles R. Thomas, Walls, and Jasper D. Ward—59.

So the House refused to reconsider the vote by which the main question was ordered.

The resolution was then adopted.

Mr. CALDWELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM F. CORBETT.

Mr. RANDALL, by unanimous consent, offered the following resolution.

The Clerk read as follows:

Resolved, That there be paid out of the contingent fund of the House to the widow of William F. Corbett, late an employé of the House, a sum equal to his pay for three months and his proper funeral expenses.

Mr. RANDALL. More than a passing word is due to this officer. He came here in the Thirty-fourth Congress, and therefore has been here nearly twenty years. During the whole of that period he has proved to be a faithful, upright officer; and in offering this resolution, which is the usual one in like cases, I have thought it due to his memory, and as some satisfaction to his friends, to thus publicly acknowledge his fidelity to the duties assigned him during his long period of public service.

Mr. GARFIELD. Did he die in the service?

Mr. RANDALL. He died last night in this city while in the service of the House of Representatives.

The resolution was unanimously adopted.

MILITARY ASYLUM FOR DISABLED SOLDIERS.

Mr. WHEELER moved to suspend the rules and adopt the following resolution.

The Clerk read as follows:

Resolved, That the rules be so suspended that when the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the next fiscal year shall be under consideration in Committee of the Whole on the state of the Union propositions may be submitted for the consideration of the committee for changing the mode of appropriations to any public objects now recognized by law; and, if such change shall be made, for appropriations in said bill in conformity therewith.

Mr. ELDREDGE. It seems to me, Mr. Speaker, that resolution is very far from being clear.

The SPEAKER. The gentleman from New York desires to make a brief explanation. The Chair hears no objection.

Mr. SPEER. There must be some words omitted in the resolution.

Mr. WHEELER. The simple purpose I have in view is to save the Government an annual expenditure of $100,000 in one single appropriation, and that is that the Congress of the United States shall appropriate money for a certain object, which I will not name now, instead of its being appropriated through the machinery of one of the Departments of the Government.

Mr. SPEER. Does the resolution accomplish that purpose?

Mr. WHEELER. The committee will accomplish the purpose if it is accomplished at all. I simply propose to get the right to submit the proposition.

Mr. SPEER. Is there not some omission in the language of the resolution?

Mr. WHEELER. I think not. Let the Clerk report the resolution again.

Mr. GARFIELD. If the gentleman from New York will allow me, I would say that I think the language he employs in his resolution is broader than should be adopted under a suspension of the rules. Almost anything, it seems to me, could be brought in under that language.

Mr. WHEELER. The case I have referred to is exceptional. There is no case in this Government except this particular one where an appropriation is made by a Department.

Mr. HALE, of Maine. The difficulty is that under this anything may be brought in.

Mr. HOLMAN. The resolution is too broad in its language.

Mr. WHEELER. I will state to the House what I want. The appropriations for the military asylum for the disabled volunteers of this country are made through the Second Auditor's Office instead of being made through the Congress of the United States; and my sole object is to so change the law as that the money shall be directly appropriated in an appropriation bill. I desire that the committee, if this should be assented to, shall have the right to appropriate directly for this purpose in the legislative bill.

Mr. GARFIELD. I have no doubt the whole House would be ready to grant the gentleman's request; but I would not be willing to word the resolution in that broad way.

The SPEAKER. If the gentleman from New York [Mr. WHEELER] will modify his resolution so as to meet the precise case he has in view, he will be recognized at a later period of this day's proceedings.

Mr. WHEELER. I have modified the resolution so that it will refer to this particular appropriation only.

Mr. NEGLEY. I desire to make an appeal to the gentleman from New York to withhold the resolution until General BUTLER, who is president of the commission, shall be present.

Mr. WHEELER. This has nothing to do with General BUTLER, or with the organization of the asylum. It simply respects the appropriation of this money. It does not affect the organization at all. It is not intended to reflect upon the administration of the institution at all. It only goes to the mode of supporting this institution, which costs this Government now $100,000 for simply useless office machinery, whereas the aid given to it should be by a direct appropriation.

PAVILION HOSPITAL AT HYANNIS, MASSACHUSETTS.

Mr. BUFFINTON. I ask unanimous consent to submit the following resolution asking for information:

Resolved, That the Secretary of the Treasury be directed to report to the House his opinion as to the feasibility and expense of the erection of a pavilion hospital as Hyannis, Massachusetts.

Mr. CONGER. Let that resolution go to the Committee on Commerce.

Mr. BUFFINTON. It is merely a resolution asking for information.

Mr. CONGER. The committee has that subject under consideration now, and the resolution should be referred to it.

Mr. BUFFINTON. I hope the gentleman will not insist on having the resolution referred.

The resolution was adopted.

PROTECTION OF LIVES OF PASSENGERS.

The SPEAKER. Last week the House, in order to correct an error in enrollment, requested the Senate to return the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to security of life on board of vessels propelled in whole or in part by steam, and for other purposes. The Clerk advises the Chair that the correction in enrollment has been made, and an order of the House is required to send back the bill to the Senate. If there be no objection the bill will be sent back to the Senate correctly enrolled.

There was no objection, and it was so ordered.

REVISION OF REMARKS.

Mr. SPEER, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Rules, and ordered to be printed;

Resolved, That the Committee on the Rules be directed to inquire into the expediency of reporting a rule limiting the time during which any remarks delivered in the House may be withheld from the CONGRESSIONAL RECORD for revision.

JURISDICTION OF CRIMINAL COURT OF DISTRICT OF COLUMBIA.

Mr. PHELPS. In pursuance of notice given on Monday last, I ask unanimous consent to introduce for present consideration a bill to amend an act entitled "An act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes," approved June 22, 1874.

The bill was read, as follows:

Be it enacted, &c., That the second section of an act entitled "An act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes," approved June 22, 1874, be, and hereby is, so amended as to read:

SEC. 2. That the provisions of the thirty-third section of the judiciary act of 1789 shall apply in all cases, except in proceedings for libel, to courts created by act of Congress in the District of Columbia.

Mr. PHELPS. I ask unanimous consent for the consideration of this bill now.

Mr. HALE, of New York. I object.

Mr. PHELPS. Then I move that the rules be suspended, in order that this bill may be now considered.

Mr. McKEE. Voted upon or considered?

The SPEAKER. If the motion prevails, it leaves the bill open for debate.

Mr. HALE, of Maine. For how long?

Mr. PHELPS. If the motion should prevail, it was simply my intention to take three or possibly five minutes in which to state the simple scope of the bill, and then move the previous question, unless it appeared that there were other members of the House who wished to discuss the question. In that event I shall yield the balance of my time to members who wish to prosecute the discussion, and at the end of the hour shall take the floor to move the previous question, and that the bill be put upon its passage.

Mr. GARFIELD. I hope the House will not enter upon anything that will consume the entire day. There are some important motions to be made to suspend the rules needed for the appropriation bills to-morrow.

The SPEAKER. If this motion is not seconded, such motions will be in order.

Mr. HALE, of New York. I beg to say a single word, and it is this: that I made the objection to the consideration of this bill for the reason that I think all such legislation should go to an appropriate committee, and for that reason I hope the House will refuse to suspend the rules.

Mr. GARFIELD. I ask the gentleman from New Jersey to waive his motion, so as to allow me to make a motion for a suspension of the rules in regard to the appropriation bill that comes up to-morrow.

The SPEAKER. A great many gentlemen are pressing for a suspension of the rules, and the Chair took up this motion because there was a notification that it would be offered, which he could not disregard.

Mr. G. F. HOAR. Is this the bill which was proposed last Monday, and which applies solely to civil proceedings, and not to criminal proceedings?

Mr. PHELPS. It applies to criminal proceedings.

Mr. G. F. HOAR. That bill did not.

MILITARY ASYLUM.

Mr. WHEELER. I have now modified my resolution, and I ask its adoption in a form to which I think there will be no objection.

The resolution, as modified, was read, considered, and agreed to, as follows:

Resolved, That the rules be so suspended that when the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the next fiscal year shall be under consideration in Committee of the Whole on the state of the Union a proposition may be submitted for consideration by the committee for changing the mode of appropriation to the military asylum for disabled volunteers; and if such change shall be made, for appropriations in that bill in conformity therewith.

LIBEL CASES IN THE DISTRICT OF COLUMBIA.

The question recurred upon the motion of Mr. PHELPS to suspend the rules.

Mr. McKEE. Would it not be as parliamentary for the gentleman from New Jersey to move to take up this question to-morrow, and not to occupy Monday, when there are so many other motions to be made?

The SPEAKER. The House can do whatever it chooses by a suspension of the rules.

Mr. COX. I hope the gentleman from New Jersey will urge the immediate passage of this bill. It ought to be passed before we do anything else.

Mr. McKEE. I wish to offer a resolution concerning the troubles in Vicksburgh, where men are being slaughtered, and which is a matter quite as important as libel suits in the District of Columbia.

Mr. PHELPS. We might have passed the bill by this time.

Mr. COX. Every one knows what is in the bill.

Mr. HALE, of Maine. I hope the gentleman will move to suspend the rules and pass the bill.

Mr. PHELPS. I am quite willing.

Mr. POLAND. I protest against any proceeding of that sort. I think every gentleman in this House will say that a bill of this sort, under the circumstances attending it, ought not to be passed without opportunity being afforded to the Committee on the Judiciary and to myself, who reported the original bill, to make some explanation on the subject and state some views in reference to it. I would ask the gentleman from New Jersey that he have his bill referred to the Committee on the Judiciary. We are to be called within a very few days. There are only one or two committees before the Committee on the Judiciary on the call. A bill has already been introduced this morning for a modification of this law by the gentleman from New York, [Mr. TREMAIN,] and I have prepared another that I will submit to the committee, and I will agree to an early report on this subject, in some form, as soon as the committee is called; or, I have no objection to the committee being allowed to report at any time. But after all that has been said on this subject, and some slight allusion that has been made to me in relation to it, I think every gentleman on this floor will see that I ought to be entitled to say at least a few words in regard to it.

Mr. SPEER. I thought the gentleman had made his explanation before the country.

Mr. POLAND. I never had the opportunity.

Mr. COX. Is it in order for me to move to put the bill upon its passage?

The SPEAKER. A motion to suspend the rules is not amendable. The gentleman has a right to state the motion which he desires to offer; but the pending motion is that the rules be suspended and the bill brought before the House for consideration.

Mr. BECK. I rise to a parliamentary inquiry. Does not this motion throw the subject open to debate indefinitely?

The SPEAKER. The gentleman from New Jersey [Mr. PHELPS] indicates his purpose to call the previous question at furthest at the end of one hour, and he will be entitled to the floor; but if the House does not sustain that motion, of course the bill will remain before it until disposed of, during the entire session, and will be ahead of all other matters.

The question now is upon seconding the motion of the gentleman from New Jersey to suspend the rules that the bill offered by him may be brought before the House for consideration.

Mr. COX. And if that motion be voted down will I have an opportunity to move to suspend the rules and put the bill upon its passage?

The SPEAKER. The gentleman having addressed the Chair and stated his desire so to do, he will be entitled to the floor.

Mr. MAYNARD. And if the motion of the gentleman from New Jersey should be voted down, could I have the floor to move to refer the bill to the proper committee?

The SPEAKER. The gentleman from New York spoke first.

The question was taken on seconding Mr. PHELPS's motion to suspend the rules; and on a division there were—ayes 57, noes not counted.

So the motion was not seconded.

Mr. COX. I move to so suspend the rules as to pass the bill which I send to the Clerk's desk. It is the same bill as that just submitted by the gentleman from New Jersey, [Mr. PHELPS.]

Mr. POLAND. I hope that will not be done.

Mr. MAYNARD. If the motion of the gentleman from New York [Mr. COX] should be voted down, will it be in order for me to move to suspend the rules and refer this bill to the Committee on the Judiciary, or the Revision of the Laws?

The SPEAKER. It might be in order for the gentleman to introduce a bill and move such a reference, but this bill will not be before the House unless the motion to suspend the rules shall be adopted.

The question was taken on seconding the motion of Mr. COX; and upon a division there were—ayes 76, noes 87.

Before the result of this vote was announced,

Mr. HOLMAN called for tellers.

Tellers were ordered; and Mr. COX and Mr. MAYNARD were appointed.

The House again divided; and the tellers reported there were—ayes 68, noes 110.

So the motion to suspend the rules was not seconded.

Mr. MAYNARD. I now introduce the bill which has been submitted by the gentleman from New Jersey [Mr. PHELPS] and the gentleman from New York, [Mr. COX,] and which I hold in my hand, and move its reference to the Committee on the Judiciary.

Mr. CONGER. I ask the gentleman to amend his motion so as to give the committee leave to report upon the subject at any time.

Mr. POLAND. The committee will report promptly.

Mr. SPEER. The effect of the motion of the gentleman from Tennessee [Mr. MAYNARD] as submitted by him will be to kill the bill, if that is not his purpose.

Mr. MAYNARD. I will accept the suggestion, as it comes from both sides of the House, and move to suspend the rules and refer the bill to the Committee on the Judiciary, with leave to report at any time.

Mr. GARFIELD. I ask the gentleman to except the appropriation bills; that is, that the bill shall not interfere with the appropriation bills. I will keep out of his road as far as I can; but I do not want any committee to have the right to stop our work on the appropriation bills.

Mr. POLAND. That is right.

Mr. MAYNARD. I do not know that I will object to that.

The SPEAKER. A great many of these exceptions are made, as the gentleman from Ohio [Mr. GARFIELD] will observe, when they really have no significance. For example: if the Committee on the Judiciary should report back this bill at any time, and it should be under consideration, the majority of the House can go into Committee of the Whole on the appropriation bills.

Mr. MAYNARD. Then let the motion stand as I have modified it, to refer the bill to the Committee on the Judiciary, with leave to report at any time.

The SPEAKER. That will leave the majority of the House to control its own business.

The motion to suspend the rules was seconded. The rules were suspended; and the bill (H. R. No. 4030) referred to the Committee on the Judiciary, with leave to report at any time.

LEGISLATIVE APPROPRIATION BILL.

Mr. GARFIELD. I move that the rules be so suspended as to make in order certain clauses and provisions in the legislative appropriation bill as printed. I will say to the House that these clauses are all in the interest of economy, as gentlemen will see when they are read. I ask the Clerk to read them.

The Clerk read as follows:

For clerks to committees, $30,000; and hereafter clerks of committees of either branch of Congress (except those whose salaries are fixed by specific appropriations) shall be paid not more than five dollars per day, and during the session only. [Pages 4, 5.]

Mr. SPEER. The effect of that will be to reduce the pay of the democratic clerks of the next House from what is now paid to the republican clerks.

Mr. GARFIELD. It raises the pay of the House clerks and decreases the pay of the Senate clerks. The ungracious remark of the gentleman leads me to say that the provision does exactly the opposite from what he intimates.

The Clerk read the following:

Provided, That on and after the 1st day of July, 1875, the fees on money-orders shall be, for orders not exceeding fifteen dollars, ten cents; exceeding fifteen and not exceeding thirty dollars, fifteen cents; exceeding thirty and not exceeding forty dollars, twenty cents; exceeding forty and not exceeding fifty dollars, twenty-five cents; and no money-order shall be issued for a sum greater than fifty dollars. [Page 21.]

Mr. GARFIELD. This is restoring the old rate. It was reduced, and the reduction has brought the Money-Order Department into debt; that is, it does not pay expenses, and we propose to restore the old rate.

The Clerk read the following:

And so much of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August 6, 1846, and of all other acts and parts of acts authorizing the office of assistant treasurer of the United States at Charleston, South Carolina, is hereby repealed from and after the 30th day of June, 1875. [Pages 30, 31.]

And hereafter all public or official printing of laws, journals, and other official documents for the territorial governments, now done at the expense of the General Government, shall be done only at the Government Printing Office, Washington, District of Columbia. [Page 38.]

Provided, That hereafter no payment shall be made as salaries to clerks of class one, two, three, or four in said Department out of appropriations made for other purposes. [Page 64.]

Provided, That the provisions of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, approved June 16, 1874, which prohibit the allowance of mileage to persons holding employment or appointment under the United States, shall not be so construed as to apply to the legal traveling fees of United States marshals or deputy marshals. [Page 69.]

SEC. 3. That it shall be the duty of the heads of the several Executive Departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the 1st day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction. [Pages 74, 75.]

Mr. GARFIELD. With the permission of the House I will say that these several provisions, seven in number, are all in the direction of economy, as the House will see when we come to the discussion of the bill.

Mr. HOLMAN. Except the first, which I believe increases salaries.

Mr. GARFIELD. No; the Senate clerks now get from $7 to $7.50 a day, and are employed all the year round. Almost every committee of the Senate has a clerk, and almost every Senator. The House clerks are paid about $4.80 a day, except those that are on an annual salary. We wanted to find one rate that should apply to committee clerks in both branches; and as five dollars was the nearest sum to our figure, and as it would bring down the Senate clerks two dollars at least, and make a total considerable saving and at the same time equalize the salaries, we thought it fair to put it at that figure.

Mr. CONGER. I ask the gentleman to include in the clause relating to marshals' fees the district attorneys' fees.

Mr. GARFIELD. That will be in order as a germane amendment. The subject is made in order by this clause.

Mr. CONGER. If this would be in order as an amendment, very well; but I think it might properly be inserted now.

Mr. GARFIELD. I could not, of course, undertake to amend the bill here now.

Mr. CONGER. But the gentleman might amend his proposition.

Mr. GARFIELD. But the proposition is in print in the bill. I ask unanimous consent that these propositions be made in order. If there be objection I shall move to suspend the rules.

The SPEAKER. Is there objection to allowing these propositions to be considered in order when the bill shall be before the Committee of the Whole?

Mr. HOLMAN. I do not object, inasmuch as the proposition is simply to allow the matter to come before the Committee of the Whole.

The SPEAKER. That is the whole proposition.

There being no objection, the motion of Mr. GARFIELD was agreed to.

SAFE BURGLARY CONSPIRACY.

Mr. BECK. I ask unanimous consent to offer the resolution which I send to the desk. If objection be made, I shall move to suspend the rules.

The Clerk read as follows:

Resolved, That a select committee of five members of the House be appointed by the Speaker to inquire whether any officer or official of the Government of the United States or of the District of Columbia, or person or persons in the employ of the Government of the United States or of said District, or other person or persons, has or have used any means to obstruct the administration of the law in said District, and especially with reference to the recent trial and other proceedings in the so-called "safe burglary conspiracy;" that said committee shall have power to send for persons and papers, to administer oaths, to sit during the sessions of the House; shall report what, if any, action is necessary to be taken by the House in the premises aforesaid and in regard to said case, and shall have leave to report at any time.

Mr. BECK. It is proper I should say in advance that of course I do not desire to be chairman of this committee, if it should be appointed. I concede that the position would belong to the majority side of the House.

The SPEAKER. Is there objection to the adoption of the resolution?

Mr. BUTLER, of Massachusetts. I object.

Mr. BECK. Then I move to suspend the rules and adopt the resolution.

The question being taken on seconding the motion to suspend the rules, tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. BECK were appointed.

The House divided; and the tellers reported ayes 89, noes 67.

So the motion to suspend the rules was seconded.

The question then recurred on agreeing to the motion.

Mr. KELLOGG. Why not provide that this investigation shall be conducted by the District Committee, instead of a special committee?

Mr. BECK. Because a report ought to be had on this matter immediately; and it can be had.

Mr. KELLOGG. Why cannot the Committee on the District of Columbia make the investigation?

Mr. BECK. They cannot do it properly. There are too many men in this District involved in this matter. I call for the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 88, not voting 64; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Burchard, Burleigh, Caldwell, Cannon, Cason, Chittenden, John B. Clark, jr., Clymer, Comingo, Cook, Corwin, Cox, Crittenden, Crocker, Crossland, Crutchfield, DeWitt, Dobbins, Durham, Eames, Eldredge, Farwell, Finck, Fort, Giddings, Glover, Gunckel, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Gerry W. Hazelton, Hereford, Herndon, Holman, Howe, Hunton, Kasson, Kellogg, Lamar, Lamison, Lawrence, Lawson, Leach, Loughridge, Luttrell, Magee, Marshall, Martin, McCrary, James W. McDill, McLean, McNulta, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Niblack, O'Brien, Packard, Page, Hosea W. Parker, Pendleton, Perry, Pierce, Pike, Potter, Randall, Ray, Read, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Sener, Shanks, Sherwood, Lazarus D. Shoemaker, Sloss, Small, H. Boardman Smith, William A. Smith, Southard, Speer, Sprague, Stanard, Starkweather, Stone, Storm, Strawbridge, Swann, Charles R. Thomas, Tyner, Vance, Waddell, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—138.

NAYS—Messrs. Albright, Barber, Barrere, Begole, Bradley, Burrows, Benjamin F. Butler, Roderick R. Butler, Carpenter, Cessna, Clayton, Clements, Stephen A. Cobb, Conger, Danford, Darrall, Donnan, Duell, Dunnell, Field, Frye, Gooch, Hagans, Robert S. Hale, John B. Hawley, Hays, John W. Hazelton, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hyde, Kelley, Lewis, Lofland, Lowe, Lowndes, Lynch, Maynard, MacDougall, McJunkin, McKee, Moore, Negley, O'Neill, Orr, Orth, Isaac C. Parker, Parsons, Pelham, Phelps, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Rapier, James W. Robinson, Rusk, Sawyer, Isaac W. Scudder, Sessions, Sheats, Sloan, Smart, A. Herr Smith, J. Ambler Smith, Snyder, St. John, Stowell, Strait, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Wallace, Marcus L. Ward, White, Whiteley, Wilber, John M. S. Williams, and William Williams—88.

NOT VOTING—Messrs. Adams, Albert, Averill, Barnum, Barry, Bass, Biery, Buckner, Bundy, Cain, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Coburn, Cotton, Creamer, Crooke, Crounse, Curtis, Davis, Dawes, Eden, Foster, Freeman, Garfield, Gunter, Eugene Hale, Harmer, Hathorn, Havens, Hendee, Hersey, E. Rockwood Hoar, Hurlbut, Hynes, Kendall, Killinger, Knapp, Lamport, Lansing, Alexander S. McDill, Mitchell, Morey, Myers, Nesmith, Niles, Nunn, Packer, Purman, Ransier, Rice, William R. Roberts, Ross, Scofield, Henry J. Scudder, Sheldon, George L. Smith, John Q. Smith, Standiford, Stephens, Sypher, Waldron, Walls, and Wheeler—64.

So (two-thirds not voting in favor thereof) the motion to suspend the rules and adopt the resolution was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill (S. No. 1023) for the relief of certain settlers on the public lands, in which the concurrence of the House was requested.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the County of Sheboygan, in the State of Wisconsin.

The message also announced that the Senate had further insisted on its amendments disagreed to by the House to the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws and for other purposes, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. SHERMAN, Mr. FRELINGHUYSEN, and Mr. COOPER.

The message further announced that the Senate had agreed to the amendment of the House to the resolution of the Senate providing for printing additional copies of the Report of the Smithsonian Institution for 1873.

The message also announced that the Senate had passed a resolution (in which the concurrence of the House was requested) for the appointment of a joint committee, on the part of the two Houses, to take measures for the proper notice of the presence at the capital of His Majesty Kalakaua, King of the Hawaiian Islands; and had appointed as such committee, on the part of the Senate, Mr. CAMERON and Mr. MCCREERY.

TROUBLES IN MISSISSIPPI.

Mr. MCKEE. I ask unanimous consent to submit for adoption the following resolution.

The Clerk read as follows:

Resolved, That a committee of five be appointed by the Speaker to proceed to Vicksburgh, in the State of Mississippi, to investigate and report all the facts relative to the recent troubles in that State, and especially in Warren County; the committee to have power to send for persons and papers, to administer oaths, and leave to report at any time.

Mr. KASSON. Let me ask the gentleman from Mississippi whether there is not now a committee having charge of that general subject, and a committee appointed at this very session of Congress?

Mr. SPEER. The word "political" should be inserted in the resolution before the word "troubles."

Mr. KASSON. I want to suggest to the gentleman from Mississippi that the investigation should be done by the already-existing committee to which I have referred, or by a sub-committee of that committee, instead of multiplying committees of investigation in this way.

Mr. LAMAR. Mr. Speaker, as one of the Representatives of the State of Mississippi, I desire to say that I hope the House will adopt the resolution which the gentleman has just offered. I will take further occasion to say, sir, that the citizens of Vicksburgh, in Warren County, the county specified in that resolution, do not shrink from that investigation there proposed; that they court it, and are only anxious that all the facts connected with that transaction, as well as the causes which produced it, shall be fully exposed to the country.

Mr. MCKEE. It was under the inspiration of the eloquent words of my colleague in his Sumner oration—"My country, know one another and you will love one another"—that I offered the resolution. I know they will fall in love with my constituency, and therefore I have submitted the resolution.

Mr. NIBLACK. Is not this a local and not a national matter? I do not, however, make any objection to the adoption of the resolution.

Mr. LAMAR. I hope my friend from Indiana will not object to the resolution.

Mr. NIBLACK. I am not making objection to the adoption of the resolution, but merely suggesting this is a local and not a national matter.

Mr. MCKEE. My colleague and I agree that we want all the facts to go before the country. Perhaps it is a local matter, and perhaps it is a national one.

Mr. NIBLACK. I do not object to the adoption of the resolution.

Mr. ELDREDGE. Is the gentleman from Mississippi [Mr. MCKEE] who offered the resolution ready to answer how he voted on the proposition to investigate the affairs of South Carolina? Did he not then consider that was a subject beyond the jurisdiction of Congress?

Mr. MCKEE. There has not been any question about affairs in South Carolina since I have been in the House to-day.

Mr. BUTLER, of Massachusetts. I ask the gentleman from Mississippi to allow me a single word. I hope for one this matter will be investigated. A portion of the people of this country thinks that these murders are exaggerated. If they are, let us know it; but do not call the murder or killing of fifty men in the peace of the United States a local affair. That is not a local affair. It is an affair we ought to investigate and provide proper punishment for, whoever has done the wrong; I do not care who it is.

Mr. ELDREDGE. A murder in Mississippi is not any worse than a murder in Massachusetts, and not more local than a murder in Massachusetts. A murder in Pennsylvania is not less local than a murder in Mississippi or anywhere else they have recently occurred.

Mr. BUTLER, of Massachusetts. Wherever there is a murder of citizens of the United States I, for one, am for investigation.

Mr. RANDALL. And, also, investigation as to who prompted the troubles.

Mr. BUTLER, of Massachusetts. No matter who prompted the troubles, let the investigation go on. Is not this quite as much a national affair as the safe-burglary resolution which has just been voted on? Is not this as much of a national affair as that?

Mr. RANDALL. The difference between this and that side of the House is, that while we voted for the adoption of that resolution you voted against it, and against any investigation into the facts of the safe-burglary business.

Mr. BUTLER, of Massachusetts. I voted against a matter which is now before the courts.

Mr. CLEMENTS. I call for the regular order of business.

Mr. BECK. As the safe-burglary business has been referred to in this debate, I desire, Mr. Speaker, to say a word. I expect to vote for this resolution relative to Mississippi, as I have done for others of a like character. The wrongs done by officials in the District of Columbia in reference to this safe-burglary conspiracy are as well known to gentlemen who voted against the adoption of my resolution as they are to me or to any gentleman who voted for the adoption of it. They know that the investigation I proposed would reach high officials of this Government; and they know that it was for that reason Mr. Riddle was dismissed by Attorney-General Williams from the further prosecution of the case before the courts. These facts are well known, and therefore it is the other side of the House refuse to adopt my resolution, in order to hide these outrages from public knowledge.

Mr. BUTLER, of Massachusetts. The courts have the subject before them now.

Mr. BECK. The fact is just the reverse. The Government has abandoned the prosecution. It *was* before the courts, but the Attorney-General of the United States discharged Mr. Riddle, the special prosecuting attorney in the case, and stopped all further prosecution of the accused in the safe-burglary conspiracy, and for no other reason anybody can discover than to prevent the guilty parties from being discovered and exposed to punishment.

Mr. MOREY. Mr. Speaker, I am in favor of this investigation, but do not want unnecessarily to multiply the committees of the House. We have now a committee charged with the consideration of that portion of the President's message which refers to southern outrages; and I think that that committee, created for that purpose, can either itself or by some sub-committee of that committee, investigate this matter.

Mr. NEGLEY. And report to this Congress? It is not possible, Mr. Speaker.

Mr. MOREY. Therefore I offer what I send to the desk as a substitute for the resolution.

The SPEAKER. Does the gentleman from Mississippi [Mr. MCKEE] yield for that?

Mr. MCKEE. I yield to have the resolution read, reserving the right to object.

The Clerk read as follows:

Resolved, That the special committee on outrages in the Southern States be authorized to visit such points in the South, as a committee or by sub-committees, as they may deem proper, in pursuing the investigation of the subject with which they are charged, and said committee are hereby authorized to send for persons and papers and to summon witnesses.

Mr. MCKEE. I object to that, because the committee will have enough to do at Vicksburgh to be able to report in short order. Besides, we want this kept distinct and separate from other investigations.

Mr. SENER. I object to further debate.

The rules were suspended (two-thirds having voted in favor thereof) and Mr. MCKEE's resolution was adopted.

KING OF THE HAWAIIAN ISLANDS.

Mr. ORTH. I ask consent to take from the Speaker's table for present consideration the concurrent resolution received from the Senate in reference to the King of the Hawaiian Islands.

The Clerk read the concurrent resolution, as follows:

IN THE SENATE OF THE UNITED STATES, *December* 14, 1874.

Resolved by the Senate, (the House of Representatives concurring,) That a joint committee of two from the Senate and three from the House of Representatives be appointed by the Presiding Officers of the respective Houses to take measures for the proper notice of the presence in the capital of His Majesty Kalakaua, the King of the Hawaiian Islands.

Ordered, That Mr. CAMERON and Mr. MCCREERY be the committee on the part of the Senate.

There being no objection, the resolution was taken from the Speaker's table and concurred in.

Mr. MAYNARD moved to reconsider the vote by which the resolution was concurred in, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair names as the members of the committee just ordered Mr. ORTH of Indiana, Mr. E. ROCKWOOD HOAR of Massachusetts, and Mr. COX of New York.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3743) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, (formerly Charlestown,) in connection with the United States navy-yard; and

An act (H. R. No. 3822) making an appropriation to enable the Postmaster-General to carry into effect the law requiring the prepayment of postage on newspapers, approved June 25, 1874.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. PARSONS. I ask unanimous consent to make a very brief personal explanation.

There was no objection.

Mr. PARSONS. Mr. Speaker, my attention has been called to an editorial in the New York Tribune of Friday last, imputing to me a knowledge of the alleged improper disposition of a large sum of money by the Pacific Mail Steamship Company, to influence the action of Congress in granting the subsidy to that company. I desire to deny in the broadest manner this insinuation. I have no knowledge that any money or other consideration was paid to any member of Congress to procure the passage of that bill, and I was not a member of the Congress which passed it.

Mr. RANDALL. Will the gentleman allow me to ask him a question, whether he was paid any money in connection with that bill?

Mr. PARSONS. I was, as the attorney of the company.

THE ROLLIN WHITE PATENT.

Mr. KELLOGG. I rise to a question of privilege. I ask a single moment to make a statement in regard to the debate of Friday last. I was not in the House when a portion of the remarks of my friend from New York [Mr. HALE] were made; and I ask that the following paragraph be read by the Clerk.

The Clerk read as follows:

I say, and I make the assertion upon my own responsibility, that corrupt expenditures of money have been made by the parties opposing the passage of this bill to an extent that should have the thorough investigation of this House, and when the facts appear should be met with due and proper punishment.

Mr. KELLOGG. That is all I ask to have read. I did not hear this remark of the gentleman from New York, as I was called out for a moment, or I should have called the attention of the House to it at the time. I find from the report in the RECORD that my friend from New York said that in making this statement he did not refer to the *present* Congress. Now, that bill has been pending here in the last three Congresses; and I ask the gentleman now if he makes a charge that anybody has corruptly used money in Congress in opposing it, or if there has ever been corruption in opposing that bill in any one of those three Congresses?

Mr. HALE, of New York. I am happy to answer the gentleman from Connecticut by reiterating in its length and breadth every word I uttered in that debate; and I do not propose to be cross-examined by him on this floor as to anything outside of that.

Mr. KELLOGG. Then, with the consent of the House, I desire simply to say that the gentleman from New York, having made that charge, ought to prove his charges, or he will stand before the House and the country as having made a libelous charge, and one without any foundation in fact. He said distinctly when he made the charge that he did not mean the Remingtons of New York. The only other opponents were leading manufacturing corporations from my own State, whose officers and agents are men of high honor and integrity. I know of none from my district opposing it in this Congress, but men of the highest integrity in my State have opposed it in this and previous sessions of Congress. And I say here and now that I do not believe one penny has ever been used corruptly. And I call upon the gentleman from New York, and challenge him here and now, if he has such facts as he claims, to move for a committee of investigation. He may be the chairman of it for aught I care if he wishes, and I will unite in asking that he be made the chairman of it. And I will demand of him to make good before such committee what he has stated on his own responsibility, or stand before the House and the country as having made a libelous charge without the slightest foundation in fact.

Mr. HAWLEY, of Connecticut. Amen!

Mr. HALE, of New York. I trust the House will give me a minute to answer the one gentleman from Connecticut, who moves this, and the other gentleman who seconds with his pious ejaculation of "Amen." They are not to dictate to me the course I shall pursue as a member of this House. Every word I uttered on Friday I repeat, and I aver it on my own responsibility to be susceptible of proof. In my own good time and way I promise the gentlemen they shall have proof to their entire satisfaction.

Mr. HAWLEY, of Connecticut. You will not be allowed to forget it.

Mr. KELLOGG. I only referred to the matter because it was charged on the responsibility of a member of this House. We all know the gentleman from New York, and how very good tempered a gentleman he is. We know he does not lose his temper. But he once before made a similar charge on the floor of this House without the slightest foundation in fact, and he has done the same thing in the same temper now.

ORDER OF BUSINESS FOR MONDAY NEXT.

The SPEAKER. The gentleman from Pennsylvania [Mr. NEGLEY] obtained permission to bring before the House to-day for one hour a bill from the Committee on Commerce. He now asks that instead of bringing it up to-day, the privilege be accorded him for Monday next. If there be no objection, the order will be made.

Mr. COTTON. I wish to object to that order if it will interfere with the business of the Committee on the District of Columbia.

The SPEAKER. It cannot interfere with the business of that committee.

There being no objection, the order was made.

CHANGES IN TARIFF RATES.

Mr. WOOD. I ask unanimous consent to report from the Committee on Ways and Means the following resolution:

Resolved, That the Secretary of the Treasury be directed to inform this House whether any, and, if so, what changes have been made or ordered to be made in the rates or subjects of duties collected at any port of the United States because of any provision in the revision of the United States statutes as passed at the first session of the Forty-third Congress; and if such changes have been made, to report what they are in detail, with reference to the section of the revision or law under which each was made; and if any such change of duties has been made or ordered since that revision by new construction of the law, to communicate to this House a copy of the order or ruling under which the rate was so changed.

Mr. POLAND. Do I understand that this resolution is reported back from the Committee on Ways and Means?

Mr. WOOD. It is a substitute for the resolution referred to the committee, and is reported back unanimously.

Mr. POLAND. I have no objection to the resolution at all.

The resolution was agreed to.

UNITED STATES COURTS IN IOWA.

Mr. MCCRARY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, When the legislative, executive, and judicial appropriation bill shall be under consideration in Committee of the Whole it shall be in order to offer an amendment thereto providing for conferring upon the district court of the United States for Iowa circuit court powers.

SUBSIDIES, APPROPRIATIONS, ETC.

Mr. HOLMAN. I ask unanimous consent to offer the following resolution:

Resolved, That in the judgment of this House, in the present condition of the financial affairs of the Government no subsidies in money, bonds, public lands, or by

pledge of the public credit should be granted by Congress to associations or corporations engaged or proposing to engage in public or private enterprises, and that all appropriations from the public Treasury ought to be limited at this time to such amounts only as shall be imperatively required by the public service.

Mr. BUTLER, of Massachusetts. I object.

Mr. HOLMAN. I move that the rules be suspended and the resolution adopted.

Mr. CONGER. The gentleman from Indiana has made his resolution a very sweeping one. I approve of its general object, but I think he will see himself that it is open to objection.

Mr. HOLMAN. I think it is as limited as possible.

Upon seconding the motion to suspend the rules, tellers were ordered; and Mr. HOLMAN and Mr. HAGANS were appointed.

The House divided; and the tellers reported—ayes 83, noes 70.

So the motion was seconded.

The question recurred upon the motion to suspend the rules.

Mr. ARCHER. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER, of Massachusetts. I move that the House do now adjourn.

Mr. HOLMAN. What would be the effect of the adjournment upon the resolution?

The SPEAKER. The resolution would come up on Monday next, the first thing after the morning hour.

Mr. BUTLER, of Massachusetts. Let us have a little time to think of it.

Mr. HOLMAN. I hope the House will not adjourn.

The question was taken on the motion of Mr. BUTLER, of Massachusetts; and on a division there were—ayes 124, noes 40.

So the motion was agreed to; and the House (at three o'clock and twenty minutes p. m.) adjourned.

PETITIONS, ETC.

The following memorials. petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAND: The petition of citizens of Westphalia, Osage County, Missouri, for a post-route from Bonnot's Station to Westphalia, to the Committee on the Post-Office and Post-Roads.

By Mr. BRIGHT: The petition of Fanny Priscilla Murfree, of Rutherford County, Tennessee, for relief.

By Mr. BUTLER, of Massachusetts: The petition of Thomas J. Durant, for leave to present his claim for services as United States attorney for the district of Louisiana to the Court of Claims for adjustment, to the Committee on the Judiciary.

Also, the petition of Eugene Beebe, for repeal of the act of March, 1869, making the five-twenties payable in gold, to the Committee on Ways and Means.

By Mr. BUTLER, of Tennessee: Paper relating to the claims of M. M. Corbett and W. M. Piper, for pay for services as deputy provost marshals in East Tennessee, to the Committee on Military Affairs.

Also, the petition of Nancy Tipton, for a pension, to the Committee on Invalid Pensions.

By Mr. CANNON, of Utah: The petition of Newman Thomas, late lieutenant Thirteenth United States Infantry, for relief, to the Committee on Claims.

By Mr. CHIPMAN: The petition of Armstive Goodlow, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Michael Emmet Urell, for relief, to the Committee on Military Affairs.

Also, the petition of L. P. Wright, Dennis O'Neil & Co., for relief, to the Committee on the District of Columbia.

Also, the petition of citizens of the District of Columbia, for a free bridge at Georgetown, to the Committee on the District of Columbia.

By Mr. COBURN: The petition of Thomas F. Ryan, of Indiana, to be released from liability under the internal revenue laws on a bond for the transportation of tobacco, to the Committee on Ways and Means.

By Mr. CORWIN: The petition of Peter D. Posey, for relief, to the Committee on War Claims.

By Mr. COTTON: The petition of J. B. Crawford, for relief, to the Committee on Invalid Persons.

Also, the petition of citizens of Des Moines County, Iowa, for change of location of United States District court for Iowa, from Keokuk to Burlington, to the Committee on the Judiciary.

Also, the petition of citizens of Cedar County, Iowa, of similar character, to the same committee.

Also, the petition of attorneys of Cedar County, Iowa, of similar character, to the same committee.

By Mr. COX: Memorial of the trustees of the American Seaman's Friend Society, for the erection of a marine hospital at New York City, to the Committee on Commerce.

By Mr. CURTIS: The petition of the American Fusee Company, of Erie, Pennsylvania, for the remission of stamp duties on certain matches, to the Committee on Ways and Means.

By Mr. DEWITT. The petition of Bertha Mosher, widow of Allen Mosher, a soldier of the war of 1812, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. DOBBINS. The petition of Frank A. Page, of Vermont, for relief, to the Committee on Military Affairs.

By Mr. DONNAN. The petition of citizens of Winneshiek County, Iowa, for enlarged appropriations for the improvement of the Fox and Wisconsin Rivers, so as to complete the work within four years, to the Committee on Commerce.

By Mr. DURHAM. The petition of Martin Wooldridge, to be refunded taxes collected on distilled spirits, to the Committee on Ways and Means.

Also, the petition of the heirs at law of Captain James Barnett, deceased, for relief, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Samuel A. Wilborne, for a pension, to the Committee on Invalid Pensions.

By Mr. EAMES: The petition of Mary Colby, mother of Samuel Slocum, deceased, for a pension, to the Committee on Invalid Pensions.

By Mr. ELDREDGE: Memorial of citizens of Fond du Lac, Wisconsin, in relation to cheap transportation and the improvement of the Wisconsin and Fox Rivers, to the Committee on Commerce.

By Mr. GIDDINGS: Memorial of Richard Coke, governor of the State of Texas, relating to bonds denominated "Texan indemnity stock," issued by virtue of authority contained in the act of Congress of September 9, 1850, to the Committee on the Judiciary.

By Mr. HAILEY: Memorial of W. G. Langford, in the matter of the purchase of six hundred and forty acres of land for a Nes Perces Indian reservation, to the Committee on Indian Affairs.

By Mr. HALE, of New York: Papers relating to the claim of M. Nelson Dickinson, for relief, to the Committee on Claims.

By Mr. HARRIS, of Virginia: The petition of George Smith, of Culpeper, Virginia, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. HARRISON: The petition of Jacob Bloomstien, for relief, to the Committee on War Claims.

Also, the petition of Thomas Chadwell, administrator of estate of E. H. Childress, deceased, for relief, to the Committee on War Claims.

Also, the petition of J. W. Lawless, late of Fifth Kentucky Cavalry, for additional pay and allowances, to the Committee on Military Affairs.

Also, the petition of William L. S. Dearing, for increase of pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of citizens of Davidson County, Tennessee, for a post-route from Nashville to Cedar Grove, in Davidson County, to the Committee on the Post-Office and Post-Roads.

Also, the petition of depositors in the Freedman's Savings and Trust Company, for relief, to the Committee on Banking and Currency.

By Mr. HOOPER: The petition of Joseph B. Eaton, of Boston, for payment for supplies to the Army during the Mexican war, to the Committee on Military Affairs.

By Mr. LAMPORT: The petition of sundry surviving soldiers of the war of 1812, for an amendment of the pension laws, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. LAWRENCE: The petition of Margaret Lee, of Columbus, Ohio, for increase of pension, to the Committee on Invalid Pensions.

Also, the petition of Rhoda Blodgett, of Covington, Miami County, Ohio, for a pension, to the Committee on Invalid Pensions.

By Mr. LOUGHRIDGE: Petitions from attorneys of Iowa, for change of location of United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. LOWE: The petition of Benjamin P. McDonald, for payment for Army transportation, to the Committee on War Claims.

By Mr. McCRARY: The petition of attorneys of Burlington, Iowa, and of citizens of Des Moines County, for change of location of United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. McDILL, of Iowa: The petition of Charles Young, for relief, to the Committee on Military Affairs.

Also, papers relating to the claim of Nathan Johnson, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr McFADDEN: The petition of 1,000 citizens of Washington Territory, for aid to the Seattle and Walla Walla Railroad, to the Committee on the Territories.

By Mr. MERRIAM: The petition of Kezia Zoller, mother of Norman Zoller, for a pension, to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of E. W. Metcalf, builder and owner of the ship Delphine, destroyed by the cruiser Shenandoah, for indemnity, from moneys received by the Geneva award, to the Committee on the Judiciary.

By Mr. NIBLACK: The petition of Louis Frey, late captain Twenty-eighth Ohio Volunteers, for arrears of pay improperly paid to the wrong person, to the Committee on Military Affairs.

By Mr. PACKARD: Papers relating to the claim of Captain Charles D. C. Williams, to the Committee on Military Affairs.

By Mr. PIERCE: The petition of William Giles Dix, of Massachusetts, for a convention to frame a national constitution, to the Committee on Revision of the Laws of the United States.

By Mr. RANDALL: The petition of Henry L. Klok, for relief, to the Committee on War Claims.

By Mr. RUSK: The petition of William H. Waterbury, postmaster at Augusta, Eau Claire County, Wisconsin, for relief, to the Committee on the Post-Office and Post-Roads.

By Mr. SCHELL: The petition of Charles Pratt & Co., of New York City, for change of name of steam-propeller Charles R. Stone to Astral, to the Committee on Commerce.

By Mr. SCUDDER, of New York: The petition of soldiers of Flushing and College Point, New York, for an amendment of the homestead law, to the Committee on the Public Lands.

By Mr. SLOAN: Remonstrance of pilots and business men of Savannah, Georgia, against the passage of the bill (S. No. 675) abolishing compulsory pilotage, to the Committee on Commerce.

By Mr. SMART: The petition of Catharine Green McKown, for a pension, to the Committee on Invalid Pensions.

By Mr. THORNBURGH: The petition of A. P. Rambo, for relief, to the Committee on Military Affairs.

By Mr. TREMAIN: The petition of mutual insurance companies in New York, for repeal of the clause which excludes them from a share of the Geneva award, to the Committee on the Judiciary.

Also, the petition of C. F. Johnson, for relief, to the Committee on War Claims.

Also, papers relating to the claim of Alexander Anderson, for relief, to the Committee on Military Affairs.

By Mr. VANCE: Papers relating to the claim of John H. Plemmons, of Buncombe County, North Carolina, for supplies furnished United States troops in 1865, to the Committee on War Claims.

Also, papers relating to the claim of Jesse Williams, of Buncombe County, North Carolina, for supplies furnished to United States troops in 1865, to the Committee on War Claims.

By Mr. WALDRON: The petition of Charles H. Stone, to be reinstated as assistant engineer United States Navy and placed on the retired list, to the Committee on Naval Affairs.

By Mr. WILSON, of Indiana: Memorial of lamp-lighters of Washington and Georgetown, District of Columbia, in relation to the payment of their wages, to the Committee on the District of Columbia.

IN SENATE.

TUESDAY, *December* 15, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented the petition of Louis A. Godey, publisher of Godey's Lady's Book, praying that the unjust discrimination in the new newspaper postage law against periodicals, requiring them to pay one cent a pound higher than newspapers, be remedied; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DENNIS presented the petition of Joseph H. England, H. C. Bell, and others, praying for the abolition of the tax on matches; which was referred to the Committee on Finance.

Mr. WASHBURN presented the petition of William Giles Dix, a citizen of Peabody, Massachusetts, praying the adoption of a national constitution; which was referred to the Committee on the Revision of the Laws of the United States.

Mr. McCREERY. I present the memorial of Butler, Miller & Co., together with the affidavit of R. H. Gardner and H. B. Buckner, and the affidavit of J. A. McAlister. I move the reference of these papers to the Committee on Claims, to be used as additional evidence in the case of Anderson, White & Co.

The motion was agreed to.

Mr. HAMILTON, of Maryland, presented the petition of Albert Small and others, citizens of Washington County, Maryland, praying for the abolition of the tax on friction matches; which was referred to the Committee on Finance.

He also presented the petition of Luther R. Smbot, praying reimbursement of the sum of $11,084.60, now in the Treasury of the United States, and which he claims belongs to him, arising from the sale by the Government of two locomotive-engines; which was referred to the Committee on Claims.

Mr. STEVENSON presented the petition of Mrs. Rachel E. Turner, widow of James H. Turner, deceased, late adjutant of the Twenty-fourth Regiment Kentucky Volunteer Infantry, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. BOUTWELL presented the memorial of Frederick Fraley, president, and in behalf of the National Board of Trade, asking for the organization of an additional executive department, to be called the department of commerce; which was referred to the Committee on Commerce.

Mr. CHANDLER presented the petition of Elmira E. Cravath, widow of Isaac M. Cravath, late captain Twelfth Michigan Volunteer Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. GORDON presented the petition of the Medical Association of Georgia, praying for such legislation as will promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

Mr. CONKLING. I present the memorial of the trustees of the American Seaman's Friend Society, calling attention to the need of a merchant-marine hospital at the port of New York, and praying legislation in that direction. Although this memorial in one sense belongs perhaps to the Committee on Commerce, I suggest that it had better go to the Committee on Public Buildings and Grounds. I move its reference to that committee.

The motion was agreed to.

Mr. CONKLING. I present also the petition of N. A. Cowdry, of the city of New York, reciting the indebtedness of this District to him in a large sum of money, for which he is unable to obtain anything except a bond worth, as he says, less than 70 per cent., and which he is unable to sell or hypothecate even for that. Accompanying this petition is a bill which, although not in order at this moment, I speak of only to say that I have not examined it or felt called upon to examine it, but I comply with his request, not knowing whether I shall support the bill myself or not, to introduce it and ask its reference to the special committee having charge of the affairs of the District of Columbia. I move the reference of this petition to that committee and, if no objection be made, I ask leave to introduce the bill in order that it may go with the petition.

The VICE-PRESIDENT. The petition will be referred to the appropriate committee, and the bill will lie on the table until the introduction of bills shall be in order.

Mr. SHERMAN. My impression is that the special committee to which the Senator alludes has been discharged.

Mr. CONKLING. I know it was a special committee, but it has been recognized at this session, and now has charge of a bill pending.

Mr. SHERMAN. The select committee of the last session has been discharged, I think.

Mr. CONKLING. When bills are in order, I shall ask the reference of this bill.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PRATT, it was

Ordered, That the papers on the files of the Senate in the matter of the application of Eliza Rankin, mother of the late Oliver S. Rankin, be referred to the Committee on Pensions.

On motion of Mr. WINDOM, it was

Ordered, That the papers relating to the case of Sam Houston be taken from the files of the Senate and referred to the Committee on Military Affairs.

Mr. ROBERTSON. I ask that the following order be made:

Ordered, That the papers in the case of Patrick O'Donnell, a citizen of South Carolina, be taken from the files of the Senate and referred to the Committee on Claims.

Mr. EDMUNDS. Has there been an adverse report?

Mr. ROBERTSON. I think there has been.

Mr. EDMUNDS. Then I think the rule provides that they shall not be sent back to the committee unless there is additional evidence furnished. I do not know or care anything about this particular case; but it is a very wholesome rule to observe in respect to all claims.

Mr. ROBERTSON. The claimant has additional evidence.

Mr. EDMUNDS. He ought to file it before the papers are sent back.

The VICE-PRESIDENT. Does the Senator from Vermont object to the resolution?

Mr. EDMUNDS. I dislike to object; but I object for the time being. The application can be renewed when the additional evidence is ready to be furnished.

The VICE-PRESIDENT. The order will lie over.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 845) for the relief of Major Junius T. Turner, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 968) for the relief of all persons suffering from the ravages of grasshoppers, reported it without amendment.

BILLS INTRODUCED.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1024) in relation to the compensation of persons acting as commissioners under special acts of Congress; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1025) to consolidate the debt of the District of Columbia and to issue the bonds of the United States in exchange for the bonds of the District; which was read twice by its title.

Mr. CONKLING. In introducing that bill I wish to say that it was not draughted by me, nor have I examined it. I introduce it by request of the citizens of my State, by whom it is sent. I move that it be printed, and referred to the special joint committee having charge of the subject of devising a new government for the District.

The motion was agreed to.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1026) for the relief of the heirs or legal representatives of Abraham Livingston, deceased; which was read twice by its title, referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1027) relating to the rank of officers in the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1028) for the relief of W. W. Handlin, of Louisiana; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1029) for the relief of Albert C. Widdicombe; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1030) limiting the time in which applications for bounty lands shall be received and disposing of suspended cases after a certain date; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MITCHELL (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1031) to incorporate the Mutual Protection Fire Insurance Company of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1032) to provide for the appointment of special agents, superintendents of railway postal service, and other officers of the Post-Office Department; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1033) providing for a survey of Raiford's proposed inland route of water communication between the Mississippi River and the harbors of the Atlantic; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT. I ask leave to introduce a resolution proposing certain amendments to the Constitution of the United States; which I ask to have read.

There being no objection, leave was granted to introduce a joint resolution (S. R. No. 13) proposing certain amendments to the Constitution of the United States; which was read at length, as follows:

Resolved by the Senate and House of Representotives of the United States of America in Congress assembled, That the following amendments to the Constitution of the United States be proposed to the States for their ratification:

ARTICLE —.

SEC. 1. The President and Vice-President of the United States shall be elected by direct vote of the people and by ballot. They shall hold their office for the term of six years, and the President shall be ineligible to a re-election.

SEC. 2. Every male citizen of the United States of the age of twenty-one years and upward, residing in each State, District, and Territory thereof, who shall not have been convicted of felony, shall, after registration, be a competent voter at all elections for President and Vice-President of the United States.

SEC. 3. The election for President and Vice-President shall be held at the same time in each State, District, and Territory of the United States, and it shall require a majority of all the votes cast to elect to either office. If no person shall receive such majority, another election shall be held, at which the two persons who shall have received the highest vote for either office at the previous election shall alone be voted for; and all votes cast for any other person shall be null and void.

SEC. 4. The returns of all elections for President and Vice-President shall be sealed up and transmitted to the Chief Justice of the Supreme Court of the United States. That court shall open and canvass said returns; they shall hear and determine all questions arising thereon; they shall ascertain and declare the result of the election, and grant a certificate accordingly to the persons elected.

SEC. 5. The Congress shall have power to pass all laws necessary and proper to carry into effect the provisions of this article.

Mr. WRIGHT. The amendments proposed were not draughted by myself, but sent to me by a very intelligent citizen of the country, and I present them by request. I move that the resolution be referred to the Committee on Privileges and Elections.

Mr. EDMUNDS. And have it printed.

The joint resolution was read the second time by its title, referred to the Committee on Privileges and Elections, and ordered to be printed.

DISTRICT CRIMINAL JURISDICTION.

Mr. WRIGHT. I ask leave to introduce the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the extent and meaning of the act of June 22, 1874, entitled "An act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes," and particularly whether, under or by its provisions, persons charged with or indicted for libel or any crime in the said District of Columbia can be brought from a State or other place within Federal jurisdiction to said District to answer therefor, and to report thereon.

Mr. EDMUNDS. Mr. President, I do not know that I have any objection to that resolution, but I wish to state to the Senate that the Judiciary Committee did inquire into the extent and effect of that law when they reported it last spring and when it was passed. They thought they understood it then, and I presume they understand it now; but I do not propose to make any objection to the resolution. If there is any member of the Senate who, on looking at the statute of 1789 and this act, still supposes that it has any possible legal or other effect upon anybody who writes or speaks malicious slanders against anybody, then I must confess I have not the largest possible respect for the amount of study he has devoted to the subject. But if any Senator desires to have the Judiciary Committee report upon this subject again, I certainly shall not make any objection.

Mr. WRIGHT. If the specific question that may be involved in this resolution was considered, or at least if a report bearing upon it was made by the Judiciary Committee, I trust there will be no objection to the adoption of the resolution, that the inquiry may be made.

Mr. EDMUNDS. I do not make any objection.

Mr. CONKLING. I ask that the conclusion of that resolution be read again.

The Chief Clerk read as follows:

And particularly whether, under or by its provisions, persons charged with or indicted for libel or other crime in said District of Columbia can be brought from a State or other place within Federal jurisdiction to answer therefor, and report thereon.

Mr. CONKLING. I move to amend by inserting before the words "and report thereon" these words: "and also whether said act has any application to prosecutions or indictments for the crime of libel in any case."

The amendment was agreed to.

Mr. BAYARD. Do I understand this resolution to be directed to the Committee on the Judiciary that they shall inform the Senate what is the effect of the language of a certain bill not now a law?

Mr. WRIGHT. It is already an act, passed at the last session of Congress; and this resolution instructs the Committee on the Judiciary to inquire into the extent and meaning of that statute.

Mr. BAYARD. I should suppose the best interpretation of the words used in an act of Congress would be a judicial interpretation; that the courts, who are to administer the laws, would be the proper tribunals to give interpretation to them. Declaratory acts of the meaning of Congress are a very unusual form of legislation and not particularly valuable or authoritative. I do not know that there is any objection to having the opinion of the gentlemen composing the Judiciary Committee on this subject, but it seems to me that their opinion must have been given to Congress when they reported the bill in question and when it was passed at the last session, although, as I understand, there was no explanation of the measure nor debate upon it, and consequently it escaped notice at the time of its passage. I had confused it in my mind with an objectionable section of another bill which passed the Senate, and which contained provisions similar to those of the act now referred to, and which is still in the House of Representatives. However, I do not object to the reference of the question. I only desire to make the point upon its being, in my opinion, an unusual form and unprecedented to call for the opinion of a committee upon the meaning of the language of an act of Congress.

The VICE-PRESIDENT. The question is on the resolution as amended.

The resolution, as amended, was agreed to.

RULES AS TO INTRODUCING BILLS.

Mr. MORTON. I offer the following resolution:

Resolved, That the Committee on Rules be instructed to consider the propriety of so amending the rules as to dispense with the useless formality of asking leave to introduce a bill without giving previous notice, the actual repetition of which takes the time of the Senate and encumbers the Journal.

Mr. EDMUNDS. I move to amend that resolution by striking out the word "useless" before "formality," because that commits the Senate to the declaration that it is a useless formality. We know from the history of the country that, although generally this is a useless formality, it sometimes is quite the reverse. We have had one instance since I have had the honor to be in this Chamber, on a joint resolution proposed by the Senator from Kentucky, [Mr. MCCREERY,] respecting removing the bones of the soldiers from Arlington, where the Senate refused to grant leave to bring in the resolution at all. While I do not object to the inquiry, I suggest that we should not be asked to vote now that this is a "useless formality;" and the phraseology of the resolution requiring us to affirm that it is when we direct this inquiry, I move to strike out the word "useless" before "formality."

Mr. MORTON. I will say to the Senator from Vermont that I do not propose to dispense with the rule relative to the effect of an objection to the introduction of a bill, but simply to dispense with the constant repetition of "I ask leave to introduce a bill without having given previous notice." That is put upon the Journal one hundred times in the course of a day sometimes, costing a good deal of money in the course of a session, being of no possible use and taking the time of the Senate. The President of the Senate repeats the words sometimes fifty times in a morning. I would still leave the rule so that an objection may have the effect it has now.

Mr. EDMUNDS. It is very easy to accomplish that, as the Senator says; but the point to which I am now speaking is that, as I understand the resolution, it declares that this asking leave to bring in a bill without previous notice is in and of itself a "useless formality." My motion is simply to strike out the word "useless" before "formality."

Mr. MORTON. Very well; I have no objection to that.

The VICE-PRESIDENT. The resolution will be so modified.

The resolution, as modified, was agreed to.

DELINQUENT OFFICERS—IMPROVEMENT GRANTS.

Mr. DAVIS. I give notice that to-morrow morning, after the morning hour, I shall call up the resolution offered by myself about a week ago, in relation to delinquent officers and improvement grants.

GOVERNMENT OF THE DISTRICT.

The VICE-PRESIDENT. If there be no further morning business, the Senate will resume the consideration of the unfinished business;

being the bill (S. No. 963) for the better government of the District of Columbia. The bill is before the Senate as in Committee of the Whole, and the reading of it will be resumed at the point where it was stopped yesterday.

Mr. MORRILL, of Maine. There was a joint resolution reported from the Committee on Appropriations yesterday, which was laid over until to-day, at the suggestion of the Senator from Vermont. If there is no objection, I should like, subject to the pending order, to have the Senate proceed to the consideration of that resolution at the present time.

Mr. EDMUNDS. I hope that will not be taken up just now. I have not had time to look at it. I presume I shall have no objection to it, but I have not had time to look into it.

Mr. MORRILL, of Maine. Then let us go on with the regular order.

The VICE-PRESIDENT. The Secretary will resume the reading of Senate bill No. 963.

The Chief Clerk continued and concluded the reading of the bill.

DISTRICT BOARD OF AUDIT.

Mr. MORRILL, of Maine. Mr. President, I ask unanimous consent of the Senate that this bill may be laid aside informally, and I move that the Senate proceed to the consideration of House joint resolution No. 119, to continue the board of audit to examine and audit the unfunded or floating debt of the District of Columbia.

The PRESIDING OFFICER, (Mr. SCOTT in the chair.) The Senator from Maine asks that by unanimous consent the pending bill be laid aside informally, and that the Senate proceed to the consideration of the joint resolution indicated by him. The Chair hears no objection; the pending bill is laid aside, and the joint resolution reported by the Committee on Appropriations is before the Senate as in Committee of the Whole.

The resolution continues the board of audit constituted by section 6 of the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, until otherwise provided by law, with all the powers and duties specified in that section, and with compensation to the members of the board at a rate proportioned, according to time, to that granted in that act, and payable as therein provided. The time for presenting claims is extended for the period of thirty days from this date; and persons having sustained damages to real estate, but failed to present the same to the board of public works, may present them for audit and allowance within the time thus limited, as specified in the seventh class of claims mentioned in the sixth section of the act; but when the title to claims evidenced by certificates of the auditor of the board of public works is involved in suits now pending in any court of competent jurisdiction, such court shall not be ousted of jurisdiction in respect of such question of title; and after the board of audit shall have ascertained the amount, if any, due upon any such claim, the certificates of the board shall be issued and be convertible in favor only of the person finally adjudged in such suit to be entitled thereto, and when the party may by law have execution of such judgment or decree.

The board of audit is to proceed forthwith to examine and audit the accounts of the treasurer and auditor of the late board of public works according to the provisions of the act of June 20, 1874, as required by that act, and to specifically report whether the accounts of the treasurer were so kept from day to day as to show his payments of currency or bonds, to whom paid, and on what authority; whether or not the moneys and other assets which were received by him or were under his control have been properly accounted for by him; and what, if any, of such moneys or other assets have been paid out or disposed of by him without auditor's warrants or certificates therefor; what, if any, payments were made without evidence that the same were made for or on account of the public improvements in the District of Columbia made by the board of public works; what, if any, payments were made upon illegal or irregular warrants, accounts, or vouchers: and what, if any, amount remains in the hands of the treasurer; and to this end, and to enable the board of audit to complete the duties assigned thereto, it shall have all the powers and perform all the duties in the act set forth, and shall make report of its proceedings herein and pursuant to that act, together with all oral testimony hereafter taken by it, to Congress, at the present session thereof, not later than the 15th day of February, 1875.

Mr. MORRILL, of Maine. If the Senate desire to hear a statement of this resolution I will give it.

Mr. MORRILL, of Vermont, and others. It is not necessary.

Mr. MORRILL, of Maine. If nobody desires it, I suppose I need not make any statement.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS.

Mr. JOHNSTON. I ask for the following order:

Ordered, That Mrs. A. E. Dixon have leave to withdraw her memorial and accompanying papers from the files of the Senate.

Mr. BOUTWELL. Has there been an adverse report?

Mr. JOHNSTON. I do not think there has been any report at all. The object of withdrawing the papers is to refer them back to the committee.

The order was agreed to.

EXECUTIVE SESSION.

Several executive messages were received from the President of the United States, by Mr. BABCOCK, his Secretary.

Mr. MORRILL, of Vermont. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After twenty-five minutes spent in executive session the doors were reopened; and (at three o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 15, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

HOLIDAY RECESS.

Mr. DAWES. I am instructed by the Committee on Ways and Means to offer the following resolution, on which I demand the previous question:

Resolved, (*the Senate concurring*,) That when the two Houses adjourn on Wednesday, the 23d instant, they adjourn to meet again on Tuesday, the 5th day of January next, at twelve o'clock noon.

On seconding the previous question, there were—ayes 122, noes 45.

So the previous question was seconded.

The main question was then ordered.

The question was upon agreeing to the resolution.

Mr. HAZELTON, of Wisconsin. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 128, nays 122, not voting 40; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Berry, Bland, Blount, Bromberg, Brown, Burchard, Caldwell, Carpenter, Chittenden, Amos Clark, jr., Freeman Clarke, Clements, Clymer, Comingo, Cook, Cotton, Cox, Crittenden, Crocker, Crossland, Darrall, Davis, Dawes, DeWitt, Durham, Finck, Foster, Freeman, Frye, Garfield, Giddings, Gunter, Robert S. Hale, Hamilton, Hancock, John B. Hawley, John W. Hazelton, Hereford, Herndon, Holman, Howe, Hubbell, Hurlbut, Kasson, Kelley, Kellogg, Killinger, Lamar, Lamison, Lansing, Leach, Lewis, Lowndes, Magee, Marshall, McCrary, McJunkin, McKee, McLean, Merriam, Milliken, Mills, Morey, Morrison, Neal, Nesmith, Niblack, O'Brien, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Pierce, Thomas C. Platt, Poland, Potter, Purman, Randall, Read, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Lazarus D. Shoemaker, Sloan, Sloss, H. Boardman Smith, William A. Smith, Southard, Speer, Stanard, Stephens, Stone, Storm, Swann, Taylor, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, John M. S. Williams, William Williams, Willie, Wood, John D. Young, and Pierce M. B. Young—128.

NAYS—Messrs. Albright, Barber, Barrere, Bass, Begole, Bell, Bowen, Bradley, Bright, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cannon, Cason, Cessna, John B. Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Corwin, Crutchfield, Curtis, Danford, Dobbins, Donnan, Duell, Dunnell, Eames, Eldredge, Farwell, Field, Fort, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Hunter, Hunton, Hyde, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Luttrell, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, Monroe, Moore, Myers, Negley, Orr, Orth, Page, Isaac C. Parker, Phelps, Pike, James H. Platt, jr., Pratt, Rainey, Ray, James W. Robinson, Rusk, Scofield, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Small, Smart, A. Herr Smith, J. Ambler Smith, John Q. Smith, Snyder, Starkweather, St. John, Stowell, Strait, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Marcus L. Ward, Wheeler, White, Whiteley, George Willard, Charles G. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, and Woodworth—122.

NOT VOTING—Messrs. Albert, Averill, Barnum, Barry, Biery, Buckner, Roderick R. Butler, Cain, Conger, Creamer, Crooke, Crounse, Eden, Glover, John T. Harris, Hersey, Hynes, Kendall, Knapp, McNulta, Mitchell, Niles, Nunn, O'Neill, Pelham, Phillips, Ransier, Rapier, Rice, William R. Roberts, Ross, Isaac W. Scudder, George L. Smith, Sprague, Standiford, Strawbridge, Sypher, Charles R. Thomas, Walls, and Ephraim K. Wilson—40.

So the resolution was adopted.

During the call of the roll,

Mr. BARRERE said: My colleague, Mr. MCNULTA, is absent to attend the funeral of his mother.

Mr. ARCHER. My colleague, Mr. ALBERT, has been detained from the House from the beginning of the session by severe illness.

Mr. GARFIELD. I have voted in the negative. I desire to change my vote to the affirmative, in order to move a reconsideration.

After the result of the vote was announced,

Mr. GARFIELD moved to reconsider the vote whereby the resolution was adopted.

Mr. RANDALL. I move to lay that motion upon the table.

Mr. GARFIELD. I desire to say a word.

Mr. RANDALL. I object to debate.

Mr. GARFIELD. I have not yielded the floor, and I believe the motion to reconsider is debatable.

The SPEAKER. It is debatable within very narrow limits.

Mr. GARFIELD. I propose to debate it within those narrow limits.

Mr. DAWES. Is it debatable, the previous question having been ordered?

The SPEAKER. It would not be debatable under the previous question.

Mr. GARFIELD. I only want to say that the Committee on Appropriations have not had a word to say on this subject, nor had an opportunity for one. I hope this vote will be reconsidered, so that we can have a word.

The question was upon laying on the table the motion to reconsider.

Mr. GARFIELD. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 128, not voting 42; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Beck, Berry, Bland, Blount, Bowen, Bromberg, Brown, Burchard, Caldwell, Carpenter, Chittenden, John B. Clark, jr., Freeman Clarke, Clements, Clymer, Comingo, Cook, Cotton, Cox, Crittenden, Crossland, Davis, Dawes, DeWitt, Durham, Eldredge, Finck, Foster, Giddings, Glover, Gunter, Hamilton, Hancock, John B. Hawley, John W. Hazelton, Hereford, Herndon, Holman, Howe, Hubbell, Hunton, Hurlbut, Kelley, Killinger, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Magee, Marshall, McCrary, McJunkin, McKee, McLean, Merriam, Milliken, Mills, Morrison, Myers, Neal, Nesmith, Niblack, O'Brien, Orth, Packer, Hosea W. Parker, Pendleton, Perry, Thomas C. Platt, Poland, Potter, Purman, Randall, Read, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, William A. Smith, Southard, Speer, Stanard, Stephens, Stone, Storm, Strait, Strawbridge, Swann, Taylor, Vance, Waddell, Waldron, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, William Williams, Willie, Wood, John D. Young, and Pierce M. B. Young—120.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Bass, Begole, Bell, Bradley, Bright, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crocker, Curtis, Danford, Donnan, Duell, Dunnell, Eames, Field, Fort, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hunter, Hyde, Kellogg, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orr, Packard, Page, Isaac C. Parker, Parsons, Phelps, Pierce, Pike, James H. Platt, jr., Pratt, Rainey, Ray, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Sener, Sessions, Shanks, Sheats, Sherwood, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Marcus L. Ward, White, Whiteley, George Willard, Charles G. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, and Woodworth—128.

NOT VOTING—Messrs. Albert, Banning, Barnum, Barry, Biery, Buckner, Benjamin F. Butler, Cain, Creamer, Crooke, Crounse, Crutchfield, Darrall, Dobbins, Eden, Farwell, John T. Harris, Hathorn, Hersey, Hooper, Hynes, Kasson, Kendall, Knapp, McNulta, Mitchell, Nunn, Pelham, Phillips, Ransier, Rapier, Rice, William R. Roberts, Isaac W. Scudder, George L. Smith, Standiford, Sypher, Charles R. Thomas, Walls, Wheeler, John M. S. Williams, and Ephraim K. Wilson—42

So the motion to reconsider was not laid on the table.

Mr. DAWES. On consultation with the Committee on Appropriations and others, I move to postpone the further consideration of this question till next Monday immediately after the morning hour.

Several MEMBERS. That is right.

The SPEAKER. If there be no objection, the motion to reconsider will be regarded as agreed to *pro forma;* and the question recurring on agreeing to the resolution, the gentleman from Massachusetts [Mr. DAWES] moves that its further consideration be postponed until next Monday after the morning hour.

The motion was agreed to.

CIVIL RIGHTS.

Mr. WHITE, by unanimous consent, introduced a bill (H. R. No. 4031) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights and to furnish the means for their vindication;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGES ACROSS THE OHIO RIVER.

The SPEAKER laid before the House a communication from the Secretary of War, in relation to House bill No. 2521, authorizing the construction of bridges across the Ohio River, and to prescribe the dimensions of the same; which was referred to the Committee on Commerce, and ordered to be printed.

WAR DEPARTMENT PROPERTY IN PITTSBURGH.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the property belonging to the War Department, no longer needed for military purposes, in the city of Pittsburgh, Pennsylvania; which was referred to the Committee on Military Affairs, and ordered to be printed.

MOUTH OF THE MISSISSIPPI.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the examination of the mouth of the Mississippi River; which was referred to the Committee on Railways and Canals, and ordered to be printed.

FORT GRATIOT MILITARY RESERVATION.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting a draught of a bill granting right of way through the Fort Gratiot military reservation to the city of Port Huron, Michigan, for a public sewer; which was referred to the Committee on Military Affairs, and ordered to be printed.

COMPANY F, THIRD CAVALRY.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the quantity of clothing lost by the enlisted men of Company F, Third Cavalry, during a flood in the Blackwood Valley, May 31, 1873; which was referred to the Committee on Military Affairs, and ordered to be printed.

BALTIMORE BRIDGE COMPANY.

The SPEAKER also laid before the House a communication from the Secretery of War, transmitting copies of reports of Colonel Macomb and Captain Benyaurd relative to the Baltimore Bridge Company; which was referred to the Committee on War Claims, and ordered to be printed.

TORPEDO TRIALS.

The SPEAKER also laid before the House a communication from the Secretary of War, calling attention to the omission in the Army appropriation bill of the item of $10,000 for torpedo trials; which was referred to the Committee on Appropriations, and ordered to be printed.

GAS INSPECTORS OF THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, relative to the salaries of gas inspector and assistant gas inspector of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

SURVEY OF INDIAN RESERVATIONS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting an estimate of funds required for the survey of Indian reservations during the fiscal year ending June 30, 1876; which was referred to the Committee on Appropriations, and ordered to be printed.

DEMPSEY & O'TOOLE.

The SPEAKER also laid before the House a communication from the Secretary of War, recommending an appropriation to pay to the firm of Dempsey & O'Toole $588.66; which was referred to the Committee on Appropriations, and ordered to be printed.

JUDGMENTS OF THE COURT OF CLAIMS.

The SPEAKER also laid before the House a communication from the clerk of the Court of Claims, transmitting, in compliance with the act of June 25, 1868, a statement of all judgments rendered by said court for the year ending December 7, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY WAGON-ROAD.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the bill (H. R. No. 2854) for the location and construction of a military wagon-road from Green River City, Wyoming Territory, to the Yellowstone National Park, and to Fort Ellis, Montana Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF COMMISSIONERS OF CLAIMS.

The SPEAKER also laid before the House a letter from the commissioners of claims, transmitting their fourth general report; which was referred to the Committee on War Claims, and ordered to be printed.

FREEDMAN'S SAVING AND TRUST COMPANY.

The SPEAKER also laid before the House a letter from the commissioners of the Freedman's Saving and Trust Company, transmitting, in compliance with the resolution of December 11, 1874, their report.

Mr. MAYNARD. I move that be referred to the Committee on Banking and Currency, and that, together with the report of the Comptroller of the Currency on the same subject, with the documents which accompanied it, it be printed, all in the same document.

The motion was agreed to.

SUFFERERS BY OVERFLOW OF THE LOWER MISSISSIPPI.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the amount of clothing distributed to sufferers by the overflow of the Lower Mississippi River; which was referred to the Committee on Military Affairs.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, certain private land claims and reports of land grants from the surveyor-general of New Mexico; which was referred to the Committee on Private Land Claims.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with act of May 29, 1872, claims for Indian depredations in the following cases:

Henry Pichika, Charles E. Guern, W. W. Rockhill, Chas. M. Dupont, E. M. Sewall & Co., John Richards, F. Vigil and others, A. Sandoval, Joe M. Allen, Jas. T. Preston, Bernard Valencia, L. A. Allen, Daniel Tucker, John B. Calomb, N. Moran, James C. Loving, Nils Peterson, J. D. Gonzales, Elmore Evans, Chas. E. Guern, Thos. E. Owen, Wm. F. Pace, Nelson Dedrick, Elizabeth Harper, Joseph Rice, Thos. James, W. J. Welborn, Frank Aldrick, R. H. Stapleton, John Richards, jr., J. C. Loving, J. Moore and A. Gonzales, F. Rael,

Antoine Leaban, Jas. McCormick, M. Chaves and L. Labadi, M. Chaves and L. Labaidi, J. S. Chisom, H. E. McKee & Co., Birney Dunn, Chas. A. Henry, J. Kinkhead and S. Silva, Francisco Rael, James M. Harris, Cyrus Case, Coad & Brothers, Anselmo Chaves, John Rickly for heirs of Caroline Rickly, Robert M. Gilbert, Drusilla H. Swanger, Henriques Trugillo, Wm. Leonard, Mary A. Hall and in connection therewith claim of Hall & Gregory, E. Montoya, George Anderson, Joseph Pley, Robt. H. Stapleton, L. J. F. Jaeger, José Podillo y Marino, C. C. Shore, John Felix Chaves, Morris Lockwood, A. N. Wood, Hugh Anderson, Ludwig Kramer, John Davidson, Raymond Barke, Francisco Luna, Julia Lucero, Eli M. Sewell, P. J. Lonegan, John Jones, Narcisse Morian, Nicholas Sherron, José Antonio Gallegos, Martha Mosley, Isadore Bruya, Samuel B. Starr, Lorenzo Luna and José M. Padilla, J. B. Gayton, Louis M. and Romania Baca, John Kipp, Sibero Garcia, Frederick Nobman, John Richard, sr., Nicholas Dowling, Ramon Luna, C. P. Higgins, Josi Dolores Gonzales, Samuel W. Brown, John N. Copeland, Manuel Romero, Juan Montolla, Manuel Orlano, C. C. Cady, George Owens, Jonathan H. Rogers, H. H. Mills, Joseph Hunt, Juan Abieta, Nazano Gallegos, Thomas V. Keams, Juan Bautista, Antonio José Chaves.

The papers were referred to the Committee on Indian Affairs.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 781) for the relief of James L. Pugh; and

Joint resolution (S. R. No. 11) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

REORGANIZATION OF CLERICAL FORCE IN GENERAL LAND OFFICE.

Mr. TOWNSEND, by unanimous consent, from the Committee on the Public Lands, submitted a letter from the Commissioner of the General Land Office, with accompanying documents, concerning the bill (H. R. No. 1060) to reorganize the clerical force in the General Land Office; which were ordered to be printed and recommitted.

EPISCOPAL THEOLOGICAL SEMINARY OF VIRGINIA.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4032) for the relief of the trustees of the Episcopal Theological Seminary of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES W. TANSILL.

Mr. HUNTON also, by unanimous consent, introduced a joint resolution (H. R. No. 127) authorizing the Secretary of the Interior to adjust the accounts of James W. Tansill, late commissioner and quartermaster under the commission to run the boundary between the United States and Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EAST PASCAGOULA, MISSISSIPPI.

Mr. LYNCH, by unanimous consent, introduced a joint resolution (H. R. No. 128) authorizing the entering and clearing of vessels at East Pascagoula, in the State of Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. LYNCH. I ask unanimous consent that that committee have leave to report at any time.

Mr. WILLARD, of Vermont. I object.

C. F. JOHNSON.

Mr. TREMAIN, by unanimous consent, introduced a bill (H. R. No. 4033) for the relief of C. F. Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INDIAN RESERVATION.

Mr. PHILLIPS, by unanimous consent, introduced a bill (H. R. No. 4034) to authorize the Secretary of the Interior to settle and pay certain accounts, between the United States and the various States, arising from the appropriation of certain public lands in such States to permanent Indian reservations, and from the sale of certain portions of public lands in such States for the use of certain Indian tribes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SETTLERS ON ABSENTEE SHAWNEE LANDS.

On motion of Mr. COBB, of Kansas, by unanimous consent, a bill (S. No. 650) explanatory of a resolution entitled "A resolution for the relief of the settlers on absentee Shawnee lands in Kansas," was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Public Lands.

TWENTY-CENT SILVER PIECE.

On motion of Mr. HOOPER, by unanimous consent, a bill (S. No. 648) to authorize the coinage of a twenty-cent piece of silver at the mints of the United States was taken from the Speaker's table, read a first and second time, and referred to the Committee on Coinage, Weights, and Measures.

ROBERT COLES.

On motion of Mr. KASSON, by unanimous consent, a bill (S. No. 214) for the relief of Robert Coles was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Public Lands.

THEODORE D. WAGNER.

Mr. RAINEY. I ask unanimous consent to introduce for consideration at this time a bill to remove the political disabilities of Theodore D. Wagner, of Charleston, South Carolina.

The SPEAKER. Is there a petition?

Mr. RAINEY. No, sir.

The SPEAKER. It has not been the habit during the last two sessions to entertain any bills for relieving political disabilities unless they are accompanied by petitions from the persons asking relief.

Mr. RAINEY. I have assumed myself the responsibility of introducing this bill. This gentleman told me that his disabilities had not been removed, and I have taken the responsibility of asking the passage by the House of a bill to remove them. He says the political disabilities of other men who had been in the service of the southern confederacy had been removed, and he did not see why his should not be removed also.

The SPEAKER. As the Chair has already stated, it has been the custom during the last two sessions, which has almost grown into a rule, not to pass any bill removing political disabilities unless it is accompanied by a petition.

Mr. CONGER. I object to the present consideration of the bill.

WILLIAM MILLS.

Mr. WHITELEY, by unanimous consent, introduced a bill (H. R. No. 4035) for the relief of William Mills; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EZRA B. BARNETT.

Mr. PACKER, by unanimous consent, reported back from the Committee on the Post-Office and Post-Roads the bill (H. R. No. 3871) for the relief of Ezra B. Barnett, postmaster at Norwich, in the State of New York; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The latter motion was agreed to.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

Mr. HALE, of Maine, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed five thousand additional copies of the Report of the Commissioner of Fish and Fisheries for the years 1872 and 1873; one thousand copies to be for the use of the Senate, three thousand for the use of the House, and one thousand for the use of the Commissioner.

MAJOR J. W. NICHOLS.

On motion of Mr. BANNING, by unanimous consent, the bill (S. No. 769) for the relief of Major J. W. Nichols, paymaster United States Army, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

RECONSIDERATION OF REFERENCES.

Mr. SPEER. I move to reconsider the several votes by which bills, &c., have been referred to-day; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD FROM LAKE ERIE TO MISSOURI RIVER.

Mr. McCRARY, by unanimous consent, introduced a bill (H. R. No. 4036) chartering the Forty-first Parallel Railroad Company of the United States of America, from Lake Erie to the Missouri River, and to limit the rate of freights thereon; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

He also, by unanimous consent, presented the memorial of the Toledo and Grand Rapids Railway Company, and others, on the subject of the construction of a narrow-gauge railroad from Lake Erie to the Missouri River; which was referred to the Committee on Railways and Canals, and ordered to be printed.

PROSECUTION OF LIBELS IN THE DISTRICT.

Mr. POLAND, by unanimous consent, introduced a bill (H. R. No. 4037) regulating the prosecution of libels in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DEPARTMENTAL STAMPS FURNISHED POST-OFFICE DEPARTMENT.

Mr. RANDALL, by unanimous consent, submitted the following resolution:

Resolved, That the Postmaster-General be directed to inform the House of Representatives under what contract, if any, the departmental stamps are furnished to the Post-Office Department, at what rate they are supplied, and generally all information in reference thereto not actually inconsistent with the public interest.

Mr. KELLOGG. Does this resolution come from a committee?

The SPEAKER. It is offered by the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I am submitting it in my own right, from my own place.

Mr. KELLOGG. I insist on its being referred to the Committee on the Post-Office and Post-Roads.

Mr. RANDALL. If the gentleman had listened to me for one

moment he would have known that I only offer it for the purpose of reference.

The resolution was referred to the Committee on the Post-Office and Post-Roads.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I now move that the House resolve itself into Committee of the Whole on the state of the Union, and proceed to the consideration of the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes. And, pending that motion, I move that all general debate on the legislative appropriation bill be limited to five minutes.

Mr. BECK. I understand the committee was not very full when the bill was prepared, and I would be glad to have the gentleman from Ohio state his views on it with some degree of fullness.

Mr. GARFIELD. I make the motion wholly in the interest of saving time. I will answer any questions which gentlemen may desire to address to me in the five minutes, or as we proceed with the consideration of the bill. I can state in five minutes all that I wish to say before we proceed to the consideration of the bill by paragraphs. I prefer, if it be agreeable to the House, that what general remarks I may have to make shall be made on the whole bill at the close, rather than at the beginning of its consideration. Therefore, in order to facilitate business, I hope we will go right on with the bill, paragraph by paragraph; and I shall, of course, be ready to give what explanations may be called for as the paragraphs come up.

Mr. RANDALL. Has the first reading of the bill been dispensed with?

The SPEAKER. That, of course, must be done by the Committee of the Whole.

The question was taken on Mr. GARFIELD'S motion to close debate, and it was agreed to.

Mr. GARFIELD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred upon the motion of Mr. GARFIELD that the House resolve itself into Committee of the Whole on the state of the Union upon the legislative, &c., appropriation bill, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. ELLIS H. ROBERTS in the chair,) and proceeded to the consideration of the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

The CHAIRMAN. By a vote of the House general debate upon this bill is limited to five minutes.

Mr. GARFIELD. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] is entitled to the floor for five minutes.

Mr. SPEER. Had not the bill better be read?

The CHAIRMAN. The first reading of the bill has been dispensed with by unanimous consent.

Mr. SPEER. I was sitting here all the time, and I did not hear any such suggestion made.

The CHAIRMAN. The Chair is not responsible if the gentleman did not give attention to what was going on.

Mr. SPEER. It is very difficult to understand what is going on in the confusion which prevails here.

Mr. GARFIELD. I will only say a word, in order that the committee may be informed what are the changes which have been made in this bill from the ordinary course of legislation; and I will say that they were all pointed out by me yesterday on the motion I then made to suspend the rules on seven clauses, scattered through the bill in different parts, which involved legislation making changes which we believed in the interest of economy. There is in connection with this bill legislative report No. 1—a small document of twenty-eight pages, which gentlemen can get by sending to the document-room. That document shows the amount of decrease in the present bill as compared with the corresponding bill of last year. It shows a decrease of about $1,000,000.

I have held the floor long enough to enable gentlemen to get their bills, and I now ask that the Clerk read the bill by paragraphs for amendment.

The Clerk proceeded to read the bill, and read as follows:

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, namely: Secretary of the Senate, $4,320; officer charged with disbursements of the Senate, $576; chief clerk, $3,000, and the additional sum of $1,000 while the said office is held by the present incumbent, and no longer; principal clerk, principal executive clerk, minute and journal clerk, and financial clerk in the office of the Secretary of the Senate, at $2,592 each; librarian and seven clerks in the office of the Secretary of the Senate, at $2,220 each; five clerks, at $2,100 each; keeper of the stationery, $2,102.40; one messenger, $1,296; assistant keeper of the stationery, $1,800; Sergeant-at-Arms and Doorkeeper, $4,320: *Provided*, That hereafter he shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith, otherwise than as aforesaid; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; postmaster to the Senate, $2,100; assistant postmaster and mail-carrier, $1,728; two mail-carriers, at $1,200 each; superintendent of the document-room, $2,160; two assistants in document-room, at $1,440 each; superintendent of the folding-room, $2,160; three messengers, acting as assistant doorkeepers, at $1,800 each; twenty messengers to be appointed and removed by the Sergeant-at-Arms, with the approval of the Committee to Audit and Control the Contingent Expenses of the Senate, at $1,440 each; secretary to the Vice-President, $2,102.40; clerk to the Committee on Finance, $2,220; clerk to the Committee on Claims, $2,220; clerk of printing records, $2,220; clerk to the Committee on Appropriations, $2,220; clerk to the Committee on Commerce, $2,220; one laborer in charge of private passage, $804; one special policeman, $1,296; Chaplain to the Senate, $900; chief engineer, $2,160; three assistant engineers, at $1,440 each; assistant engineer in charge of the Senate elevator, $1,440; two firemen, at $1,095 each; three laborers, at $730 each; and one female attendant in charge of ladies' retiring-room, $720; telegraph operator, $1,200; making, in all, $140,336.80.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer an amendment, in lines 71 and 72, to strike out the words "one thousand two hundred," and insert the words "at the rate of one hundred dollars per month, seven hundred."

This is in accordance with the law fixing the salaries of these operators. I ought to say, however, that the House last year, in the sundry civil bill, made an appropriation, which was put in as an amendment, giving them $100 per month during the vacation. It was a question with the Committee on Appropriations whether we ought to put them at the rate of $1,200 a year, in obedience to the suggestion of that appropriation, or to put the salary at the rate of $100 per month while employed, in accordance with the original law creating the office. I offer the amendment, and the action of the committee will determine the question. I do not care about it.

The amendment was agreed to.

The Clerk read as follows:

For stationery and newspapers, (including $5,000 for stationery for committees and officers of the Senate and $100 for postage-stamps for the Secretary of the Senate,) $14,250.

Mr. HEREFORD. I would like to ask the chairman of the Committee on Appropriations whether any report has been made to the committee as to the stationery and newspapers provided for by this $14,250? Has any report been made as to what has been done with this sum of money?

Mr. GARFIELD. The House has never had anything to do with the expenditures of the contingent fund of the Senate. Whether the Senate publish reports of that expenditure or not I do not know. A report of the contingent expenditures of this House is generally published, but last year by some oversight it was neglected. This year the report was brought in a few days ago, and was referred to the committee, and I suppose it will be in print in a short time.

Mr. HEREFORD. Well, if that report is not in print, so that we may know what disposition is made of these thousands of dollars, it seems to me premature to consider the bill, and that we ought not to consider it unless all the information is before us to enable us to vote intelligently on it, and it does not seem to me to be a proper answer to say that the Senate never ordered any report as to what is done with this contingent fund of that body.

Mr. GARFIELD. I do not say that.

Mr. HEREFORD. Were it otherwise, we might as well pass over all the appropriations for the Senate without saying ay or no. For one, before I vote this sum of $14,250 here for stationery and newspapers, I would like to know what is the necessity of such a large appropriation. I would like to see what has been done heretofore with like sums. If the appropriation be absolutely necessary I am willing to vote it, but I want to be informed upon the subject.

Mr. GARFIELD. I will respond to the gentleman, although there is nothing before the committee. The gentleman will remember that by law $125 is awarded for stationery to each Senator and Member. Of course he can very readily figure up and see what that amounts to. In addition to that, there is specifically appropriated here $5,000 for stationery for committees and officers of the Senate. There are thirty-five committees of the Senate, and the gentleman can judge whether that is an extravagant sum for that purpose.

Last year the Committee on Appropriations reduced this contingent appropriation considerably. This year it is somewhat larger than last year, on account of the fact that we are now appropriating for the long session of Congress, not the short session. We are appropriating for the seven months' session as against the present session of three months. The increase which the gentleman will observe in some of these items over similar appropriations last year is in part, indeed wholly, due to the number of months of the average length of the long session.

Mr. COX. I move to strike out the last word for one purpose only. At the beginning of our examination and consideration of these appropriation bills I would like to have full confidence in the Committee on Appropriations, and especially in the distinguished chairman of that committee. We have to take a great many things for granted, and we must have faith in the committee. I want to ask my honorable friend why it was that at the end of the last session of Congress he said that he was under obligations to the members of this House for their confidence; that he was proud of the way they had treated him and his bills; and he added that there was less by $25,000,000 appropriated last year than the year before, not counting the unexpended balances. Now, was that statement correct?

Mr. GARFIELD. It was.

Mr. COX. There was no mistake about it?

Mr. GARFIELD. No, sir.

Mr. COX. No little difference of some ten or fifteen million dollars?

Mr. GARFIELD. No, sir.

Mr. COX. Well, that will be developed in the course of time. I would like to hear my friend on that subject, because I desire to have full faith and confidence in his statements here. But I think the reports of the expenses will not bear out the statements he made at the last session.

Mr. GARFIELD. The gentleman will find, when we come to the discussion of that subject, that my remarks were very fully borne out, more fully than I hoped they would be in the short time we had for the consideration of the bills.

Mr. COX. I withdraw my amendment.

Mr. HOLMAN. I move to strike out the word "appropriations" in the clause "except those whose salaries were fixed by specific appropriations." I do this for the purpose of calling the attention of the chairman of the Committee on Appropriations to the phraseology made use of—"And hereafter clerks of committees of either branch of Congress (except those whose salaries are fixed by specific appropriations) shall be paid not more than five dollars per day, and during the session only." I think that provision is a very important one, but I think the word "law" should be used instead of "appropriations." The appropriation bills should not go upon the assumption that any appropriation is made except in conformity with law. I therefore move to strike out "appropriations" and insert the word "law," so that it will read "whose salaries are fixed by specific law."

Mr. GARFIELD. I hope that will not be done, for the reason that the salaries to which the gentleman refers have all been fixed in regular appropriation bills and not by any definite law.

Mr. HOLMAN. I think the gentleman is mistaken.

Mr. RANDALL. The appropriation bills are laws.

Mr. GARFIELD. They are hardly treated as standing laws by the accounting officers of the Treasury. If we should fail to appropriate for these clerks at all, I do not think they could bring suits in the Court of Claims to recover their salaries, because the court would find that their offices were not offices created by specific, permanent statutes. Of course, as long as the appropriations for their salaries are contained in the appropriation bills from year to year, that has the force and effect of a statute. It is for that reason that we use this language. We would not like to use language that, under a construction that might be given at the Comptroller's Office, would cut out all these clerks whose salaries are fixed in the annual appropriation bills.

Mr. HOLMAN. I withdraw my amendment. But I protest against the practice which has grown up so recently of disregarding what should be the fundamental principle of our appropriation bills; not a dollar should be appropriated in them except in conformity with law.

The Clerk read the following:

Capitol police:

For one captain, $2,000; three lieutenants, at $1,600 each; twenty-seven privates, at $1,400 each, $37,800; and eight watchmen, at $1,000 each, $8,000; making in all $52,600, one-half to be paid into the contingent fund of the House of Representatives, and the other half to be paid into the contingent fund of the Senate: *Provided*, That whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated.

Mr. RANDALL. The chairman of the Committee on Appropriations will remember that last year an effort was made to reduce the number of Capitol police; in fact, I think we did make a partial reduction.

Mr. GARFIELD. A reduction in salary, not in number.

Mr. RANDALL. I am of the opinion that there are now too many employed on the Capitol police. We may as well commence here to reduce them for the next year. I therefore move to reduce the number of privates from twenty-seven to twenty. That will not affect anybody now in office or those likely to be employed, but rather those who will come in with the next Congress.

Mr. GARFIELD, This is the only thing that will not come under control of the next House.

Mr. RANDALL. The committee will observe that while there is joint action, so far as the appointment and payment of these police is concerned, yet each House has the control of its own officers.

Mr. GARFIELD. O, yes; each House has control of its own officers; but there are three persons who control the Capitol police.

Mr. RANDALL. I was last year of the opinion (and I have not changed my view) that twenty men are sufficient for this force. I therefore move to amend by striking out "seven" after "twenty."

Mr. CONGER. I wish to ask the gentleman from Pennsylvania [Mr. RANDALL] whether, contrary to all his lectures to the House, he now intimates beforehand that under the new administration of the House there will be any changes by turning out efficient officers to put in new men?

Mr. RANDALL. No, sir; but it is very manifest that the policy of the next House, if I know any of the probabilities as to that, will be to make a very large reduction of force in and around this House. This certainly will strike some that are in.

Mr. CONGER. Not, I hope, by changing those already familiar with the business.

Mr. RANDALL. No public interest will be allowed to suffer.

Mr. GARFIELD. I wish to say a word in regard to all this portion of the bill relating to the organization of the next House. It was my purpose last year to endeavor to restore some matters in reference to which changes were then made against the wishes of the Committee on Appropriations. There were four or five clerks in this House whose pay was considerably raised by the action of the House, and raised, as it seemed to me, unjustly in reference to other employés of the Government. It was with much difficulty that the House committee secured a conference report on that subject, the Senate feeling that it was wrong for the House to put up the pay of its own employés and not allow the Senate to do the same with theirs. It was with a good deal of difficulty that that matter was at last compromised. But the Senate conferees gave notice that this year they intended that those officers should be restored to their old rates.

In view of the political change that has occurred with reference to the organization of this House in the next Congress, I thought it would be indecorous in me to inaugurate changes which would in the main refer to another House and another organization. We therefore resolved (and in this I speak the unanimous sentiment of the Committee on Appropriations) that in no instance would we cut down the salaries of the employés of this House or reduce their number, because we had last winter made an increase in some places, although we had made a reduction in others. As it would be so short a time before another organization would have control of this House, we thought it better to report the bill in that way. This Capitol police, I may remark, is the only organization connected with the official management of this House that, under the natural order of things, would not be subjected to changes by reason of the political change that has occurred.

Mr. WILSON, of Indiana. I wish the chairman of the Committee on Appropriations would state whether or not he thinks this force ought to be reduced.

Mr. GARFIELD. I do not. That question was very fully discussed last winter; and I took the position that we could not, with these large public grounds and the large building upon them, get along with a smaller number of persons than we now have on the Capitol police force. But I was willing to consent to cutting down their salaries; and that we did very considerably.

Mr. WILSON, of Indiana. I only asked the question because I do not wish to recognize as a correct principle that as because there is to be a change of administration—because the political minority is to become the majority—there is good reason for not cutting down expenses. If there are expenses that ought to be cut down, the fact that there is going to be a political change is no reason for not cutting them down now.

Mr. GARFIELD. I agree with the gentleman as a matter of justice. But yesterday, when I made a motion to suspend the rules to make in order an equalization of the pay of committee clerks, limiting their compensation to five dollars a day, the gentleman from Pennsylvania, [Mr. SPEER,] it will be remembered, made a sort of sneering remark that it was "a nice time to cut down officers of the House when the democrats were about coming into power."

Mr. SPEER. The "gentleman from Pennsylvania" made no remark about its being "a nice time" to do such a thing. He simply inquired whether that would not be the effect of the proposition of the gentleman from Ohio.

Mr. GARFIELD. I did not pretend to quote the remark accurately, but that was its spirit.

Mr. KELLOGG. Would not the effect be to raise the pay of the House clerks under the new administration, and to cut down the pay of the Senate clerks continuing under the same administration?

Mr. GARFIELD. I so stated yesterday. That is precisely the effect. I agree with my friend from Indiana, and I will not vote against any decrease of pay simply on the ground I have stated; but as a matter of courtesy toward those who are so soon to have the responsibility of controlling the affairs of this House, I make this explanation. If gentlemen move a reduction in any of these matters and if the reduction is to be made general throughout the bill, I will consider with them fully the equity of the proposition and act accordingly. As to this particular case, as we cut down the total amount of the pay of the police force very considerably last year, I do not believe that we ought now to reduce the number. I said so then, and I say so now. Still I submit the question to the House.

Mr. RANDALL. I am not in favor of cutting down salaries, and made no such proposition.

Mr. GARFIELD. I did not say so.

Mr. RANDALL. But, sir, I believe there are too many policemen here; that the number provided for is larger than is required to do the duty of watching this building. I therefore think this the proper time to move to reduce the number of these policemen—not to reduce their salaries—because when the next House will assemble, unless this number is reduced, it will find itself with twenty-seven of these places provided for by law, and under the circumstances it will be very difficult to avoid filling them. When it assembles, if the places are provided for by law, of course it will have to fill them, whereas if only twenty-two be provided for, then the majority in the next House of Representatives will only have twenty-two places to fill.

Mr. WILSON, of Indiana. I move to strike out the last word.

Mr. RANDALL. I will withdraw my amendment, and the gentleman can renew it.

Mr. WILSON, of Indiana. Very well; I renew it. I wish to say in reply to what the gentleman from Pennsylvania has said that if this force needs to be cut down—I do not know whether it needs to be cut down or not—I should be in favor of cutting it down at once, and that would give our friends on the other side an opportunity of increasing it if they want to.

Mr. HOLMAN. I have always insisted that this force was unnecessarily large, and I differ from my friend from Pennsylvania [Mr. RANDALL] only in one respect. I think the salaries, as well as the number of these employés, are too large. I think the condition of public sentiment in the country, in regard not only to the number but to the salaries of these officers, requires a very heavy reduction in both respects. I have called the attention of the chairman of the Committee on Appropriations frequently to the fact that not long ago only fourteen watchmen were required to look after this building. Now the number of watchmen is fixed at eight, and the number of privates in this quasi-military organization, called the Capitol police, at twenty-seven, with three lieutenants and a captain, causing the appropriation to swell from some $14,500 to $52,600. I think it would be a measure of reform that would do injustice to no person—that certainly would be impossible—and that would still provide for the proper performance of the duties of this branch of the service, to abolish all these officers except the watchmen, and to increase the number of watchmen from eight up to twenty-one; abolishing the three lieutenants entirely, leaving only a captain. If that could be accomplished I do not know that I would complain so much of the salary which is fixed. Only a few years ago, however, the most expensive of the employés in that service received only $950 a year, while now these privates have a salary of $1,400 each. I should like to submit a motion that the number of watchmen be increased to twenty-one, because it is said these watchmen are on and off duty in squads a third of the time, leaving only seven to be employed on duty at a time. I would dispense with the three lieutenants entirely, and increase the number of watchmen to twenty-one. This arrangement with the salaries fixed would be a saving of about one-half the appropriation.

These amendments, however, I believe, cannot be presented in one motion; and I will therefore move now, in order to accomplish the purpose I have in view, that the number, twenty-seven, be stricken out, and that only twenty-one watchmen be provided for.

Mr. SPEER. The gentleman can accomplish his purpose by moving to amend the pending paragraph.

Mr. HOLMAN. I move to strike out all after the word "dollars," in the one hundred and fourth line down to and including the word "dollars" in the one hundred and seventh line; that is, to strike out "three lieutenants, at $1,600 each; twenty-seven privates, at $1,400 each, $37,800;" and to strike out the word "eight," in the one hundred and seventh line, and insert "twenty-one," so it will read: "For one captain, $2,000; and twenty-one watchmen, at $1,000 each."

Mr. RANDALL. I will withdraw my amendment for the present, intending to move it again hereafter.

Mr. HOLMAN. I wish to say a word in reply to my colleague. I sincerely trust the suggestion made by him will be carried out fully; that the reduction in the number of officers and amount of salaries, so far as it can be effected by this House, will not be suspended for a moment on account of any change hereafter to occur in the political complexion of the majority here. I hope, for the purpose of determining the question whether the new sentiment which has grown up here is a sincere and honest one, and in order to inaugurate that policy of economy which the country expects at our hands, all these expenditures will be reduced at this session of Congress to the lowest possible point, not only in reference to the number of employés, but also as to the salary to be paid. There is no misunderstanding the public sentiment. It demands a heavy reduction of the force employed by the Government and a large reduction of the compensation paid to them; and there can be no respect shown to that public sentiment which was so recently displayed throughout this entire country unless there be some more radical movement toward reform than is indicated by these paragraphs in the bill. There is a reduction of the appropriation in this bill as it now stands of a little rising $1,000,000 upon the law as it passed this House at the close of the last session of Congress, and every one fully understands that on that basis this legislative appropriation bill will pass the House, ultimately appropriating a much larger sum of money than was appropriated for the same purpose last year.

Mr. KELLOGG. Before my friend takes his seat I wish to ask him a question. I do not wish to debate the amendment, but I do wish to understand, before a vote is taken, what will be the operation of the gentleman's amendment. He provides for twenty-one privates, to do duty in three squads of seven hours each. He also dispenses with the three lieutenants, leaving only one captain. Does he intend that the captain shall be on duty the whole twenty-four hours? He is the only one who is left in charge of the twenty-one privates, and no one has provided for relieving him during the whole twenty-four hours.

Mr. HOLMAN. My answer to the gentleman is that there is really no necessity for this captain.

Mr. KELLOGG. Why not strike it out, then?

Mr. HOLMAN. He is a mere ornament to this organization.

Mr. KELLOGG. But you propose to retain that ornament in the force.

Mr. HOLMAN. But still there seems to be some reason for retaining a head to this organization. Retaining the captain would leave the number twenty-two.

This organization is quasi-military. I know that in other governments it is common enough to have military forces about their capitals, and this is a mild approach to that. I propose to go back to the old order of things as nearly as possible.

The question being taken on Mr. HOLMAN'S amendment, there were ayes 53, noes not counted.

So the amendment was agreed to.

Mr. HOLMAN. There must now of course be an amendment in the provision made for the compensation of this force. I presume a change in the figures can be made by the Clerk.

The CHAIRMAN. The Clerk will correct the figures in accordance with the amendment.

Mr. SPEER. I offer the following amendment: In line 115, after the word "suspension," strike out these words, "if he shall not be reinstated;" so that it will read:

Provided, That whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension.

Why should a member of the Capitol police or watch force, suspended for cause, receive compensation, if reinstated, for a period of time during which he rendered no service? According to the very terms of the proviso he is "suspended for cause." It may be, perhaps, that the cause was not sufficient for his removal; but why, even if the cause proves to have been insufficient, should he be paid for services which he never rendered to the Government, and for a period of time, too, during which, as far as this section goes, he may have been actually employed and paid by some other corporation? He may be off duty for one month or two months. He may be employed at a hotel or a store in this city, or by some railroad company, and yet, on being reinstated by the law as proposed to be enacted here, he would be entitled to compensation for the one, two, or three months for which he was off duty.

I move to strike out these words, "if he shall not be reinstated." This will leave the law to be that he shall not be paid for the time for which he has been suspended, when suspended for cause. I think my amendment should prevail.

Mr. GARFIELD. Let me say to the gentleman from Pennsylvania that this is the law now. It was not of any particular importance to put it in here. It is simply repeating the law.

Mr. SPEER. Was it not put in the language of the bill last year for the first time?

Mr. GARFIELD. Certainly, and it is now the law. We need not have put it in here. It is merely a repetition of the law. But the gentleman must see that if a man is suspended for cause, and then on examination it is found that the cause is not sufficient, it is not right that he should be denied his pay during the time of his suspension. If a man is tried on articles of impeachment, and at the end of the trial is not convicted, then, of course, he ought to receive that portion of his salary which has accrued during the trial.

Mr. SPEER. Not at all. The Government has the same rights as a private employer, and should not be compelled to pay for services not rendered. We are under no obligations to restore these gentlemen, and under no obligations to pay them after they are restored.

Mr. GARFIELD. We always pay an officer of the Army who is put upon trial, if the result of the trial be that he is acquitted.

Mr. SPEER. These are not officers of the Army.

Mr. GARFIELD. They are officers of this House.

The question being taken on Mr. SPEER'S amendment, it was not agreed to.

The Clerk read as follows:

House of Representatives:

For compensation of members of the House of Representatives, and Delegates from Territories, $1,550,000.

For mileage, $100,000.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, namely: Clerk of the House of Representatives, $4,320; officer charged with disbursing the contingent fund, $576; chief clerk and journal clerk of the House, while such positions are held by the present incumbents, and no longer, $3,600 each; two reading clerks, assistant journal clerk, and tally clerk, $3,000 each; four assistant clerks, at $2,592 each; one assistant clerk, at $2,520; eight assistant clerks, including librarian and assistant librarian, at $2,160 each; four assistant clerks, at $1,800 each; one chief messenger in the office of the Clerk of the House, at $5.76 per day; superintendent of document-room of the Clerk of the House, $1,800; three messengers, (including one messenger in the House library,) at $1,440 each; one engineer, $1,800; three assistant engineers, at $1,440 each; six firemen, at $1,095 each per annum; for clerk to the Committee on Ways and Means, $3,000; messenger to the Committee on Appropriations, $1,314; clerk to the Committee on Ways and Means, $1,314; clerk to the Committee on Appropriations, $3,000; messenger to the Committee on Appropriations, $1,314; clerk to the Committee on Claims, $2,160; clerk to the Committee on War Claims, $2,160; clerk to the Committee on the Public Lands, $2,160; clerk at Speaker's table, at $5.76 per day; private secretary to the Speaker, $2,102.40; Sergeant-at-Arms, $4,320: *Provided*, That hereafter he shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith, otherwise than as aforesaid; clerk to the Sergeant-at-Arms, $2,500; paying teller for the Sergeant-at-Arms, $1,800; messenger to the Sergeant-at-Arms, $1,440; Doorkeeper, $2,592; first assistant doorkeeper, $2,592; Postmaster, $2,592; first assistant postmaster, $2,088; fourteen messengers, seven at $1,500 each, and seven at $1,200 each; Chaplain of the House, $900; five official reporters of the proceedings and debates of the House, at $5,000 each; two stenographers for committees, $5,000 each; superintendent of the folding room, $2,160; superintendent and assistant superintendent of the document-room, at $2,160 each; document-file clerk, $1,800; eleven messengers, five at $1,800 and six at $1,440 each; twelve messengers during the session, at the rate of $1,440 each per annum, $10,080; fifteen laborers, at $720 each; seven laborers, during the session, at the rate of $720 each per annum; one laborer, at $820; and Henry Douglas, laborer's pay, as fixed by act of March 3, 1873, $917.50; and for one female attendant in ladies' retiring-room, $600; making, in all, the sum of $228,490.70.

Mr. RANDALL. I wish to direct the attention of the committee,

and especially of the chairman of the Committee on Appropriations, to what I think is a mistake in this paragraph of the bill, and certainly is an injustice. The portion of the paragraph I allude to is that which has reference to the compensation of the paying-teller for the Sergeant-at-Arms of the House. I was a member of the committee of conference between the two Houses which had the legislative appropriation bill of last year under consideration; and it was agreed that the pay of this officer should be equal to that of the corresponding officer in the Senate; whereas in transcribing the bill his pay was fixed at $1,800, and the Senate officer who holds the corresponding position has $2,100. I do not want to go back to correct that as regards the past, but I do think that this officer, considering the nature of the services he renders, having to keep the accounts of three hundred and two members, while the corresponding officer in the Senate keeps the accounts of seventy-six, should manifestly receive the increase as determined upon in the committee of conference, and which was only left out of the bill by mistake. The clause I refer to is at line 168. I think the chairman of the Committee on Appropriations will corroborate what I have stated.

Mr. GARFIELD. I have not any doubt that what the gentleman from Pennsylvania states is true, that the officer who has charge of this business of disbursing a very large sum of money does not receive pay relatively equal to the pay of other persons doing the same work.

Mr. RANDALL. You must consider also the responsibility attaching to having the custody of so large an amount of money.

Mr. GARFIELD. In this connection I wish to remark that there are but two places where the committee have made a change in connection with the officers of the House. One was a change in relation to the pay of the assistant postmaster, who by some oversight was last winter cut down below every other corresponding officer of the House. His compensation is restored. The other change is in regard to the clerks of the Committees on Ways and Means and Appropriations, whose salaries are now put as the House put them by a vote last year. Those are the only changes.

Mr. RANDALL. I do not offer my proposition as being in the nature of a change. I want to correct what was clearly a mistake in the transcription of the bill.

Mr. GARFIELD. Offer an amendment, then.

Mr. RANDALL. Then I will move to make the salary of this officer whatever is the salary of the corresponding officer of the Senate.

Mr. GARFIELD. While the gentleman from Pennsylvania is looking to that matter, I will offer an amendment which I am instructed to offer by the Committee on Appropriations. It is in lines 188 and 189, to insert after the word "dollars," where it first occurs, the words "one telegraph operator, at the rate of $100 per month."

That corresponds with the amendment made on the Senate side.

Mr. HOLMAN. What is the object of paying a telegraph operator for each month in the year?

Mr. GARFIELD. This only pays him for seven months. Perhaps the words "beginning with the next session" might be added; but that is the law now.

Mr. HOLMAN. I would like to inquire who controls these appointments, and why an operator might not be appointed in July next?

Mr. GARFIELD. Because the law that creates the office provides that the person holding the position shall be paid at the rate of $100 per month during the session.

Mr. HOLMAN. It might be safe to insert the words "during the session of Congress."

Mr. GARFIELD. I have no objection to that amendment; but that is the law.

The amendment of Mr. GARFIELD, as modified, was agreed to.

Mr. RANDALL. I find that the corresponding officer in the Senate to the paying teller for the Sergeant-at-Arms of the House receives a salary of $2,100. I move, therefore, to amend in line 167 by striking out the words "one thousand eight hundred," and inserting in lieu thereof "two thousand one hundred."

Mr. HOLMAN. The gentleman from Pennsylvania has fallen into the error which seems to be radical in our legislation, and that is, that we are never to consider the question whether a salary is reasonable in itself or not, but only whether some one is getting higher pay. I have never known an increase of salary that passed the House in the last ten years that did not result from this alleged inequality of pay, taking the pay of some other officer as the basis of an increase, and I never knew a gentleman to propose to reduce a salary in order to reduce an inequality and equalize compensation. You take a particular salary and use it as a fulcrum to move a whole mass up together. I hope that, while it may be true in this particular case that this officer does not receive the same salary as the corresponding officer in the Senate, my friend will devote his efforts to decrease the salary of the Senate officer and not to increase the salary of the officer of the House.

Mr. RANDALL. I want it to be understood, Mr. Chairman, that I am not in favor of reducing salaries below a proper amount. I am in favor of paying adequate salaries to every officer, and I want economy as to the number of officers employed, not as to the pay of those employed. I hope my friend from Indiana will reserve his heavy artillery until some more proper time than a question of increasing the salary of an officer of this House which has been reduced by a mistake. He ought now to receive the sum of $2,100 a year, the same salary paid to a similar officer of the Senate. A million and a half of dollars pass through his hands annually. He keeps three hundred and two accounts and has to keep them accurately, and I do not think myself that the salary I propose is a dollar too much.

Mr. WILSON, of Indiana. Has he not to be here throughout the entire year?

Mr. RANDALL. Yes, sir; throughout the entire year.

Mr. HALE, of Maine. Is he the paying teller?

Mr. RANDALL. Yes, sir.

Mr. HALE, of Maine. What is the corresponding officer of the Senate?

Mr. RANDALL. I find on information and inquiry that he is one of five clerks who receive $2,100 a year.

Mr. HALE, of Maine. Can the gentleman tell us where we can find the appropriation for the corresponding officer of the Senate?

Mr. RANDALL. Yes, sir; in line 26 of the bill.

Mr. HALE, of Maine. Does the gentleman know that the officer of the Senate performing these duties is one of the five clerks provided for in that case?

Mr. RANDALL. I am so informed, and so believe, or I certainly would not state it.

Mr. HALE, of Maine. It ought to be a matter of certainty.

Mr. RANDALL. That is the information we had in the committee of conference last year.

Mr. KELLOGG. Let me say one word before the gentleman from Pennsylvania takes his seat. I desire to ask him if the paying teller of the Sergeant-at-Arms of this House does not have a much larger amount of money pass through his hands than the corresponding officer of the Senate?

Mr. RANDALL. Why, certainly; as in the proportion of 76 to 302.

Mr. HOLMAN. The provisions in this paragraph for the office of the Sergeant-at-Arms are, for the Sergeant-at-Arms, $4,320; clerk to the Sergeant-at-Arms, $2,500; paying teller for the Sergeant-at-Arms, $1,800; messenger to the Sergeant-at-Arms, $1,440. Now, every one of those officers had his salary increased within a comparatively short period of time. The fees formerly received by the Sergeant-at-Arms, of course, have been cut off; but his salary has been increased. I do not think this is a time to increase salaries, and I must still insist that a salary of $1,800 a year for this officer is a reasonable salary, and it has commanded up to this time the services of a very upright and efficient officer. I do still regret that any gentleman has thought it necessary to come forward with a proposition to increase this salary. I repeat that it is no time to increase salaries now, when the whole country is absolutely suffering from the weight of taxation imposed upon it.

It is not a single office, sir, that is in question. The gentleman from Pennsylvania knows that you cannot increase this salary without increasing others. One salary is made to correspond with another which has been increased. You are always raising salaries. There is never any pressure in the other direction. I think a sound public sentiment demands a reversal of the rule; that there shall be a reduction of compensation in all public employments. I regret that this proposition to increase salaries should be made. I know the young gentleman very well who fills this office, and he performs his duty faithfully and well. But he has received heretofore a salary of $1,800, which has been deemed sufficient. I do think that when a salary is sufficient to command the services of an intelligent, competent, and honest officer, it should be regarded as high enough. Any proposition to increase it, in view of the present condition of our affairs, is almost criminal.

The question was then taken upon the amendment of Mr. RANDALL; and it was not agreed to.

Mr. CONGER. I desire to call the attention of the chairman of the Committee on Appropriations to the one hundred and twenty-ninth and one hundred and thirtieth lines of this bill. They relate to the chief clerk and the journal clerk of the House. Their salaries are fixed at $3,600 each, "while such positions are held by the present incumbents, and no longer." No provision is made for the salaries of such officers in case of a change. Should there not be some provision for fixing the salary when the office is held by others than the present incumbents?

Mr. GARFIELD. They will then fall back to the old salary which was before fixed by law.

Mr. SMITH, of Ohio. I move to amend the clause relative to the clerk of the Committee on Ways and Means, so as to reduce his salary from $3,000, as here proposed, to $2,592. The chairman of the Committee on Appropriations is mistaken in supposing that at the last session the House increased the salary of these clerks. I have before me the bill which passed the House and went to the Senate, and which fixed the salary of the clerk of the Committee on Ways and Means and the clerk of the Committee on Appropriations at $2,592. There was an attempt to increase it to $3,000, but it failed in the House.

Mr. GARFIELD. My recollection was that the bill in that form passed the House. I have done my duty in presenting this, and the House may do what they see fit in regard to it.

Mr. WILSON, of Indiana. I would inquire why the clerk of the Committee on Ways and Means and the clerk of the Committee on Appropriations are given higher salaries than the clerks of any other committees?

Mr. GARFIELD. The gentleman, perhaps, will recognize the fact that the clerks of these committees are clerks who are reqnired to be

in daily attendance. The Committee on Appropriations is a committee that meets every secular day almost without exception. It frequently meets, as it did this year, a month before the beginning of the session. The clerk of that committee during the vacation is engaged in getting up material for the coming session. From the organization of these committees it has been conceded that the work required of them was far in excess of that required of the clerks of any other committees of the House. I believe that they always had a salary much larger than the salaries of other clerks. I have answered the gentleman's question in regard to the committee of which I have the honor to be chairman.

Mr. SMITH, of Ohio. I will say that I propose to follow this motion with a like motion in regard to the clerk of the Committee on Appropriations.

The question was taken upon the amendment of Mr. SMITH, of Ohio, and it was agreed to.

Mr. SMITH, of Ohio. I now move a similar amendment, in regard to the clerk of the Committee on Appropriations, to reduce his salary from $3,000, as here proposed, to $2,592. That will make the salary of the clerk of the Committee on Appropriations, the same that we have just made that of the clerk of the Committee on Ways and Means.

The amendment was agreed to.

Mr. PRATT. I move to amend the clause in regard to fourteen messengers, by striking out $1,500 for each of seven messengers, and inserting $1,728. I desire to ask the chairman of the Committee on Appropriations if the pay of these fourteen messengers is not regulated by law?

Mr. GARFIELD. It is only fixed from year to year by appropriation bills.

Mr. PRATT. Will the gentleman inform me what has usually been the salary of these messengers, prior to the last appropriation bill.

Mr. GARFIELD. Before last winter one set of these messengers received much larger pay than the other. It was believed by the Committee on Appropriations that the second set, who performed nearly the same class of duties as the first, although not quite so important, should receive more compensation and the first set less than before, so as not to increase the total appropriation for that purpose. We therefore scaled down the one class part way and brought the other up part way and left them where they are now. That was believed to be the more equitable arrangement.

When the service was organized the mail-boys who belonged to the second grade were those who went with the wagons and delivered the packages; the others were responsible for making up the packages and assorting the mails. Sometimes those duties were done interchangeably. But we thought there was too great a distinction between the two classes, and therefore we made the compensation as it now stands. It seems to us to be a more equitable arrangement than to have the great difference there was before.

Mr. PRATT. I would call attention to the fact, as I understand it, that by the bill known as the salary bill, passed by the Forty-second Congress, the pay of these messengers was fixed at $1,978. By the repeal of that law their pay was left at $1,728, which was the amount they were entitled to receive by law. The last appropriation bills, however, gave them but $1,500. If that statement is correct, it seems to me there is no reason why these messengers, who perform very laborious services, should not be restored to the pay they were entitled to under the previous law. It seems to me to be better to have the pay of these employés fixed by general law rather than by the annual appropriation bill from year to year.

The question was taken upon the amendment of Mr. PRATT, and it was not agreed to.

Mr. SMITH, of Ohio. I observe in lines 128 and 129 this provision: "officer charged with disbursing the contingent fund, $576." I would like to know what officer this is and what salary he gets.

Mr. GARFIELD. He is the Clerk of the House. His salary is $4,320. He is allowed this in addition as disbursing officer.

Mr. SMITH, of Ohio. Why not put it in his salary directly?

The Clerk read as follows:

For postage-stamps for the Sergeant-at-Arms, the Clerk, and the Postmaster of the House of Representatives, each $100, $300.

Mr. HOLMAN. There seems to be a good reason for providing for postage-stamps for the Sergeant-at-Arms, and possibly for the Postmaster. But I can see no reason why there should be an appropriation to furnish postage-stamps to the Clerk of the House. I am not aware that he has any official correspondence requiring such an appropriation.

Mr. GARFIELD. The Clerk is required by law to send out large masses of documents, as the gentleman knows. He has the folding-room under his care.

Mr. HOLMAN. But the sending out of those documents is not paid for out of this appropriation. Members determine for themselves how they shall be sent.

Mr. GARFIELD. Besides, the Clerk of the House, as the gentleman very well knows, must necessarily have large duties in the way of official correspondence. If the gentleman wants to strike out this appropriation for postage of the Clerk I have no objection; but that officer has made a special application for such an appropriation.

Mr. HOLMAN. This appropriation cannot be put on the ground of expenses incurred in distributing public documents, for they are distributed under the direction of members themselves.

Mr. GARFIELD. I do not mean that the Clerk pays the postage on those documents; but I suppose the gentleman is aware, from his own experience, that the Clerk uniformly—I think without exception—writes to each member, inquiring where and how he will have his documents sent, whether by express or in some other way. I presume there is not a gentleman here who has not received during the course of a year one or more such official communications from the Clerk of the House. Besides that, he receives the credentials of members; he has charge of that whole matter; and I suppose we would not require him to carry on correspondence of that kind without providing for paying his postage.

Mr. HOLMAN. I will state the object I had in calling attention to this matter. This is the first appropriation of this kind within my knowledge; and it is very certain that if we now fix the amount too high, it will be much more difficult to reduce it hereafter than to fix the proper amount now. It does seem to me that if any appropriation is to be made for this purpose, (and perhaps a small appropriation is necessary,) the amount should be very small. I do not think that any such amount as $100 is required. The Sergeant-at-Arms, for whom the same amount is proposed to be appropriated, has infinitely more official correspondence with members than the Clerk of the House can have.

Mr. GARFIELD. Of course this is a matter of judgment. We cannot tell how much will be required. If the gentleman thinks that the amount ought to be cut down, let him move to reduce it.

Mr. HOLMAN. This appropriation does not go into the contingent fund. It will be observed that it is an absolute addition to the salary of this officer.

Mr. KELLOGG. Let me ask the chairman of the Committee on Appropriations whether the bound documents to which members are entitled are not all sent through the Clerk.

Mr. GARFIELD. Certainly; but they are sent by express.

Mr. KELLOGG. All the correspondence in regard to those is carried on by the Clerk.

The CHAIRMAN. There is no amendment before the committee.

Mr. HOLMAN. I move to amend by making the appropriation for postage-stamps for the Clerk of the House and the Postmaster fifty dollars each.

A MEMBER. Why not include the Sergeant-at-Arms?

Mr. HOLMAN. The Sergeant-at-Arms has constant correspondence with members.

Mr. GARFIELD. The amendment, if adopted, ought to make the paragraph read in this way:

For postage-stamps for the Sergeant-at-Arms, $100; for the Clerk and the Postmaster of the House of Representatives, $50 each.

Mr. HOLMAN. Or so much thereof as may be required.

Mr. GARFIELD. Certainly. Perhaps the gentleman would require these officers to give bonds as a security that they will not swindle the Government in this respect.

The amendment of Mr. HOLMAN was not agreed to, there being ayes 20, noes not counted.

The Clerk read as follows:

For newspapers and stationery for members of the House of Representatives, officers of the House and committees of the House, including $6,000 for stationery for the use of the committees and officers of the House, $43,750.

Mr. GARFIELD. I move to amend the clause just read by striking out "newspapers and." I think that the word "newspapers" was inserted inadvertently. I ask also that a corresponding change be made in the appropriation for the Senate. Of course, if a member chooses to order newspapers out of the $125 allowed him for stationery he can do so. But we ought not in this bill to make an appropriation to pay for newspapers.

The CHAIRMAN. If there be no objection this amendment will be considered as agreed to, and a corresponding change will be made in the appropriation for the Senate.

There was no objection. The Clerk read as follows:

For pay of superintendent and assistant in Botanic Garden and green-houses and two additional laborers, under the direction of the Library Committee of Congress, $12,146.

Mr. GARFIELD. The chairman of the Committee on the Library has called my attention to what he thinks is an error in lines 257 and 258. In accordance with his suggestion, I move to amend the clause just read so that it will read as follows:

The pay of superintendent and assistants in Botanic Garden and green-houses, and laborers, under the direction of the Library Committee of Congress, $12,146.

Mr. WILLARD, of Vermont. How many assistants are employed?

Mr. GARFIELD. I do not know; I think the number is not regulated by law. The superintendent is allowed so much money to disburse for assistants, &c. I think there are some twenty laborers employed a part of the year, making an average of perhaps ten the year round.

Mr. WILLARD, of Vermont. Then this matter is in the discretion of the superintendent?

Mr. GARFIELD. Yes, sir.

Mr. HOLMAN. I hope that amendment will be better understood than it is before the vote is taken.

The amendment was again read.

Mr. GARFIELD. As amended it provides for the pay of superintendent and assistants in the Botanic Garden and Green-house, and laborers, without saying how many; the amount of the appropriation being left at $12,146, to be expended under the direction of the Library Committee of Congress, which is charged with the care of this matter.

Mr. HOLMAN. You do not propose to change the amount of the appropriation?

Mr. GARFIELD. Not at all.

Mr. HOLMAN. I do not wish to object to the amendment, but I would like to inquire of the chairman of the Committee on Appropriations whether this appropriation has not been increased from year to year?

Mr. GARFIELD. This appropriation has been the same for many years. We have put in special appropriations for the improvement of the grounds, but this item has continued for many years to be the same.

Now, Mr. Chairman, I will say in addition that once or twice I tried to do something in the House to curtail expenses in this direction; but I have always run against the poetry of flowers and some historical reminiscences which the House seems to cherish. In 1845, I think it was, Admiral Wilkes, who made an expedition almost around the world, if not quite around it, brought home with him, as did Commodore Perry about the same time, from the East, some rare exotic plants, which were temporarily turned over to the Committee on the Library, who had a sum of money appropriated to enable them to take care of them. We authorized the taking of a piece of public ground at the foot of the hill on which the Capitol stands, where they planted these exotics. That, sir, was the beginning of the Botanic Garden, as it is called. They were nursed next year by an additional appropriation, and so on, until finally this grew into a permanent green-house and garden. With the adornments of the grounds we have what is now called, as I have said, the Botanic Garden. It has stood for the last twenty-nine or thirty years. It is a beautiful adornment of the Capitol. I would not by any means overturn or destroy it, but at the same time I have felt it is not the kind of expenditure which could be defended as well as some others. I think it is conducted with great economy and skill by the very efficient man who has had charge of it. I believe he allows himself to be paid but $1,800 a year because his hard Scotch sense tells him if there was a larger salary his place would be eagerly sought after by others. I have admired the man for his judgment in never asking an increase of his salary—for not going up where the wind blows fiercely. For the pay of superintendent and assistants in the Botanic Garden and Green-house and laborers under the direction of the Library Committee of Congress for six or seven years the appropriation has been substantially as it is in the present bill, that is, $12,146.

Mr. HOLMAN. I move to strike out the last word. I do not think the fact of this historical reminiscence has as much to do with this Botanic Garden as that it furnishes the bouquets and boxes of flowers and plants which are sent out each session to members of Congress. Those things are much more taken into the account, I think; and although there are many other expenditures which might be better dispensed with on some accounts as matters of taste, I have never yet believed there was any good public ground upon which this Botanic Garden could be defended. The only reason why it has remained intact up to this time is that adverted to by the gentleman from Ohio so admirably, not only the intelligence and efficiency of the superintent of the Botanic Garden, but his good sense in not provoking jealousy or causing struggles to be made for his position. I recollect my attention was attracted to the appropriation for this purpose when only $5,000 was provided for the actual expenditures for the Botanic Garden, including the salaries of the superintendent and the persons employed by him. The chairman of the Committee on Appropriations will discover, I think, that within a comparatively few years there has been an increase in this item. I know there have been appropriations for large amounts to enlarge and improve the garden, but those, however, were merely temporary; but in reference to this permanent appropriation, so far from remaining intact, it seems to me there has been an increase in the amount. I do not, however, make any motion. I will only say in conclusion that if this institution is to be kept up at all, I do not think it can be better managed than it is at present.

Mr. HOSKINS. I move to strike out, from line 259, "$12,146," and insert "$10,000." I do this for the purpose of testing the sense of the committee whether they want to reduce the appropriation or not.

Mr. FRYE. I desire to say a word in reference to this appropriation. I admit that I find in this appropriation bill, in the salaries paid to a large number of men, in my judgment gross extravagance. I say it is gross extravagance to pay a simple messenger in the post-office $1,500 a year. I say it is gross extravagance to pay police officers $1,800 a year each, and a police captain over $2,000 a year. The extravagance in this bill is right where the employés are in the immediate presence of members of Congress. The moment you get into the Library department, where they are removed from the House, you find Mr. Spofford there, in charge of that immense Library, with all the qualifications necessary for the position, receiving only $4,000 a year. The salaries of his assistants range from $2,500 down to $1,000; and they are required by the very necessities of the place to be acquainted with from four to six different languages. All of them are graduates of colleges. They work all the year round. They are not absent one single day; and yet your police officers employed around this Capitol receive more pay for kicking their heels on the marble floor down stairs than these men who have charge of this Library.

Now, let us take the case of this Botanic Garden. You have a man in charge there who is entirely competent, and yet he receives only $1,800 a year, and he works every day the year round; while your messenger, who only opens a door to let you in, and that for only ten months out of twenty-four, receives the same pay, or nearly the same pay.

His assistants receive $1,000 a year, his laborers $700 a year, and the necessary labor employed of the assistants and laborers in that Botanic Garden takes up every dollar of the $12,000 appropriated.

Now, sir, I do not concede that this Botanic Garden is of no use. It is of use to have those pictures around this Hall, and yet they bring no money to this House and no money to this country. They are things useful to this country, in regard to which you cannot calculate the exact percentage of profit in money to be derived from them. There is beauty in those pictures; there is beauty in statuary; there is beauty in flowers; and all the beauty we find in all these things is necessary to educate the people of this country.

Why, sir, I would give more for a boy brought up in the presence of a library, sitting under its shelves, and looking at the books on them, than I would for a boy brought up without that privilege. He will show the benefit which those books have conferred upon him all through his life; he will show every day and hour of his life that he has derived strength and culture, and everything that makes life pleasant, from his association with books. And so we grow better men and better women by beholding beautiful pictures and beautiful flowers, and all objects of that character.

I hope the appropriation will not be cut down; but that the Library Committee will be allowed to continue this work, as it has done heretofore.

Mr. BECK. When the chairman of the Committee on Appropriations rose to bring this bill before the committee, I desired him to make some explanation of it. Of course I have been unable to see it till this morning, and have only been able to glance over it and the pamphlet accompanying it, which speaks of very great reduction. I desired him, when he was making some general remarks on the bill some moments ago, to explain how it is and what is the reason that the amount recommended by the Committee on Appropriations in this bill, being as it is $20,031,712.99, is more than a million in excess of what the same committee recommended to us in the corresponding bill on the 16th of February last. I hold the two bills in my hand. The total amount then recommended was $18,977,326.30. Now it is twenty millions and a fraction.

Mr. GARFIELD. I can answer the gentleman from Kentucky in a word. When I reported the bill of last year, there was a very large item, an estimate of $2,000,000 of judgments of the Court of Claims, that we had not inserted in the bill, for the reason that we wished to take time to consider it; and when we came to pass the bill we cut that down to one million, and put it in the bill. The bill as reported, therefore, was short two millions of the estimates; but later in the session we added a million on that particular item alone. Now we have brought in all that we expect to bring in for the Court of Claims in this bill.

Mr. BECK. I wish to call the attention of the chairman of the Committee on Appropriations to the fact that the estimate for the Court of Claims in this bill is only $435,000.

Mr. GARFIELD. And the amount appropriated last year in the corresponding bill is $1,000,000.

Mr. BECK. I am speaking now of the difference between the total amounts submitted by the committee in the bills of last year and this year.

Mr. GARFIELD. And I have answered that we did not submit the estimate for the judgments of the Court of Claims in the first print of the bill, because we wanted to take more time to consider that item and to hear from that court. This is the reason why the amount of the bill as originally printed was smaller last year than it is this year.

Mr. BECK. That only accounts for a fraction less than $400,000.

Mr. GARFIELD. It accounts for a million dollars.

Mr. BECK. I beg the gentleman's pardon. I am calling attention to the amounts reported in this bill by the Committee on Appropriations. Last year the amount for the Court of Claims was $38,000.

Mr. GARFIELD. The gentleman does not understand me. We appropriated for the Court of Claims judgments $1,000,000.

Mr. BECK. I hope I can make myself understood. The bill, as recommended by the Committee on Appropriations to the House, by the gentleman from Ohio [Mr. GARFIELD] himself, in February last, amounted to $18,977,000, and contained $44,000 for the Court of Claims. The bill reported now contains $435,000 for the Court of Claims. Where, then, is the reduction you have made?

Mr. GARFIELD. I answer the gentleman again, that I did not refer to the payment of the judges of the Court of Claims, which he has correctly reported; but to the fact that the judgments of the Court of Claims, which were $1,000,000 in the bill of last year, were not reported in the first bill at all, which he now holds in his hand, for the reason I have stated, but were brought in subsequently, after the Committee on Appropriations had had time to consider them, and that added a million dollars to the bill as reported last year.

Mr. BECK. But the whole amount now put in for the Court of Claims is $435,000, against the lesser sum last year.

Mr. GARFIELD. Well, the gentleman has made the explanation himself.

Mr. BECK. Now, allowing $400,000 for the judgments of the Court of Claims, there is still remaining $600,000 of excess over what was voted last year, in spite of all the statements of the committee of a reduction of expenditures.

Mr. GARFIELD. Now, I will make another statement to the gentleman. As he will remember, also as a matter of history, when the bill was introduced last year, it was stated that when we came to consider the appropriations for the War Department, it was intended to change the mode of appointment in the clerical force; that at that time a large sum of money, amounting to several hundred thousand dollars, was paid to the clerks of the War Department, who were in what was known as the general service, and they were paid under the Army appropriation bill. After reaching that portion of the bill, on the recommendation of the gentleman from Indiana, [Mr. WILLIAMS,] the whole of the appropriations for the War Department was stricken out, and an amendment was put in that left out of the service all the general-pay persons and appropriated for them in terms. That swelled the amount of the bill by several hundred thousand dollars, but it decreased the bulk of payments by decreasing the payment of the Army. That makes a further difference.

Mr. KELLOGG. My friend from Ohio will remember that it decreased the actual expense some $200,000.

Mr. GARFIELD. Yes, sir; that is true. Let the gentleman from Kentucky compare the bill, item by item, with the bill of last year, and let him point out, if he can, the items that are increased.

Mr. BECK. One question. Is there any possible way of arriving at the details of the amounts expended in each Bureau of the Departments? Is it not customary to vote an aggregate to each Bureau, and is there any way of telling what items that money is expended for?

Mr. GARFIELD. The gentleman is not correct in saying that a Bureau is allowed a large sum of money.

Mr. BECK. A Department, then.

Mr. GARFIELD. Nor a Department.

Mr. BECK. A Department is.

Mr. GARFIELD. A Department can pay only the amount appropriated for it, and they cannot, under a ruling of the Secretary of the Treasury recently made, pay a clerk of one class out of an appropriation made for another.

Mr. BECK. When was that order made?

Mr. GARFIELD. Some time during the season when Mr. Bristow was in office.

Mr. BECK. I am glad to hear it; it was not the rule before.

Mr. FRYE. I wish to correct a mistake made relative to these salaries. I have information that the superintendent of the Botanic Garden receives only $1,650, and he has six assistants at $800.

Mr. GARFIELD. I thought he received $1,800. He ought to.

Mr. FRYE. Only $1,650.

The question was taken on the amendment, and it was agreed to.

The Clerk read as follows:

For watchman at Rawlins Square, and one at Pacific Place, at $540 each; in all, $1,080.

Mr. BECK. I desire to ask a question of the chairman of the Committee on Appropriations again, and it is why is it necessary to have watchmen at each one of these squares? There are squares all about the city, and watchmen are paid to take care of each of them. I think that perhaps the largest part of them may need a watchman; but there are five or six squares which are not as large as this room, and surely no watchman is needed there.

Mr. GARFIELD. Which one of these squares is not as large as this room?

Mr. BECK. There is a little one, I believe, near Massachusetts avenue and Fourteenth street which is just about the size of this room.

Mr. GARFIELD. If the gentleman will notice he will see that the squares for which watchmen are granted are squares of large size, with trees and other things in them; such squares as La Fayette and Franklin and others. Of course the gentleman will agree that in such squares watchmen are necessary. Then there is Lincoln Square, where they are planting a large number of trees, which must be cared for. Then Rawlins Square has been added—a small square—the smallest in size; but there during the summer there has been erected a bronze statue to General Rawlins, and of course it is indispensable to have an officer to protect it from injury.

Mr. BECK. There is a square at the intersection of Massachusetts and Vermont avenues.

Mr. GARFIELD. There they have a fountain and shrubbery and seats, and unless they are taken care of the fountain might be injured, and the small shrubbery must be cared for.

The gentleman will notice that the compensation for a place of that sort is but $540. A crippled soldier is placed there, who lives in the near neighborhood, and he is paid only about half, or a little more than half, the ordinary wages of a common laborer. In that way we get service done without paying even the full pay of a laborer. I think gentlemen will find, if they will go through all these items, that they have been put down to not more than a reasonable basis for the proper protection of the public property.

Mr. BECK. I will withdraw my amendment.

Mr. RANDALL. I notice that there is a distinction in these salaries. Some get $720 and others but $540.

Mr. GARFIELD. Some of these squares are larger than others, and the watchmen in them are laborers as well.

Mr. RANDALL. How about Washington circle? Is it that circle on Pennsylvania avenue?

Mr. GARFIELD. It is; and where that horrible statue of Washington is. And as the wind blows to-day about the tail of that horse, my only fear is that any person appointed there at a smaller salary than $540 a year would be utterly demoralized, at least in regard to matters of art. I do not know but, as a matter of protection to American genius and mind, we ought to increase the salary of that man so that he may fortify himself by reading works of art.

Mr. SPEER. Are the people in that neighborhood disposed to attack that statue?

Mr. WILSON, of Indiana. The gentleman ought to move to strike out——

Mr. GARFIELD. The statue?

Mr. WILSON, of Indiana. No; the appropriation for the watchman for that circle; for if the watchman is withdrawn the boys would knock off the horrible tail he talks about.

Mr. GARFIELD. Then we would have to re-tail the horse.

The committee rose informally.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their Clerks, informed the House that the Senate had passed without amendment a joint resolution of the House of the following title:

A joint resolution (H. R. No. 119) to continue the board of audit to examine and audit the unfunded or floating debt of the District of Columbia.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session, and proceeded with the consideration of the legislative, executive, and judicial appropriation bill.

The Clerk read the following under the heading "Department of State:"

For six chiefs of Bureaus, (consular, diplomatic, accounts; rolls and library, statistics, and indexes and archives,) and one translator, at $2,400 each, $16,800.

Mr. GARFIELD. I move to amend the paragraph just read by adding the following:

And the chief of the Bureau of Accounts may be appointed by the head of the Department disbursing clerk of the Department of State.

The Secretary of State requests this change in order to enable him to have the disbursements of the Department properly made.

The amendment was agreed to.

The following was read:

For additional force required for the new building to be occupied by the Department, namely: Captain of the watch, $1,200; two lieutenants of the watch, at $1,000 each; eight watchmen, eight laborers; chief engineer, $1,200; one assistant engineer, $1,000; four firemen, at $720 each; in all, $19,800.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to move to insert before the words "four firemen," &c., the words "conductor for an elevator, $720." The Secretary of State writes to the committee that an elevator has been added in order to give rapid communication between the several stories of that building, and he asks for this appropriation for a person to take charge of it.

Mr. RANDALL. This whole paragraph seems to me to be entirely new matter. It is in relation to the new State Department building, is it not?

Mr. GARFIELD. It is all for the new building.

Mr. RANDALL. We should know how far we are going in this matter.

Mr. GARFIELD. Certainly.

Mr. RANDALL. It seems to me that there are altogether too many officers provided for this new building. There is a captain of the watch at $1,200, and two lieutenants of the watch at $1,000 each. I move to strike out the provision relating to two lieutenants of the watch.

Mr. GARFIELD. I desire to say that this portion of the bill relating to this additional force was under the special charge of my honorable colleague from Maryland, [Mr. SWANN.] I ask that he be allowed to answer any question that may be asked in regard to the additional force required for this new building.

Mr. RANDALL. As this is the commencement, I thought it the proper time to cut it down as low as possible.

Mr. SWANN. I will say in regard to this force which is required for the new State Department building, and which will go into operation now in the course of a very short time, that the subject has been duly considered by the Secretary of State and by others who have communicated with him especially in this matter. In regard to the elevator—an institution which is provided for this new building—it is utterly impossible to have it properly managed without an engineer to take charge of it. It is necessary to have a skilled engineer who understands the operation of the machinery connected with that elevator. I believe it to be utterly impossible to provide for the safety of the Department in all its parts and communications, considering the number of persons who resort there, without an elevator and

without a proper person to take charge of it. I consider it not only as necessary, but as indispensable; and it will be found that the amount asked for is very limited. I consider it absolutely necessary, involving as it does a very small expense, and being an important consideration in connection with the safety of the lives of the number of persons who resort to that Department from day to day in the transaction of business. It is a new office, and one which is indispensable.

In regard to the other offices here asked for, the watchmen who are placed in charge of the building, the House must know that that building is very much divided or separated; that there are a great many doors that require to be guarded. It is utterly impossible to have them properly guarded unless you give the additional force which is asked for by the Secretary of State. I believe that he has looked very carefully into this matter, and I believe this force which he asks for is indispensable in order to properly guard that building.

I believe that the Secretary of State has asked for nothing more than is necessary. The committee has cut down the appropriations for his Department to what I believe to be the lowest practicable sum, in view of the size of the building and the large force necessary to give it proper protection. Without an increase of force to the extent asked by the Secretary of State it will be utterly impossible to give that protection necessary for properly conducting the business of the Department. This is not only my own judgment, but also that of others who have looked into the wants of the Department.

The CHAIRMAN. Is there objection to the amendment of the gentleman from Ohio, [Mr. GARFIELD,] proposing to insert "conductor for the elvator, $720."

Mr. HOLMAN. Even if this officer be necessary, it seems to me that the salary should not be higher than $540, the amount named for a number of other employés in this bill. I do not propose to antagonize the amendment; but it does seem to me that the salaries might be made a little more reasonable. No special qualifications will be required in this employé. I move, therefore, to amend by fixing the salary at $540.

Mr. KELLOGG. All officers of this class have their salaries now fixed by law at $720. That is the rate of pay all through the Treasury Department, and in other Departments.

Mr. HOLMAN. That that is not the case is manifest, from the fact that within the last half hour we have passed appropriations providing for paying a number of employés $540. I will not, however, press my amendment. I withdraw it.

The question being taken on the amendment of Mr. GARFIELD, it was agreed to.

Mr. RANDALL. I move to amend by striking out these words: "captain of the watch, $1,200; two lieutenants of the watch, at $1,000 each." Now, it will be observed that we are providing for new officers, new employés; and to have a captain and two lieutenants for a force of eight men is ridiculous. I never heard of such a thing before.

Mr. GARFIELD. This subject has been very fully discussed already. I desire merely to call attention to what is wanted here. The Government is now about to enter upon the occupancy of one wing of what will be perhaps (with the exception of this Capitol) the largest of all the public buildings in the United States. We are now about to organize whatever police force that building is to have for its care and protection. In the Treasury Department there are sixty people employed to watch and take care of the building. One wing of the State Department building—probably one-fourth of the whole—being substantially completed, we are asked to provide for three officers, (a captain and two lieutenants,) with eight watchmen, for the police of that Department, and also eight laborers for keeping the building cleanly and for doing whatever labor of that kind may be required. We were also asked to allow two assistant engineers and five firemen. We have struck out the provision for one engineer and one fireman, and have proposed to allow the Department the other employés asked for. Possibly we might leave off one lieutenant for the present; I do not know but that would be fair. But to say that we shall have a force of watchmen with nobody in command of them, except one of their own number at laborer's pay, or something like that, is absurd. For the head of the police force about a great building of that character we need a responsible man, with such a salary as will secure for the office character and standing. The gentleman from Maryland, [Mr. SWANN,] who has charge of the diplomatic and consular appropriation bill, went over this ground very thoroughly, and I rely very much on his judgment. I think he has made a satisfactory statement, and I am surprised that my friend from Pennsylvania should undertake to resist all that has been said on this subject.

Mr. RANDALL. I call the gentleman's attention to the fact that the first paragraph provides for four watchmen, who will be under the control of the Secretary of State; and there is also provision for nine laborers. Now, I think that when the new building is occupied, these men should be transferred to it.

Mr. GARFIELD. They will be.

Mr. RANDALL. It is proposed to expend $30,000 in watching and keeping clean that building. This strikes me as one of the grossest instances of extravagance I have seen in a bill of this kind.

Mr. GARFIELD. Will the gentleman turn to the appropriations for the Treasury Department and say what he thinks of sixty watchmen for that building?

Mr. RANDALL. It is all wrong. I have said so heretofore.

Mr. GARFIELD. If the gentleman will move to strike out the two lieutenants of the watch, I will consent. Perhaps with this reduction the force will be sufficient for the present; and as more wings of the building are completed, additional force can be authorized. Perhaps that would do. I wish to go as far as he will go to adjust this to an economical basis.

Mr. SWANN. If the gentleman will go and examine that building and see the number of openings requiring to be guarded—if he will look at the situation of the building and the places to be protected, he will find all these officers are necessary. They are necessary for the safety of the archives of the Government. They are needed for the protection of the other valuable property of the Government there. If you take into consideration the price which is paid in our great cities where elevators are used to the conductors who manage them, I am sure the gentleman will be satisfied the sum provided for in this bill is not too large.

Mr. HOLMAN. We have yielded that point.

Mr. SPEER. Mr. Chairman, by the first part of the paragraph there are four watchmen provided for this State Department. The part we are now considering provides for eight watchmen, which is an additional number, making twelve in all. These twelve watchmen will be divided into four squads of three each, each squad serving six hours on duty. It will put three watchmen into a squad, and for that squad of three watchmen this Committee on Appropriations propose to provide one captain and two lieutenants! Would it not be most laughable for members of Congress to go down to the State Department and see parading through that building a company of three private watchmen commanded by three officers, one captain and three lieutenants! The very statement of such a proposition is most ridiculous, and the wonder is that my learned and able and eloquent friend from Maryland [Mr. SWANN] could be brought, with all his devotion to the public service and care for the public interest, to consider favorably for one moment a proposition so absurd. It is not surprising, therefore, that the honorable chairman of the Committee on Appropriations, when this part of the bill was reached, very graciously and kindly handed over its management to the gentleman from Maryland. It was a labor from which I have no doubt he was pleased to be discharged, and the assumption of which was enough to break down even the strong constitution, physical and political, of my learned friend from the city of Baltimore.

I hope, however, Mr. Chairman, this committee will not be guilty of any such ridiculous folly as to provide in the capital of the nation, but a few years after we have disbanded the real soldiers of our Army, a paper brigade in this magnificent new State Department building now being erected. We are asked to provide four companies, each consisting of three privates, and each to be commanded by three officers, only to march up the hill and then march down again! It is so absurd on its face, it is so unnecessary for every proper purpose and every proper use, that this committee, I trust, will adopt the amendment of my colleague, [Mr. RANDALL,] and start out properly and economically in making appropriations for this new State Department building.

Mr. KELLOGG. The gentleman ought to provide also for having a Gatling gun at each corner of the building for its protection.

Mr. SPEER. Yes; as my friend from Connecticut suggests, there ought to be a Gatling gun at each corner of the building—a Gatling gun manufactured in the district he represents, upon the patent of his friend Rollin White.

Mr. GARFIELD. Mr. Chairman, I had for a moment drifted away from my loyalty to the committee, deeming we might allow some of the force to be cut down, until I listened to the speech of the gentleman from Pennsylvania. He says they will be divided properly into squads of three, for duty of six hours each. If he supposes a building like this, with so many avenues from it, as the gentleman from Maryland has well remarked, with perhaps two or three hundred men at work on the construction of the new part of it—if he thinks it safe to allow that to go on in any part of the day or night without at least some one in command of whatever care is taken of it, I think, then, he makes a great mistake. He cannot expect to have each one of these officers up during the whole of the day and night and on duty the whole twenty-four hours. I say if he wants three or four separate groups of men——

Mr. SPEER. What orders or commands are to be issued by these captains or these lieutenants? What kind of drill are they to be put through?

Mr. GARFIELD. The gentleman from Pennsylvania can better tell.

Mr. SPEER. What is the manual of drill they are to go through with under my friend's programme?

Mr. GARFIELD. I yield the floor now to the gentleman from Maryland, [Mr. SWANN.]

Mr. SWANN. I am very much indebted, Mr. Chairman, to my friend from Pennsylvania for the very handsome compliment he has been disposed to pay me. I am here in the interest of the Government, and for no other purpose. I am here as a practical man. I have been accustomed heretofore to deal with practical subjects. I have visited the city of Philadelphia, which is the pride of my worthy friend from Pennsylvania. No doubt he has been a good deal there, and he knows the operation of business in that city.

Mr. PARKER, of Missouri. I cannot hear a word that is being said.

Mr. SWANN. I have only a few words to say, and I do not trouble the House often. I am merely returning my thanks to my friend from Pennsylvania for the very complimentary manner with which he has thought proper to notice my name.

I stated here that I had no object in my conferences with the State Department but to protect the public property. I believe the public property to be exposed there to an extent greater than in any other Department, perhaps, under this Government. That Department is just getting into operation. It is a new Department. They are in need of offices for the first time, and if my honorable friend will go and examine for himself he will see that the public property is exposed even at this time while labor is being employed to complete the necessary arrangements for the purpose of enabling the Secretary of State to take charge of it. He will find that it is not only exposed now, but that from the nature of the construction it will be exposed hereafter. It contains a great many valuable archives, the abstraction of which in any way would be a loss to the Government. And therefore it is that I looked with very great anxiety and solicitude to the way in which that State Department was to be protected hereafter. My honorable friend will find that there are a great many openings which require to be guarded, and which require to be guarded by proper means.

Why, sir, if you take the city, a portion of which the gentleman represents here, the chief city of his State, you will find that these things are looked after perhaps more scrupulously even than with us. You will find that there is not a hotel in the city of Philadelphia where they have not employed skilled mechanics, men who know how to make proper provision for the protection of the lives of the people. And in several instances they have thrown around them such guards and protection as we are claiming here for this great State Department, which is the leading Department connected with the operations of this Government.

I have asked no more than the gentleman must know exists in his own city and in his own State in regard to the protection of the property of the State. And I say to him that when he comes to look a little more closely than he has done into these matters, and to examine more in detail the practical suggestions which we make in regard to the organization of this State Department, he will find that it is necessary not only to pursue the course which has been recommended and suggested here, but to open his mind to a view a little more liberal of what is needed in carrying on the great operations of this Government; and I refer him to what he has seen in his own city of Philadelphia, where they have been cautious to throw around valuable property all the guards which we are claiming here for the protection of the public property.

Mr. SPEER. I move to amend the amendment by adding these words:

For one brass band, $1,000.

Mr. RANDALL. I wish to say one word in reply to the gentleman from Maryland, [Mr. SWANN.] The gentleman has alluded to hotels and the mode of watching them. Now, the largest hotel in my city is watched during the night by a single man. He travels through all parts of the hotel during the night, having to strike a certain number of bells every half hour. And here you are to pay for watching the State Department $20,000. It is ridiculous.

Mr. GARFIELD. Let us have a vote now.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. SPEER. Did the Chair rule my amendment out of order? I ask the Clerk to read it.

The Clerk read as follows:

Add to the amendment these words:
For one brass band, $1,000.

The CHAIRMAN. The Chair rules that amendment out of order.

Mr. RANDALL. I offer my amendment in all seriousness. I should like to have it read again.

The Clerk read as follows:

In lines 344, 345, and 346 strike out these words:
Captain of the watch, $1,200; two lieutenants of the watch, at $1,000 each.

The question being taken on Mr. RANDALL'S amendment, it was agreed to.

Mr. HOLMAN. I offer the following amendment:

In line 345, strike out the words "eight watchmen" and insert "one superintendent of the watch at $1,000, and seven watchmen at $750 each."

Mr. GARFIELD. Seven hundred and fifty is an unusual figure. Better have it $720.

Mr. HOLMAN. For myself I would rather put it at $540. I accept, however, the gentleman's suggestion, and make it $720; so that it will read "one superintendent of the watch at $1,000, and seven watchmen at $720 each."

Mr. RANDALL. The gentleman had better reduce the number to six.

Mr. HOLMAN. Other gentlemen suggest that I should make the number five, and I modify my amendment accordingly.

Mr. GARFIELD. Cannot you come down another cat?

Mr. HOLMAN. In this connection I ask the chairman of the Committee on Appropriations to explain why it is that while provision is made here in the bill for eight watchmen there is no statement of what their compensation is to be?

Mr. GARFIELD. The amount is $720. There is an omission there, and I intended to remedy it.

Mr. HOLMAN. Let the Clerk again report my amendment.

The Clerk read as follows:

In line 346, strike out the words "eight watchmen" and insert "one superintendent of the watch at $1,000, and five watchmen at $720 each."

The question being taken on Mr. HOLMAN'S amendment, it was agreed to.

Mr. BRIGHT. I move that the committee do now rise.

Mr. GARFIELD. I ask the committee to allow us to reach the portion of the bill relating to the Treasury Department, at the bottom of the next page; and I shall then move that the committee rise.

Mr. BRIGHT. I insist on my motion.

Mr. GARFIELD. I oppose it, and ask for a division.

The question being taken on Mr. BRIGHT'S motion that the committee rise, there were—ayes 33, noes not counted.

So the motion was not agreed to.

The Clerk read the following paragraph:

For expense of editing, printing, binding, and distributing the Statutes at Large of the Forty-third Congress, $20,000.

Mr. RANDALL. I desire to ask the chairman of the Committee on Appropriations if he can inform the House and the public what will be the cost of the revised statutes to purchasers.

Mr. GARFIELD. I think they have not yet reached the point where an estimate can be made.

Mr. RANDALL. I have had a great many inquiries on the subject, and I thought it an appropriate time to ask the question.

Mr. HOLMAN. The legislation of last session, followed up by the proposed legislation of this, is making a part of what was really an economical administration in a Department, one of the most expensive, and unreasonably expensive. There is scarcely an item connected with it that has not been made the foundation for increased expenditures in various departments of the Government.

Mr. GARFIELD. I think I will let the Clerk read on. That speech sounds very natural, and I will not answer it.

The Clerk resumed the reading of the bill, and read down to line 379.

Mr. GARFIELD. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and, the Speaker having resumed the chair, Mr. ELLIS H. ROBERTS reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3813) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

TROUBLES AT VICKSBURGH, MISSISSIPPI.

The SPEAKER. Under a resolution adopted by the House yesterday for the appointment of a select committee of five members to visit Vicksburgh, in connection with the recent disturbances in that place, the Chair names the following gentlemen as the committee: Mr. OMAR D. CONGER of Michigan, Mr. STEPHEN A. HURLBUT of Illinois, Mr. CHARLES G. WILLIAMS of Wisconsin, Mr. R. MILTON SPEER of Pennsylvania, and Mr. WILLIAM J. O'BRIEN of Maryland.

DISTURBANCES IN SOUTHERN STATES.

The SPEAKER. The House ordered that a select committee of seven members should be appointed upon that portion of the President's message relating to the condition of the South. The Chair names the following as the committee: Mr. GEORGE F. HOAR of Massachusetts, Mr. WILLIAM A. WHEELER of New York, Mr. WILLIAM P. FRYE of Maine, Mr. CHARLES FOSTER of Ohio, Mr. WILLIAM WALTER PHELPS of New Jersey, Mr. JAMES C. ROBINSON of Illinois, and Mr. CLARKSON N. POTTER of New York.

Mr. GARFIELD. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BANNING: The petition of Eliza J. Fracker, for increase of pension, to the Committee on Invalid Pensions.

By Mr. BASS: The memorial of certain creditors of the District of Columbia, praying for relief, to the Committee on the District of Columbia.

By Mr. BECK: The petition of John Frickerd, for relief, to the Committee on Claims.

By Mr. CLAYTON: The petition of citizens of California, for the amendment of the Constitution of the United States in sundry particulars, to the Committee on the Judiciary.

By Mr. COTTON: The petition of attorneys and citizens of Muscatine County, Iowa, for change of location of United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. DONNAN. The petition of A. K. Bailey, and numerous

other citizens of Winneshiek County, Iowa, for enlarged appropriations for the improvement of the Fox and Wisconsin Rivers, so as to construct the whole work within the next four years, to the Committee on Commerce.

Also, the memorial of F. & J. Rives, proprietors of the Congressional Globe, praying Congress to purchase their building and printing materials, to the Committee on Printing.

By Mr. FORT. The petition of Joseph M. McCulloch, late captain Seventy-seventh Illinois Volunteers, for the pay and emoluments of major, to the Committee on Military Affairs.

By Mr. FOSTER. The petition of representatives of the native wine interests of the United States, for the imposition of a specific duty of forty cents per gallon on imported wines, to the Committee on Ways and Means.

By Mr. HAWLEY, of Illinois: The petition of Louis A. McLaughlin, for a pension, to the Committee on Invalid Pensions.

By Mr. HOLMAN: The petition of George Hibben & Co., for relief on account of an erroneous assessment of tax, to the Committee on Ways and Means.

By Mr. HUNTON: The petition of Thomas W. Tansill for relief, to the Committee on Claims.

Also, papers relating to the claims of the Protestant Episcopal Theological Seminary of Fairfax County, Virginia, to the Committee on War Claims.

By Mr. HYDE: The petition of L. Benecke, of Brunswick, Missouri, for relief, to the Committee on War Claims.

By Mr. KELLEY: The petition of A. K. Owen, of Chester, Pennsylvania, for the construction of a southern transoceanic and international air line from Asia to Europe, via Mexico and the Southern States, to the Committee on the Pacific Railroad.

By Mr. KELLOGG: The petition of Henrietta E. Young, executrix of George W. Young, for relief, to the Committee on War Claims.

Also, a paper, for the establishment of a post-route from Waterbury to Wolcott, Connecticut, to the Committee on the Post-Office and Post-Roads.

Also, a paper, for the establishment of a post-route from West Cheshire to Prospect, Connecticut, to the Committee on the Post-Office and Post-Roads.

By Mr. LAMAR: The petition of Virgil A. Lansford, for payment for a horse, to the Committee on War Claims.

By Mr. LUTTRELL: A paper, for the establishment of a post-route from Knoxville, Napa County, California, to the California quicksilver mine in Tolo County, to the Committee on the Post-Office and Post-Roads.

By Mr. McCRARY: The petition of citizens of Des Moines and Louisa Counties, Iowa, for the removal of the United States district court from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. McJUNKIN: The petition of Mary Wright, of Butler County, Pennsylvania, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. NEAL: The petition of D. W. Binns, for payment for services rendered in the quartermaster's department at Nashville, Tennessee, from November 1, 1865, to April 30, 1866, to the Committee on War Claims.

By Mr. NIBLACK: The petition of Catharine Johnson, widow of Zachariah Johnson, formerly private Sixtieth Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: The petition of Samuel Mercer and Mary F. Mercer, only surviving children and heirs of Samuel Mercer, late captain United States Navy, for relief, to the Committee on Invalid Pensions.

By Mr. SWANN: The petition of Jane C. Dyer, of Saint Mary's County, Maryland, for relief, to the Committee on War Claims.

By Mr. TREMAIN: Additional papers in the case of C. F. Johnson, to the Committee on War Claims.

By Mr. WARD, of Illinois: The petition of B. Lowenthal, of Chicago, to have certain taxes refunded, to the Committee on Ways and Means.

By Mr. WILLARD, of Vermont: The petition of Moody Thompson, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *December* 16, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, in relation to the provision made for the care of seventy-five transient paupers in the city of Washington, in accordance with the act of March 3, 1873; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Assistant Treasurer of the United States, transmitting, in obedience to law, copies of his adjusted quarterly accounts of expenditures for the Post-Office Department for the year ending June 30, 1874; which was ordered to lie on the table.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of citizens of Arkansas, in constitutional convention assembled, praying for an extension of the time for filing claims for payment for stores furnished the Army by loyal citizens in insurrectionary States; which was referred to the Committee on Claims.

He also presented a memorial of citizens of Arkansas, praying for a revision of the act of April 10, 1869, extending certain privileges to settlers on public lands; which was referred to the Committee on Public Lands.

He also presented a letter from W. L. McMillen, respecting his credentials as a Senator from Louisiana; which was referred to the Committee on Privileges and Elections.

Mr. HAMILTON, of Maryland, presented the petition of C. C. Fulton and others, of Baltimore, Maryland, praying for the abolition of the tax on friction matches; which was referred to the Committee on Finance.

Mr. HAMLIN presented the petition of David De Haven, praying compensation for a steamboat taken into the service of the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. WRIGHT presented the petition of Maria A. Rousseau, widow of Lovell H. Rousseau, late a major-general of volunteers in the war of the rebellion, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. HITCHCOCK presented a petition of citizens of Kansas, praying the passage of the bill (H. R. No. 3281) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864; which was referred to the Committee on Railroads.

Mr. SCHURZ presented the petition of Sophia O. Schimmelfenning, widow of Brigadier-General Alexander Schimmelfenning, praying for an increase of her pension; which was referred to the Committee on Pensions.

Mr. HARVEY presented a petition of a large number of citizens of Kansas, praying the passage of the bill (H. R. No. 3281) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864; which was referred to the Committee on Railroads.

Mr. GORDON presented the supplemental memorial of Duff Green, of Georgia, giving his views on national finances, the exchanges of money, and the products of the country; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MERRIMON presented a resolution of the Legislature of North Carolina, in favor of an appropriation from the Treasury of the United States to open the mouth of Scuppernong River; which was referred to the Committee on Commerce.

He also presented a resolution of the Legislature of North Carolina, in favor of an appropriation or indemnity by Congress for the destruction by fire of the court-house in the county of Davidson, in that State, in the year 1866, while in the possession and occupancy of United States troops; which was referred to the Committee on Claims.

He also presented a resolution of the Legislature of North Carolina, in favor of an appropriation adequate to the completion of the work of improvement now in progress on the bar of the Cape Fear River; which was referred to the Committee on Commerce.

He also presented a resolution of the Legislature of North Carolina, in favor of the construction of a court-house and post-office building in the cities of Greensborough and Asheville; which was referred to the Committee on Public Buildings and Grounds.

He also presented a resolution of the Legislature of North Carolina, concerning the direct tax levied and collected by the Federal Government on lands in the year 1865; which was referred to the Committee on Finance.

He also presented a resolution of the Legislature of North Carolina, touching the internal-revenue laws of the United States; which was referred to the Committee on Finance.

He also presented a resolution of the Legislature of North Carolina, in favor of the repeal of the tax on tobacco; which was referred to the Committee on Finance.

Mr. THURMAN presented the petition of E. W. Metcalf, builder, part owner, and agent for all the owners of the ship Delphine, formerly of Bangor, Maine, praying indemnification for the total destruction of the Delphine, in December, 1864, by the rebel cruiser Shenandoah, to be paid out of the money received by the Government by virtue of the award of the tribunal at Geneva; which was referred to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS.

On motion of Mr. MITCHELL, it was

Ordered, That leave be granted to withdraw from the files of the Senate the petition and papers of Nicholas White.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky, reported it without amendment.

ALLEGHENY VALLEY RAILROAD COMPANY.

Mr. SCOTT. I am instructed by the Committee on Claims to report back the bill (S. No. 996) for the relief of the Allegheny Valley Railroad Company, and recommend its passage. The bill authorizes the payment of an ascertained balance which was covered into the Treasury under the act of July 12, 1870; and if there be no objection, I would ask for its present passage.

Mr. EDMUNDS. What is the nature of the bill?

Mr. SCOTT. It was offered as an amendment to an appropriation bill and favorably reported upon last session, but ruled out on the point of order that it was a private claim. I feel that perhaps I was negligent in not introducing a bill at that time. This is an ascertained balance due on a settlement in the Post-Office Department, but was covered in under the act of July 12, 1870. The letter of the Auditor of the Post-Office Department shows that it is there standing on the books of the Department due to the company, but covered in under that act.

Mr. EDMUNDS. I will hear it read for information, reserving the right to object.

The VICE-PRESIDENT. The bill will be read.

The Chief Clerk read the bill.

Mr. EDMUNDS. Let us hear the report.

Mr. SCOTT. There is no written report. The whole case is in the letter of the Auditor of the Post-Office Department.

Mr. EDMUNDS. Let us hear the letter, then.

Mr. SCOTT. It is with the papers. Let it be read.

The Chief Clerk read as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, May 18, 1874.

SIR: In reply to yours of the 15th instant, I have to state that there is due the Allegheny Valley Railroad Company, on account of service performed in 1868 and 1869, the sum of $7,232.75. This amount cannot be paid until an appropriation is made by Congress, under the provisions of the act of July 12, 1870.

Respectfully,

J. J. MARTIN, *Auditor.*

Hon. JOHN SCOTT, *United States Senator.*

Mr. EDMUNDS. I should like to ask the Senator from Pennsylvania how it happened that this railroad company was so unfortunate as not to get its pay as the other railway companies did, out of the regular appropriation in the time of it? What was the difficulty? There must have been something peculiar, or this state of things of course would not exist.

Mr. SCOTT. I will state for the information of the Senator from Vermont that there is a long account which shows that the account itself was not balanced until after 1870. The balance due to the company upon that long account is the sum named in the bill. There was a good deal of confusion in the business of that railroad company for a year or two. As soon as the account was balanced, the company made the effort to have payment made here, but they found that the balance of the amounts appropriated for those fiscal years had been covered into the Treasury. They then sent the claim to me; and it being so plain a case, I offered it as an amendment to the sundry civil appropriation bill, having sent all these papers to the Committee on Appropriations, and they reported in favor of it, and when it came up at the last session it was about being passed after a controversy was had in regard to another private claim in which the Senator from Illinois who sits farthest from me [Mr. OGLESBY] was largely interested. Several had been passed on the sundry civil bill, and then my friend, the Senator from Vermont, [Mr. EDMUNDS,] as was right and proper, made the objection to this private claim going on that appropriation bill, and it was ruled out of order. It was my neglect, I suppose, not to introduce a bill, have it considered, and brought in regularly. It was ruled out then. It is now brought in regularly. Of course, if it is not proper to consider it now, I do not desire to press it; but the plain state of the case is that this is a balance due to the railroad company for carrying the mails for those two years. They did not get their account settled in time to get the money before it was covered into the Treasury. It was covered in, and now they want to get it out.

Mr. EDMUNDS. I hope my friend does not think anything improper in my asking what the case is now. I have not made any objection.

Mr. SCOTT. I have not said the Senator from Vermont did anything improper at the last session. He has done nothing improper now, and he very seldom does anything improper.

Mr. EDMUNDS. That being the case, I am captured. [Laughter.]

Mr. SCOTT. I take no objection to the course of the Senator from Vermont on any occasion.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

It is a direction to the Secretary of the Treasury to pay to the Allegheny Valley Railroad Company $7,232.75, a balance due to that company, as per account balanced upon the books of the Post-Office Department, for transportation of the mails in the years 1868 and 1869, which cannot be paid until an appropriation is made therefor; the balances of the appropriations for those years having been covered into the Treasury under the provisions of the act of July 12, 1870.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE STEAMBOAT LAW.

Mr. CHANDLER. I desire to give notice that I shall to-morrow, after the morning hour, attempt to call up the steamboat bill, as it is called, and I shall ask the Senate to consider it at that time.

BILLS INTRODUCED.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1034) to provide for the review of questions of law on findings of fact by the district courts of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1035) to aid the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago; which was read twice by its title, and referred to the Committee on Railroads.

Mr. EDMUNDS. I ask that that bill may be printed, and all other bills that call for subsidies from this Congress I hope will be printed, so that we can see what they are. It begins to look as if we shall have enough to make a book of them by themselves, and it is high time we begin to consider that subject and have them printed, I think.

The VICE-PRESIDENT. The Senator from Vermont asks to have the bill printed. The Chair hears no objection, and it is so ordered.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1036) for the relief of Rear-Admiral John L. Worden and the officers and crew of the United States steamer Monitor who participated in the action with the rebel iron-clad Merrimac on the 9th day of March, 1862; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1037) to establish the Inventors' Institute and Patent Emporium and Patent Manufacturing Company in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1038) for the relief of Sarah E. Wedelstedt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. HAGER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1039) for the protection of the harbor of San Diego; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1040) to extend the provisions of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi, and other States," approved March 3, 1857, to States admitted into the Union since that date; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. EDMUNDS. I wish to ask what the nature of that is. Is that the old 2 per cent. question?

Mr. HITCHCOCK. It is a bill in regard to 5 per cent. on Indian lands, putting newly admitted States on the same footing as other States.

Mr. EDMUNDS. If I correctly understand it, it is the same question that has been considered hitherto by the Committee on the Judiciary, and about which we had a debate a year or two ago.

Mr. HITCHCOCK. It is an entirely different question.

Mr. EDMUNDS. Let it be printed, at any rate.

The bill was ordered to be printed.

RECOMMITTAL OF A BILL.

Mr. FRELINGHUYSEN. I move to take up the bill (S. No. 319) making retirement in the Army and Marine Corps after a certain age obligatory, for the purpose of having it recommitted to the Committee on Military Affairs, that a statement may be made to them. This motion is made with the assent of the chairman of that committee.

The motion was agreed to; and the bill was taken up and recommitted to the Committee on Military Affairs.

LETTA BAGLEY.

Mr. PRATT. I move that the Senate proceed to the consideration of the bill (H. R. No. 3188) granting a pension to Letta Bagley. My friend from Iowa is interested in the matter and requests me to make this motion.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Letta Bagley, mother of James P. Bagley, late a private in Company E, Twenty-ninth Regiment Ohio Volunteers, and to pay a pension to her from the time when her name was dropped from the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REDEMPTION OF MUTILATED CURRENCY.

Mr. BOUTWELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance be instructed to consider the expediency of providing for the redemption of mutilated fractional currency by the postmasters of the several cities and towns of the United States.

IMPORTATION OF CHINESE.

Mr. HAGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That so much of the annual message of the President as relates to Chinese immigration be referred to the Committee on Foreign Relations for such action and report, by bill or otherwise, as in the opinion of the committee may be appropriate and necessary to remedy the evils to which the President calls the attention of Congress.

Mr. HAGER. In that connection I beg leave to ask also for the reference of the resolution which is on the Calendar introduced by me at the last session upon the same subject, and of the memorial from the Legislature of the State of California having reference to the same matter, to the Committee on Foreign Relations. The resolution stands on the Calendar as offered by myself, instructing the committee in regard to that matter.

The VICE-PRESIDENT. The Senator from California moves to proceed to the consideration of the resolution indicated by him.

The motion was agreed to; and the following resolution was taken up for consideration:

Resolved, That the Committee on Foreign Relations be instructed to advise with the President in regard to the expediency of opening negotiations with the Emperor of China, with a view to obtaining such modification or enlargement of the treaty with China, commonly known as the "Burlingame treaty," as will check the importation into the United States of Chinese females for immoral purposes, and of Chinese males as coolies, or for the purpose of fulfilling servile-labor engagements.

The VICE-PRESIDENT. The Senator moves that this resolution and the memorial of the Legislature of California accompanying it be referred to the Committee on Foreign Relations.

The motion was agreed to.

CAPTAIN J. C. BEAUMONT.

Mr. CRAGIN. I move that the Senate proceed to the consideration of House bill No. 1063.

The motion was agreed to; and the bill (H. R. No. 1033) to restore Captain John C. Beaumont, of the United States Navy, to his original position on the Navy Register was considered as in Committee of the Whole. It proposes to authorize the President of the United States to restore John C. Beaumont, captain in the United States Navy, now on the active list, to his original position on the Navy Register, next above Captain Charles H. B. Caldwell.

Mr. SHERMAN. I ask for the reading of the report in that case, if there be one.

Mr. CRAGIN. There is not any report from the Senate committee. This is a House bill. Captain Beaumont was with Admiral Farragut at the time of his expedition to Europe, after the close of the war, and he commanded the Miantonomah. Some charges were brought against Captain Beaumont by some of the officers, and he was placed on the retired list. He is an old and an excellent officer. He has since been restored to the active list, but placed at the foot of the captains. All the officers who made the charges against him have withdrawn their charges and recommend his restoration to his original position. He has been in the service upward of forty years, I think, and he is one of the best officers in the Navy. I examined thoroughly the record in this case, as did the chairman of the House committee, and the bill was passed unanimously by the House; and our committee think justice requires that the officer should be restored.

Mr. SHERMAN. When an officer, after being retired, is restored to the active list, and is placed above those who have been promoted in due course, the facts ought to appear on the record. I think this bill had better be referred back to the Committee on Naval Affairs, so that the facts may be stated. It is a great hardship both in the Army and Navy to legislate persons into office above those who have been promoted in regular course. More injustice has been done in that way, in my judgment, both in the Army and Navy, than in any other.

Mr. CRAGIN. This bill restores Captain Beaumont to the position he occupied for a long time. I have not found a single officer who is not willing that he should be so restored. He will only stand, after this bill is passed, where he stood for a long time. The Senate will remember that in that expedition to which I referred the officers were feasted very largely, and it was charged that on one occasion Captain Beaumont, at a dinner party, drank a little more than he ought to have done. The men who made these charges have withdrawn them; and from the fact that he is so fine an officer the Department recommends the bill, and the Naval Committees of both Houses join in asking that he be restored.

Mr. SHERMAN. I think the Senator only makes the justice of my suggestion stronger. It seems this officer was court-martialed, tried, and retired.

Mr. CRAGIN. Not at all. He went before the board for promotion, and they failed to promote him, and then by law he went on the retired list. He has been restored since.

Mr. SHERMAN. If he has been in the service forty years he must now have reached the age at which he must by law be retired.

Mr. CRAGIN. Not quite. I may be mistaken as to the exact time, but he has been in the service between thirty and forty years. He is now on the active list. My friend from Ohio will see how mortifying it must be to an officer of his qualifications to be placed at the foot of the list, away below thirty or forty men who had always before been his juniors. He is now in active duty, and has a very responsible command.

Mr. LOGAN. I should like to make an inquiry of the Senator from New Hampshire. The rule is that when an officer is retired in the Army or Navy his retirement makes a vacancy in the place he leaves, and some other officer is promoted to that place. Will not the restoration of this officer in this way displace the officer who has been placed in the position he occupied at the time of his retirement? Is not that the case?

Mr. CRAGIN. It will not displace anybody. It only puts Captain Beaumont over the heads of those who were formerly below him; none of them falls below the rank of captain.

Mr. LOGAN. But they are all moved down on the register?

Mr. CRAGIN. One peg.

Mr. LOGAN. I think with the Senator from Ohio that a bill of that kind ought to be examined by the proper committee. I do not want to excuse myself in such matters, because I have been guilty of aiding such legislation in two instances by a misunderstanding, one of which will come up this winter, and I will then explain it to the Senate. I have assisted in putting officers in grades above those which they occupied, on statements made to me which were afterward found not to be correct, and in that way injustice has been done. I think in a matter of this kind, where an officer is to be moved forward and other officers to be moved down on the scale, the case ought to be investigated very thoroughly by a committee, to see where the injustice is and have it reported, so that the Senate can understand it. If they do not, injustice is often done, as I know it has been in some instances in the Army. I do not know so much about the Navy.

Mr. CRAGIN. This bill was passed by the House of Representatives at the last session, examined thoroughly by the Naval Committee of the Senate, and favorably reported. It is on the Calendar as a bill reported from the Naval Committee of the Senate. It has been carefully examined. I stated before that I had examined the record of the retiring board thoroughly, and there is nothing there against Captain Beaumont. Mr. SCOFIELD, the chairman of the House committee, also went personally to the Navy Department.

Mr. LOGAN. Was not this officer retired?

Mr. CRAGIN. He was.

Mr. LOGAN. Then how does be get back to the active list?

Mr. CRAGIN. By special act of Congress two or three years ago.

Mr. LOGAN. If that is the case, it strikes me as being unjust now to move him forward. When an officer is retired either from the Army or Navy he ceases to be an officer in the Army or Navy, and is merely borne on the roll for the purpose of drawing the stipend which is given him by Congress; he is no longer on the list of active officers. If by a special act of Congress this officer was restored to the active list after having been retired, he was restored to that list by favor of Congress; and if it was just that he should have been moved above these men at that time, that was the time to do it. I merely wish to say here—not in reference to this case, but inasmuch as this is up, it is as good a place to say it as any—that a habit seems to have grown up in the Army and the Navy, under which officers come to Congress first and get an act passed putting them on the active list, and at the next session of Congress, or a session or two afterward, when the thing is forgotten, they come again and ask Congress to move them forward to some position on the list. That is done; and the next session of Congress they come and ask that the President shall be authorized to appoint them to a certain position. The President appoints them to that position and lets the commission date back three or four years. They then go to the paymaster, and draw back-pay for the time they have been performing no duty whatever. This thing has been done just in that way, and in that way impositions have been practiced upon the Congress of the United States, and it is about time to stop this course of proceeding.

The Senator from Ohio made the suggestion, and I will make the motion, that the bill be recommitted to the Committee on Naval Affairs, for the purpose of examining the case thoroughly and seeing what the effect of this bill will be if passed; because if it is passed without some limitation it may date back to the day of retirement, and then he will ask for back-pay.

The VICE-PRESIDENT. The Senator from Illinois moves that the bill be recommitted to the Committee on Naval Affairs.

Mr. CRAGIN. There is no question of pay in this bill whatever. Captain Beaumont is now a captain, drawing a captain's pay. This bill only advances him in the grade of captain, and he draws no more pay. There is no back-pay about it, and can be no back-pay about it whatever. It simply restores him to his original position that he occupied before he was retired. He is now on the active list. This places him where he was for thirty years. That is all there is to the case.

I stated that the committee gave the matter a thorough examination, and know just as much about it now as they will if the bill is recommitted. A recommitment only delays action. I have no feeling in the matter and no wish to press the bill to-day. I saw there was an open space here, and thought that perhaps I might clear the Calendar of a single bill. I have no special objection to its going back to the committee.

Mr. SHERMAN. We ought to have a report.

The VICE-PRESIDENT. The question is on the motion to recommit.

The motion was agreed to.

DISBURSING OFFICERS' ACCOUNTS.

Mr. WEST. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the House of Representatives is hereby requested to furnish the Senate a copy of the report made to that branch of Congress by the Secretary of War, under the act of April 20, 1874, relating to the accounts of disbursing officers.

Under the law this information should have been sent to both branches; but the Secretary of War was pressed for time in transmitting it to Congress, and it was sent to the House of Representatives alone; and the House of Representatives not having determined to print it, it is desirable that this body should have a manuscript copy of it.

Mr. SHERMAN. It would be a great deal cheaper to print the document than to copy a long manuscript. Let us ask for a printed copy, and it will be sent, no doubt.

Mr. WEST. The information was laid before the House of Representatives and was referred to the Committee on Military Affairs, with discretion to that committee to order the printing if they should deem it necessary. If they do not choose to print it, we certainly must ask for a manuscript copy. If they do print it, this resolution will get us a printed copy.

Mr. SHERMAN. They will have the whole of it copied, whether it be printed or not, if we ask for a copy.

Mr. WEST. We ought to have it at any expense. It is a very important matter.

The resolution was agreed to.

HENRY HETH.

Mr. JOHNSTON. I move to proceed to the consideration of Senate bill No. 764.

The motion was agreed to; and the bill (S. No. 764) to remove the political disabilities of Henry Heth, of Virginia, was considered as in Committee of the Whole.

Mr. EDMUNDS. I wish to inquire if that bill has been reported from a committee?

Mr. JOHNSTON. Yes, sir; reported by the Senator from Vermont himself from the Committee on the Judiciary.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting therefor.

JAMES JACKSON.

Mr. GORDON. I move to proceed to the consideration of Senate bill No. 755, also favorably reported by the Committee on the Judiciary.

The motion was agreed to; and the bill (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting therefor.

DELINQUENT OFFICERS—IMPROVEMENT GRANTS.

Mr. DAVIS. I move that the Senate proceed to the consideration of the resolution offered by myself on the 8th of December.

Mr. EDMUNDS. Let the resolution be read for information.

The Chief Clerk read the resolution, as follows:

Resolved, That the President of the United States be, and he is hereby, requested to furnish the Senate with a detailed statement, commencing with the 30th of June, 1865, and closing with the last fiscal year, showing therein the names of all postmasters, paymasters, quartermasters, commissaries, collectors of internal revenue, collectors of customs, officers of the Freedmen's Bureau, and any other officers or set of officers from whom any sums of money were due at the close of the last fiscal year, and which now remain unpaid; also the names of the sureties of such officers, the penalty of their official bond, the amount due and when due in each case, the total of such sums so due, by whom and from what State such officers were appointed, and whether there are any suits now pending to recover said sums of money, and if so, against whom, in what courts, and for what amount.

The President is also requested to report the number of acres of the public lands and the amount of bonds and money granted to railroads, canals, or other works of internal improvement, giving therewith the names, dates, and amounts in each case, and also the grand total; also, the number of acres of the public lands and the amount of bonds heretofore granted or voted by Congress to railroads or contemplated railroads for which no certificates or evidences of ownership have been issued, stating in detail the name of the railroad and the amount granted or voted to the same, and the grand totals of such grants.

Mr. EDMUNDS. I hope the Senator will not press that resolution this morning, although I think it ought to be referred to a committee on account of the expense it involves. A considerable part of the information is already in print——

Mr. MORRILL, of Vermont. All of it.

Mr. EDMUNDS. I do not know but that all of it is in print. If the Senator from West Virginia wishes merely to have it referred to the committee on that subject to see how much of the information we already have, I do not object to its being taken up; but if he wishes to pass it on the spot, as a direction to the President, who, by the way, I believe is not the proper officer—but it is not up now—I should ask him to let it lie over until to-morrow.

Mr. DAVIS. The resolution has been lying on the table over a week. However, if it is understood that it can be called up to-morrow morning, I have no objection to its going over. I did not call it up for the purpose of reference, as a similar resolution, offered by myself at the last session, was referred to a committee, with an amendment offered by the Senator from Louisiana, [Mr. WEST,] and was reported back just about the close of the session with an unfavorable report.

I am disposed to ask only for such information as is needed, and not give unnecessary trouble to the Departments or to Congress; but there are many matters included in the resolution that Congress, so far as I have been able to learn, has not been informed upon. The desire is to get the information without giving unnecessary trouble.

Mr. EDMUNDS. I cannot make any promise about to-morrow, and so I shall make no objection to the resolution coming up now; and when it is up we will consider what ought to be done with it.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from West Virginia moves that the Senate proceed to the consideration of the resolution which has been read.

The motion was agreed to, and the Senate proceeded to consider the resolution.

Mr. EDMUNDS. I understood the Senator from West Virginia to say that a similar resolution was referred to some committee—I do not know what one—last year.

Mr. SCOTT. The Committee on Finance.

Mr. EDMUNDS. And that it was reported unfavorably. I must presume that committee had some good reason for that report, though I do not remember any such report; but in order that we may know now, while we are at the beginning of the session, exactly how much of this information is already in print, and how much it is needful, therefore, to have, I make a motion to refer this resolution to the Committee on Finance, who may investigate the subject and report.

I make this motion in the interest of economy, for I have discovered, by observation, that these inquiries, which are addressed to the Departments almost as a matter of course, about all sorts of subjects, and in respect to which any Senator can be informed at any time for his own personal benefit by going to the Departments or sending a note as to any particular point, are excessively expensive, and result in no advantage to the public service or to anybody else. Hundreds of thousands of dollars have been expended in the Departments within the last few years, I have no doubt—I may state it too high—in procuring information under resolutions that we pay no attention to, and that pass, as a matter of course, which turn out to be that style of information called by the antiquaries useless, absolutely useless. Now, we are all for economy, and we are all for every information that it is desirable to have for the public business, of course. I should be glad to have an early report from the Committee on Finance, a printed or written report, upon this particular subject, so that we may get what is needful and desirable that we do not have already, and not put the Departments to the expense of giving us that which has been in a large degree already furnished from year to year. This is the ground of my making the motion.

Mr. DAVIS. The information asked for, it will be noticed, goes back to 1865 only. The resolution offered at the last session by myself covered the same dates as the present one; but that was amended by the Senator from Louisiana [Mr. WEST] so as to go back to 1853. The Departments said, through the Finance Committee, that the information called for by the Senator from Louisiana would take considerable time and great labor, as it related to the entire period of the war and went back twelve or thirteen years prior to the date named in the resolution offered by myself. I believe that was the objection, and almost the sole objection. Since 1865 probably no report has been made, certainly as to many of the inquiries here made; and both the Senate and the House, so far as my knowledge goes, are without much of this information, or nearly all of it, since 1865. The objection before was to going back to 1853. That caused the unfavorable report of the last session, as the Finance Committee then told us.

I should have, of course, no objection to a reference of the resolution with a view to economy by restricting the call to such information as has not been heretofore presented. I am sure, however, that there is much that ought to come out which has never yet been given to the public. I have great confidence in the Finance Committee; and believing, and knowing in fact, that they will at an early day report to the Senate, I shall not object to the reference proposed for the purpose I have just indicated.

The PRESIDING OFFICER. The question is on the motion to refer the resolution to the Committee on Finance.

Mr. SHERMAN. I think it is hardly worth while to dispose of this resolution in this way. I think the Senate ought to decide it. The Committee on Finance have reported adversely to it already, and I am prepared now as one member to vote against calling on the Executive Departments for this information.

Mr. EDMUNDS. The Senator will pardon me for suggesting that he forgets what the Senator from West Virginia states, that the resolution referred last year was much broader; and it may be that the committee might think that it was desirable to adopt this resolution or some part of it. So I hope my friend from Ohio will not object to the reference.

Mr. SHERMAN. Can Senators really desire information from the Committee on Finance about it? We did examine it once. We took pains to see to what extent this call would duplicate information already on our files in public documents. I am quite sure if the Senator from West Virginia will look over the resolution he will see that

it will entail on the Executive Departments an enormous amount of labor. It will require them to duplicate at least twenty or thirty books which have been sent to us at every session of Congress for the last ten years. It would require an army of clerks. It calls for all the accounts of nearly all the officers of the Government, postmasters, paymasters, commissaries, collectors of internal revenue, together with a statement whether any money is due on an officer's account for a saddle broken or a bridle lost or any little matter of that kind; and then it calls upon the Departments for the names of the bail, whether the sureties are good, whether they are dead, and a multitude of information of no practical use whatever.

I am prepared to vote at once against anything of this kind; but if the Senator from West Virginia knows of any case where an officer of the Government, by name, has been negligent or has failed to account for public money or public property, or can give us such a description of a class of persons as he believes have been guilty of fraud or peculation or concealment, and will offer a resolution calling for that information, if it is not already possessed by Congress, we will all vote to give it to him. But I cannot consent to throw a drag-net over all the operations of the Government for a series of ten years, and require the Departments to duplicate information that has come to us in the ordinary course of our business, for annual reports are submitted to us on nearly all of these matters, and they are contained in volumes that are sent to us and lumber up our rooms, and are sold as waste paper, it is said, at so much per pound, and never read.

I am perfectly willing, if there is any responsibility to be taken, to vote to deny so general and broad and sweeping an inquiry as is here proposed; but I again say that if the Senator from West Virginia can tell us any case that he has ever heard of, or heard of talked about, where there has been any neglect on the part of the Government in prosecuting a person who has been intrusted with public money or public property, or any delay or any want of attention or diligence, I will vote to call for the information with great pleasure. I think it probable, if this resolution is referred to the Committee on Finance, although they spent considerable time in examining the subject at the last session, that they will report it back to the Senate with a statement that these broad and general inquiries are of no account whatever. I hold it to be the duty of the Senate to furnish any Senator with any information where he can show some degree of particularity; and where he can give a basis or show a reason for seeking for that information, it will be called for with great pleasure. I think the strict fulfillment of this resolution, if passed, would cost a very considerable sum of money and the answer would be entirely useless for any practical purpose.

Mr. CONKLING. Mr. President, I concur entirely with the Senator from Ohio; and I have so high an opinion of the candor of the Senator from West Virginia that I think I shall be willing to leave to him whether such an inquiry as this is worth while. The Senator from Ohio has called attention to the fact that it will require the investigation of the account of every postmaster in the United States since 1865. Why of every postmaster? Because although the Senator from West Virginia wants only a statement of the accounts of those from whom anything is apparently due, of course he will see that all the accounts must be explored, or else no officer can answer which of these accounts show an apparent deficit; and the same thing is true of all the other officers here enumerated.

I rose, however, not to direct attention to that, which the Senator from Ohio has done sufficiently, but to call attention to another consideration which I think addresses itself to the sense of fair play of every Senator. Here is a proposal to publish the names of all official persons from whom anything is apparently due, and not only that but to publish the names of all persons who stand in any case as sureties, along with the penalty of their bond, along with the sum for which apparently in any contingency they may be visited with prosecution. Now, Mr. President, I ask every Senator to remember what happened four or five years ago, perhaps longer than that, in the case of collectors of internal revenue. More than one Senator who hears me remembers the occurrence better than I do. A list was published and went into the press throughout all our borders, holding up many men as defaulters; so it was stated. I will speak of one case which, as it turned out, was not an average case, but the case of a majority so large that the exceptions were almost unnoticeable. I speak of the case of a man with whom I have been intimately acquainted for many years, a man whose integrity, except in that instance, was never challenged. He was published as a defaulter, I think for some $64,000 in the statement of the accounts. He was abroad at the time, in Europe, an ex-collector. He came home and devoted himself to an investigation of the account, and bringing it down to the then present time it turned out that the Government owed him $900. And yet that man had had his name hung up for a whole nation to gaze at for a year as if he were a defaulter for $64,000!

That is precisely what this is going to lead to, because here is to be a statement of the apparent account, the unadjusted account, of the controversy and difference growing out of items as small as that referred to by the Senator from Ohio when he spoke of injury to a saddle or the loss of a bridle or some small accouterment. I know that the Senator from West Virginia does not want this. I know that he is not so unjust as to seek to produce any effect to be reached only through means so palpably unfair. Therefore I should say, with the Senator from Ohio, that the fair way is for the Senate to pass upon this resolution, and I unite with the Senator from Ohio in assuring my friend from West Virginia and each other Senator that whenever he shall indicate any case which he has reason to believe there is rational cause, that he is willing to state, for supposing to require investigation, I will vote cheerfully for any information on that subject, or for any other information which does not seem to me to tend to involve great and unnecessary expense for nothing, and at the same time the probability of doing injustice not only to men who are officials, but exposing their sureties to the idea among their neighbors that they are liable for great sums of money which may even put their credit in disparagement, when in truth they are practically liable for nothing at all.

Mr. THURMAN. Mr. President——

The PRESIDING OFFICER. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday.

Mr. EDMUNDS. I suggest that as this topic is under consideration we had better dispose of it.

Mr. THURMAN. No; it had better go over. I wish to say a few words on the resolution.

Mr. EDMUNDS. I was asking that it might be proceeded with and finished.

Mr. THURMAN. No; it ought not to be finished in this way. This resolution must, of course, be modified; but I hope that it is not to be "whistled down the wind." There is more in this resolution than some Senators think, and I hope it will not be disposed of in any hasty or perfunctory manner. Let it lie over, and it may be modified. As it is, it is too large and would defeat itself; we never should have any answer to it at all. The Government could not give us an answer under a year with the clerical force in the Departments. It must, therefore, be modified. Let the mover of the resolution, as he has indicated he will do, have an opportunity to modify it. I hope it will not be proceeded with now. I wish to say something upon it, but I am in no condition to speak to-day, owing to the state of my throat.

Mr. EDMUNDS. That is entirely satisfactory to me. I thought I was speaking in the interest of the Senator from Ohio who had risen to his feet when I appealed to the Senator from Maine to let his bill lay aside.

Mr. THURMAN. I am exceedingly obliged to my friend.

Mr. DAVIS. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be laid aside.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. No. 781) for the relief of James L. Pugh; and

A joint resolution (S. R. No. 11) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

COMMITTEE SERVICE.

The VICE-PRESIDENT announced the appointment of Mr. PEASE to fill the existing vacancy upon the Committee on Claims.

GOVERNMENT OF THE DISTRICT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 963) for the better government of the District of Columbia.

Mr. MORRILL, of Maine. Mr. President, when this bill was called up I said to the Senate that if it were the pleasure of the body to listen to remarks in explanation of the bill, I should feel it my duty to submit some observations in regard to its general character; but as this bill is in such reasonable form when you consider the general question and that aside from that it is chiefly a matter of detail, I tried to persuade myself that the Senators had had the bill long enough under consideration to master its details and would prefer to rely on themselves rather than on any statement I could make in regard to it. And besides, a glance at it will show that anything like a speech on the details of the bill would be endless.

I may say in the outset, Mr. President, that the bill is rather to revise and restate the public service as it exists at this time in this District than any attempt to make a new government for the District. It is only in two or three particulars that it is new and peculiar. It is a revision and a restatement with the purpose of rendering efficient the service very generally as it exists at the present time. All the subdivisions of the service are preserved, and they are supplemented only by such as are calculated to give efficiency and force and security to those which exist. So, then, Senators need not feel an apprehension that this bill is to take them by surprise as something either novel or extraordinary in its character. So far as I know and believe from the most attentive consideration of the bill for many months, I am able to state to the Senate that it is substantially what I say in regard to it—an attempt to perfect the service already in existence in this District. But of course I do not mean to say that it has not made a radical and fundamental change in the manner of doing it. That is true.

I may say in a single sentence, Mr. President, what the general

LIBRARY OF THE UNIVERSITY OF ILLINOIS

character of this bill is. In effect it restores to Congress the entire jurisdictional rights and authority which belong to it. In theory, it is that this is the national capital in a peculiar and important sense; that the Constitution of the United States invests in Congress exclusive legislation over it "in all cases whatsoever" and that a corresponding obligation rests on Congress to govern this District out of that abundance of its authority. We assumed in considering this case that all exercise of authority over this District is in its nature not local, but is essentially and necessarily national; and that is so whether this authority is exercised directly by Congress or whether it be deputed; so that, consider this question as you please, Congress is always directing and governing in this District, whether it governs through that anomalous jurisdiction called the levy court, or whether it governs as formerly through the cities of Washington and Georgetown, or through that more recent and more ample authority, the territorial government. Every act of legislation and every legislative act is necessarily that of Congress. Congress is responsible for it. If Senators agree with me in regard to that general proposition, then the only question arising here is, is it a question of expediency to devolve on or depute this authority to others, or had we rather exercise it ourselves?

Well, Mr. President, upon the most careful and attentive consideration of that subject, having regard to the history of the past, having regard to what was contemplated in the beginning, to what has been the government under the cities and to what it has been under the more recent territorial government of the District, the committee have come to the conclusion that it is wise for Congress to govern this District directly; and it is believed that in doing so Congress will not impinge popular rights at any point, and it is believed, moreover, that the best interests of the citizens will be secured by this general exercise of legislative authority by Congress.

Mr. President, with this general statement as to the principles of the bill, I will state to such of the Senators as think it worth while to give me their attention what the bill contains in a general way, how the committee have proceeded to confer this authority consistent with these general principles; that is, consistent with the general authority of the Government of the United States, acting always directly through Congress upon all questions of legislation, and at the same time freeing itself and freeing the national Executive from any interference or from any exercise of executive authority in carrying out the laws made by Congress.

And first upon the question of representation, or partial representation, or quasi representation, the committee have ignored that altogether, except in one single instance of a purely local character. It will be remembered that at the present time there is a sort of representation for the people of this District in the House of Representatives by a Delegate. We do not recommend that this be continued. We do not recommend it for the reason that no legitimate representation under the Constitution is possible, and we maintain that that ought to be conclusive and satisfactory. The framers of the Constitution did not contemplate representation, did not provide for it, nor can it be provided for except by an amendment of the Constitution. Anything like a sham representation, anything like a quasi representation of a community represented by every Senator and Representative in the land, it strikes the committee, can have no other effect under heaven than to furnish a convenient nucleus for a lobby. Such a representative or delegate has no legitimate function, and you cannot confer upon him a legitimate function. Then why attempt it? Was it a violation of the Constitution or of the theory of the Government when the framers of the Constitution provided for a district here of ten miles square where thousands and tens of thousands and hundreds of thousands of people should reside and did not provide for its representation or contemplate its representation? I am not one to believe that.

In the nature of the case, the acquisition of this territory, the devotion of it to a national capital exclusively, and subjecting it to the exclusive authority of Congress, excluded the idea of local representation. Moreover, what more absurd than the idea of the people here electing a Representative or a Senator, if the Constitution could be amended to that end, when upon the theory of the Constitution every Representative and every Senator in Congress is necessarily a representative in a peculiar sense in regard to this District, charged with the highest and most sacred duties over this District, to watch over it and carefully protect it, not only provide for it in the high sense that it is a national capital and is to be isolated from all local jurisdictions or interfering interests of any character whatever, but in the nature of a sacred trust, and every Senator and Representative himself is a trustee to that end. Now, what the necessity of representation, either general or special, either real or sham? On these considerations, the committee have not recommended any representation in the shape of a delegate in either branch of Congress.

Mr. MORTON. Allow me to ask a question. What is the difference between the right of the people of this District and the right of the people of a Territory to a Delegate in Congress?

Mr. MORRILL, of Maine. I am asked a very pertinent question by my honorable friend who sits near me, and that is the difference between the case of the District of Columbia and a Territory of the United States. In the first place, it is most obvious that in their origin they are entirely different. The jurisdiction given here is exclusive and direct. Congress has the power of legislation "in all cases whatsoever" over this District, and in the same section my honorable friend will find it is analogous to and classified with the authority which the Congress is to have over that territory which it shall purchase for forts and arsenals. In none of those instances, I suggest to my honorable friend, was it ever contemplated that American communities in the sense of States were to cluster about either this capital or the forts or arsenals. The object of acquiring this District was not to form a State or a Territory; it was to be a capital, and it was to be isolated in its jurisdiction from all other jurisdictions whatever.

When you come to the question of a Territory the case is altogether different. In the first place, the organizing or governing power arises under altogether a different power in the Constitution, if there be any power at all. It has generally been considered that we had a right to do as we pleased in a Territory, on the ground that it is our property. The clause relative to the regulation of property is one of the powers which have been invoked; but no matter what this is, it is not a specific grant anywhere. It is general. We had a right to purchase territory, or we thought we had. There was great doubt about that in the beginning; but we have got over that doubt. I am speaking now of the power to acquire territory and then to govern the territory. It has been considered, as a general proposition I believe, that it came under the clause giving us the right to make regulations for disposing of the property of the United States, and it has been held that we had a right to govern it as we pleased. But, however that may be, Mr. President, you will see that the moment we organize a Territory, then begins an incipient State, then a population begins, then the American people are laying the foundations of States and communities; and so we treat them from the beginning to the end. That is the obvious difference. We are not laying the foundations of States here. We are not providing for American communities who are to inaugurate a commonwealth in due time to be admitted through their representation into the Senate of the United States and the other branch. All that is impossible here with the present Constitution. No such representation, no other representation than such as it has was either contemplated by the Constitution or is possible by its terms. That, I submit to my honorable friend from Indiana, is the distinction between the two cases of which he inquires.

Mr. HAMLIN. Will my colleague allow me to ask him a question?

Mr. MORRILL, of Maine. Certainly.

Mr. HAMLIN. I understand him to say, and I agree with him, that this assimilates itself to the case of navy-yards, dock-yards, and arsenals.

Mr. MORRILL, of Maine. In its authority.

Mr. HAMLIN. I agree to that; but I ask my colleague if he can give me any case where, in any navy-yard, dock-yard, or arsenal belonging to the Government of the United States, and over which we have an undoubted jurisdiction, the Government has ever attempted in any way to assess and collect taxes outside of that system of revenue which applies to all places alike? Is there any such instance?

Mr. MORRILL, of Maine. Not to my knowledge; but my colleague can readily conceive that a case might arise where it might be entirely proper to do that thing, though it is improbable. That is not a question of power, but a question of expediency. Therefore the inquiry which my colleague puts is not an illustration in this case, because the capital of a nation, as one of its necessities, includes population, residents; and in the other instance, that of forts and arsenals, it is quite the contrary. There no population would be presumable, none would be necessary, and none would be expedient; and the expediency of the thing would determine it, and not the question of authority.

But, Mr. President, that is a little aside from the real question; and perhaps all these remarks had better come in at some other point in the discussion. I would now invite the attention of the Senate to the general frame of the bill by which we undertake to carry out the principles which I have stated.

In the first place, we create a Department in the Government of the United States called the Department of the District of Columbia. It may be asked, "Why do you call this a Department; why the necessity of creating a Department?" That arises from this fact: The committee think that the executive duties which naturally arise on the service as it now exists, and which are now administered by three commissioners as executive officers, heretofore have been exercised by a governor when not by the mayors of the several cities, ought to be in a common head, and that common head, that chief executive head, ought to be independent of the other Departments of the Government; or, in other words, that it would not be expedient to confer on either of the present Departments the great bulk of executive duties which devolve under this bill on somebody. In the first place, it would not be well, we think, to devolve these duties upon the President of the United States. It would be onerous indeed for the President of the United States to appoint all the heads of bureaus, and not only the heads of bureaus, but all the officers under those heads of bureaus; and for this reason it was deemed advisable—and I think any intelligent Senator who looks at this subject would find it difficult not to agree to it—that there ought to be a common head in which should be conferred the power of appointment and removal under certain conditions and limitations, whatever they may be. By the Constitution this power can be exercised only in two ways: First, by the President of the United States; or, secondly, Congress may

confer upon the courts or upon such heads of Departments as it creates this executive power. There was no way by which this exercise of authority could be devolved except by creating a Department, unless you devolve it upon the various existing Departments of the Government, and that the committee were satisfied would not do; and that accounts for the creation or designation in this bill of a Department, and the necessity of calling it a Department, in order to get an executive head with authority to make the necessary appointments. But it will be observed that to avoid any difficulty upon that ground, or to avoid offense to any criticism which might arise against the idea of multiplying Departments, we have provided that it shall be limited expressly to the District; that it shall have no jurisdiction conferred upon it except the duties in regard to the District. This District is to be a body corporate; it is to have power to sue and be sued, &c.

The next feature to which I invite the attention of the Senate is the chief executive head: "There shall be at the head of said Department a board of regents, to consist of three members, to be severally appointed by the President of the United States, by and with the advice and consent of the Senate." It will be seen that instead of a Secretary of a Department, as has been the custom, we put the Department in the hands of three persons; we make three persons to constitute that board; they are always to act as a board, and their doings are always to be public; but in them is deputed the general executive authority to be exercised under this bill.

Now, Mr. President, I will call attention to what is the most trivial, the most unimportant feature of this bill, and yet it may be the most objectionable and the most offensive, and that is the name itself. It has been suggested to me that the name "regents" is improper; that it has an odor of royalty, of kingship, which in these democratic times is not quite the thing. I am warned by my honorable friend who sits near me [Mr. THURMAN] that we shall have to give that up. I shall have no great reluctance about that. It is a matter of taste. There is not a great deal, in this instance, in a name; but we had some difficulty, after all, in fixing upon the name, and I think if any Senator will set himself to work to find a just, fit, and proper name, without being a little sensitive as to what really has no special significance in it, he will find some difficulty in fixing upon the right name for these regents. In fact American politics does not furnish it. "Regents," really, in the nature of the case, comes nearer to it than anything else. What is a regent? He is a person who rules by authority. We devolve this authority. It is said, why not use the word "commissioner?" Well, what is a commissioner? What are his duties? He is not an executive officer. He is rather a negotiator, as a general thing; he is not a man who has general powers. And so you go through the whole category and there is the same difficulty. My honorable colleague upon the committee suggested to me, I being a New England man, "Why not call them selectmen?" That is very excellent; that conforms more strictly perhaps to the actual duties which devolve upon these persons than anything else; but it is not strictly applicable to these regents; and if you consider the pecuniarily embarrassed condition of this District, I would suggest a name which would be better than "selectmen," and that would be "overseers of the poor."

Mr. CARPENTER. "Supervisors."

Mr. MORRILL, of Maine. I have not the slightest objection to any gentleman feeling that "regents" is not the proper name, if he wishes to suggest a better.

Mr. THURMAN. Strike it out.

Mr. MORRILL, of Maine. I will strike it out whenever my honorable friend proposes a name to put in its place which is more apposite and more suitable to the case, and he may rest assured I shall not have the slightest feeling on the subject.

Mr. President, on this executive head, this board of regents, or this board created within this Department, devolve the true executive duties, and without reciting them at length I will say, once for all, that, first, we devolve upon them all the duties of an executive character which now exist by law in any officer in the District except the President of the United States. The President of the United States makes certain appointments. First, he appoints these regents, as I have already said. He appoints or details one or two others; he details an officer who is at the head of one other bureau; but aside from this, in this board are lodged the chief executive duties which are devolved upon any executive officer at the present time by law, and devolved by the provisions of this act; but all these duties are limited and defined. They are defined with very great elaboration, and they are limited. This board acts as a public board. It is obliged to keep a record. It has a secretary. It always acts in public. Its acts are open to inspection. The powers of these regents are precisely those which are given by existing laws, and they do not transcend them in any instance; they work within the principles of the laws as they are enacted and as they are in existence at the present time. They can make no law whatever; they have no legislative functions whatever. They have the power of making ordinances, but always strictly within the laws now in existence or which may hereafter exist, and those ordinances are always of a public character. They are to be enacted by the board in public, and they are subject to revision, of course.

The board of regents appoints all the other boards; that is, it appoints the heads of all the other boards. It appoints the members of the board of health, the members of the board of education, of the board of police, of the fire board, the board of excise, the bureau of street cleaning, the bureau of public works. The head of the bureau of public works, however, is to be an officer of the Army of the United States, detailed by the President of the United States. These, with the superintendent of buildings, embrace all the bureaus and all the subdivisions, all the branches of the public service.

Next, Mr. President, passing from the board of regents, we come to consider the board of health. The board of health is to consist of five members. I may say, in a general way, with regard to all these boards, that one general proposition will suffice to give the Senate an idea of their condition. As they are constituted at the present time, they are distinct and separate boards. As we provide for them in this bill, here are seven boards, and one set of men act in all these boards. We denominate them, I believe, not in the bill, but in the report, boards of co-operative control. Take, for instance, the board of health, which consists of five members. Three of them are appointed by the regents, and two of them are taken from the other boards. The presidents of certain other boards, the board of education and the board of police, are required to work and perform duty in the board of health, to the end that you have the co-operation of these two boards, whose co-operation is necessary always in carrying out the purpose of the board of health; and that principle runs through the whole bill in relation to all these boards. They all co-operate. The regents appoint one man as president, and then require the other boards to act in co-operation with these several boards. In that way the committee believe that they have secured very great economy, and at the same time additional efficiency. These boards act also as public boards; they keep a record, and that record is open to inspection; and any person aggrieved has his remedy, which is provided for by this bill. Their duties are strictly defined and limited, and that accounts for the great volume of this bill; and they cannot act, of course, outside of its provisions.

Mr. CARPENTER. I should like to ask in that connection, before the Senator passes from that point, what are the subjects to be regulated by ordinances by the board of regents? To what extent do they pass ordinances?

Mr. MORRILL, of Maine. They may pass ordinances upon any subject-matter of the public service consistent with the existing laws. It covers the entire scope of the service.

Mr. CARPENTER. I see in the seventh section—

That the authority of making, publishing, amending, abrogating, and promulgating ordinances shall belong exclusively to said regents, and they may exercise the same, in aid of the powers hereby conferred, to check vice and immorality and to enforce obedience to this act, but always consistent herewith, as they shall deem best for the public welfare.

Is there any other provision in the bill giving authority to make ordinances?

Mr. MORRILL, of Maine. No, sir; none other.

Mr. CONKLING. It is all covered by that provision?

Mr. MORRILL, of Maine. Yes, sir; we intend to limit them specifically and precisely to the law. The same thing is true in regard to the other boards, except that they are not authorized to make ordinances at all. The several boards may propose ordinances to the regents for adoption, and the regents may consider them, and if they believe they are for the good of the public service, they may adopt them as a matter of course, but not necessarily. The other boards, on the contrary, can only make such orders as are consistent with their peculiar branch of their service.

With these brief remarks I will pass from these boards, unless some Senator has some inquiry to make in regard to them, to chapter 11, pages 126 to 132, which is "of elections," and this has regard to the board of education. The board of education consists of eight members, four of whom are to be appointed by the regents; one is to be *ex officio* a member of the board by reason of his being the United States Commissioner of Education, and the other three are to be elected; and that is the only instance where the elective franchise is allowed by this bill. It relates to public schools, and as the people are intimately associated with that subject we have, in that instance, allowed the people to elect three of the members of that board, and that is carefully provided for by the bill.

The twelfth chapter is in regard to "various officers," and that relates to notaries public. We limit the number of notaries public to fifty, and we specify and define their duties. This chapter also provides for one solicitor, who is to be the principal law-officer of the Department, and all the other duties are devolved upon the Department of Justice.

Chapter 13 creates a municipal court to consist of three judges, who are to hold their office for six years, at a salary of $3,000 each, and who are to have all the jurisdiction of justices of the peace, and whose jurisdiction is to be increased so that they will have jurisdiction in civil cases to the amount of $250. They supersede the office of justice of the peace and its jurisdiction. It is also provided that these judges shall be authorized to hold a session of the police court.

Mr. CARPENTER. Is the police court left in force by the bill?

Mr. MORRILL, of Maine. The police court is left intact and these justices are authorized to hold the sessions of that court, under such rules and regulations as the Supreme Court shall direct, with a view of relieving that court.

Mr. CARPENTER. Then the municipal court is itself a civil court.

Mr. CONKLING. With civil jurisdiction?

Mr. MORRILL, of Maine. Yes.

Mr. CARPENTER. But the judges may sit in the police court?

Mr. MORRILL, of Maine. Yes, sir. The next chapter, and the one that has given us more difficulty than the rest, and the one which is regarded perhaps as the most important in this bill, is that of taxation. By the theory of this bill it will be seen that the Government of the United States assumes the government of the District. At the same time, in conformity with the theory of this bill, it assumes to direct all the expenditures. It makes all the legislation, governs everything, directs everything, provides for everything, and providing for everything, of course it provides for the expenses, current and ordinary, interest of the public debt, and everything that pertains to the affairs of the District. It will be noticed that by the terms of this bill we provide for estimates. It is made the duty of the regents to make detailed estimates annually to the President to be communicated to Congress for the entire civil service of this District. All expenditures of every description are to be made upon appropriations. All moneys, from all sources, are to be paid into the Treasury of the United States, and all expenditures and bills of every description are to be audited and all warrants controlled in the Treasury of the United States. The question then arises, what contribution ought the people of this District to make toward the expenses of this government? The General Government assuming all, directing all, controlling all, being responsible for all, and providing a government in all respects one, it is to be hoped, satisfactory to the people, giving them privileges and immunities and protection such as may be found in any of the cities or towns in the country, what ought such a people to contribute? The committee were instructed by the terms of the act to state the proportion which the Government of the United States and the people ought to contribute to the expenses of this government. Upon the best consideration we could give that subject, we believed that proposition not susceptible of exact statement, not a mathematical proposition in any way. What might be a proper proportion to-day, next year would be quite the reverse. Therefore on the theory of this bill the committee have assumed that the just contribution which the people of this District ought to make is that reasonable tax which such a people, having such privileges and immunities, ought to be expected to pay for them. We have put the rate of taxation on a fair and just valuation of the property at 2 per cent., which the committee understands to be about a medium tax throughout the country.

There is a provision in regard to an enrollment of the militia. All able-bodied men are to be enrolled as heretofore. I believe there is a force of five thousand men provided for by the laws as at present existing. We have modified and limited that so that the minimum of service is a little less than one thousand, while the maximum, at the discretion of the regents, may be two thousand, and perhaps twenty-one hundred.

Then there are some general provisions of this bill which I suppose I have a right to assume are somewhat familiar to Senators, simply with reference to the management of these bureaus and merely providing for them.

The committee also recommend, and it is made a provision of this bill, that the commissioners for the government of this District and for other purposes shall frame, or cause to be framed, suitable regulations or ordinances for carrying this bill into effect. That devolves upon the present commissioners and upon the future commisioners also, the preparation of a code, rather the revision of so much of the laws as relate exclusively to the District of Columbia.

Mr. President, with these brief and desultory remarks I will yield the floor, unless some Senator desires to ask me further questions.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) If no amendment be proposed, the bill will be reported to the Senate.

Mr. BAYARD. Mr. President, do I understand that the honorable Senator who reported this bill has finished his explanation of its provisions?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. BAYARD. The very bulk of this bill demands a long time for its examination in order that the contents may be understood. As the Senator from Maine has very properly said, the people of this District are placed in a very anomalous position, differing entirely from that of any other community in the United States. They are without direct representation on the floor of either House of Congress, without vote to sustain any nominal representation that might be given them, for representation would be a mere shadow of course without the power to assert themselves by the votes of their representatives. I confess my own desire to have an opportunity of consultation with the citizens of this District, whose property is to be affected for better or for worse to such an extent by the proposed measure; and, therefore, I shall ask that this bill lie over and be not acted upon until after the approaching recess of Congress. I presume there will be no objection to this, because every one feels that it is a sweeping measure, pregnant with ill or good results to this community, and not to them alone, for the people of the United States in general are very seriously affected by a measure which comprehends the disposition of the liability, presently or ultimately, for an enormous debt which has been incurred in the last few years by the misgovernment of this District.

For these and for other reasons, which it is not necessary for me now to state, and which I am not at present prepared to state, I hope that this measure may lie over for the purpose of examination which it will receive, and for the purpose of allowing those of us here who may have the opportunity a chance to consult with the people of the District, who are so vitally interested in having something in the shape of a good government set up over them.

The PRESIDING OFFICER. Does the Senator make a motion to that effect?

Mr. BAYARD. I do; that the bill lie over.

The PRESIDING OFFICER. Until what time?

Mr. BAYARD. I will say until the 10th of January.

Mr. THURMAN. I concur with my friend from Delaware that this bill ought not to be acted upon finally until after the recess, so as to afford those who are to be immediately affected by it a full opportunity to canvass its provisions; but if there are any Senators who are prepared to speak on it before that time and who would prefer to do so, I do not know but that it would be as well to allow them to express their opinions, and then let the bill be postponed until the date that is named.

I have paid, as is known to the Senate, no little attention to the affairs of this District, and I for one want to study this bill, which I have not as yet been able to do. I only wish now to throw out a suggestion to my friend who has the bill in charge. It does seem to me that the rate of taxation proposed in the bill, a uniform rate of 2 per cent. upon all property, whether in the country or whether in the city, is too great, and is more than is necessary. I do not think you can compare this District exactly to the case of a State, where there are State taxes, county taxes, township taxes, as well as city taxes; and perhaps the basis on which the committee have gone in fixing the amount to be levied is not precisely applicable to this District.

If no Senator desires to speak on this bill before the recess, I hope the motion of the Senator from Delaware will prevail; but if any Senator does wish to speak on it before then, I am sure my friend from Delaware will withdraw his motion.

Mr. BAYARD. That was of course understood. I merely observed that the Senate was not filled, and that the formal passage of the bill was perhaps about to take place, which I thought was not wise or expedient. Of course, if any one desires to discuss the bill now, I shall be a very willing listener; but if Senators do not desire to discuss it now, I submit the motion again that the further consideration of the bill be postponed until the 10th day of January.

Mr. MORRILL, of Maine. Mr. President, having performed the duty of reporting this bill, I suppose I might content myself with feeling that my duty is entirely done. I might regard my duty at an end when this was done. I have not the slightest solicitude about the bill. I want the most ample debate in regard to it; but it must be remembered that this is the short session of Congress. It ought to be remembered that it is very important to pass this bill or some other bill on the subject. We cannot afford to leave the government of the District as it is at the present time with the extraordinary powers that might be exercised. Its powers are very well exercised and judiciously exercised, I am happy to say, at this time; but I suppose no one contemplates the adjournment of Congress without the passage of some bill with regard to the government of this District. If this bill were now postponed to the 10th of January, I should fear that that would be the end of it for this session. There would be less than two months left, and those two months crowded necessarily with the consideration of appropriation bills. It seems to me that, so far as the consideration of the bill in the Senate is concerned, we may go on with it now until January; and it is important for us to dispose of it before then, if possible.

I agree with what my honorable friend from Delaware says, that the people ought to have an opportunity to consider this bill; but this is not a new question to the people here.

Mr. BAYARD. It is a new question in its present form.

Mr. MORRILL, of Maine. It is scarcely a new question in its present form. All there is here really is the question of taxation and the question simply of legislating directly by Congress for the District. The people will divide on the question of taxation as a matter of course; but it is no matter requiring time to study; it is a question on which they have an opinion, undoubtedly.

I wish to say a word in reply to my friend from Ohio, who suggests that the rate of taxation is made too high in the bill. That is likely. As I remarked, that is one question which we cannot determine exactly. There is no such thing as saying what is the precisely proper proportion of burden the people of the District should bear. It seemed to us that the most equitable thing to be done was that the Government of the United States should direct the whole thing, and levy from the people of the District only that reasonable sum which it was proper they should pay by way of taxation. If the taxation we propose is unreasonable, it can be modified by the Senate; but the fact to which my friend from Delaware adverted must be kept in mind, that there is a very large debt resting on this District, and that it has been created to a very large extent in the interests of the people of this District. I do not stop to characterize it, but much of it has been caused by the improvements of the District; and that there have been grand improvements made no one can deny, but they have been very expensive, and there is a great debt upon the District. When the Government of the United States undertakes to stand be-

bind this debt, as it must, as it is liable both legally and morally, I submit that the taxation must in any consideration of that question be pretty high; and it should be considered that the committee of which my honorable friend from Ohio was a member at the last session reported a bill which imposed a tax of three cents on the dollar on the real estate in this District. I should hope never to see that done again. But if you look at the assessments voluntarily paid by the people of this District in 1872 and 1873, you will find that 2 per cent. was the rate of taxation imposed by themselves on their real estate.

Mr. BAYARD. That was a limitation fixed by act of Congress, that it should not exceed 3 per cent.

Mr. MORRILL, of Maine. But they imposed on themselves all they could, and that is precisely the rate we now propose.

Mr. THURMAN. But you include personal property. They taxed nothing but real estate; you tax personal property as well as realty 2 per cent.

Mr. MORRILL, of Maine. The citizens of this District in 1872 taxed both personal and real estate, and the valuation of that year was $79,000,000, I think. They taxed real estate alone the next year, and the valuation was $96,000,000 without the personalty; so that the personalty cannot be a very considerable element in the taxation, and on that they put 2 per cent. It may be that this rate is too high, but it is not higher than the people here taxed themselves.

It may be said that this is on a higher measure of valuation. That remains to be seen. Complaint has been made that there are very great inequalities in the valuation as it exists; that some property is taxed very much higher than its market value, while other is exempt. But the aggregate result of this rate under this bill nobody can tell until it is tried. The committee came to the conclusion that if the Congress of the United States is to stand behind all these expenditures and all these liabilities, the people of this District must be content to pay a reasonable sum; and the medium sum paid by other communities in other sections of the country, who have such privileges and immunities as the people of this District are supplied with, is not less, I think, than 2 per cent.

Now, Mr. President, I should hope that gentlemen might be content to allow this bill to pass over until to-morrow, and if to-morrow my honorable friend from Delaware desires that it should be postponed until the next day, and so on, I shall not object; but I have not heard any demand from the District for a postponement. There has been no solicitation to me from any party whatever in the District of Columbia, from any portion of the citizens, that they wanted to delay the further consideration of the bill. The bill was promptly reported on the first day of the session. The people have had it before them since that time. There has been ample opportunity to represent their views on the floor of Congress. If they have views, I dare say they have been communicated to members. They are in communication with members everywhere. No community is so well represented, and no community in the world is so intimately in association with its representatives as these people are. Therefore, on that ground, I hardly think there is occasion for the postponement of this bill at all.

Then, on the other hand, are we prepared for it? I am sorry my friend from Ohio has not had the opportunity to examine the bill; but if the bill is kept before us within the control of the Senate I trust we shall have the attention and efforts of the Senator from Ohio to perfect it. I hope that this bill will not be postponed to the 10th day of January or to any day certain at the present time. If there is nothing desired to be said on the bill to-day, and gentlemen do not wish to discuss it, I will not object to its going over until to-morrow.

Mr. BAYARD. Mr. President, the proposition I made was entirely unpremeditated. It simply grew out of the fact that, sitting by as a listener to the speech of the Senator from Maine, I was surprised that it closed so suddenly, and that the bill was being put on its passage after so short an introduction of its contents. I know too little of the measure to antagonize it or to advocate it. I am not prepared to vote on it. I only know its importance, and I know its importance to the people of this District, who, as I said before, are without direct representation on this floor. The motion that I made for postponement until after the vacation simply was in view of what I believe is the probable fact that we shall adjourn early next week until some early day in January, probably the 5th of January. I have heard the probability stated that we shall adjourn on Tuesday or Wednesday of next week until the 5th of January or thereabouts. I did not suppose that this bill could be considered in a manner worthy of its importance until at least a fortnight had elapsed. The vacation may give that opportunity. I must say more, sir, that I am surprised that upon a measure of this importance so short an introductory statement should satisfy the honorable chairman and the other members of the committee who have had this important matter in charge. We have no right to take the contents of this bill for granted. We have no right to pass hastily upon questions so pregnant with evil or good to the people of this District as this enormous, bulky, overworded measure contains. One thing I am very certain of, that there is a verbosity in this bill alone which needs great revision. I could point out, I think, in the course of a few minutes cases in which a dozen lines of print are expended in words that could well have been compressed into a single line. There is a great deal of inartificiality in the language of this bill, a great deal that it is exceedingly unusual to find in laws, which it seems to me for the credit of Congress should be revised in a great degree. I am not upon the Committee on the District of Columbia Affairs. I never have been. I cannot say that I desire to be. At the same time I am willing to give a fair share of attention and labor to perfect any measure that is to affect the people whom the laws I assist in passing are to govern. I am willing that this measure shall be continued to-morrow and next day, and every day until our adjournment; and I wish my honorable friend from Maine distinctly to understand that I am not in the least degree antagonizing the measure which he has brought into the Senate. I am simply asking for time to a sufficient degree that we may comprehend the full effect of the measure that he proposes.

The question of taxation in this District is a mystery to me. I do not know the history of taxation elsewhere; but comparing the taxation here with that to which I have been accustomed in the State where my home is, the taxation here is exaggerated and monstrous. It is a taxation so far beyond that which I believe prudent, reasonable, discreet property-holders anywhere would voluntarily impose upon their own property, that I cannot but express my great regret that the intelligence of this District and the property of this District should have been so utterly overwhelmed and deprived of an opportunity of saying what portion of their property should be paid for the benefit of having the balance protected and governed.

Why, sir, the other day a gentleman upon whose statement I rely implicitly told me that in 1861 and 1862 and 1863 the taxes upon buildings which have not been improved since that time, upon which scarcely any more than reasonable maintenance in good repair has been expended, were from $150 to $180, never higher than the latter sum, never lower than the former sum, and yet that upon that same property in 1874 he was called upon to pay a tax of $3,500. You may call that taxation or you may call it confiscation, but God help the property that is to be so protected! I do not know who can be called the owner of it, whether the government that lays the tax or the individual in whose name the title may happen to stand.

In regard to this 2 per cent. tax which has been spoken of, levied upon real estate improved and unimproved, the same gentleman cited to me a piece of property which he had full knowledge of on which the tax would amount to $2,400 on a piece of property that cannot to-day be rented for more than $800. It would be a tax that prudent, discreet land-holders would never dream of laying on their property, because there must be a proportion in all things, and there is a gross disproportion in such schemes as these. When we propose to levy such a tax, I would like that the people who are to pay it should have a fair and full opportunity of presenting to me and to my friend from Maine, than whom I know no one is more open to reasonable conviction upon this and upon other subjects, the fruits of their experience and a statement of the condition of their property.

Sir, I have said more than I intended. It was entirely unpremeditated on my part, as I have stated, to make any motion in regard to the postponement of the consideration of this measure. I should be unwilling to take the responsibility, with my present knowledge, of defeating this bill or doing anything that would tend to defeat it; but at the same time I do trust, if it does lie over, it will be with the understanding that there shall be full time given to its consideration consistent with a proper period for final action upon it. Therefore, if the Senator from Maine shall desire, he being in charge of the measure, that this bill shall lie over until to-morrow and again *de die in diem* until we may come to some understanding of its contents and effect, I shall withdraw the motion I made to postpone it until the 10th of January. I would rather take his suggestion as to the time to be given for the due consideration of the bill; but by all means I hope he will not think of acting upon it now.

Mr. MORRILL, of Maine. I have not the slightest disposition to press the bill on the attention of the Senate until they are in a condition to consider it, and certainly I am not disposed to press it, if I had the ability or power to do so, against the wish of Senators. I want the candid consideration of the Senate.

In regard to the question of taxation, the bill was designed to give a thorough and radical remedy for all the abuses of taxation to which the Senator has referred. It may be that this measure of taxation is too high. That is a fair question for consideration. The only difficulty I have heard suggested by any tax-payer in this District is as to the rate.

Mr. BAYARD. It is not only a question of rate, but preceding that and equally important with it is the question of assessment. It involves a high rate on a low assessment, or a low rate on a high assessment. The things must be considered together.

Mr. MORRILL, of Maine. What I meant to say was that as to the methods provided in this bill to secure an honest valuation and an honest levy, I have not heard anything but commendation from the tax-payers of the District. When it comes to the question of valuation and the rate of tax, there may be a difference. We do require that the assessment shall be the true value as between debtor and creditor. That would make the tax higher than if the valuation were lower, of course, and that is open to criticism and is a fair subject for consideration; but I believe I may challenge contradiction when I say that so far as the security of an honest assessment is concerned, no word of complaint has come to me from anywhere, and I believe that the substantial, tax-paying, property-holding people of this com-

munity are almost universally in favor of the bill in that respect. That is my belief about it; and if the bill lies over until the 10th of January or the 10th of February, I do not think you will find the body of the people here rising up against it.

This bill is in the interest of honest government. This bill is designed to relieve, and in my judgment will relieve, this District from the oppressions and the difficulties under which it has been struggling. I invite the amplest opportunity for examination. I want every Senator to examine the bill, to give it his careful consideration. I have done as much as I could, and my colleagues on the committee brought to the task the most conscientious regard to their duties, and it is not out of place here to say that there has been no difference of opinion either in general or on the details of this bill; it is a unanimous report by a committee chosen by both branches of the Legislature. My belief is that it will commend itself to the intelligent sense of the Senate if they will but examine it. But when the Senator from Ohio, who participated so largely in the investigation of last year, and who knows as well as any man here the situation of this District, excuses himself from the examination of this bill, set down nearly a week ago for consideration to-day, on the ground that he has not looked at it, knowing the feeling he has on the question, I almost despair of any examination of the bill by Senators unless we keep it before them day by day and force them to consider it. I am obliged to my friend from Delaware for consenting to allow the bill to pass over until to-morrow in the hope that between this and to-morrow we shall be aided by Senators here who take an interest in the bill, and who will give it some attention.

Mr. THURMAN. I wish to assure my friend from Maine who has just given us a lecture about our lessons, that it is simply because I have not had time that I have not read his little book. I propose to read it and to read it carefully, but it will take some time to do it. I very much pitied the Chief Clerk when I saw him read yesterday and the day before until he was almost ready to faint. My friend must allow us to take some little time to read and inwardly digest so voluminous a production as this bill. He knows very well that I in good faith am anxious to have a good government for this District, and will contribute all in my power to procure it, and that no one will be more gratified than I if I find that the labors of this committee have resulted in proposing such a government for the people here. In what I have said, therefore, I have not in the slightest degree meant to evince any hostility to the bill in any way whatsoever; but I do propose to study it as well as I am able to do before the vote shall be taken upon it. That is all I wish to say.

While I am up, however, I might as well submit a motion, which I beg my friend to consider as not demagogical or for buncombe in the least, but simply to relieve the anxiety which seems to exist in his mind as to the poverty of the English language. He thinks there is no word but the word "regent" that will suit in this bill at that place; that our language is so poor that it furnishes no other designation for these three "roosters" who are to preside over this people. I move to strike out "regent," wherever it occurs in the bill, and insert the word "commissioner."

Mr. HAMILTON, of Maryland. Mr. President, as a member of this committee, I unite with the chairman, the Senator from Maine, in stating that it is not the desire of the committee or any member of it, to press the consideration of the bill before this body unduly. There is an earnest desire on the part of every Senator and every member of the House, I take it for granted, to secure a good government for this District. This is a large bill; it is voluminous; it contains a great many details, some of them very elaborate, and some of them perhaps complicated; and therefore, so far as I am personally concerned as a member of the committee, I invoke the attention of every Senator to the bill. I ask that all may read it carefully, digest it, and there may be valuable suggestions made by members which would be wholly acceptable to the committee. So far as I am concerned, I desire good government; and the general principles of this bill I am for. There are some differences about details; and I am willing to take any reasonable amendment, like that submitted by the Senator from Ohio. I rather concur in the name suggested by him than otherwise. It was thought, however, that "regent" would be better than any other, and more significant than any other; but "commissioner" will be perfectly acceptable to me. We do not desire to press the measure too pertinaciously; but I wish Senators to understand that after the holidays we shall probably have appropriation bills, transportation bills, subsidy bills, and all kinds of bills; and we know that in the presence of those bills this District is a secondary consideration. It is nothing in their presence. Now we have nothing much to do, and we can consider this bill as in committee. We need have no great discussion about it, because there is no feeling about it. All we want is a good government in this District to relieve its people and be a credit to the United States; and any suggestion from any gentleman, so far as I am concerned, will certainly be very charitably considered. I may not agree in all its details; I cannot have all my notions about such matters, and I am willing to take the notions of others. I hope such a course will be taken as will secure action on the bill at as early a moment as is consistent with a due consideration of its provisions by the Senate.

Mr. MORRILL, of Maine. I understand the Senator from Delaware to modify his motion for postponement until the 10th of January, so as to move simply that the bill shall lie over until to-morrow.

The PRESIDING OFFICER. If there be no objection, the further consideration of the bill will be postponed informally until to-morrow, to be then resumed as the unfinished business at the expiration of the morning hour.

PENSIONS OF SOLDIERS OF 1812.

Mr. PRATT. I move that the bill which I hold in my hand be made the special order for Monday after the conclusion of the business of the morning hour. It is a House bill that came to the Senate in March last. It passed the House of Representatives on the 11th of March, 1874. It is a measure which I have often attempted to bring before the Senate for its final consideration. It is House bill No. 2190, to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty. I attempted repeatedly at the last session of Congress to bring this measure before the Senate for its final consideration, but it has never been disposed of. The bill as it comes from the House will certainly need some amendments, and I am prepared on the part of the committee to submit certain amendments. What I wish done is that this bill may be set down for some particular day and made the special order for that day, and I am anxious to have it disposed of before the holidays. If we are going to extend any measure of relief at all to these old people, whose average age is now about eighty-one years, we ought to do it before the season of festivity. I therefore ask the favor of the Senate that this bill may be set down for consideration on Monday next after the conclusion of the business of the morning hour.

The PRESIDING OFFICER. The Senator from Indiana moves that the bill indicated by him be made the special order for Monday next after the conclusion of the morning hour.

Mr. CHANDLER. I gave notice this morning that I should try to call up to-morrow after the morning hour the steamboat bill, so-called; and I rise to object to the proposition that the bill lately under discussion shall be the unfinished business for to-morrow, for I shall try to antagonize the steamboat bill with that or any other bill that may be brought up to-morrow morning. I hope, therefore, the Senator having that bill in charge will continue its consideration and finish it this afternoon, in order that I may call up the steamboat bill in the morning. I shall object to any special order until I can get that bill up.

Mr. MORRILL, of Maine. Why not go on with your bill now?

Mr. CHANDLER. Very well; if it is the pleasure of the Senate, I shall be very glad to go on now.

The PRESIDING OFFICER. The question before the Senate is the motion submitted by the Senator from Indiana, [Mr. PRATT.] This motion requires, under the rules, the concurrence of two-thirds of the Senators present.

Mr. HARVEY. I desire to give notice that to-morrow, within the morning hour, if I can obtain the floor, I shall ask leave to call up House bill No. 3250 to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana to make the bill indicated by him the special order for Monday next.

The question being put, a division was called for; and the ayes were 18, and the noes 12; no quorum voting.

Mr. SPRAGUE. Let us have another division, and we shall have a quorum.

The PRESIDING OFFICER. The Chair will again submit the question to the Senate on a division.

Mr. SAULSBURY. Is the motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. SAULSBURY. I desire to say but a single word in reference to this bill. I remember——

Mr. CONKLING. Is debate in order when a division discloses the want of a quorum?

Mr. SAULSBURY. I remember the effort of the Senator from Indiana——

The PRESIDING OFFICER. The Chair was mistaken. No quorum was found to be present on the last business, and therefore no business can be transacted.

Mr. CARPENTER. I move that the Senate adjourn, and call for the yeas and nays. That will show whether there be a quorum present or not.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 24; as follows:

YEAS—Messrs. Boreman, Boutwell, Carpenter, Chandler, Clayton, Conkling, Conover, Dorsey, Flanagan, Hager, Hitchcock, Morrill of Maine, Morrill of Vermont, Ramsey, Scott, and Wright—16.

NAYS—Messrs. Alcorn, Bogy, Davis, Fenton, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Harvey, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Oglesby, Pease, Pratt, Saulsbury, Spencer, Sprague, Stevenson, Wadleigh, Washburn, and Windom—24.

ABSENT—Messrs. Allison, Anthony, Bayard, Brownlow, Buckingham, Cameron, Cooper, Cragin, Dennis, Edmunds, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Gilbert, Gordon, Hamlin, Howe, Jones, Lewis, Logan, Morton, Norwood, Patterson, Ransom, Robertson, Sargent, Schurz, Sherman, Stewart, Stockton Thurman, Tipton, and West—33.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Indiana, [Mr. PRATT.]

Mr. SAULSBURY. I have for two or three sessions seen an effort made to get a vote upon this bill. The motion now is that a day be fixed, next Monday, on which it shall be a special order, so that we may reach a vote on the bill referred to by the Senator from Indiana. It is a bill which has been before Congress for several sessions, which proposes to restore to the pension-rolls the names of persons who were dropped from the rolls simply because they resided in the southern section of the country during the war. It ought to be considered and disposed of. If the matter is postponed to a late period of the session, no consideration will be given to the bill. I hope that the motion of the Senator from Indiana to make it the special order for next Monday may be agreed to, so that if these gentlemen, many of whom are now in very advanced life, are to be restored to the pension-roll we may reach a vote before the holidays and restore them to the roll from which they have been stricken. I hope, therefore, the Senate will make this bill the special order for Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana, which requires under the rules a two-thirds vote.

The question being put, there were on a division—ayes 23, noes 11; no quorum voting.

Mr. CONKLING and Mr. PRATT called for the yeas and nays, and they were ordered.

Mr. DAVIS. Do I understand the Chair to rule that it requires a two-thirds vote to make a special order?

The PRESIDING OFFICER. On page 140 of the Manual the Senator will find this provision in the thirty-first rule of the Senate:

> No bill, joint resolution, or other subject shall be made a special order for a particular day and hour without the concurrence of two-thirds of the Senators present.

The question being taken by yeas and nays, resulted—yeas 29, nays 17; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cameron, Clayton, Davis, Dorsey, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Johnston, Kelly, McCreery, Merrimon, Mitchell, Oglesby, Patterson, Pratt, Ramsey, Ransom, Saulsbury, Schurz, Spencer, Sprague, Stevenson, and Thurman—29.

NAYS—Messrs. Boreman, Boutwell, Carpenter, Chandler, Conkling, Conover, Flanagan, Hamlin, Hitchcock, Ingalls, Morrill of Maine, Morrill of Vermont Scott, Wadleigh, Washburn, Windom, and Wright—17.

ABSENT—Messrs. Allison, Anthony, Brownlow, Buckingham, Cooper, Cragin Dennis, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Gilbert, Howe, Jones, Lewis, Logan, Morton, Norwood, Pease, Robertson, Sargent, Sherman, Stewart, Stockton, Tipton, and West—27.

The PRESIDING OFFICER. Two-thirds of the Senators not voting to concur, the motion is not agreed to.

THE STEAMBOAT LAW.

Mr. CHANDLER. I move now to take up the steamboat bill, that we may proceed with the reading of it and leave it as the unfinished business for to-morrow.

Mr. CONKLING. What has become of the District of Columbia bill?

The PRESIDING OFFICER. It has been informally laid aside, to be taken up to-morrow at the expiration of the morning hour as the unfinished business.

Mr. CHANDLER. I objected to that.

The PRESIDING OFFICER. The Senator did not object in time, as the Chair understands.

Mr. CHANDLER. I give notice that I shall antagonize that bill.

The PRESIDING OFFICER. The Senator from Michigan moves that the Senate proceed to the consideration of the steamboat bill, so called.

Mr. CONKLING. May I inquire whether this bill was embraced in a resolution received the other day from the House of Representatives requesting the return of one or more bills?

The PRESIDING OFFICER. The Clerk informs the Chair that that is the case.

Mr. CONKLING. So that now the bill is not before the Senate at all.

Mr. CHANDLER. It has been placed on the Calendar on the motion of the Senator from Pennsylvania, [Mr. SCOTT.]

The PRESIDING OFFICER. The Clerk informs the Chair that the bill was returned to the Senate by the House of Representatives and an order made restoring it to its place on the Calendar, so that the bill is properly before the Senate for consideration.

Mr. CONKLING. It was sent by the Senate to the House and then by the House returned to the Senate?

The PRESIDING OFFICER. So the Chair is informed by the Clerk.

Mr. CONKLING. May I inquire further when this bill was reported, and by whom?

The PRESIDING OFFICER. It was reported June 19, 1874, by the Senator from Michigan [Mr. CHANDLER] from the Committee on Commerce, without amendment. The question is on the motion of the Senator from Michigan.

The motion was agreed to; and the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes, was considered as in Committee of the Whole.

The Chief Clerk proceeded to read the bill; and having occupied an hour and a half in the reading—

Mr. OGLESBY, (at four o'clock p. m.) I move that the Senate proceed to the consideration of executive business.

Mr. THURMAN. I hope the reading of this bill will be proceeded with until it is through. Let us complete the reading of the bill first.

Mr. OGLESBY. It will take half an hour yet, and the executive session will require but a few moments.

Mr. SCOTT. I trust the Senator from Illinois will withdraw the motion. We are now on the fifty-eighth page, and there are about eighty-five pages altogether. We had better stay to hear the rest of the bill read and then we can have an executive session. I will stay with the Senator for that purpose.

Mr. OGLESBY. How long will it require to read the bill, I ask the Senator from Pennsylvania?

Mr. SCOTT. I think, judging from the time already elapsed, ten minutes more will suffice.

Mr. RAMSEY. It will require three-quarters of an hour, I should think.

The VICE-PRESIDENT. Does the Senator from Illinois insist on his motion?

Mr. OGLESBY. Yes, sir.

The VICE-PRESIDENT. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at four o'clock and twenty minutes, p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 16, 1874.

The House met at twelve o'clock m. Prayer by the Rev. WILLIAM T. MELOY, of Cadiz, Ohio.

The Journal of yesterday was read and approved.

PRINTING OF A REPORT.

Mr. MAYNARD, by unanimous consent, submitted the following resolution; which was referred, under the law, to the Committee on Printing:

Resolved, That there be printed twenty-five hundred extra copies of the report of the Commissioners of the Freedman's Savings and Trust Company, with the letter of the Secretary of the Treasury on the same subject, and accompanying documents, for the use of said commissioners.

Mr. MAYNARD. I ask to present a letter from one of the commissioners, which I send to the desk and ask to have it read and go into the RECORD as the basis of this application.

OFFICE OF THE COMMISSIONERS OF THE
FREEDMAN'S SAVINGS AND TRUST COMPANY,
Washington, D. C., December 15, 1874.

SIR: As the presentation of our report to Congress will very likely overwhelm us with inquiries and requests for copies of said report, would it be asking too much to have you introduce a resolution calling for the printing of, say, twenty-five hundred copies for use?

Very respectfully,

R. H. T. LIEPOLD,
Of the Commissioners.

Hon. HORACE MAYNARD,
Chairman Committee on Banking and Currency.

TAX ON CIRCULATION OF NATIONAL BANKS.

Mr. MAYNARD, by unanimous consent, from the Committee on Banking and Currency, reported back, with an adverse recommendation, the bill (H. R. No. 3059) to so amend the internal-revenue laws as to increase the tax on circulation of national banks from $\frac{1}{2}$ to $\frac{1}{4}$ of 1 per cent. per month; and the same was referred to the Committee of the Whole on the state of the Union, and the adverse report ordered to be printed.

MARGARET C. GERARD.

Mr. DEWITT, by unanimous consent, introduced a bill (H. R. No. 4038) for the relief of Margaret C. Gerard, widow of John C. Gerard, late captain and assistant quartermaster, and her two children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDNANCE STORES.

Mr. YOUNG, of Georgia, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 2724) for the relief of certain States and Territories on account of ordnance stores issued to them during the late civil war; which was recommitted to the committee, and ordered to be printed.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union upon the appropriation bill.

Mr. MAYNARD. When the gentleman from Ohio made that motion yesterday I had been called from the Chamber. I intended to have submitted to the House a proposition to go into Committee of the Whole on the general Calendar, with a view to continue the dis-

cussion of the currency bill that was considered last week. In order to give the House an opportunity to decide that question, I will propose now, if they shall refuse to go into Committee of the Whole on the appropriation bill, to make the motion to go into Committee of the Whole on the general Calendar, and continue the discussion on the currency bill. I deem it proper to the House to present the matter for their consideration, and leave with them the responsibility of deciding it.

Mr. GARFIELD. I desire, if possible, to give the Senate one of our leading appropriation bills before the holiday recess, so that it may be under consideration there. I do not antagonize at all the motion of the gentleman on its merits, except that I think it more important to get these appropriation bills started. If we had one or two of them in the Senate, I would think it quite proper to consider something else here.

Mr. STORM. What holiday recess does the gentleman refer to? The one we took yesterday?

Mr. GARFIELD. The one we may take hereafter of three or four days.

AFFAIRS OF THE DISTRICT.

Mr. HALE, of New York. Pending the motion of the gentleman from Ohio, [Mr. GARFIELD,] I ask consent to report back from the Committee on Printing, with an amendment, the following resolution which was referred to them:

Resolved, That there be printed for the use of the commissioners of the District of Columbia one thousand copies of the report of said commissioners, and the accompanying documents, in addition to the number provided by law.

The amendment was to insert after the word "copies" the word "unbound."

The amendment was agreed to, and the resolution, as amended, was adopted.

REPORTS FROM STATE DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of State, transmitting certain statements, in compliance with the act of June 22, 1874, entitled "An act to revise and consolidate the statutes of the United States;" which was referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

Also, a letter from the Secretary of State, transmitting, in compliance with the act of July 15, 1873, an inventory of property belonging to the United States now in his possession; which was referred to the Committee on Appropriations, and ordered to be printed.

MODOC WAR CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of June 18, 1874, the claims of the States of California and Oregon and citizens thereof, on account of the Modoc war; which was referred to the Committee on War Claims.

EXPENDITURES OF POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Assistant Treasurer of the United States, transmitting, in compliance with the act of July 2, 1836, his adjusted quarterly accounts of receipts and expenditures of the Post-Office Department for the fiscal year ending June 30, 1874; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REPORT OF LIEUTENANT GEORGE M. WHEELER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an omission in the act of June 23, 1874, making appropriations for sundry civil expenses in regard to the report of Lieutenant George M. Wheeler; which was referred to the Committee on Appropriations, and ordered to be printed.

TRANSIENT PAUPERS IN WASHINGTON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the distribution of the appropriation for the care and support of seventy-five transient paupers in Washington, and recommending a continuance of the same; which was referred to the Committee on Appropriations, and ordered to be printed.

SUGG FORT.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of December 8, 1874, in relation to the claim of Sugg Fort, Robertson County, Tennessee; which was referred to the Committee on War Claims, and ordered to be printed.

ESTIMATES OF INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an estimate of appropriations for the purpose of enabling his Department to carry out the provision of the act of March 1, 1872; which was referred to the Committee on Appropriations, and ordered to be printed.

SIOUX AGENCIES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriations required to meet obligations existing under contracts for transportation to various Sioux agencies during the remainder of the fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY POST, NEVADA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the establishment of a military post near Carlin, Nevada; which was referred to the Committee on Military Affairs, and ordered to be printed.

PAWNEE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to the removal of the Pawnee tribe of Indians from the State of Nebraska to the Indian Territory, &c.; which was referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, sundry claims for Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ELECTION CONTEST—SHERIDAN VS. PINCHBACK.

The SPEAKER also laid before the House additional papers in the contested-election case of George A. Sheridan *vs.* P. B. S. Pinchback, of Louisiana; which was referred to the Committee on Elections.

KING OF THE HAWAIIAN ISLANDS.

The SPEAKER. By direction of the House there was appointed a select committee on the part of the House, to unite with a similar committee on the part of the Senate, to take measures for the proper notice of the presence in the capital of His Majesty the King of the Hawaiian Islands. Mr. E. ROCKWOOD HOAR, of that committee, desires to be excused on account of ill health. If there be no objection he will be excused, and the Chair will appoint in his stead Mr. MARCUS L. WARD, of New Jersey.

TROUBLES AT VICKSBURGH, MISSISSIPPI.

The SPEAKER. In announcing yesterday the select committee to go to Vicksburgh, of which of course the gentleman from Mississippi [Mr. MCKEE] who offered the resolution for the appointment of the committee was entitled by usage to the chairmanship, the Chair should have stated that that gentleman requested not to be placed upon the committee.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER. The question is upon the motion of the gentleman from Ohio [Mr. GARFIELD] that the House resolve itself into Committee of the Whole to resume the consideration of the legislative, executive, and judicial appropriation bill.

Mr. MAYNARD. I wish to repeat what I said a moment ago, (lest it might not have been heard by some gentlemen who are now in the Hall,) that if the motion of the gentleman from Ohio should not prevail, I shall immediately move that the House resolve itself into Committee of the Whole on the general Calendar, with the view to continue the discussion on the currency bill.

The motion of Mr. GARFIELD was agreed to, there being ayes 96, noes not counted.

The House accordingly resolved itself into Committee of the Whole, (Mr. ELLIS H. ROBERTS in the chair,) and resumed the consideration of the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The Clerk read the paragraph making appropriations for the Secretary's office in the Treasury Department.

Mr. MERRIAM. I wish to ask the chairman of the Committee on Appropriations whether an additional assistant secretary is requested by the Secretary of the Treasury, and, if so, upon what theory?

Mr. GARFIELD. There is no change whatever in this bill in that respect. We follow precisely the language of the law of last year; the appropriations for the Secretary's office are precisely the same.

The Clerk read as follows:

Second Auditor:

For Second Auditor, $3,000; chief clerk, $2,000; six clerks of class four; and, for additional to disbursing-clerk, $200; forty clerks of class three; seventy-nine clerks of class two; sixty clerks of class one; one messenger; five assistant messengers; and seven laborers; in all, $272,080.

Mr. WHEELER. I move to amend as follows:

In line 449 strike out "forty" and insert "thirty-seven," so as to provide for "thirty-seven clerks of class three;" in lines 449 and 450 strike out "seventy-nine" and insert "seventy-three," so as to provide for "seventy-three clerks of class two," and in line 450 strike out "sixty" and insert "forty-five," so as to provide for "forty-five clerks of class one."

Mr. Chairman, this amendment has received the consideration and approval of the Committee on Appropriations. The object, as I stated on last Monday when I procured a suspension of the rules, is to break up one of the most useless and extravagant pieces of machinery to be found anywhere in the Departments of the Government. This amendment is one stage of the process of doing away with that machinery. At the outset I want to disclaim any hostility to the National Asylum for Disabled Soldiers and Sailors. I have none whatever. No vote of mine shall ever be wanting here to give it the most ample and liberal

support. I want to disclaim also, in this connection, any reflection upon the present management of that institution. This machinery came into existence under the provisions of a statute of 1865, of which I ask the Clerk to read one section.

The Clerk read as follows:

SEC. 5. *And be it further enacted*, That for the establishment and support of this asylum there shall be appropriated all stoppages or fines adjudged against such officers and soldiers by sentence of court-martial or military commission over and above the amount necessary for the reimbursement of the Government or individuals; all forfeitures on account of desertion from such service; and all moneys due such deceased officers and soldiers which now are or may be unclaimed for three years after the death of such officers and soldiers to be repaid upon the demand of the heirs or legal representatives of such deceased officers or soldiers. And the said board of managers are hereby authorized to receive all donations of money or property made by any person or persons for the benefit of the asylum, and to hold or dispose of the same for its sole and exclusive use.

Mr. WHEELER. Now, Mr. Chairman, I do not know who is entitled to credit for the invention of this most marvelous machinery; but I ask the attention of the committee to just one fact: that this whole process of getting this money respects moneys which are now in the Treasury of the United States, never have been out of it, and cannot be taken out of it except by process of law. Under the provisions of this act, we have had employed at times in the Second Auditor's Office one hundred clerks at an annual expense of over $100,000. We have also had a large force employed in the Adjutant-General's Office and in the Surgeon-General's Office in working this machinery. I am within moderate bounds when I state that this machinery within the last eight years, since it came into operation, has cost the people of the United States three-quarters of a million dollars; and for what? Simply that the Government may appropriate its own money, which is in its own Treasury and belongs absolutely to itself, to the support of one of its own institutions—nothing more and nothing less. Over three-quarters of a million dollars has been expended by the Government in transferring its own money to the support of one of its own institutions, whereas this might have been much better done by direct appropriation.

I want to show how this machinery works, and for this purpose I send to the Clerk to be read a circular from the Second Auditor's Office.

The Clerk read as follows:

[Office Form No. 81.]

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
———, 187–.

The Adjutant-General will please give a statement of service of ——, Co. ——, —— Regiment of —— Volunteers, from ——. Also whether the charge of "desertion," "absence without leave," or "other charges" appear against him, and whether such charges have ever been removed, and what amount of bounty—advance or in installments—he has received. A clothing statement is also requested. The date of enlistment or muster-in may be taken from the roll upon which the first charge appears; it is not necessary to examine the original enrollment papers. A copy of all orders bearing upon the case called for is requested. A "status record" is desired in cases of colored soldiers.

The information desired is necessary, in order to properly credit the fund arising under the acts of Congress of March 3, 1865, and March 21, 1866, establishing national military homes for disabled volunteers.

Respectfully,

E. B. FRENCH,
Auditor.

—— Room, No. ——.
Vou. ——, Acct. No. ——.
Paymaster ——. By ——.

Mr. WHEELER. That is addressed to the Adjutant-General, and to show how it works in his office I ask his letter be read or that part of it which I have marked.

The Clerk read as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 10, 1874.

DEAR SIR: * * * * * * *

The mode of acting on the cases is this: On receipt of such a blank as you showed me, with name and regiment filled out, the clerk engaged in entering the letters enters it first; it is then sent to another room where the rolls are kept, and an extract taken from the rolls is appended to the paper; it then passes from one to another branch, seven in all, to ascertain whether the man was reported dead, a prisoner, or in any other way. Sometimes it has to be referred to the Bureau of Military Justice for record of trial by court-martial, or to the Surgeon-General's hospital records, to trace the whole history of the man.

You will see that there is no specific number of clerks engaged on these papers exclusively, but that the time of clerks who would be doing other work more thoroughly and accurately than they have time to do it is diverted to these claims. Assuming that the claims are very easily traced, one clerk could get through say five in a day, reducing all the different searches down to one man. We turn out about one hundred and seventy a day, which would make the approximate work done on these papers equal to the labor of thirty-five (35) clerks.

My clerks say that they are so pressed in making these intricate searches that they are unable to do justice to them, and that the reports made are often returned from the Auditor for more complete information. If this work had not to be done, not only would this complaint be remedied with regard to their other work, but by consolidation. I could employ several more men on the work of copying and condensing the muster rolls, which is daily increasing in importance and should be finished as soon as possible.

Yours, very truly,

E. D. TOWNSEND,
Adjutant-General.

Hon. W. A. WHEELER,
House of Representatives.

Mr. WHEELER. Now, Mr. Chairman, there are lying to-day in the Adjutant-General's Office thirty-eight thousand of these cases undisposed of, a clog to all public business, and the rolls, as the Auditor himself admits, are only one-half examined.

Mr. ELDREDGE. Mr. Chairman, I would like to inquire of the gentleman whether there is any benefit in these searches besides the mere fact——

Mr. WHEELER. Not the slightest in the world; but on the contrary——

Mr. ELDREDGE. The gentleman anticipates perhaps my question, and perhaps not. I would like to know whether there is any benefit aside from the fact the money is to be appropriated to these asylums. Is it not right and proper and just that an abstract of the condition of each one of these persons upon whom the money is to be predicated should be made out, and that we should have a complete synoptical record in order to do justice to the men themselves?

Mr. WHEELER. This money has been forfeited by deserters and persons tried by court-martial—forfeited to the United States, and they have no earthly claim to it.

Mr. ELDREDGE. The object of the search is to ascertain whether it has been actually forfeited, and therefore, in justice to the persons themselves as well as to the Government, ought it not to be made?

Mr. WHEELER. It has been forfeited by the entry of "desertion" opposite to the name of the soldier, which stands there as a perpetual bar to any claim against the Government. The first thing is to examine his military record, and the entry of the word "desertion" opposite to his name is a perpetual bar to any claim againt the Government.

Mr. ELDREDGE. Suppose the first entry to which the gentleman from New York has referred, the one of desertion, should afterward be ascertained to be a wrong entry?

Mr. WHEELER. Then the Adjutant-General may correct it and the money must be paid; but let him do it on application of the person aggrieved.

Mr. ELDREDGE. But the object of the search is, as I understand, to ascertain whether or not entry has been properly made.

Mr. WHEELER. The object of the search is to ascertain whether this money should be turned over to the support of these asylums—nothing more or less. But I wish to show Mr. Chairman, how this machinery is duplicated. This act provides that all arrears of pay due to deceased officers and soldiers after three years shall go to these asylums, but the same act provides, if their heirs shall make claim, the money shall be paid back. Now, under that process hundreds of thousands of dollars have been used for this fund, and afterward through duplication of clerks the fund has been turned back and paid over to the claimants.

Mr. RANDALL. Mr. Chairman, I cannot commend too highly the industry and purpose of the gentleman to correct this abuse. I want, however, to direct his attention to one or two matters in connection with this, and see whether he is willing to go that far in remedying this defect in the law. I wish to know whether he can give the House information as to what amount of money has been given to these asylums under that law of 1866.

Mr. WHEELER. The statement is being prepared now at the Treasury Department, but it has not been furnished to me in time for this discussion.

Mr. RANDALL. There is one point I wish to suggest, and that is, why not make this reduction immediate?

Mr. WHEELER. I intend to follow this up by a proposition for additional legislation by which we shall appropriate directly and annually for the support of these asylums. When we get to the appropriations in the War Department I shall offer an amendment that this shall take effect on the 1st day of April.

Mr. RANDALL. There are some further suggestions I wish to make to the gentleman from New York. There have been, in innumerable instances, great hardships perpetrated on soldiers' families by the action of courts-martial; and there have been one or two cases in my own district where the entire amount that has been due to these soldiers has been forfeited to the Government, and thereby their families have been deprived of their entire support, not being able to get one dollar through the men who should be their protectors and supporters.

Mr. WHEELER. Let me say to the gentleman from Pennsylvania [Mr. RANDALL] that this act is not a bar to any just claim which may be presented to the Government in that respect for relief—not the slightest.

Mr. RANDALL. But I want to correct the law which takes their support from the family of the soldier who may have been court-martialed and sentenced.

Mr. WHEELER. This amendment has nothing to do with that matter. The gentleman should go with it to the Committee on Military Affairs.

Mr. RANDALL. The gentleman from New York has shown so much industry in this matter, that I think he might be willing to go a little further, so that when a soldier is court-martialed and deprived of pay, that should be void as regards the support of his family.

Mr. WHEELER. My purpose is simply to reach sixty clerks that I traced to be employed in this precise business. I propose the reduction to take place after the 1st of April next. I do not think it would be just to them or their families to set them adrift at midwinter, and I have an amendment which I shall offer hereafter if this one shall be adopted, that after the 1st of April next this reassignment shall be made and appropriated for.

This is the people's money. It is the merest fiction to say that it is

taking money which belongs to deserters, because it has been forfeited by the fact of desertion. These funds are moneys in the Treasury, and in the last eight years we have had to pay over three-quarters of a million dollars for appropriating our own money to the support of one of our own institutions.

Mr. PARSONS. This amendment will in no manner interfere with the class of cases named by the gentleman from Pennsylvania, [Mr. RANDALL,] because they must all stand upon their individual merits upon application.

Mr. ELDREDGE. I do not desire to make any remarks on this subject; but I wish to make a further inquiry or two of my friend from New York, [Mr. WHEELER.] As I understand, the amount which has been given heretofore to these asylums has been based upon the sums which have been forfeited for the cause he has named.

Mr. WHEELER. Let me say——

Mr. ELDREDGE. I wish the gentleman to allow me to finish my inquiry.

Mr. WHEELER. Let me say in this connection just this before I forget it, that under this provision this Government has been advancing to that institution over and above its annual wants $100,000, which is invested in United States securities.

Mr. ELDREDGE. The gentleman thinks, perhaps, that I am antagonizing his proposition.

Mr. WHEELER. Not at all.

Mr. ELDREDGE. On the contrary, I have known of this evil, as I consider it, for some time; at least since last session of Congress.

Now, I wish to make an inquiry of the gentleman. I suppose the amount appropriated to this institution has been based on the amounts received for the causes specified. It is now proposed, as I understand—and I put this inquiry for the purpose of receiving information—to make an appropriation direct from the Treasury; upon what basis? Upon the basis heretofore provided, of the amount received an account of desertion? If so, then the same necessity exists for the inquiries the gentleman has referred to. But if it is to be based upon estimates of the amounts desirable and necessary for the support of this institution, then I can see how the great saving which has been suggested might be made; but unless that be the case, and unless there be some proper mode devised to ascertain the sums necessary for the support of this institution, then there will require to be precisely this same inquiry, costing the large sum of money which has been specified.

Mr. WHEELER. I am sorry that I do not make myself more intelligible to the gentleman from Wisconsin. My object is to tear down this whole machinery, and for the next fiscal year to base the estimate on the amount which has been actually expended for the institutions in the last year, ascertaining from the quarterly accounts just exactly what it cost to run it. Heretofore its managers have had all that came out of these various funds, in some years getting hundreds of thousands of dollars more than they expended. For the next fiscal year I propose to appropriate an amount equal to that which it appears they have expended in the last year, and to require them to file accounts and vouchers and to account to the Secretary of War for their expenditure, just as all the expenditures of the War Department are accounted for.

Mr. ELDREDGE. Then I would wish to hear the gentleman on this suggestion, that the necessities of these institutions may exceed the amount heretofore received, and may require an additional sum to be taken from the Treasury to support them.

Mr. WHEELER. This will make no difference in that respect. A dollar in one form will be as good to them as a dollar in another. I take it that the Government is committed to the support of these institutions, and so far as my vote goes they shall have the most liberal and abundant support.

Mr. ELDREDGE. Can the gentleman, then, tell the committee what sums it has cost the Government for the support of these institutions, or whether their expenditures have been within the sums received from the specified sources?

Mr. WHEELER. Last year, on looking at the report, I find that these institutions expended $624,000, and that the amounts received for that year from the Treasury were not sufficient, but that they were supplemented by the sale of $100,000 of United States securities, they having before received that amount in excess and invested it.

Mr. RANDALL. Can the gentleman state the sum they have now on hand heretofore received?

Mr. WHEELER. I cannot; I have not the figures on that point.

Mr. GARFIELD. I desire to say a word or two on this very important topic. And first of all I want to assure the Committee of the Whole that the Committee on Appropriations cherish with as much earnest zeal as any other committee in the House the asylums for disabled soldiers. Not one thing in this bill is aimed at curtailing a hearty support of those institutions. There are two questions before us: First, how shall we most wisely and cheaply support them; and next, whether we are not allowing more money to be paid than they really need year by year. Now, I claim that we have been able to show that both these things need correction. For instance, in the year 1871 there was paid out for these institutions $296,287.32; in 1873 (I have not the figures for 1872 before me) there was paid for this purpose the sum of $193,750.59; in the year 1874, last year, there was paid $440,821.67. I had these figures made up for another purpose and not in connection with this matter, but they are from the Treasury books.

Now, the amount we have been paying for several years past for the support of these asylums was not an amount made up on anybody's estimate of how much was needed to carry on the asylums. No estimate has ever been made of that sort to Congress. No annual appropriation has ever been made by Congress for the support of the asylums, but by a circuitous, complicated, roundabout method a lot of fines and forfeitures, of back-pay, and stoppages and doubtful accounts, has been allowed. For instance, the accounts of deserters. Here is a deserter who has six months' pay due him. He may at some time come and prove that he was improperly set down as a deserter and get his pay. If he never comes the money never gets out of the Treasury. If he comes and does not make the claim good that he was not a deserter, then the money does not get out of the Treasury. But this law requires the accounting officers to go over the records and hunt out all possible cases of this class to find out just how much they would have, if there, to sustain their claims and to pay over that amount to the asylums, without any regard to whether it is paying them more or less than they need for their support.

Now, what the Committee on Appropriations desire to do is, first to change that law entirely, to repeal it; and second to require an annual estimate of the amount of money needed to support these asylums and to appropriate it in two lines of the bill and pay it directly out of the Treasury. When that is done we know what the institutions are doing, how much they need, and how much we ought to appropriate. And then, under the present system this payment requires an additional force. My colleague on the committee [Mr. WHEELER] has shown that we are employing at least sixty clerks whose time is devoted wholly and solely to the business of figuring out the odds and ends of pay that go to make up the permanent, indefinite appropriation, and Congress has no supervision over it. We want first to change the whole method, and second to cut down the force now required to run the old method. We are paying, according to the statement of my colleague, which is certainly correct, for the mere purpose of running the machinery of the present system, a sufficient amount to support two or three hundred soldiers if the money were applied for that purpose. This illustrates what I have said over and over again for very many years to the House, that all permanent, indefinite appropriations should, if possible, be done away with, and annual and specific appropriations substituted. And it illustrates another thing—the danger of circuitous, roundabout, indirect methods of doing a good thing.

Mr. ELDREDGE. I desire to ask the gentleman whether, if this money is to be paid into the Treasury at all, it will not have to be ascertained as to its amount and where it comes from just the same as now?

Mr. GARFIELD. No.

Mr. ELDREDGE. How is it to be ascertained?

Mr. GARFIELD. Our plan is simply to repeal the law that gives fines and stoppages and all that class of claims to the asylums entirely, and to allow them to remain in the Treasury unless the persons entitled to them come and of their own accord prove their right to the money; if so, of course they will get the money.

Mr. ELDREDGE. What is the difficulty in the way of the officers, who receive these moneys, paying them into the Treasury, and allowing them upon their reports to be paid out precisely as now? They must be covered into the Treasury in some way; they must be covered in by accounts and upon reports. What is the necessity and what has been the necessity of going through all the performance of hunting up each one's record? Why not let that money which is paid in go as provided now by law, without looking up the record in each case?

Mr. GARFIELD. The gentleman will see this: A man comes to the Treasury and says, "I am entitled to so much back-pay." He has to prove that. A series of accounts must be examined; the accounting officers of the Treasury run through his accounts just as though he was an outside claimant upon the Treasury. When his account is run through and it is determined, for example, that $250 is due him, then under the present law that amount goes to the asylum. That is the method they adopt. Now I want to say this, the Committee on Appropriations have never had this subject brought to their attention until this winter, for the reason that it was in the permanent appropriations, never was any part of the annual appropriation bill. And my friend from New York [Mr. WHEELER] has done a great service by spending a considerable amount of time in discovering the method by which this work is now done.

Mr. RANDALL. I was going to ask the gentleman how it was that the Committee on Appropriations allowed this thing to continue from 1866 to the present time.

Mr. GARFIELD. Simply because the committee never had the matter brought before them; it was never referred to them and was never in their way.

Mr. GUNCKEL. The institution to which reference is made here, the National Home for Disabled Volunteer Soldiers, is under the control of a board of twelve managers, of which the President of the United States, the Secretray of War, and the Chief Justice are *ex officio* members, and nine other gentlemen selected from different States of the Union. Those gentlemen had nothing whatever to do with the passage of the law, or with the peculiar machinery by which its funds were to be provided. The law was passed in 1866, and those gentlemen were selected, as I was at that time, without solicitation and without any knowledge of the law or of any of its provisions.

I will simply say further that, as I understand it, we have no sort of objection to the change proposed. I think myself it ought to have been inaugurated in the original law and acted upon from the beginning. I believe that in draughting this law Congress simply followed what has been the practice in regard to the regular Army Soldiers' Home near Washington, which has been and still is supported in large part in just this same way, by fines, forfeitures, &c. Therefore, whatever change is made as to this, should be made in reference to that also. I have thought it due to the gentlemen who compose this board to say that they had nothing whatever to do with draughting the law, or with continuing the abuse, if there has been any abuse under the law. They have taken the law as they found it, and have done as best they could under its provisions. So far as I know, the change proposed is a proper one, and would subserve the public interests, because in the line of economy. I only regret it was not adopted in the beginning, and the three-quarters of a million said to have been paid to the clerks saved for the support of the disabled soldiers. I see no possible objection to the change, and believe it would be entirely acceptable to the board of managers, and I therefore trust it will meet with no further objection or opposition.

Mr. WHEELER. I am glad to hear the gentleman from Ohio [Mr. GUNCKEL] make that disclaimer. I have found no man in any Department of the Government who is willing to father this statute.

Mr. RANDALL. The Globe will show who fathered it.

Mr. WHEELER. After the question shall have been taken upon the pending amendment, in order to complete it I shall ask permission to anticipate a little, by turning over to the portion of the bill relating to expenditures in the War Department, so that we may complete this subject while it is fresh in our minds.

Mr. CLYMER. The object of the gentleman's amendment is so proper that I have no doubt it will be adopted. But in order that no injustice shall be done, I wish to know of him whether, when the act of 1866 was passed, the number of clerks desired by the Second Auditor on that account was not some twenty-odd only; but by the efforts of some persons in this House, and against his will and his direct protest, the number was increased to nearly one hundred?

Mr. WHEELER. I know nothing of that fact, except that I do know that from eighty to one hundred additional clerks were at one time engaged in the Second Auditor's Office in this useless work.

Mr. CLYMER. And no one objects to them more than the Second Auditor himself.

The question was taken upon the amendment of Mr. WHEELER, and it was agreed to.

Mr. WHEELER. I now ask permission to turn over to the forty-third page of the bill, in order to move an amendment to come in after line 1047 of the printed bill.

Mr. COBURN. I object to any slipping; let us go on regularly.

Mr. WHEELER. Then I move to transpose the consideration of this bill, as I have the right to do under the rules of this House, so as to permit the introduction now of the amendment which I have indicated.

Mr. COBURN. Before that question is put I desire to make a request of the gentleman from New York, [Mr. WHEELER.] In connection with this very subject I am about to be furnished with some data of the Adjutant-General. I desired it to be here at the House when it met this morning, but it is not yet quite ready. I wish to say something in connection with the action of the committee as shown in this very portion of the bill to which the gentleman refers. I think it no more than fair to so faithful, honorable, and correct an officer as the Adjutant-General, and the importance of the service, that a delay should be had until the proper time in the consideration of that subject. The House can act with just as much sense when we arrive at that point as we can now. I hope, therefore, the House will not favor the motion of the gentleman from New York.

Mr. WHEELER. I want the Committee of the Whole to understand that this is an appropriation bill and nothing else; and the amendment which I propose to offer is an amendment proposing to appropriate money for the support of this home for the next fiscal year. It is a subject with which the Adjutant-General has nothing whatever to do. It is a matter of appropriation and nothing else.

Mr. KELLOGG. As I understand, the gentleman from New York does not propose to reduce the clerks in the Surgeon General's Office until we reach that subject in the bill.

Mr. WHEELER. Not at all.

Mr. KELLOGG. There is a reason why those clerks should be continued in connection with the pension business, which has gone behind. I agree heartily with the gentleman in the movement he has made. I believe in keeping no more clerks than are necessary.

Mr. WHEELER. We will try not to strike out anything that is necessary.

Mr. COBURN. I withdraw my objection. The gentleman's amendment is not what I supposed.

The CHAIRMAN. If there be no objection, the Committee of the Whole will consider the amendment of the gentleman from New York [Mr. WHEELER] to come in on page 43, which has not yet been reached.

There was no objection.

Mr. WHEELER. I move to amend by inserting after line 1047, on page 43, the following:

For the support and maintenance of the national military asylum for the relief of totally disabled officers and men of the volunteer forces of the United States $500,000, or so much thereof as may be necessary.

This is a provision in the form of a regular annual appropriation for the support of this institution for the next fiscal year.

Mr. RANDALL. What check will there be on the expenditure of this money?

Mr. WHEELER. I propose to follow this with an amendment, which will provide ample guards in that respect.

Mr. HOLMAN. On what basis does the gentlemen predicate the amount of this appropriation? Is it based on the expenses of the institution for the last year?

Mr. WHEELER. It is; but I have reduced the amount somewhat. The expenditure for last year was something over $624,000. When the gentleman shall see the checks under which I propose that this money shall be expended, I think he will be satisfied.

Mr. HOLMAN. How much of this fund has been refunded from time to time?

Mr. WHEELER. I do not know how much; but I have taken care of that matter, as the gentleman will see.

The amendment was agreed to.

Mr. WHEELER. I ask the careful attention of the committee to the amendment I now offer as an additional section, to come in after the amendment just adopted.

The Clerk read as follows:

SEC. —. *And be it further enacted*, That so much of the act entitled "An act to incorporate a national military and naval asylum, for the relief of totally disabled officers and men of the volunteer forces of the United States," approved March 3, 1865, and of all acts amendatory thereof, as provides that for the establishment and support of said home there shall be appropriated all stoppages or fines adjudged against officers and soldiers by sentence of court-martial or military commission, over and above the amount necessary for the reimbursement of the Government or of individuals all forfeitures on account of desertion from the service and all moneys due deceased officers and soldiers, which now or may be unclaimed for three years after the death of such officers and soldiers, be, and the same is hereby, repealed, to take effect on and after the 1st day of April, 1875; and from and after April 1, 1875, no clerk shall be employed or paid in any Department of the Government for services rendered under any provision of said act of March 3, 1865, or the acts amendatory thereof. And from and after the 1st day of April, 1875, no money shall be appropriated or drawn for the support or maintenance of said home except by direct and specific annual appropriations by law. And it shall be the duty of the directors of said home, on or before the 1st day of August in each year, to furnish to the Secretary of War estimates in detail for the support of said home for the fiscal year commencing on the 1st day of July thereafter, and the Secretary of War shall annually include such estimates in his estimates for his Department. And no money shall, after the 1st day of April, 1875, be drawn from the Treasury for the use of said home except in pursuance of monthly estimates and upon monthly requisitions by the directors thereof upon the Secretary of War, based upon said monthly estimates for the support of said home for not more than one month next succeeding each requisition. And no money shall be drawn or paid upon any such requisition while any balance heretofore drawn or received by said home, or for its use, from the Treasury, under laws now or heretofore existing, and now held under investment or otherwise, shall remain unexpended; and the directors of said home shall, at the commencement of each quarter of the year, render to the Secretary of War an account of all their receipts and expenditures for the quarter immediately preceding, with the vouchers for such expenditures. And all such accounts and vouchers shall be authenticated, audited, and allowed as required by law for the general appropriations and expenditures of the War Department. The amount necessary for the support and maintenance of said home for the balance of the present fiscal year, after March, 1875, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and is made available on and after the 1st day of April, 1875; subject, nevertheless, to the provisions hereinbefore contained as to unexpended balances of moneys heretofore drawn or received, and to all other provisions regulating the annual appropriations hereafter to be made, as herein provided.

Mr. WHEELER. This amendment explains itself. It breaks down all this useless machinery now existing. It provides for regular annual estimates; also that the directors of the institution shall make monthly estimates for current expenses, and monthly requisitions upon the Secretary of the War, by whom the money is to be disbursed; that they shall also file their vouchers, and that they shall make no requisition whatever so long as they have on hand one dollar previously received.

Mr. RANDALL. Does the gentleman's amendment cover money that is invested?

Mr. WHEELER. I do not know anything about the amount of such money.

Mr. RANDALL. How shall we find it out?

Mr. GARFIELD. When the managers make their annual report this whole matter of investments will of course be embraced in it. Then we can act with full knowledge.

Mr. HAWLEY, of Connecticut. I would like to make a suggestion; but before doing so I wish to express my hearty approval of the proposition of the gentleman from New York. There is another source of income in these homes with which I find no fault, but which, in my judgment, ought to be reported on as well as other sources of income and expenditure. The governors of these homes are of course required to enforce some kind of discipline. Their powers are limited in that respect; but so far as I know these homes they are not abused. They are, I believe, well governed. One of them I know to be well governed. I speak of the one at Hampton, which I have seen a good deal of during the last summer. That home is well managed. I found it was necessary to observe some sort of discipline among the men; that a man going out without leave and getting drunk or violating any of the other reasonable rules of the institution had a fine imposed upon him. I suppose this fine comes out of the pension-money of the men or out of whatever may be coming to them.

Mr. WHEELER. I understand they are required to give up their pension-money when remaining at these homes.

Mr. HAWLEY, of Connecticut. I find they are fined one, two, three, four, or five dollars, according to the enormity of the offense,

and that money is used, so far as I know, wisely, in the construction of ten-pin alleys or reading-rooms or other places of instruction and amusement for the soldiers themselves. That fund is, of course, considerable in asylums where there are three or four hundred soldiers, and where many fines are imposed every day. I therefore make the suggestion whether that fund should not also be included in these reports of incomes and expenditures of these asylums?

Mr. WHEELER. That is a matter relating to the regulation of these homes with which the Committee on Appropriations have nothing to do. If it should need regulating, I have no doubt my friend from Indiana, [Mr. COBURN,] chairman of the Committee on Military Affairs, will provide the proper regulation.

Mr. GUNCKEL. In response to the suggestion of the gentleman from Connecticut I will say that the fines imposed in the homes he speaks of amount in the aggregate to a very small sum, and that where such fines are imposed upon the soldiers for getting drunk, or for other like offenses, the money is refunded in case of after good conduct. That fund is kept by itself, and is strictly accounted for. The amounts not refunded are held as a contingent fund, and used in providing reading matter, amusements, &c., for all the soldiers of the home.

Mr. HAWLEY, of Connecticut. Whatever it is, it appears to me it ought to be accounted for in the same way as other sources of income.

Mr. GUNCKEL. I wish to say a word in reference to the amendment of the gentleman from New York, [Mr. WHEELER.] I never heard of the amendment until it was read at the Clerk's desk, and in the then confusion of the House I do not know whether I correctly heard it or perfectly understood it. So far as I do understand it I have no objection to it whatever, but approve of its provisions fully and entirely. I can only again regret that all these provisions were not included in the original act. I suggest, however, the verbal change, that instead of the word "directors" the gentleman should use the word "managers," which is the language of the statute.

Mr. WHEELER. In drawing the amendment I sought to follow the words of the statute.

Mr. HOLMAN. The propositions submitted by the gentleman from New York are manifestly right. There is no question but this begins a valuable reform. There is no good reason I can discover why this reform should not take effect at once, or at a very early day. The only one which has been stated, and that I suppose is the only one there is, in my judgment is not the very best reason. It is that it will have the effect of turning out of the public service a large number of clerks. I do not see why we should retain clerks when we have no further need for their services. That seems to be the only obstacle in the way.

Mr. WHEELER. I cannot find it in my heart to turn out at once people who were invited here and appointed under that law. Having been invited here, and having remained for so many years, I do not think it is kind on our part to discharge them instantly in order to save a month's pay. I know my friend from Indiana, on calm reflection, will not demand any such thing at our hands.

Mr. HOLMAN. I do not believe it is sound policy to retain persons in the employ of the Government when we admit there is nothing for them to do.

The CHAIRMAN. Does the gentleman from New York accept the amendment of the gentleman from Ohio?

Mr. WHEELER. I ask unanimous consent for time to look into the subject. I am not quite sure now whether the language of the law is "managers" or "directors." I ask unanimous consent to make the amendment conform to the statute if I shall find hereafter any change to be necessary in that respect.

The CHAIRMAN. The Chair hears no objection to the gentleman from New York having that privilege.

The amendment was agreed to.

Mr. WHEELER. I wish to congratulate the committee on having saved, at a moderate estimate, for the next fiscal year $100,000.

Mr. GARFIELD. I move that the footing of the appropriations under the head of the Second Auditor be made to correspond to the amendment just adopted.

The amendment was agreed to.

The Clerk read as follows:

Auditor of the Treasury for the Post-Office Department:

For compensation of the Auditor of the Treasury for the Post-Office Department, $3,000; chief clerk, $2,000; nine clerks of class four, and additional to one clerk of class four as disbursing clerk, $200; sixty-two clerks of class three; sixty-nine clerks of class two; thirty-seven clerks of class one; one messenger; one assistant messenger; and eighteen laborers; twenty assorters of money-orders, $20,000; also, fifteen female assorters of money-orders, at $900 each; in all, $309,620: *Provided*, That on and after the 1st day of July, 1875, the fees on money-orders shall be, for orders not exceeding fifteen dollars, ten cents; exceeding fifteen and not exceeding thirty dollars, fifteen cents; exceeding thirty and not exceeding forty dollars, twenty cents; exceeding forty and not exceeding fifty dollars, twenty-five cents; and no money-order shall be issued for a sum greater than fifty dollars.

Mr. RANDALL. I should like to ask the chairman of the Committee on Appropriations to explain what change this makes in reference to the transmission of money-orders through the mails.

Mr. GARFIELD. The gentleman will remember that not long since there was a reduction made in the rates for sending money-orders. The committee found that the work was increasing largely; but although the increase was very considerable, yet under the reduced rates the money-order system, as a system, including the number of assorters and clerks that have to be employed here in the Department to take care of it, does not pay itself, and we are falling behind very nearly by the cost of the whole of the force employed in the central office here in Washington. We consider also that it is at least a doubtful branch of business for the United States to carry on. It is a sort of banking business carried on inside the Post-Office Department. I have said it is a doubtful branch of business. Some people believe that it is not a proper function of the United States to carry on a special banking business for the people; and those who think it is a proper business would probably agree with the committee that it should be made to pay itself.

Mr. RANDALL. Will the gentleman state what was the amount of loss last year under the reduction?

Mr. GARFIELD. My colleague on the committee, the gentleman from Indiana, [Mr. TYNER,] is prepared to give information on that point.

Mr. RANDALL. I wish to be informed how much the money-order branch went behind last year, so that we may know what amount of money may be saved during the coming year by this increase of charge.

Mr. TYNER. The report of the superintendent of the money-order system shows that the excess of receipts over expenditures during the last fiscal year amounted to $105,198.12. Upon the face of that report, therefore, not only would the system seem to be self-sustaining, but it would seem that it pays a revenue into the Treasury. But it is a fact not patent on the face of that report that there are very considerable expenditures in connection with this money-order system that do not appear at all in the report, but are charged to and paid out of regular appropriations; among which are the salaries in the department of the superintendent's office and of the Sixth Auditor's Office, the books, blanks, and printing, together with stationery, &c., which, by the figures obtained in the superintendent's office and in the Sixth Auditor's Office, and by estimates from the best data before the Department, amounted to the sum of $182,100, leaving an actual deficit of $76,901.88.

Mr. RANDALL. Will the increased charges here provided for cover that amount? Is it so estimated?

Mr. TYNER. Yes, sir. If the fees under the late law should be re-established, and that is what is substantially proposed in the pending amendment, the probabilities are, from the best lights before the Department and before myself also, that the first fiscal year under the operation of that rate of fees will pay an actual revenue into the Department of between seventy and eighty thousand dollars in excess of the present receipts; and that is the reason why we propose this change.

Mr. FORT. I move to strike out the proviso, which is as follows:

Provided, That on and after the 1st day of July, 1875, the fees on money-orders shall be, for orders not exceeding fifteen dollars, ten cents; exceeding fifteen and not exceeding thirty dollars, fifteen cents; exceeding thirty and not exceeding forty dollars, twenty cents; exceeding forty and not exceeding fifty dollars, twenty-five cents; and no money-order shall be issued for a sum greater than fifty dollars.

Members of this House well know that there was a time during the panic when it was unsafe to send money in any other way than by post-office money-orders. The moneys sent by the money-order system are ordinarily small sums, sent by poor persons, hardly ever reaching the sum of fifty dollars. It occurs to me that this accommodation might very well be extended to these people. My friend from Indiana [Mr. TYNER] seems disposed to think that the Post-Office Department should make a profit of this business. I think it can well afford to do the business without a profit, and if it shall fall now a little short of paying expenses, the time will speedily come when it will pay them. I am opposed to placing any more burdens on the people by increasing the rates in this branch of the Post-Office Department; and I can see no good objection to leaving the matter as it now is. These sums are always small. The system is one for the accommodation of poor people, and no others. Drafts that are sent by banks are, as a usual thing, for larger amounts, and are drawn by parties who can afford to pay for the accommodation.

Mr. ALBRIGHT. In many parts of the country there are no banks.

Mr. FORT. That is in the interest of the motion to strike out the proviso. There are many places where parties cannot reach a bank. This is an accommodation to many people who want to send small sums of money and to send them safely, and it was in fact the only way in which people could send money safely during the panic. I know of persons who wanted to send several hundred dollars during that period, and they would cut the amount up into small drafts, and send it in this way, in order that it might go safely. I trust the proviso will be stricken out.

Mr. ALBRIGHT. I desire to say that I am not in sympathy with the motion of my friend from Illinois, [Mr. FORT.] I do not believe that this Government ought to be run for nothing. I believe that when you have the Departments of this Government run exclusively in the interest of the people, the people ought to pay for the accomdation they receive. The application of this proviso is not confined to any class of people. The rich as well as the poor may avail themselves of this system, and use the Post-Office Department for sending money, and do so now very often. So far as the mail facilities themselves are concerned, they are alike cheap to all the people. But this is a great accommodation to many people. And it is not right

that this thing ought be introduced in the Post-Office Department, and that the people should be afforded all these facilities which they may get at the banks by buying drafts and that they should not pay for it. The Government is not only affording facilities that money may be safely transmitted, but is also becoming an insurer that the money shall be paid at the point of delivery; so that I think if you want to have the money-order system at all you should have it in the form proposed in this bill, so that it shall at least pay its expense.

Mr. RANDALL. I desire to offer an amendment which will precede the amendment of the gentleman from Illinois. It is to move to strike out in lines 484 and 485 the words "twenty assorters of money-orders, twenty thousand dollars." These are absolutely new appointments. There can, I believe, be no argument made that the force already employed is not sufficient to do the work; and gentlemen will observe also that the footing of the amount appropriated by the section is an increase of $20,000 over that of last year. Last year the total appropriation was $289,620, while this year by an increase of twenty employés it is $309,620. I move, therefore, to strike out these twenty new appointments. They have not yet been made, and they will not be made unless this sum of $20,000 is added to this appropriation which I think is altogether unnecessary.

Mr. TYNER. The gentleman from Pennsylvania is mistaken in saying that this is a proposition to authorize the employment of twenty additional persons in the Sixth Auditor's Office. The legislative appropriation bill of last year provides for the appointment of ten assorters of money-orders, and the proposition in this bill is simply to increase that number ten more.

Mr. RANDALL. I think I am right.

Mr. TYNER. If the footing shows that the appropriation amounts to $20,000 more than last year, the increase must occur in some other item. It does not occur in the item providing for ten additional assorters.

Mr. RANDALL. No, I am right; I have the act of last year here. Fifteen female assorters are provided for in the law of last year which are also provided for in this bill. These twenty additional money-order assorters are not in that bill.

Mr. KELLOGG. Let me remind my friend that they were put in a subsequent bill last year.

Mr. TYNER. I am not able to say that they were provided for in the legislative bill last year; but that they were provided for in some appropriation bill last year there is not a particle of doubt. I do not rely on my own recollection in the substantiation of that statement, but I know that the men have been appointed and that they are now at work in their places—ten men.

Mr. RANDALL. If the gentleman states that, it does not appear in the bill.

Mr. TYNER. It may have been in one of the other appropriation bills; but nevertheless it is a fact.

Mr. RANDALL. Then I will modify my amendment and move to strike out ten of these employés.

Mr. TYNER. Then, Mr. Chairman, I want to be heard upon that motion. Ten additional assorters are absolutely needed in the Sixth Auditor's Office. There are employed there already ten male assorters and fifteen female assorters. They are unable to perform the duties devolved upon them in connection with this business. Every money-order issued in the United States by any postmaster must come to the Sixth Auditor's Office and there undergo the operation of assorting and settling. When I say that money-orders are piled up almost by tons, to so large an extent that it is an absolute impossibility for the present force to work them off, and that in addition to those specifically employed for that purpose the Sixth Auditor is calling every man in the office he can possibly spare from other duties to assist, and that the work is still behind weeks and months, then I have presented all the reasons necessary for this increase.

Mr. RANDALL. I still hope these new appointments will not be made. I want to correct the statement I made a few moments since. I find in a subsequent clause of the bill that there are ten assorters provided for. The gentleman states that ten are already employed. I do not want to interfere with them, but I want to stop any addition being made to this force, because, if I am not incorrectly informed, there is now force sufficient in that Money-Order Bureau of the Post-Office Department to perform the work.

Mr. TYNER. The gentleman is very greatly mistaken. I speak from a thorough observation of the business of this office myself when I say that these are absolutely needed, and that in justice to the public business the number ought to be twice as great as is proposed here.

Mr. RANDALL. Then let us make a further reform and provide that these persons shall perform an additional hour's labor a day. I say to you distinctly that I do not want to cut down salaries, but I want to diminish the number of employés and increase the hours of labor. If the great bulk of the clerks in these Departments worked as long as I do, they would do twice as much work as they do now.

Mr. TYNER. The Committee on Appropriations last year made the same proposition that the gentleman now submits, and the House voted it down.

Mr. RANDALL. I work fourteen hours a day.

The question was taken upon the amendment moved by Mr. RANDALL; and upon a division there were—ayes 43, noes 47; no quorum voting.

Mr. RANDALL. I must insist upon tellers. I make an issue with the majority of the House on this question of additional officers.

Tellers were ordered; and Mr. RANDALL and Mr. TYNER were appointed.

The committee again divided; and the tellers reported that there were—ayes 47, noes 111.

So the amendment of Mr. RANDALL was not agreed to.

The question recurred upon the motion of Mr. FORT to strike out the proviso; and being taken, it was not agreed to.

The following was read, under the heading "Commissioner of Internal Revenue:"

For dies, paper, and stamps, $300,000.

Mr. GARFIELD. By a typographical error the sum intended to be appropriated by this clause, $500,000, was made to read "$300,000." I move to increase the sum to $500,000.

Mr. RANDALL. That is $100,000 more than the estimates ask for.

Mr. GARFIELD. At the request of the Commissioner we cut down other items of appropriation and increased this item; but a decrease is made on the whole amount appropriated.

Mr. RANDALL. There may very properly be reductions of other items without any increase of this item.

Mr. GARFIELD. This item cannot well be decreased from what the Committee on Appropriations recommend. We told the Commissioner that we would decrease the total appropriations, but would leave him to distribute them as he might deem best.

Mr. RANDALL. It is proposed to make this item $500,000, which is $100,000 more than the estimates.

Mr. GARFIELD. We cut down below the estimates last year, and the committee are satisfied, after a long hearing of the Commissioner, that it would not be economical to decrease the amount here proposed. Of course we must keep up the force required by this Revenue Bureau if we want to collect our revenue properly.

Mr. KELLOGG. Is this increase of $100,000 caused by reason of printing these stamps in New York?

Mr. GARFIELD. I know the stamps have hitherto been printed in the Treasury Department; but under a late contract they are now printed by some bank-note companies in New York. Of course there is added the expense of the transportation of these stamps; but whether the entire cost is more or less by reason of their being printed in New York I cannot say.

Mr. KELLOGG. Does the gentleman know any good reason why these stamps should not be printed by the Government in its own building?

Mr. GARFIELD. The printing was given to the lowest bidder.

Mr. RANDALL. I do not believe that to be so. But the Committee on Banking and Currency are now engaged, at the suggestion of the Secretary of the Treasury, in an examination of this subject.

Mr. GARFIELD. This is not the place to discuss that question——

Mr. RANDALL. I think it is just the place.

Mr. GARFIELD. Will the gentleman hear the end of my sentence before he denies my statement? In the last section of the bill the whole question of engraving and printing, in connection with the bonds and notes printed at the Treasury Department, comes up for consideration, and we expect the question to be discussed there.

Mr. KELLOGG. I do not rise to debate this question or to take up time, but to obtain information from the gentleman as to whether there is any reason why these stamps should not be printed by the Government. I will admit that, as far as bank-notes and currency are concerned, there may be a reason why the backs should be printed in one place and the faces in another. But when you come to the printing of stamps for tobacco, cigars, and whisky, I know of no reason why the Government should not print them. If it is to cost $100,000 to print them elsewhere, as it did last year, then I think some good reason should be given for it.

Mr. GARFIELD. The Committee on Appropriations learned that the Committee on Banking and Currency are investigating this particular subject under an order of the House at its last session; and we are informed that they will soon report upon it. Therefore, when we reach the portion of this bill where this subject will properly come up for consideration, and the report of that committee has not been made, I will agree to strike it out of this bill and have it put in some other bill, so as to leave time for their report to be made.

Mr. MERRIAM. I do not believe that this additional $100,000 has anything to do with the increased cost of printing stamps by reason of their being printed in New York.

Mr. RANDALL. I know what there is in that. I think there is a clause in the contract which enables the Government to cancel on ninety days' notice, and that ninety days can be obtained between now and the 1st of July.

Mr. MERRIAM. I understood that the contract was made for a year.

Mr. RANDALL. But it can be terminated on ninety days' notice.

The question being taken on agreeing to the amendment of Mr. RANDALL, there were—ayes 17, noes 26; no quorum voting.

Mr. RANDALL. I must ask for tellers. This provision takes $100,000 out of the Treasury unnecessarily; and if it be agreed to it must be done by a quorum.

Tellers were ordered; and Mr. RANDALL and Mr. GARFIELD were appointed.

The committee divided; and the tellers reported ayes 38, noes not counted.

So the amendment of Mr. RANDALL was not agreed to.

Mr. KELLOGG. I move to amend the amendment by striking out "$500,000" and inserting "$450,000." I make this motion for the purpose of asking my friend, the chairman of the Committee on Appropriations, what necessity there is for an increase of $100,000 over the appropriation for this purpose made last year.

Mr. GARFIELD. I stated a little while ago that the Committee on Appropriations cut down the amount $100,000 last year; and the Commissioner of Internal Revenue, who came before the committee, said that we were cutting down too low; but he would go on as well as he could with the amount then appropriated, postponing some work until the beginning of the next year. We propose to give him now the amount he asked last year.

Mr. KELLOGG. One remark further. I am willing to vote all that may be necessary; but I want to know whether this increase does not necessarily result from the contract for making new dies for the new stamps which are to be printed in New York, and whether those dies as prepared have not upon them the heads of quite a number of individuals with whom we are very well acquainted.

Mr. GARFIELD. I do not know anything about that.

Mr. KELLOGG. I wish to know whether this increased expense of $100,000 is not rendered necessary by the preparation of these new dies for whisky, tobacco, and snuff stamps, with new heads on them—the heads, I understand, of some gentlemen whom I now see smiling around me. Is not this the real occasion of the increased expense, while in fact we have old dies without these smiling faces?

Mr. GARFIELD. If the dies include all the "smiling faces" of our friends here, they would be very much more expensive than they are.

Mr. KELLOGG. I withdraw my amendment.

Mr. RANDALL. I renew it. If I cannot save $100,000 I will try to save $50,000.

The amendment of Mr. RANDALL was agreed to; and the amendment of Mr. GARFIELD, as amended, was adopted.

The Clerk read as follows:

For salaries and expenses of collectors, $2,151,000.

Mr. RANDALL. I learn that the Secretary of the Treasury is contemplating the consolidation of quite a number of the collection districts throughout the country. I notice, however, that the decrease provided for here is a very moderate one—less than $39,000. If my information as to the proposed action of the Secretary of the Treasury in the consolidation of collection districts is correct, this amount of money will not be required. Perhaps the chairman of the Committee on Appropriations can tell us how far the proposed action of the Secretary of the Treasury will reach in the consolidation of collection districts.

Mr. GARFIELD. The action of the Secretary of the Treasury in that regard is not yet matured; and we cannot of course base our appropriations upon anything before it is the law unless we have a reasonable certainty that there will be a change. We have no such certainty; nor do I know what will be the extent of the change if it be entered upon.

Mr. RANDALL. I understood that the purpose was to reduce very largely the expenses in this respect; and I think the Secretary of the Treasury is to be commended for such a purpose.

The Clerk read as follows:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $100,000.

Mr. RANDALL. I would like to know the amount appropriated for this item last year. The year before last, if my memory serves me, it was about $39,000. I suggest that the appropriation of last year should be a guide as to this year's appropriation for this matter.

Mr. GARFIELD. We appropriated the same amount last year.

Mr. RANDALL. I know, but it was not expended.

Mr. GARFIELD. The gentleman will observe another thing. The laws in relation to the punishment of frauds on the revenue were so changed last winter as to throw additional duties upon the regular officers. The sweeping away of the moiety system has thrown on all this class of officers heavier duties than before. Hence the Commissioner felt that the amount of this appropriation could not safely be reduced.

Mr. RANDALL. That is a satisfactory reason, I think.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate was presented by Mr. SYMPSON, one of its clerks, announcing that the Senate had passed without amendment a bill (H. R. No. 3188) granting a pension to Letta Bagley.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities;

A bill (S. No. 764) to remove the political disabilities of Henry Heth, of Virginia; and

A bill (S. No. 996) for the relief of the Allegheny Valley Railroad Company.

The message further announced that the Senate had adopted a resolution requesting the House to furnish to the Senate a copy of the report made to the House by the Secretary of War under the act of April 20, 1874, relating to the accounts of disbursing officers.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

The Clerk read as follows:

For purchase of official postage-stamps, $100,000.

Mr. MERRIAM. I move to strike out the clause just read. It seems to me that in this appropriation we are incurring a needless expense simply to swell the credit of the Post-Office Department. There is not an individual firm or an individual in this country conducting business in this extravagant way but would go into bankruptcy as well as receive the contempt of mankind.

I would like to ask the chairman of the Committee on Appropriations what amount of money is expended for these departmental stamps?

Mr. GARFIELD. I believe $1,478,000 was the total amount paid for official stamps for the year ending June 30, 1874. The amount asked for this year is a little less.

Mr. MERRIAM. I refer to departmental stamps only.

Mr. GARFIELD. That is what I am referring to. The repeal of the franking privilege of course required we should appropriate for the postage of these Departments of the Government, where the postage was a large item, and we appropriated the first year, rather at haphazard, not knowing how much it would take, nearly $2,000,000. Last year the amount was $1,469,790.53, and I wish in that regard to correct my first figures. That was the total amount of the face value of official stamps for the various Departments of the Government.

Mr. MERRIAM. What is the cost to the Government of these departmental stamps?

Mr. GARFIELD. I think they cost about fifteen cents a thousand.

Mr. G. F. HOAR. I should like to ask the gentleman from Ohio how much the deficit in the Post-Office Department has been diminished since the abolition of the franking privilege.

Mr. GARFIELD. I have not gone into that subject so as to answer my cultivated and honorable friend from Massachusetts with the precision which he demands.

Mr. G. F. HOAR. The gentleman, however, went into the subject last year.

Mr. GARFIELD. I am of the opinion it kept the deficit of the Post-Office Department from going higher than it would have gone if we had not repealed the abolition of the franking privilege.

Mr. G. F. HOAR. Mr. Chairman, we were informed the abolition of the custom of circulating among the people information on political subjects by means of franks was to create so large a saving to the Government that the deficit of the Post-Office Department would disappear altogether, and on that statement, from high official authority, the House abolished the franking privilege. I think after a year's experience it is quite fair to inquire of the chairman of the Committee on Appropriations, whether his prophecies have turned out to be correct?

Mr. GARFIELD. We have not the figures of the year so aggregated as to answer the question of the gentleman from Massachusetts.

Mr. G. F. HOAR. I will ask the gentleman another question, whether he does not know the deficit in the Post-Office Department has increased and the abolition of the franking privilege has not tended to relieve the Post-Office Department? Is not that his opinion as the result of his experience?

Mr. GARFIELD. I know the deficit in the Post-Office Department has increased. I am not willing, however, to adopt the doctrine, *post hoc, propter hoc,* in this case. I think the repeal of the franking privilege has to a considerable extent increased the revenues of the Post-Office Department, but how much I do not know. I am, however, compelled to say, as a matter of fairness, that I do not believe the repeal of the franking privilege has been so great a blessing as I believed at the time it would be. Still I do not think we ought to give it up until we have given it a full and fair trial. The last year has been *annus mirabilis,* a difficult year, a year of panic, a year of distress, and not a fair year in which to judge the operation of this reform. Let us give it another fair year. Let us take a year with a democratic House of Representatives. Then with these two eyes we can see stereoscopically, and determine whether we have made any increase or not.

Mr. DAWES. That will produce a bad case of strabismus.

Mr. MERRIAM. I do not intend to discuss the subject at large. I wish only to say to the House that this is a simple, plain proposition of business. The messengers of the various Executive Departments of the Government could, in perfect security to the Government, do the franking or stamping for those Departments, and in that way save between fifteen and twenty thousand dollars a year which is now expended for no other purpose, it seems to me, than to reduce the deficiency account of the Postmaster-General. This Government belongs to the people; we are all interested in it, and why should we, as a mere matter of book-keeping, spend $20,000 a year for a purpose which is wholly unnecessary? The heads of the differ-

ent Departments can organize a system which will protect the people against the improper use of any frank or stamp, and it will be just as secure as the present printed and pasted stamp system. Whatever plan is adopted its execution and tools are necessarily in the hands of many employés, as the paste-stamps now are. The revenues of the Post-Office are not affected in any degree by the proposed change, but the aggregate saving to the General Government is many thousands per annum. I see no reason whatever for continuing this expense.

Mr. RANDALL. Did I understand correctly the chairman of the Committee on Appropriations as stating that these departmental stamps cost fifteen cents per thousand?

Mr. GARFIELD. I understand that that is the cost of them.

Mr. RANDALL. I offered a resolution yesterday in the House which was referred to the Committee on the Post-Office and Post-Roads. If I am not mistaken, the ordinary stamps we use for letters cost 14.99 cents per thousand. I was a witness to the opening of the contract. Now I understand that the Government has subsequently entered into another contract for these departmental stamps, which cost not one dollar more than those furnished at fifteen cents per thousand, at the rate of eighty cents per thousand.

In addition to that I am informed that the dies and plates, &c., for this purpose, and to which the chairman of the committee referred a moment ago in replying to the gentleman from Connecticut, [Mr. KELLOGG,] have cost the Government $50,000, when in fact they should not have cost half the money.

Mr. GARFIELD. In the statement I made I was alluding to the cost of the ordinary stamps. I did not know anything of this special contract.

Mr. MERRIAM. I have ascertained that the aggregate of the expense of printing these stamps is between fifteen and twenty thousand dollars.

Mr. RANDALL. But the question is whether the rate should be fifteen cents or eighty cents.

Mr. KELLEY. I hope this paragraph will be stricken out, and that the franking privilege, under whatever restrictions Congress may deem proper, will be restored. I have it not upon my conscience that I ever voted for its repeal, but have the satisfaction of knowing that whenever my vote was claimed for its restoration it was given. It was not my privilege, nor the privilege of the members of this House; it was the privilege of the people, and it was most serviceable to the country. I freely admit that congressional speeches and reports may be dull and stupid. Probably they are so. Yet there is sometimes a gleam of truth in them, sometimes a reference to important facts, and under the franking privilege the conflicting views of the representatives of the people went into every town and hamlet of the country, and were pondered and discussed; and though members may have failed to find the true point, those who read the controversies upon the questions discussed were perhaps happier than they in that respect.

Again, sir, it was pre-eminently the privilege of the poor. We have millions of people, maimed soldiers and the destitute widows and orphans of deceased soldiers, who have claims, legal, equitable, or supposed, upon the Government, and we have no right to tax them for bringing their claims before the Government and asking the assistance of their representatives in securing the adjustment of those claims.

I believe, sir, that the good effect of the Agricultural Report in any one year has more than paid all the expenses incurred by the use of the franking privilege, with all the frauds that it is alleged have been practiced under it. And I believe that this is equally true in regard to the mechanical reports. I would not restore the printing of the mechanical report in its former bulky form; I am content with the better arrangement that is now made. But I do say that the country would be the gainer if the boy of genius or plodding industry, who, without reward, is serving his trade in any business that leads to a knowledge of the laws of mechanics, could have free and unrestricted access to the patents and propositions for patents that are made from day to day, and which would stimulate and guide his inventive power.

The repeal of the franking privilege was obtained by fraud. There were baskets and barrels of memorials brought here, which had all been printed at the Government expense and issued under an edict of the Postmaster-General to his forty thousand subordinates to have them signed and brought here. And there was a further fraud in his official allegation that it would save $5,000,000 a year to the Post-Office Department. It has not saved a million, or a hundred thousand dollars. It has given the Post-Office and other Departments increased patronage. It has given them the employment of printers hither and yon. It has caused each Department to employ pasters, as they are called, to sit all day slobbering over postage-stamps and sticking them on packages, with dubious certificates that they contain no written matter. It has, as it appeared during the last session, been fraudulently used by heads of Departments and Bureaus against the people. Gentlemen will remember that it leaked out that the Comptroller of the Currency selected those speeches which pleaded for a continuance of his office and the patronage he controls, and sent them under his official frank and certificate to the banks and bankers of the country whose special privileges he would maintain.

Now, sir, I ask the restoration of the people's rights to free intercourse with the Government and with their Representatives; and, as preliminary to that, I say again I hope this clause providing $100,000 for printers and pasters of executive stamps will be stricken out.

Mr. MAYNARD. I rise to oppose this amendment for the purpose of addressing a word or two to the committee on the subject with which it is connected. We hear a great deal said in these times about the malign influence of politicians, and the effort to take the Government out of the hands of the politicians. Great efforts have been made by some people in that direction. Now, who are the politicians? They are the men who mix with the people; who either honorably or dishonorably, by fair means or otherwise, as gentlemen may perhaps regard it, solicit their suffrages and collect their opinions in the form of facts. They are the men who perform the office, if you please, of go-between between the Government and the people, keeping separate, under our system, the Government from the people.

Now, under our Government, the only department that comes in contact with the people is this House. We are the only officials that are dependent directly upon them. We are the only ones who go to them. We are the only ones who hold our commissions directly from their hands. These so-called reforms—and the word "reform" is a misuse of language—which have been presented to the people have been generally some scheme or other by which to remove the Government still further from the people, and to give them less and less control over it; and of all the reforms that have been set on foot and to some extent consummated looking in that direction, this one, abolishing the franking privilege, thereby cutting off free, direct, and immediate communication between the Representatives and their constituents is one not the least conspicuous.

With the gentleman from Pennsylvania [Mr. KELLEY] I voted against the repeal of the franking privilege from the first. I opposed that measure steadily, and on every occasion that I have had an opportunity I have voted to restore the franking privilege. As a personal advantage to the member I venture to say that there will not be a single dissenting opinion in this House that what was called the franking privilege was no advantage. On the other hand, it entailed upon members an amount of labor that far, far transcended any amount of money that might be saved in the payment of postage, and it involved the employment of labor and clerk-hire at times when the member himself wished to be otherwise engaged. So far from the abolition having been a reform in the true sense of that word, it has operated solely and entirely to cut off communication, free communication, between the Representatives of the people and their constituents. It is a privilege, if you choose to call it so; it is a right that the people should demand for themselves, that they can communicate to their Representatives, to the law-making power of the Government, with their agents at the Capitol, without the necessity of being burdened by the payment of postage or any other payment.

Now, let us look at the question in connection with the immediate appropriation now under consideration and see how the reform operates in this instance. As the law formerly stood, when a communication was to be sent away from a Department, say the Post-Office Department, to any part of the country, the Postmaster-General attached his name to it to certify to his subordinates the source from which it came. Now, instead of his writing his name, either by himself or by a clerk, employed perhaps at $1,200 a year, he sends to New York and at a great expense gets up plates and has the same thing engraved and brought here to Washington, and then he employs a clerk or messenger to place it on packages. The system involves an expense of hundreds of thousands of dollars a year for the several Departments of the Government, as is admitted by the chairman of the Committee on Appropriations.

And this is called a reform. This is heralded to the country as an improvement in administration. I quite agree with the gentleman from Pennsylvania that this amendment should prevail and this appropriation be stricken out of the bill. Even if we do not restore the franking privilege for members of Congress and other officials of the Government, still the present process of verifying documents that go from the several Departments of the Government is attended with expense wholly useless, without any advantage, and is one that economy, common sense, and practical business judgment would dispense with at once.

Mr. GARFIELD. All this discussion on the franking privilege is really not in place here. We have a law, and the Departments are by that law required to be furnished with official stamps, and this is an appropriation to furnish one of these Departments according to the law. Now, to strike out this clause will not change the law. All it does is to cripple the Department. You have already made appropriations in this bill for this purpose for the Executive and for the State Department. Now, when we come to the Treasury Department, gentlemen think it is a nice thing to strike at this method of carrying on that Department of the Government. If you strike out the appropriation the law still remains. You cannot change the law in this bill. A proposition to do it would be ruled out on a point of order. If, then, you strike it out, you simply cripple the Department and accomplish no end.

Mr. MAYNARD. Will the gentleman let me ask him a question?

Mr. GARFIELD. Yes, sir.

Mr. MAYNARD. Suppose we strike it out and send the bill to the Senate, will not the Senate amend the bill?

Mr. GARFIELD. And put it back again?

Mr. MAYNARD. No, sir; but incorporate such further legislation as may be necessary.

Mr. GARFIELD. Certainly not. My friend from Minnesota [Mr. DUNNELL] last winter kept up a broad-sided fight on this subject for two days. The House was agitated from center to circumference on this tremendous question of official postage-stamps, and in several instances the appropriations for the purpose were stricken out; but they had all to be put back again simply because it was a fight against the law. Now, if gentlemen want to change the law about franking, let them bring the matter up in a separate bill. Let us have it debated and acted on; but when we have a law that requires us to make certain appropriations, let us make those appropriations.

Mr. CONGER. Why cannot the gentleman comply with the law, and appropriate only enough money to pay the expense of manufacturing the stamps?

Mr. GARFIELD. Because that would not comply with the law, and because I do not know how much it costs, and because it is impossible to make a calculation of that sort in the bill.

Mr. CONGER. They do not cost $100,000.

Mr. GARFIELD. I do not know how much they cost.

Mr. CONGER. Then make an appropriation to meet the actual cost of manufacturing these stamps, and not appropriate the full amount of their face.

Mr. GARFIELD. I am always instructed by my brilliant friend from Michigan.

Mr. CONGER. The gentleman has learned of late years to appreciate that instruction.

Mr. KELLOGG. Does not the gentleman from Pennsylvania [Mr. RANDALL] know what the cost is of making these official pictures?

Mr. RANDALL. I understand that for departmental postage-stamps it costs eighty cents a thousand, while the cost of those used by the general public is but fifteen cents. I understand also that the Post-Office Department has made an illegal contract for the expenditure of about $50,000 for new dies, plates, &c. I have by resolution provided for bringing the Postmaster-General before the committee, in order to find out whose fault it is. That is all I know about the matter. I believe that everybody connected with the Government of the United States, whether in this city or anywhere else, except members of Congress, has the right to send matter free through the mails.

Mr. MYERS. This appropriation is for the next fiscal year. Does not the gentleman from Ohio [Mr. GARFIELD] think that if we fail to appropriate this amount now for this purpose it will be a step in the direction of restoring the franking privilege?

Mr. GARFIELD. For my part I do not want this Congress—and I will say here this republican Congress—to solicit by any indirection or omission a democratic House of Representatives to do what we dare not do ourselves. That is not a very manly way of doing anything. If we want to restore the franking privilege in the last days of our political lives in this House, at least for the next two years, if gentlemen want to do that, then let us do it directly, and not intimate in a crawling sort of way, by leaving out this appropriation, that we want our democratic friends of the next House to do what we do not ourselves feel willing to do now.

Mr. KELLEY. Permit me to say that I stated I wanted this amendment agreed to as preliminary to the restoration of the franking privilege. I do not want to leave our political enemies to do that which my convictions prompt me to do, and which if it be right I and my party ought to take the responsibility of doing.

Mr. GARFIELD. Now let us have a vote.

Mr. MERRIAM. I desire to say one word more. The honorable gentleman has said that this has much to do with the final action on the franking privilege. I disclaim any desire or wish to restore the franking privilege. My constituents petitioned its repeal. There let it rest until they instruct us otherwise. This is simply a plain proposition for economy. The gentleman says if we want to strike this out, then bring in another bill for that purpose. I have had too much experience in this House to bring in any bill for that purpose, because he would instantly rise and say that it was a change of existing law, and I would be obliged to take my seat. I propose to strike out this clause; it is for the next fiscal year, not for this. If we strike it out, we do not interfere with the workings of the Treasury Department or of any other Department of the Government during this fiscal year. And I promise the gentleman that I will bring in a bill that will fully cover this whole question before this Congress closes.

The question was taken on striking out the clause relating to official postage-stamps in the Treasury Department, and upon a division there were—ayes 52, noes 54; no quorum voting.

Tellers were ordered; and Mr. MERRIAM and Mr. GARFIELD were appointed.

The committee again divided; and the tellers reported that there were—ayes 71, noes 78.

So the motion to strike out was not agreed to.

The Clerk read the following:

For investigations of accounts and records, including the necessary traveling expenses, and for other traveling expenses, $4,000.

Mr. RANDALL. What does this mean? In the first place it says "necessary traveling expenses," and in the next place it says "for other traveling expenses."

Mr. GARFIELD. I rather think that is a misprint, and I move to strike out the words "and for other traveling expenses."

The motion was agreed to.

The Clerk read the following:

For desks, tables, and chairs, and shelving for file-rooms, and cases; repairs of furniture; boxes, rugs, chair-covers and caning, cushions, cloth for covering desks, locks, screws, handsaws, turpentine, and varnish, $24,500.

Mr. GARFIELD. I find on further examination that I made a mistake in moving to strike out the words "and for other traveling expenses" in the clause read a few moments ago. The first traveling expenses referred to are the traveling expenses of persons engaged in investigating accounts; and the other clause relates to other traveling expenses; both expressions should be used. The words should be reinserted.

Mr. RANDALL. That is all right. But I would like to know why there has been an increase of $2,000 in this clause "for desks, tables, &c." Last year we appropriated $22,700, and now it is proposed that we appropriate $24,500.

Mr. GARFIELD. Last year we made a change in the whole of the contingent-fund appropriation. Hitherto it has been appropriated all in a lump—so much for the contingent fund. We separated it into different portions, but had to act somewhat arbitrarily in distributing it. We found that our distribution was unwise, and we have changed it about somewhat, but the total is about the same.

There being no objection, the motion of Mr. GARFIELD was agreed to.

The Clerk read as follows:

Office of assistant treasurer at San Francisco:

For assistant treasurer, $6,000; for cashier, $3,000; for book-keeper, $2,500; for assistant cashier, $2,000; for assistant book-keeper, $2,000; for stamp clerk, $2,400; for one clerk, $1,800; for three night watchmen, at $1,500 each; for one day watchman, $960; in all, $25,160.

Mr. RANDALL. There seems to be an increase of over $2,000 in this appropriation. I would like to have it explained.

Mr. GARFIELD. These items throughout are absolutely the same as in the act of last year. I think the difference is only in the footing.

Mr. RANDALL. No, sir; this is $2,400 more than was appropriated for this purpose last year. The appropriation last year was $22,760, while this clause proposes to appropriate $25,160.

Mr. GARFIELD. In the Book of Estimates, as the gentleman will observe, it stands precisely the same in the details and in the total. I think the footing in the law is incorrect.

Mr. RANDALL. I will examine the matter further; and if the gentleman will allow, any necessary correction can be made hereafter.

Mr. GARFIELD. If the gentleman finds any discrepancy I suppose we can go back.

The Clerk read as follows:

Mint at San Francisco, California:

For salaries of superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk, $2,500; cashier, $2,500; four clerks, at $1,800 each; in all, $25,700.

For wages of workmen and adjusters, $253,000.

Mr. RANDALL. There is an increase of $12,000 in this appropriation for wages of workmen and adjusters. And I will avail myself of this opportunity to inquire why at San Francisco the night watchmen are paid $1,500 each, while a day watchman at the same place receives only $960?

Mr. GARFIELD. In that respect we follow previous acts.

Mr. RANDALL. But is it in obedience to law?

Mr. GARFIELD. The only reason I ever found for that difference was this: the watchman during the day-time, being engaged while the employés are there, might be a young man, an ordinary laborer; but a person charged with the care of the building at night, while the other employés are all away, is under great responsibility, and of course requires to be paid a larger salary. This seems to be a sufficient reason.

Mr. RANDALL. I notice this difference nowhere else than at San Francisco.

Mr. GARFIELD. The gentleman will remember that we have regularly paid on the Pacific coast larger salaries and larger wages for labor than we do on the eastern slope. This is in consequence of the higher price of living and higher cost of labor.

The Clerk read as follows, under the head of "Mint at Carson City, Nevada:"

For materials and repairs, fuel, light, charcoal, chemicals, and other necessaries, $75,000.

Mr. RANDALL. Here is another increase. I hope it will be explained. It is an increase of about 33 per cent.

Mr. GARFIELD. If the gentleman will read the letter of Dr. Linderman, Director of the Mint, which is embraced in our pamphlet report accompanying this bill, he will see that in those western mints and assay offices we have increased those parts of the appropriations that directly relate to the increase of the amount of bullion they are compelled to handle. I am always very glad when we can fairly say that there ought to be an increase in this class of appropriations, for it always means an increase in the quantity of gold and silver produced from our mines. I am told by the Director of the Mint that in San Francisco alone we are now coining monthly about $800,000 of silver dollars—"trade dollars,"—and the demand upon us from Japan and China for these "trade dollars" is much greater than we can supply. This increase has kept up during the present year, and promises, fortunately, to continue for the year to come. The increase we have made in these western mints is simply for the additional workmen and materials necessary for handling this increased coinage.

The Clerk read as follows:

Assay office at New York:

For salary of superintendent, $4,500; for assayer, $3,000; for melter and refiner, $3,000; chief clerk, $2,800; weighing clerk, $2,800; paying clerk, $2,200; bar clerk, $2,000; two calculating clerks, at $2,000 each; one assistant weigh clerk, $1,800; and for assistants to superintendent in assayer's room and weigh-room, $9,550; in all, $35,650.

For wages of workmen, $80,000.

For acids, copper, coal, lead, light, and for miscellaneous items and repairs, $50,000.

Mr. RANDALL. I find that last year the appropriation for miscellaneous items and repairs for the assay office at New York was $20,000; while in this bill it is $50,000. In addition to that there is an increase of $15,000 in the appropriation for wages of workmen; the appropriation last year being $65,000, and that proposed here $80,000.

Mr. GARFIELD. Precisely the same reason I have already given with regard to western mints and assay offices applies here. There has been a large amount of recoinage and also considerable bullion brought to New York for handling there. The Director of the Mint is very strenuous with regard to these two items.

Mr. RANDALL. I think the letter of that officer had better be read.

Mr. GARFIELD. It is quite long. I will incorporate it in the RECORD as part of my remarks:

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
December 5, 1874.

SIR: In compliance with your request, I transmit herewith a copy of my letter, under date of September 15, 1874, submitting to the Secretary of the Treasury the estimates of appropriations required for the support of the mints and assay offices for the fiscal year ending June 30, 1876, and in which the various items embraced in the estimates are explained. Since the estimates were submitted the following statement has been prepared, and which exhibits the average operations of the mints and assay offices for the ten years ending June 30, 1872, and the fiscal year ending June 30, 1874.

Average operations of the mints and assay offices for the ten years ending June 30, 1872, *and the fiscal year ending June* 30, 1874.

Period.	Amount operated upon.		Coinage.		Bars prepared.			
	Gold.	Silver.	Gold.	Silver.	Fine gold and bars of standard or above.	Unparted gold.	Fine silver.	Unparted silver.
Fiscal year ending June 30, 1874	$68,861,594 97	$15,122,151 31	$50,442,690	$5,983,601 30	$20,901,112 59	$10,584,705 41	$5,937,490 68	$910,308 50
Average for ten years ending June 30, 1872	31,935,284 25	3,842,346 36	22,786,289	1,275,623 90	6,408,656 35	2,401,603 43	834,516 57	567,492 50

A comparison of the operations for the last fiscal year with the average result of the ten years ending June 30, 1872, will show the following percentages of increase:

	Per cent.
In gold operated upon, about	115
In silver operated upon, about	397
In gold coinage, about	121
In silver coinage, about	369
In fine gold bars, about	226
In unparted gold bars, about	340
In fine silver bars, about	611
In unparted silver bars, about	60

It will be seen from the above statement that the business of the mints and assay offices has been greatly augmented under the coinage act of 1873. The increase referred to will best explain the slight increase in the appropriations for the current fiscal year and the estimates for the next fiscal year. The mints and assay offices are simply manufacturing establishments, and their expenses for any given period will, except as to that of maintaining their regular organization, depend very much on the amount of bullion they are called upon to manipulate; the expenses being proportionately less when working to their full capacity. It has, therefore, been our aim to have all the bullion produced in the country and foreign coin and bullion imported brought to the mints and assay offices to be operated upon. The expenses of the mints at San Francisco and Carson have been increased by the successful introduction of the trade dollar into China; the two mints having during the last few months turned out about $500,000 per month in that coin. When it is considered that the weight of one-half million in trade dollars is over thirteen tons, the magnitude of their operations will be readily understood. The advantages to the public of the conversion of silver into trade dollars are that such coin commands a premium of about 2½ per cent. over bullion shipped in the form of bars; and by furnishing a domestic market for silver, it enables silver bullion containing gold to be parted in the United States and the resulting gold made into coin.

Without a home market for the silver such bullion will, as a general rule, be exported direct from the mines to London, where it commands a higher price than silver containing no gold, for the reason that it admits of gold bullion containing but a small percentage of silver to be added to it and refined or parted without additional expense.

The trade dollar has become the commercial coin of China and Japan, and the demand for it for several months past has been largely in excess of the supply. We expect after this month to be able to coin seven hundred thousand pieces per month at the mints on the Pacific coast.

Recent developments on the great Comstock lode or vein (Nevada) have been such as to justify the expectation that there will be no diminution for some time to come in the extraordinary yield from that source, and which has averaged about $22,000,000 per annum for the last two years.

The bullion from the mines referred to is of a mixed character, averaging in fineness from 850 to 930 silver, and from 40 to 120 gold, and 30 base metals; the value of the gold and silver being about equal. Before either of the metals can be brought to the legal standard for coinage they must be separated the one from the other, and which operation is termed "parting." The most economical mixture for parting is about two ounces of silver to one of gold. The operation is based on the principle that silver is soluble in both sulphuric and nitric acids, while gold is not.

Assuming the annual product of the Comstock lode to be $20,000,000, of the proportion before stated, we have over two hundred and sixty tons of silver to be dissolved in acid and afterward recovered by precipitation. In separating this bullion all of the gold product of the country could be added without reducing the mixture to a proportion the most economic for the operation in question.

The economy of parting the precious metals on the Pacific coast would be greatly promoted by concentrating the same at a single point. Where the mixed bullion referred to is not to be obtained, it is necessary to keep a large quantity of fine silver on hand, to mix with the gold containing small percentages of silver, in order to insure economical parting.

It is very important that this class of bullion should be minted in our own country.

Very respectfully,

H. R. LINDERMAN, *Director.*

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
December 5, 1874.

DEAR SIR: There is evidently an error in the printed estimates item wages of workmen, Carson Mint. I send Mr. Davis, of this office, with the copy on file, showing the item as it should be. The amount which was estimated for under the head of wages of workmen, Carson Mint, is $85,000. Last year the regular appropriation was $67,000. Please have the matter corrected; $85,000 is as little as can be got along with.

Respectfully,

H. R. LINDERMAN, *Director.*

HON. JAMES A. GARFIELD,
Chairman Committee on Appropriations.

The Clerk read as follows:

Territory of Colorado:

For salaries of governor, chief justice and two associate judges, and secretary, $15,000.

For legislative expenses, namely: For per diem and mileage of members, and per diem of officers, $13,000; rent of legislative halls and rooms, $600; stationery for Legislature, $600; coal, light, labor, and other incidental expenses, $1,800; messenger for the secretary's office, $300; rent, light, fuel, stationery, postage, and printing for secretary's office, $1,700; in all, $18,000. And hereafter all public or official printing of laws, journals, and other official documents for the territorial governments now done at the expense of the General Government, shall be done only at the Government Printing Office, Washington, District of Columbia.

Mr. GARFIELD. Mr. Chairman, I desire to call the attention of the Committee of the Whole, and ask their advice in relation to a matter in this bill in reference to which I am not certain we have not made a mistake. The impression made upon the minds of the committee as the result of some investigation was that the amount allowed to the several Territories for their printing, and especially for the printing of their laws and journals, was used in this way: The Territories sent back into the States and had the printing done, giving the job technically to some printer in the Territory and whatever profit was made. Sometimes considerable was made simply by the person in the Territory to whom the job was given. The printing was done in the East, and it took a long time to get it back to the Territory. The Committee on Appropriations thought perhaps it would be better to have the whole printing done at the Government Printing Office in Washington, so far as the laws and journals were concerned. I am satisfied that would be true of some of the Territories upon their present custom. But this morning the committee was called upon by a Delegate from one of the Territories, who stated the fact that in New Mexico, where the journal was kept in two languages, in the English and Spanish, and the laws also were printed in two languages, unless they were permitted to do it upon the ground, where they have people speaking and printers who understand both languages, it could not be done. It may be we have made a mistake in this whole business. If we have, we should correct it here.

Mr. HOLMAN. Let the gentleman make that exception.

Mr. GARFIELD. I move to except Arizona and New Mexico, which are so far away there would be great difficulty in having the printing done here.

Mr. STEEL. I would like to ask the chairman of the Committee on Appropriations one question, and that is, how the printing of the daily journal and the printing of the bills and of the current business of the territorial Legislatures can be done if this provision of law should be adopted?

Mr. GARFIELD. I would say to the gentleman we did not intend to provide by this provision for any other printing than that of the statutes of the Territories. The printing to which he refers of course would have to be done on the spot. The printing of the statutes of the Territories costs about $3,000 a Territory. It seems to me, if the fact is that they send them to the East to be printed, we had better do the printing here in Washington, and let whatever profit is made go into the Treasury rather than to individuals. I should like to hear from any of the Delegates.

Mr. McCORMICK. I think we had better strike out this whole provision. There may have been instances where the printing has been done out of the Territories. I believe, however, every Territory has facilities now for doing this work. There may be one or two Territories where there are no facilities for binding; and perhaps an exception should be made in reference to volumes which are to be bound. I think, as a rule, the entire work should be done in the Territories. If we send it here it must involve great delay, and the sending of the original manuscript laws here to the Government Printer. There can be no advantage to the Government where the amount expended is limited by law, as is now the case, while there must be great disadvantage and inconvenience to the people of the Territories. This work belongs to the Territories, and as matter of simple right should be left to them.

I therefore move to strike out the following words:

And hereafter all public or official printing of laws, journals, and other official documents for the territorial governments, now done at the expense of the General Government shall be done only at the Government Printing Office, Washington, District of Columbia.

Mr. GARFIELD. I am rather disposed to think we went too far in putting that provision into the bill, and I do not object to striking it out.

Mr. McCORMICK's motion was agreed to.

Mr. GARFIELD. I move to insert after the word "dollars," in line 915 the words "for printing, $4,000."

The motion was agreed to.

The Clerk read as follows:

Territory of Idaho:
For salaries of governor, chief justice and two associate judges, and secretary, $15,000.

Mr. GARFIELD. The estimates for contingencies in that Territory did not reach us in time to be embraced in the bill, and I am therefore directed to move the following amendment.

The Clerk read as follows:

For rent of secretary's office, $600; storage and care of Government property, $300; fuel, $200; stationery, lights, and incidental expenses, $500; in all, $1,600.

The amendment was agreed to.

Mr. GARFIELD. I move, under the heading of the Territory of Montana, to insert after the word "dollars" the following words: "for printing, $4,000."

The amendment was agreed to.

Mr. McCORMICK. I move to amend the paragraph making an appropriation for the Territory of New Mexico by adding these words:

For printing, $4,000.

Mr. GARFIELD. That is right.

The amendment was agreed to.

Mr. GARFIELD. I offer the same amendment to the paragraph making an appropripation for the expenses of the Territory of Washington, by adding the words—

For printing, $4,000.

The amendment was agreed to.

Mr. ASHE. I ask unanimous consent for the committee to go back to allow me to offer an amendment, to come in after line 898.

Mr. GARFIELD. I think I must object; but let the amendment be read.

The Clerk read as follows:

After line 898 insert the following:

Assay office at Charlotte, North Carolina:
For assayer in charge, $1,800; melter, $1,500; wages of workmen, $600; contingent expenses, $1,500; in all, $5,400.

Mr. GARFIELD. I object.

The CHAIRMAN. Objection being made, the Chair rules that the amendment is not in order.

Mr. STEELE. I move that the same appropriation of $4,000 for printing be made for Wyoming as has been for other Territories.

Mr. GARFIELD. That is right.

The amendment was agreed to.

Mr. RANDALL. I desire to suggest the question whether this additional $4,000 for printing in each of these nine Territories will make an increase in fact in the amount appropriated.

Mr. GARFIELD. If not appropriated here, we would only have to appropriate it in some other place.

Mr. RANDALL. Will you strike off $36,000 when you come to appropriate to the Public Printer?

Mr. GARFIELD. The Public Printer has never done this work. We have not put in $36,000 on this account to the Public Printer; but if these appropriations had not been made here, I should have had to move that increase.

The Clerk read as follows:

District of Columbia:
For salaries of the five members of the board of health, $10,000.

Mr. CANNON, of Illinois. I move to amend the paragraph by striking out "$10,000" and inserting "$8,000."

Mr. RANDALL. It ought all to be stricken out. In my State this work is done for nothing.

Mr. CANNON, of Illinois. In an act entitled "An act for the government of the District of Columbia, and for other purposes," I find this provision:

And the compensation of all officers and employés, except teachers in the public schools, and officers and employés in the fire department, shall be reduced 20 per cent. per annum.

I find that under the act of 1871 members of the board of health are officers of the District. This section which I have read makes no exception in their favor. It applies to all officers in the District. The salaries of these officers under the law of 1871 are $2,000 a year, and the appropriations would be correct if made under that law. But the reduction under the bill which was reported last winter and became a law is 20 per cent., and under that law the appropriation here should be $8,000 instead of $10,000.

Mr. GARFIELD. Mr. Chairman, I do not know whether my friend from Illinois is right in this or not. My understanding was that all the officers of the District—those officers who were created by the District government—had their salaries cut down, but that the officers of the United States for the District, such as the board of health, who were appointed by the President under a law of Congress, did not thereby have their salaries reduced. The Book of Estimates made up at the Treasury Department, in conformity, as I suppose, with existing laws, estimated for them the same as last year.

I should be glad to know from my friend from Indiana, [Mr. WILSON,] who had charge of the bill which was passed last session, whether the law did apply to a case like this or not. Of course, if it did, the motion of my friend from Illinois is right.

Mr. FORT. I should like to know what necessity there is for so many commissioners. It appears to me that five commissioners is a large force, considering the labor to be performed. I think the number should be reduced, and that the work ought to cost a great deal less. If in order, I will move an amendment to the amendment, to strike out the word "five," before the word "members," and insert "three."

Mr. GARFIELD. I make the point of order on that amendment that it is a change of law. The law fixes the number of commissioners, and it is not competent for us in this bill to change the law in that regard.

Mr. FORT. I do not see that to accomplish my object it is necessary to change the law. We might provide an appropriation for some of these officers and not the rest.

Mr. RANDALL. Where is the law?

Mr. FORT. And besides, as suggested by my friend from Pennsylvania, [Mr. RANDALL,] I would like to see the law referred to by the chairman of the Committee on Appropriations.

Mr. CHIPMAN. If the gentleman from Illinois will allow me to answer him, I will say that the law will be found in the organic act of February 21, 1871. That law creates a board of health of five members and fixes their salary, and I submit that it is not competent to change that law.

Mr. RANDALL. I submit that that law stands repealed.

Mr. CHIPMAN. The organic act has not been repealed. There was substituted a temporary government in lieu of a part of the old government, but the board of health stood intact.

Mr. FORT. I should like the Delegate from the District to state whether he does not think that three commissioners should be sufficient to do this duty.

Mr. CHIPMAN. It may be that in reorganizing the District government the board of health may properly be reduced to three, but I am not prepared to pronounce a distinct opinion as to that. That is not the question now. The question is whether you are violating the law of Congress, which provides that five members of the board of health shall be paid $2,000 each.

Mr. FORT. The gentleman from Pennsylvania [Mr. RANDALL] says that that has been repealed.

Mr. CHIPMAN. Allow me just one more word. There is pending now before both Houses a bill looking to a permanent form of government here, which includes this subject as well as all others relating to the District government.

I submit to him and all others here who are disposed to economize, to leave this bill to take its course and not disturb the board of health as at present organized. It is one of the most efficient boards we have ever had in the District.

Mr. FORT. I want to submit another question to the gentleman from the District. It has been stated that by reason of all the vast expenditures made here, especially upon sewerage, the city has become much more healthy than it was.

Mr. CHIPMAN. Undoubtedly it has.

Mr. FORT. Now, if the city has become so healthy, there cannot be so much work necessary on the part of this board of health.

Mr. CHIPMAN. Much of the present healthy condition of the city is due to the efforts of this board of health.

Mr. WILSON, of Indiana. I would suggest to the chairman of the committee whether the addition of the words "or so much thereof as may be necessary" would not remove all difficulty?

Mr. GARFIELD. I think that would cover the ground precisely. If we say "or so much thereof as may be necessary," then the accounting officers of the Treasury will only pay such amount as the law, as it now stands, gives.

Mr. CANNON, of Illinois. I cannot accept that amendment. I do not wish to leave it a matter of construction.

Mr. WILBER. This board of health is one of the most efficient boards that there is in any part of these United States. The mortality rate in this city is the least in any city of its size, and to cut down the board would be a great mistake. It is very important to us who come here to have a very efficient board of health, and for one I am opposed very strongly to its being cut down.

Mr. RANDALL. So much has been said in praise of this board of health that I want to say a word on the other side. I consider it one of the most extravagant boards ever instituted in any city, and the records show it by the amounts appropriated for and used by the board.

The CHAIRMAN. The gentleman from Illinois [Mr. FORT] moves to strike out "five" and insert "three."

Mr. FORT. I understand that the gentleman from the District admits that three can do all the duties.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] raises the point of order that the law requires that there shall be five members of the board of health, but it does not require the appropriation to be made at this point in the bill; and the Chair is compelled to rule that the motion of the gentleman from Illinois [Mr. FORT] is in order. The gentleman from Illinois in front of the Chair [Mr. CANNON] has moved to strike out "ten" and insert "eight," so as to reduce the appropriation $2,000.

Mr. RANDALL. Let us first decide as to the number and then as to the salary we will pay.

Mr. CHIPMAN. Has the Chair ruled upon the point as to the proposed amendment making a change in existing law?

The CHAIRMAN. The Chair rules that the appropriation does not necessarily change the law.

Mr. CHIPMAN. But, if the Chair will allow me, this proposition reduces the board from five to three.

The CHAIRMAN. Not necessarily; it simply makes at this point an appropriation for three members. The point is well established by precedents in Committee of the Whole.

Mr. WILBER. Then do I understand that the other two members of the board are to have no appropriations and are expected to serve for nothing?

The CHAIRMAN. The Chair does not feel bound to answer that question.

Mr. CHIPMAN. I give notice to gentlemen that the adoption of this amendment will leave open a claim on the part of two of these officers for their full salaries, and this Congress can never deny it but must ultimately pay it.

Mr. FORT. We will settle that hereafter.

Mr. RANDALL. We will settle it along with a thousand other claims from this District.

Mr. CHIPMAN. I hope you will remember your duty toward the District when you get to that point.

Mr. BURCHARD. I would suggest to my colleague [Mr. FORT] that he will not reduce the expense to the Government by this amendment. The salaries of these two commissioners will have to be paid hereafter. You cannot by reducing the appropriation reduce the number of officers. I might perhaps agree with my colleague that it would be wise and proper to reduce the number; but you accomplish nothing by simply providing for paying three and leaving two to be paid afterward.

Mr. FORT. If these gentlemen who have investigated District affairs mean economy let them act up to their professions. What is the use of keeping five old spavined horses here at great expense to the Treasury?

Mr. BURCHARD. If the gentleman proposes to follow it up by legislation, that is another matter.

Mr. FORT. We do; that is just the object. The gentleman from the District himself admits that three is a sufficient number.

Mr. CHIPMAN. O, I have made no such admission; and I submit that I am not to be misrepresented here.

The question was put upon the motion of Mr. FORT to strike out "five" and insert "three;" and on a division there were—ayes 46, noes 41; no quorum voting.

Tellers were ordered; and Mr. WILBER and Mr. FORT were appointed.

The committee divided; and the tellers reported—ayes 65, noes 81.

So the amendment was rejected.

The question recurred upon the amendment of Mr. CANNON, of Illinois, to strike out "ten" and insert "eight."

Mr. WILSON, of Indiana. Before the question is taken on striking out I move to add to the clause the words "or so much thereof as may be necessary." I do it for this reason: a question of construction has arisen as to whether or not these are among the officers contemplated by the act passed last spring. My impression is that they are. I do not, however, know what construction will be given to the statute. But if we appropriate only so much of this as may be necessary, then if the construction of my friend from Illinois [Mr. CANNON] be correct there will be only so much paid as will be necessary to pay the salaries, deducting 20 per cent. of the $2,000, which is the salary originally fixed by act of Congress. We appropriate simply so much as may be necessary, and then as the 20 per cent. reduction has already been provided for, that will be all they will get. That will meet the exact point of my friend.

Mr. GARFIELD. I think that is a good amendment.

Mr. CANNON, of Illinois. I do not agree to the amendment. I think there can be no question as to the proper construction of this act. This is a bill making appropriations in pursuance of law, and it is our duty to know what the law is. I do not believe in making appropriations by guess, simply providing for the expenditure of so much as may be necessary.

The amendment of Mr. WILSON, of Indiana, was then agreed to.

The motion of Mr. CANNON, of Illinois, to strike out the paragraph was not agreed to.

The following was read:

WAR DEPARTMENT.

For compensation of the Secretary of War, $8,000; one chief clerk, at $2,500; one disbursing clerk, at $2,000; two chief clerks of division, at $2,000 each; seven clerks of class four; six clerks of class three; six clerks of class two; fifteen clerks of class one; two messengers; nine laborers; seven watchmen for the Northwest Executive building; in all, $78,300.

Mr. HOLMAN. I wish to inquire of the chairman of the Committee on Appropriations whether this appropriation of $2,000 for a disbursing clerk is not a new thing in this bill?

Mr. GARFIELD. It is not a new thing; it was in the bill of last year. Formerly, in the days when Mr. Potts was chief clerk, the disbursements were made by him, and he received extra pay for it. But when he died, the new chief clerk declined or was not willing to do the additional work; or at any rate it was thought better to separate the two offices. Last year the appropriation was made as it is proposed here.

The following was read:

For postage on official matter of the War Department and its Bureaus, $85,669.

Mr. RANDALL. Where was that item in the bill of last year?

Mr. GARFIELD. It was not in this place, but it was about the same amount.

Mr. RANDALL. I see it was under the head of Adjutant-General.

Mr. GARFIELD. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and, the Speaker having resumed the chair, Mr. ELLIS H. ROBERTS reported that the Committee of the Whole on the state of the Union had, pursuant to the order of the House, had under consideration the bill (H. R. No. 3813) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

CIVIL RIGHTS.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported back, with amendments, from the Committee on the Judiciary, a bill (H. R. No. 796) to protect all citizens in their civil and legal rights; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COURTS OF THE UNITED STATES.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4040) to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TEACHERS IN THE DISTRICT.

Mr. COX, by unanimous consent, introduced a joint resolution (H. R. No. 129) authorizing the commissioners of the District of Columbia to promote the efficiency of the teachers of the public schools in said District; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS.

Mr. BLAND, by unanimous consent, introduced a bill (H. R. No. 4039) for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the House of the following titles; when the Speaker signed the same:

A bill (H. R. No. 3188) granting a pension to Letta Bagley;

A bill (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin; and

A joint resolution (H. R. No. 119) to continue the board of audit to examine and audit the unfunded or floating debt of the District of Columbia.

Mr. GARFIELD. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Cerk's desk, under the rule, and referred as stated:

By Mr. BELL: A paper, for the establishment of a post-route from Big Creek to Hickory Flat, in the State of Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. CHIPMAN: The petitions of clerks and other employés of the District of Columbia, for amendments of the act for the government of the District of Columbia, and for other purposes, approved June 20, 1874, to the Committee on the District of Columbia.

By Mr. COTTON: The petition of attorneys of Scott County, Iowa,

for removal of United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. CROUNSE: Resolutions of the National Bankers' Association of Nebraska, in favor of repeal of bank-check tax, to the Committee on Ways and Means.

By Mr. ELDREDGE: The memorial of H. H. Dodd, D. R. Curran, A. Raymond, and 200 others, of Fond du Lac, Wisconsin, for cheap transportation and the improvement of the Fox and Wisconsin Rivers, to the Committee on Commerce.

By Mr. HUNTON: The petition of the Washington and Ohio Railroad Company, for aid in the construction of their road to the Ohio River, to the Committee on Railways and Canals.

By Mr. KASSON: The petition of attorneys and citizens of Lucas County, Iowa, for removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. KELLEY: The memorial of Peter Wright & Sons, of Philadelphia, praying for a refund of duties improperly assessed on certain importations of farina, to the Committee on Ways and Means.

By Mr. LOUGHRIDGE: The petition of citizens of Wapello County, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. LOWE: The petition of Hiram P. Barrick, of Kansas, for relief, to the Committee on War Claims.

By Mr. McCRARY: The petition of attorneys of Washington County, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. RANDALL: The petition of Louis A. Godey, that periodicals be charged the same rate for postage as newspapers for same weight, to the Committee on the Post-Office and Post-Roads.

By Mr. STANARD: The petition of Silas Reed, for compensation for property taken for the new custom house at Saint Louis, Missouri, to the Committee on Claims.

IN SENATE.

THURSDAY, *December* 17, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; which were thereupon signed by the Vice-President:

A bill (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin;

A bill (H. R. No. 3188) granting a pension to Letta Bagely; and

A joint resolution (H. R. No 119) to continue the board of audit to examine and audit the unfunded or floating debt of the District of Columbia.

RECEPTION OF KING OF HAWAIIAN ISLANDS.

Mr. CAMERON. I am directed to make a report from the joint committee appointed to consider what notice should be taken of the presence of the King of the Hawaiian Islands. The committee called upon His Majesty yesterday and invited him to visit the Capitol to-morrow. He will be in the President's Room at half-past eleven to-morrow, and at quarter past twelve he will be received, if the Senate so wills, by the House of Representatives and the Senate in the Hall of the Representatives. It is proposed that the Senate shall meet at twelve, the usual hour, and adjourn at quarter past twelve for the purpose of proceeding in a body to the House of Representatives.

Mr. SHERMAN. We cannot on this side of the Chamber hear the Senator. I should like to have the report repeated by the Chair or Secretary, or to hear the Senator restate what is proposed.

Mr. CAMERON. I said that the joint committee called upon the King of the Sandwich Islands yesterday by the direction of the two Houses of Congress and invited His Majesty to visit the Capitol. He will be in the Senate wing of the building to-morrow at half past eleven, in the President's Room. It is proposed by the committee that the Senate shall meet at twelve o'clock, as usual, to-morrow and adjourn at quarter past twelve o'clock for the purpose of proceeding in a body to the Hall of the House of Representatives.

Mr. SHERMAN. Do the committee propose that we shall adjourn or take a recess at quarter past twelve to-morrow?

Mr. CAMERON. It would be better to take a recess, I suppose. I send the programme to the desk to be read.

The Chief Clerk read the following:

PROGRAMME—REPORT OF COMMITTEE.

The Senate and House will receive King Kalakaua at a quarter after twelve o'clock on Friday next, in the Hall of the House of Representatives. The Vice-President of the United States and the Speaker of the House will preside. Senator CAMERON, chairman of the joint committee on reception, will present the King, and the Speaker of the House will welcome him.

The southeast gallery will be reserved for the families of the President, Vice-President, members of the Cabinet, Senators, and members of the House. The diplomatic gallery will be reserved for the diplomatic corps exclusively. The other galleries, except the reporters' gallery, will be open to the public.

PETITIONS AND MEMORIALS.

Mr. HAMLIN presented the memorial of Lucy C. Baker and Louis A. Baker, children of Harriet de la Palm Baker, deceased, asking compensation for services rendered by their ancestor, Lieutenant-Colonel Frederick H. Weissenfels, in the army of the Revolution; which was referred to the Committee on Revolutionary Claims.

Mr. THURMAN presented the petition of Elias M. Ritz, praying arrears of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (S. No. 601) granting a pension to Mrs. Janet Scott West, widow of Cato C. West, deceased, reported adversely thereon, and submitted a report; which was ordered to be printed.

Mr. PRATT. The same committee, to whom was referred a resolution "that the Committee on Pensions be instructed to inquire into the expediency of so amending the existing pension laws as to provide that the allowance on monthly pensions granted to soldiers who have lost an arm above the elbow shall be the same as that now allowed to soldiers who have lost a leg above the knee, and report by bill or otherwise," have had the same under consideration, and directed me to ask that the committee be discharged from the further consideration of the resolution, because Congress at the last session acted on the subject-matter, and provided for those who had lost an arm above the elbow.

The VICE-PRESIDENT. The committee will be discharged, if there be no objection.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Charlotte D. Crocker, widow of the late Marcellus M. Crocker, praying for an increase of pension from thirty dollars per month to fifty dollars, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. PRATT. The same committee, to whom was referred a resolution of the Legislature of the State of Minnesota, that their Senators and Representatives in Congress be requested to use their best endeavors to secure the passage of an act granting a pension to Mrs. H. B. Huntress from the 14th of March, 1864, to the 27th of March, 1871, being the period for which pension has not been paid, "at the same rate per month as has been granted upon pension certificate No. 109521, by the honorable Commissioner of Pensions," have had the same under consideration, and have instructed me to report adversely to this resolution, and upon this ground: By a communication from the Commissioner of Pensions, it appears that in order to pay arrears of pension such as are contemplated in this resolution in behalf of Mrs. Huntress would require an appropriation out of the Treasury of upward of $9,000,000. We do not think the Treasury is in a condition at this time to respond to a claim of that kind. I move, therefore, that the committee be discharged from the further consideration of this resolution.

The motion was agreed to.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Margaretta Becker, widow of Leopold Becker, late captain of Company D, Twenty-fourth Regiment Illinois Volunteers, praying an allowance of arrears of pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 3593) to constitute Patchogue, on the south side of Long Island, in the State of New York, a port of delivery, reported it without amendment.

BILLS INTRODUCED.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1041) for the relief of Joseph R. Shannon, of Louisiana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1042) to organize the judicial district of Oklahoma and establish courts of the United States therein; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1043) suspending so much of an act entitled "An act reorganizing the several staff corps of the Army," approved June 23, 1874, as applies to contract surgeons; which was read twice by its title, and ordered to lie on the table, and be printed.

ENTRIES WITHIN RAILROAD GRANTS.

Mr. HARVEY. I yesterday gave notice that if I could obtain the floor within the morning hour to-day I would call up House bill No. 3250; but noticing the absence from the Senate of some Senators who feel an interest in the matter and who, I suppose, intend to participate in the discussion, I shall not ask for its present consideration. It is the bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where

such entries have been made under the regulations of the Land Department.

The VICE-PRESIDENT. Does the Senator make any motion?

Mr. HARVEY. I think that the absence of Senators should not prevent us from taking up the bill. I move to take it up; and we may make some progress with it.

Mr. PRATT. I think there was some disagreement in the Committee on Public Lands at the time that bill was considered. I do not know how many members of the Committee on Public Lands are present at this time, but I submit to my friend whether it would not be better that the bill should lie over for the present.

Mr. HARVEY. It was in view of the fact alluded to by the Senator from Indiana that when I first arose I made reference to the fact that certain Senators were absent, and that for that reason I did not propose to proceed now.

The VICE-PRESIDENT. Does the Senator withdraw his motion?

Mr. HARVEY. Yes, sir.

THE STEAMBOAT LAWS.

The VICE-PRESIDENT. If there be no further morning business, the bill which was under consideration at the adjournment yesterday will be taken up, and its reading proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes.

Mr. BOUTWELL. If the reading of the bill can be dispensed with for a moment, I should like to make a suggestion to the chairman of the Committee on Commerce. I ask whether he will not allow the further consideration of the bill to be postponed till Monday or Tuesday of next week; in which time opportunity will be given for some members of the committee, and perhaps for members of the Senate generally, to examine it more carefully than they have as yet had an opportunity to do. Although I am of the committee, I have not given to the bill that examination which it deserves; and I have to state further that the officers of the Treasury Department were requested near the close of the last session to make examination of some of the details of the bill. I saw the officer in charge this morning, and he has not completed the examination on account of duties pressing upon him continually during the recess. If the chairman of the committee will let it go over for four or five days, I shall be glad.

Mr. CHANDLER. I would suggest that the bill be read through, and then if the Senator desires time for an examination of it he can have it.

Mr. BOUTWELL. Well, I shall not object to the reading if it is understood that when the reading is concluded the bill shall go over until some time next week.

Mr. CHANDLER. Very well; if the Senator desires it, I shall not object.

Mr. BOUTWELL. And without any formal motion, because I may not be in when the reading is through.

Mr. CHANDLER. Very well.

The VICE-PRESIDENT. The reading of the bill will be continued.

The Chief Clerk continued and concluded the reading of the bill.

Mr. FRELINGHUYSEN. I understood that the bill was to be laid aside.

Mr. CHANDLER. The Senator from Pennsylvania desires to make a verbal amendment. After that we can fix a day for its consideration.

Mr. SCOTT. On page 22, line 12, section 24, there is a misprint which changes the sense of the sentence; where the word "or" is printed it ought to be the word "on"—"on her voyage." I ask that that correction be made.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) That correction will be made if there be no objection.

Mr. CHANDLER. I rise to inquire of the Senator from Massachusetts what day will suit his convenience? I would like as early a day as possible.

Mr. BOUTWELL. I would suggest Tuesday next, if that is agreeable.

Mr. CHANDLER. I give notice, then, that on Tuesday, after the morning hour, I shall call up this bill.

The PRESIDING OFFICER. The bill will be laid aside.

CENTENNIAL TEA CELEBRATION.

Mr. MORRILL, of Vermont. I offer the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the women's centennial executive committee of the city of Washington in aid of the national centennial exhibition have leave to occupy the Rotunda of the Capitol, under the supervision of the Commissioner of Public Buildings and Grounds, during the afternoon and evening of December 17th, instant, for the purpose of celebrating the destruction of the tea in the harbor of Boston on the night of the 16th of December, 1773.

I will merely say that the ladies have quite a number of articles and some amount of provisions left from last night, and they desire to occupy the Rotunda this afternoon and evening. I presume there will be no objection.

The resolution was agreed to.

A message was subsequently received from the House of Representatives announcing its concurrence in the resolution.

TARIFF DUTIES.

Mr. CONKLING. Mr. President, I present a petition of citizens of New York and Philadelphia engaged in the manufacture of umbrellas and parasols, who in large numbers call attention to what they deem an aggravated grievance existing under the tariff. There is a tariff bill now in the hands of a committee of conference, and I should like to ask the chairman of the Committee on Finance, and also of the conference committee, whether I should move the reference of this petition to the Committee on Finance or to the committee of conference, I not knowing precisely the limits of what the conference committee have under consideration.

Mr. SHERMAN. I have been written to and called upon by a number of gentlemen in regard to the tariff bill, and I desire to take this occasion to state that the committee of conference have no power to go beyond the subject-matters that are in dispute between the two Houses. We cannot open the subject of the tariff on umbrellas; we cannot open the tariff on any question that is not presented by the points of disagreement between the two Houses, and those differences are confined mainly to three things: First, a modification of the tobacco tax; next, a tax on brokers' sales; and thirdly, the tax on hops. These are the main points of dispute. Therefore it is perfectly idle to send either persons or papers to the committee of conference unless they relate to one of these three things. The Senator from Pennsylvania [Mr. SCOTT] suggests to me he desires to restore the 10 per cent. which was taken off in 1872, and there is a proposition made by some to put a tax on tea and coffee. The committee of conference have nothing to do except with those matters that are in dispute between the two Houses. The three items I have mentioned are the chief items, although there are some others of less importance, those being the points which created the difficulty between the two Houses.

Mr. CONKLING. The statement made by the chairman of the committee concerns the convenience of many people, as I know from a somewhat abundant correspondence touching many things which it seems are not embraced within the jurisdiction of the committee of conference. Therefore I think I had better move that this petition be referred to the Committee on Finance, as it seems like many other things to have no application to the bill now immediately pending.

The petition was referred to the Committee on Finance.

Mr. CONKLING. I present also a petition signed by a large number of manufacturers of frames and mountings of umbrellas and parasols in the State of New York and in the city of Philadelphia, praying for a modification in their behalf of the tariff. I move that this petition be referred to the Committee on Finance.

THE MINING LAW.

Mr. HAMLIN. I ask the indulgence of the Senate, with the consent of my colleague, for a few minutes. The Committee on Mines and Mining, to whom was referred the bill (H. R. No. 2032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, has directed me to report it back without amendment and recommend its passage; and I ask that I may be allowed to state to the Senate, in a very few words, the reasons why, if action is had on the bill, it should be had now. Let the bill be read.

The Chief Clerk read the bill, as follows:

A bill to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

Be it enacted, &c., That the fifth section of said act be, and the same is hereby, amended so that where a person or company has or may run a tunnel for the purpose of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act.

Mr. HAMLIN. I think the bill is precisely what the law really is now, but unfortunately that is not what it has been construed to be at the Department. I will read the fifth section of the act, or so much of that section as the amendment refers to:

On each claim located after the passage of this act, and until a patent shall have been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year. On all claims located prior to the passage of this act, ten dollars' worth of labor shall be performed or improvements made each year for each hundred feet in length along the vein until a patent shall have been issued therefor.

The provision which requires the expenditure of that money has been twice extended by Congress, and the time will expire with this month. At the Department, wrongfully I think, they have held that labor performed on a horizontal shaft is not an expenditure upon the mine. The committee are unanimously of the opinion that it is just as much an expenditure upon the mine as though it were a perpendicular shaft; and there are several cases. If the time goes by and the law be not amended, those who have under the provisions of this section expended their labor on a horizontal shaft will be deprived in many instances of their mines. The committee unanimously recommend the passage of the bill in concurrence with the House. That is all there is of it.

Mr. THURMAN. I have no particular knowledge about this matter; but from the statement made by the Senator from Maine, it would seem that the cases provided for in the bill, if not strictly within the letter of the law, are within its equity. The only reason

I have for rising is to ask the Senator whether there is any necessity for putting a proviso to the bill saving any adverse claims. It may be that some of these people, since having been decided against by the Department, have abandoned their claims and others occupied them; and whether there ought not be some saving clause that this bill shall not affect adverse claims to these mines, I do not know.

Mr. HAMLIN. I would say to the Senator that I think there can be no possible necessity for any such provision, because by existing law there is no forfeiture of rights which can be taken advantage of by other parties until the 1st of January next.

Mr. THURMAN. Very well.

Mr. SHERMAN. One difficulty has occurred to me, which may perhaps be very readily explained. A person who locates a mine and commences a perpendicular shaft according to the course of the vein has a visible, actual possession of a mine with defined boundaries; but a person may start a horizontal shaft on some vein or mine so as not to give notice to all the world of where he desires to reach by his horizontal shaft. Is there not a practical difficulty in respect to that? If there is an actual possession of the outcropping of the vein, so that the possession could be taken notice of by everybody who passes along, well and good; but if a person has not actual possession of the outcropping of the vein, but commences at a remote or distant point to start a horizontal shaft, he might not give the requisite actual notice to those who are seeking mines.

Mr. HAMLIN. If the Senator will look at the original law, in the section from which I read, he will find that the work must be on the actual claim.

Mr. SHERMAN. Within the limits of the claim?

Mr. HAMLIN. Within the limits of the claim.

Mr. CONKLING. I venture to make one suggestion to the honorable Senator from Maine. This is a House bill, passed by the House on the 18th of June, 1874. It proposes to amend an act which it recites was approved May 10, 1872. The Senator will remember that the Revised Statutes which were recently enacted repealed this act; and I suggest to him whether he had not better so amend this bill as to make reference to the proper section of the Revised Statutes, because now on its face the bill is the amendment of a dead act, an act which is expressly repealed. My recollection of the dates is that when the House acted on this bill the act of 1872 was in operation. Since that time it has ceased to be. The Senator knows better than I do how to change the bill. A verbal change will correct that difficulty.

Mr. HAMLIN. I think the suggestion of the Senator from New York is very just and proper. I will therefore let the bill lie on the table until I can look at the Revised Statutes and see what will be the best phraseology to adopt.

The PRESIDING OFFICER. The bill will lie over by common consent.

DISTRIBUTION OF SEEDS.

Mr. FRELINGHUYSEN. The Committee on Agriculture, to whom was referred the bill (S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seeds, have directed me to report it back with an amendment and recommend its passage; and I would state to the Senate what the object of this bill is, in order that it may have present consideration, as I think it will take but a minute.

The bill as it was introduced appropriated $50,000 to enable the Commissioner of Agriculture to supply seeds to those parts of Nebraska and Kansas or other States which have been subject to the ravages of the grasshopper. The committee have amended the bill by inserting "$30,000" instead of "$50,000." We have had a conference with the Commissioner of Agriculture, and he informs us that he has received some two thousand letters making applications for these seeds; that he is receiving fifty a day; that if the bill passes now he can supply the seeds, and put them up in packages and have them at these destitute places in time for the spring planting. The seeds which he will send are generally garden seeds, with some barley and oats. I ask for the present consideration of the bill.

There being no objection, the bill (S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seeds was considered as in Committee of the Whole. It proposes to appropriate $50,000 to enable the Commissioner of Agriculture to make a special distribution of seeds to the portions of the country which have suffered from grasshopper ravages during the past summer.

The amendment of the Committee on Agriculture was to strike out "fifty" and insert "thirty," so as to make the amount appropriated $30,000.

The amendment was agreed to.

Mr. SARGENT. I should like to ask the chairman of the Committee on Agriculture whether this is not a very expensive method of distributing seeds; whether $30,000 will not in fact go a very little way, considering the methods adopted by the Agricultural Department. I understand that the distribution of seeds by that Department is by the selection of the best possible articles of seed and sending them in small packages to different parts of the country for the purpose of improving the stock of seeds used in the different parts of the country. Whether that system, which is necessarily select and necessarily expensive, can be properly and economically applied to supplying seeds for the region which has been devastated by grasshoppers is to my mind very questionable. It seems to me that this $30,000—I do not object to the appropriation—can be expended so as to do a great deal more good without the processes which are used by the Department of Agriculture. I suggest that consideration to my friend from New Jersey.

Mr. FRELINGHUYSEN. I do not know any other way in which this benefit can be conferred. I suppose that the Commissioner of Agriculture will of course exercise a reasonable discretion. In conversation with the committee he told us that where he could find reliable agricultural societies in a community he would send the seeds to them in the cheapest manner, and the distribution in small packages to individuals will not be adopted any further than is necessary. I see the objection, but I do not see that there is any other way provided by which we can meet the evil.

Mr. MORRILL, of Vermont. It is obvious that the suggestions of the Senator from California have a considerable amount of force. For instance, I take it in northern Illinois, Wisconsin, Minnesota, and Iowa, oats and barley are to be had at a lower price than in any other portion of the Union. It would seem like a lavish outlay of expenditure to bring oats from there here, and then send them back through the mails at a cost of somewhere from two to four dollars a bushel to supply these waste places. It strikes me that there ought to be some better method of sending at least barley and oats to these regions where they require them for seed.

Mr. HITCHCOCK. I desire to suggest to the honorable Senator from Vermont that there is nothing in this bill which requires the distribution of seeds to be made in accordance with any former or present plans of distribution. There is already in existence in my own State a society organized for the general relief of sufferers of this kind; and should the bill pass, I have no doubt that through that society the distribution by the Commissioner can be made to a very great extent. I see no other organization which could better and more properly make such distribution. I think there is every reason why this bill should pass and pass promptly.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF THE DISTRICT.

Mr. MORRILL, of Maine. I call for the regular order.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The unfinished business of yesterday, being the bill (S. No. 963) for the better government of the District of Columbia, is before the Senate as in Committee of the Whole.

Mr. MORRILL, of Maine. I think there is a motion pending to amend the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio [Mr. THURMAN] to strike out the word "regents" wherever it occurs and insert "commissioners."

Mr. MORRILL, of Maine. I consider that an entirely immaterial amendment; and if it is the judgment of the Senate that the word "commissioners" accords with better sense and taste, as it is a mere name, I have no objection.

The amendment was agreed to.

Mr. MORRILL, of Maine. I propose to amend in section 75, line 2, on page 135, by striking out the words "may appoint and remove a coroner for said District," and then by striking out in lines 3 and 4 the words "of which three coroners, however, the coroner now in office shall be one," so as to read:

> That said regents, under the provision last referred to, may appoint and remove a coroner for said District.

The amendment was agreed to.

Mr. MORRILL, of Maine. I would say in explanation of that amendment a single word. I have ascertained that there is but one coroner at the present time, and one is deemed entirely adequate.

I move to strike out in line 4 of the same section the word "every" and insert "the said," and then to strike out the words "in said District," which follow the word "coroner;" and in line 9 of the same section I move to strike out the word "each" and insert "said."

The amendment was agreed to.

Mr. BAYARD. Mr. President, pages 87 to 102 of this bill, beginning at section 43 and ending with section 52, contain a series of provisions relating to the powers and duties of an excise board. I am free to say at present, as to the formation of this board and the different officials who are to exercise its duties and are drawn from the other boards of the District, it does seem to me a good feature of the bill that the same set of officials shall be employed in different capacities, all of which have a concurrence in the government of this community. But this part of the bill touches the question of licenses for the sale of fermented and spirituous liquors. While I have not had the opportunity to give it the close attention I desire, yet I wish to submit to the Senate certain amendments that I think will improve the bill and relieve it from some features which I consider exceedingly obnoxious in principle.

In the first place, there are in section 46 regulations for the classification of the licenses to be granted, and it provides at page 90, from line 11 to line 19, that a person applying for a license shall "give an adequate bond, with two sureties, in a form to be approved by said excise board, for the payment to the United States of such portion of the license fee as shall not be paid in advance, and for

faithfully observing the conditions of the license, the provisions of this act, and the ordinances adopted thereunder, and suit may be maintained in the name of said District against one or more of the licensees or sureties on any such bonds for the recovery, with costs, of any fee or portion of a fee payable under any said license."

And then it goes on to authorize suits to be brought upon this bond. Why, sir, the machinery is entirely unnecessary. Why not make the license payable always in advance, and thus secure the desired revenue?

A subsequent section seems to contemplate the payment of license fees in advance. Why should there be this very troublesome, cumbersome method of granting licenses and requiring that a man shall give a bond to pay his license fee? Simply require the license fee to be paid in advance, and then you have the best security in the world, for you have the money.

There are other objectionable words. Let me read:

All fees shall be payable into the Treasury of the United States, and such portion thereof shall be paid in advance as the regulations of said board of excise may require; and said board may provide a proper form of application, to be filed with its secretary, for all licenses, and prepare and use a seal; and may, subject to the supervision of said regents, also employ such assistants of the secretary as the public interests demand and the appropriations will warrant. And said board may dismiss any person so employed, for cause, to be entered upon its minutes.

I propose to strike out the whole of that section after line 11 and down to line 31 inclusive, and substitute in lieu thereof these words:

All fees shall be payable into the Treasury of the United States in advance, and the said board may provide a proper form of application, to be filed with its secretary, for all licenses, and may prepare and use a seal.

It will be observed that the amendment which I propose secures to the Treasury the payment of the full license fee without any bond being given for it at all. The license system I approve of. I think it is the only proper method to deal with the subject to which it relates, and it is much better to have these fees paid in advance, and then they are in the Treasury, and that is the end of the matter. It is proper to provide that the board may provide forms of application, to be filed with the secretary, for such licenses.

I wish also to say here that in line 28 there is a power given for the employment of assistants to the secretary without limitation at all, or at least without any limitation beyond what "the public interests demand and the appropriations will warrant." Having the power of patronage, they will employ clerks to the extent of all the money they can get. There can be no necessity for the employment of a single individual in addition to the force already authorized by the act, and therefore I trust that this unlimited power to employ assistants to the secretary of this excise board will be stricken from the bill, and that the fee for licenses will be made payable in advance. I move to strike out that portion of the section and to insert in lieu thereof the words which I have repeated, believing that this will accomplish the full object of getting the money into the Treasury, and not requiring the cumbersome process of suits on bonds and bonds with sureties whose sufficiency will have to be inquired into.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mr. MORRILL, of Maine. If my honorable friend will read that whole chapter through I think he will see that his amendment is unnecessary. It will secure undoubtedly the prepayment of the whole fee for licenses, and I think that would be well enough. A man might wish to break up his business before the end of the year; and I suppose this provision had some reference to that fact. But I have no objection to requiring the license fee to be paid in advance. But that is not the whole of this clause, nor is it the material part of it. Payment in advance of the fee is a very trifling matter. This section provides for a bond, and the bond secures not only the payment of the license fee, but it covers the whole duty of the licensed man in regard to his traffic. That is the point. That is the material thing. That is the security for society. It regulates the whole conditions under which the sale takes place.

Mr. BAYARD. If the honorable Senator will look at the effect of his language in lines 20, 21, and 22, he will see that the suit on the bond is limited to "the recovery, with costs, of any fee or portion of a fee payable under any said license." That is all the right of action given on the bond.

Mr. MORRILL, of Maine. But if my honorable friend will look further he will see that the bond is for the payment "of such portion of the license fee as shall not be paid in advance, and for faithfully observing the conditions of the license," &c. Now let him turn over to page 93 and he will observe that the conditions are described, first, second, third, and so on. The Senator in aiming to accomplish one thing destroys the entire character of that section which provides for a bond to enforce the conditions of the license. If my honorable friend will amend the section so as to require the payment in advance and go no further, I shall have no objection to his amendment.

Mr. BAYARD. I am loth to touch the general system of the bill; but it is plain to my mind that the effect of this section providing for a bond is what I have already stated. I know that bond has many conditions, among which is the enforced payment of some unpaid portion of the fee. It then provides but for a single action on that bond, which is for the recovery of the unpaid portion of the fee without any regard to the other conditions. Therefore, so far as that section is concerned, there is no right of action to the United States on that bond except to collect the unpaid portion of the fee.

But, Mr. President, I meant to say further that it seems to me you are encumbering the licensee excessively when you compel him to give this bond with sureties, upon whose sufficiency somebody must pass, that he will obey all the laws of the District. The laws of the District can enforce themselves without his giving security. In other words, it is like binding him over in advance for a breach of the peace that has not yet occurred.

It seems to me the license system is very plain. You are to regulate a certain traffic by compelling high fees to be paid for its exercise. The best way to get those fees is to have them paid in advance. My colleague has suggested to me that it would be well to have them deposited on the filing of the petition for a license, and I see no objection to that, because, as licenses under the bill may be granted for three months, even should they reach the highest cost of a license, which is $500, for probably the largest hotel where all sorts of vinous and alcoholic drinks are sold, to require but one-fourth of that sum to be deposited upon the application of the party for a three-months' license would not be onerous. The object being revenue with other incidental results of the regulation flowing from such collection of revenue, I submit that my amendment is wholesome and reasonable, and I trust the Senate will adopt it.

Mr. MORRILL, of Maine. I would suggest to my honorable friend, as his purpose is evidently to perfect the bill, that he simply move to strike out the clause in reference to suit being brought for a portion of fee that may be unpaid.

Mr. BAYARD. If my honorable friend will permit me, I would prefer to have the question on the amendment as moved by me. I object to the bond altogether. I desire to submit to the Senate that the bond itself is cumbersome, unusual, and unnecessary.

Mr. MORRILL, of Maine. I had a suspicion that my honorable friend wanted to get rid of that bond.

Mr. BAYARD. I do not care to occupy the time of the Senate. I think in settling this business we had better do it properly. It is not customary where a man is conducting a lawful business to make him give a bond with sureties to keep the peace, for that is what this bond is really intended for. If the man who pays his license fee and who is subject to your laws infracts them, you have your remedies in abundance. This bill is certainly not defective for want of penalties and means of bringing a culprit to punishment.

Mr. MORTON. Mr. President, upon the particular point made by the Senator from Delaware, without having considered it very much, I should say that the bond provided for by the bill is necessary to the purpose which is evidently contemplated. But I desire to call the attention of the Senate to another feature of the bill, to which I am entirely opposed. I have no doubt that the bill has been prepared with great care and skill, and that the details of it have been worked up well; but the point to which I call the attention of the Senate is that it provides for disfranchising the people of this District. I do not know how many there are, but probably one hundred and fifty thousand; more people than there are in several of the States. It takes from them the right of local self-government; it takes from them the power of considering and acting upon their own local and, so to speak, domestic affairs, and puts the government of this District in the hands of three men, to be appointed by the President and confirmed by the Senate. In that respect this bill is anti-republican; it is anti-democratic; and I do not feel that I could vote for it without violating the very spirit of our institutions. Nor do I know of any necessity for this great change in the government of this District. I do not believe that the troubles of this District have arisen by reason of suffrage. I do not believe that it is in consequence of the right of suffrage or of the voting that troubles have come upon this District.

We believe, Mr. President, in local self-government. It is just as important here as it is in the city of New York or Philadelphia, or in any Territory; just as important as it is in any State. It seems to me that when we undertake to disfranchise one hundred and fifty thousand people we are taking a step backward, and I know what will be said about it. Although it may not have entered into the purpose of the framers of this bill, I know what will be said about it—that it is intended to get clear of colored suffrage. In this District where it was first established it is to be first stricken down. I understand that there are many people in this District who are willing to be disfranchised for the purpose of getting clear of the colored vote, who have always been opposed to the colored vote, and are to-day.

The argument of my distinguished friend from Maine is that this District was placed by the Constitution under the exclusive control of Congress. I do not think that that provision of the Constitution bears him out in the length and breadth of his argument. This District is no more under the exclusive control of Congress, to be exercised by Congress itself, than the Territories are. Our control over the Territories is as absolute in every particular as it can be over this District. I know that the doctrine of squatter sovereignty was contended for at one time, but I believe it was finally admitted that it had no hold in the Constitution, and that the right of the Territories technically depended upon the grant of power by Congress.

Mr. EDMUNDS. May I ask the Senator a question, if I do not interrupt him?

Mr. MORTON. Certainly.

Mr. EDMUNDS. I would like to ask the Senator, in connection

with what he is saying, whether the language of the Constitution of the United States, in his opinion, has any other or different meaning than that of giving sovereignty to Congress in this District of the same quality and character as exists in each one of the States in the governing power there?

Mr. MORTON. If I understand the question of the distinguished Senator, I suppose it has not. I suppose it means just that.

Mr. EDMUNDS. That is what I think..

Mr. MORTON. I was going to comment on that language a little. The power of Congress is—

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States.

The word "exclusive" there means that it shall be entirely taken from the States which cede it; that the States ceding it shall lose all control over it; that it shall be exclusively in Congress, so far as the States ceding this District are concerned; but it never meant that all legislative power or all government should be directly exercised by Congress. From the very first this city has had a government given to it by Congress with greater or less powers, being changed from time to time. It has never been understood in the sense now contended for. The exclusive power took it out entirely from the control of the States; they had no more to do with it; but Congress might govern this District just as it governed a Territory. It might govern it by regents or commissioners, or it might govern it by the whole people. If Congress has authority to depute this power to three men, it has power to depute it to all this people. Where is the difference in principle? If Congress can depute these powers to three commissioners or regents, it can depute them to all people of this District, to be exercised by them in a mode pointed out. There is no difference in principle. If the power may be deputed at all, it may as well be deputed to the whole people of the District as to fifty men or three men.

The provisions of the Constitution in regard to the government of the Territories reads in this way:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

This authority to "make all needful rules and regulations" gives to Congress complete and absolute power over the Territories; and yet from the first that power has been deputed to the people of the Territories. From the very first they have had a territorial government derived from an act of Congress, and it was never supposed that we were violating the Constitution when we deputed the local self-government of the Territories in their domestic affairs to the people themselves through the form of a territorial Legislature, Congress of course always reserving the power to overrule the action of that Legislature. And so with regard to the people of this District; they are Americans; they have the same natural rights with other people of the United States. If there be any advantage in local self-government, they are entitled to it just as much as the people of Indiana or of any Territory are entitled to it; and I know not upon what principle we can justify this departure.

Therefore, Mr. President, taking it for granted that the committee who have bestowed so much labor on this bill have prepared all its details properly, I shall, at the proper time, offer an amendment to provide for the election of these commissioners instead of their appointment by the President. That is all I desire to say now.

Mr. MORRILL, of Maine. Mr. President, I believe the proposition before the Senate is to strike out that part of section 46 which relates to the bond given by persons who obtain licenses; but as my honorable friend from Indiana [Mr. MORTON] has discussed another topic which is legitimate in the bill, I will take occasion to make a remark or two in reply to his argument, not to be extended at all. I do not suppose that my honorable friend will contend that the language of the Constitution which gives the Congress of the United States the power "to exercise exclusive legislation in all cases whatsoever" over this District, and the language which authorizes the Congress of the United States to make rules and regulations in regard to the disposition of the territory are equivalent terms; that the latter is coexistent in its meaning and purport with the former. "Exclusive legislation in all cases whatsoever." Is there anything beyond that in the way of legislation? Is it possible that any legislative power can spring up in this District outside of that? I fancy not. Will anybody undertake to say that a provision in the Constitution which authorizes the Congress of the United States to make rules and regulations in regard to the Territories is equivalent to that? Does the language, "rules and regulations," exclude all possibility of legislative authority in a Territory? That is precisely what we here authorize these men to do who have no legislative power whatever. We authorize them to make ordinances, rules, and regulations, for the regulation of this Territory, but that is not legislation at all; and if it were, it is not exclusive. My proposition yesterday was that this bill violates in no sense the true principle of local self-government. There never was intended to be any local government here independent of Congress, and until you change the Constitution no local government is possible. And what have the Supreme Court of the United States said about this power? They have said authoritatively that every act of a legislative character in this District, whether it is done by Congress directly or by a deputed authority, is in its nature necessarily national. Does my honorable friend believe that a local authority can be made here that will do an act which is local? What does that arise from? It arises from the fact that Congress is supreme and its authority exclusive, and therefore no local act can be done; and on that theory is it possible to conceive, legislating as we do here for the government of this District, that we can violate a local right, a local authority? None does exist, and in the nature of the case none ever can exist—I mean under the Constitution as it is. That is the theory on which we go. Why, Mr. President, if the Senator be correct, we have violated this principle without knowing it. Unconsciously and unwittingly we have been violating this principle of local government ever since we were a government in the first place. For the first few years, down to 1807, there never was any authority here except through commissioners; our power was absolute and unqualified. Did anybody ever dream that that was a violation of the rights of the people here? Nobody complained of it that I ever heard of, and certainly the decisions of the courts have all been in favor of it.

Mr. President, there is only one consideration about this, and that is a question of expediency. It has not been decided by the courts whether we can depute legislative authority to the District, and I am one of those who have very great doubt whether it is possible for the Congress of the United States to do any such thing. Exclusive legislative jurisdiction being given us, I doubt exceedingly whether it can be delegated. But suppose it could be, is it expedient to delegate it? That is the question. I deny that it is necessary. I deny altogether that the rights of the people of this District will be violated unless we do it, and I doubt exceedingly whether we do not violate the Constitution if we undertake to do it. But more particularly, Mr. President, upon another point I am clear and settled, and that is, that it is not expedient to do it. It is not at all expedient to do it, and any Senator who is conversant with the history of the past in regard to deputed authority and the exercise of deputed authority in this District I think must agree with me. What was this city in 1860? What had been the administration of local authority up to that time?

Mr. MORTON. Will my friend allow me to make a suggestion?

Mr. MORRILL, of Maine. Certainly.

Mr. MORTON. Mr. President, with the permission of the Senator from Maine, who doubts the power of Congress to depute authority, I want to suggest to him that this bill does provide for deputing legislative authority to three regents; it recognizes the deputation of power clearly and distinctly; and I will read a part of one section that shows it.

That the authority of making, amending, abrogating, and promulgating ordinances—

What is an ordinance? An ordinance is a law; that is what it is. Laws passed by city authorities are generally called ordinances, but they are to that city law, and they are made by legislative authority—

shall belong exclusively to said regents, and they may exercise the same, in aid of the powers hereby conferred, to check vice and immorality and to enforce obedience to this act, but always consistent herewith, as they shall deem best for the public welfare.

In other words, this act is the constitution of the District, and legislative power is conferred upon these three regents within the purview of this act or constitution.

Mr. MORRILL, of Maine. The answer to that, Mr. President, is to repeat what I said yesterday, that no legislative authority is granted to these persons. Their powers are strictly limited and defined, and they act all the time within the statutes of the Congress of the United States. They make ordinances, rules, and regulations for the execution of their duties; that is all. It is in no enlarged sense and in no general sense, in which we are speaking, legislation; it is simply the power to make rules and regulations.

I was observing, Mr. President, that there can be no question in this case save only that of expediency, and the question is whether it is expedient to repeat the past. Do we want to go back to the levy court, that anomalous jurisdiction? Do we want to go back to the old cities? Any of us who recollect what this District was under the jurisdiction of the former cities, how inadequate, how insufficient that system was, how this great capital of ours, which ought to be the pride of a great people, was neglected in these aspects which it was expected to present by those who planned and designed this capital city, will not want to return to the old system. Why, Mr. President, compared with all the capitals in the country, compared with all the considerable cities in this counry, this capital city of the nation under the administration of the old city governments in the District—I will not say was shameless, but it was below mediocrity. That was the condition of this great capital of a great people under that administration. Do we want to go back to that? Does anybody desire to go back to that? Nobody desires it or expects it.

Then, do we want to repeat the history of the last three or four years? I am not here to asperse the administration of the last three or four years. A great deal of good was done in that time; a great achievement was accomplished. This city was lifted out of a reproachful condition of things, and has been made, in many respects, a most admirable city, and there is great credit due to the enterprising gentlemen who were connected with that achievement. But the experiment was unhappily too ambitious and too expensive for repetition. We cannot afford to repeat that. This committee came to the con-

clusion, upon the most careful examination of the whole thing, that the only safe course to adopt was for the Congress of the United States to exercise that jurisdiction which it has to discharge; in other words, that sacred trust which is devolved upon it, to make this capital worthy of the people of this country; and in no other way consistent with an economical expenditure of money do I believe this thing can be done.

Now, Mr. President, let us return for a moment to the question under consideration, and that is the motion of the Senator from Delaware to strike out certain words which provide for a bond. That is substantially the proposition of my honorable friend from Delaware, to require the license fees to be paid in advance and then to dispense with the bond altogether. Sir, did ever anybody hear of a license having been granted to deal in intoxicating drinks that was not accompanied by a bond? What guarantee or what surety will the public have that when this fee is paid such rules and regulations will be observed in regard to the transaction of that business of the sale of liquor as the public interests require? I do not think there was ever an instance in legislation where a license system having any regard to the public interests was in force where a bond was not required.

Mr. PRATT. While my honorable friend is upon that point, I should be glad if he would refer the Senate to that portion of the bill which contains the conditions of the bond. I have not been able to find it.

Mr. MORRILL of Maine. I was just about to refer to that. That bond, my honorable friend will notice, is faithfully to observe the conditions of the license. Now, if you will turn to page 93 you will see what the conditions of the license are, what is to be observed. First, they are classified. Certain business is to be licensed for which no fee is chargeable. Secondly come wine and beer licenses; and thirdly liquor licenses. "Under the first class shall be embraced all licenses not embraced under the definition of either kind of the other two classes," and then it goes on to enumerate. Then follows what shall be done and what shall not be done by persons licensed, running over not many sections but many paragraphs, running down to and including page 97. All that relates to the conditions to be observed by these licenses. Those provisions are all with reference to the conduct of the persons licensed—what hours shall be observed, what persons shall be allowed to sell, and all that. I hope it is not the sense of the Senate by any means to allow the retailing of ardent spirits to be unrestricted and unconditional in this District. I therefore trust that the amendment of my honorable friend from Delaware will not prevail.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mr. BAYARD. Mr. President, I suppose in the course of debate in this body it is perfectly proper for the honorable Senator from Indiana, in discussing a proposition to amend the section giving a right of action upon a certain bond, to introduce the more fundamental question of the whole bill and its principle, which is simply to destroy the franchise of suffrage *in toto* and substitute the will of Congress exclusively to legislate upon the affairs of this District. Now, I have not the least doubt but that Congress have, if words have any meaning, exclusive power of legislation in all cases over this District. I do not think any words can be plainer in the Constitution than those by which this power is delegated, and therefore I apprehend that Congress may in their discretion confide this power of voting to as many as they please of the citizens or leave it with none of the citizens. That is a question of law. And I also have not the least doubt, as a question of fact, that negro suffrage has been a very sickening business to the unhappy people of this District and to those who brought it here; and I have no doubt that as a matter of fact this bill seeks to accomplish the complete abandonment of that most absurd attempt to govern this District through the instrumentality of its most ignorant and degraded classes. There is no doubt about that; and I propose hereafter that that question shall be more fully discussed, but not at a time when we are considering this little matter of the bond which it is proposed shall be given before licenses shall be granted to those who propose to embark in the business of the sale of fermented and spirituous liquors.

But, Mr. President, the honorable Senator who has this bill in charge has now had his attention drawn to the fact that the language of the section to which I have adverted does not embrace the power over this subject which he desires. It is a familiar rule of legal construction that the expression of one thing shall be taken to exclude the existence of another; and where, as in this case, you have given the right of action exclusively for breach of one condition of a bond, you exclude the right of action for other breaches.

He now proposes, as I understand, to supplement that difficulty and to give a right of action in favor of the United States Government in every case where such a bond is given for every breach of every condition of the bond. That only makes the case so much the worse, because it then embraces breaches of conditions which in my mind are utterly un-American, not to say anti-republican. Here, for instance, is one of the conditions of the bond proposed to be taken under section 46 before a license for the sale of fermented or spirituous liquors shall be granted, that "for faithfully observing the conditions of the license, the provisions of this act, and the ordinances adopted thereunder." As I pointed out, when it comes to giving a remedy it is confined to a suit for the unpaid portion of the license fee, and no right of action is given for any other breach.

Now, what are the conditions, and what provisions is this bond to be answerable for? By section 52 it is provided—

> That every person who shall be injured or damaged in person or property by any intoxicated person in said District, or in consequence, in whole or part, of the intoxication, habitual or otherwise, of any person therein, shall have a joint and several right of action, and may maintain the same for the recovery of said damage and compensation for said injury, in the supreme court of said District, in his or her name, (or in the name of any parent, guardian, or person having the care of any minor, for the benefit of said minor, or in the name of the next friend of any wife, for such wife,) against any person or any number of persons who shall, by selling or giving away or aiding or encouraging to be drank any said article, (for which a license and license fee are herein required for the sale of the same,) cause or contribute to cause the intoxication, in whole or part, of such person causing or contributing to such injury or damages. And every person, in whole or part, owning or renting or permitting the occupation of any building or premises for the sale of such article, or having knowledge that such article is to be or is being sold or habitually drank therein, shall be liable, jointly and severally, with any other person in this section made liable, in the same or different suits, for said compensation and damages, which may be exemplary. And any sums recovered in any such suit for the benefit of any wife or minor shall be paid over to such wife or to such wife's next friend, or to the parent or guardian of such minor, on such security or conditions as the practice of the court or its order, made to protect such wife or minor, shall reasonably provide.

Now, Mr. President, if there be a more utterly unjust, unreasonable, and abominable provision of law than this, which holds one man liable for an act or a result to which he has not knowingly contributed, I am not aware of it. It is that the owner or tenant of property where beer, or wine, or liquor is sold to a man who is not an habitual drunkard shall be held answerable if that man shall take one drink in his house, and afterward drinking in another place shall thereby become intoxicated, and, being intoxicated, shall commit some outrage upon the person or property of a stranger! Why, sir, the idea is perfectly monstrous to my mind. It seems to have been begotten in the very heyday of this acrid Puritanism in politics. I do not know that such a law would be sustained by a court. It seems to me that it is in conflict with the laws of natural justice; it seems to me to be in conflict with the very spirit, if not the letter, of the Constitution of the United States; and yet it would be impossible, in the short time that I have had to examine this measure, properly to illustrate the extravagance of the injustice it contemplates and involves. Why, sir, it would amount to this: that a responsible and respectable vendor in the best hotel in the city of Washington, carrying on the lawful and commendable business of the entertainment of travelers, could be made the victim of some scoundrel who would induce some worthless fellow to take one drink at the bar of that hotel, and then commit some act of outrage by setting fire to a barn, and immediately the proprietor of that hotel would be held answerable in a court of law for damages at the suit of the owner of that barn because the scoundrel who burned it had managed to get a drink on his premises at some time on that day.

There is not only no time but there is no necessity for illustrating further the mischievous capacities of such a law; and yet it is against such a condition as that that a man is called upon to give bond! I mentioned at first that the bond was simply a cumbersome condition, precedent to the granting of a license to carry on a traffic, and that therefore it was better to make the whole fee for the license payable in advance and even at the time the petition was filed for its being granted. That would secure the revenue.

But I am inclined to believe the great trouble of this bill and of bills similar to it is this: It is an attempt to invade the domain of morals under the forms of legislation; it is an endeavor to invade the social habits of men under the form of revenue acts. This is a bill for revenue and police purposes, and there is no question that the proper regulation of a traffic of this kind is essential for the proper police control of a community. It is the right of the community, I doubt not, to protect itself; and as this community has no powers of self-government, it is the right and duty of Congress to protect the community; and I doubt not there will be a very variant opinions in this body, composed as it is of gentlemen from all sections of the country, brought up under very different influences, and looking at law and government with very different eyes. I know that in the State which is so ably represented by my honorable friend who has charge of this bill they believe it right, expedient, and wise to pass laws absolutely prohibitory of the sale or traffic in intoxicating drinks. The results of that legislation are to a greater or less degree before the country, and that the friends of prohibition claim certain beneficial results, and those who believe that "prohibition does not prohibit" and that it is anything in the world but a wholesome agent of that most desirable virtue, temperance, believe that it absolutely increases intemperance and that vice and immorality follow the track of these prohibitory laws and not the moral improvement and advancement of the people. I have seen a statement made by a zealous advocate of these so-called temperance laws, that in one town of fifteen thousand inhabitants, in the State of Maine, there were three hundred places where intoxicating drinks were sold, and yet by law no liquor could be lawfully sold in that town nor anywhere within the borders of that State.

I do not propose, however, to discuss the broad question of the wisdom or expediency of laws of total prohibition. That is not the question. I merely refer to it to show how diverse will be the councils, how different will be the views of gentlemen coming from different parts of the country, where the habits and social customs differ widely as we know.

JURIES IN THE DISTRICT.

Mr. EDMUNDS. With the permission of my friend from Delaware and my friend from Maine, I ask unanimous consent that the Committee on the Judiciary may be discharged from the consideration of the bill (S. No. 974) to enable the supreme court of the District of Columbia to proceed with its jury business, and that we may pass the bill now.

It is of course known to all Senators that under a recent decision of the general term of that court the grand and petit jurors have been brought into great doubt in respect to the legality of their summoning, and I am advised by the judges that they cannot safely proceed with the trial of persons now in jail and on bail until some steps shall have been taken.

This bill which I ask that the committee may be discharged from the consideration of was, with a view to this emergency, considered the other day in advance by the committee, so that this motion is equivalent to a report. My attention has been again called to-day to the fact that the judges are unable to take any step with safety, and I therefore ask that this action be taken now, which is merely a temporary provision for getting on with the grand jury until the 1st of February, when, under the existing law, fresh drawings of panels may be had.

The PRESIDING OFFICER. The Senator from Vermont moves to discharge the Committee on the Judiciary from the consideration of the bill (S. No. 974) to enable the supreme court of the District of Columbia to proceed with its jury business, and that the Senate proceed to the consideration of the bill at this time.

The motion was agreed to, and the bill was considered as in Committee of the Whole. It provides that until the 1st day of February, 1875, it shall be lawful for the supreme court of the District of Columbia, in its various terms, to cause to be drawn by lot and impaneled from time to time the proper number of persons for grand and petit jurors from those whose names are now deposited with the clerk of the court as jurors of the District of Columbia, selected by the persons designated to select jurors in that District; and such panels so drawn and constituted shall be deemed and held to be valid and legal but nothing herein is to be construed to impair the right of challenge to individual jurors, as now existing by law.

Mr. EDMUNDS. I will state for the information of the Senate that the defect supposed to exist in the composition of the general panel of five hundred and twenty jurors in the general box is in substance merely technical; that is to say, the persons who put the names in put in by accident or mistake, as it is said, (and I have no reason to suppose that it was otherwise,) the names of men who were not eligible as jurors, above the required age, some of them not property-holders, and things of that kind; so that in drawing out fifty jurors it would happen under the ordinary law of chances that there would be some one drawn who did not possess the jury qualifications. The supreme court in its general term has held that that put in great doubt, and I believe they held that it absolutely vitiated, the whole panel. This bill enables them to continue to draw from that box for the time being until by law the general renewal of the box in February comes around; but if any one does come out who has not the proper qualification the right of individual challenge is preserved, so that they may get a jury conformable to law out of this box for the time being.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THE MINING LAW.

Mr. HAMLIN. With the consent of the Senator from Delaware, I ask the Senate now to take up the bill which I reported this morning, as I have prepared an amendment to make it conform to the section referred to in the Revised Statutes. It will only take a moment.

The PRESIDING OFFICER. The Chair hears no objection.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2032) to amend an act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

Mr. HAMLIN. In the third line I move to strike out the words "the fifth section of said act" and insert "section 2324 of the Revised Statutes."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill be read a third time. The bill was read the third time, and passed.

The title was amended so as to read, "A bill to amend section 2324 of the Revised Statutes, relating to the development of the mining resources of the United States."

GOVERNMENT OF THE DISTRICT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 963) for the better government of the District of Columbia.

Mr. BAYARD. Mr. President, there are other provisions of this clause upon which I was commenting, which enter into the conditions of the bond which is proposed to be given, which to my mind are exceedingly inquisitorial and objectionable. By the forty-eighth section it is provided that—

> The members of said board, its secretary, and any person expressly authorized by the board, shall be allowed at all times to freely inspect any place or premises licensed, or that may be the proper subject of a license hereunder, and also any article hereinafter mentioned, which may be kept or found at such place. And any member of said board, or person by it authorized, may at any time inspect any place licensed or that requires a license, and whatever is sold or kept for sale or to give away thereat.

That is another condition which this bond is given to answer. Now, what does it mean? That anybody authorized by this board of excise shall be allowed at all times freely to inspect any place or premises where a license has been granted to the proprietor, and to inspect "whatever is sold or kept for sale or to give away thereat." There is under this provision no qualification, no restraint as to time. The hour of midnight, the early dawn, the broad sunlight, any time, may be selected. The hour when the proprietor may have retired with his family to rest is liable to invasion at the call of any of these inquisitors, whether they may be members of the board or its secretary or persons appointed by the board. No privacy can remain under the provisions of this act to the man who is unwise enough to apply for a license and obtains it in this District. There is no portion of his premises which is reserved from intrusion by day or by night. There is no hour of the day or night that any portion of his premises may not be invaded. It is a law that opens to malice, that opens to impertinence, that opens to hostility, the widest door to enter for the annoyance and injury of one man by another. It is the accursed business of personal inspection—the minding other people's business—which is encouraged by this bill, and which, it seems to me, lies at the root of so much of litigation in this country already, and which, so far from producing good feeling between men, produces nothing but ill feeling, and so far from curing evils simply makes them more secret so that they cannot be discovered and amended. Sir, the remedy is worse than the disease.

Mr. President, if I speak warmly on this subject, it is because in my soul I do detest and abhor this system of the inspection of my neighbor's social affairs and habits, and because I cannot contemplate here at this capital of the nation the enactment into law of provisions so utterly hostile to what I believe to be good government, good morals, and the welfare of the people, that I make the opposition I do to this feature of the measure before us.

Now, sir, it may be said that this bond is after all for a small sum, and that therefore it limits the obligation of those who become parties to it to the amount which is stated as its penalty. The act has omitted to state a penalty, and therefore I presume that the amount recoverable would be the value of the license petitioned for. It is not a matter, therefore, of any great value pecuniarily; for, as I said before, that can be best secured by making it payable in advance; and when a man has paid in advance, it would become very questionable in a court of law whether any other right of action would remain, and whether, having complied with the chief object of the bond, which was to pay the license fee in order to engage in the business, that would not be considered a performance of the obligation which would relieve him from any other and further payment. I am inclined to think it would; but whether it would or would not, it seems to me that this bond is cumbersome, expensive, and useless, so far as revenue is concerned, and when it comes to binding men to the performance of these other conditions which I have referred to, the objections to it are greatly increased.

Therefore I shall renew my motion that this portion of section 46 which is to be found at page 90, from line 11 unto line 31, shall be stricken out and in lieu thereof the following words inserted:

> All fees shall be payable into the Treasury of the United States in advance, and said board may provide a proper form of application to be filed with its secretary for all licenses, and prepare and use a seal.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Delaware.

Mr. MORRILL, of Maine. As the Senate is about to divide on this question, I will make a single observation in reply to what has fallen from the Senator from Delaware. He seems to think that there is something very peculiar and exceptional in these provisions. On the contrary, there is nothing in this bill that is not common to all license laws so far as I know or believe, and the granting of a license without a bond I think would be an extraordinary performance.

Mr. HAMILTON, of Maryland. Mr. President, this is not a very material question in this bill, and does not affect what I consider its vital character. If I understand the force of the amendment, it is simply to strike out the requirement of a bond. I understand the amendment of the Senator from Maine, my colleague on the committee, was not adopted, which was to make this bond refer to the subsequent provisions of the bill. The bond now refers alone to the fees imposed by this act, and has no reference to the subsequent provisions. You could not maintain an action on this bond for the violation of any of the subsequent provisions of this act. In the remarks submitted by the honorable Senator from Delaware he referred to the subsequent provisions of the bill—I do not remember the page—making the landlord responsible for selling to intoxicated people, and also the property-owner. Under this clause the securities would not be responsible for the violation of either of those sections of the law as it now stands. On the contrary, the person injured would only have redress against the seller or against the person owning the prop-

erty upon which the sale was made. I prefer infinitely that the payment of this license fee should be in advance, but the bill was drawn in favor of leniency. The section provides for heavy license fees, from $50 to $500, and it was thought that some persons would not be able to pay as much without having some degree of credit or stay. I live in a State where all licenses are required to be paid in advance, and no bond is required to be given for the failure to comply with any provision of a license; but the individual is responsible to the criminal provisions of the law. If he violates any part of his license he is responsible in fine and imprisonment, but there is no bond required in my State for failure to comply with any provisions of any license law, and every license must be paid in advance. Therefore my natural inclinations would be that all licenses here should be paid in advance. If that be required, this bond is of no consequence, unless it applies to the subsequent provisions of this bill. I think it not a very material matter; this has reference to the police regulations imposed by this bill. Unless this bond is extended to subsequent provisions it amounts to nothing.

Of course there must be some compromise in these matters, for there is a great ferment all over the country in regard to the sale of liquors to people who become intoxicated and who cannot use them with propriety or discretion. There is a great contrariety of opinion everywhere, and there is a strong sentiment prevailing over a large portion of the country, for instance in Ohio and in my neighboring State, West Virginia. I suppose this is probably a copy of the West Virginia law. I do not know that the property-holder there is responsible.

Mr. DAVIS. In certain cases he is.

Mr. HAMILTON, of Maryland. I thought there the seller alone was responsible for damages; but in certain cases, as I am told, the property-holder is responsible even by the West Virginia law. Personally I am opposed to a law of that kind. I do not like it. I am in favor of proper police regulations about the sale of liquor. I am in favor of a license fee of a proper amount and a considerable amount for the enjoyment of this privilege, and the persons licensed should be placed under proper police regulations and be punished by fine and imprisonment for their violation; but to go beyond that and hold the owner of the property for the time being, and the innocent holder of property in all probability, responsible for what may be done by individuals, would hardly seem to be right. It is not right, in my judgment, and therefore, so far as that part of the bill is concerned which makes the property-holder responsible, I shall vote to strike it out. Unless this bond has reference to that provision, the bond is of no consequence; and therefore if the fees be made payable in advance the bond is of no consequence, and it is not material, in my judgment, one way or the other, unless it is so made.

My honorable friend from Maine suggests that the bill be amended so as to make the bond apply to those two provisions. It does not do so now. The bond is only suable to recover the fees or parts of fees that remain unpaid. If they are paid in advance the bond is of no consequence; and unless it be extended to the other provisions of the bill it is of no consequence. Then it is of consequence; and until that is done I suggest to the Senator from Delaware whether a bond would be proper in the premises, and whether we may not as well strike out of the bill those two clauses to which he referred, in respect to holding the landlord and the proprietor's property responsible for damages for the sale of liquor to improper persons.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

The amendment was rejected.

Mr. CONOVER. I move to strike out on page 19 sections 11, 12, and 13, relating to the board of health, and to insert in lieu thereof the following words:

That the board of health of the District of Columbia shall remain as now constituted under the provisions of section 26 of an act to provide a government for the District of Columbia, approved February 21, 1871, and that the President of the United States is hereby empowered, when vacancies shall occur therein from death, resignation, or otherwise, to appoint, by and with the advice and consent of the Senate, a successor or successors thereto; and the members of said board of health shall be subject to the provisions of section 4 of this act; and said board shall perform and discharge all the duties imposed by said twenty-sixth section of the act approved February 21, 1871, and shall discharge such other and additional duties as the board of commissioners may enjoin.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida.

Mr. BAYARD. Mr. President, I had some explanation given to me of an amendment similar to that which has been offered, by a party conversant with the operations of the present board of health in the District. I am not competent to judge of the work performed by the present board of health, and I do not propose to submit them to an ignorant criticism; but I have some knowledge of the scale of compensation which the people of this District, or the people of the United States, are called upon to pay for the services of this board of health. The salaries paid to the officers of the board, including the five members of the board, and the sum of $3,000 paid to the apothecaries for medicines for the board, amount to $37,140. On looking at this report I find that some $55,000 additional is reported as part of the expenses of the board, and I cannot discover from the examination I have been able to bestow that this $55,000 embrace any considerable portion of the $37,140. I do not think I am in error as to that. I take the tables accompanying the report of the auditing committee, to be found on page 72 and from that to page 76 of the report of this board of health made at the present session of Congress, and it does seem that for a community embracing in all 134,000 people upward of $85,000 for the operations of the board of health is rather a severe item. It may be that I have been accustomed to live among a very simple and economical people, who pay, however, their own debts in full and are enabled to do so only by economy and industry—two qualities which, it seems to me, have not been very closely observed in the District of Columbia, or certainly not by those who have governed it of late years.

I understand that one merit of the present bill is that the expensiveness of this system is greatly reduced. I showed these figures to the honorable chairman of the committee who reported the bill, and understood from him that one merit of the present measure was that it largely cut down these gross expenses. I live in a town of about forty thousand inhabitants, reasonably well governed, and with a board of health who I believe fairly perform their duties, and I do not believe the expenses of that board of health exceed $2,500 in a year, and I am sure that it will compare favorably with the city of Washington on the score of health or on general management to promote health.

I mention this because it is part of the whole system of this District to which the eyes of the American people have been turned rather closely within the last year or so, and as we are proposing now a system of reformation of affairs here, and this bill has been reported in response to a demand for something nearer decent government than has been known here for the last few years, I think that the question of economy in regard to this expenditure is one that the Senate should consider and respect.

If this amendment be adopted, I shall be disposed then to move a further amendment, for I think 50 per cent. of the amount that has been paid for these services would be quite sufficient as a proper remuneration.

Mr. MORRILL, of Maine. I hardly think, if the Senate understand this proposition, they will entertain it for a moment. The powers of the health board were found to be of a very uncertain and ill-defined character. They had large powers in certain directions and very large discretion, but they had no co-operative powers. They might, for instance, declare that a nuisance should be abated, but they had no authority to call upon the board of police or anybody else to help do it. What has been attempted here is not to abolish the board of health, but to regulate and define its powers and make it more efficient. That is all.

I hope that no attempt will be made to restore the old board as it is. I do not speak of the *personnel* of it at all, but I mean to say that I hope there will be no attempt in the Senate to continue the board as it exists at the present time. This bill has no reference to the *personnel* of the board at all, but it provides limits and defines their powers with the view of making them more efficient and working within certain well-defined and settled principles, whereas the present system is indefinite.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida.

Mr. SAULSBURY. I understand the effect of this amendment is to continue in existence the present board of health, and I suppose to continue them at the same rate that they are now paid. That of itself is a sufficient objection to this amendment. By the report of the board of health, it appears that there is now paid to the members and officers of that board $37,000 in salaries alone, and the other expenses of the board of health make the expenditures of that department of this city government amount to over $80,000.

Now, sir, I live in a State where we pay some attention to economy, and I hold in my hand from the State treasurer of my State a statement of the entire expenses of our State government, including the salaries of all executive and judicial officers as well as the expenses of the legislative department of the government. Sir, the whole expenses of the government of the State in which I live do not amount to more than $33,000 a year. The salaries of our governor and of all our executive officers and of our judiciary, and the per diem of the members of the Legislature and the allowances made to the Legislature, do not amount to as much as the salaries paid to this board of health year by year. How could I vote to continue this board of health, and go back to my people and say "I have done my duty?" I must insist that economy in this District should be something in proportion to what we practice in our own State, or I cannot justify myself before my constituents for the votes I give.

I do say, sir, that the people of this District and the people of the country have a right to complain of the extravagance that has been practiced under the District government. We ought now, that the matter is before us, to see to it that the tax-payers of this District are not longer taxed exorbitantly for defraying extravagant expenses in this District. In my opinion $10,000 ought to pay the expenses of a board of health in this city; at any rate $20,000 would be a liberal amount for the purposes of a board of health.

Let us see to it then, Mr. President, in forming a government for this District, that we bring it down to the strictest rules of economy. For one I shall not vote to continue the board of health in existence with the present enormous salaries which its members and officers draw. So far as the members of the board are concerned, I am perfectly willing that they shall be members of the board of health that

may be created under this bill; but I am not willing to continue them in office at the enormous and extravagant rates which they are paid for the services which they render.

Mr. MORTON. I am advised that the death rate in this city is lower than it is in any city in the United States, and I believe this board of health has been distinguished for its ability and for its devotion to its business and for its success. If Senators think there is too much paid for it here, that is another question; but if this board has been eminently successful, it seems to me we ought to consider well before we interfere with it.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Florida.

The amendment was rejected.

Mr. MORRILL, of Maine. On page 19, chapter 3, line 8, of section 11, I move, after the words "shall be" to insert the words "learned in." It now reads, "shall be a lawyer." I propose to strike out the words "a lawyer" and insert "learned in the law."

Mr. WRIGHT. I suggest to the Senator from Maine that he also have the same amendment made in the first line of the twelfth section.

Mr. MORRILL, of Maine. I will have that amendment made wherever the word occurs. I believe it does not occur in any other place.

Mr. WRIGHT. That is all.

Mr. MORRILL, of Maine. Let the amendment apply to wherever that phrase occurs.

The VICE-PRESIDENT. The question will be put on the amendment in that form.

The amendment was agreed to.

Mr. HOWE. I do not propose to move an amendment, but I wish to call the attention of the Senator from Maine to one clause of the eleventh section. It provides that one of the medical gentlemen who are to be on the board of health is to be appointed on the recommendation of Surgeon-General of the Army. Why is his intervention called for in the appointment of one and not of both?

Mr. MORRILL, of Maine. There is no special reason for that, except that the Surgeon-General of the Army is presumed to be always here, and the presumption is that his acquaintance with medical men would enable him to propose a suitable person. There is no other reason.

Mr. HOWE. It occurs to me that that might be a very good reason for giving him the appointment of both.

Mr. MORRILL, of Maine. Not the appointment; it only gives him the right to nominate.

Mr. HOWE. But it commands that the commissioners shall appoint the very individual that he nominates, which would seem to be equivalent to selecting or appointing himself. If it is essential that he shall be consulted in reference to the selection of one, it occurs to me that he should be consulted in reference to the selection of both. I do not know but that there may be a very good reason for this. I do not know but that there may be a very good reason for requiring him to serve as a member of the board of health. This occurs to me, however, that somebody should be responsible for these selections. You would infer from the general terms employed that it was intended to make the commission responsible for the appointment of three members of the board, but they are not responsible, and they cannot be responsible, if they are required to act upon the nomination of anybody else.

Mr. MORRILL, of Maine. My honorable friend will see that they are not required to act upon that.

Mr. HOWE. Then I am mistaken.

Mr. MORRILL, of Maine. My recollection is (if it is allowable for me to say anything in regard to what took place in committee) that the point was whether we would not detail an Army officer, as in the instance of the board of public works. The head of the board of public works, we have provided, shall be detailed by the President from the officers of the Engineer Corps. This question arose in that way; why not detail an Army surgeon here? On the whole we said, the object being efficiency and to get somebody resident here who might be relied upon, we would allow the Surgeon-General to propose a name for appointment. I do not think it is susceptible of the interpretation that he is to be appointed necessarily.

Mr. HOWE. I would like to have my friend look at the clause and say whether that is so or not.

Mr. MORRILL, of Maine. I see by looking at the language that it is imperative. I thought it was optional.

Mr. HOWE. I take it there is no question but what the construction I put upon the language is correct.

Mr. MORRILL, of Maine. I think it is.

Mr. HOWE. No one called my attention to this, and but for the debate that arose on the previous amendment, I very likely should not have noticed it at all; but it really seems to me as if you should give this appointment to somebody or other who will be responsible for the appointment. I do not care a fig who has it, if there is any conflict of authority, but I want somebody to be responsible.

Mr. MORRILL, of Maine. The Senator will accomplish his purpose by striking out all after the word "one" down to and including "notwithstanding."

Mr. HOWE. Yes, sir; that would do.

Mr. MORRILL, of Maine. If the Senator makes that motion, I shall make no objection to it.

Mr. HOWE. I did not propose to move an amendment, but I will do so after hearing the intimation of the Senator from Maine. I move to strike out the words indicated.

Mr. MORRILL, of Vermont. I suggest to my friend from Wisconsin whether it would not be well to have a diversity of education embraced in the material to be used in the appointment of these members of the board of health. An Army surgeon has received undoubtedly a different education from that of those who are educated at our ordinary medical colleges. Some of them have made for long periods a study of the question of health and in various latitudes. I suggest that there will be just as much responsibility upon the Surgeon-General for the appointment as there would be upon the board of commissioners. If it is to be made on his written recommendation, then evidently the Surgeon-General will be responsible for the appointment. It seems to me that it would be better to have an Army or a Navy surgeon appointed to one of these places than to take them all from civil life.

Mr. THURMAN. Mr. President, I wish to inquire how we are considering this bill, whether section by section, or whether there is a guerrilla warfare upon it running all over, here, there, and everywhere?

Mr. MORRILL, of Maine. The bill having been read, the question would be on its passage if there were no amendments proposed. Of course it is open to any proposition from any quarter to amend it. Those having the direction of the bill having very little to say about amendments and being content to pass it as it is, it is open to any amendments that come from any quarter, I suppose.

Mr. THURMAN. I do not say that the way we are considering it is out of order. The bill has been read and is now in Committee of the Whole.

Mr. MORRILL, of Maine. But my honorable friend denominated it guerrilla warfare, and I was vindicating the Senate from that charge. The course being pursued is not extraordinary; it is ordinary.

Mr. THURMAN. I really think the bill is one of that importance that it would have been advisable that we should take it up and consider it section by section, although I do not know that there would be any advantage gained by that. There are certain leading features in the bill upon which the Senate had better decide, because if they be decided in one way it will require the remodeling of this bill. In order to bring one of these questions to the attention of the Senate and have a vote upon it whenever there is a full Senate, for I am not exactly prepared to have a vote upon it now——

Mr. MORTON. I wish to offer an amendment, and I will say to the Senator——

Mr. THURMAN. The Senator is on the great and inestimable privilege of suffrage. That is his amendment.

Mr. MORTON. Yes, sir; it goes to that question.

Mr. THURMAN. I have another question which goes to the great and inestimable privilege of health, and I do not know which has precedence. At all events, as I am on my feet now and want time to consider the amendment of my friend from Indiana, I move to strike out the whole of chapter 3 of this bill, providing for a board of health.

I do not very much believe in this board of health, which costs this city $75,000 a year. I know of no city of equal population that expends any such amount for any such purpose. I know of no necessity for a board of health clothed with all the powers that the present board has been exercising and that it is proposed that the board named in this bill shall exercise. We had until the late government was overthrown really three governments in this District, to say nothing of Congress. We had a Legislature, called the Legislative Assembly of the District of Columbia, engaged in making laws. We had a board of public works engaged in making laws, or what amounted to laws, and laws of the most severe character, for they took the property and the money of the people. And then we had a board of health making its ordinances, which were enforced, or at least the attempt made to enforce them in the courts; so that really the people of this District could scarcely turn around or look about that they were not met in the face by some lawgiver, and who was the lawgiver that was paramount, and to whom alone they were to look, they were utterly at a loss to know. That was one of the great vices—not the greatest but one of the great vices of the old government which we overthrew. Prominent among the departments of that government was this board of health, about whose operations a very great difference of opinion exists. Some persons think that it has been a wonderful blessing to the people, that it has been a sort of trinity of Hygeias, not one Hygeia but three, and has done infinite good. Others think that it has done no good at all, and that the whole effect of it has been to advertise the gentlemen who belong to it and to expend the money appropriated for it. I do not undertake to say which of these opinions is the true one. I am not accustomed to make accusations against people without having something upon which to found them. But without regard to what is the existing board or what has been done by it, I would say that, in my judgment, in a city of one hundred thousand people there is no necessity for such a board as is provided for in this bill, with the expenditure that will be entailed by it. In the little city in which I live, nearly half as large as the city of Washington and soon to be larger than the city of Washington, when we need a board of health our common council establishes it for the time-being, and never, I think, in the history of that city has it cost the people $5,000 a year.

Here, however, we have a board of health, with appropriations to the amount of $75,000 a year and every dollar expended, ay, every farthing. I think the best thing we can do is to simplify this bill. We have had too much machinery in the government of this District already. Now let us simplify it and cut it down, and as one means of doing it I move to strike out all about this board of health.

The VICE-PRESIDENT. That amendment is not now in order The Senator from Wisconsin has an amendment pending.

Mr. HOWE. I was just rising to say that the Senator from Ohio must have misunderstood the answer of the Senator from Maine when he asked the question whether this was a guerrilla raid on the bill. He was answered in the negative and not in the affirmative. But for that misapprehension I think the Senate would not have attempted to pile up one attack on another in this way. [Laughter.] I should like this little proposition of mine disposed of before we proceed to consider the larger motion, the broader motion, of the Senator from Ohio.

Mr. THURMAN. I beg the Senator's pardon. I really did not know that he had an amendment pending.

Mr. HOWE. I thought not.

The VICE-PRESIDENT. The pending amendment will be read.

The CHIEF CLERK. The amendment is on page 20 to strike out in the eleventh section, commencing in line 22, the words: "but one of the physicians to be appointed shall be appointed on the written recommendation of the Surgeon-General of the Army, which recommendation he is directed to make, anything elsewhere to the contrary notwithstanding."

Mr. HOWE. I want to say one word in reply to the suggestion of the Senator from Vermont. I have not a word to say against the expediency of having an Army surgeon on the board of health. I am quite willing both members should be Army officers, quite willing they should be Navy surgeons. This language, if it stands, will not secure you the services of an Army surgeon. All I want is that somebody should be required to appoint these officers; that there should not be a mixed jurisdiction about it. You require the commissioners to appoint, but somebody else to select, and nobody will ever know to any certainty who after all is responsible for the individual when he gets on the board of health. If you want to require that one Army surgeon shall be on the board, say so. Then you will know who is responsible for that individual.

Mr. MORRILL, of Vermont. I do not think this provision is very important, but it is very plain that it is in harmony with a great many of our laws. Many of our custom-house officers have to be presented by nomination to the Secretary of the Treasury by the collector, and the Secretary of the Treasury can only appoint them when so recommended. It seems to me that it is perfectly plain that the Surgeon-General will be responsible for the appointment of one of these surgeons. I think it would be better that the Surgeon-General should be responsible for and make the appointment. Therefore I shall vote against the motion of the Senator from Wisconsin to strike out this part of the bill as reported by the committee.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Wisconsin, [Mr. HOWE.]

The question being put, a division was called for, and the ayes were 7.

The VICE-PRESIDENT. Is a further count insisted on?

Mr. HOWE. I will not insist on the amendment. The Senate evidently does not care enough about the question to divide upon it, and if my friend from Vermont is opposed to it there will evidently have to be a division, unless I do "give it up." [Laughter.] But I want to remind him, while I surrender the point, that the ground upon which he opposes it is not well selected. There is no analogy between this case and the case to which he referred. You cannot vest the appointment of subordinates in the custom-house in the collector of customs under the Constitution, and you dare not assume to appoint them without the advice of the collector, and so you have resorted to that shift. There is no necessity for it in this case. It is a bungling piece of legislation, not absolutely without precedent, but it is without any sort of excuse.

With these remarks I withdraw the amendment I moved.

Mr. MORTON. I offer, Mr. President, an amendment, and I will state that it is simply moved as a test question. If it is adopted it will require several other changes to be made in the phraseology of the bill.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. The amendment is in section 3, to strike out, commencing in line 3, the following words:

To be severally appointed by the President of the United States, by and with the advice and consent of the Senate, to be known as the board of commissioners of the District of Columbia; and the members first to be appointed shall be nominated and confirmed, respectively, to and for the terms following, in the order of their appointment, namely:

And in lieu thereof to insert the following:

To be elected by the qualified voters of said District.

So as to make the section read:

There shall be at the head of said Department a board of commissioners, to consist of three members, to be elected by the qualified voters of said District, &c.

Mr. BAYARD. Mr. President, this is the point of the bill that chiefly attracted the honorable Senator from Indiana. As I said, there is very clearly the grant of power under the Federal Constitution to Congress "to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States." That grant of power is one of the most unrestrained and plenary grants contained in the Constitution. Its language is unambiguous and clear, and I do not doubt that under it the Congress of the United States has the power to govern this District in any form that it chooses. It is not a State which must have a republican form of government guaranteed to it by the Federal Government; but it is a circumscribed territory, the seat of the capital of the Union, which is subject to the exclusive control, by legislation, of Congress. I take it that there is the restriction even upon such legislation, that it shall be in accordance with the letter and spirit of other provisions of the Constitution, and that while the power of Congress over the District is *exclusive* as to its legislation, yet that is a limited power under the grants contained in the Constitution; that there is no such thing as a grant of unlimited power to the Congress of the United States in the Constitution, and that unlimited power is hostile and foreign to the theory of the government which the founders of this nation intended to establish.

I have no doubt it is within the power of Congress to pass this bill as it is now framed, and to prevent the exercise of the privilege of suffrage by anybody within the District. I have no question about that. It becomes, therefore, a question of expediency whether the control of the local and personal affairs of the inhabitants of the District shall be decided by the votes of a certain portion of those inhabitants, to wit, those who are males and over the age of twenty-one years, that being the usual limitation upon numbers in most of the States, which I suppose is intended by the honorable Senator from Indiana to be the rule within the District so that the people who act as electors are to be male citizens of the District of the age of twenty-one years and upward.

Mr. MORTON. The qualifications now fixed by law are those to which I refer.

Mr. BAYARD. But it is a qualified suffrage that the Senator proposes; the qualification being, first, of sex, that the person shall be a male, and next age, that the voter shall be of the age of twenty-one years and upward. Beyond these he proposes no other qualifications at present, whatever he may do hereafter.

Mr. President, I have no doubt that the evils which have afflicted the people of this District are very largely, if not almost altogether, due to the exercise of suffrage by those who are unfit to exercise it. I believe that negro suffrage in the District of Columbia has been the largest contributing cause to the present debt and the bad government of this community; not the sole cause; but I believe it has been perhaps the largest contributing cause. And when Congress, represented in both branches by an overwhelming majority of the republican party, saw fit to wipe out of existence the government which was then in force and which was founded upon this universal suffrage so far as color and race are concerned, they did it intending to relieve themselves from the abuses of the franchise of suffrage by negroes. Now they know it is an evil; they know it has brought ruin on this District and a debt which this people cannot pretend to pay; and the question just is whether they will persist in a course which has proved so detrimental or whether they will get themselves out of it by taking from the white people of the District the right to have any voice in the control of their local affairs.

The responsibility for that measure rests entirely with the party of which the distinguished Senator is so conspicuously an ornament. If the evil of negro suffrage has resulted in injury to the people of this District, he and his party friends caused it; and if they have destroyed suffrage, if they have wiped it out as a motive-power in the government of this District, it is their act, and they are peculiarly and solely responsible for it. And now it is again for them to determine whether they shall again renew this system, which has been so fruitful of loss and injury morally and pecuniarily to this community, or whether they will abandon it; and I can well understand the quandary in which they find themselves placed. The committee which has reported this bill is of course, as we know, in accordance with the dominant majority of the Senate and the other House, and they have simultaneously reported a bill in either House without reserving to the local population this very important power or right or franchise of suffrage which I think I once heard the honorable Senator say was a "God-given right," the right to vote. They have taken strange liberty with that "God-given right," and here in this District they have absolutely annihilated it, so that to-day the "God-given right" of voting is not exercised by any man in the District, wise or otherwise, black or white, fit or unfit to exercise so high a franchise as I esteem the right of voting to be.

Mr. President, my sympathies in this District have been chiefly with those whose property has been taken from them under the forms of government. I am not unmindful that bad government brings its punishment to all classes, and that good government must descend with equal beneficence upon all classes, and that a good government in this District will shelter and bless the colored man as much as it does the white man, and that the evils of misgovernment will ruin the colored man in his little fortunes quite as effectually as it will his richer white neighbor. Such injuries and the blessings cannot be separated into their consequences.

Now comes the question whether, in what we know of the condition

of this District, of its population, and relations of the two races and classes who inhabit it, it is for the benefit of all that you shall restore suffrage to all together, the black with the white, or whether you shall protect the black and the white against the abuses of this great power of suffrage? That is the question. What is just? What is right? Well, sir, on that subject I am disposed to consult not only my own idea of the interests of the people of this District, but I am disposed to consult their wishes. I have always believed, and believe to-day, that the great safety-valve of government in this country is the right of the people, by the peaceful process of the ballot, to vote themselves free from suffering and to avoid the repetition of error. It is that peaceful process in this country which has taken the place of violent revolutions elsewhere, and we have seen the most wonderful and, in my opinion, most beneficent illustration of that principle in the elections which took place in this country in the last fall. So it should be here. I do hope to see the day when the control of the question of suffrage in this country shall be left where the federal idea of our Union of States intended it to be left, with the communities who are to be affected for better or for worse by it. So in regard to the people of this District I would endeavor to apply the principle. I admit the constitutional power of Congress to give them the privilege of voting or not. I believe the Congress of the United States can govern this District without the forms of suffrage given to anybody or to any class; and also they can govern it through the forms of suffrage should they see fit to do so. It is therefore a matter in which I desire to consult the wishes and the interests of the people to be affected. I always have thought that if the same condition of race and class had existed in the State from which you, Mr. President, come, as did exist in the State of South Carolina and in the Southern States generally, you never would have had negro suffrage forced upon the people of this country. It was so easy for persons in your section to call upon others to bear evils which they themselves were not to suffer, that they could afford to exercise power when others, strangers to them, were to pay the penalty. I was not bred in that school which taught me to make my conscience or my will the measure of other men's. I believe in leaving the communities of this country free through local self-government, that by their sufferings they may be taught and by their advantages they may be encouraged; but that they shall not be left without means of relief when suffering has been brought upon them by malice or mistaken judgment.

In the present case here is a community of about one hundred and thirty thousand souls—two-thirds white, one-third colored people—who have been the victims of misgovernment in a dreadful degree; who as an organized community are absolutely bankrupt to-day—insolvent to-day—with more beggars and unhappy members in its society than anywhere in this broad land. No thinking man supposes but that the District of Columbia, if left unaided, must succumb under the monstrous debt which has been imposed upon it by the agents of the United States without the consent of the people who are to be affected by it. This debt has been created mainly by a board of public works, appointed by the President of the United States and confirmed by this Senate, in whose selection the people who hold the property of this District had no voice whatever. The laws that enabled them to impose this debt were involuntarily enacted, so far as the people of this District were concerned.

Mr. MORTON. May I ask the Senator a question?

Mr. BAYARD. Certainly.

Mr. MORTON. The Senator says the District has been made insolvent by a board of public works appointed by the President and confirmed by the Senate. I ask him if that is a sound argument for disfranchising this people entirely and putting them under the control of a like board to be appointed by the President and confirmed by the Senate?

Mr. BAYARD. I am not saying yet whether I am in favor of disfranchising this people entirely or not, and I am not arguing in that direction. I am endeavoring to state the proposition so that, so far as I can, the people of this country shall know the pass to which the Senator and his party have brought the people and affairs of this District. That is what I wish now to do——

Mr. ALLISON. May I interrupt the Senator?

Mr. BAYARD. Certainly.

Mr. ALLISON. Four millions of this debt created by the board of public works were under an act of the Legislative Assembly which was submitted to the people of the District and nearly unanimously approved by them.

Mr. BAYARD. Then what becomes of the other $18,000,000? That was not submitted to the people.

Mr. ALLISON. Five million dollars were created by the corporations of Washington and Georgetown before this new government had an existence, making $9,000,000 in those two items.

Mr. BAYARD. Possibly I am not as familiar with the precise history of the formation of the debt of this District as the honorable Senator from Iowa, and I do not know that the exact condition of this debt can up to this time be proved in any court of justice. I say further that I shall be quite in despair of ever knowing what is the precise pecuniary condition of this District until a new system and a new order of things shall have placed men in the control of the District in whose statements the public can have confidence. I believe, however, I am correct in saying that nearly the whole of the present debt of the District was created since negro suffrage was forced upon it by the action of the republican party—the greater part, however, since suffrage by white or black has been nullified by the same party—and the citizens left dependent upon the appointees of General Grant and this Senate.

I do not desire to use harsh phrases in respect of the action of the late government of this District. When I say it was a very bad government, when I say it was a very dishonest government, I simply say what Congress almost unanimously declared when it repealed the law which gave them political existence and wiped them out. That was a confession in open court, a confession of guilt. They were so unworthy that they were not fit to be in office, and the office itself was destroyed in order to get rid of the incumbents.

But, Mr. President, that debt was created partly by the board of public works, much more than half of it by the board of public works, who were the agents of the President of the United States and the Senate of the United States, and in no sense morally or legally the agents of the people of the District. Another portion of that debt was created under the forms of law by a so-called Legislature of the District, and that Legislature in large part was elected by negro votes and was composed partly of negroes; and when their course of action was such that unfitness to carry on the government was discovered by the Congress of the United States, it commenced withdrawing power from them. The honorable Senator and his friends exhibited their distrust of the capacity of governing a State through the forms of universal suffrage where negroes were in large numbers by gradually withdrawing power from them in this District under the late territorial government. The first step after that was to create a governor, secretary, and board of public works, who should have the chief power over the finances of this District, and yet in that choice the people who had this "God-given right" of voting should have no voice whatever. So about three years ago, after this universal suffrage had been in force a very short time and these evils had become quickly apparent, Congress repealed a portion of the law and reposed this large power in appointees of the President who were to be confirmed by the Senate, and, as I say, the greater portion of the debt has been incurred since that time.

Now, we all agree—I suppose everybody agrees—that such a government as has existed for the last three years in the District shall exist here no more, and the attempt now made by the committee is to replace it by another system of government, three commissioners whose powers are described and regulated by the act under consideration. Now comes in the honorable Senator from Indiana; and, vindicating by his amendment the opinions which he has heretofore expressed of the inviolable sanctity of the right to vote, he proposes that the question of the government shall be submitted again to a vote of the people of the District at large with the qualifications to which I have adverted. Well, Mr. President, I will not vote to restore power to the government that has led to these abuses. If I become satisfied that the people of this District, the property-holders, the responsible men, the honest and worthy men of the District, by a majority, desire that this right to vote shall be returned to them, I will let them take it and use it and gain or suffer by it as the sequel shall prove. But I say here to-day that I should, in my opinion, be guilty of a breach of faith, a breach of official duty as a member of this body to the people of this District, if I voted again to bring the curse of negro suffrage upon them as a means of government. I will not do it, sir. I am clear that it has wrought them evil in the past, and I believe it would continue to afflict them in the future. I believe their fortunes, their happiness, their morals, their rights as men and citizens, are safer in the hands of three honest, upright commissioners, if they can be chosen, than they would be under men elected by the course of suffrage which we have seen has controlled the District. That is my judgment. If I shall discern that their wishes are different, that they desire again to have this question committed to them in the form the Senator from Indiana now proposes, I will join with him; but I shall not be so false to my conscientious sense of duty, to my clear perception of the facts which time has stamped upon the history of this District government, as by my vote to aid in reproducing and replacing in power (if they have ever in fact been deprived of it) that set of men who have plunged this District in debt and brought disgrace upon the name of American government.

I think the bill reported by the Senator from Maine is vastly preferable in the present condition of things in this District to the amendment proposed by the Senator from Indiana. The accident, perhaps the emergency, of my life here has compelled me to become the owner of a residence in this District necessary for the habitation of my family. To that extent I am subjected pecuniarily to the effects of misgovernment and mismanagement here, and to that extent I have a pecuniary interest in regard to which I may say I feel a considerable degree of hopelessness. Until a different spirit shall animate the powers that control this country and that control the head of the Government, and shall change the affiliations which he seems to have had and still maintains with those who have so misgoverned and plundered the people of this District, I cannot say that I have much hope of improvement.

In what I shall do here in the way of voting, I shall be guided by a sense of what is due to the people who are to be affected by my course. If I had nothing else to judge of than the small amount of real estate I hold here, a simple dwelling-house of a very ordinary description, I should be unwilling to submit even that insignificant

property to the results of the suffrage which the Senator admires so much and which he desires to replace upon the people of this District. I do not think there is a man in the Senate who would voluntarily place his property under such control. Therefore I am not willing to do by others that which I would not have them do unto me.

Mr. THURMAN. Mr. President, unless this bill be very greatly altered I cannot vote for the amendment of the Senator from Indiana, and I wish to state in a very few words, before the Senate adjourns, why I cannot vote for it. But before I give the reasons that induce me to vote against it, I wish to notice some considerations which will have no influence whatever upon my vote, because in the view I take they may be wholly laid aside.

In the first place, in reference to the observation made by the Senator from Indiana this morning that he was in favor of home rule, I do not agree that he is more in favor of home rule than am I, or that there is any man on this floor or in this country more in favor of home rule than am I. But the question what shall be the rule in the District of Columbia is a question settled by the Constitution of the United States itself; and when the Senator says that he is in favor of home rule, if he means by that the uncontrolled and uncontrollable right of every people to manage their local affairs for themselves, then I say to him that as long as the Constitution of the United States remains what it is there can be no such home rule within the District of Columbia, for you cannot confer upon the people of this District any home rule that another Congress may not take away; and therefore an absolute, uncontrollable, unlimited right of home rule cannot, under the Constitution of the United States, exist in the District of Columbia.

The Senator is answered on that question.

Again, my friend on the left [Mr. BAYARD] says that this is to test the question of the policy or impolicy of negro suffrage. With great respect to him, I do not so consider it. I do not consider that upon the passage of this bill the question of the capacity of the colored people for suffrage is necessarily involved at all.

What is our duty? Our duty is prescribed by the Constitution of the United States. That Constitution provides that the Congress of the United States shall have power—

> To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding, ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

So that the power of Congress over the District of Columbia, its exclusive power of legislation, is precisely the same that it has within the precincts of Fortress Monroe or Fort Hamilton or Fort Lafayette, or any other fortress belonging to the Government; and as no man domiciled within Fortress Monroe or Fort Hamilton or Fort Lafayette is a voter or can be a voter so long as he continues an inhabitant and domiciled there, so no man here can be a voter in this District unless we see fit to confer upon him for good public reasons a right to share in the municipal government in this District. Therefore you are not depriving any man within the District of Columbia of any right guaranteed to him by the Constitution or conferred upon him by nature when you say that you will have no suffrage in this District. He stands precisely on the same footing as every man stands who is an inhabitant and domiciled within one of your forts, arsenals, or other public buildings, in reference to which this provision of the Constitution has application.

Then, Mr. President, let us see what were the reasons for this. Why was it put in the Constitution that Congress should have this exclusive jurisdiction? The reason of it is very apparent. Would it do for one moment that there should be any jurisdiction that in any possible event might conflict with that of the Federal Government in one of the fortresses of the United States? Would it be tolerated for a moment that there should be in Fort Lafayette, or Fort Hamilton, or Fort Schuyler, or Fortress Monroe, a jurisdiction different from that of the Federal Government, and that might be arrayed in hostility against it? Does not every man see at once that the thing would be preposterous? And for precisely the same reason the Constitution declares that the power of Congress to exercise legislation here shall be an exclusive power, so that by no possibility can there ever be a government in this District which shall be in hostility to the Federal Government. That was the reason of it.

Mr. MORTON. Will my friend allow me to ask him a question?

Mr. THURMAN. Yes, sir.

Mr. MORTON. Do I understand the Senator to deny that Congress has the power to clothe the people of this District with the right of local self-government?

Mr. THURMAN. I have already said that they have no right to it unless Congress gives them municipal power. I have not denied that Congress has power to do that.

Mr. MORTON. Congress can do it?

Mr. THURMAN. Certainly, to a limited extent it can.

Mr. MORTON. That is all I ask.

Mr. THURMAN. It has been questioned, but I do not doubt that Congressmen can, to a limited extent, create municipalities here, and in the creation of those municipalities may provide for a suffrage. It has done so; I do not doubt it; but I am saying that there is no right to it. It is a matter wholly within the judgment and discretion of Congress. We are not depriving the people of this District of any right that belongs to them either by nature or by the Constitution when we prescribe such a government as in the judgment of the Congress of the United States is the proper government for the District.

Well, sir, I was going on to say, when I was interrupted by the question of the Senator from Indiana, that it was for precisely the same reason which induced the provision that the legislative power of Congress should be exclusive over the forts, arsenals, magazines, and public buildings of the country, that it is made exclusive with the District of Columbia, in order that in this District there never by any possibility may be anything having the form or semblance of government or authority that can be arrayed in hostility to the Government of the United States. That was the reason for it.

Why, sir, we have seen the municipality of Paris stronger than the French Throne. We have seen the Hotel de Ville stronger by far than the Tuileries. We have seen the municipality of Paris bring a king to the scaffold and dictate the government of that country, and dictate it in letters and characters of blood. It never was intended that the Government of the United States, especially if its seat was to be in a great city, should be at the mercy of any municipality whatever, but that its authority within that district should be absolute and without any control. And hence, sir, for the wisest of purposes the power of Congress over this District is made absolute and made exclusive; and just in proportion as this city shall grow, just in proportion as its population shall increase, just in proportion as its wealth and power shall augment, just in the same proportion does it behoove the Congress of the United States to see that it exercises absolute and unlimited control here to the full extent given by the Constitution.

There is no assault in this upon the doctrine of universal suffrage. There is no assault in this upon the doctrine of home rule. There is simply a discharge of that duty which the Constitution has imposed upon us, and not simply for this reason of safety, for it is easy enough to conceive that if this city had possessed half a million people, as in times to come it may, it might well have been in the late civil war that you, sir, would not have sat in this Hall; that the Congress would not have sat in this building; but that you would have been fugitives from the capital of your country. That might possibly have been, and it might come to pass again if you allowed a municipal government here that might array itself in hostility to the Federal Government as the municipality of Paris has again and again been arrayed to the national power in France.

Mr. President, that is not all the justification for passing just precisely such a bill for the government of this District as Congress in its wisdom shall deem fit. There is still another reason, and that is that the people of this District are not the only people interested in it. They are not the only property-holders in it. The Government itself is the largest property-holder here by far, and has an interest, therefore, as property-holder that must be protected and the protection of which is paramount. This District belongs to the people of the whole country. Ohio has as much interest in it as the people here have in it. Massachusetts has as much interest, Indiana has as much interest, every State and Territory of the country has an interest in it; and when we govern it we are not governing other people as Russia governs subject Poland, but we are governing our own territory and our own property.

For these reasons I have no fear that I shall run counter to any principle of republicanism or democracy or any public sentiment that I ought to respect when I say that if I believe this bill is better than a suffrage bill, I am bound by my duty as a Senator to vote for the bill. Whether I shall vote for it or not will depend upon what is to come hereafter—whether it shall be amended and put into such shape as ultimately to command the assent of my judgment; but upon the immediate proposition of the Senator from Indiana I cannot hesitate how I ought to vote. I will not say that a frame of government might not be constructed allowing of suffrage that would work well. My impression is that the old municipalities did very well—the old municipalities of Washington and Georgetown and the like. I think they did very well in the main; at least I thought they did so well that I voted against and strongly opposed the adoption of the late government. I voted against that in the beginning.

Mr. MORTON. Those municipal governments were based on suffrage, were they not?

Mr. THURMAN. Undoubtedly they were, and I think they operated tolerably well. There were complaints, it is true. There was never any great complaint about them until negro suffrage came, if that is what the Senator wants to get at.

Mr. MORTON. The Senator brings it down now to negro suffrage.

Mr. THURMAN. Not any such thing, and the Senator is not at all ingenuous when he says so, for I had already stated in the outset that in my judgment, whether it was white suffrage or negro suffrage, the reasons for our framing such a bill as we think ought to be framed are wholly independent of the question of suffrage. But upon the subject of negro suffrage, if the Senator wants a word, the Senator made me a convert long ago by his Richmond speech to the doctrine that it was very dangerous at least to confer suffrage upon the negroes of this country and that we ought to move slowly in that direction. But the thing has been done, and what is done, let it be.

But upon the question of negro suffrage in the States and negro suffrage in the District, did it never occur to my able friend that it stands on a wholly different foundation? What has been the great argument, almost the only argument that a statesman could comprehend, in favor of negro suffrage in the States? That it was necessary for the protection of the negroes against hostile legislation. I put it to the Senator from Indiana if that is not the truth.

It was assumed that in the States where slavery had existed the white population would entertain a feeling toward the colored people which would endanger their safety, their liberty, their rights, unless the suffrage was put into their hands for their defense; and that argument was worth in their behalf all the other arguments that were uttered ten thousand times over. It was the only real, solid argument that a statesman could comprehend or assent to. Very well, you conferred it by the fifteenth amendment; you have it in those States where there could be this hostile legislation against them. But that reason wholly fails in the District of Columbia, for you cannot have hostile legislation against them here. You cannot have it, I say, because you cannot protect them against the legislation of Congress. As long as Congress is friendly to them they need no such protection, and if you should get a Congress unfriendly to them, it can take away the right of suffrage as quick as it can oppress them. So that, in any view you can take of the case, the great reason for conferring suffrage on the colored population of this country, and which has such prodigious force when applied to the States, has absolutely no force at all when applied to the District of Columbia; and, in considering the question here in this District, you consider it precisely as you would the question of conferring suffrage upon a minor or upon a woman or an alien, or upon anybody else. You consider it simply in reference to the capacity of the person to exercise that right beneficially to the public and for the good government of the District; that is all. It is not a question of protection here. It is not a question here of defense against unjust legislation. All that vanishes in this District, and you have to take this suffrage upon the sole ground whether it is politic, whether it is wise, whether it will conduce to good government in the District to extend suffrage to the colored race. But, as I said before, really that has nothing to do, as I humbly conceive, with the question now before the Senate. The question for us is to say how shall we exercise that exclusive jurisdiction which we have the power to exercise? And here permit me to say that wherever the Constitution confers upon us a power there is a correlative duty, a duty to exercise that power when the exigency arises.

This much I wanted to say now. I repeat that I do not say that a government might not be framed for this District admitting of suffrage, and that it might not work well; but I do say that the Congress is under no obligation to inaugurate any such government if in its judgment a better government can be framed and put in operation.

EXECUTIVE SESSION.

Mr. RAMSEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-six minutes spent in executive session the doors were reopened, and (at four o'clock and thirty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 17, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the special order.

JUDICIAL DISTRICT OF OKLAHOMA.

Mr. LOWE, by unanimous consent, introduced a bill (H. R. No. 4041) to establish the judicial district of Oklahoma; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MODOC WAR CLAIMS.

Mr. NESMITH. A letter of the Secretary of War, laid before the House yesterday, transmitting the claims of the States of California and Oregon and citizens thereof on account of the Modoc war, was referred to the Committee on War Claims, when it should properly have gone to the Committee on Military Affairs. I ask that the reference be so changed.

There being no objection, the communication was referred to the Committee on Military Affairs.

CONGRESSIONAL RECORD FOR OFFICIAL REPORTERS.

Mr. LUTTRELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Printing be instructed to inquire into the propriety of making provision to supply a copy of the CONGRESSIONAL RECORD, bound, to each of the Official Reporters of debates of this House.

RECEPTION OF KING KALAKAUA.

Mr. ORTH. The joint committee of the Senate and House of Representatives, appointed to take measures for the proper notice of the presence at the capital of His Majesty Kalakaua, King of the Hawaiian Islands, have directed me to submit the following:

The Senate and House of Representatives will receive the King of the Hawaiian Islands in the Hall of the House of Representatives to-morrow at fifteen minutes after twelve o'clock. The Vice-President and the Speaker will preside. Senator CAMERON, chairman of the joint committee, will present the King, and the Speaker will welcome him. The southeast gallery will be reserved for the families of the President, Vice-President, members of the Cabinet, Senators, and members of the House. The diplomatic gallery will be reserved for the diplomatic corps exclusively. The other galleries, except the reporters' gallery, will be open to the public.

Mr. SPEAKER. I move the adoption of this report; and I ask that the Senate be notified of our action, and that seats be provided for the Senators on the right of the Speaker's desk.

The SPEAKER. The Chair hears no objection to the adoption of the report. Seats will be provided for Senators as indicated by the gentleman from Indiana, [Mr. ORTH.]

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. GARFIELD] that the House resolve itself into the Committee of the Whole on the legislative, executive, and judicial appropriation bill.

Mr. COBURN. I desire to inquire what committee will regularly be on call, if the call of committees should proceed.

The SPEAKER. The call would begin with the Committee on Commerce.

Mr. COBURN. I hope we shall have the morning hour. A great many committees have reports to make; and we ought to have our morning hour regularly, instead of postponing that business.

Mr. GARFIELD. Several committees are not quite ready. I think we shall really gain time by going on with the appropriation bill and letting the reports of committees come in when they are ready; otherwise I would not antagonize the regular morning hour.

Mr. COBURN. I would like to hear from the Committee on Commerce whether they are ready to report or not. If they are, I think we ought to go on with the reports of committees.

Mr. GARFIELD. I insist on my motion.

The question being taken, the motion was agreed to; there being ayes 102, noes not counted.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. ELLIS H. ROBERTS in the chair,) and resumed the consideration of the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The Clerk read as follows:

In the Office of the Adjutant-General:

One chief clerk, at $2,000; nine clerks of class four; fifteen clerks of class three; twenty-five clerks of class two; one hundred clerks of class one; two temporary clerks of class four; three temporary clerks of class three; ten temporary clerks of class two; thirty temporary clerks of class one; ten messengers, at $840 each; in all, $264,000; and the said temporary clerks are for one year only, and no longer.

Mr. WHEELER. I move to amend the paragraph just read by striking out "one hundred" and inserting "sixty-five," so that it will read "sixty-five clerks of class one." Before proceeding to the consideration of this amendment I want to correct an error in the report of the debate yesterday relative to the Soldiers' Home. I did not correct or look at the notes of my remarks, and I am made to say that the Second Auditor has now employed in the service under the act relating to the home from eighty to one hundred additional clerks. I am made to say that that number of clerks is now engaged in such service. That is a mistake; I did not say that, as will be seen at once from the amendment which I offered. I did say that at one time, not now, one hundred temporary clerks had been engaged in that service. I did not desire to do the Auditor any injustice, but only to state the facts. The Auditor gave me his own statement that twenty-two clerks were now engaged in this service; and I estimated that three or four more were engaged in turning back to claimants the pay of officers and soldiers that had once been turned over to the asylum, as required under the law when application is made to have it turned back.

The amendment now presented I submit for the consideration of the committee. I have had eight years' experience in the Departments of this Government; and I want to say for the Adjutant-General that I have known no more industrious, courteous, or honest official in the service of the United States. He says in the letter which was read from the Clerk's desk yesterday that thirty-five of his clerks are now employed in the useless service discussed yesterday, and that if taken from this work they could be put to more profitable employment. I want now to hear the chairman of the Committee on Military Affairs in reference to this matter, which I understand he has investigated fully.

I offer the amendment, not necessarily for adoption now, but for the consideration of the committee, in order that it may be decided whether these clerks are necessary or not.

Mr. COBURN. Last year we made a reduction of the clerks in the War Department—about all that it was thought possible to make.

The proposition in the present bill is to cut down the number still more. I will call the attention of the committee to the mode in which the number of clerks is cut down.

In the corresponding provision of last year to line 1051 there were authorized by the law three temporary clerks; in line 1052 there were six temporary clerks; in line 1053 twenty temporary clerks, and in the same line sixty temporary clerks of class one—forty-four more than this bill provides. These clerks are employed by the Adjutant-General in copying the muster-rolls as a part of their duty. The muster-rolls are made upon perishable paper. They have been turned over and examined until they are becoming fragmentary. They have been pasted together, patched, and marked so as to retain some kind of form. It will take perhaps seventeen hundred vol umes of these muster-rolls to complete the entire volunteer army during the rebellion. They have about one hundred and twenty already copied. A large number of these clerks have been employed in this copying. In addition they are employed in examining and classifying papers which are in the Adjutant-General's Department, assorting a vast mass of papers which have been unassorted in relation to every manner of war claim which may be made against the Government. I will mention a single case where by examination of the archives they found evidence which has saved $500,000 to the Government. Various other sums have been saved by the examination of these records by these clerks. This work is going on all the time.

There is a vast amount of clerical work to be done there which I will not now go into; which I cannot call the attention of the House to in as good a style as the Adjutant-General has done in a letter which I hold in my hand, and which is in answer to some interrogatories I put to him. I ask the attention of the House to the reading of that letter, which I send up to the Clerk's desk.

The Clerk read as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 16, 1874.

SIR: In reply to your inquiries of this date, I have the honor to state as follows: You ask—

First. What will be the effect of cutting off forty-four temporary clerks and sixty-seven enlisted clerks in my office?

The law of last session provided that the enlisted men should be discharged at the end of the fiscal year 1875. The appropriation bill of this session provides for an additional reduction of forty-four of the temporary clerks, and for the discharge of all of them at the end of the fiscal year 1876. This would leave two hundred and five clerks in all at the end of 1875, and one hundred and fifty in all at the end of 1876.

There are one hundred and four rooms full of records in active use. The work has actually increased in the present year over the past. This office cannot control the increase. The cases come from other Departments and outside sources. This office has either to act on all, or to to neglect some. If it has not clerks to act on all, the question is, which shall it neglect? The answer to this question involves interests of the Government through claims commissions, &c., where thousands of dollars are saved by information from records here; and interests of volunteer soldiers, their widows and orphans. Which shall be disregarded? I state only what an actual inspection of all the rooms will demonstrate most clearly. The office cannot now do its work satisfactorily, and will have to close one or more branches if the force is reduced still lower.

Second. What work are they engaged on, and can this work be advantageously delayed?

They are engaged on work relating to claims against the Government: 1. For cotton, supplies furnished during the war, &c. The records of discontinued commands furnish evidence in such cases. Sometimes this evidence defeats fraudulent claims to the amount of thousands of dollars, in one case over $500,000. It is known that some claims have been paid which would have been defeated by papers subsequently found, if it had been known the papers were here. Want of clerks sufficient alone prevented the discovery from being made in time. 2. Claims for pension, bounty, arrears of pay, &c., for volunteers and their widows. Lapse of time enables claim agents to manufacture specious claims of this sort, and at the same time makes examination of them all the more laborious and important to prevent fraud and loss to the Treasury. The number of such claims is largely greater this year than last. The clerks engaged on these are most all volunteer soldiers. From the nature of all this work delay is nothing more or less than loss of the amounts to the Government.

Third. Will the force of messengers I have allowed me by law be able to do the duty of messengers by day and watchmen by night? If not, why not?

The law allows ten messengers in all. This office now occupies twelve buildings outside the War Department, and one hundred and four rooms. There are now forty-four enlisted men employed as messengers, and nineteen as watchmen. Ten messengers could not do the work of carrying the mail all over the city, (to save postage,) to the Capitol, (to save time,) and to the Post-Office—carrying work and messages back and forth between the different rooms and buildings, (to save the more valuable time of officers and clerks,) and cleaning all the rooms, furnishing water, &c., to them. After men have been on duty of this sort seven to eight hours per day, it can at once be seen that they cannot go on watch outside from four p. m. till eight a. m., and all day Sundays and holidays. When the clerks and day messengers leave the offices, the watchmen come on guard. There is a trusty man over them, as sergeant, who holds them to their responsibility. Inspections are made of the guard and of the buildings two or three times in the night. If the enlisted men are discharged, the only course to adopt will be to lock the buildings and leave them. The risk of fire would be great, for several instances have occurred where the watchmen have prevented it. The risk of robbery would, in my judgment, be very great, for the value of these records has been too often felt by disappointed claimants not to be well known. There may be some men who after going so far as to make up a fraudulent claim would not stop at destroying any evidence they could reach which would defeat it.

Fourth. Describe the condition of the records of my office and their places of deposits, stating the dangers of fire and plunder, or mutilation, without watchmen.

The last part of this question is answered in the previous reply. The outside buildings are very insecure, old dwelling-houses, surrounded by other buildings liable to catch fire. As to the records, the muster-rolls and records of war of 1812 (now much referred to under recent pension law) are very much worn, and so are some of the large record-books, from necessary, frequent handling. They must be copied, or forever lost, or else the use of them must entirely cease. It is hardly necessary to say that the muster-rolls of companies, hospitals, &c., furnish the information on which all questions of pay, bounty, and pension depend, and are in hourly use. If the clerical force is diminished, the work of copying these books cannot go on. There will be no one to do it.

The present clerks are tried and faithful men. If they are discharged now, and others are appointed at a future time, they may not be so trusty, and the Government may suffer much by the change, in addition to the loss entailed by cessation of the work which now saves, sometimes in one case greatly more than the cost of the entire clerical force of the Department, for a year.

I am, sir, very respectfully, your obedient servant.

E. D. TOWNSEND,
Adjutant-General.

Hon. JOHN COBURN,
House of Representatives.

Mr. COBURN. Mr. Chairman, I only want to add a few words to what has been said by the Adjutant-General in relation to this matter. It may be thought the dispensing with the duties in relation to the soldiers' home will so much diminish the work that there will be nothing to be done by these clerks in the Adjutant-General's Office; but, so far from that being the case, there is ample work for a larger force than they now have on hand. In point of fact, the work has considerably increased within twelve months, and probably will not be less. I made particular inquiry as to this matter of the Adjutant-General. If any of the members of the House would take occasion to examine the enormous amount of records in his charge and the condition in which they now are, they would find that this work ought not to be delayed. I am almost ready to say the mass of papers would fill this room which are now to be found in the buildings under the charge of the Adjutant-General. The work of classifying them is absolutely enormous.

Now, sir, there are many just claims and there are many unjust claims against the Government, the evidence of which is there to be found. The man who has a just claim has a right to have it settled at an early day; and in cases of unjust claims the evidence on the part of the Government should be known and preserved, and readily reached at the proper time. If this be not done, if we cut down the clerical force of this office, the Government may suffer as well as individuals.

As to the reduction of this force last year, it was then cut down to the lowest limit possible. The bill now proposes to reduce it forty-four more. That will necessitate the closing of certain rooms and dispensing with certain necessary business. Indeed I firmly believe, as I believe the Adjutant-General conscientiously says, an increase of this force would be in the interest of economy and for the good of the public generally. He went on under the law which formerly existed in relation to this matter and did cut down his force a considerable number, and he should be authorized only to do so in his discretion under the present law. I hold in my hand an amendment which meets his views, which puts the force at the same number at which it was last year established, and strikes out the clause in the last part of this section of the bill—"and said temporary clerks are for one year and no longer." The Adjutant-General may need them longer than one year, and I think that clause should not be inserted in this appropriation. It is proper he should have the discretion to discharge them when their duties cease and their work is done. At least it will be perfectly within the power of any subsequent Congress to apply the proper remedy if the number should be found too large.

The CHAIRMAN. The gentleman's amendment will be read for information.

Mr. WHEELER. I ask the gentleman from Indiana to withhold his amendment until I have made an explanation.

Mr. COBURN. Certainly.

Mr. WHEELER. I want to say, as I said at the outset, that I introduced this for the purpose of hearing the gentleman from Indiana, [Mr. COBURN,] the chairman of the Committee on Military Affairs. I was satisfied myself, from conversation with General Townsend, that this force ought not to be reduced, he having assured me that were he relieved of the duties imposed on his office under the acts of 1865 and 1866 relative to the military home he should transfer this force to copying the rolls, now very much mutilated, into books, where they might be preserved. I think the committee will all agree with me in the opinion that this force ought not to be disturbed, and I withdraw my amendment, that the gentleman from Indiana may submit his for the rearrangement of the force.

The CHAIRMAN. The amendment of the gentleman from New York having been withdrawn, the Clerk will read the amendment offered by the gentleman from Indiana, [Mr. COBURN.]

The Clerk read as follows:

In line 1051, after the words "one hundred clerks of class one," strike out these words: "two temporary clerks of class four; three temporary clerks of class three; ten temporary clerks of class two; thirty temporary clerks of class one;" and insert the following:

And three temporary clerks of class four; six temporary clerks of class three; twenty temporary clerks of class two; and sixty temporary clerks of class one.

Also, strike out the words, in lines 1056 and 1057, "and the said temporary clerks are for one year only, and no longer."

Mr. GARFIELD. I am glad my colleague on the committee, the gentleman from New York, has withdrawn his amendment to cut down this force thirty-five more. I think that would be cutting far too deep, and the letter read at the request of the gentleman from Indiana shows that. But in the bill, as we have it in print before the committee, there is a reduction of forty-four of the temporary force granted last year. Now the gentleman from Indiana moves to restore these forty-four clerks, that is, to add to the force forty-four above what is in the printed bill.

Mr. WHEELER. I wish to suggest to my friend from Indiana that the letter of Genreal Townsend was probably prepared before the action of the committee yesterday relieving thirty-five of his clerks, and was predicated on the work done heretofore in his office. Yesterday, by the action of the committee, thirty-five of his clerks were released. That ought to be taken into account in this discussion.

Mr. GARFIELD. As stated by the gentleman from New York, we yesterday dispensed by law, if this becomes a law, as I have no doubt it will, with the services of thirty-five clerks or with the work that thirty-five clerks are now performing in that office. Therefore our reduction is now only a little more than that number. The reduction which the committee has made as it stands in the printed bill is forty-four or only nine more than the number of clerks whose services we yesterday made unnecessary after the 1st of April next. I hope therefore the amendment of the gentleman from Indiana will not prevail.

Mr. COBURN. My whole object in moving my amendment was that the number provided for in this bill of the force of the Adjutant-General's Office might be raised, and the gentleman from New York [Mr. WHEELER] admits that it is necessary to have these additional clerks, or rather the old number of clerks, restored on account of the other work that has to be performed. That is the only point in the whole matter. That is all there is in it. The only question is whether we will retain the same number of men as we had last year. And what I endeavored to show, and what the letter of the Adjutant-General was intended to show, was that, notwithstanding the dispensing with the work referred to, it would still be necessary to have these men, because there was other work of very great importance upon which they should be engaged. That is the substance; that is the gist of the whole matter. It will take ten or twelve years to finish up these muster-rolls unless these clerks are retained. It should be completed much sooner. I hope, therefore, the committee will adopt the amendment.

Mr. WHEELER. I hope they will not.

Mr. RANDALL. I have great confidence in the disposition and judgment of the Adjutant-General, but at the same time I think that our economy as exhibited yesterday goes for naught if we agree to the amendment of the gentleman from Indiana. I hope, therefore, the committee will adopt the suggestion made by the gentleman from New York and the chairman of the committee, and let the economy of yesterday stand unimpaired.

Mr. WHEELER. The gentleman from Indiana forgets that the action of the committee on yesterday virtually gives the Adjutant-General thirty-five more clerks, by relieving them from work they are now doing and transferring them to more important work. It is really an increase of his force to the amount of thirty-five men.

Mr. GARFIELD. Let us have a vote.

Mr. COBURN. Before the vote is taken let me say that I understood, and the Adjutant-General understood, at the very time that these questions were propounded, that it was proposed to dispense with these clerks. The object of this amendment is that the Adjutant-General may go on vigorously with his work. It has already been delayed too long. These men are authorized now by law, and I venture to say it will not be twelve months until additional clerks will have to be authorized. Anybody who will go and examine these records and see their condition will at once perceive that that work ought to be completed, and a larger force ought to be employed upon it than is now employed.

Certainly the Adjutant-General has no interest in expending money. He has no interest in increasing his force. What advantage can it be to the Adjutant-General to have ten or fifteen or twenty more clerks, except that the work of his office may be done and the interests of the people subserved.

That is all there is in it, and he has faithfully and honestly, whenever it has been possible to do so, discharged clerks at the proper time and cut down his force in large numbers heretofore. And now it is proposed that this Congress shall intervene without thoroughly understanding the subject. It seems to me an act very unwise and impolitic. No man can have any object in pressing an undue retention of this force. There is the work; there are the duties to be discharged. The public necessities demand that these clerks shall be retained, and economy and common sense demand that these men, experienced in their business, shall be kept in their places.

Mr. MAYNARD. I wish to ask the gentleman who makes this motion a question, and by the answer that he gives my vote will be very much influenced. It is whether this matter has been investigated by the Committee on Military Affairs and the recommendation comes from that committee, or is it introduced upon the gentleman's own motion?

Mr. COBURN. It has not been formally submitted to the Committee on Military Affairs, but I have talked with members of that committee about it, and I understand what they think on the subject. It is not, however, a matter that has been submitted to us formally.

Let me say one word further upon this matter. The gentleman from New York admits that these clerks are necessary, but under his amendment all of the temporary clerks have to be dispensed with at the end of the year. He admits that the sixty-five or seventy clerks left have plenty of work to do, and yet he proposes to strike out every one of those clerkships and abolish the whole at the end of one year. This work cannot be completed by that time, and they should be retained.

The question was put on the amendment of Mr. COBURN; and on a division, there were—ayes 34, noes 48; no quorum voting.

Tellers were ordered; and Mr. WHEELER and Mr. COBURN were appointed.

The committee divided; and the tellers reported ayes 42, noes not counted.

So the amendment was rejected.

Mr. GARFIELD. Mr. Chairman, I move in line 1053, after the word "thirty," to insert the word "nine," so that it will read thirty-nine temporary clerks of class one. We have dispensed with the services of thirty-five clerks, but the committee cut the number down forty-four, and therefore I think that that increase should be made. You cut down the clerks allowed for the purposes of the military asylum thirty-five, but there are actually forty-four cut off.

Mr. SPEER. What assurance has the gentleman that the thirty-five clerks will be discharged?

Mr. GARFIELD. Because the law makes it imperative.

Mr. SPEER. But how do you determine the number to be discharged at thirty-five?

Mr. WHEELER. I had a letter read yesterday which said that thirty-five clerks were employed under the act in relation to asylums, and by the action of the House yesterday their services were dispensed with.

Mr. SPEER. Is there not danger that we may be really increasing the number of clerks by this?

Mr. GARFIELD. We made an estimate of how many we thought the number might be reduced, and we made forty-four. The gentleman from New York [Mr. WHEELER] has since made a careful examination, and thinks that thirty-five can be dispensed with.

Mr. SPEER. And is this reduction imperative on the Department?

Mr. GARFIELD. O, yes; it is.

The question was taken, and the amendment was agreed to.

Mr. COBURN. I now move to strike out, in lines 1056 and 1057, the words "and the said temporary clerks are for one year only and no longer."

These temporary clerks will be needed for five years at least. Let any man look at the work devolved upon them. Why should they be discharged? Let any man go up there and take a look at the amount of work to be done, and he will say that it cannot be done in one year. I have gone up there and looked at it, and there is no evidence before the House to show that the work can possibly be completed within that time. Why, then, discharge experienced clerks, who are acquainted with the exact duties to be performed there at this time? You might as well cut off the doing of the work at once. Not one-tenth of it can be done within that time.

Mr. RANDALL. A complete answer to the gentleman from Indiana is that we are now estimating and appropriating for the coming year, from July, 1875, to July, 1876. If we find, in December next, it necessary to continue these clerks we can do so, and we shall have six months to do it in. I hope, therefore, the House will not agree to this amendment.

The question was taken; and on a division there were ayes 16, noes not counted.

So the amendment was rejected.

The Clerk read as follows:

In the office of Military Justice:

One chief clerk, at $2,000; one clerk of class four; one clerk of class three; two clerks of class two; four clerks of class one; one messenger, at $840; in all, $13,840.

Mr. YOUNG, of Georgia. I would like to ask the gentleman from Ohio, [Mr. GARFIELD,] what is the use of this Department of Military Justice? Before the war this Department was not known to the Army at all, and all records and military reports were revised by one of the secretaries of the President; and not until 1862 did we know anything about a Judge Advocate-General's Department. And now this Department costs some $13,000 a year. It is the opinion of officers of the Army that the Department ought to be abolished. I think myself it is time it was wiped out, and that there is no necessity for this appropriation. I move to amend this clause so as to reduce the number of clerks of class one from four to one.

Mr. GARFIELD. I hope that amendment will not be adopted.

The question was taken; and upon a division there were—ayes 42, noes 44; no quorum voting.

Tellers were ordered; and Mr. YOUNG, of Georgia, and Mr. GARFIELD were appointed.

The committee again divided; and the tellers reported that there were ayes 27, noes not counted.

So the amendment was not agreed to.

The Clerk read the following:

In the Office of the Quartermaster-General:

One chief clerk, at $2,000; eight clerks of class four; ten clerks of class three; twenty-four clerks of class two; forty clerks of class one; eighteen copyists, at $900 each; one female messenger, at $30 per month; one messenger, at $840; eight laborers, at $720; one engineer, at $1,200; one fireman, at $720; and five watchmen, at $720 each; six temporary clerks of class two; ten temporary clerks of class one; ten temporary copyists, at $900 each: in all, $172,080.

Mr. RANDALL. It is known to the Committee of the Whole that the Army has been reduced, in pursuance of law, from thirty thousand to twenty-five thousand. Yet we find here in this bill that the Quartermaster's Department is given the same force that it had when the Army was five thousand stronger than it now is. I should like to ask the chairman of the Committee on Appropriations whether that committee took into consideration the fact that the Army was

reduced when they reviewed the bill of last year and were making up the bill of this year? I find that the amount is exactly the same, and the number of clerks employed the same also. It seems to me that in view of the reduction of the Army there should be a corresponding reduction in this appropriation.

Mr. GARFIELD. The gentleman will notice that we have cut down from the estimates of this year for this Department twenty-six clerks. I do not see why the footing does not show it. It ought to show it.

Mr. RANDALL. It does not show it. That is what misled me.

Mr. GARFIELD. If the gentleman had the law before him——

Mr. RANDALL. I have the law.

Mr. GARFIELD. The gentleman will notice that the estimate is for thirty clerks of class two, fifty clerks of class one, and twenty-eight copyists. We have given them twenty-four clerks of class two, forty clerks of class one, and eighteen copyists. But the true answer to the remark of the gentleman is this: The cutting down the number of private soldiers in the field does not in any appreciable quantity cut down the amount of force needed to carry through the regular accounts in the Quartermaster's Department, at least not in any such proportion. There is no cutting down of the number of military posts, or the number of these accounts that come in from these posts. I believe the posts are multiplying rather than diminishing.

Mr. RANDALL. I would like the privilege of making a correction in the footing.

Mr. GARFIELD. The footing is not incorrect in this bill, I believe, but in the law of last year.

Mr. RANDALL. The same mistake occurred once before.

Mr. GARFIELD. If there is any error it will be corrected.

The Clerk read the following:

In the Office of the Surgeon-General:

One chief clerk, at $2,000; six clerks of class four; four clerks of class three; eight clerks of class two; one hundred and fifteen clerks of class one, (twenty of whom shall be temporary;) one anatomist at the Army Medical Museum, at $1,600; one engineer in division of records and museum, at $1,400; one messenger, at $840; twenty-two watchmen and laborers, (six of whom are temporary,) at $720 each; in all, $188,080.

Mr. KELLOGG. I move as a substitute for the paragraph just read that which I send to the Clerk's desk.

The substitute was as follows:

One chief clerk, at $2,000; eighteen clerks of class four; twenty-eight clerks of class three; thirty-six clerks of class two; sixty-eight clerks of class one; one chemist, at $2,000; one assistant chemist, at $1,800; one microscopist, at $1,800; one anatomist, at $1,600; one engineer, at $1,400; one fireman, at $720; twelve messengers, at $840 each; fourteen watchmen and laborers, at $720 each; in all, $241,180.

Mr. KELLOGG. I ask the careful attention of the committee to the reading of a letter from the Surgeon-General's Office, for it gives information which I think ought to govern our action upon this subject.

The Clerk read as follows:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., December 16, 1874.

SIR: Permit me to invite your attention to the present organization of the clerical force of this office. When the estimates for the coming fiscal year were prepared it was my intention to ask for a number sufficient to dispose promptly of the work of this Bureau; but it was subsequently thought best to follow the figures in the appropriation bill for the present year, and submit separately for consideration of Congress reasons for some additional clerks.

In consequence of the action of Congress at the last session I have been obliged to close the laboratory of the office, to dispense with professional assistants in the Army Medical Museum, and to discharge a large number of clerks heretofore employed in replying to official inquiries from the Commissioner of Pensions as to cause of death of deceased, or the hospital history of discharged, soldiers. As a result of this, the work is going steadily behind despite my best efforts. The number of cases of this kind on hand awaiting reply July 1, 1874, was nine hundred and seventy-five, and on November 30, 1874, the number was twenty-one hundred and eighty. Meanwhile other collateral work of great importance has necessarily been neglected. Thus, the volumes containing the alphabetical register of soldiers discharged on surgeon's certificate of disability during the late war, are so worn by the constant use of the searchers, that there is serious danger that portions of the valuable record they contain will be lost unless they are recopied into new books at an early date. Books for this purpose had been obtained and the work just commenced when the force was reduced last summer.

There are also among the archives of the office many hospital registers, containing a record of the admission to hospital and final disposition of sick and wounded soldiers during the late war, which were already much worn when originally received at this office, and which, by constant use, have become so tattered that the records they contain are in danger of being lost forever if they are not recopied. It may be added, that the alphabetical registers of deaths and discharges used in this office were made up from the monthly reports of sick and wounded, and that a complete examination of the hospital registers, turned in at the close of the war, for the purpose of extracting all the deaths and discharges they contained, which may have escaped being embodied in the monthly sick reports, has never been made for want of clerical force. That this work is necessary is shown by the fact that special search in individual cases very frequently discovers in the hospital records the names of dead and discharged soldiers which are not contained in the alphabetical registers. A complete examination of the hospital records for this purpose alone would require the services of eight men for several years.

Again, the classification of clerks in this office is peculiarly unfair. According to the scale of all the Departments, exclusive of the War Department, the one hundred and thirty-four clerks in this office would be graded as follows: Of class one, thirty-eight; of class two, thirty-nine; of class three, thirty-one; of class four, nineteen; above class four, seven. It cannot be denied that the performance of clerical work in this Bureau requires as high a degree of talent, education, and skill as in any other branch of the Government service, and there is no reason why the clerks in this office should be graded lower than the average of other Departments.

I therefore earnestly request that you will use your best efforts to induce the House of Representatives to substitute for the clause relative to this office in the legislative, executive, and judicial appropriation bill the following:

One chief clerk, at $2,000; eighteen clerks of class four; twenty-eight clerks of class three; thirty-six clerks of class two; sixty-eight clerks of class one; one chemist, at $2,500; one assistant chemist, at $1,800; one microscopist, at $1,800; one anatomist, at $1,600; one engineer, at $1,400; one fireman, at $720; twelve messengers, at $840 each; fourteen watchmen and laborers, at $720 each: in all, $241,180.

I am, sir, very respectfully, your obedient servant,

J. K. BARNES,
Surgeon-General.

Hon. S. W. KELLOGG,
Chairman of Committee on Reform in the Civil Service,
House of Representatives.

Mr. KELLOGG. I have moved an amendment in accordance with the request of the Surgeon-General except we fix the pay of the chemist at $2,000 instead of $2,500. I do that upon my own responsibility, because I understand that is the pay of the chemist in the Department of Agriculture. This amendment calls for a pretty large increase, and I would not desire to vote for it unless it was absolutely for the interest of the Surgeon-General's Department, and of the people of this country. If the facts stated by the Surgeon-General in that letter are correct, then I say it is the poorest kind of economy for us to reduce the force in that office so that he cannot do the ordinary work, especially in regard to pensions. I have no doubt of its correctness. I have before me his report, made this session, and it shows that in the cutting down process of last year, which this House went in for as far as it could, when we cut down the estimates for the clerical force of the War Department something like $200,000, we struck altogether too deep in the Surgeon-General's office. This report shows that while there were only nine hundred and seventy-five unsearched cases on hand on calls for information on the 1st of July last, the result of the reduction of the force has swelled the number of those back or unsearched cases to abont twenty-one hundred on the 30th of November; and the Surgeon-General says in his letter that it is impossible for him to answer the simple calls for pension information alone with the clerical force that he now has. I do not think there is any man on this floor who will consider it good economy to keep the clerks of the Pension Office waiting week after week and month after month for information from the Surgeon-General's Office before they can proceed with their work. I venture to say there is scarcely a man in this House who has not had letters from some applicant for a pension or his agent, and the reply comes back to him from the Commissioner of Pensions that the matter was referred to the Surgeon-General for information at such a date, and no reply has been received. That tells the whole story. I say there is not a man of us but what ought to be willing to give the Surgeon-General's Office force enough to answer promptly the inquiries in regard to pensions, so that those who deserve pensions may receive them, and the fraudulent claims will receive such careful attention as will insure their rejection. Those of us who know Surgeon-General Barnes know that he would never ask for an increase of force unless demanded by the duties of his Bureau, and would never ask an increase to make a place for any one; and his only desire is to have the work done promptly, as it ought to be done. If you reduce that force so that these pension claims cannot be properly investigated as they come up, you open a door for fraudulent pension claims; and in that way you may lose ten times more than you appear to be saving by this supposed economy.

There is another point; and upon this subject my colleague on the committee, the gentleman from Pennsylvania, [Mr. STRAWBRIDGE,] knows more than I do. In consequence of the meagerness of our appropriations last year it has been necessary to stop the laboratory of that Department. Many men on this floor can doubtless tell much better than I can how necessary that laboratory is. I have the impression that it is most important not only to the medical fraternity of the country, but to all of us, and to the cause of medical science, to have the information that has been obtained and would continue to be obtained from that laboratory if its operations were not suspended. Last year we struck out the provision for the chemist and assistant chemist and otherwise cut down the force, so that it was necessary to suspend this laboratory. I offer this amendment. If it proposes more than the Committee of the Whole think it ought to be given, it can be modified; but I know that the Surgeon-General never would ask for it were it not all necessary for the proper and complete work of his Bureau.

There is another point to which I wish to call attention, and that is the vast disproportion between the number of clerks of class one in this establishment and the clerks of other grades. Here you give the Surgeon-General one hundred and fifteen clerks of class one, eight of class two, four of class three, and six of class four. In other words, there are one hundred and fifteen clerks of class one, receiving $1,200 each, while there are twenty clerks of all the other grades. Now, if the work of this establishment demands, as it does, as high an order of clerkship as the other Departments, then there ought to be a larger proportion of clerks of the higher grades. According to the proportion in the other Departments there should be in this establishment forty-six clerks of class one, thirty-six of class two, twenty-eight of class three, and eighteen of class four. My amendment proposes only about one-half of the proper relative increase of the higher classes. Still I am not so strenuous about the number as I am upon providing force enough to do the work properly; but an increase in the number of the higher grades of clerks in this office is just and right and for the interests of the service, and I trust it will be made now.

Mr. GARFIELD. There are two or three suggestions which I would be very glad to have the Committee of the Whole hear. In the first place, the Secretary of War has sent to us no recommendation for an increase in this office. In the second place, nothing has come to the Committee on Appropriations on this subject. We would naturally expect that the appropriate officers would send to us if they spontaneously desired an increase of force. Those are two suggestions which appear to me a little striking.

Now, my friend from Connecticut [Mr. KELLOGG] is very active. He is evidently a volunteer in the interest of this Bureau. He did a great deal of gallant volunteer service last winter, and this winter he is repeating it. Here is a long letter from a Bureau stating the general service performed by that Bureau and complaining that its clerks are not graded as high—that is, do not get as high salaries—as the clerks in some other Bureaus. Now, the gentleman from Connecticut offers an amendment which proposes to regrade those clerks.

CENTENNIAL CELEBRATION IN THE ROTUNDA.

The committee rose informally; and, the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved, (the House of Representatives concurring,) That the women's centennial executive committee of the city of Washington, in aid of the national centennial exhibition, have leave to occupy the Rotunda of the Capitol, under the supervision of the Commissioner of Public Buildings and Grounds, during the afternoon and evening of December 17th instant, for the purpose of celebrating the destruction of the tea in the harbor of Boston on the night of the 16th of December, 1773.

The Committee of the Whole on the state of the Union resumed its session; when

Mr. HAWLEY, of Connecticut, said: For the purpose of considering in the House the resolution just received, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. ELLIS H. ROBERTS reported that the Committee of the Whole on the state of the Union had, pursuant to the order of the House, had under consideration the bill (H. R. No. 3813) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

Mr. HAWLEY, of Connecticut. I ask unanimous consent that the resolution just received from the Senate be taken from the Speaker's table and adopted.

There being no objection, the resolution was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

Mr. GARFIELD. When the committee rose I was about to say that the bill as now before us in print gives the Surgeon-General one hundred and thirty-three clerks of the first, second, third, and fourth classes. The amendment of the gentleman from Connecticut proposes to give that officer one hundred and fifty clerks, an increase of seventeen; not a great increase in the number, but an increase of $83,000 in the amount of money to be expended. The increase, therefore, is not of brains and hands, but chiefly an increase of pay. For instance, that office has now six clerks of class four; the gentleman's amendment gives it eighteen. It now has four clerks of class three; the gentleman's amendment gives it twenty-eight. It now has eight clerks of class two; the gentleman gives it thirty-six. It now has one hundred and fifteen clerks of class one; the gentleman would give it sixty-eight. The difference between one hundred and fifteen and sixty-eight he grades up into the higher classes; and thus he proposes to pay in this small Bureau of the War Department an additional $83,000 for getting seventeen more brains to work there. I hope the House will stand by the committee on this bill.

Mr. KELLOGG. Mr. Chairman, if the committee will allow me one word—I know my friend from Ohio will hear it in answer to what he has said here——

Mr. GARFIELD. Certainly.

Mr. KELLOGG. When my friend, the chairman of the Committee on Appropriations, says I was a volunteer last winter in amendments I offered to his appropriation bills, I think he is slightly mistaken; for if he will remember the action of the Committee on Reform in the Civil Service, of which I was made chairman, was based upon an order of this House, to investigate and make report in regard to these very matters. So, therefore, whatever I did last year I did under the orders of this House, and I had as good right as he without that order.

Mr. GARFIELD. I admit the gentleman was drafted last year and was not a volunteer.

Mr. KELLOGG. Now one word more. My friend has been here a good deal longer than I have. I will not call myself an old member yet. I have not got quite up to that high position, perhaps, in his estimation. I may be somewhere in that happy position of a medium state, or on the boundary between the old and new members, where I can see clearly sometimes the assumption and the arrogance on the part of the old members in crowding down the new members, and where I can sympathize frequently with the troubles of the new members in getting a fair chance with their business before the House. If it be an unpardonable thing for me to respond to the call of a friend in one of the Bureaus of the Government to bring a certain matter up for the action of the House without first asking the gentleman, because it did not happen to have come regularly from the Committee on Appropriations, then I perhaps should beg my friend's pardon; but I shall do no such thing; I do not understand it in that way. It has not come, he says, in the usual, regular way to the Committee on Appropriations. It was sent, as I understand, to the Secretary of War. Perhaps the Committee on Appropriations notified the Secretary of War he must keep down his estimates to those of last year. At any rate the Secretary thought best to transmit the estimates precisely upon the basis of the appropriations made last year. For that reason he did not make any additional estimate for the Surgeon-General's Office.

Now, Mr. Chairman, I do not want to keep a single man of this clerical force more than the duties of the Surgeon-General's Office absolutely call for. If your pensioners are being delayed, if the calls from the Pension Office cannot be promptly answered and the business of that Bureau is running behindhand, if you are keeping clerks idle in the Pension Bureau because of the lack of sufficient force to do the business of the Surgeon-General's Office; if the delay in the Pension Bureau arises from the fact that they cannot get the information they need promptly from the Surgeon-General's Office, then I say to my friend from Ohio that in my judgment it is the poorest and most miserable economy on his part to insist in keeping down this force to where it now is.

If in the amendment I propose I make too many of the higher grade of clerks, then let the committee amend it so as to make it as it should be. The bill certainly does not give a fair proportion now. I have, however, only put in my amendment about one-half the usual ratio of higher grade of clerks as compared with the other Departments of the Government; and I call on my friend, the chairman of the Committee on Appropriations, to tell the committee whether there is any good reason, where clerks have been in the service a long time, why they should not after long and faithful service have a chance to get $1,400 or $1,600 a year in the Surgeon-General's Office and in the War Department, as other clerks have in the other Executive Departments of the Government. Why keep these one hundred and fifteen clerks for all time in class one, and allow this office of the Surgeon-General only twenty clerks of all the three higher grades? My friend, too, forgets another thing, that I have included one chemist at $2,000, and an assistant chemist. He does not take this into consideration in making his estimate. If I have made too many clerks of a higher grade, then give these seventeen additional clerks that are asked for, to be divided up among the other classes, leaving one hundred and fifteen in class one. At any rate, do what is just and right; and do not charge me with being a volunteer in trying to increase clerks of a higher grade, when I simply seek to carry out the recommendation of one of the Bureaus of the War Department, for which, I am satisfied, there are the best grounds in the light of real economy and public policy. I cannot forget the ratio of higher grade clerks in this office is not one-fifth part of what is in the other Bureaus. The Surgeon-General knows what he needs better than any man of us; and he is the last man to ask for more than the business and the wants of his Bureau demand at our hands.

The amendment was rejected.

Mr. KELLOGG. I propose now to add "ten" instead of "seventeen" clerks, and also move to strike out "six" and insert "eight" in line 1099; so it will read, "eight clerks of class four."

I will not take further time, but simply ask for a vote.

The amendment was rejected; there being, on a division, ayes 22, noes not counted.

The Clerk read as follows:

In the Office of the Paymaster-General:
One chief clerk, at $2,000; seven clerks of class four; eight clerks of class three; fifteen clerks of class two; thirteen clerks of class one; one messenger, at $840; four watchmen, at $720 each; five laborers, at $720 each; two temporary clerks of class two; three temporary clerks of class one; in all, $77,720.

Mr. RANDALL. I move to strike out the appropriation for watchmen, and I do so for the purpose of asking the chairman of the Committee on Appropriations whether that committee has ever had in view any proposition looking to the guarding of the various public buildings in this city by details from the Metropolitan police force. It is well known to the committee that a large part of the expense of the Metropolitan police is paid by the Government of the United States—I think 60 per cent. of the entire cost. It seems to me the Government, in view of that fact, should have the right to claim from that police force the duty of watching its public buildings.

Mr. SPEER. The Government paid toward keeping up the Metropolitan police force in this city last year $204,500.

Mr. RANDALL. I am obliged to my colleague. We paid, then, more than $200,000 dollars last year to keep up this Metropolitan police force, and yet we are not allowed to use it for the purpose of guarding our public buildings. I am informed the chief of the Metropolitan police has said he will at any time make detail of officers to watch our public buildings.

Mr. GARFIELD. I will say in answer to the gentleman from Pennsylvania that the Metropolitan police force are of course an out-door police force, while the watchmen provided for in this bill

are interior watches of the buildings, who must be wholly under the control of the chief officers of the buildings. The Metropolitan police force must be under the control of the captain of that force, to be placed in the various parts of the city according as necessity may require. It will not do at all to have anybody in charge of watching the interior of one of our buildings who might be subject to be ordered away by any one else than the chief officer of the building, who ought to have control of the charge of the interior.

Mr. RANDALL. This Metropolitan police force is paid $200,000 by the Government of the United States, and I wish to ask the gentleman under what show of equity, if it is not made useful for watching our public buildings, should we pay anything for its support?

Mr. GARFIELD. They are of great value in watching the approaches to the buildings. But the watchmen here referred to are men who go through all the stories of the buildings in regular reliefs, in order to afford protection not only against any burglaries that may be attempted, but in regard to fire; and they have charge of the keys of the various rooms. In nearly all of these buildings officers are at work until a late hour. The watchmen are there as messengers to such officers as may be working there. I submit that this interior watch force is vitally important, and should be under the control of no one except the officer who has supreme command of the building. The force provided for here is the same as last year.

Mr. SPEER. I desire to ask the chairman of the committee whether provision is not made for special watchmen for all the Government property in this city, including the various reservations, &c.? If that be so, I would further ask what duty do the Metropolitan police perform? What public property do they guard, and why should the Government pay them $200,000 a year for pacing the streets and avenues of the city?

Mr. GARFIELD. That is a discussion which will come up properly in another bill when we come to the appropriation for the Metropolitan police. But I will say this now, that the Metropolitan police should be maintained by the property interests of the city, and as we have no reference whatever in the employment of these watchmen to the watching of the approaches to the buildings, the care of keeping mobs away, or nuisances away, or anything of that sort, it is very proper that we should pay our share of the expense of the external watch of the city.

Mr. SPEER. Do we not provide by a special appropriation for this external watch?

Mr. GARFIELD. Only for a few squares.

Mr. SPEER. Is not the watching of all the approaches to this building provided for by special appropriations for watchmen?

Mr. GARFIELD. Not at all.

Mr. SPEER. The gentleman is certainly mistaken there. We all have seen the squads of watchmen around this building.

Mr. GARFIELD. I am not mistaken. The special watchmen I speak of are for squares, &c., remote from the center of the city. We employ no watchmen for the approaches to this building except the Metropolitan police.

Mr. SPEER. Does the captain of the Metropolitan police, who is paid $2,000 a year, stay constantly in this building?

Mr. GARFIELD. Certainly he does.

Mr. SPEER. Is it no part of his duty to go outside?

Mr. GARFIELD. He has charge of the interior of this building.

Mr. RANDALL. I only desired by offering my amendment to have an explanation of this matter. I think the whole, or at least a great part, of this money ought to be saved.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his amendment?

Mr. RANDALL. I do.

The Clerk resumed the reading of the bill.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer the following amendment; to insert some lines which have been accidentally omitted.

On page 48 of the bill, after line 1169, add these words:

For superintendent of building on Tenth street, occupied as the Surgeon-General's Office, $250.

I submit in explanation of this amendment the following letter from the Surgeon-General:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., December 12, 1874.

SIR: I have the honor to state that in making up the estimate of appropriations required for the service of the fiscal year ending June 30,1876, by the office of the Surgeon-General, it was omitted to estimate for the salary of the superintendent of the building on Tenth street occupied by this office, and I would respectfully request that an item appropriating $250 for that purpose may be added to the legislative, executive, and judicial appropriation bill.

Very respectfully, your obedient servant,

J. K. BARNES,
Surgeon-General.

HON. JAMES A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives.

The amendment was agreed to.

The Clerk read the following paragraph:

General Land Office:

For the Commissioner of the General Land Office, $3,000; chief clerk, $2,000; recorder, $2,000; three principal clerks, at $1,800 each; three clerks of class four; twenty-three clerks of class three; forty clerks of class two; forty clerks of class one; one draughtsman, $1,600; one assistant draughtsman, $1,400; two messengers; three assistant messengers; seven laborers, and two packers; in all, $171,920; also, for additional clerks on account of military bounty lands, namely: For principal clerk, $2,000; one clerk of class three; four clerks of class two; thirty-five clerks of class one; and two laborers; in all, $52,640: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of $1,200 per annum; also, for three clerks of class four; two clerks of class three; four clerks of class two; and twenty-one clerks of class one, to be available from and after the 1st day of March, 1875, and to the 30th day of June, 1876, and no longer, $52,533.33.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer the following amendment:

In line 1332 strike out these words: "and to the 30th day of June, and no longer."

Mr. WILLARD, of Vermont. Will the chairman of the Committee on Appropriations state what is the occasion for these additional clerks?

Mr. GARFIELD. It is explained in a very elaborate letter from the Commissioner of the General Land Office, which I desire to have printed in the RECORD as part of my remarks, showing that on account of work which has accumulated in that office very great injury occurs to people having business with the General Land Office. Numerous cases of this sort occur: A man's case in regard to title to land on which he has settled hangs over four or five years until it is reached; and at the end of that time he finds that the land has been granted to sombody else, to some railroad corporation or some one else, and then both his time and his land are lost. We were satisfied by statements made by the Commissioner that a sufficient force should be put into that office not only to clear up the back work, but to keep up the current work thoroughly and fully, as it ought to be kept up.

Furthermore, we find that the organization in the Land Office today is the organization that existed twenty years ago. They have substantially the same force they had twenty years ago, and the amount of work accumulated in the Land Office, the current annual business, is very greatly increased. The letter which I now submit as a part of my remarks explains this matter fully.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND-OFFICE,
Washington, D. C., November 20, 1874.

SIR: I have the honor to call your attention to the condition of the public business required to be transacted in this Bureau, and to the urgent necessity for an immediate increase of its clerical force.

My predecessor, Hon. Willis Drummond, under date of January 26, 1874, addressed a letter to Hon. WASHINGTON TOWNSEND, chairman of the Committee on the Public Lands, concerning the reorganization of the clerical force of the General Land Office. That letter will be found embodied in the report No. 251 H. R., Forty-third Congress, first session, to accompany bill H. R. No. 1060. With the recommendations of that letter I fully concur. To its statement of facts I beg to call your attention as in large measure evidencing the necessities to which I now respectfully ask your further attention.

As therein stated, the clerical force now employed is the same as that authorized by the acts of March 3, 1853, and March 3, 1855. In other words, the recognized wants of twenty years since, when the population of the country was twenty-seven instead of as now forty millions; when the work of supervision was over ten instead of seventeen surveyors-general; over the operations of fifty-three instead of the now ninety-six land offices, are made the measure of present necessities. Then the annual surveys were in round numbers 4,000,000 of acres, now they are 30,000,000; then the disposals were 3,000,000 acres, while in 1873 the disposals were 13,000,000 acres.

Nor do these exhibits of increasing quantity indicate the actual increase of the added labor of these twenty years. Since 1862 the homestead, the mining, and the timber-culture acts have been added to the body of the laws relating to the disposal of the public domain, and now and in the future will constitute the principal channel through which title will be obtained to the public lands.

Under these laws the work of adjustment, as compared with the old system of cash disposals, is enormously increased.

My predecessor, in the letter referred to, estimated that the work of examining one of this class of cases was equal to that required for the examination of eight private entries. In my judgment he underestimated the difference. Every case of entry under these laws, whether contested or not, requires a careful and painstaking examination, not merely as to form of proof and interference with prior entries but,an actual reading of testimony required to be produced as to compliance with special provisions of law governing in the given case. In case of contest arising under these laws as well as under the several acts granting lands in aid of the construction of railroads, of which there are a very large number, the record of the hearing had at the local land office, which is sent up for the review and decision of this office, not unfrequently embraces hundreds of pages of testimony.

Perhaps no better illustration of the change of the attitude of affairs since the date of the enactments under which this office is now conducted can be instanced than that relating to the work of draughting. The act of July 4, 1836, which is still the law controlling in that respect, authorized the employment of one draughtsman and one assistant draughtsman. The number now employed on that duty is nine, and the number actually required to do the work of that character is twelve. The demands growing out of the mining acts of 1866, and subsequent amendments, alone require the constant services of the number allowed by law.

In addition to the laws already noted which have added to the labor theretofore imposed upon the office, and in view of which no provision whatever for additional clerical force has been made, I call your attention to the fact that under the act for the discontinuance of the office of surveyor-general in districts where the body of the public lands have been surveyed, and constituting the Commissioner of the General Land Office *ex officio* surveyor-general of such districts, a large amount of labor is devolved upon this office in conducting the survey of fragmentary tracts, such as unsurveyed islands and the reclaimed beds of shallow lakes, sloughs, and ponds. These operations extend over the States of Ohio, Indiana, Michigan, Alabama, Mississippi, Illinois, Missouri, Iowa, Wisconsin, and Arkansas. The office of the surveyor-general in the latter State was closed March 12, 1850. At that time the surveys in the field were completed; the office work, however, had not kept pace with the work in the field, and although the archives were transferred to this office, they remain in the same unfinished condition (for want of adequate force for their completion) in which they were left fourteen years since.

By the act approved April 8, 1864, the duty of conducting the surveys of Indian and other reservations of land was transferred to the General Land Office. No provision, however, was made for the additional force necessary to perform this great labor. The surveys under this act conducted under the supervision of this

office during the past three years in the Indian Territory alone, aggregate a surveyed surface equal to 35,675 square miles, embracing an area of 22,832,725 acres of land.

This work alone so added to the already overburdened capacities of this office would (if performed in the usual way) have required the services of two surveyors-general and the ordinary complement of assistants.

Without entering into further detail, I confidently declare that the now current business of this office requires for its transaction a force larger by at least thirty clerks than was necessary at the date when its present organization was provided. There are now employed on work incidental to the legislation of the past twelve years not less than that number, who are drawn from the force found to be necessary under pre-existing laws.

This condition of affairs resulted in so seriously paralyzing and delaying the transaction of the ordinary business, that for the fiscal year ending June 30, 1873, an additional force of thirty clerks was allowed; but for that year only, and with their aid, the then arrears of current business were to some extent brought up. I find, however, that there is yet very much of this work to be done. In other words, it is my duty to state that there are yet on the files of this office a very large number of cases which ought to have received attention years since, and that the delay is often found to have worked calamity to a most deserving class of citizens—the homestead and pre-emption settlers on the public lands. It not unfrequently happens that on taking up cases which have for years awaited attention, it is found necessary to cancel the entry of a tract (for conflict with a railroad grant or other prior selection) upon which the settler has expended his all, both of money and labor, in improvements which by the cancellation are lost to him.

The business of the office is not and cannot be conducted on its present organization with that care and deliberation essential to safety, and so especially requisite in a business which lays the foundations that evidence the source of title of three-fourths of the whole area of the nation.

Another result incidental to lack of adequate force, and which will tell most deleteriously in the future and with increased force from year to year, is found in the fact that the constant pressure of current business has prevented proper attention being paid to the arrangement, systematizing, and indexing of the records of the office. To such an extent is this true, that there are many branches of its business to which there is no avenue of approach, save by the recollection of the clerk who is or may have been in charge of the particular subject-matter a reference to which is required. These remarks apply to the general files and records of the office, and not to the additional matter to which I now call attention.

By the act approved July 4, 1836, it is provided, (United States Statutes, volume 5, page 111, section 4,) in defining the duties of the recorder of the General Land Office, that "he shall prepare alphabetical indexes of the names of patentees and of persons entitled to patent." This law has remained in force to the present time, and the necessity for such indexes is apparent on mere suggestion; their supposed existence is proved by letters constantly reaching the office, asking information which could alone be given by the aid of such an index. The work of their preparation has, however, never been commenced. There are now sixty-four hundred volumes of patent records, containing thirty-two hundred thousand records. There are added each year eighty volumes, containing an average of five hundred patents per volume. To complete the work of indexing with that care which is requisite would employ the services of sixty clerks for two years.

I do not advise that this number be employed; but am of the opinion that a less number of clerks, and the allowance of a longer period for accomplishing the work, would be the truer economy. I am of the opinion that provision should be made for twelve clerks for this special work, to be kept employed until the work is brought up to date.

The present number of clerks authorized by law, including the chief clerk, is one hundred and fifty-four. This, I repeat, is the measure of the necessities of twenty years ago; the mere routine labor has since that time more than doubled. Work in the nature of investigation has increased much beyond that proportion.

Seventy-five clerks, in addition to those now allowed, could be constantly and profitably employed; with not less than forty additional can the current work be properly performed and arrears brought up. I urgently request that sufficient additional appropriation be made to permit of the increase to that extent.

This office holds the original evidences of title to real estate whose present value is estimated at a minimum value of $4,749,489,940, and every year appeal is made to those records for information, certified copies, the correction of mistakes, &c., in increasing volume. It is charged with the custody, survey, and disposal of unsold land which estimated at $1.25 per acre, aggregates a value of $1,272,752,946.

These figures alone sufficiently evidence both the importance of the Bureau, the enormous labor and responsibility now imposed upon it, and the certainty that for years to come additional clerical aid must be provided to meet its most ordinary requirements.

Very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives.

Mr. WILLARD, of Vermont. As I understand it, these additional clerks are really required as an addition to the force in the General Land Office?

Mr. GARFIELD. Yes, sir.

Mr. WILLARD, of Vermont. Then why not add this number to the force of the General Land Office?

Mr. GARFIELD. These clerks have always been used in that way.

The amendment was agreed to.

The Clerk read the following:

Pension Office:

For compensation of the Commissioner of Pensions, $3,000; deputy commissioner, $2,500; chief clerk, $2,000; medical referee, $2,500; twenty-six clerks of class four; fifty-two clerks of class three; eighty-four clerks of class two; one hundred and twenty-two clerks of class one; twenty-five copyists, at $900 each; one messenger; twelve assistant messengers; eight laborers; two watchmen; one engineer, at $1,400; and one assistant engineer, at $1,000; in all, $445,580.

Mr. RANDALL. Why is this increase?

Mr. GARFIELD. The letter of the Commissioner of Pensions will explain.

The Clerk read the letter of the Commissioner, as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., November 19, 1874.

SIR: I have the honor to call your attention to the fact that for more than two years past the clerical force of this office has not been sufficient to enable it to dispose promptly of the current work, and I therefore recommend that application be made to Congress for a temporary increase of the force.

The provisions of the act of March 3, 1873, increasing pensions of widows and children of officers and pensions allowed in cases in which there was but one minor child imposed upon this office a large amount of labor, which is not yet fully disposed of.

Since the passage of that act about thirty thousand claims of widows and orphans for increase of pension have been adjudicated under its provisions. In consequence of the additional labor imposed upon the office by the act referred to, the force engaged upon the claims of widows, children, and dependent relatives is in arrears with the current work, which, with the lapse of each year since the termination of the war, presents cases more difficult to adjudicate.

On the 30th of October, 1874, there were 33,717 original claims of widows, children, and dependent relatives pending, an increase since the 30th of June, 1873, of 4,112 in the number of pending claims of this class. But few claims of widows and children for increase under the act of March 3, 1873, are now presented; but as the claims of widows, children, and dependent relatives for original pension have accumulated, the office will not be able with its present force to take action upon them as promptly as a due regard to the interests of claimants demand. A large addition to the work of the division of the office engaged in the settlement of claims of invalids for pension was also made by the provisions of the act of March 3, 1873. Under the fifth section of that act, providing that the rate of eighteen dollars per month shall be proportionally divided for any degree of disability for which the second section makes no provision, a large number of invalid claims which had been adjudicated under the act of July 14, 1862, have been readjudicated. Of 16,123 claims for increase of invalid pension adjudicated during the last fiscal year, a large proportion were claims for the benefit of this provision. Claims arising under this provision are not yet fully disposed of. The provision of that act under which claims which have been rejected on account of the absence of record evidence of the cause of the disability or death of the person on whose account the claim was made can be reopened has also added to the work of the office. During the last fiscal year, 1,654 claims were reopened under this provision.

The act of June 18, 1874, providing an increase of pension for those persons who have lost a leg above the knee or an arm above the elbow, and also the act of that date providing an increase of pensions for those persons who are so totally and permanently disabled as to require the regular aid and attendance of another person, have caused a very considerable addition to the work of the office. No additional force was provided to enable this office to execute the acts referred to. With the lapse of each year since the termination of the war original claims for invalid pension presented require additional labor on the part of this office in order that justice may be done between the claimant and the Government. Owing to the death or removal of witnesses by whom the facts of the cases presented could have been proved claimants find it difficult to obtain the evidence required to enable the office to give a decision on their claims. In such cases the amount of correspondence necessary on the part of this office is much increased. From the combined effect of these causes the force engaged upon the claims of invalids has not been able to dispose of the current work. On the 30th of October, 1874, there were 28,215 claims for original invalid pension and 8,841 claims for increase of invalid pension pending, an increase since the 30th of June, 1873, of 5,287 in the number of pending claims for invalid pension, and an increase of 3,805 in the number of pending claims for increase of invalid pension. On the 30th of October, 1874, there were 61,932 claims for original pension of all classes, and 10,456 claims for increase of pension pending in this office. When claims cannot be promptly disposed of additional labor of answering inquiries in regard thereto, which would not otherwise be made, is required of the office, and the progress of the work is thus still further retarded. Justice, therefore, to all persons having business with the office appears to me to require that Congress should provide for a temporary increase of the clerical force. If there should be no further legislation requiring the reopening of cases heretofore settled, an increase of four clerks of the fourth class, eight of the third class, twelve of the second class, and five copyists will enable the office to dispose of the accumulated work, and to transact promptly business which may be presented.

Very respectfully,

J. H. BAKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

The Clerk read as follows:

For photolithographing or otherwise producing copies of drawings of current and back issues, for use of the office and for sale, including pay of temporary draughtsman, $40,000.

Mr. MYERS. In line 1431 I move to strike out "forty" and insert "one hundred."

I desire to make a brief statement in this connection, and afterward ask a question of my friend, the chairman of the committee, which I hope will be satisfactorily answered. I believe the amendment I offer is in the interest of economy. It certainly is in the interest of the inventors of the country. By the act of 1836 the Patent Office was established, and it was directed that the moneys received into the Treasury from this source should constitute a "patent fund." That fund has now reached the sum of $806,000. Up to a few years since the Commissioner of Patents employed such aid as he needed, and the control of this fund, for the purposes of paying therefor, was to a certain extent within his power. A few years ago, however, we declared that no money should be paid out by the Commissioner of Patents except in pursuance of specific appropriations by law. Perhaps this was very well; but I propose to call the attention of the House to the fact that we have this very large sum, the result of the contribution of the inventors of the country, and the recommendations of the Commissioner in their behalf should have additional weight with us for this reason.

In 1872 we commenced the photolithograpic process for the Patent-Office Gazette, and also the photolithographing of the back patents. There are constant applications for these back issues. We received last year for all the copies, photolithographic and otherwise, $67,000. How much of that was due to the back issues I cannot exactly tell, but certainly one-third. If, however, as I am informed by the Commissioner, their reproduction by this method would be of great advantage, we ought to have all these back issues photolithographed at once. The Government would in a few years save by the present outlay; the inventors of the country and applicants generally would be benefited, and, above all, the examiners would be largely aided by the immediate reprint of all the back issues. There had been 122,304 patents issued by the Government when this plan, which has worked so admirably, was inaugurated, and the demand for copies from these is constantly increasing. I understand that the Commissioner of Patents appeared before the Committee on Appropriations

and asked for the increase of appropriation I now propose. I feel especially at liberty to make this motion because I have been intimately connected with the subject, and because this system of photolithographing the drawings of patents every week as issued having been adopted upon my own motion. The work of thus reproducing the back issues has to be done. Do not let us do it by dribbles. I hope my friend from Ohio will support this amendment. It certainly would be gratifying to the people of the country most interested; and I refer to the large sum now in the Treasury known as the "patent fund" merely to recall the fact that in paying this additional sum now we shall do so from money which has been reaped from the inventors of the country. We should consult their best interests, and in doing so will always best develop the inventive genius of our people. Will the chairman [Mr. GARFIELD] give me a good reason why this should not be done?

Mr. GARFIELD. There is a great deal of force in what the gentleman says in regard to the importance of the reproduction of the back issues of patents. The Commissioner of Patents was before the Committee on Appropriations and pressed that matter. We propose to make an amendment in the next clause, allowing the Commissioner to use any portion that may be left of the $40,000 connected with the Official Gazette for this very matter referred to by my friend from Pennsylvania, [Mr. MYERS.] We think that is as far as we ought to go, for two reasons; first, we ought not to make any larger appropriation than is indispensable. And, second, they are so overcrowded for room in the Patent Office that if we should give them $60,000 additional in this clause it would require the employment of some seventy-five copyists and draughtsmen, and there is not room enough in the Patent Office building for them. They would be compelled to rent a large building, at a great expense, for their accommodation. We think it better to appropriate enough to fill up the rooms we have, and by taking a little longer time we can get the whole work done.

Mr. MYERS. How much does the gentleman think will be left of the other appropriation?

Mr. GARFIELD. I do not know how much; whatever it is, we propose to give for this purpose.

Mr. CONGER. The amount reported by the Committee on Appropriations for drawing and photolithographing is so near that recommended by a former Commissioner and the present Commissioner—and as this is a new business, one commenced within a few years, the amount appropriated in this bill for drawing and lithographing being $155,000—I myself feel very much pleased that the committee have, in pursuance of the recommendation of the Commissioner and the Committee on Patents, made so liberal an appropriation. I think it very necessary and essential to the interest of inventors, who pay all these expenses in the end, that as large an amount as it is possible shall be appropriated. And the amount here proposed is so liberal, that I cannot ask for an additional appropriation. I think myself this appropriation will be sufficient, considering the room there is for these workmen, to carry on this process of photolithographing—sufficient for this year. And I shall hope that another year an appropriation might be made sufficient to bring up the photolithographing of all the back issues of patents for the use of those who have paid millions of dollars for Patent Office expenses.

Mr. MYERS. I will not press my amendment further, although I wish it might be carried into effect this year. But in accordance with the judgment of both the Committee on Appropriations and the Committee on Patents I will withdraw it.

The Clerk read as follows:

For photolithographing or otherwise producing plates for the Official Gazette, including pay of employés engaged on the Gazette, $40,000.

Mr. GARFIELD. I move to amend the paragraph just read by inserting after the word "Gazette," where it last occurs, the words "and for making similar plates of patents issued between July 1, 1869, and January 1, 1872."

The amendment was agreed to.

The Clerk read as follows:

Bureau of Education:

For the Commissioner of Education, $3,000; chief clerk, $2,000; one clerk of class four; one statistician, with the compensation of a clerk of class four; one clerk of class three; one translator, with the compensation of a clerk of class three; one clerk of class two; four copyists, at $900 each; one messenger, $840; and one watchman; in all, $18,360.

Mr. MONROE. I wish to move several amendments to this paragraph. I will begin with one to increase the number of clerks of class four from one, as proposed in this paragraph, to two. If, after the explanations I shall give, the Committee of the Whole shall see fit to adopt this amendment, I shall move two or three others, the object of the whole of which will be to restore this paragraph to the condition in which it was in the estimates as they were forwarded from the Bureau of Education.

I am aware that in the mood in which we naturally and, I must add, very properly all are, to cut down expenditures, it is not a very pleasant duty to rise in the midst of this committee and propose to increase an appropriation. As I almost always vote with the Committee on Appropriations for reductions, I certainly would not move an increase of appropriation here if I had not become convinced of my own personal knowledge that it was my duty to do so. The duties which I have been called upon to discharge in connection with the committees of which I am a member have led me to pass much time in the Bureau of Education. I think I can clearly say that I have a personal knowledge to a large extent of the value and importance of the work that that Bureau is called upon to perform. And I am prepared to say, on my responsibility in my place here, that I believe the estimates which were furnished by the Commissioner of Education in regard to the clerical force which he needed and the appropriations which he required were made just as low as they could be made. It has been the habit of the Commissioner of that Bureau, in accordance with the suggestions made to him, to put his estimates just as low as he can put them and efficiently and properly discharge the duties of that Bureau. And it is my opinion, from personal observation, that the bill of the Committee on Appropriations has cut down his estimates so low that his force will be so reduced that he cannot carry on the work of his office with proper efficiency.

Now, I say this positively, and I beg leave to call the attention of the committee for a moment to the comparative force allowed and the comparative appropriations made in this bill: first, for the Department of Agriculture; second, for the Bureau of Statistics; and, third, for the Bureau of Education.

If the committee will compare for a moment the work which these several Departments have to do and then compare the appropriations made by the Committee on Appropriations for them, I think they can but feel the appropriations for the Bureau of Education are fixed far too low. Why, sir, in the Treasury Department the head of the Bureau of Statistics corresponds, I suppose, with all the boards of trade in all the principal cities and towns of the United States. Well, the Commissioner of Education must correspond with all the principal cities and towns. The head of the Department of Agriculture must correspond with all the county agricultural societies and other like associations. Well, sir, the Commissioner of Education (and I may say it is but a small part of his duty) has to correspond with every county in the United States. Indeed, the work of correspondence in that office has become something wonderful; something which any member of this House would scarcely believe if he had not personal knowledge of it. I happen to know the fact that the number of regular correspondents of the Bureau of Education—the number of regular correspondents connected with schools, colleges, libraries, and educational institutions of all sorts in all the cities and towns and States and Territories of the Union—is now more than eight thousand. In order that the committee may understand a little of the extent and importance of the correspondence in that Bureau, I ask the Clerk to read this very brief paper, which will give the committee some idea of the variety and great number of parties with which that Bureau has to correspond:

The Clerk read as follows:

CORRESPONDENCE OF THE BUREAU OF EDUCATION.—The correspondence of the Bureau at the close of this sixth year of its existence reaches to the 48 States and Territories, to 206 cities, 132 normal schools and normal departments, 144 business-colleges, 54 Kindergärten, 1,455 academies, 103 schools especially engaged in preparing pupils for the colleges, 240 institutions for the higher training of young women, 383 colleges and universities, 73 schools of science, 115 of theology, 37 of law, and 98 of medicine; with 583 libraries, exclusive of those connected with institutions of learning, 26 art-museums, 53 museums of natural history, 6 art-schools, 40 institutions for the instruction of deaf mutes, 28 for the blind, 9 for the feeble-minded, 400 for orphans, and 45 for the reformation of misguided youths. The list of institutions in correspondence with the Bureau, already over 4,000, is steadily increasing, and must increase, with the growth of population and of schools, to fully 5,000, while that of individual correspondents, now much over 8,000, must soon reach a far greater number.

The CHAIRMAN. The gentleman's time has expired.

Mr. STORM. I do not care to speak on this question, but will take the floor and yield my time to the gentleman from Ohio, [Mr. MONROE.]

Mr. MONROE. I am much obliged to the gentleman, because I very much need a few minutes more in order to get these facts before the committee. I wish to call the attention of the committee to the fact that there are large portions of this Union in which school-systems of all sorts are in a state of formation, are in their infancy. You would have no conception, if you were not daily in that office, of the enormous number of letters coming from every section asking for information on an immense variety of subjects, information about building school-houses; plans for building, heating, and ventilating; systems of instruction; and the thousand questions which you, who are familiar with this matter, will at once understand, so that the regular correspondence of the office has become something immense; and my impression is, although I am not as familiar with these other Departments—the Bureau of Statistics and the Bureau of Agriculture—as I am with the labor of this Bureau, it is much larger than either of the others in this respect.

Now, in view of this brief exhibit of the labor of these different Departments, I wish to call the attention of the committee to the very different provision made for the work in them. I have it here before me from authentic sources. I do not make this comparison for the purpose of securing any reduction of the appropriations for these other Departments. I have cheerfully voted for them, because I am one of those who believe we cannot have too much light in this place on any great question pertaining to the common welfare. I am always ready to join in the cry for light. Give us more light. It is the one principal condition next that of honest purpose in having any useful legislation in this House. We cannot debate intelligently, we cannot vote intelligently, least of all we cannot legislate usefully,

unless we understand the condition of the country in regard to those great interests. Now, what is the comparative provision made for these other Departments? I turn to the bill of this Committee on Appropriations, and I find this year they propose to give to the Department of Agriculture in round numbers about forty clerks. They propose to appropriate $185,000 for that Department. I come next to the Bureau of Statistics. They propose to give it about forty clerks and about $70,000. When we come to the Bureau of Education, we find that this Committee on Appropriations give that Bureau not $185,000, not $70,000, but $35,000. They propose not to give them forty clerks, but only ten clerks. The comparison in detail is as follows:

Comparison between the amounts allowed to the Department of Agriculture, the Bureau of Statistics in the office of the Secretary of the Treasury, and the Bureau of Education of the Department of the Interior; the first and last from the recommendations of the House Committee on Appropriations, the second from the Official Register for 1873.

DEPARTMENT OF AGRICULTURE.

Salaries of Commissioner, chief clerk, entomologist, chemist, assistant chemist, superintendent of gardens, statistician, disbursing clerk, superintendent of seed-room, librarian, botanist, microscopist, four clerks at $1,800, five clerks at $1,600, six clerks at $1,400, seven clerks at $1,200, and twenty-four others	$77,180 00
For collecting statistics and compiling and writing matter for monthly, annual, and special reports, as provided	15,000 00
For other purposes	92,950 00
Total for 1875-'76	185,130 00

BUREAU OF STATISTICS, TREASURY DEPARTMENT.

Salaries of Chief, chief clerk, and thirty-six other clerks and eleven other employés	$63,060 00

All other expenses of this office are provided for in the appropriations for the office of the Secretary of the Treasury.

BUREAU OF EDUCATION, INTERIOR DEPARTMENT.

Salaries of Commissioner, chief clerk, statistician, translator, three clerks, and six other employés	$18,360 00
For collecting statistics and compiling and writing annual and special reports, &c.	11,000 00
For other purposes	6,210 00
Total for 1875-'76	35,570 00

The amendments I propose, if the committee will sanction them and allow me to complete what I wish to add to the paragraph, will give the Department of Education something like five clerks more, if I have reckoned correctly, and that is all. It will give them fifteen or sixteen clerks, instead of ten or eleven; and I know, Mr. Chairman, that that is the lowest force with which the work of that office can be properly and efficiently done.

I wish to ask the committee if they think this is a time in our country, when the general diffusion of knowledge is so necessary, when the common education of the whole mass of the people has become in the opinion of all sound thinkers indispensable to the very national existence and the national life, and certainly indispensable to any real and grand national prosperity—I wish to ask the committee if they think this is a time to begin to take off this small portion from the estimate furnished by the Commissioner of Education of what is necessary in order to carry on this work?

[Here the hammer fell.]

Mr. HALE, of Maine. We find that when this appropriation bill comes up an attempt is always made to aggrandize the Bureau of Education. There are evidently many men here who believe that because education is a good thing for the people, and because culture and intelligence are important, therefore it is the business of Congress to appropriate money so long as there is a popular demand for more education. If I believed that, Mr. Chairman, I should agree with the gentleman from Ohio, [Mr. MONROE,] that the sum of money appropriated in this bill is very meager. Seventeen thousand dollars spread over the Territories and population of the United States as a means of furnishing education and educational facilities is a very small amount. It is a mere bagatelle. It can do but little. If there were not provided in the different States of the Union systems of education, appropriated for by the several States, institutions for education upheld by the benefactions of money and lands from the States, there would then be great cause why we should raise this amount from $17,000 to $170,000, or $1,700,000.

But the fundamental error of all this argumentation, all this talk in favor of increasing the appropriations to this Bureau, in my mind lies here: that it is not the business of the Government of the United States under our laws and the spirit of the Constitution to build up a great directing educational establishment. That, I believe, we have never heretofore tried to do; and, in limiting this appropriation and guarding it to the extent that we have always guarded it, we have borne in mind and maintained this principle.

The gentleman from Ohio [Mr. MONROE] says that there are numerous inquiries constantly being received from all parts of the country as to educational matters. Undoubtedly; but it is not the province of Congress to furnish a directing bureau of education to say to a correspondent in Iowa, or in Maine, or in Massachusetts, or in California, that such and such a system should be established; and when you magnify this Bureau and begin to extend it, it is a sure step in the direction of a supreme and directory Bureau. All of these things begin in this small way.

I, for one, assent that there shall be here, under the direction of the Department where it is placed, a small Bureau that shall from time to time perform what may perhaps be called statistical labor, in the gathering of reports from different States and different countries, and yearly, or oftener, if deemed advisable, presenting a report, so that the public may see, to this extent, what is going on. For that purpose and in that purview, I believe, lies all that should be given to this Bureau.

I think the appropriation given in this bill is ample. There is a clerical force besides the superintendent or Commissioner of the Bureau, as he is called, of some twelve or fifteen men. Now the amount of figures or statistics that may be collected and reported on this subject-matter without the Bureau taking any directory charge of education must be very large. I find no fault with the accomplished chief of this Bureau. I believe he does his work well and works his clerks well. He is an enthusiast in his business and believes, as all such men do, that this is the one important feature of the Government. He believes all the time that he ought to be sustained; and being a man of that sort, active, and energetic, I have no doubt he keeps his clerks well at work, and that with the force we have given him in this narrow path in which we directed him to tread he has done his best. But I do not believe in going on and swelling this appropriation further.

Mr. G. F. HOAR. The gentleman from Maine [Mr. HALE] at the end of his remarks admitted everything that the mover of this amendment claimed. He stated that the Commissioner of Education ought to have fifteen clerks to do this work. And this is just what the amendment of the gentleman from Ohio demands, and no more.

The Commissioner of Education, confining the work of that Bureau to what the gentleman from Maine accurately defines as its proper function—that is, supplying the different States and Territories forming their school-systems with such information of what is going on in other States and other Territories and other countries, by means of statistics as can only be gained by a central office, doing for the education of the country just what the Government does for its agriculture, just what the Government does for its commerce, just what the Government does for its inventions—requires a little larger force than is reported in this bill; and that is the whole of it. Mr. Chairman, I believe that every thousand dollars the Congress of the United States has appropriated to the Bureau of Education has already saved in the past, and will save in the future, $50,000 in police-expenditures and in expenditures for an army to suppress violence and keep order throughout our territory.

Two policies present themselves in dealing with the problems which are upon us; the one charging that ignorance is massed upon the one side and the other charging that disloyalty is massed on the other. Two parties present themselves; the one asks you to send down there bayonets and the other asks you to give them such aid as the Federal Government may properly do in increasing their intelligence and establishing their systems of education; one demands of the Federal Government bayonets, the other demands of the Federal Government such aid as it gives to commerce, such aid as it gives to agriculture, for educational purposes, in furnishing the necessary assistance in building up systems of education.

This is a request simply for an additional number of clerks to enable this Bureau to perform properly and efficiently the duties that the gentleman from Maine [Mr. HALE] has indicated as the proper duties of this Department. This is no political question. I am willing to appeal to gentlemen on the other side of the House whether those interested in education of their own political faith in States where the democratic party is in the ascendency will not testify that the aid, the sympathy, the valuable encouragement received from this Bureau has not been great? Is there not a growing feeling in all parts of the country, if I apprehend aright, in favor of this Bureau?

Mr. COX. I have listened to the gentleman from Massachusetts for many years in reference to this educational system. I am not only opposed to increasing the number of clerks in this Bureau, but I would be in favor of striking out the whole $35,000—everything pertaining to education from the Federal stand-point.

Mr. G. F. HOAR. Or any other.

Mr COX. No, sir. It does not follow because a man opposes this Federal interference he is therefore in favor of ignorance. Ignorance makes that statement, not intelligence. I am opposed to this whole bureaucracy. I voted against the Freedmen's Bureau bill when it came here years ago, because I found no warrant in the Constitution for establishing an eleemosynary system. And so I do not believe to-day that there is any warrant in the Constitution for this system which is involved in the Educational Bureau.

The gentleman from Massachusetts undertakes to place this matter in the category of commerce, and finds a power in the Constitution for this purpose equivalent to that.

Mr. G. F. HOAR. The gentleman totally misunderstood my point.

Mr. COX. Then will the gentleman tell me what he did mean?

Mr. G. F. HOAR. I did not say that there was any power in the Constitution in regard to education like the power of regulating commerce. I spoke of the power to prepare educational statistics as resembling the power to take care of commerce.

Mr. COX. I will accept the gentleman's statement. I will say that I have been opposed to all this bureaucratic system, Freedmen's Bureau and all; ay, to the Agricultural Bureau, if you please. And

what good has this Bureau done? It has depreciated the value of the State school-system. It has done no good except to collect statistics which could just as well be collected in some other mode. I remember well when this thing commenced with a small appropriation. It was then said by gentlemen on this side of the House that that was only the entering-wedge, and the institution has since grown until the people who seem to understand that powers are being aggregated in this Federal center have themselves spoken. And even the eloquent gentleman from Massachusetts [Mr. DAWES] was compelled, in addressing the State republican convention of Massachusetts, to say that the republican party had to call a halt in centralizing power or his party would be lost. I know they speak that way. I know that the gentleman from Maine [Mr. HALE] speaks that way to-day very well; but what we want is not so much talking, but something done really available in stopping these everlasting increases of appropriation. Sir, as I have said, I am opposed to the creation of all these Bureaus. The only way is to cut them up by the roots, and it will be done by the next Congress if not by this; for, although we may not have a majority in the Senate in the next Congress, we shall have power in this House to stop the passage of the laws.

Mr. TOWNSEND. Mr. Chairman, I join issue with my friend from New York when he says there is no power in the Constitution under which to establish a Bureau of this character. You will find in the Constitution that Congress has power to do many things that are there set forth in the ninth section, and at the end of that section Congress has specific power to make all laws that may be necessary to provide for carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States or any Department thereof. There is no special power mentioned in the Constitution whereby Congress can institute a United States bank. There is no power in that instrument whereby there can be instituted a Bureau of Education or of Agriculture or a Bureau of Statistics. The question of the power of Congress was mooted when the question of the charter of the United States Bank came before the Supreme Court of the United States, and John Marshall, the greatest jurist that ever sat on the bench, decided that under that clause there was power to create such a bank. He said:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to the end, which are not prohibited but which consist with the letter and spirit of the Constitution, are constitutional.

Under this construction of the Constitution we have created the Bureaus mentioned, for Congress has the right to decide whether such Bureaus are necessary and proper; if Congress decides that they are, the question of constitutionality ends.

Now, what is the object of the Bureau of Education? It is to collect together information to enable the States more effectually to carry out their systems of education. The Congress of the United States has power to call upon the citizens of the United States to perform certain duties, and as citizens of a State are citizens of the United States as well, we have a right to call upon them to perform national duties. We make them collectors; we make them inspectors of revenue; we appoint them to offices in the Land Department, and to other important positions; and it is right and proper that we should institute a system of education whereby they may have the opportunities to become fitted to perform the duties that we impose upon them. We do not propose by this institution to establish a centralizing and directing power over the educational systems of the States. We do not wish to interfere with or control them. All we ask, all we claim, is that we may aid the States in carrying out their systems of education, by furnishing them with information concerning the different plans of education that prevail throughout the nation, and thus enable them to select those which they think best adapted to their own condition.

I am glad to say that the educational institutions of this country, this Educational Bureau especially, are properly appreciated abroad, more so than they seem to be at home. There was an earnest demand at the Vienna Exposition that, for the education of the people of Europe, we should send abroad everything connected with the educational institutions of this country. We sent our maps, our desks, our school-house, all the machinery whereby we carry on our systems of instruction throughout the States. And out of the two hundred and eighty-five articles presented by the Educational Bureau we took forty-eight premiums, diplomas of honor, medals, and thirty more than were taken by all the rest of the United States together. There were forty-eight of these rewards given to this Bureau, while all the manufacturers and everything pertaining to the industry of the United States received but thirty diplomas and medals.

Surely this spoke well for the value of our means and appliances of education thus submitted to the inspection of the people of Europe. It was, I think, our greatest honor.

There is no reason that I can see why we should appropriate $175,000 to the cultivation of the soil of the country and only $35,000 to the education of the intellect of the nation. It is an unjust disproportion. It is far more important that our people should be educated than that the soil should be tilled. It is of the greatest importance that our people should have that kind of knowledge which will enable them properly to perform their political duties and appreciate republican institutions. It is not sought through this institution to dictate to any man what shall be his political conduct or to what party he shall belong. All that we ask through the aid of it is that we may be able to present to the people of the different States collected statistics to show both the benefits and defects of our State systems of education, so that we may select from the good and avoid those which fail to answer the purposes of their creation.

[Here the hammer fell.]

Mr. GARFIELD. I desire to say but a word, and then I hope we may have a vote. The Committee on Appropriations, I believe, were nearly unanimous in opposing any increase of these appropriations. For my own part I think there ought to be an additional appropriation for this Bureau, and I am led to the conclusion that I should follow my own opinion in this matter and vote for a small increase.

I rise, however, more particularly to reply to a single point made by the gentleman from New York, [Mr. COX.] Now as hitherto he persistently represents this Bureau as an interference with the self-government of the States, as some attempt to centralize and control education by the Government. It is most distinctly and positively set down in the law that no such purpose is involved in it at all. That purpose is excluded by the language of the law, not negatively, but affirmatively excluded.

And I would ask the gentleman where he finds in the Constitution any possible right for us to obtain commercial statistics if we cannot obtain educational statistics as well? Is it any more centralization for us to obtain statistics of any kind for the information of Congress than for us to obtain information of this kind?

Mr. COX. If the gentleman will allow me I will say I was replying to the gentleman from Massachusetts, [Mr. G. F. HOAR,] who introduced a bill in 1871 for the establishment of a national system of education.

Mr. GARFIELD. O, yes; and the gentleman from New York [Mr. COX] introduced a bill last year to change the name of a schooner from "Tweed" to something else; but that did not affect the merits of the Bureau of Education, nor did the bill of the gentleman from Massachusetts.

Mr. COX. It shows the tendency of the views of gentlemen on that side of the House.

Mr. GARFIELD. The views of the gentleman from Massachusetts [Mr. G. F. HOAR] on the bill of the gentleman from New York showed the tendency of his views.

Mr. TOWNSEND. The bill introduced by the gentleman from Massachusetts, [Mr. G. F. HOAR,] which the gentleman from New York [Mr. COX] designates as a bill for a national system of education, was only a bill for the appropriation of a portion of the proceeds of the sale of public lands to the States in which there was the most illiteracy.

Mr. COX. I refer to another bill introduced in the Forty-first Congress.

Mr. G. F. HOAR. That bill applied only to the States where they had no school-system at all.

Mr. COX. I know.

Mr. GARFIELD. If the democratic party propose to signalize their coming into power by attempting to put out the eyes of the Government, to destroy their opportunities for obtaining intelligence as to the condition of the people; if we are to enter upon a system of building penitentiaries in which to lock up those guilty of crime, and are to take no steps for obtaining information as to whether it is not possible by a better system to avoid building penitentiaries, by adopting a course which would prevent crime, then it is time we should know it.

Mr. WILLARD, of Vermont. I desire to say to the committee that I cannot consider this question as one to be passed upon simply as a question affecting education. I hold that a member of this committee may be as warmly in favor of the highest degree of education and culture as the gentleman from Massachusetts [Mr. G. F. HOAR] or the gentleman from Pennsylvania, [Mr. TOWNSEND,] and still be opposed to increasing the force of this Bureau of Education. And for this reason: the education of the people, the schools of this country, is committed, and should be committed, to the care of the localities in which those schools exist. There is no State in the Union that would sooner rebel against any Federal interference with its system of schools than the State of Massachusetts; there is no section of this country that would sooner resist any Federal interference with its methods of education than New England; and there is no section of the country, I believe, that has any better schools or any higher system of education. And this has come to be their distinction, because their people believe that they are the best guardians of their educational interests, and they do not care to have the views of other people imposed upon them in this matter of education.

It may be true that the information collected by this Bureau may be of some value. So you might create a hundred bureaus in this Government to collect information that would be of some value to the people. And those who press these appropriations upon our attention seem to proceed upon the assumption of that as the only question at issue, whether the information collected by this Bureau is valuable or not. I submit, Mr. Chairman, that that is not an element which should have the smallest influence in deciding this question. We might inquire into a great variety of subjects; we might get information that would be valuable upon large numbers of topics; we might print that information at the public expense, and distribute it throughout the country; and it might be a source of some

profit to the people. But that would be no reason why our action would be warranted by the Constitution or by precedent. The gentleman from Ohio [Mr. GARFIELD] suggested that we had as much right to collect this information as to collect information in respect to commerce—commercial statistics. I apprehend, sir, that there is a wide distinction. The subject of commerce is committed to Congress by the Constitution itself. The subject of education is not committed to Congress. We have a right to collect information that may guide us in making tariffs, in imposing internal-revenue taxation, in regulating commerce, because legislation upon those subjects is a part of the duty of Congress under the Constitution; but no duty with respect to education is imposed upon Congress.

These Bureaus, when once established, are ready and willing at all times to magnify themselves; they can make work to do of course. I have no doubt that twenty additional clerks could be employed in this Bureau, and that General Eaton could find something for them to do, something that might be of value. But is that any reason why they should be employed? Is that any reason why we should enlarge the force? Not at all, in my judgment. I believe this matter of education, as was forcibly urged at a former session of Congress by the gentleman from Connecticut, [Mr. HAWLEY,] should be left to the States, who are best able to take care of it.

Mr. TOWNSEND. Is the gentleman opposed to a Department of Agriculture, which is nothing but a bureau for the collection and dissemination of statistics?

Mr. WILLARD, of Vermont. I say with no hesitation that there is no more reason for a Department of Agriculture under this Government than there is for a department of boots and shoes, or a department of surgery, or a department of anatomy. These might all give information that would be of value, but there is no warrant in the Constitution for creating any such Department.

Mr. GARFIELD. I ask unanimous consent that debate be closed on this paragraph.

The question being taken on the amendment of Mr. MONROE, there were—ayes 39, noes 59; no quorum voting.

Tellers were ordered; and Mr. MONROE and Mr. COX were appointed.

The House divided; and the tellers reported—ayes 76, noes 85.

So the amendment was not agreed to.

Mr. MONROE. Mr. Chairman, I regard this expression as decisive of the question that the Committee of the Whole will not make so large an addition as I proposed in the speech I made awhile ago; but I apprehend that the committee might be willing to add one or two clerks of lower grades to attend to a portion of the writing of the office, which has been much neglected, and which I know to be much needed. I shall therefore make one more motion; and I hope this very moderate request will carry with it the committee. If I should be disappointed in this hope, I shall——well, "the court will reserve its decision" as to what will happen after that. I move to amend by inserting after the word "two," in line 1446, these words: "two clerks of class one."

Mr. HEREFORD rose.

Mr. GARFIELD. I submit that debate on this paragraph has been closed by unanimous consent. Of course amendments are in order. I asked unanimous consent that debate might be considered as closed on the paragraph, and I understood it was agreed to.

The CHAIRMAN. The Chair did not so understand.

Mr. GARFIELD. Then I move that the committee rise for the purpose of closing debate on the paragraph.

Mr. HEREFORD. I submit that I was on the floor, and have a right to be heard. I rose for the purpose not only of opposing the amendment of the gentleman from Ohio, [Mr. MONROE,] but to move to amend by striking out the whole appropriation embraced in lines 1441 to 1449. In this connection, I desire to say that I think it is high time this Congress should commence the work which we have promised the people to do, the work of retrenchment and reform. To-day, when thousands and tens of thousands of people throughout the United States are without bread, it is high time that the American Congress should redeem its many pledges of economy. I agree with my friend from New York [Mr. COX] and my friend from Vermont [Mr. WILLARD] that there is no warrant in the Constitution for making one dollar of such an appropriation as this. There is a broad difference between making appropriations for gathering statistics concerning commerce and gathering statistics concerning education. The Constitution has in express terms given us power over commerce, but not over the systems of education. The sooner the American Congress allows the people of the States to govern themselves in reference to their domestic matters, the better it will be for the people of each State and the better it will be for the people of the whole United States. I am in favor to-day, as I ever have been, of allowing the people in these matters to govern themselves. Let us have local, home, self-government. There is too much government to-day by the Federal authority. I am opposed to this centralization of power. We should not take the power from the people and centralize it in the hands of the General Government.

Mr. Chairman, I wish I had time to-day to refer to a celebrated speech which a former minister of Spain to England made in this very connection, and where he gave as an instance his own government of Spain, which for over three hundred years had legislated for everything, taking all power from the people. He stated the result was, that although the nation for a time grew powerful the individual became dwarfed. Thus it ever has been, as all history teaches us, and thus it ever will be "until the last syllable of recorded time." The more the General Government exercises this power, the more you take away from the individual the privilege he ought to have, the more you teach him to rely upon the Government and not upon himself, of course the less reliance he will have upon himself, and the less will he make exertion to help himself, and the less will either the individual or the State develop itself.

I am in favor, then, of standing by the Constitution, and for that very reason I am opposed to the General Government imposing upon the people of the States any system of education. On the contrary, let each State attend to this matter for itself. If they are taught that they must do it for themselves, then they will do it, if not better than, certainly as well as, the General Government. I hope, Mr. Chairman, the whole paragraph, commencing with line 1441 and ending with line 1449 will be stricken out, and if it is stricken out the people will save $18,336 in this one item.

[Here the hammer fell.]

Mr. GARFIELD. I move that the committee rise for the purpose of closing debate on this subject. If there be unanimous consent, however that all debate shall close on the pending paragraph relative to the Bureau of Education and the vote shall be taken upon the pending amendments, I will withhold my motion.

The CHAIRMAN. The Chair hears no objection, and debate is closed on the pending paragraph.

Mr. MONROE's amendment was rejected.

The question then recurred on the motion of Mr. HEREFORD to strike out the whole paragraph.

The committee divided; and there were—ayes 40, noes 21.

Mr. HEREFORD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. HEREFORD were appointed.

The committee again divided; and the tellers reported ayes 35, noes not counted.

So the amendment was rejected.

The Clerk read as follows:

For contingent, namely: Stationery, $2,000; cases for library, $500; library, $1,000; current educational periodicals, $250; cases for official records, $250; other current publications, $225; completing valuable sets of periodicals and publications in the library, $200; telegraphing and expressage, $200; collecting statistics, and writing and compiling matter for annual and special reports, and editing and publishing circulars of information, $11,000; fuel and lights, $275; office furniture, $250; contingencies, $1,060; in all, $17,210.

Mr. COX. I move to strike out the whole of that paragraph.

The motion was disagreed to.

Mr. MONROE. I beg leave to correct what I suppose is an error of the press in the printed bill. I do not know what the Clerk is reading from.

The CHAIRMAN. The printed bill.

Mr. MONROE. After the word "dollars," in line 1454, it is evident the following words, from the estimate furnished by the office, have been omitted: "current educational topics, $250." I suppose that is a mere mistake of omission, as the next sentence begins with the word "other," and from the fact the footing at the bottom of the paragraph includes it.

Mr. GARFIELD. The gentleman's purpose can be accomplished by striking out the word "other."

Mr. MONROE. I withdraw my motion, as I see there has been a transposition of this item, and will therefore only move to strike out the word "other."

The amendment was agreed to.

Mr. COX. I call the attention of the chairman of the Committee on Appropriations to the fact that in this paragraph there are various items for contingent expenses; and then, when we come to line 1462, we have "for contingencies, $1,060." Of course that is not the total of all the items for contingencies.

Mr. GARFIELD. That is for contingencies not otherwise named. We have followed exactly the language of the last appropriation bill.

Mr. COX. I move to strike out that item as indefinite.

Mr. GARFIELD. We always have to insert such an item.

The question being taken on the amendment of Mr. COX, it was not agreed to.

The Clerk read the following paragraph:

Surveyors-general and their clerks.

For compensation of surveyor-general of Louisiana, $2,000; and for the clerks in his office, $2,500.

Mr. MOREY. I offer the following amendment:

Strike out "$2,500" and insert "$5,000."

Mr. GARFIELD. The Committee on Appropriations is willing to allow that amendment. The Department asked for $7,200. We are satisfied that the amount had better be $5,000.

Mr. HOLMAN. Is that an increase?

Mr. GARFIELD. An increase on what is in the bill, but a decrease from the estimates.

Mr. MOREY. It is a much less sum than is estimated by the Department.

Mr. HOLMAN. It is not an increase over the appropriation of last year?

Mr. MOREY. No, sir.

The amendment was agreed to.

The Clerk read the following paragraph:

POST-OFFICE DEPARTMENT.

For compensation of the Postmaster-General, $8,000; three Assistant Postmasters-General, at $3,500 each; superintendent of money-order system, $3,000; superintendent of foreign mails, $3,000; topographer, $2,500; chief of division for the office of mail depredations, $2,500; chief of division of dead letters, $2,500; chief of division of postal stamps, $2,500; superintendent of Post-Office building and disbursing officer, $2,300; chief clerk to the Postmaster-General, $2,200; one chief clerk to each Assistant Postmaster-General, at $2,000 each; one chief clerk in money-order office, $2,000; one chief clerk in office of superintendent of foreign mails, $2,000; superintendent of blank agency, $1,800; assistant superintendent of blank agency, $1,600; four assistants, at $1,200 each; two assistants, at $900 each; seventeen clerks of class four; sixty-eight clerks of class three; fifty-three clerks of class two; seventy-seven clerks of class one, four of whom are hereby authorized in lieu of four clerks of said class heretofore paid out of appropriations for mail locks and keys; and so much of this appropriation as is necessary to pay the salaries of two clerks of class four, two clerks of class three, and one clerk of class one shall be available from and after the 1st day of March, 1875, and the sum of $2,666.66 is hereby appropriated therefor: *Provided*, That hereafter no payment shall be made as salaries to clerks of class one, two, three, or four in said Department out of appropriations made for other purposes; fifty-seven female clerks, at $900 each; one messenger of the Postmaster-General, $900; one messenger to each Assistant Postmaster-General, at $840 each; five assistant messengers, at $720 each; captain of the watch, $1,000; and nine watchmen and twenty-seven laborers; one engineer, $1,600; one assistant engineer, $1,000; one carpenter, $1,250; one assistant carpenter, $1,000; one fireman and blacksmith, $900; one fireman, at $720; one fireman and steam-fitter, at $900; three female laborers, at $480 each; one stenographer, $1,800; and for temporary clerks, $10,000; making, in all, $473,518.66.

Mr. RANDALL. I find that there is here an increase of expenditure over last year of about $30,000. I would like to receive from the chairman of the Committee on Appropriations some explanation of this. This is not a time when we ought to increase the number of employés in the Departments.

Mr. GARFIELD. I yield to my colleague on the committee, the gentleman from Indiana, [Mr. TYNER,] to give the explanation sought by the gentleman from Pennsylvania.

Mr. HOLMAN. There is an appropriation for certain clerks here of $2,666.66. Will my colleague indicate for what officers this appropriation is made, and what is the salary for each office?

Mr. TYNER. The confusion was so great that I did not hear the interrogatories put to me by my colleague [Mr. HOLMAN] and by the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. There is in this paragraph an increase over last year of about $30,000. We are desirous of knowing wherefore this is.

Mr. TYNER. I will answer the gentleman from Pennsylvania by saying that the paragraph provides for the appointment of about seventeen—I believe precisely seventeen clerks more than the corresponding paragraph in the appropriation bill of last year. Of these, three are of class four, five of class three, three of class two, and six of class one; making, in all, seventeen.

Mr. RANDALL. What is their aggregate salary?

Mr. TYNER. I have not a memorandum of that before me. The gentleman can easily determine that by taking the fourth-class clerks at $1,800, and so on, and summing up the amounts.

Mr. RANDALL. I thought the gentleman had the figures before him.

Mr. TYNER. I have not; but I will say to the gentleman that six of this number are simply intended as transfers, appropriations being now made for them elsewhere.

Mr. RANDALL. And are there reductions in the other items corresponding to this increase?

Mr. TYNER. If the gentleman looks at the paragraph he will see that some of these clerks have heretofore been paid out of the appropriation for locks and keys in the Post-Office Department; and when we come to the post-office appropriation bill it is my intention, if I should have charge of that bill, to move a reduction in that item so as to make it correspond with this paragraph.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his amendment?

Mr. RANDALL. I do.

Mr. GARFIELD. I see there is a necessity for a verbal amendment on line 1563. After the word "laborers" these words should be inserted: "at $720 each."

Mr. KELLOGG. The law fixes the rate to be paid to laborers.

Mr. GARFIELD. It does; but we have inserted the amount in this bill elsewhere.

The question being taken on Mr. GARFIELD'S amendment, it was agreed to.

The Clerk read the following paragraph:

Contingent expenses of the Post-Office Department: For stationery, $9,000; fuel for the General Post-Office building, including the Auditor's Office, $7,400; for gas $4,500; plumbing and gas fixtures, $4,000; telegraphing, $3,000; painting, $2,500; carpets, $5,000; furniture, $5,000; keeping of horses, and repair of carriage, wagons, and harness, $1,200; hardware, $1,200; for rent of house numbered 915 E street northwest, $4,200; miscellaneous items, $9,000; making, in all, $56,000.

Mr. WILSON, of Indiana. I offer the following amendment:

In lines 1585, 1586, and 1587 strike out these words: "for rent of house No. 915 E street northwest, $4,200."

I desire to ask the chairman of the Committee on Appropriations whether he knows the facts in connection with the renting of that house?

Mr. GARFIELD. When inquiry was made by the Committee on Appropriations in regard to it, we were informed by the Postmaster-General that the amount of work put upon him by the last Congress required more force; and when that force was appointed to do the work it was necessary for him to put one whole division of his force into another building. He made all the effort he could to secure a suitable building, and the best he could do was to rent this one; and he has put into it the topographical division of the Department, which is in charge of the preparation of maps for the various agencies, &c.

Mr. WILSON, of Indiana. I would further ask the chairman of the committee, from whom the house was rented?

Mr. GARFIELD. I do not know the details of the contract at all.

Mr. WILSON, of Indiana. I would ask the chairman of the committee by whom the contract was made for the renting of the property?

Mr. GARFIELD. By the Postmaster-General, I suppose. Postmaster-General Creswell.

Mr. WILSON, of Indiana. I desire to submit to the House the substance of a statement which has been put in my hands in regard to that property. I am sorry that I do not have it here. This piece of property was purchased about a year ago at a trust sale for $13,000. The consideration named in the deed was $13,000, and I understand that in trust sales the actual consideration paid is set forth in the deed. Shortly afterward the Freedman's Bank, being the purchaser, made a conveyance of that property to another purchaser for the consideration named in the deed of $18,500, and shortly after that it was conveyed to another individual, who is very conspicuous in this city, at a consideration named as $18,000; and very soon afterward this property is rented to the Government at $4,200 a year for a period of five years.

I move to strike it out as unconscionable if these facts are true. They were given to me by a gentleman who says they are taken from the records. I was not aware until I heard it read here that this feature appeared in the bill.

Mr. HALE, of Maine. I know nothing about the circumstances of the case except that the building was rented, and at that time the head of the Department presumably had a right to make the rental. If there was a contract made, does not the gentleman think it should be examined before we strike out the appropriation? Let me say that at the last session the Committee on Appropriations put its foot sternly upon all renting of outside buildings. We found the different Departments had taken buildings outside at large rents; at some places too large, we thought. A clause was embodied in one of the appropriation bills providing that after that there should be no rental of any property in Washington outside of Government buildings, except upon estimates made to Congress and appropriations therefor.

Mr. SPEER. Does the gentleman state that the Postmaster-General has authority of law to rent buildings as he pleases?

Mr. HALE, of Maine. Up to that time the power was exercised by various heads of Departments, and I do not know that it was disputed.

Mr. WILSON, of Indiana. Does the gentleman state that there is any authority of law for the Postmaster-General to make any such lease as this? I doubt very much whether the Postmaster-General did make this rental.

Mr. HALE, of Maine. I know nothing about that.

Mr. SPEER. Who is the present owner of the house?

Mr. WILSON, of Indiana. Mr. Alexander R. Shepherd is the owner of the house.

Mr. SPEER. That is what we expected.

Mr. HALE, of Maine. It is what I never knew before.

Mr. WILSON, of Indiana. I insist on the motion to strike out, and if it shall turn out that the facts are not as they have been stated, I shall be willing to do justice and what is right about it.

Mr. G. F. HOAR. Do I understand the gentleman from Maine [Mr. HALE] to say that there is nobody on the floor who knows anything about this appropriation?

Mr. HALE, of Maine. O, no.

The committee rose informally.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 974) to enable the supreme court of the District of Columbia to proceed with its jury business; and

A bill (S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seeds.

The message further informed the House that the Senate had passed, with an amendment, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session, and proceeded with the consideration of the legislative, &c., appropriation bill.

Mr. G. F. HOAR. I desire as a member of the Committee of the Whole very respectfully to suggest to the Chair that when the committee is acting under the five-minutes rule and the Clerk from the Senate arrives, he had better wait until the member speaking has concluded his remarks.

The CHAIRMAN. That has been the practice.

Mr. G. F. HOAR. I desire simply to say to the gentleman from Maine——

The CHAIRMAN. The Chair calls the gentleman from Massachusetts [Mr. G. F. HOAR] to order for speaking with his back to the Chair.

Mr. G. F. HOAR. I am in order. There is a rule which allows a member to turn his back upon the Chair when speaking from the Clerk's desk. I rose to put a question to a member of the Committee on Appropriations and I turned to that member, as I had a right to do.

Mr. HALE, of Maine. Mr. Chairman, I did not mean to say that it was doubtful as to the authority to make this lease, but that before the provision embodied in one of the appropriation bills last year prohibiting such contracts I said I believed the heads of Departments had the right to make such leases. I suppose they had the right to do it under the general rules for conducting their Departments. There may be some doubt about it; it is a matter of law. I can only say that the right was recognized and acted on year after year and never interfered with until the Committee on Appropriations a year ago put a prohibition on the practice in one of their bills.

Mr. WILSON, of Indiana. If there be any doubt as to the right of the Postmaster-General to make such a leasing, we ought not to make any appropriation until that doubt is settled.

Mr. TYNER. I usually agree with the fairness and logic of my friend and colleague, but I am compelled on this occasion to say that the reason he presents in support of the motion to strike out this item does not strike my mind as a reasonable one. It is that the house belongs to Governor Shepherd.

Mr. WILSON, of Indiana. O, no.

Mr. TYNER. If there is anything else, I want my colleague to state it now, so that I may either admit it or deny it.

Mr. WILSON, of Indiana. It is because the amount that is proposed to be appropriated, according to my information, is an amount entirely disproportioned to the value of the property; it is unconscionable.

Mr. TYNER. As to whether my colleague is right on that point I do not propose to say a word. I propose only to explain the circumstances that resulted in the leasing of this building, and to state them precisely as they came before the Committee on Appropriations last year. Before the Postmaster-General rented this building he appointed a commission, consisting of five or six individuals, and charged them with the duty and right of examining every building for rent within two squares of the Post-Office Department. That commission did examine every such building, and received proposals for the renting of buildings so located, and they presented to the Postmaster-General a report stating the cost of each building, and this was the lowest rent offered.

Mr. SPEER. Who was on that commission?

Mr. TYNER. The commission was composed of some of the officers of that Department, together with some officer in the Treasury, whose name does not occur to me.

Mr. WILSON, of Indiana. Was it Mullett?

Mr. TYNER. I am not able to answer my colleague, because the facts were stated verbally to the Committee on Appropriations, and I am depending now entirely upon my recollection as to what was then said.

Mr. WILSON, of Indiana. I think that my colleague will find that it was Mr. Mullett.

Mr. TYNER. I do not know whether it was Mr. Mullett or not. But it does not matter who it was. If my colleague knows that there was fraud in this lease, let him charge it here, and then the House may be willing to bear him out in his proposition to strike out this appropriation.

Mr. RANDALL. Does the gentleman from Indiana [Mr. TYNER] think it was a prudent thing for the Postmaster-General to bind the Government for five years, beyond the time he would naturally occupy the place?

Mr. TYNER. If my friend from Pennsylvania [Mr. RANDALL] were to ask me if a certain house on Capitol hill was worth a certain amount of rental, I would say to him that I know nothing more about the rentals of buildings in this city than I do of buildings in London.

Mr. RANDALL. Does the gentleman not know that no private individual in christendom would pay a rental of 25 per cent. upon the full value of a piece of property such as this?

Mr. TYNER. The gentleman from Pennsylvania is assuming that this property is of a certain value.

Mr. RANDALL. The deed states that it was bought for $18,000.

Mr. TYNER. I do not know that, nor does the gentleman from Pennsylvania know it.

Mr. RANDALL. I know that the gentleman's own colleague rises here and states the fact, and I believe it.

Mr. TYNER. I am not here to dispute that statement; nor am I here to defend the Postmaster-General, because this contract was made by an officer now out of the Department. I am here, however, for this purpose, to say that there was a lease for this building for a term of years, which lease has not yet expired. As to whether the Postmaster-General had the legal authority to execute any lease of that kind is a question I am not prepared to answer. I only know this: that the heads of other Executive Departments have been in the habit of making such contracts, and in every legislative appropriation bill we provide for the payment of the rent of the buildings so leased; and they have made such leases on precisely the same authority.

When this matter was presented last year to the Committee on Appropriations, the committee came to the conclusion that the entire practice of permitting the heads of the Departments to go outside and rent buildings was a loose one, to say the least of it, and they therefore provided by law that it should not be repeated in future, except by authority of Congress.

Mr. RANDALL. On yesterday I exposed a contract made by the same Postmaster-General, by which five times as much was paid for departmental or official stamps as was paid for the stamps in general use by the public; and here is another contract made by that very same official. For one, so far as I am able, I am going to put my foot upon such practices, and prevent any money being taken from the Treasury by this kind of contract.

Mr. TYNER. The gentleman from Pennsylvania has introduced a resolution, which was referred to a committee of which he is a member, directing that committee to investigate the contract about which he has just spoken. That contract, however, is one which has nothing whatever to do with the proposition now before this committee; and I submit respectfully to that gentleman that his sense of propriety ought to have indicated to him the necessity of waiting until his own committee shall have made that investigation and submitted their report upon it before he dragged that matter in here to influence the consideration of the House upon another matter.

Mr. RANDALL. I know the facts from a veritable witness. And I tell the gentleman that I am not going to stand upon any decorum when I see a wrong done; the very moment I see such a head I am going to hit it.

Mr. TYNER. Nobody denied the gentleman that privilege; but he should be sure he sees the head before he strikes.

Mr. SPEER. Does the gentleman from Indiana [Mr. TYNER] concede for one moment the legal authority of the Postmaster-General to bind this Government for five years? If for five years, why not for twenty or fifty years? Is it not a subject for the action of Congress? And does it rest with any binding force at all until Congress gives it that force by law?

Mr. TYNER. Under the law as it now exists unquestionably the head of any Department would be compelled to seek the authority of Congress before he made any such lease. I answer the gentleman by saying that so far as I know there is nothing but custom which authorized the Postmaster-General or any other head of a Department to lease a building.

Mr. SPEER. That is a bad custom, and we will now begin to change it.

Mr. KELLOGG. I move to strike out the last word for the purpose of saying that I do not know anything about the merits of this particular lease; but we all know that some of the Departments have not buildings large enough for them to transact their business in. My friend on the Committee on Appropriations says he draughted that provision of law, and got it through last year, which prevents the heads of Departments from making such leases without the authority of Congress. Perhaps he will ascertain very soon, if he has not already, that the operation of that provision of law has not been such a saving as perhaps he intended. One of the Departments here has several buildings outside of its own, for some of which it pays a higher rent than it could now get them for under a new contract. But it has been decided by the Comptroller that under the law it could not make a new contract or renew the lease without authority of Congress.

If it were not for that provision a saving of from four to six thousand dollars could be made at once, I understand, by one Department alone in the matter of two or three buildings outside of that Department.

I say this for the purpose of calling the attention of the Committee on Appropriations to the matter, so that some provision may be made whereby the heads of these Departments shall not be in the power of owners of real estate; so that they may have the necessary authority when they come to renew leases. If from four to six thousand dollars can be saved by a single Department in the rental of two or three buildings, the Department ought to have the power to save this sum.

Mr. KASSON. Why cannot the Department renew the leases?

Mr. KELLOGG. Because, under the provision inserted in an appropriation bill last year, all discretion on the part of heads of Departments is cut off; they cannot even renew a lease.

Mr. GARFIELD. I desire to call attention to the state of the facts in this case; that is, the legislative facts. This matter was very fully debated upon two former bills. I do not see that any discovery has been made or any fact brought forward that has the slightest bearing upon the merits of the pending proposition except one—the suggestion that the rate of rent in this case is too high. I never before heard, the Committee on Appropriations never before heard and never cared, who was the owner of the building. The question from whom the Postmaster-General shall rent a building is of no possible consequence. The question whether he pays a proper rent, a rent which is not too high, and gets a proper building for the business, is a question that it becomes us justly to consider. Now, the Postmaster-General, so far as I know, had no restriction of law upon him in this

matter, no restriction except his own conscience and his own sense of duty. He was ordered by Congress to do a certain class of work. Congress did not point out where he should put his clerks. There was no law saying within what four walls they should sit. He believed (and I do not know anything to the contrary) that he had full authority to rent a building.

Mr. WILSON, of Indiana. I wish to ask the chairman of the committee [Mr. GARFIELD] whether he thinks that because Congress has pointed out certain duties to be performed by the Postmaster-General he has therefore an implied authority to go on and provide the buildings necessary to enable him to discharge those duties?

Mr. GARFIELD. I take it for granted that if Congress empowers and directs the head of a Department to do a certain work, the law so empowering him implies and carries with it all requisite power to do all the necessary things to accomplish that object.

Mr. WILSON, of Indiana. Then he could erect a post-office building.

Mr. GARFIELD. If he were ordered to construct a post-office building and were given a million dollars to do it, I suppose that the plan of the building, the selection of the site, &c., would all be entirely under his direction.

Mr. WILSON, of Indiana. But the difficulty with the chairman of the committee is that he is unable to inform the House that any such authority has ever been given to the Postmaster-General.

Mr. GARFIELD. If the gentleman will hear me through I do not think that he and I differ very much in regard to this.

In the recess following the adjournment of Congress (and the law laying this particular duty upon him was passed the last day of the session) the Postmaster-General did proceed to make a rental of a building; and when Congress met the following winter he sent in a letter saying that he had so done, asking first a deficiency appropriation to pay the rent for the year in which he had made the rental, and asking furthermore a similar appropriation for the current fiscal year. The Committee on Appropriations looked over that matter. We could not find that he had exceeded the authority of law. Perhaps he did; but we did not find that he had. We believed, however, that it was unwise to allow an assumption of a right to rent a building because a certain duty had been imposed upon the officer. For this reason the Committee on Appropriations in reporting a deficiency appropriation last winter inserted a restrictive provision, the appropriation being in these words:

For rent of the house No. 915 E street northwest, for further accommodation of the clerical force of the Department, from June 6, 1873, to June 30, 1874, $4,448.86. And hereafter no contract shall be made for the rent of any building in Washington not now in use by the Government, to be used for the purposes of the Government, until an appropriation therefor shall have been made in terms by Congress.

Now, so far as I know, that is the first restriction ever laid upon the head of a Department in regard to rent of buildings. For instance, in the Second Auditor's Department at least three buildings have been rented and occupied for years and their rental paid for, although, so far as I know, there never was any specific line or letter of law authorizing them to be rented, except as we have carried out the rental obligations by appropriations for that purpose. The War Department has sometimes paid as much as $70,000 a year for rent. The Attorney-General's Department rents the Freedman's Bank building, and rented it before Congress made any appropriation for the rent. The Department of Justice was established, and there was no building provided for it. It proceeded to rent a building and occupied it, and then come to Congress asking us to make an appropriation for the rent. The Pension Office rented the Seaton house, a great hotel building, in which the clerks of the Government were put. We subsequently ratified the rental by appropriating money for paying it.

I merely say here that the business of renting rooms for the use of a Department is as old as the Government, and until that clause I have just read to you, so far as I know, not a line of legislation ever prohibited it before. The Committee on Appropriations, however, thought it ought to be prohibited, and put it on in connection with this very building, because we thought that was a large rent. But the gentleman in charge of the post-office appropriation bill, my friend from Indiana, [Mr. TYNER,] and another gentleman from the committee, were appointed a sub-committee on this subject. I never saw the bill and have no judgment about it. The Postmaster-General declared it was a large house, with a large number of rooms, and that the rent was not exorbitant. It struck me to be a high rent, and lest it might be a precedent that would lead to high rents under circumstances of that sort we put on the clause referred to.

Mr. TYNER. If the chairman of the Committee on Appropriations intends to convey the idea that I as a member of the sub-committee reported this was not an exorbitant rent, I beg to correct him.

All that was done was to call the Postmaster-General before us, who said there had been a certain committee appointed to look into this matter and reported in its favor. I say to my friend from Ohio, as I have already said in this debate, that I have no idea of the rent of buildings in this city.

Mr. GARFIELD. I remember that a committee—a committee not of this House, but a committee appointed on the part of the Postmaster-General—looked into this matter concerning the rent to be paid for this building. The Postmaster-General himself stated to the Committee on Appropriations that it was the best offer he was able to procure for the Government.

Now, Mr. Chairman, I say if my friend from Indiana [Mr. WILSON] or any other gentleman on this floor has any knowledge which leads him to believe this rent is too high, and that we can now, without violating contract obligation, put it down, I am willing to put it down. Let it be reduced, but we ought not to strike it out of this bill. We are bound to pay a reasonable rent for the use of the building, and we are bound to pay the contract price of the rent, unless it can be shown the contract is an illegal and improper one.

Mr. SPEER. Why, the gentleman should not forget this appropriation does not go into effect until next year.

Mr. GARFIELD. But the contract runs for five years.

Mr. G. F. HOAR. It seems to me this is a very simple matter. There is no express authority of law for the head of a Department to rent property; but when we require him to perform certain duties which involve the employment of a large number of clerks and the possession and use of records and books, and make no provision for a place where that business shall be carried on, that implies the authority to provide such a place. But how and to what extent? Not to provide that place forever. We have not authorized him to carry on those duties forever. We have made an appropriation for a single year, and the incidental power to provide shelter for the clerks and a place where the records can be kept will attend simply on that appropriation. He therefore has no right, no authority, to bind the Government, either in law or honor, except for the year for which the appropriation is made. Here is an undertaking by an officer of the Government to bind the Government by lease for five years, which, if he may do, he may bind it for twenty-one years or for ninety-nine years. Now, we are called upon not to appropriate for the year for which he has made a lawful provision to do the work, but for a new year. Therefore it seems to me the House should properly appropriate a sum for the place to carry on that work which they think reasonable for the next year, without any regard to the five-years' lease which the Postmaster-General has assumed to make.

Mr. KELLOGG. I ask my friend if he does not know enough about this matter to know you can often save money by renting for five instead of for one year?

Mr. G. F. HOAR. Yes; and you can often save money by buying property instead of renting it.

Mr. KELLOGG. One word more.

Mr. G. F. HOAR. Let me answer your first question. You might save by leasing for ninety-nine or one hundred and ninety-nine years instead of for five, and that would be a good argument in favor of a law to authorize the heads of Departments to buy or hire buildings for a long term of years. But, unfortunately for the gentleman, there is a much better argument on the other side, that it is a power too liable to abuse and corruption to be lodged in any one officer. Undoubtedly Congress will sometimes lose money by requiring an estimate to be submitted to that effect for authorizing a lease for a term of years to be made by anybody; yet on the whole it will save not only in money, but in an honest and pure administration of the Government by adopting the other policy. I hope, therefore, the committee will strike out, without any regard to this five-years' lease, so much of this appropriation as they deem to be in excess, or rather shall not be satisfied is required, because the burden on the Committee on Appropriations is to satisfy us affirmatively of its necessity.

Mr. KELLOGG. I desire further to ask my friend from Massachusetts if it has not been the practice all over the country where we did not own Government buildings to lease buildings for post-offices for five years?

Mr. G. F. HOAR. Undoubtedly it is. And it is to the correctness of that practice that this debate is addressed.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. WILSON] to strike out certain words.

Mr. G. F. HOAR. I move to amend the paragraph proposed to be stricken out by striking out "$4,200" and inserting "$2,200."

Mr. TYNER. I would suggest that the committee by unanimous consent pass over this clause, so that more precise information may be obtained in regard to it.

Mr. RANDALL. O, no; let us act on it now. And then if we are wrong we can retrace our steps.

The question being taken on Mr. G. F. HOAR's amendment, there were ayes 66, noes not counted.

So the amendment was agreed to.

Mr. G. F. HOAR. I move further to amend by adding these words:

Provided that the above sum shall not be deemed to be paid on account of any lease for years of such building.

The amendment was agreed to.

Mr. WILSON, of Indiana. I now withdraw the motion to strike out the clause.

Mr. RANDALL. I find an increase in several items of these contingent expenses of the Post-Office Department. Under the head of plumbing and gas-fixtures there is an increase of $1,000; under the head of painting, $500; carpets, $2,000; hardware, $400; miscellaneous items, $1,500. There is an aggregate increase of $6,900.

Mr. GARFIELD. The gentleman will remember that the Department has been fitting up the lower portion of the building, making an additional story of it. There will be twenty additional rooms.

Mr. YOUNG, of Georgia. I move that the committee rise.

Mr. GARFIELD. I hope the committee will sit until we get to the paragraph relating to the Department of Agriculture.

The question being taken upon the motion of Mr. YOUNG, of Georgia, it was not agreed to.

Mr. DURHAM. I move to strike out the last word of the pending paragraph, for the purpose of making an inquiry of the chairman of the committee. The law requires that each head of a Department shall render an account at the end of each year of the contingent expenses of his Department during the year. Has that been done done by the Postmaster-General?

Mr. GARFIELD. That law was passed at the last session of Congress, in June, and the reports it requires from some of the Departments have come in. A part is now in the hands of the printer. We have not received that report from the Postmaster-General.

Mr. DURHAM. I simply desire to suggest that the law should be enforced. I have examined three different reports, and this is not in one of them.

Mr. GARFIELD. We expect to have these reports from all the Departments.

The Clerk commenced to read the paragraph making appropriations for the Department of Agriculture.

Mr. GARFIELD. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. ELLIS H. ROBERTS reported that the Committee of the Whole on the state of the Union had, pursuant to the order of the House, had under consideration the bill (H. R. No. 3813) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

THE SINKING FUND.

Mr. DAWES, by unanimous consent, introduced a bill (H. R. No. 4042) making provision for the payment of the sinking fund, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

OHIO RIVER COMMISSION.

Mr. NEGLEY, by unanimous consent, presented a memorial from the Ohio River commission; which was referred to the Committee on Commerce, and ordered to be printed.

NOLAN S. WILLIAMS.

On motion of Mr. SCUDDER, of New Jersey, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Nolan S. Williams, executor of Alfred A. Williams, late of New Orleans, no adverse report having been made thereon.

Mr. GARFIELD. I move that the House adjourn.

The motion was agreed to, and accordingly (at four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CESSNA: The petition of the Grand Temple of Honor of the State of Pennsylvania, for the appointment of a commission of inquiry concerning the alcoholic-liquor traffic, to the Committee on the Judiciary.

By Mr. CHIPMAN: The petition of Sons of Temperance of Washington, District of Columbia, of similar character, to the Committee on the Judiciary.

Also, a letter from the commissioners of the District of Columbia, inclosing a communication from the commissioners of the sinking fund, to the Committee on the District of Columbia.

Also, the petition of Daniel Genau, and others, to be paid for clothing taken by the board of health of the District of Columbia, to the Committee on the District of Columbia.

Also, the petition of John B. Hayes, for relief, to the Committee on War Claims.

Also, the petition of Nicholas White, of Washington, District of Columbia, for relief, to the Committee on War Claims.

Also, the petition of citizens of the District of Columbia, for a free bridge at Georgetown, to the Committee on the District of Columbia.

By Mr. CLEMENTS: Papers relating to the claim of W. P. Haliday and S. B. Haliday, of Cairo, Illinois; to the Committee on Claims.

By Mr. DONNAN: The petition of John B. Chapman, for relief, to the Committee on Claims.

By Mr. HOLMAN: The petition of Henry H. Robinson, esq., a citizen of Indiana, to restore the President's salary to the accustomed sum of $25,000 by a due repeal of the act of Congress approved March 3, 1873, and also for further legislation to recover any payment in excess thereof, to the Committee on the Judiciary.

By Mr. HUBBELL: The petition of Caleb Green and 60 other citizens, of Central Lake, Antrim County, Michigan, for a post-route from Elmira to Central Lake, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Samuel W. Abbott, postmaster at Menomonee, Michigan, to be reimbursed $5,510.50, stolen from his office in money and stamps on the night of September 4, 1874, to the Committee on Claims.

By Mr. KELLEY: The petition of the Pennsylvania State Temperance Union, for the appointment of a commission of inquiry concerning the alcoholic-liquor traffic, to the Committee on the Judiciary.

By Mr. LAMPORT: The petition of the National Temperance Society, of similar import, to the Committee on the Judiciary.

By Mr. LAMISON: The petition of Augustus Bacon, for compensation for services as engineer under military order, to the Committee on Claims.

By Mr. LUTTRELL: A paper for the establishment of a post-route from Cloverdale to Mercuryville, Sonoma County, California, to the Committee on the Post-Office and Post-Roads.

By Mr. PACKARD: The petition of Mrs. M. P. Willitts, of Brookston, Indiana, for increase of pension to widows and orphans, to the Committee on Invalid Pensions.

By Mr. PIERCE: The petition of Rev. A. A. Miner, president of the Massachusetts State Temperance Alliance, and others, for the appointment of a commission of inquiry concerning the alcoholic-liquor traffic, to the Committee on the Judiciary.

By Mr. POLAND: The petition of the Grand Lodge of Good Templars, of Vermont, of similar import, to the same committee.

By Mr. STARKWEATHER: The petition of citizens of Connecticut, of similar import, to the same committee.

By Mr. SWANN: The petition of Charles Myers, for back-pay and bounty, to the Committee on Military Affairs.

By Mr. THOMAS, of Virginia: The petition of Wade H. Powers, Wise Court-House, Virginia, for relief, to the Committee on War Claims.

IN SENATE.

FRIDAY, *December* 18, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

RECEPTION OF KING OF SANDWICH ISLANDS.

Mr. CAMERON. I move that the reading of the Journal of yesterday be dispensed with.

The motion was agreed to.

Mr. CAMERON. I move that the Senate take a recess.

The VICE-PRESIDENT. Until what time?

Mr. CAMERON. Until one o'clock.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that the Senate take a recess until one o'clock.

Mr. CAMERON. I desire to say to the Senate that the form prescribed for the ceremonies of to-day is that the Senators individually shall now, if they think proper, go to see the King of the Hawaiian Islands, who is in the President's room, and then we are to proceed in a body to the House of Representatives, where he will be received officially by the Vice-President and the Speaker of the House.

The VICE-PRESIDENT. The question is on the motion that the Senate take a recess until one o'clock.

The motion was agreed to.

The recess having expired, and the Senators having returned from the Hall of the House of Representatives, the Vice-President resumed the chair.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON presented the petition of Ann Atkinson, of Washington, District of Columbia, praying to be allowed a pension on account of services rendered by her husband, Henry Toler, as a soldier in the war of 1812; which was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALCORN, it was

Ordered, That the petition and papers of Mrs. C. J. Lake be taken from the files and referred to the Committee on Claims.

ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. I move that when the Senate adjourn to-day, it be to meet on Monday next at twelve o'clock.

The motion was agreed to.

Mr. EDMUNDS. I move that the Senate do now adjourn.

Mr. RAMSEY. There is a good deal of executive business, and I hope the motion will be withdrawn so as to let us attend to that.

Mr. EDMUNDS. I will consent to that.

EXECUTIVE SESSION.

Mr. RAMSEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After half an hour spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 18, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ADMISSION TO THE FLOOR.

Mr. PLATT, of Virginia. There are a number of ladies outside who cannot obtain seats in the galleries, and I move that they be admitted to take seats upon the floor of the House.

The SPEAKER. Is there objection to admitting ladies on the floor of the Hall during the proceedings attending the reception of the King of the Hawaiian Islands.

No objection was made, and the permission was granted.

SETTLERS ON THE PUBLIC LANDS.

Mr. PHILLIPS. I ask unanimous consent that Senate bill No. 1023, for the relief of certain settlers on the public lands, be taken up and passed.

The bill was read.

Mr. HOLMAN. I have little doubt that this matter is all right; but I shall object to the passage of any legislation in the confusion now prevailing.

BURLINGTON AND MISSOURI RAILROAD COMPANY.

The SPEAKER laid before the House a letter from the Secretary of the Interior, in further answer to the House resolution of June last concerning the Burlington and Missouri Railroad Company; which was referred to the Committee on Railways and Canals, and ordered to be printed.

OBSTRUCTION OF THE OHIO RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to obstructions to the navigation of the Ohio River; which was referred to the Committee on Commerce, and ordered to be printed.

NORTHERN SIOUX INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriations required during the fiscal year ending June 30, 1875, for the subsistence of the Northern Sioux Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

BALANCES OF APPROPRIATION.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to balances of appropriation for hospitals for the years 1872-'73 and 1873-'74; which was referred to the Committee on Appropriations.

BRIDGE OVER ALLEGHENY RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to a bridge over the Allegheny River at Pittsburgh, Pennsylvania; which was referred to the Committee on Commerce, and ordered to be printed.

ARMAMENT OF PERMANENT WORKS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the armament of permanent works, &c.; which was referred to the Committee on Military Affairs.

FIRST LIEUTENANT WILLIAM HARPER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the petition of First Lieutenant William Harper, Sixth Cavalry, requesting to be relieved from stoppages against his pay amounting to $602, the value of forty-three Remington revolvers for which he was responsible and which were stolen from him; which was referred to the Committee on Military Affairs, and ordered to be printed.

APPROPRIATION FOR HEAD-STONES.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending that the appropriation of $1,000,000 for head-stones, under the act of March 3, 1873, be made permanent and available until the work is completed; which was referred to the Committee on Appropriations, and ordered to be printed.

RETURNS OF COLLECTORS OF CUSTOMS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting, in compliance with the act of the Revised Statutes of the United States, an abstract of returns from collectors of customs, showing the number of seamen registered as having received certificates of citizenship during the year ending September 30, 1874; which was referred to the Committee on Commerce, and ordered to be printed.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, sundry claims for Indian depredations; which was referred to the Committee on Indian Affairs.

RECEPTION OF THE KING OF THE HAWAIIAN ISLANDS.

At fifteen minutes past twelve o'clock, the Doorkeeper having announced the presence of the Senate of the United States, the Senate, headed by the Vice-President and Clerk, entered the Hall and took seats assigned to them upon the right of the Speaker.

At twenty-five minutes past twelve o'clock His Majesty the King of the Hawaiian Islands, attended by his suite and escorted by Senator CAMERON and Mr. ORTH, members of the joint committee of reception, entered the Hall and took his position in the center aisle, fronting the Speaker.

Senator CAMERON. Mr. Speaker, I have the honor to present to you His Majesty the King of the Hawaiian Islands.

The SPEAKER. Your Majesty! On behalf of the American Congress I welcome you to these Halls. The Senators from our States and the Representatives of our people unite in cordial congratulations upon your auspicious journey, and in the expression of the gratification and pleasure afforded by your presence in the capital of the nation, as the nation's guest.

Your Majesty's appearance among us is the first instance in which a reigning sovereign has set foot upon the soil of the United States, and it is a significant circumstance that the visit comes to us from the West and not from the East. Probably no single event could more strikingly typify the century's progress in your Majesty's country and in our own than the scene here and now transpiring.

The rapid growth of the Republic on its western coast has greatly enlarged our intercourse with your insular kingdom, and has led us all to a knowledge of your wisdom and beneficence as a ruler, and your exalted virtues as a man. Our whole people cherish for your subjects the most friendly regard. They trust and believe that the relations of the two countries will alway be as peaceful as the great sea that rolls between us—uniting and not dividing!

Chief Justice ALLEN, of the Hawaiian Islands, said: I regret, Mr. Speaker, that His Majesty is so afflicted with a severe cold and hoarseness that he is unable himself to read the reply to your beautiful address, and he has requested me to do it, and with your permission I will read it:

Mr. SPEAKER: For your kind words of welcome I most cordially thank you. For this distinguished mark of consideration I tender to the honorable Senate and House of Representatives my highest sentiments of regard. It is in accord with the very courteous and generous treatment which I have received from the Executive department of the Government, and from all the people whom I have had the pleasure to meet since I landed on the shores of the Pacific.

I appreciate the complimentary terms in which the honorable Speaker has referred to me personally. For any success in government and for our progress in a higher civilization we are very much indebted to the Government and people of this great country. Your laws and your civilization have been in a great degree our model.

I reciprocate most cordially the hope for the continuance and growth of friendly relations between the two countries.

I am most happy, gentlemen, to meet you on this occasion.

The Speaker then left the chair and exchanged a few conversational remarks with the King, who thereupon withdrew from the Hall, accompanied by his suite.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole on the appropriation bill.

Mr. MAYNARD. I call for the regular order of business, and I desire to make a parliamentary inquiry. It is, which takes precedence, a call for the regular order or a motion to suspend the rules for the purpose of going into Committee of the Whole on the special order?

Mr. GARFIELD. The motion to suspend the rules, of course, for it suspends the regular order.

The SPEAKER. The Chair will not entertain any business until the floor is cleared of those who were admitted to it by courtesy. The Chair desires to give ample time for retirement to those who were permitted the privileges of the floor for the reception, which has now concluded.

INJURY BY GRASSHOPPERS.

Mr. HOLMAN. Earlier in the day when there was so much confusion here I objected to the consideration of a bill for the relief of settlers who have suffered from the grasshoppers. I now withdraw my objection.

Mr. CROUNSE. I hope the bill will be now considered and passed.

The SPEAKER. The bill will be again read.

The bill (S. No. 1023) was read at length.

The first section provides that it shall be lawful for homestead and pre-emption settlers on the public lands, whose crops were destroyed or seriously injured by grasshoppers in the year 1874, to leave and to be absent from said lands until July 1, 1875, under such regulations as to proof of the same as the Commissioner of the General Land Office may prescribe; and where such grasshoppers shall reappear in 1875, to the like destruction of the crops of settlers, the right to leave and to be absent as aforesaid shall continue to July 1, 1876.

The second section provides that during such absence no adverse rights shall attach to such lands, but the settlers are to be allowed to resume and perfect their settlement as though no such absence had been allowed.

The third section extends the time for making final proof and payment by pre-emptors, whose crops have been destroyed or injured, for one year after the expiration of the term of absence provided for in the first section.

Mr. BECK. I object to that portion of the bill which provides for

what may happen hereafter. I object to providing for injury done by grasshoppers that may appear next year.

Mr. CROUNSE. Rather than have this bill defeated, I will consent to have those words stricken out.

Mr. G. F. HOAR. This is a very important bill, one that will affect many land titles, and will give rise to many lawsuits. It seems to me it employs very uncertain language. It says that if a man is "injured or considerably injured," without placing any limit. It seems to me the bill should prescribe proof of a certain degree of injury, so many dollars to the acre or something that affords a definite and fixed rate. These measures that are enacted to cure some great public evil which appeals to our sympathies are the very measures in which come in the greatest defects of legislation. It seems so me that the Committee on Public Lands can bring in and ought bring in some enactment which will give a definite and clear description of the cases for which they desire to provide relief. Has this bill been before the Committee on Public Lands?

Mr. TOWNSEND. This bill has been before the Committee on Public Lands, and has the unanimous approval and indorsement of all the members of that committee. There is nobody here but what knows the fact that for the last two years three or four of the Western States have been scourged by grasshoppers as if by fire, and the people there are now, many of them, in a state of starvation arising from the absolute destruction of their crops. The object of this bill is to give the men thus suffering the right to defer their payments to the General Government for one year, and to allow them the privilege of removing from their farms and going East to make a little money, allowing them to be absent six months from their farms. Otherwise, if they should absent themselves, as many of them must do in order to get the means of supporting their families, their lands will be forfeited, and pre-emptors and homesteaders might come in and jump their claims.

With regard to that portion of the bill which provides that the same privilege shall be accorded for any scourge from grasshoppers that may take place hereafter, that arises from the fact that it is very well known that the grasshoppers, after devastating the country during one summer, lay their eggs in the ground, and there is always a second crop of grasshoppers coming up the next year. It is to provide for that contingency that that section is in the bill.

Mr. BECK. I do not object to the bill, and I approve of all that has been said by the gentleman from Pennsylvania, [Mr. TOWNSEND.] But when the first section was read I thought it was hardly proper for us to provide for calamities that may happen in the future. As to that which has passed, I think we ought to provide for it; but we ought not to anticipate evils that may never happen. That does not seem to me like wise legislation. But if the Committee on the Public Lands desire to go even that far I will make no objection, although I do not think it is a wise provision.

Mr. LOWE. Allow me to make a single suggestion as to the provision extending the benefits of this act to the second year. These grasshopper scourges come occasionally, once in eight or ten years. The first year they come they lay their eggs, and the following season there is a crop that will do some injury; but the season after that they leave, and are not to be expected again for several years. The remedy provided here for the ensuing year is a part of the remedy applicable to the previous season. I hope the bill will be allowed to pass, for if it does not pass soon it will be of no use at all.

Mr. McLEAN. I object to the bill.

Some time subsequently,

Mr. McLEAN withdrew his objection.

No further objection being made, the bill was taken from the Speaker's table, read three times, and passed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] calls for the regular order of business, and the gentleman from Ohio [Mr. GARFIELD] moves that the rules be suspended and the House now resolve itself into Committee of the Whole on the appropriation bill.

Mr. MAYNARD. I beg to say a single word. We are approaching toward the close of the present Congress, and so far, during this session, I may say we have given no attention to private bills. We considered one private bill on last private bill day and disposed of it. There are honest people, not a few of them, in the United States, who believe that they have just claims against the Government. They come here, go before our committees, and their claims are examined and passed upon by our committees either favorably or unfavorably. It is certainly not the most favorable aspect of free government and its administration that such claimants find it so difficult to get a hearing upon their claims. And those who do get it are generally crowded into the last ten days of the session, when bills are passed under a suspension of the rules, with very little opportunity for investigation and inquiry. Here and there are cases, and there are a few of them, that are confessedly unconscionable and unrighteous jobs, and they get through Congress at that time, and not earlier in the session when they can receive something like careful consideration. I hope the House will grant this day to private bills, according to the rules. The appropriation bills will not fail. The gentleman from Ohio [Mr. GARFIELD] need not have the slightest concern on that point. Every one of the appropriation bills will pass in due time, and will receive all the consideration it deserves.

RAILWAY FROM THE ATLANTIC TO THE MISSOURI RIVER.

Mr. HURLBUT, by unanimous consent, reported back from the Committee on Railways and Canals the bill (H. R. No. 1194) chartering a double-track freight-railway from tide-water on the Atlantic to the Missouri River, and to limit the rates of freights thereon, with an amendment in the form of a substitute; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The question being taken on the motion of Mr. GARFIELD to go into Committee of the Whole on the special order, the motion was agreed to; there being ayes 91, noes not counted.

The House accordingly resolved itself into Committee of the Whole, (Mr. ELLIS H. ROBERTS in the chair,) and resumed the consideration of the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The Clerk read as follows:

For postage on seeds, reports, circulars, and letters, $52,000.

Mr. RANDALL. I hope the chairman of the committee will explain this appropriation of $52,000. According to my view the recipients of these seeds ought to be required, and I have no doubt would be willing, to pay the postage.

Mr. GARFIELD. I should be very glad if they would. An appropriation of this kind was voted in last year by the House, not having been proposed by the Committee on Appropriations. The committee in reporting the present clause are simply conforming to the instructions of the House.

Mr. HALE, of Maine. The only way we can get anybody to take these seeds is to pay the postage on them.

Mr. RANDALL. Then we ought not to buy seeds for distribution.

Mr. GARFIELD. The amount appropriated for seeds has for three consecutive years been increased in this House above the estimates and above the recommendations of the Committee on Appropriations. If the House would return to the old line of expenditure on this subject, I would be very glad.

Mr. SMITH, of Ohio. This item for postage of seeds ought not to be struck out. These seeds are purchased and are to be distributed. If they are distributed the postage must be prepaid. If this appropriation for the payment of postage be struck out, the seeds which have been purchased will remain on hand, a dead loss.

Mr. RANDALL. Very well; I have not moved any amendment.

The Clerk read as follows:

For salaries of the district judges of the United States, including the salaries of the retired judges of the eastern district of Texas, eastern district of Wisconsin, and of the district of Delaware, $193,000.

For salaries of the chief justice of the supreme court of the District of Columbia and the four associate judges, $20,500.

For compensation of the district attorneys of the United States, $19,350.

Mr. CONGER. I ask the chairman of the Committee on Appropriations to offer the same amendment to this clause that he indicated in regard to marshals; in other words, an amendment providing for mileage of the district attorneys.

Mr. GARFIELD. That amendment would be more appropriate upon the next paragraph, which has not yet been read. I will remark that a gentleman present has just informed me that a retired judge of the eastern district of Texas has recently died. If that be so, there should be an amendment in the clause making an appropriation for the salary of district judges. Perhaps some gentleman from Texas can state the fact in this matter. If not, the clause can be corrected, if necessary, in the Senate.

Mr. WILSON, of Indiana. The gentleman from Michigan [Mr. CONGER] has made a suggestion with reference to mileage. I may state that a bill on that subject is now before the Committee on the Judiciary, and will be reported at the earliest practicable moment.

Mr. CONGER. That bill may not pass.

Mr. GARFIELD. Any amendment on that subject will be more appropriate to the next clause.

The Clerk read as follows:

For compensation of the district marshals of the United States, $11,900: *Provided*, That the provisions of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, approved June 16, 1874, which prohibits the allowance of mileage to persons holding employment or appointment under the United States, shall not be so construed as to apply to the legal traveling-fees of United States marshals or deputy marshals.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to move to amend by adding to the clause just read the following:

And all accounts of said marshals, or their deputies, for expenses and mileage incurred subsequent to the 1st day of July, 1874, shall be audited, allowed, and paid in accordance with the provisions of an act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, in the same manner as if said act had not been passed.

I desire to state——

Mr. CONGER. I wish to offer an amendment to this amendment.

Mr. GARFIELD. I trust the gentleman will let me finish my statement. The clause which the committee now propose to add is designed to correct a construction of law which the Committee on Appropriations believe not to have been intended by the House in passing the mileage restriction last year. In the Army appropriation bill

a clause was reported requiring that hereafter persons holding appointment under the United States should be paid actual traveling expenses instead of mileage, in accordance with the practice in the Army. The question was raised at that time whether this would apply to others than Army officers, and the general opinion was that its operation was restricted to the Army, because it was put upon the Army bill. But by a decision of the Attorney-General it has been declared to apply to others as well as Army officers. I am disposed to think that the strict letter of the law did apply to marshals and deputy marshals as well as Army officers. But these marshals and deputy marshals receive a very small salary, two or three hundred dollars apiece, the balance of their pay being expected to be made up by fees. The traveling fees allowed under the mileage law of 1853, a special act relating to deputy marshals, has been decided to be repealed by the provision in the Army bill of last year. The committee did not intend to reach this class of officers, but it has substantially taken away a large share of their pay in the form of fees allowed in that act. We therefore declare in this proviso we so far modify the proviso in the Army appropriation bill of last year as that it shall not apply to marshals and deputy marshals, but that they shall be settled with and their mileage fees paid in accordance with the act of 1853, under which they have hitherto been paid.

Mr. POTTER. Mr. Chairman, I now rise to move to strike out this proviso to the section under consideration. I had risen to make the point of order upon this proviso that it embraced new legislation, and therefore was not in order to an appropriation bill, but the chairman of the Committee on Appropriations, if I understood him correctly, has informed us that under a suspension of the rules the House had heretofore authorized such a provision to be submitted to this bill in Committee of the Whole. I was not aware its insertion had been allowed; but if so, it is in order, and therefore I move now to strike out the proviso.

To my mind, Mr. Chairman, this is another illustration of the viciousness of general legislation in appropriation bills. I do not myself believe the law passed at the last session of Congress was not intended to apply to marshals and their deputies. On the contrary, so far as I understood the debate at the time, the change was to apply to all civil officers. However that may be, the Attorney-General has decided the law does apply to civil officers generally. Now, it may work hardly in some cases, and some provision should be made for such cases, but I am satisfied that we cannot do justice to that subject by legislating upon it here. The Judiciary Committee has now before it, Mr. Chairman, a bill embracing this whole subject. They have considered it, and will, as soon as they have an opportunity, report upon it, and then the House can legislate independently and intelligently on the subject. I apprehend that under the system of mileage proposed to be revived by the amendment of the gentleman from Ohio we shall again have great abuses in respect to certain mileage fees. We have upon our tables an executive document relating to this very matter. But this letter of the Attorney-General and the accompanying papers, so far as I have read them, furnish no reason for believing the abuses which existed under the old law will not continue if this proviso be adopted. It is well known that the marshals have been in the habit of sending through the mails writs to be served by some local officer in the district or county in which the person resides upon whom the writ was to be served deputizing him for the purpose, and when the writ is returned mileage has been charged for this constructive service. The method of service was proper, but the charge in such cases was an abuse. The abuses which thus resulted under the old law were serious and deserved correction, and will result from the restoration of the law in that respect if this proviso be adopted. I think it would be better, therefore, for the House to strike out the proviso altogether, and leave the Committee on the Judiciary to report to the House a bill in which this particular subject shall be treated by itself. I make, therefore, to apply when in order, a motion to strike out this proviso.

Mr. WHEELER. Mr. Chairman, as I had charge of the Army appropriation bill at the last session of Congress, I wish to reply to some attacks which have been made upon it. The Committee on Appropriations then made no report on this subject at all. This provision in the Army appropriation bill was put in on motion of the gentleman from Kentucky. I want gentlemen to understand, however, that the committee of conference and the House on that occasion knew precisely what they were about. This provision was intended to apply to marshals and their deputies. That there was great abuse under the old system cannot be denied. I am not able myself to agree in the action of the Committee on Appropriations in consenting to restore the old law. I think the Judiciary Committee ought to bring a bill in here providing for compensation to be paid by name; that is, that the service ought to be designated and paid for by name. These marshals and their deputies ought not to be paid constructive mileage fees. A marshal or deputy-marshal who has subpœnas to serve frequently sent them through the mails to some friend living five or six hundred miles off, not traveling a foot of the distance himself, and when they were returned served, pocketed the entire mileage fees. I think this should be regulated so we shall pay only for the identical service by name.

Mr. POTTER. Let us strike out this proviso, and let the Judiciary Committee report a bill to be acted on by itself.

Mr. CONGER. Mr. Chairman, I have taken occasion during the recess, in the office of the district marshal of Michigan, to examine one hundred cases, perhaps, of regular fees of marshals under the old law and of the fees which they would receive under the present law, as provided for in the Army appropriation bill of last year. In that one office deputy marshals have gone hundreds of miles to serve writs and arrest offenders, and have expended in the aggregate between four and five thousand dollars of their own money in the service of the United States, without knowledge any such construction had been put upon the law; for this construction by the Attorney-General has been made only within a very short time. To-day no marshal will take a writ, no marshal will dare take a writ, unless he is rich enough to bear the expense of serving his country for nothing; for that will be the effect of serving it under this construction of the law. The law allows two dollars for the service of a writ in an ordinary case. Even if it be sent, as the gentleman suggests, by mail to the deputy marshal four hundred, or five hundred, or one hundred miles off, requiring a service or an arrest, there is two dollars allowed and no mileage. The deputy marshal must go within the bounds of his bailiwick, wherever it may be—frequently in parts of the country where there is no public conveyance—at an expense of fifteen or twenty dollars, to serve the writ and return it by mail.

Mr. POTTER. May I ask the gentleman whether, if the marshal is obliged to pay the deputy for the service, he is not allowed for it now; not mileage, but the actual expenses?

Mr. CONGER. He is allowed according to a fee-bill only.

Mr. POTTER. He is allowed the actual cost.

Mr. CONGER. He is not allowed the actual cost.

Mr. POTTER. That is the law.

Mr. SPEER. He is allowed the actual expenses of traveling, but not the fees at so much a mile.

Mr. CONGER. Then suppose that to be the case; the actual expenses of traveling are computed according to the cost of travel by public conveyance, and not by the hire of teams in new parts of the country; not by traveling through the wilderness. And more than that, no man is allowed one dollar for expenses unless he brings a voucher, and the Department construes the voucher to be a fee bill receipted and certified to by the proper officer, and will not take even the affidavit of the party as to the necessity of the expense.

Now, whatever gentlemen may think about it, if they will go into the office of any marshal in the United States they will find there accumulated fees, not to the marshal, but to the deputies, to the amount of thousands of dollars, withheld from men who are little able to bear that expense.

This, with the last amendment offered by the chairman of the Committee on Appropriations, restores to men their fees for services which they have performed before there was any announcement by this Government at all that they were not to receive the usual fees or the usual mileage. And has it come to this, and will gentlemen advocate it, that we will pass a blind law in Congress, and that it shall remain for six or seven months on our statute-books, and be a blind law in itself, and have no construction from any Department?

Mr. SPEER. There is nothing blind in the law, as will be seen if the gentleman will permit me to read it. It is as plain as the sun in the heavens.

Mr. CONGER. The gentleman says so because his perception is so remarkably clear.

Mr. SPEER. Let me read the law, and I think it will be clear even to the perception of the gentleman from Michigan.

Mr. CONGER. I have no doubt that the gentleman can see what others cannot see. As Shakespeare says,

> He has gotten him glass eyes, and like a needed politician,
> Pretends to see the things that he sees not.

No other man has seen this. All the other officers of the Government supposed that in an Army bill the law related to Army officers. I admit that my friend from Kentucky [Mr. BECK] very likely knew that it was a sweeping clause which would receive this construction, and I suppose he moved it with full design and knowledge of what he was about, to bring this Congress into disrepute with all good men in the land, as it has done, and as always will be done whenever such blind laws are passed to affect, not the rich, not those who can bear such expenses and give their services gratuitously to the country, but to affect the poor deputy marshals who travel night and day, in rain and storm, to serve the processes of the Government at their own expense; and then months after this service has been rendered and their accounts presented to the Government they are told the Attorney-General has construed the Army bill to cut off all traveling expenses of the civil service.

I do not care for what purpose that section of the bill of last year was offered or intended to be offered. If it works hardly upon men who have rendered service to their country under the laws as they believed them to exist, then this amendment ought to be adopted by this Congress, and let them have their accounts settled under the law as they supposed it then existed and commence again with a plain law. I am free to say that I am glad that the Committee on the Judiciary have taken it in hand to revise this whole subject of fees and salaries of officers.

Mr. BECK rose.

Mr. CONGER. I am not quite done. I wish to move to insert in this amendment "district attorneys of the United States" before the word "marshals;" for the same rule applies to them.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Michigan, [Mr. CONGER.]

The Clerk read as follows:

Before the word "marshals" insert the words "district attorneys of the United States."

Mr. CONGER. I wish to say a word on that amendment.

The CHAIRMAN. The gentleman's time has expired.

Mr. CONGER. I desire to speak on a new subject.

Mr. RANDALL. The rules were not suspended in relation to district attorneys. I raise that point, this is a change in existing law.

Mr. CONGER. I wish to say a word on the point of order.

The CHAIRMAN. The Chair is informed by the Clerk that the words used by the gentleman from Michigan in his amendment are in the amendment moved by the member of the Committee on Appropriations, [Mr. GARFIELD.]

Mr. GARFIELD. O, no. The words "district attorney" are not in my amendment. I recite the title of the act. I say that those marshals and deputy marshals shall be paid, &c., in accordance with an act in the title of which the words "United States marshal" occur.

Mr. RANDALL. But there was nothing in the amendment of the gentleman to reach district attorneys.

Mr. GARFIELD. O, no; there was not.

Mr. CONGER. Now, I ask the chairman of the committee to give me his attention for a moment. I do not wish to have any hard feeling about the matter, and especially with my friend from Ohio, [Mr. GARFIELD.] When my friend from Ohio made the motion that it should be in order to introduce the subject of marshals, I rose and asked him to allow me also to include district attorneys, and the gentleman in the hearing of the House said, "O, that amendment will be germane."

Mr. RANDALL. O, he cannot bind me.

Mr. CONGER. The gentleman need not rise in that way. I do not propose to bind him at all. When that request was made of the House, and when the chairman of the Committee on Appropriations said that an amendment such as I desired to offer would be germane, I did not object to his request.

Mr. GARFIELD. No, I did not say it would be in order.

Mr. CONGER. The gentleman said it would be germane.

Mr. RANDALL. That is a question for the Chair to decide.

Mr. CONGER. The House then assented to this proposition on that statement.

Mr. MAYNARD. Does that appear on the record?

Mr. GARFIELD. The gentleman offered an amendment to the clause relating to the compensation of district attorneys, and I said that the next clause related to mileage, and that the amendment would be in order there——

Mr. CONGER. I am not speaking of to-day; I am speaking of the time when the gentleman moved to make this amendment in order.

Mr. GARFIELD. If I said what the gentleman alleges I have forgotten it.

Mr. RANDALL. That does not bind me anyhow.

Mr. GARFIELD. I will, of course, stand by anything I said.

Mr. RANDALL. I make the point of order that the amendment is not germane.

Mr. KELLOGG. I submit that the House is bound in good faith to carry out the agreement made by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. RANDALL. The gentleman unfortunately does not show his usual astuteness in making that suggestion. The House is not bound by any statement which may have been made by the gentleman from Ohio.

The CHAIRMAN. The point of order of the gentleman from Pennsylvania is that the amendment of the gentleman from Michigan is not in order, because it changes existing law. The gentleman from Michigan responds that it is germane to that which was made in order by the House. The Chair rules that the permission to introduce new matter related specifically to the offices of marshal and deputy marshal, and under the resolution of the House, which he has before him, he feels bound to rule that the amendment of the gentleman from Michigan is not in order.

Mr. CONGER. Does the Chair rule that my amendment is not germane to the pending amendment?

Mr. BECK obtained the floor.

Mr. CESSNA. I appeal to the gentleman from Kentucky to allow me to offer an amendment which I think will remove all difficulty.

Mr. BECK. That may be done hereafter.

Mr. CONGER. I feel the importance of this matter so much, that contrary to my usual practice, I shall appeal from the decision of the Chair.

The CHAIRMAN. The Chair can, of course, take no exceptions to the appeal of the gentleman from Michigan, but the decision of the Chair is in accordance with all precedents.

Mr. WHEELER. Let me say to my friend from Michigan that there is no rule of the House better settled than that when the House suspends the rules to make a matter in order in Committee of the Whole, only that precise matter can be brought before the committee and nothing more.

Mr. CONGER. Is it now the rule of the House to admit anything as an amendment which relates to the matter for which the House suspended the rule?

Mr. WHEELER. Not at all. The House admitted this identical matter and no other. Everything is germane as an amendment which does not effect a change in the existing law in regard to the matter embraced in the amendment admitted.

Mr. CONGER. I will withdraw the appeal. But I desire to say a word in answer to the chairman of the Committee on Appropriations.

Mr. RANDALL. I do not think this debate is in order.

Mr. CONGER. When the chairman of the Committee on Appropriations makes such statements as to mislead me, he has done it for the last time.

Mr. GARFIELD. I desire to say that I should be very unwilling to have any gentleman here, particularly my friend from Michigan, [Mr. CONGER,] suppose that I would act in any kind of bad faith in regard to this matter. If I gave my word that I would help to put that clause on, I would do all in my power to do it. If I did so I have forgotten it. I did not make the point of order against the gentleman, but being made by others, it is beyond my control.

Mr. BECK. I did not expect to take part in this debate at this time, and would not now but for the fact that attention has been called to a provision of the Army appropriation bill passed at the last session of this Congress, to which bill I had the honor to offer an amendment that became part of the law, which I will read:

Provided, That only actual traveling expenses shall be allowed to any person whatever in the service of the United States, and all allowances for mileage or transportation in excess of the amount actually paid are hereby declared illegal, and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowance in violation of this provision.

Suggestions have been made here to-day that the House then understood that provision as applying only to officers of the Army and Navy. The gentleman from New York [Mr. WHEELER] very properly states that it was intended to apply to all the officers of the United States. It was discussed freely before the House when it was offered, and in that discussion I took occasion to say:

If I may be allowed another word, I would say that I am afraid the committee do not fairly comprehend the scope of the amendment. My intention by this amendment is to apply it to all persons, no matter whether in the Army, the Navy, or anywhere else, so as to pay them actual expenses and make all their other allowances equal.

The gentleman from Connecticut [Mr. HAWLEY] announced the same fact in some remarks that he made, and so did a number of other gentlemen. No suggestion was then made that there was any misunderstanding about it, as in my judgment none could properly be made.

Mr. KELLOGG. Did not the gentleman refer to civil employés in the Treasury Department and other Departments? Is there a word in that debate in reference to officers serving process?

Mr. BECK. I do not know what other gentlemen had in their minds; I know what I had reference to. I was advised by gentlemen on all sides that the grossest abuses had grown out of the practices of marshals and deputy marshals in their charges. I hold in my hand a report made at the last session, Report No. 620, which every member ought to read, in which the fact was made to appear that the moneys paid to the marshals in the western district of Arkansas alone, from June 30, 1871, to June 30, 1873, were $724,059.29; while up to that time the average expenses of that district did not exceed $24,000 a year. And testimony was had (it is here in this document) showing that the greater portion of that amount was for fraudulent constructive traveling expenses, for work never done, for traveling never thought of; that men often were brought ten miles only or summoned on the spot, and mileage charged from Washington and back. I regarded that as one of the grossest abuses that could possibly exist.

I do not want marshals or deputy marshals to work for nothing; I want all men paid fair fees for labor performed. But I want this constructive mileage cut off. And if the law does not allow them pay enough without allowing them to rob the Treasury in this indirect and fraudulent way, then change the law so as to pay them properly. The record I refer to presents a flagrant case. Gentlemen will find on examination that the fees of these marshals and deputy marshals in other districts have been fraudulently increased in this indirect way. Why, sir, this summer proof was laid before the country, that in the State of Alabama men were carried from Northern Alabama to Mobile through two judicial districts, when there were commissioners in the county of their residence before whom they could have been examined; and all that was done in order to swell the fees of officials. If there is any abuse more flagrant than any other, it exists in this matter of marshals and their deputies.

Let this proviso be stricken out, and let the Committee on the Judiciary perfect a bill paying these men fairly and honestly for the work they do in the legitimate performance of their duty. But do not hold out to them the inducement any longer to defraud the Treasury and deceive the Government and the people. Whenever the opportunity comes—this is not the proper time, perhaps—I will show that this whole Department of Justice is a Department of flagrant injustice, and from its head down is rotten to the core; that it is hiding and concealing crime and perpetrating acts all over this country that are a disgrace to humanity.

[Here the hammer fell.]

Mr. CESSNA. I offer a substitute for the pending proviso and the amendment of the chairman of the Committee on Appropriations,

[Mr. GARFIELD.] The substitute is substantially the bill as agreed to and recommended by the Committee on the Judiciary, which committee has this subject before them.

The substitute was read, as follows:

That the proviso in the sixth paragraph of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874, shall only be held and considered as applying to officers of the Army and clerks and employés of officers of the Army and of the War Department. And all accounts of attorneys, marshals, clerks, and all officers except officers of the Army and clerks and employés of officers of the Army and of the War Department, for mileage and for expenses incurred subsequent to the 1st day of July, 1874, shall and may be audited, allowed, and paid at the Treasury Department of the United States in the same manner as if said act had not been passed, and that for services hereafter rendered no constructive mileage shall be allowed or paid to marshals or other officers of the United States; but in auditing, settling, and paying such officers for services, allowance shall only be made for the number of miles actually traveled by them in the service of process or performance of official duties.

Mr. HOLMAN. I make the point of order that the amendment is not germane, as it goes far beyond the scope of the provision authorized to be offered as an amendment.

Mr. CESSNA. I was fully aware that this point of order, if raised, would be sustained. But I beg the gentleman to withhold his point till I can make a single explanation.

Mr. HOLMAN. I shall insist on the point of order in any event; but I do not object to the gentleman being heard.

Mr. CESSNA. I wish to make a brief explanation of what the amendment covers.

The CHAIRMAN. If no objection be made, the gentleman will be heard.

Mr. CESSNA. I wish to say but a single word. The amendment I have offered is in the precise form of a bill directed to be reported by the Committee on the Judiciary. It embraces three propositions: First, it proposes to enact that hereafter the proviso in the Army appropriation bill of last year shall be construed and held as applying to Army officers only. In the next place, it provides that services rendered by other officers heretofore shall be settled and adjusted under the laws as they existed before the passage of that proviso. Thirdly, it provides that for all services rendered hereafter constructive mileage shall be abolished; that the abuse shall be removed; that the only allowance made shall be for actual travel.

I hope the gentleman from Indiana [Mr. HOLMAN] will not insist on his point of order, because if the amendment be allowed to come in it will save the Judiciary Committee the trouble of making their report at some future time.

Mr. BECK. If the gentleman from Indiana does not insist on the point, I shall. The Army officers are those with whom there is least liability of abuse in this matter.

[The amendment of Mr. CESSNA was withdrawn.]

Mr. SMITH, of New York. I move to amend the amendment of the Committee on Appropriations by adding thereto the following:

But no fees shall be allowed for constructive mileage; and every claim for mileage shall be accompanied by sworn proof that the distance for which mileage is claimed was actually and necessarily traveled by the officers.

I believe that this amendment is not obnoxious to the objection which has been made upon the several points of order which have been raised heretofore. It provides that the fees of marshals, so far as they shall be allowed, shall only be for actual travel, and not for constructive mileage. Now, sir, upon that subject I desire to have read from the Clerk's desk a letter from the Comptroller of the Treasury, which relates simply to the mileage in the northern district of New York. It was secured for another purpose, but has some bearing upon the question now pending before the committee.

The Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., March 13, 1874.

SIR: In compliance with your request of the 10th instant I have caused an estimate to be made of the amount of mileage paid for travel, as shown by the accounts of the United States marshal, during the fiscal year ending June 30, 1873. Taking as a basis the mileage contained in the vouchers accompanying the account for one of seven sessions of the courts held during the year, it is estimated that the allowances for the whole year amounted to $23,000, of which about $10,000 was for travel going to serve process, and about $13,000 was for travel of deputies and guards with prisoners.

What part of the travel was constructive I am unable to say. The charges in the accounts are made as if travel was actually performed in all cases.

Very respectfully, your obedient servant,

R. W. TAYLER,
Comptroller.

Mileage paid to witnesses by the marshal amounted to about $24,000. The district attorney's mileage amounted to $10,334.

Hon. H. BOARDMAN SMITH,
House of Representatives.

Mr. SMITH, of New York. Now, Mr. Chairman, I do not understand that the gentleman from Michigan [Mr. CONGER] or the chairman of the Committee on Appropriations [Mr. GARFIELD] desires to insist that these marshals shall collect their pay henceforth for constructive mileage. I concede that some amendment of the act passed at the last session should be adopted; but if this constructive mileage is restored, we restore an abuse of the very greatest magnitude, which has been very fully explained heretofore. Why, sir, in my own district a subpœna writ, for instance, sent from the city of Buffalo to a deputy marshal upon Lake Champlain, is served and returned to Buffalo at an expense of two postage-stamps; yet mileage is charged for nearly five hundred miles.

Mr. MAYNARD. And for every witness named in the subpœna.

Mr. SMITH, of New York. And my friend adds for every witness named in the subpœna. The result of this is that the expenses of litigation in a civil action are so enormous that when a man in my district is sued in the district or circuit court he prepares himself to go into liquidation.

Mr. CONGER. The law now provides expressly that there shall be but one mileage charged for witnesses in the same subpœna.

Mr. SMITH, of New York. I beg the gentleman's pardon. I was incorrect in what I stated. The law provides that there shall be but two mileages for service at the same place. I was incorrect before; the gentleman is incorrect now. I desire to have read from the Clerk's desk a part of a letter which was received during last winter from the district judge of New York, who is now dead.

The Clerk read as follows:

The distance from Buffalo to the extreme northeastern corner of the district and other points in the district, by the ordinary routes of travel, is nearly or quite five hundred miles; and in a large proportion of the cases in court witnesses are subpœnaed and attend at a court from one hundred and fifty to five hundred miles from their places of residence. The mileage of these witnesses and of the deputy marshals is enormous, as you can see by examining the accounts of the marshal for the last January term of the district court, when the fees of witnesses amounted to $5,625.50, and of deputy marshals embraced in the term accounts amounted to $4,635.78. (See also marshal's accounts for January, March, and May terms, 1871.)

The fees allowed the district attorney for the travel of his assistants to attend examinations before commissioners (such assistants being paid salaries directly from the Treasury) are, in consequence of the great size of the district, enormous, the travel fees of a single assistant having in one instance amounted to $840 in fifteen consecutive days. (See Mr. Dorsheimer's quarterly account for quarter ending September 30, 1869. See also his accounts for the next and subsequent quarters.)

The extravagant allowances paid for travel make it the interest of most of the officers to disregard more important duties and promote the prosecution of trifling offenses, many of which would not have occurred if the revenue officers had done their duty; and I am sorry to say there is much reason to believe the temptation is at times strong enough to overcome the inclination and obligations of duty.

* * * * * * *

Very respectfully, yours,

N. K. HALL.

Mr. SPEER. I think there should be some modification in the existing law in reference to the payment of marshals; but that we should return to the old system of paying them I do not believe. The present law provides that only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States. The gentleman from Michigan [Mr. CONGER] has insisted that the law does not make any such provision, and that I, in so stating, saw what was not to be seen, implying that—

He must have optics sharp, I ween,
Who sees what is not to be seen.

Mr. CONGER. I made the remark in reference to the construction of the law as applied to others than Army officers.

Mr. SPEER. I do not know how any court could give the law any such restricted construction in view of the language used and the discussion had in this House at the time of its passage.

Now, injustice may be done marshals to this extent: A marshal may be paid only his actual expenses in serving a writ, while as the law now stands there is no provision for payment for his time spent in such service. There is no provision in the law for the payment of the time consumed in that service. It may take him ten days, and his expenses each day may be three dollars. He would get thirty dollars, and thus lose his time. The law should be changed, I think, so as to provide a proper compensation for the time consumed.

But, sir, to return to the old system is a proposition so utterly unjustifiable, that I am at a loss to know what reason could induce my eloquent friend from Michigan to advocate it. He must have some marshal in his district who rendered most valuable service in the last campaign, and whom he seeks to reward in this way.

Mr. CONGER. I needed the assistance of no marshal in my district during the last election.

Mr. SPEER. But I suppose you had it.

Mr. CONGER rose.

Mr. SPEER. I have not time in the five minutes allowed me to yield further to the gentleman.

Mr. CONGER. I wish to ask a question about this business. Would it not be proper to settle the accounts for services already rendered up to the time when the United States Attorney-General gave his construction to this law?

Mr. SPEER. They will be settled under the old law up to the time of the passage of this one.

Mr. CONGER. That is all I have asked.

Mr. SPEER. But how did the old law operate, Mr. Chairman? Take, for example, the western district of Arkansas, referred to by the gentleman from Kentucky, [Mr. BECK.] There from 1871 to 1873 inclusive the judicial expenses were $724,000, and of that sum there went to the marshal, after paying witnesses and juries and other court expenses—there went to the marshal of that district the enormous sum of $528,000, which went largely into the political corruption fund of that desolated and suffering State. That is the system to which the gentleman from Michigan now proposes to return, to pay the marshals for thousands of miles never traveled in the service of subpœnaing witnesses or the service of notices to jurors. They sit in their offices and these notices are sent out by mail to the jurors, and now the gentleman proposes to have them charge the Government mileage to every nook and corner of their districts. It is most mon-

strous and unjustifiable. In this department of Western Arkansas we had in 1873 the enormous expense of $283,000, and in 1872 the more enormous expense of $321,000. By the report of the Attorney-General for the last fiscal year we have in that district an expense of $88,000. Two years ago it was $321,000, and one year ago it was $283,000, while last year it came down to $88,000, and next year it ought to come down to $25,000. There has been more than one-half million dollars stolen, absolutely stolen, by the marshals of that district, and much of it pocketed by the political vampires who secured their appointment and retention in office.

Take the case of one district in North Carolina, the eastern district of North Carolina. The expense last year was $147,000. Who believes that to have been legitimate and honest? That State has been run to a large extent in the same way in which Arkansas has been run, by political thieves and scoundrels and vampires, and to-day, if they have not been allowed since Congress adjourned, there are thousands of fraudulent vouchers tied up in the Auditors' office. No sooner did we adjourn, if my information is correct, than men in high political position in this and in the other end of the Capitol went as doves to the Treasury Department to influence the proper officers to pass these fraudulent vouchers. We had from forty to fifty thousand dollars tied up last June which I trust have not been allowed, although pressed by high political influence since the adjournment of the last Congress; vouchers which are fraudulent.

I think, Mr. Chairman, there should be a modification of the law, but it should not be in this bill. Let the law stand as it is, and let the Judiciary Committee, after proper consideration of the subject, report such a bill as they believe from the experience of the past is just and proper.

[Here the hammer fell.]

Mr. KELLOGG. I move to strike out the last word. I agree with the amendment of my friend from New York, that constructive mileage should all be stopped. I wish to say that while the law undoubtedly includes the marshals and deputy marshals and is correctly interpreted by the Attorney-General, I do not think there was any reference in the debate to officers serving processes whose fees were to be taxed in court at the time the provision was put in the Army bill last year. I do not think that was alluded to in the debate at all when this provision was put in, but the debate had reference to Army officers and officers belonging to the several Departments here. But I will say here to my friend from Kentucky [Mr. BECK] and others that the only trouble about these frauds in the taxation of officers' fees for serving process is that they have got corrupt judges and corrupt courts. If they had honest judges and honest courts, as we always have in New England, there would be none of this abuse and trouble. There ought to be none of this constructive mileage; and if the judge, in the exercise of the taxing power of the court, is honest, and his attention is called to it by the counsel on one side or the other, there can be none of this constructive mileage.

Mr. HEREFORD. Will the gentleman allow me to interrupt him with a question?

Mr. KELLOGG. Yes; if it is not too long.

Mr. HEREFORD. The gentleman says this is the result of corrupt courts and corrupt judges. I wish to ask the gentleman who appoints these judges, and what branch of the Government confirms the appointment?

Mr. KELLOGG. You had the appointing of them for a great many years by your administrations, and somebody else has had it, of late years; and if there be not some improvement in them in many places from what they formerly were, we are very much mistaken. But no matter about that. Courts are very much like the people where they are.

As to the point made by my friend from New York, he has a district, he says, where you have to travel five hundred miles to go from one end of it to the other. If an officer actually travels that distance he ought to be paid something for his time. It is not enough that he shall have his bare expenses; and if the law is not right now, and we did not make it right by this provision, we ought to correct it. By that law we said just this to every marshal: You shall go over a railroad a distance of one hundred and fifty or two hundred miles, or whatever it may be, and you shall not have one cent for your time; you shall go that distance to serve this process, and you will get what you pay for your railroad tickets and for what you eat, but to get that you must have a voucher from the railroad company; and no marshal or deputy ought to be put in this position.

Now, my friend from Kentucky, [Mr. BECK,] in proposing this amendment to the Army bill last session cutting off all mileage, did what he is very apt to do. If he sees a head that he thinks ought to be hit he goes for it, and hits half a dozen which ought not to be hit at the same time. And he did just that thing by this provision. He cut off not only all chances of fraud, as he says, but every honest marshal and deputy marshal's chance for pay for serving process; and the consequence is that you cannot get an honest marshal to do this work in many places; and they ought to have fair pay for serving process.

Let me say one thing more. There is another thing the gentleman from Kentucky [Mr. BECK] got into an appropriation bill and made a tremendous noise about it—a provision for covering all moneys into the Treasury at the close of the fiscal year. I think my friend must have heard from some claimant in his district by this time, who had a valid claim, who had his papers all right, and should have been paid, but did not happen to be paid before the 30th of June last, so that every dollar of the fund from which he could be paid and the money to which he was entitled had to go into the Treasury on the 30th of June last. That money has all to be reappropriated, and persons entitled to their pay have to lie out of it another year.

And this very session the Secretary of the Treasury has to send to us a long list of scores of honest claimants who have been shut off in this way, just as they were to be paid, in consequence of that provision introduced by my friend from Kentucky. When he sees an evil he sees it so strongly that he often strikes at the good with it, and I think from the experience we have had we ought to be a little careful about adopting his suggestions in amending appropriation bills.

Mr. RANDALL. I wish to suggest another amendment, which perhaps gentlemen on the other side will not object to.

The CHAIRMAN. The power of amendment is at present exhausted.

Mr. CONGER. I should like to hear what is the gentleman's suggestion.

Mr. RANDALL. In line 1690 I would insert the word "hereafter;" so that it will read, "shall not hereafter be so construed."

The operation of this act, if passed, would run back twelve months. Now, I have not heard that any marshal felt so far injured that he resigned because of the cutting down of these fees or perquisites. Therefore, if this amendment is to be made in this bill, the word "hereafter" should be inserted.

Mr. CONGER. That is not an amendment to the pending amendment.

Mr. RANDALL. The gentleman asked me to state the suggestion which I wished to offer as an amendment, and I have stated it.

Mr. CONGER. The pending amendment is to permit the accounts of marshals to be settled up to this time, under the old law. The provision in the Army bill cutting off the fees of marshals was not construed by the Comptroller and by the Attorney-General of the United States until long after the service had been rendered. And there is an evident propriety in giving marshals the fees they were entitled to, and which they all supposed they were entitled to under the old law up to the present time. That is the amendment now pending the amendment last offered by the chairman of the Committee on Appropriations, and I hope it will be adopted.

Now, Mr. Chairman, I want to say this: There is presented here a statement of the marshals' fees in Arkansas. The gentleman from Pennsylvania says that they were too great. He says they were improper. No doubt they were great; it is assumed that they were improper, and that is made the burden of a charge against all marshals all over the country.

Mr. SPEER. I said that nine-tenths of them were fraudulent in Arkansas, as is proved by the most abundant testimony which has been printed by order of the House.

Mr. CONGER. The gentleman says now they were fraudulent; but he only said before that they were large.

Mr. SPEER. Not at all. I spoke loud enough to be heard, and I said what I say now. I say now that nine-tenths of the amount was fraudulently obtained and that $500,000 was stolen from the Government in that Department during three years.

Mr. CONGER. I wanted to call the gentleman out. I thought that he would make assertions which he could not maintain.

Mr. SPEER. Sir, they are proved by evidence, and abundantly proved; they were proved before a committee of the House last session, and the House passed a bill abolishing this District which hangs fire in the Senate.

Mr. CONGER. When the gentleman is through I will go on with my own remarks. Does the gentleman object to paying marshals for services performed since the law was passed? If not, why will he not vote to pay them with an amendment, so that no constructive mileage shall be paid—an amendment similar to that offered by the gentleman from New York? To such an amendment I have no objection. I have no desire that any fees or any improper or unjust pay for services shall be received by these marshals; but let gentlemen at the proper time make a law to prevent pay for services pretended to be rendered, and I will vote for it. I will not, however, assist in depriving men of pay for services actually rendered.

Mr. G. F. HOAR. I have an amendment which I wish to have read for information, and which I shall propose when it is in order. It is to add after the word "construed," in line 1691, the words "to deprive United States marshals or deputy marshals of so much of their legal traveling fees as shall be allowed by the court to which the writ is returnable as a reasonable compensation for actual expense and trouble in the service of the same."

I suppose there are some cases in which constructive mileage may properly be allowed. For instance, take the case put by the gentleman from New York, of a subpœna sent to Buffalo but which has afterward to be returned to Lake Champlain. That subpœna may be returned because the witness may be fleeing from the service of the process and there may be some time lost in the service. In such a case the officer should unquestionably be allowed something for his trouble in serving the subpœna. There are undoubtedly great abuses, such as the gentleman from Pennsylvania [Mr. SPEER] has alluded to with a great deal of warmth; but this amendment cuts them all up by the roots, except that it leaves to the court to which

a process is returnable the power of allowing a fee and reasonable compensation to the marshal for his actual trouble.

Now, it was said by the gentleman from Pennsylvania, and it is unfortunately true, that there are instances of corrupt judges who would aid the marshal in defrauding the Treasury or parties, whether the process be in a civil or criminal case. But, Mr. Chairman, whenever you have got a corrupt court, upon it depends the decision of rights to property, the preservation of order in the community, and everything else; and when the integrity of the judiciary goes down, all this goes down with it, and it is impossible for us to make laws based upon any other theory than the theory that the judiciary of the country is pure. If a judge will combine with an officer of the court or with parties to defraud, there is no legislation in a particular form which can prevent that theft. It is as impossible as to resist the cause of evil in nature everywhere. The only remedy is in the silent but sure remedy of a returning sense of justice in the people, leading to the punishment of the offender by their Representatives here through the process of impeachment.

It seems to me that this amendment will substantially cure all the evils complained of in this Department, except in those cases where the judge himself is corrupt; and in those there is no legislative remedy.

Mr. DURHAM. I desire to say but a few words upon the question now before the committee, and I am led to do so from the fact that I was a member of the committee at the last session that investigated the affairs of the western district of Arkansas; and I was led to investigate this whole question as to the fees of marshals. I am satisfied with the law as it now stands, and which I understand to be embraced in the proposition submitted by my colleague [Mr. BECK] at the last session. If it turns out that those fees are not enough, they should be made enough by law.

I am opposed to this constructive mileage. The whole investigation that we made into the affairs of the western district of Arkansas (and I apprehend there are other districts like that) goes to show that there were large frauds practiced upon the Government by means of constructive mileage. I might give you instance after instance where the marshals charged four or five times as much as they were entitled to. And I understand furthermore that this was not an uncommon thing. A marshal is directed to summon a jury, either a petit or a grand jury, for the circuit court of the United States. He addresses a letter to each of the persons he is directed to summon, and then charges mileage for it. He charges mileage for two hundred miles from his residence the same as if he had got on a railroad or a steamboat or upon the outside of a horse, and he collects mileage for the whole distance. Now, is that fair and right? I say the whole thing is embraced in a proposition passed by the House upon the motion of my colleague. If a man is entitled to pay for his services, let it be upon the actual service rendered, and not by way of constructive mileage.

I apprehend that my friend from Michigan [Mr. CONGER] when he comes to read this report concerning the western district of Arkansas will not propound an inquiry, as he did to-day to the gentleman from Pennsylvania, [Mr. SPEER,] as to whether any frauds were alleged to have occurred in the western district of Arkansas. So plainly and so palpably were these things brought home to the knowledge of the House last session, that by a unanimous vote the House resolved to abolish the western district of Arkansas; not only to turn out the unfaithful marshals, but to absolutely turn out the judge who had been presiding there. And I believe that any man who will look at this question fairly and impartially will come to the conclusion that this matter of constructive mileage is all wrong.

[Here the hammer fell.]

Mr. HALE, of Maine. I have no objection, I think no one ought to have, to this matter of the pay for services of marshals and deputy marshals being fixed in some determinate manner, so that it may be known what their compensation shall be for those services. This is a matter that has pestered the Department of Justice more perhaps than any other single matter of administration in it.

But I rise here now more particularly to say a word for that Department. It has been somewhat fashionable to abuse it. Gentlemen here on this floor have spoken this morning without limit and without stint of the enormities of the administration of the Department of Justice. The gentleman from Kentucky [Mr. BECK] says that it is honeycombed with fraud; and the gentleman from Pennsylvania [Mr. SPEER] says that there are nothing but vampires in it, eating up the substance of the country. Now, I believe from investigation that there is no ground for such sweeping charges as are made here against the Department of Justice. It is not honeycombed with fraud; it has other than vampires in it.

I know from the investigations that the Committee on Appropriations have made in times past that the fund at the disposal of the head of that Department, drawn upon from time to time by the courts and their officers, the marshals, deputy marshals, and district attorneys, has been the subject-matter of great anxiety to him. The Committee on Appropriations have investigated from year to year—however, I will not use that word, for the Committee on Appropriations cannot go outside of its duties and become an investigating committee. But it has looked into appropriations which in another bill are given in a lump sum of millions of dollars to this Department of Justice. And I will say for the head of that Department that wherever it has been in his power he has always upheld the views of the committee when seeking to curb or restrain abuses in expenditures, and to curb and restrain men—and there have been plenty of them—who have sought to lay hands on this fund, and by swelling charges to reduce it.

The testimony in regard to Arkansas, referred to by gentlemen on the other side, showed the existence there of a crying shame; and no man found it out sooner than the Attorney-General; no man objected to it more decidedly than he. No man has objected to these extortionate charges made by district attorneys and marshals and deputy marshals more than he has done. It has been to him a constant source of annoyance and of grief. And to-day he will be able to show in his report that in divers parts of the country and in different districts he has cut off these abuses to a great degree and has lowered the expenditures in his Department, and so far as his administration goes has brought the Government nearer to the proper point of purity of administration and economy of expenditure.

While I believe the officer in charge of the Department of Justice has administered its affairs as well as he can, for one I will not stand here and hear him abused, although it may be fashionable to abuse him; I will not stand here silent and hear these assertions made that cannot be borne out.

Mr. SPEER. Will the gentleman allow me to ask him one question?

Mr. HALE, of Maine. Certainly.

Mr. SPEER. Why did not the Attorney-General recommend the correction of these abuses? Why did he remain silent until the report of the Committee on Expenditures in the Department of Justice was made at the last session of Congress—a report enough to sicken any man in the land?

Mr. HALE, of Maine. The head of that Department has never remained silent in view of abuses. Wherever it was within his administrative power to cut off an abuse or to remove an officer whom he believed to be guilty of infringing on this fund improperly, he has, so far as my knowledge goes, always exerted his power in that direction. No doubt he has made mistakes. No doubt, like any other administrative officer, he has been besieged and importuned by men in this House and at the other end of the Capitol who stood beside these appointees; and perhaps in some cases he has held off longer than he should have done. But that he has faithfully tried to remedy these abuses I do believe, and it is looking into the matter that leads me to believe it.

[Here the hammer fell.]

Mr. MAYNARD. Mr. Chairman, because some men are found to steal horses, it is no very valid reason that everybody should go afoot. I have taken very little trouble in this House—out of it more—to vindicate the present Administration. If I wanted to do so I should simply take those points upon which it is assailed—for example, this bill of marshals' expenses in Arkansas—and I would go back to the years when I first came to this House and found a distinguished citizen of the State of Pennsylvania sitting in the presidential chair. I would take chapter after chapter, verse after verse, syllable after syllable, and make a comparison. That would be the only vindication or defense that I should think it worth while to make.

Mr. SPEER. The expenses of this Department in 1859, under Buchanan's administration, were $19,000; while in 1872 they were $321,000.

Mr. MAYNARD. If the gentleman from Pennsylvania is so young and verdant, or supposes anybody else so young and verdant, as to believe that such a statement tells anything——

Mr. SPEER. That is from the official figures taken from successive reports of the Attorneys-General.

Mr. MAYNARD. The mere numerical amount that is expended one year with another has no significance. The point to be considered is the amount of business and the relative cost of doing that business.

But, sir, I rose for another purpose. My attention was called to our legislation of last session by the district attorney and marshal in my own district. They assured me that it was utterly impossible to carry on the public business under the provisions of our statute as it has been interpreted; that they could not find persons who would undertake to execute the process of the court. Men are not willing to spend three or four days or a week or more going about the country, merely to have their actual traveling expenses and hotel bills paid. The law as it now stands is a positive obstruction of justice in every part of the country where it is necessary to go any distance either to summon witnesses or to arrest parties; and it is important that our legislation shall take such a form as will relieve the stoppage of the business of the courts as it is occurring in some portions at least of the country. Men should be paid a fair rate of compensation for the services they are called upon to perform. I am aware that under the old system which obtained years ago, in that "good old time" I speak of, a dozen mileages were charged sometimes for a single precept—a precept executed not always by actual travel. We have attempted to remedy that, but in doing this we do not want to prevent officers from being paid for services they actually perform and actually must perform that justice may be administered.

All this talk that we have heard—all this arraignment of abuses that some time or other are stated to have existed—all these assaults upon the Department of Justice, are altogether aside from the evil that is now found in the law which we ought to have wisdom enough

to remove in order not to prevent the Judicial Department from discharging its proper and appropriate work.

I am aware of the assaults that have been made upon the present Department of Justice and its present head. They go back beyond this matter; they go back to occurrences within the last three or four months; they go back to things that have been very much bruited throughout the country on the stump and elsewhere, looking to incidental functions that have been thrown upon the Attorney-General by occurrences in some portions of the country. How much of the remarks that we have heard here is referable to these occurrences of the last three or four months I leave gentlemen to judge and decide for themselves. I do not propose to go into that.

[Here the hammer fell.]

Mr. COX. Before this paragraph is passed, I desire to offer an amendment (if it be in order) that in all arrests by United States marshals the parties arrested shall be taken before the officer nearest the place of arrest who is authorized to admit to bail. Whether that amendment is in order or not I do not say; I have not yet offered it; but I would like, if possible, to abolish one evil connected with the execution of writs by United States marshals and deputy marshals. One illustration of this evil is found in occurrences in Alabama last summer where many persons were arrested by marshals in Sumter County and taken to Mobile although there was in Sumter County a commissioner authorized to admit to bail. Why did they take them to Mobile and Montgomery, a long distance, except for the purpose of getting not merely constructive but actual mileage? That ought to be cut up by the roots as an abuse.

The gentleman undertook to defend the present Administration in connection with these marshals. Well, sir, nearly all the propositions made here for economy, if we analyze them closely, have something bad at the bottom. It grows out of our inordinate Federal legislation upon all subjects; of our reconstruction laws—our intermeddling with elections. The intermeddling of Federal officers in our State elections and otherwise has given rise to extraordinary processes and to extraordinary expenses, and is of no good whatever to the States where these processes have been executed, as we all very well know.

Why, sir, in 1858 the whole cost of this Arkansas judicial district was only $25,000; in 1859, $19,000; in 1860, $26,000; in 1866, $15,000; in 1867, $24,000; that is, for the whole State of Arkansas, which was then only one judicial district. In 1868 it was $34,000; in 1869, $56,000; in 1870, $108,000; in 1871, $138,000; in 1872, $320,000; in 1873, $283,000 for the western judicial district of Arkansas. This is because of your peculiar system of legislation here which the people have reprobated. There is a most unaccountable lack of accountability all through our federal system. We have Federal intermeddling, dragging men from their homes and carrying them three, four, and five hundred miles under process, when they need only to have been carried a short distance, and done merely for the purpose of getting large fees by marshals to be shared possibly by the men who kept them in their Federal positions. If we have no power to reach these wrongs or to remedy these mischiefs in the appropriation bill, let us at least expose them.

I may agree with the gentleman from Tennessee that these abuses are not peculiar to one party more than another, but wherever they appear every honest man in this House should give them a blow. When gentlemen like the gentleman from Maine [Mr. HALE] and the gentleman from Tennessee [Mr. MAYNARD] defend the Department of Justice, let me ask why they do not send that omnipotent Attorney-General to the Senate of the United States and let him there exercise his influence to pass the bill which tore up this whole Arkansas business? If there is any power in the Administration, if there is any influence which any of the Departments have in regulating legislation so as to secure the passage of honest laws, let them go to the Senate and urge that bill already passed by this House, and then we will give you some credit for being in earnest in trying to remedy these wrongs.

[Here the hammer fell.]

Mr. GARFIELD. I ask unanimous consent that debate be closed on the pending paragraph and amendments.

There was no objection, and it was ordered accordingly.

The question first recurred on the amendment of Mr. SMITH, of New York; which was rejected.

Mr. COX. I move the following amendment.

The Clerk read as follows:

Provided that in all arrests by United States marshals the parties arrested shall be taken to the officer nearest the place of arrest who is authorized to admit to bail.

Mr. GARFIELD. I make the point of order on the amendment of the gentleman from New York that it provides for a change of existing law.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out of order.

Mr. G. F. HOAR. I move after the word "construed," in line 1691, to add the following:

To deprive United States marshals or deputy marshals of so much of their legal traveling fees as shall be allowed by the court to which the writ is returnable as a reasonable compensation for actual expense and trouble in the service of the same.

Mr. SMITH, of New York. Is that an amendment to the amendment of the gentleman from Ohio?

Mr. G. F. HOAR. It has now been provided only to allow marshals their traveling fees; and I move, then, as a substitute, to allow only such as the judge shall find to be equitable and reasonable.

Mr. SMITH, of New York. If the amendment of the gentleman from Massachusetts is adopted, there will be left nothing to prohibit the payment of constructive fees.

Mr. G. F. HOAR. The old law prohibits them, but this provides the marshal shall not be deprived of so much as the court shall find to be reasonable.

Mr. SMITH, of New York. I beg the gentleman's pardon; the old law does not prohibit constructive fees.

Mr. G. F. HOAR. I think it does, but I will withdraw my motion if there is any doubt about it.

Mr. GARFIELD'S amendment was adopted.

The question then recurred on Mr. POTTER'S motion to strike out the entire proviso.

Mr. HOLMAN. I offer the following as a substitute for the proviso:

That the district marshals shall receive the sum of three dollars per day for the period actually and necessarily employed in travel in serving process, in addition to the fees for the service of the process, where such service shall be required to be made beyond the limits of the city where the court may be held by which such process was issued, in addition to the actual expense of travel now allowed by law.

Mr. GARFIELD. That changes the law, and is not in order.

Mr. HOLMAN. But it is germane to the pending proposition.

The CHAIRMAN. The Chair is compelled to rule the amendment out of order. Permission was given to admit a specific proposition.

Mr. HOLMAN. But this is germane to the proposition which was authorized.

The CHAIRMAN. But it is not the specific proposition.

Mr. GARFIELD. The specific proposition was in regard to mileage.

The CHAIRMAN. The Chair is compelled to rule that this distinctly changes the law in reference to compensation in addition to the subject of mileage, and he therefore rules it out of order. The question is on the motion of the gentleman from New York [Mr. POTTER] to strike out the proviso.

Mr. BECK. I desire to ask a question of the Chair. If the proviso is stricken out, does that strike out the amendment just adopted?

The CHAIRMAN. Of course. When the committee strikes out a proviso it strikes out any amendment to the proviso.

The question being taken on Mr. POTTER'S motion to strike out the proviso, there were—ayes 52, noes 71; no quorum voting.

The tellers were ordered under the rule; and the Chair appointed Mr. POTTER and Mr. GARFIELD.

The committee again divided; and the tellers reported—ayes 63, noes 88.

So the motion to strike out the proviso was not agreed to.

The Clerk read the following paragraph under the heading "Court of Claims:"

For stationery, books, fuel, labor, postage, and other contingent and miscellaneous expenses, $3,000; for reporting the decisions of the court, clerical hire, labor in preparing and superintending the printing of the tenth volume of the reports of the Court of Claims, to be paid on the order of the court, $1,000; and for preparing a digest of the decisions of the court for the past twelve years, $1,000; in all, $5,000.

Mr. HOLMAN. I offer the following amendment:

Strike out these words:

And for preparing a digest of the decisions of the court for the past twelve years, $1,000.

This, Mr. Chairman, is an appropriation merely for the benefit of attorneys who practice in the Court of Claims. This digest is not designed to furnish information to any other class of persons. The digest of the decisions of the courts, I believe, never has been published in any of the States at the public expense. It has always been a matter for private enterprise exclusively. There are public reasons, perhaps, why the decisions themselves should be published; yet I think that, with the exception of the decisions of the Supreme Court and the decisions of the Court of Claims, this expense is not incurred in regard to any of the judicial tribunals of the country. In other cases the expense is borne by the persons who deserve benefit from the publication of the reports. But here it is proposed to go to the expense of publishing a digest, at the expense of $1,000, for the benefit of idle gentlemen who will not take the trouble to prepare a digest for themselves. I have never before noticed any such item in appropriation bills, and I trust this will be stricken out, or that some very good reason shall be given why it should be retained.

Mr. GARFIELD. I have never been so painfully impressed with the impropriety of this appropriation as I have been since I have heard my friend from Indiana pronounce the word "digest" with so strong an accent on the first syllable. I was feeling quite strong in favor of the appropriation until I heard that pronunciation. But, seriously, I cannot understand why my friend should draw so fine a distinction as to admit that it is quite proper for us to publish the reports of the decisions of the Court of Claims and an index to each volume, and an index and even a digest of the decisions of other courts of the United States, and yet to insist, when we propose to have a digest of the decisions of this court, that it is something extravagant and in the interest merely of lawyers. I do not know that it is any more in the interest of lawyers to print a digest of the decis-

ions of this court than of any other class. The fact is, the Court of Claims is the only court where the people of the United States have a hearing as against the United States in a case of claims; and the reports of the Court of Claims, properly digested, furnish the reasons for the decisions of the court defining and limiting the character of the people's rights. It seems to me that it is more in the interest of the people than of any particular class that we should print this digest.

Mr. HOLMAN. I wish to ask the chairman of the Committee on Appropriations this question: Has Congress ever appropriated a dollar for publishing digests of the decisions of the Supreme Court?

Mr. GARFIELD. We have appropriated money to purchase copies of the work.

Mr. HOLMAN. We may have appropriated for the purchase of a certain number of copies, but that is different from an appropriation to prepare and publish the work. The volumes of digests of the decisions of our State courts are all published by private enterprise.

Mr. GARFIELD. And in those cases the person having charge of the work is entitled to a considerable amount of fees growing out of it.

Mr. HOLMAN. I move to strike out the last word of the amendment for the purpose of adding a little to what I have already said.

I feel that I ought to apologize to the sensitive ear of the chairman of the Committee on Appropriations for my want of accuracy in the pronunciation of the word "digest." I am glad that we have in this House a gentleman able to suggest the most refined modes of pronunciation. I know how harshly an inaccurate pronunciation falls upon a cultivated ear, and I ought to have been more considerate. I beg the gentleman's pardon for being so unmindful of my duty in his presence as to indulge in the western style of pronunciation. My friend had the benefit of instruction at one of the more refined institutions of learning, and he ought to be, perhaps, a little more merciful to the less favored mortals around him. But I trust this little beginning will not be criticised into a precedent. I think there are enough channels of extravagant expenditures in this country without seeking a new mode of expending a little more money. I did not say that I thought it was proper that the people of this nation should incur the expense of publishing the decisions of the Supreme Court of the United States, or of the Court of Claims. The publication of the decisions of other courts is made by private enterprise, I believe, in all the States of the Union. It may be, however, that there may be a propriety in doing this, founded on what has been the immemorial practice of the Government, but I know that it is not proper to begin the publication of this digest, which is a mere matter for the convenience of the gentlemen practicing law in court. It is a labor-saving expenditure, by which not only courts, but more especially, lawyers, may know precisely what the law is; but I do not think they should have this convenience furnished them at the expense of the Government. I trust this little beginning will not be tolerated by the committee, but that we may have left us some field of expenditure that shall not be invaded by appropriations from the public Treasury.

Mr. GARFIELD. I desire to say a single word. I hope the gentleman does not think I was criticising his pronunciation, for I was not. I do not know that I ever in my life heard the gentleman pronounce a word incorrectly; but I was referring to the scorn with which he pronounced the word "digest." I hope his scorn will not wither the word out of the bill.

Mr. HOLMAN. I hope it will.

The question was upon the motion of Mr. HOLMAN to strike out, in lines 1707, 1708, and 1709, the words "and for preparing a digest of the decisions of the court for the past twelve years, $1,000."

The question was put; and on a division there were ayes 34, noes not counted.

So the amendment was not agreed to.

Mr. G. F. HOAR. I move *pro forma* to strike out the last word for the purpose of putting a question to the chairman of the Committee on Appropriations, or to his colleague from New York, [Mr. WHEELER,] who is also a lawyer. I would like to be informed at some proper time (and I do not know of any time that will be more proper than now) whether the Committee on Appropriations, who have occasion to examine all the expenditures of the Government, find upon the whole that the existence of the Court of Claims is a saving of money to the Government or tends on the whole to promoting a separation of just claims from unjust claims, against the Government; whether during its existence it has operated as a sucessful element in the administration of justice?

Mr. GARFIELD. I would say in regard to that, that for four or five years the Court of Claims had a hard struggle for existence in Congress, at a time when leading lawyers in both Houses were in favor of abolishing it. A great many were opposed to its establishment originally, and I have no doubt that it has entailed large expense upon the country. It has poured in upon the Supreme Court a large volume of work, overloading its docket, and has no doubt increased the labor of that court. But to say that is not to say necessarily that the Court of Claims ought not to exist. As I had occasion to say awhile ago, it is the only place where a citizen of the United States has a right to come before a judicial tribunal and prefer his claim against the United States. If the Court of Claims was abolished we would have an infinitely greater pressure on Congress in the matter of private claims, and I am disposed to believe that the Court of Claims is to claims generally what the southern claims commission is to that particular class of claims. I do not believe it would be wise to abolish the Court of Claims at present; but that is a question upon which men do and will differ.

Mr. G. F. HOAR. I withdraw the amendment.

The Clerk read as follows:

To pay judgments of the Court Claims, $400,000.

Mr. HOLMAN. I wish to make an inquiry of the gentleman from Ohio as to this item. The amount appropriated is far less than the amount in the estimates. The estimates are for $1,524,390. Those estimates are based upon judgments already rendered. This appropriation is to pay for judgments that will be rendered in the next fiscal year.

Last year we appropriated a million dollars for this purpose. On the basis of appropriations heretofore made, does the chairman of the Committee on Appropriations believe that the sum now proposed to be appropriated—less than half a million dollars—will be sufficient?

Mr. GARFIELD. I think it will be, with the addition of the unexpended balance now on hand for this purpose.

Let me state in brief that there were $2,000,000 estimated for last year, and the committee gave half of what was estimated. Formerly but $400,000 was appropriated annually. Last year a million dollars was appropriated; and we find upon inquiry that if the judgments pending had been mainly or half rendered against the United States the whole million dollars would have been used up. But they have so much of that million dollars still unexpended that the committee think that this appropriation will be sufficient to meet this expenditure.

Mr. HOLMAN. With the balance of last year's appropriation?

Mr. GARFIELD. Yes, sir.

Mr. HOLMAN. The reason I called attention to this subject is that appropriations are being made for the purpose of meeting the judgments of the Court of Claims, the southern claims commission, and various other tribunals, and those appropriations are growing so rapidly that the subject ought to begin to arrest a great deal of attention.

Mr. GARFIELD. The only means we have of estimating the necessary amounts to be appropriated is simply to take the actual payments of last year and compare them with the amounts covered by the claims acted upon, and then take the docket for the next year and estimate about how many cases can probably be disposed of, and making calculations on these two estimates. Of course gentlemen will see that in some years the amount will be greater and in other years it will be less. There is a single case pending before the Court of Claims, a cotton case, that will take a million dollars for its payment alone, if allowed in whole; and we cannot tell whether it will be allowed or not, or if allowed whether it will be allowed to its full extent. All we can do is to estimate a reasonable amount and put it in the bill.

Mr. SMITH, of New York. Are the proceeds of captured and abandoned property covered into the Treasury, so that when a judgment is rendered by the Court of Claims there must be an appropriation to pay it?

Mr. GARFIELD. Certainly; except in a class of cases where the Secretary still has the right and authority to settle claims.

Mr. SMITH, of New York. Are any of those cases pending in the Court of Claims?

Mr. GARFIELD. Not those cases. One class of cases do not go to the Court of Claims at all, but they are decided by the Secretary himself.

The following was read:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General:

For compensation of the Attorney-General, $8,000; Solicitor-General, $7,500; three Assistant Attorneys-General, at $5,000 each; one Assistant Attorney-General of the Post-Office Department, $4,000; solicitor of internal revenue, $5,000; naval solicitor and judge advocate general, $3,500; examiner of claims, $3,500; law clerk, $3,000; chief clerk, $2,200; stenographic clerk, $2,000; two law clerks, at $2,000 each; six clerks of class four; additional for disbursing clerk, $200; one clerk of class two; one telegraph operator, at $1,000; five copyists, at $900 each; one messenger; two assistant messengers; two laborers; and two watchmen; in all, $80,760.

Mr. WILLARD, of Vermont. I desire to ask the chairman of the Committee on Appropriations if the "examiner of claims" referred to in the paragraph just read is the one connected with the State Department.

Mr. GARFIELD. I think he belongs to the State Department.

Mr. WILLARD, of Vermont. I had an impression that the name of the officer had been changed.

Mr. GARFIELD. I will examine into the matter, and if found necessary we can turn back.

Mr. BECK. I move to strike out this entire paragraph. Of course I do not expect to succeed in having it stricken out, but I rise for the purpose of making a brief statement. The gentleman from Maine [Mr. HALE] a few moments ago announced that his object in taking the floor was not so much for the purpose of discussing the particular question then before the Committee of the Whole, relative to marshals and deputy marshals, as it was to defend the general conduct of the Department of Justice from attacks which had been made by myself and by the gentleman from Pennsylvania, [Mr. SPEER.] The gentleman from Maine said that I had denounced the Department of Justice as being honey-combed all over with fraud. I want

to say now that that is my deliberate opinion. And if there was any means of striking out this whole appropriation, or of reaching the Department of Justice and having it thoroughly investigated, I would endeavor to adopt the measures necessary and proper to accomplish that object now. I do not attack the subordinates of the Attorney-General. Many of them are good men. I strike at the responsible head and at his public acts.

The gentleman from Maine ought to remember that on Monday last I introduced a resolution, which failed because he and other republican members refused to vote for it, calling for an examination into the conduct of this Department of Justice relative to the safe-burglary conspiracy. On my own responsibility as a Representative I stated that the Attorney-General had dismissed the special prosecuting attorney, Mr. Riddle, in the safe-burglary case, when it was known to the Attorney-General and to all who had examined it that that case, if thoroughly investigated, would expose such evidence of fraud, corruption, and interference with justice as would shock the people of this country.

And I now assert here that in my judgment the Attorney-General is a more guilty man, in respect to the acts of usurpation and tyranny done in the State of Louisiana, than Judge Durell, who has been reported by a committee of this House as deserving impeachment. This House and the country know that two days before Judge Durell issued the order for which he was impeached the Attorney-General, in violation of his known duty, clearly and knowingly usurping authority not given to him, telegraphed to the marshal of the United States in Louisiana to this effect:

> You are to enforce the decrees and mandates of the United States court, no matter by whom resisted; and General Emory will furnish you with the necessary troops for that purpose.

The order or decision of Judge Durell, which has been found to be not only illegal but impeachable, was rendered upon the assurance—given two days in advance by a Cabinet officer of the United States, who had no authority to call upon the Army, who was not asked by any constitutional body or person for permission to use the Army—that it would be used to sustain his action, no matter what decision the judge might give. I repeat, if Judge Durell, by resigning, as he has done, has confessed his guilt, which is by common consent admitted, the Attorney-General of the United States, who aided and abetted him and gave an order in advance to him to do it, guaranteeing him protection and support, is a more guilty man than he.

I might multiply instances of gross wrongs in grave matters against this high official, but time would fail me; five minutes run rapidly. Take this, for example: The Department of Justice has appealed from the Court of Claims to the Supreme Court every cotton claim that has been decided against the United States; and has, upon the Attorney-General's own motion, without trial on the merits, dismissed a large majority of them whenever the friends of the Department were appointed to arrange them and could get such fees out of them or such portions of them as they saw fit to demand.

Again, I assert that the Department of Justice has used the Army of the United States for the basest of purposes. The Attorney-General has sent his marshals and secret-service thieves all over the land—to Alabama, Louisiana, South Carolina, and elsewhere—for purposes of wrong and oppression. I repeat, it is a Department of *injustice* instead of a Department of *Justice*. When the proper time comes, if I can get an opportunity, I will make good all I have said about the Attorney-General and his Department. If I am denied the right here, the next House of Representatives will see to it.

[Here the hammer fell.]

Mr. SPEER. Mr. Chairman, I desire to call the attention of the chairman of the Committee on Appropriations to the fact that the law of last session provides that "hereafter a detailed statement of the expenditure for the preceding fiscal year of all sums appropriated for contingent expenses in any Department or Bureau of the Government shall be presented to Congress at the beginning of each regular session;" and to the further fact that upon my own motion the following provision was incorporated in the law of last session under the head "Expenses of Department of Justice:"

> And the Attorney-General shall hereafter annually report to Congress in detail the items, amounts, and causes of the expenditure of the contingent expenses of this Department.

Now, Mr. Chairman, no such detailed statement, no statement of any kind, of the expenditure of the contingent fund has been made to Congress by the Attorney-General. For the year expiring on the 30th of June, 1874, there were appropriated $21,000 for the contingent expenses of that Department. And I hold in my hand the report of the Attorney-General, in which he returns that amount to the exact cent as having been expended, for what? The law requires him to give us a detailed statement of every dollar and every penny of these expenses. A little over a year ago the nation was scandalized by developments in reference to the expenditure of the contingent fund of the Department of Justice, and that scandal caused the passage of the law I have read, requiring of the Attorney-General this statement to be made to Congress. Yet in open neglect of his duty, in the plain teeth of the letter of the law, he fails, or has failed up to this hour, to give us any statement of the items of the expenditure of the contingent fund.

Now, where has this money gone? For what was the $21,000 expended? How many hundred penknives, how many landaulets, were bought; how many horses were kept; how many drivers, and footmen, and carriages? We have a right to know; the law makes it the duty of the Attorney-General to give us this information. It is due to the law, it is due to the people, that not another dollar should be appropriated for the Department of Justice while the present incumbent remains in the office of Attorney-General until he complies with his plain official duty. I ask the chairman of the Committee on Appropriations whether he was aware that that report of the expenditures of the contingent fund by the Attorney-General had not been made when he inserted this item in the bill?

Mr. GARFIELD. When the gentleman gets through I will speak.

Mr. SPEER. The gentleman says when I am through he will speak. He should be able to answer such a question now. He should not appear here as the quasi apologist of a public officer, and that officer at the head of the Law Department, when he stands before the House and the country in open dereliction of duty. The chairman of the Committee on Appropriations can command the floor at any time and at all times; and to such a question as this that gentleman, holding the purse-strings of the appropriations of the Government, covering $300,000,000 a year, should be prompt to reply, and if necessary reply in terms of rebuke to a public officer who fails to do his duty.

I affirm, then, sir, that the motion of the gentleman from Kentucky should prevail; and until this officer complies with the law we should not vote him another dollar for contingent expenses. We have the right to know where this money has gone; we have the right to know how many penknives he has bought and distributed among his clerks and his friends; we have the right to know how many carriages he keeps, for whom they are kept, where they are kept, and at what expense. We have the right to know where the people's money goes; and until that duty on his part is performed the appropriation embraced in this section of the bill should not be voted.

Mr. GARFIELD. This motion is to strike out the appropriations for the Judicial Department of the United States. The gentleman from Pennsylvania [Mr. SPEER] is almost enraged at me because I do not stand upon the floor as a witness to be examined and cross-examined by him for the purpose of decorating and adorning his speech. He thinks I ought to have leaped to the floor and stood meekly by, answering whatever question and cross-question he chose to put about the Department of Justice. Now, I do not think we have reached that point of satrap management here in this House when any particular member is called upon to stand forth in that meek attitude before his fellows.

The raving upon this subject has been chiefly done in one line and by one small lot of gentlemen on this floor. In one short speech of five minutes I heard the word "vampire" pronounced three times by the gentleman who has just taken his seat. Besides the words "thief" and "robber" and "swindler" and "fraud," in connection with the Attorney-General's Department, danced through the mazy visions of his mind and speech as though they were the familiars of his waking hours and his dreaming moments; and in that trance he asked us all to join in a whirligig and let him be the piper, to pipe while we danced in a ring around him.

Now, I am here to say, not that the judicial department of the Government has always been as economical as it ought to have been, but that there has been sturdy, earnest work done in cutting down the expenses in that Department, at least during the time that I have been chairman of the Committee on Appropriations, not by the committees of Congress alone, but also by the Department itself. It was on my motion—a motion made in pursuance of a unanimous vote in the Committee on Appropriations—that we made all these contingent expenses of the Department definite and precise, and did not, as our democratic friends did in their day of rule, appropriate several hundred million dollars in a lump, never to be reported, never to be itemized, never to be considered, at least so far as any requirement of law was concerned. And we who have made all these changes and betterments are now to be called upon to dance in a little circle around a small center because a new law passed here some six months ago required itemized, close, and careful reports of contingent funds and those reports are not now upon the tables of all the members in this the second week of the session. We have one of these reports already before us.

The gentleman desires to know whether we dare say those reports are out, and why they are not out. There are a great many things probably we had better not dare about until we have found our grounds for them. Against what particular thing in this bill does the gentleman direct his thunder? He kicks against the sky. He shoots at the stars generally, broadcast. His fusee roars and the sky re-echoes, but where are his birds? What point in the bill does he aim at? If he sees anything wrong in the bill, name it—point it out, and I will help him to strike it out. But we cannot answer an indictment against the universe.

For one I am tired of this everlasting clamor and vagueness, a mere hurra to which we are treated hour by hour in the progress of the debate on this appropriation bill. If men do not get up and answer and rail and roar in answer every five or six minutes, "O, there is no economy in this House. Wait until we get in and we will show you economy." The Government waited and let you show economy for many long years until the Government had run down and touched bottom in bankruptcy and protest. In this broken condition a great

party took hold and saved the country from this degradation and slavery and ruin, from treason and rebellion, and lifted it up into the light of freedom, with respect for the rights of man; lifted it out of war in which you had plunged it and made its public credit and name great in the world. Bark; but remember the glories you bark at.

[Here the hammer fell.]

Mr. BECK. Will the gentleman from Ohio tell us about the several hundred million dollars which were appropriated in a lump by the democratic party? When was that done?

Mr. GARFIELD. I did not say "several hundred million dollars in a lump."

Mr. BECK. I beg the gentleman's pardon; he did say so, and I am borne out in my statement by gentlemen around me.

Mr. GARFIELD. If I said millions, I of course meant thousands.

Mr. BECK. You were merely "roaring" then, I presume.

The amendment was rejected.

Mr. SPEER. I move to strike out the last word.

Mr. Chairman, it is so rarely that the gentleman from Ohio [Mr. GARFIELD] declines to take the floor, or declines to answer questions unbidden, that perhaps I may be pardoned for expecting an answer to the simple question I put to him. If the question was impertinent, if it was improper in view of the public interest that it should be answered, then I should have been rebuked; but if it was proper that a Representative of the people upon this floor should put a question to the chairman of its leading committee as to whether a public officer had complied with the requirements of the law, if that was proper, then I was in the line of my duty.

But, sir, I do not submit to rebuke from the gentleman from Ohio or to be lectured by him on my past course or that of my party. We may have erred as a party and as individuals, but he who lifts the rod of correction over us should be a man along whose pathway the undimmed light of an honest life has been cast. That lecture and that rebuke should not come from the man around whom gather the mists and clouds of suspicion, if not the black shadow of established guilt.

Mr. GARFIELD. What is that the gentleman says?

Mr. SPEER. I say this side of the House should not be lectured by a gentleman who stands in the mists and clouds of suspicion, if not of guilt. I take the responsibility for my question and for my error, if error it was. If I was fighting the stars, I beg the gentleman to remember I could not have been fighting him! If I was discourteous I withdraw any remark which will bear that interpretation; but I am not here to be rebuked when in the line of my public duty.

It is not the right of the gentleman upon this floor, having charge of interests so important as these, to answer with assumed superiority, at least in manner and in tone, if not in language, a question properly put by a person properly authorized to put it. I regret anything that may have been said to imbitter the relations of gentlemen here; but it is not the first time I have felt with other Representatives upon this floor the superciliousness of the gentleman from Ohio, charged to a large extent with the management in this House of the financial affairs of the nation. And it may be well for him to be taught, here and now, that however we may stand with reference to length of service and official position on this floor, as Representatives of the people we are equal.

Mr. GARFIELD. Any teaching which I desire to receive I hope to receive in due time and from the proper quarter. I ask now for a vote.

The CHAIRMAN. Is the formal amendment withdrawn?

Mr. RANDALL. As both gentlemen seem now to be in good humor, I would like to renew the question which was addressed to the gentleman from Ohio, [Mr. GARFIELD.] I would like to know whether he is prepared to say that the Attorney-General of the United States has conformed to law in giving us a report of the manner in which that $21,000 of the people's money was expended? The question is more important than the mere language of it might seem to imply. It is not an idle question, and as the chairman of the Committee on Appropriations it is the gentleman's duty to answer the question yea or nay, or else say that he cannot.

Mr. GARFIELD. Gentlemen will remember very well that the proposition to require specific reports of the expenditure of the contingent funds was moved in this House by the Committee on Appropriations and put on the law by that committee.

Mr. RANDALL. I am not detracting from what is due to the committee in that respect.

Mr. GARFIELD. That law took effect and began to operate on the 1st day of July last, and when that year which began on the 1st day of July last is done, if there come not then a report of all the expenditures of that year, then it will be time to ask us whether these gentlemen have done their duty or not.

Mr. RANDALL. No, sir. At the commencement of this session was the time. I want you to be frank and answer the question.

Mr. GARFIELD. I am addressing the Chair. I do not say "you" in talking of gentlemen on this floor. I do not allow debate to run in the direction of personalities, so far as I am concerned. I address the Chair, and in addressing the Chair I say to the gentleman that if any of those reports were by law required to be presented at the beginning of this session, I do not know how many of them have been. I know one of them is in print, and is a part of the report which accompanies this bill.

Mr. RANDALL. I do not mean to let the gentleman escape, on the idea of my being personal about this, from answering my question.

Mr. GARFIELD. I have just stated that I did not know whether the Attorney-General has made a report of the expenditures of this contingent fund for the past year or not. There has been no escape from giving an answer to the gentleman's question.

Mr. RANDALL. The gentleman was making his escape by referring to my use of the expression "you." I want this question answered. It is a plain question, which should be answered by the chairman of the Committee on Appropriations before he has any right to ask the committee to make any further appropriations to that Department.

Mr. DURHAM. And I remind my friend from Pennsylvania that I propounded the same question to the chairman of the Committee on Appropriations yesterday, whether or not there had been a report from the Postmaster-General of the expenditure of the contingent fund.

Mr. GARFIELD. And I answered the gentleman from Kentucky that one of the reports was in, and that I understood the rest would be made in due time.

Mr. DURHAM. I understand the law to be that the reports of the contingent expenditures shall be made at the same time as the general reports.

Mr. RANDALL. Now, I want, so far as this side of the House is concerned, that it should be acknowledged that no effort has been made here to retard the progress of this bill. But we do want to know about every dollar that has been expended, and when we have reason to believe that fraudulent expenditures have been made out of this contingent fund we want to know how.

Mr. GARFIELD. I have nothing further to say. I have answered the gentleman precisely as to the facts.

Mr. RANDALL. If the gentleman says he has not got the information, I cannot press him further for it.

The *pro forma* amendment was withdrawn.

The Clerk continued the reading of the bill, and read to the close of section 1.

Mr. McCRARY. In accordance with the order of the House on Monday last making the amendment which I hold in my hand in order to this bill, I now offer that amendment to come in as section 2.

The Clerk read as follows:

SEC. 2. That the circuit court of the United States in and for the district of Iowa shall be held at the times and places now provided by law for holding the United States district court in and for said district. But the circuit judge shall not be required to sit in said court except at Des Moines. Causes removed from any court in the State of Iowa into the circuit court of the United States within said district shall be removed to the nearest circuit court, unless the parties thereto shall otherwise agree: *Provided*, That all appeals or writs of error allowed by law from the district court to the circuit court for Iowa shall be taken to the circuit court at Des Moines, to be heard by said court when held by one or more circuit judges: *And provided further*, That the judge of the district court for said district of Iowa may, in his discretion, order that the same jurors be summoned to serve in the circuit and district courts when held at the same time and place, and at a place other than Des Moines.

Mr. McCRARY. As this is a matter which relates entirely to the courts in the State of Iowa, and as it involves no expense whatever, I suppose there will be no objection to the amendment. It has been submitted to the Committee on the Judiciary of the House, and I believe I am authorized to say that it meets with their approval.

I may be permitted, however, to say that it is an absolute necessity that some legislation of this kind should be had in order that the business in the Federal courts in the State of Iowa shall be transacted with anything like promptness and dispatch. The circuit court meets at one place, the capital of the State, and the docket now numbers twenty-five hundred causes. The provisions of this amendment will require the circuit court to be held at the same point as the district court, and in the absence of the circuit judge, of course it will be held by the district judge. But it adds nothing to the expenditures for the administration of justice; on the contrary it will save a large expense on the part of litigants, and also on the part of the Government. I presume there is no objection to the amendment, and therefore there is no need of its further discussion.

Mr. GARFIELD. I really do not think that we ought to put a measure of this kind upon an appropriation bill. I do not know anything against the amendment on its merits; but if we add to an appropriation bill a measure of this kind, we might as well go on and swell the bill into a general judiciary act. I repeat that I know nothing against this measure upon its merits, but I do think that it is not such a measure as we should incorporate in an appropriation bill, and I hope my friend from Iowa will not press it.

Mr. McCRARY. I must insist on its being connected as a part of this bill. There is considerable legislation in the bill at other points, and there is nothing in this provision that will form a precedent any more dangerous than other provisions in the bill. The reason why I press it is that it is a matter of great importance, and I very much fear that in the brief remainder of this session it might not be possible, however meritorious the bill may be, to get it considered and passed through the two Houses as a separate measure. The House,

by a suspension of the rules, ordered that this provision should be in order as an amendment to this bill.

The question was taken on the amendment of Mr. McCRARY; and on a division there were--ayes 46, noes 49; no quorum voting.

Tellers were ordered; and Mr. McCRARY and Mr. GARFIELD were appointed.

The committee divided; and the tellers reported ayes 84, noes not counted.

So the amendment was agreed to.

The Clerk proceeded to read the second section of the bill.

Mr. ASHE. I offer the following as an additional section:

Assay office of Charlotte, North Carolina:
For assayer in charge, $1,800; melter, $1,500; wages of workmen, $600; contingent expenses, $1,500; in all, $5,400.

Mr. HOLMAN. I hope that amendment will not be adopted. The reports show that this assay office is of no value to the country.

Mr. ASHE. The appropriation for this assay office has been frequently before the House. It was discussed at the last session, and all the statistics and information we had were then before the House. I have now some additional information in regard to this assay office from the assayer, and I will ask the Clerk to read a portion of his letter.

The Clerk read as follows:

Table No. 1 shows the amount of gold and silver produced in the States of North Carolina and South Carolina since the discovery of gold. No. 2 shows the amount of business done at this office.

No. 1. Gold of domestic production, to June 30, 1874, of North Carolina, $9,884,514.22; of South Carolina, $1,379,121.92.

Silver of domestic production (1841) to June 30, 1874, of North Carolina, $44,345.88.

No. 2. Gold coin (and bars) made at United States branch mint, Charlotte, North Carolina, to close of June 30, 1874, $5,141,111.07.

The following statement shows the probable production of North Carolina for the year 1874, arranged according to counties:

Gaston County	$75,000
Rowan County	50,000
Burke County	10,000
Rutherford County	5,000
Catawba County	1,000
Mecklenburgh, Union, and adjacent counties	9,000
	150,000

Before I close I will add a brief statement in regard to our business. Our operations are restricted by law to the assay of bullion; *i. e.*, we take it as deposited, package by package, and, having formed it into a bar of suitable form and size, we assay the bar, ascertain its value, and stamp it accordingly; it is then issued to the depositor, who sells it to the local bankers or ships it to the Mint at Philadelphia to be reassayed and converted into coin. By selling he is compelled to allow the banker a considerable profit by shipping he is subjected to the expense of expressage and to a considerable delay before realizing. The larger companies and depositors have preferred the latter course; and, to avoid the double expense of assay here and there, have sent direct to Philadelphia. In this way the greater part of the bullion product passes around us. I have often called the attention of the authorities at Washington to this difficulty under which we labor, and have suggested a course by which this inconvenience might be obviated and the depositor be enabled to receive at once the full value of the deposit, subject only to the usual working charge.

I have alluded to the plan in my conversation with you. It is as follows: That the Treasury Department be authorized and instructed to keep a fund of gold coin at this office for the express purpose of paying the depositor the value of his deposit as soon as ascertained; the bar becoming the property of the office, and being subsequently sent to Philadelphia to be coined to replenish the fund here. Perhaps also it might be advisable to allow us to issue coin certificates or some similar instrument, (when the depositor prefers it,) payable by the assistant treasurer at New York or Philadelphia. These methods would as fully answer the needs of depositors, it is believed, as a coining department, and could be effected at a far less cost to the Treasury than would be involved in the support of a coining staff here. The arrangement under which the New York assay office does its business and settles with depositors is precisely what we want here. A very small coin fund would be sufficient for our purpose, as it could be speedily replenished as often as needed.

In this connection I will allude to another feature of our work here: We have interpreted freely our instructions to aid generally in promoting mining interests, and in the intervals of our regular work we are engaged in assaying ores, analyzing soils, minerals, &c., and in miscellaneous chemical examinations; the fees received therefor going into the Treasury. In 1873 upward of one hundred examinations were made, many of them of importance. Oftentimes we make no charge when the individual is too poor to pay or when the matter is of more than individual importance, and at all times the charge is but little more than sufficient to pay the cost of the work. The receipts from this source amount to some hundreds per year, and about one-half this amount is profit to the United States Treasury.

We have for some years performed chemical work for the State geologist, and have made this office a cheap and valuable adjunct to the geological survey of the State.

Although we do not get much gold to assay, yet we perform an important function in the development of the mineral interests of the North Atlantic States; and in discussing the question whether this assay office shall be continued or not, it will be proper to compare the advantages accorded the various sections of the Union in this respect. The States and Territories west of the Rocky Mountains have a geologist (mining commissioner) and several exploring expeditions constantly in the field at the expense of the General Government, and, in addition, two mints and two assay offices.

When it is said that there is little use for our branch, that we do too little work, our friends might reply that at present there is little use for any mint, because three-fourths of the gold that is coined in our mints is speedily shipped across the water, and at once melted down in the European mints. There will be more real use for mints when the printing office occupies a less conspicuous part in supplying the country with a circulating medium.

Senator MORRILL, chairman of the Committee on Appropriations, when here remarked that he did not know whether we needed a branch mint in North Carolina or not, but that he was for sustaining it, because the old States had got but little, and would get no more, and what they had got they must keep.

We only ask for $5,900, and there should be no hesitation in appropriating it. So much (nearly) is appropriated yearly to pay four men who stand round the cabinet in the Mint at Philadelphia to answer the questions of visitors about old coins, metals, ores, &c., (*vide* United States Treasury Register, 1874, page 60.) This is not noticed because it is swallowed up in the immense sum of $205,000 given freely to that mint.

We hope that the usual appropriation will be made, and that the measure will be pushed through Congress authorizing a coin deposit to be made here for the purpose alluded to.

We will thank you to inform us what the Director of the Mint has recommended, and to send to us a copy of the appropriation bill.

I am, sir, your obedient servant,

CALVIN J. COWLES,
Assayer in Charge.

The question was taken on the amendment; and there were ayes 17, noes not counted.

So the amendment was not agreed to.

Mr. SMITH, of New York. I desire the attention of the chairman of the Committee on Appropriations to the amendment I now offer. I ask the consent of the House to go back to a section of the bill we have passed for the purpose of considering this amendment. It is to add at the end of line 1714 the following:

No judgments of said court shall be paid beyond the amount of this appropriation and any unexpended balance of former appropriations for the payment of the judgments of said court.

The CHAIRMAN. Is there objection to going back?

Mr. HUNTON. I object.

Mr. SMITH, of New York. I ask the gentleman to consent to my making an explanation of the reasons for the proposed amendments.

Mr. HUNTON. I have no objection to that.

Mr. HOLMAN. The amendment can certainly be offered as an independent section, to come in at the end of the bill, as it is a limitation upon an appropriation in the bill.

Mr. SMITH, of New York. The gentleman from Indiana [Mr. HOLMAN] certainly will not object to my making an explanation now.

Mr. HOLMAN. I will not.

Mr. ASHE. I object to the amendment.

Mr. SMITH, of New York. Then I propose it as an independent section to come in at this place.

The CHAIRMAN. The committee is in the middle of a section at present.

Mr. ASHE. I do not object to an explanation by the gentleman.

Mr. SMITH, of New York. In the last Congress I offered an amendment to the appropriation bill prohibiting the payment of judgments of the Court of Claims without specific appropriations for such judgments being made by Congress. There was a long debate upon that amendment. In that discussion, which continued for two days, it was not ascertained by this House that judgments of the Court of Claims were paid without any appropriation by Congress. And we did not know, and the people of the country did not know, and we have not yet found out, what became of the $26,000,000 which was supposed to be in the Treasury of the United States as the proceeds of captured and abandoned property. My reason for proposing the amendment which led to that discussion was this: not that I was prepared to say that men who had been disloyal to the Government during the war should not be paid for their property, but I was prepared to say that those men ought not to be paid in advance of men who had been loyal. In that debate I cited the case of a plaintiff in the Court of Claims whose claim was upward of a million dollars for captured cotton, who was a confederate loan commissioner during the rebellion. I did not contend that he should never be paid. I did contend that he should not be paid in advance of men who had been loyal to the Government during the war, and had suffered comparatively more than he had suffered. I did contend that Congress ought not to give him precedence in time of payment over Dr. J. Milton Best, of Paducah, who stood upon the roof of his own house when the fort at Paducah was besieged by the confederate army and his house was occupied by confederate sharpshooters picking off the Union gunners in the fort, and waved his flag as a signal to the Union gun-boats to fire upon and destroy his own house, making, with noble heroism, a willing sacrifice of everything he had in the world for the sake of his country.

And I ask my friends on the opposite side of the House to understand me now. I do not repudiate the decisions of the Supreme Court of the United States that the proclamation of amnesty by President Johnson entitles these men to compensation. But what I do insist upon is just this: that when we are paying judgments of the Court of Claims from day to day we ought to know, and the country ought to know, what is being paid. It may help us to a conclusion as to whether we can afford to pay some of these ruined heroes like Dr. Best, many of whom are now suffering not only from hope deferred, but from penury and hunger also. A few moments ago—and I hope the chairman of the Committee on Appropriations is present and will hear what I am about to say—a few moments ago, while standing in the area in front of the Speaker's desk, I propounded a question to the chairman of the Committee on Appropriations whether these judgments of the Court of Claims were paid without appropriation by Congress. I understood him to say that they were not; that claims for property captured or abandoned after the proclamation declaring the war to be at an end were paid without an appropriation, but no claims for captured or abandoned cotton arising before that date. Being somewhat in doubt, from my recollection of the discussion of last Congress, I telegraphed to

the Secretary of the Treasury, asking him this question: Are judgments of the Court of Claims for captured and abandoned cotton paid without an appropriation by Congress? I ask that his answer be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., December 18, 1874.

Hon. H. BOARDMAN SMITH:

Judgments of the Court of Claims for captured and abandoned cotton are paid out of an indefinite appropriation made by the act of March 3, 1873. (12 Statutes, page 820, section 3.)

B. H. BRISTOW,
Secretary.

Mr. SMITH, of New York. There is an error of date in that telegram. The act referred to is the act of March, 1863, and not March, 1873. I ask the Clerk to read the section under which these judgments are paid.

The Clerk read as follows:

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury may require the special agents appointed under this act to give a bond, with such securities and in such amount as he shall deem necessary, and to require the increase of said amounts, and the strengthening of said security, as circumstances may demand; and he shall also cause a book or books of account to be kept, showing from whom such property was received, the cost of transportation, and proceeds of the sale thereof. And any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition thereof.

Mr. SMITH, of New York. Now, I ask the House to bear in mind that the appropriations for paying judgments of the Court of Claims have been only about $500,000 a year, while, if I mistake not, judgments have been rendered, single judgments for captured cotton, very largely exceeding that amount. Now, I assure our friends on the other side of the House that time and association with men who were once rebels, but are now, as I believe, sincerely loyal to the Government, have done much to soften resentments and to make me hope with confidence for a new union of hearts. I am for burying the past. We have been enemies. Let us now be friends. I am for abiding faithfully by the decisions of the Supreme Court, and for paying the just and lawful claims of men who were in the rebellion and were restored to their rights of property by the proclamation of amnesty. My amendment means nothing to the contrary. What I insist upon is simply that Congress shall not leave to the Court of Claims legislative powers, to make appropriations, nor permit that court to render judgments which are to be paid, to the amount of possibly $26,000,000, while neither Congress nor the country knows what is being done.

[Here the hammer fell.]

The CHAIRMAN. There is no amendment pending.

Mr. MAYNARD. Before the gentleman takes his seat, allow me to call his attention to the fact that the true date of the act from which he has had a section read is March 12, 1863. That act is frequently referred to, and I call attention to the true date.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to move to strike out from this section all that relates to the printing of notes, bonds, &c., for the purpose of putting it into the sundry civil appropriation bill. I make that motion for the reason that the subject-matter of printing notes, bonds, and other securities of the United States is now being examined by the Committee on Banking and Currency. We have not their report, and we propose to strike out all relating to that subject here and wait until we can have the benefit of their report.

The portion of the section referred to was as follows:

For paper for notes, bonds, and other securities, including mill expenses, boxing, and transportation, $325,000.

For labor, (by the day or piece or contract,) including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work, and for other expenses of engraving and printing notes, bonds, and other securities of the United States, $1,175,000.

For materials other than paper required in the work of engraving and printing, $200,000.

For the purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of the same, $60,000.

The motion of Mr. GARFIELD was agreed to.

The Clerk read as follows:

SEC. 3. That it shall be the duty of the heads of the several Executive Departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the 1st day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction.

Mr. GARFIELD. I move to amend by adding to the section just read the following:

And the Secretary of the Treasury shall submit as a part of the appendix to the Book of Estimates such extracts from the annual reports of the several heads of Departments and Bureaus as relate to estimates for appropriations and the necessities therefor.

The amendment was agreed to.

Mr. SMITH, of New York. I now offer the following amendment, to come in as a separate section:

No judgments of the Court of Claims shall be paid beyond the amount of the appropriation made in this act and any unexpended balance of former appropriations, for the payment of the judgments of said court.

Mr. HANCOCK. I object to that amendment.

Mr. YOUNG, of Georgia. I hope the amendment will not be adopted.

Mr. GARFIELD. I make the point of order that the provision of the amendment in regard to any unexpended balances under former laws is new legislation.

Mr. MAYNARD. I think this amendment will not effect the purpose which the gentleman from New York [Mr. SMITH] desires to accomplish, because under the act to which he is referring the action of the Court of Claims stands in a peculiar attitude. It is not within the general jurisdiction of the court; but the court by that act is made the arbiter, so to speak, to dispose of a special fund. This fund is not in the Treasury proper; it is not covered into the Treasury technically; but is lying there waiting till parties supposed to be entitled to it shall present their proofs, which they are required to do in the Court of Claims, instead of sending them to the Treasury Department.

Mr. SMITH, of New York. A single word in answer to my friend from Tennessee, [Mr. MAYNARD.] This amendment is based upon the fact now ascertained that this money is being appropriated by the Court of Claims, Congress and the people knowing nothing about it. I appeal to my friend from Ohio, [Mr. GARFIELD,] and submit that it is hardly just, it is scarcely in consonance with what the people demand, that he should raise a point of order to prevent the adoption of this amendment designed to let Congress and the people know what is being done with this money.

Mr. MAYNARD. I suggest to the gentleman that he would reach the object he wishes to attain by providing that this money shall be covered into the Treasury. It will then stand like any other money in the Treasury, subject to be drawn out only by appropriations. The money is not as yet covered into the Treasury.

Mr. SMITH, of New York. It has been understood heretofore for years that this money was so covered into the Treasury that it required an appropriation of Congress to take it out, and the chairman of the Committee on Appropriations has so said here to-day. An amendment in the form suggested by the gentleman from Tennessee [Mr. MAYNARD] is even more obnoxious to the point of order than in the form in which I have put it. I am sorry that the point of order is insisted on.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] raises the point of order upon the amendment that it is not simply a restriction upon the appropriations in this bill, but a restriction upon unexpended balances not covered by the bill, and therefore changes existing law. The Chair is compelled to sustain the point of order. The amendment is not before the committee.

Mr. GARFIELD. I move that the committee rise, and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ELLIS H. ROBERTS reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3813) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and had directed him to report back the same with sundry amendments, and, as amended, recommend its passage.

Mr. GARFIELD. I desire to offer an amendment that should have been submitted in its appropriate place as we went through the bill, but it did not get here in time from the Department. The contingent expenses of the secretary's office of Utah Territory were not estimated for until the bill was made up. I move to amend by inserting the following at the end of line 980, under the head of "Contingent expenses for the Territory of Utah:"

For rent of secretary's office, $600; storage and care of Government property $300; fuel, $200; stationery, lights, and incidental expenses, $500; in all, $1,600.

The amendment was agreed to.

Mr. GARFIELD. I have received a letter from the Auditor for the Post-Office Department, calling my attention to the fact that under the Revised Statutes the title of the "Auditor for the Post-Office Department" has been changed, and that officer is now known as the "Sixth Auditor" only, not as the "Auditor for the Post-Office Department." Therefore I move to amend by striking out in line 476, after the word "Auditor," the words "of the Treasury for the Post-Office Department," and inserting before the word "Auditor" the word "Sixth." Upon this subject I submit the following documents:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, December 18, 1874.

SIR: I have the honor to inclose herewith a copy of a letter addressed to the Secretary of the Treasury, and beg to call your attention to that portion relating to the appropriation for salaries for this office for the fiscal year ending June 30, 1876, under the name of "Office of the Auditor of the Treasury for the Post-Office De-

partment," while the Revised Statutes would seem to necessitate a change to that of "Office of the Sixth Auditor."

I am, respectfully, your obedient servant,

J. J. MARTIN,
Auditor.

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives.

—

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, December 17, 1874.

SIR: I have the honor to call your attention to the fact that, by the laws relating to the Treasury Department, chapter 4, as compiled from the Revised Statutes of the United States, approved June 22, 1874, the title of the Auditor of this office appears to have been changed to that of Sixth Auditor, and to request instructions as to how far this change of title may affect the appointments of employés of this office and also the general business thereof. At present all books, blanks, envelopes, &c., bear the designation of "Office of the Auditor of the Treasury for the Post-Office Department," and the appropriation for salaries for the year ending June 30, 1876, is being made under the same name.

I am, respectfully, your obedient servant,

J. J. MARTIN,
Auditor.

Hon. B. H. BRISTOW,
Secretary of the Treasury, Washington, D. C.

The amendment was agreed to.

Mr. WHEELER. I move to amend by striking out the following amendment adopted in Committee of the Whole:

For the support and maintenance of the National Military Asylum for the relief of totally disabled officers and men of the volunteer forces of the United States, $500,000, or so much thereof as may be necessary.

I move further to amend by striking out the following:

The amount necessary for the support and maintenance of said home for the balance of the fiscal year ending March, 1875, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and is made available on and after the first day of April, 1875, subject, nevertheless, to the provisions herein before contained as to unexpended balances of moneys heretofore drawn or received, and to all other provisions regulating the annual appropriations hereafter to be made as herein provided.

I find on examination at the Treasury Department that this home for disabled soldiers has an accumulated fund of $590,250 invested in United States securities; an ample fund to carry it through the remainder of the fiscal year after the 1st of April next, and to carry it through the next fiscal year. Consequently there is no necessity for any appropriation in this bill.

The amendment was agreed to.

Mr. HALE, of Maine. I am directed by the Committee on Appropriations to move an amendment in reference to the building now occupied by the State Department, on Fourteenth street, which I ask the Clerk to read.

The Clerk read as follows:

For rent of building on Fourteenth street, to the time of expiration of lease $4,000, or so much thereof as may be necessary.

Mr. GARFIELD. We have cut out all appropriation for the rent of that building for the next fiscal year supposing it would not be used by the State Department, but the lease does not expire until sometime in the next fiscal year, and therefore we have to make provision for that rent.

Mr. HOLMAN. What building does this refer to?

Mr. HALE, of Maine. The building now occupied on Fourteenth street by the State Department.

Mr. HOLMAN. Was it omitted by mistake?

Mr. GARFIELD. It was. We struck out the whole supposing we would not need the building in the next fiscal year, but the Secretary of State informs us the lease does not expire until next fall, and we therefore have to make appropriations to pay for the rent in the next fiscal year.

Mr. HOLMAN. I wish to be considered as objecting to any agreement on the part of this House to the proposition that the head of any Department of the Government can bind Congress to make appropriations in the future because of the terms of any lease he has made unless under specific appropriation therefor made by Congress.

Mr. GARFIELD. I demand the previous question on the bill and pending amendments.

The previous question was seconded and the main question ordered.

Mr. MAYNARD. I suggest now that the House adjourn, and this bill and pending amendments will come up the first thing in the morning.

ADJOURNMENT OVER.

Mr. POLAND. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. MAYNARD. I hope not.

Mr. GARFIELD. I suggest that we meet to-morrow for debate only, no business whatever to be transacted.

Mr. YOUNG, of Georgia. I object.

The SPEAKER. The gentleman's proposition is that no business whatever is to be transacted.

Mr. YOUNG, of Georgia. I withdraw my objection.

Mr. CROOKE. I beg leave to object, because these meetings on Saturday for debate only, no business to be transacted, have brought this House into disrepute more than any other thing.

The question recurred on Mr. POLAND'S motion to adjourn over.

The House divided; and there were—ayes 98, noes 42.

Mr. MAYNARD demanded the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to.

Mr. POLAND moved to reconsider the vote by which the House agreed to adjourn until Monday next; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I move to reconsider the vote by which the main question was ordered. Before that question is put, Mr. Speaker, I will myself occupy a few moments of the time allowed me under the rules. I wish first to call the attention of the House to one or two amendments where I have made a mistake, which I wish the House to correct. I moved to strike out the words "newspapers and," and I find in doing so I have stricken out what has been included in this appropriation bill for a series of years. The clerks of the respective Houses subscribe for newspapers for members for their convenience, which are paid for out of the $125 a year allowed to members. The words "newspapers and" should therefore stand as they were originally reported in the bill.

Mr. HOLMAN. The only effect of putting these words back in the bill is to keep in office at a high salary a clerk to attend to that duty. I believe every member of the House can subscribe himself for the different papers he may need without the interposition of this clerk.

Mr. GARFIELD. The Clerk of the House says this must be done in order to have subscribed for the newspapers which are paid for out of the sum allowed members.

Mr. Speaker, but few changes have been made in the text of this appropriation bill. The great change has been made in regard to the national asylums. The statements made a short time ago by my colleague on the committee [Mr. WHEELER] show we need not appropriate a dollar for them for the coming year, because they have on hand an accumulated fund of nearly half a million dollars. We have therefore struck out the clause appropriating half a million dollars for that purpose.

I now desire to yield to the gentleman from Indiana [Mr. TYNER] in regard to the rent for the use of a building for the Post-Office Department, in reference to which the House, I think, last night was disposed to go off rather hurriedly without full information.

Mr. TYNER. When the question was raised yesterday about the rent of a building for the Post-Office Department, my colleague [Mr. WILSON] made some suggestions to the committee which, I have no doubt, induced the committee to cut down the amount reported by the Committee on Appropriations. In the debate which occurred upon that subject I stated my recollection about some of the facts connected with the rent of that building, but since that time I have taken occasion to make further inquiry. All the papers relating to the renting of that building were submitted to the Committee on Appropriations last year by the Postmaster-General, and printed by order of the House in Miscellaneous Document No. 42, first session of the present Congress. Now, I wish to call the attention of the House for a few moments to the facts presented by this document.

The Postmaster-General, finding it necessary to secure additional rooms for the clerical force of his Department, appointed a committee consisting of two officers of the Treasury Department, the Sixth Auditor, the chief clerk of the Sixth Auditor's Office, the Third Assistant Postmaster-General, the chief clerk of the Third Assistant Postmaster-General, and the principal clerk of the stamp division of his department, to examine eight different buildings which had been called to his attention in the vicinity of the Post-Office Department. That committee, after a thorough examination, reported to him, under date of May 9, 1873, that in their judgment the house known as No. 708 E street, immediately opposite the main entrance to the Department, was the better one for the Department to rent. In that report they stated to the Postmaster-General that the building contained some fourteen or fifteen rooms, all of good size, and many of them larger than the rooms of the Post-Office building, and that the rent proposed for that building was $400 per month, or $4,800 per year. It seems that the Postmaster-General thought that that building was scarcely adequate to the wants of the Department and that the rent was too high, and he therefore submitted the matter to the Supervising Architect of the Treasury, who detailed A. G. Mills, his chief clerk, and W. T. Dewdney, assistant superintendent of the State Department, to make a personal investigation of all these buildings. They reported to the Supervising Architect, under date of May 26, that in their judgment the building 915 E street, which was finally rented to the Department, was the better one. I shall quote a sentence or two from their report:

This building we consider the best adapted for office purposes, for the reason that the back building is separated from the main building by an area and brick covered hall-way, which admits of two rear windows to each floor, thus admitting to the main building more light and air from the rear than either of the other premises which have a back building afford.

And they wind up their report by saying:

We express no opinion upon the eligibility of the location of these buildings nor upon the rent asked for the same.

Upon the submission of that report to the Supervising Architect, he reports to the Postmaster-General that he also personally examined

all of these buildings, and he says that in his judgment 915 E street is the best one for the Department to rent. And he adds:

The only objection that can be made is the amount of rental, which is in my opinion rather high.

And then he recommends the lease of this property, provided the terms are or can be made satisfactory to the Department. Upon that the Postmaster-General began to negotiate for the lease of the property, and one A. C. Bradley leased that building to the Post-Office Department for a term of three years, under date of the 6th of June, 1873.

So far as the papers that are on file show, A. C. Bradley was the owner of that building on the 6th of June, 1873, and not Alexander R. Shepherd as was suggested in the discussion yesterday. But to cover that point I telegraphed to the Postmaster-General since the House has been in session to-day, putting to him this inquiry:

Inquire of Mr. A. C. Bradley, lessor, if he were the *bona fide* owner of the premises No. 915 E street on the 6th day of June, 1873, the date of the lease.

And I received from him a few minutes ago this answer:

WASHINGTON, D. C., *December* 18, 1874.

Hon. J. N. TYNER:

Tax-books show deed Henry D. Loney to Andrew C. Bradley, June 7, 1873, and Andrew C. Bradley to A. R. Shepherd, August 27, 1874. Recorder's office closed. Mr. Bradley states that the property was conveyed to him absolutely and in fee-simple by Stickney, and others, of Freedman's Bank.

MARSHALL JEWELL,
Postmaster-General.

Now, that I apprehend ought in the absence of record evidence to establish the fact that A. R. Shepherd was not the owner of the building at the time it was leased to the Post-Office Department.

Mr. COTTON. What difference does it make who owns the building?

Mr. TYNER. That is not the question we are discussing now. I am only talking in reference to what occurred yesterday.

Again, I find on inquiry at the Department, of the First Assistant Postmaster-General, that he never heard of Mr. Shepherd in connection with this property until the month of November last; and on examination of the receipts which were taken for this rent, in the hands of Mr. Chenoweth, the disbursing officer for the Department, I find that A. C. Bradley has received his rents for this building down to September 30, 1874, and under date of 21st of November, Bradley notified the Department that he had sold the property to Alexander R. Shepherd. This, I think, constitutes sufficient proof as to the ownership of the property in the absence of record evidence.

Now let me say one word as to the rate at which the building is rented. The Postmaster-General, under the advice of the Supervising Architect, declined to give $400 per month; but he did negotiate for it at the rate of $350 per month, or $4,200 a year. Previous to this lease the Department rented a stable for the use of the horses connected with this Department at the rate of $30 per month, or $360 a year. There was a brick stable upon these premises, and immediately upon the execution of this lease the former stable was abandoned and this stable used, a saving being effected in that way of $360 a year.

Again, sir, the lowest rent for any property which these several committees reported to the Department was that for the property on E street, immediately opposite the main entrance of the Department. This contains fifteen rooms, and the rent would have been $4,800 a year; while the Postmaster-General rented the premises at 915 E street at $4,200, being $600 less for a building which contains twenty-two rooms as against the fifteen rooms in the other building.

I only desire to say, in conclusion, that so far as I am individually concerned I do not care a fig about the rent of this building. I know nothing about it except in my connection with the Committee on Appropriations; but I desired to bring before the House facts to show them that the Committee on Appropriations, instead of being derelict in duty in hunting up all the circumstances connected with this transaction, were, in my judgment, more fortified in their action upon it than in any other case that I have known to be brought before the committee.

Mr. GARFIELD. I now yield three minutes to the gentleman from Indiana, [Mr. WILSON.]

Mr. WILSON, of Indiana. Mr. Speaker, this matter has been talked about as though I had made the objection yesterday and moved to strike out this feature of the bill because a particular person was the owner of the premises. At that time I entirely disclaimed any such purpose. I stated then, and I state now, that I had received information that the rent paid for the property was inordinate. I did not know that there was any appropriation for it in this bill until a few minutes before the Clerk reached that portion of the bill. But there is, nevertheless, something peculiar about this whole business. If the amount of rent is not larger than ought to be paid, I do not care who owns the property. I want the party paid all that it is reasonably worth, but I called the attention of the House yesterday to the fact that but a short time ago this property was sold for $13,000 to the Freedman's Bank. I have now a memorandum which has been handed to me, and I will cite from it some dates. On the 1st of July, 1872, the property was sold to the Freedman's Bank in trust for $13,000, and, as I understand the law to be, that $13,000 was the actual consideration paid for the property. Then, on the 16th of June, 1873, this property was conveyed by the Freedman's Bank to Mr. A. C. Bradley for $18,500, and on the 27th of August, 1873, as I have it—my colleague says it was in 1864—I do not know which is right——

Mr. TYNER. I quoted from the answer to my telegram from the Postmaster-General which was based upon the tax-book.

Mr. WILSON, of Indiana; exactly. He took it from the tax-book. I take it from the transcript or abstract of the record as handed to me, which shows the date to be the 27th of August, 1873, and the consideration named $18,500.

Now it strikes me that a payment of $4,200 a year would in five years pay for a property selling first for $13,000 and then for $18,500, and therefore that it is an inordinate rent and the matter ought to be inquired into. Here we are paying in five years $3,000 more than the property is selling for in the market. It strikes me that that is an inordinate rent and that its payment is a matter that ought to be inquired into.

Now, in order to satisfy myself in regard to this matter, I called at the Post-Office Department this morning myself, and then for the first time I got the information contained in the document from which my colleague has been reading. The House will remember that I first put interrogatories to the chairman of the committee with a view of eliciting information on the subject as to the value of the property and as to the rent paid; but the matter had passed out of the mind of the chairman, and he was unable to give me that information. It was for the purpose of calling the attention of the House to the subject that I made the statement I did.

Now, on examination of this document I find two peculiar things. In the first place, on the 22d of May, 1873, Mr. B. H. Warner was proposing to rent this property to the Government at the rate of $400 per month. How he happens to figure in connection with this property I do not know. I take it for granted that he was the owner, but this abstract furnished to me does not show that Mr. Warner had any interest in the property or that any conveyance of it had ever been made to him. Perhaps my colleague is better informed on this point than I am. And on the 22d of May he was making propositions to the Post-Office Department to rent this very property to the Government for $400 a month.

Then in looking over this matter I find another peculiar thing. I find that Mr. Bradley got a conveyance of this property from the Freedman's Savings Bank on June 16, 1873, and ten days before that he had made a lease of this property to the Government under the lease already spoken of. My colleague says he had another conveyance from somebody else one day before he made this lease. Now, how this is I do not know. There seems to be a great deal of mixing up of this matter.

As I said before, I have no disposition to interfere with the rents of any gentleman, provided they are fair and reasonable. I do not care whether this property is leased to the Department by Shepherd or anybody else. All I knew was that here was this property, the deeds on file showing its value, and it is rented at such rates that in five years the owner would get thousands more than it is worth.

Mr. TYNER. The lease is for three years, not for five.

Mr. WILSON, of Indiana. It is for three years, with the privilege of two more.

Now, one word more with reference to a point raised yesterday by the gentleman from Massachusetts, [Mr. G. F. HOAR.] It is due to the Postmaster-General, Mr. Creswell, that it should be stated to the House—then I believe my colleague did not state it, and therefore as a matter of justice I do so—that there is in this lease this clause:

And it is hereby mutually understood and agreed, by and between the parties hereto, that this lease is made subject to an appropriation by Congress, for the payment of the rental herein stipulated for, and that no payment shall be made to said party of the first part on account of such rental until such appropriation shall be available.

The House will see that the Postmaster-General fortified himself in that direction. He put that provision into the lease, and it is not subject to criticism on that account.

Mr. TYNER. Then allow me to put this question to my colleague: As Congress ratified that lease by appropriating money in the deficiency bill of last year to pay the rent of this building for a portion of one year, and in the regular appropriation bill for the period of a whole year, does not that bind Congress to carry out the lease?

Mr. WILSON, of Indiana. I say not; that depends altogether upon whether or not the Postmaster-General had the right to do this thing. If he rented property without authority of law, I do not concede that we are bound for the whole of the rental because Congress may have made an appropriation to pay a part of it.

Mr. RANDALL. There are two reasons which I think guided the House in its action yesterday: The first was that the rent for this building was enormous; the next was the point made by the gentleman from Massachusetts, [Mr. G. F. HOAR,] that the Postmaster-General had no right to bind the Government either for three or five years. The Constitution itself provides that even Congress shall not possess power to make appropriations for the Army for more than two years. And the conclusion is, that expenditures in any Department of the Government certainly should not be incurred by any officer of the Government beyond that time.

Mr. G. F. HOAR. I desire simply to say that it seems to me, on the statement of the gentleman from Indiana, [Mr. WILSON,] that the Postmaster-General took exactly the view which is taken by the

gentleman from Pennsylvania, [Mr. RANDALL;] and he was bound to take that view by previous legislation of Congress, which of course he was bound by. It now appears that he put into that lease for three years, with the option for two more, a provision that it should be binding only in case of an appropriation by Congress to that extent. Now, of course that makes the lessor of the building subject to the condition that Congress by failing to appropriate for the rent in any year terminates the lease. In other words, it is a lease binding upon the lessor and not binding upon the Government, either in law or in honor, except as a lease from year to year and subject from year to year to the renewal of the approbation of Congress. It seems therefore that the Postmaster-General obeyed the law and protected the Government in all respects, unless it shall appear that the amount of rent is improper, about which of course I know nothing.

Mr. GARFIELD. A word only in regard to this rent. Since the House adjourned yesterday I have looked over a statement of the rents paid by the Government for buildings in this city. And I am satisfied, judging from information which has been printed and laid on our tables, showing not only the character of the lease but the size of the building and the comparative value of this building and five others examined by the commission, and a statement of the rent at which they could be obtained, that this was the most eligible and on the whole the most desirable, both as to accommodation and prices, of the buildings to be had. For instance, the Secretary of State pays $1,000 a year for a stable and wagon-shed which is probably not worth over $5,000 altogether. We were paying $17,000 rent for three floors of the Freedman's Bank building; but the Committee on Appropriations last year, thinking that too large a rent, called before us the party from whom it was rented, and said that we should order the building abandoned altogether unless he would cut down the rent; whereupon it was cut down to $14,000, which was regarded on all hands as a reasonable rent. What is known as the Kidwell building, now occupied by the Bureau of Statistics, is now rented for $5,000 a year.

Mr. RANDALL. Is it done in accordance with law?

Mr. GARFIELD. This is all done under the law, as I understand. Of course we can at any time stop appropriating money to pay these rents, and thereby we would vacate the leases, I suppose. Let me specify another case. The building occupied by the Paymaster-General and his force is rented by the Government; and we pay for rent and fuel $12,000. Just how much of that is rent I do not know; but probably not less than $10,000. That, of course, is a large building. But in the case now under consideration the Postmaster-General took every possible precaution; and I think we are not paying a very large rent for this building.

Mr. BUTLER, of Massachusetts. Do we pay the taxes?

Mr. GARFIELD. I do not know; I presume not; I presume we do not pay anything but the rent. This building was originally constructed for a dwelling-house; but when it is occupied by a number of clerks, with their desks and books and papers, the Government must expect to pay somewhat more rent than would be charged to a private family using the building in a more quiet way than the Government uses it.

Mr. KELLOGG. How does the rent of that building compare with the rates charged to members of Congress here?

Mr. GARFIELD. A man cannot ordinarily get a parlor and bedroom for less than $100 a month, and in many cases considerably more is charged.

Mr. WILSON, of Indiana. I wish to say only one word further in regard to this matter. Upon the statement of the chairman of the Committee on Appropriations as to the rents the Government is paying, it seems to me it is about time something should be done for the purpose of correcting this matter. Certainly these rents mentioned by that gentleman cannot be regarded as reasonable; and if other Departments are paying extravagant rents it is no reason why an extravagant rent should be paid by the Post-Office Department.

Now, I am told by a gentleman who I am confident knows exactly what he is talking about, that just before the renting of this building for the use of the Post-Office Department this very property was rented for $1,800 a year, and there was a stipulation that so soon as another renting could be made at $2,000 a year that tenant should go out or retain the property at $2,000 a year. That is the rent at which the building was held. But when the Government came to be dealt with, as a matter of course the Government must pay two or three times more than anybody else.

I care nothing about this matter. If the House, in view of all the facts, thinks this a reasonable rent for the property, I certainly have no personal objection. If it is not a reasonable rent, then as a matter of course we ought to strike out the appropriation, or at least retain it in the form amended in the Committee of the Whole.

Mr. TYNER. I call for a separate vote upon this amendment.

Mr. CONGER. I desire to call for a separate vote on the amendment abolishing the Capitol police. I wish to make a brief statement. This police force consists of thirty members. Of that number twenty are soldiers who have been specially put upon that force because they were disabled by wounds or had rendered meritorious service in the war; nine of them have been disabled so that, although they can walk about and perform all the duties of police in watching this building, they are unfit for other service; three of them have each lost an arm.

Now, it is somewhat remarkable that almost the only proposition made here in the way of economy is one to strike from their positions in our service the disabled soldiers on the police in our Capitol. That the services of these men are needed is apparent, because the amendment itself provides as watchmen almost the same number; but it calls them by another name and reduces their salary to a mere pittance, upon which a man can scarcely live. I ask of the House that by this amendment a blow shall not be directed against these disabled soldiers serving upon the police of the Capitol. I may say that I was surprised that the gentleman from Indiana, [Mr. HOLMAN,] who during all my acquaintance with him here has been the soldiers' friend, should direct his most vigorous and direct attack against the few that are left in place about this Capitol.

Mr. HOLMAN. I desire to say that I do not know personally a single gentleman on the police force. I know very well that if, as I understand from the gentleman's statement, a number of disabled soldiers are employed upon the Capitol police, then when their service is not required upon that force they certainly can be employed as watchmen; and we have provided for an increase of watchmen from eight to twenty-one. I trust my friend from Michigan, [Mr. CONGER,] if the amendment of the Committee of the Whole should be adopted by the House, will see that these disabled soldiers are employed on that force of watchmen which it is very probably necessary to increase.

The SPEAKER. A separate vote has been asked by the gentleman from Indiana [Mr. TYNER] upon the amendment; which will be read.

The Clerk read as follows:

Strike out in line 1526 the word "four" and insert "two," so that the clause will read:

For rent of house numbered 915 E street northwest, $2,200; *Provided*, That the above sum shall not be deemed to be paid on account of any lease for years of said building.

The question being taken on agreeing to the amendment, it was agreed to, there being—ayes 79, noes 72.

The SPEAKER. The next amendment upon which a separate vote has been asked by the gentleman from Michigan [Mr. CONGER] will be read by the Clerk.

The Clerk read as follows:

Page 5, line 104, strike out "three lieutenants, $1,600 each; twenty-seven privates, at $1,400 each, $37,800;" and strike out "eight" and insert "twenty-one," so it will read "twenty-one watchmen, at $1,000 each."

The House divided; and there were—ayes 48, noes 95.

Mr. STORM demanded the yeas and nays.

The House divided, and there were—ayes 21, noes 106.

So (one-fifth not having voted in the affirmative) the yeas and nays were not ordered.

So the amendment of the Committee of the Whole was non-concurred in.

The SPEAKER. A separate vote not being called for upon any of the other amendments, they will be considered as concurred in.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TROUBLES IN LOUISIANA.

Mr. G. F. HOAR. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the select committee to whom was referred so much of the President's message as relates to the condition of the South be authorized to employ a clerk and stenographer; and either as a committee or by a sub-committee of their number to send for persons and papers, and to proceed to the State of Louisiana, to make such investigations as they shall deem necessary.

Mr. HOLMAN. A stenographer is necessary, but a clerk certainly is not.

Mr. G. F. HOAR. A sub-committee will be charged with that duty, for it will not be necessary for more than three of that committee to go, and they do not propose to employ a clerk if they can get along without one.

Mr. HOLMAN. The duties of some of the most laborious committees of this House—committees charged with similar duties—have been carried on with a stenographer and without the employment of a clerk.

Mr. G. F. HOAR. It is quite obvious it may be necessary in the course of the investigation to have a clerk who will take charge of summoning witnesses and keeping the records and other papers of the committee. If the House is willing to trust this committee, I think the resolution I have offered should be adopted.

Mr. GARFIELD. I think the House is willing to trust the committee.

Mr. MAYNARD. It is absolutely impossible to conduct such an investigation as has been intrusted to that committee without the employment of a stenographer and a clerk.

Mr. G. F. HOAR. I am a member of the sub-committee, and the gentleman may be assured we will not do anything which we shall consider unnecessary.

The resolution was adopted.

Mr. G. F. HOAR moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEATH OF HON. JOHN B. RICE, OF ILLINOIS.

Mr. FORT. Mr. Speaker, I rise to perform the painful duty of announcing to this House that the public press brings to us the sad intelligence of the death last night, at Norfolk, Virginia, of the Hon. JOHN B. RICE, of Illinois. I move, therefore, that a committee of five members of this House be appointed by the Speaker to attend the funeral of my deceased colleague, and convey his remains to the grave near his home in Illinois.

The SPEAKER. The gentleman from Illinois announces to the House the death of his colleague, and moves that a committee of five be appointed by the Chair to attend the remains to their last resting-place.

The motion was agreed to.

The SPEAKER. In announcing the committee, as the Chair has not had time to consult gentlemen whether it will be convenient for them to leave, he asks the privilege of the House, as it has agreed to adjourn over until Monday next, that if any gentleman he announces shall decline to serve he may fill the vacancy without making the announcement to the House.

There was no objection.

Mr. GARFIELD. I again ask unanimous consent, in behalf of a number of gentlemen who desire to make speeches, that we shall meet to-morrow for debate only, no business whatever to be transacted.

Mr. YOUNG, of Georgia. I object.

The SPEAKER announced, as the committee ordered by the resolution just adopted, Mr. FORT of Illinois, Mr. CLYMER of Pennsylvania, Mr. WARD of Illinois, Mr. BURROWS of Michigan, and Mr. SOUTHARD of Ohio.

Mr. FORT. I now move, as a further mark of respect to the memory of my deceased colleague, that the House adjourn.

The motion was agreed to; and (at four o'clock and forty-five minutes p. m.) the House adjourned till Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAND: The petition of citizens of Benton County, Arkansas, for establishment of certain post-routes, to the Committee on the Post-Office and Post-Roads.

By Mr. DANFORD: The petition of Thomas Parry, formerly of Thirtieth Ohio Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. FARWELL: The petition of citizens of Chicago, for a further extension of the pier at Marquette, to the Committee on Commerce.

By Mr. LYNCH: The petition of John R. Reynolds, of Dayton, Ohio, to be compensated for supplies furnished the United States Army in Mississippi, to the Committee on War Claims.

By Mr. NIBLACK: The petition of the heirs at law of Kenneth B. Rowe, deceased, late second lieutenant One hundred and forty-fourth Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. NILES: Papers relating to the claims of Turner Bobbitt and Jonathan Summers, of Scott County, Mississippi, to the Committee on War Claims.

By Mr. PARSONS: The petition of Harvey Crittenton, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. PERRY: The petition of Horace L. Emery, for extension of letters-patent, to the Committee on Patents.

By Mr. PHILLIPS: Memorial of citizens of Kansas, in relation to the currency and taxation, to the Committee on Ways and Means.

Also, resolutions of the Legislature of Kansas, in relation to settlers on Miami Indian lands, to the Committee on Indian Affairs.

Also, resolutions of the Legislature of Kansas, recommending a change in the management of Indian affairs.

Also, resolutions of the Legislature of Kansas, in favor of postponing payments on public lands in the State of Kansas, to the Committee on the Public Lands.

Also, resolutions of the Legislature of Kansas, asking that homestead settlers in Kansas may be absent from their lands one year, to the Committee on the Public Lands.

Also, resolutions of the Legislature of Kansas, for postponing time of payment to settlers on Kansas Indian reserve and trust lands, to the Committee on the Public Lands.

By Mr. STANDIFORD: The petition of tobacco, manufacturers, warehousemen, and leaf-tobacco dealers, for the repeal of the import duty on licorice paste, to the Committee on Ways and Means.

By Mr. STONE: Memorial of the Union Merchants' Exchange and Board of Trade of Saint Louis, Missouri, for aid to the Texas and Pacific and the Atlantic and Pacific Railroads, to the Committee on the Pacific Railroad.

By Mr. THORNBURGH: The petition of Colonel F. Young, for a pension, to the Committee on Invalid Pensions.

By Mr. YOUNG, of Georgia: The petition of John McIntire, for a pension. to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, *December* 21, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Hon. THOMAS W. TIPTON, from the State of Nebraska, appeared in his seat to-day.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of the senate and house of representatives of the Legislature of the State of Arkansas, in favor of the repeal of the law imposing penalties on any person selling leaf-tobacco to any one except a licensed tobacco dealer; which was referred to the Committee on Finance.

Mr. CONOVER presented the petition of Mrs. Margaret E. Johnson, widow of Charles M. Johnson, late master of the schooner Pickering, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HAGER. I present the memorial of certain citizens of California, in regard to Alaska. These memorialists have gone to considerable expense in fitting out an exploring party to examine timber lands in that Territory so far as it may be adapted to ship-building. They have obtained valuable statistics from the explorations that have been made, and they now memorialize Congress for the privilege of buying a tract of timber land with a view to establishing ship-yards there for the construction of ships. In California there has been great difficulty hitherto in getting sufficient ships to carry our grain to the markets of the world, and the idea is that if our people engage in ship-building a great many of the farmers there will unite to buy the ships in order to transport their grain. I move that the memorial be printed and referred to the Committee on Public Lands, as it relates to the purchase of a tract of land, and I think should more properly go to that committee than any other.

The motion was agreed to.

Mr. BOUTWELL presented a memorial of the Massachusetts State Temperance Alliance, signed by Rev. A. A. Miner, president, and Rev. W. M. Thayer, secretary; the memorial of the ministers' meeting of the Methodist Episcopal Church of Boston and of a large number of clergymen, praying for the prohibition by appropriate legislation, of the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and in the Territories of the United States; which were referred to the Committee on Finance.

Mr. HOWE presented the petition and accompanying papers of Harry E. Eastman, late of the Second Wisconsin Cavalry, praying to be allowed the pay and allowances of a lieutenant-colonel of that regiment from May 1, 1864, to February 1, 1865; which was referred to the Committee on Claims.

Mr. SCOTT. I present the memorial of the preachers' meeting of the Methodist Episcopal Church of Philadelphia, asking Congress, by appropriate legislation, to prohibit the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and in the Territories of the United States. These memorials, I believe, at the last session were referred to the Committee on Finance, and that committee reported a bill on the general subject, which I believe is yet on the Calendar. I suppose the petitions may as well go back to that committee.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Finance.

Mr. PRATT presented the memorial of the Pennsylvania State Temperance Union, signed by James Black, president, and Rev. D. C. Babcock, secretary, praying for the prohibition by appropriate legislation of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and the District of Columbia; which was referred to the Committee on Finance.

He also presented the petition of R. L. Laws, commander in the United States Navy, praying to be restored to the position in the Navy that he occupied prior to July, 1866, next below Captain W. W. Low; which was referred to the Committee on Naval Affairs.

He also presented the petition of James Ballard, of Madison County, North Carolina, praying to be restored to the pension-rolls; which was referred to the Committee on Pensions.

Mr. SPENCER presented the memorial of the Grand Lodge of Good Templars of the State of Alabama, signed by the officers, representing fifteen thousand members, praying for the prohibition by appropriate legislation of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

Mr. EDMUNDS. I ask leave to present a memorial styled the "national prohibition memorial," addressed to this body and the House of Representatives, setting forth that the memorialists believe the alcoholic-liquor traffic to be the chief cause of a large proportion of the prevailing pauperism, crime, and disease, and that it is inimical to morality, religion, and the general welfare, and they ask Congress to prohibit, by appropriate legislation, the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and throughout the Territories of the United States under the immediate jurisdiction of the National Government. This memorial is signed by Mr. H. P. Cushing, Hon. John B. Mead, and other distinguished citizens

of the State of Vermont. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. FLANAGAN presented the memorial of members of the order of Sons of Temperance of the District of Columbia, signed by the officers, praying for the prohibition by appropriate legislation of the manufacture, importation, and sale of all alcoholic beverages in the United States Territories and the District of Columbia; which was referred to the Committee on Finance.

Mr. STEVENSON presented the petition of John W. Magowan, Dennis A. Walker, Robert Owings, Daniel Furgerson, Eli Henry, Richard Clay, and Dennis Bradshaw, trustees of the colored Methodist church at Mount Sterling, Montgomery County, Kentucky, praying compensation for the use of their church by United States troops as a hospital during the late war; which was referred to the Committee on Claims.

Mr. JOHNSTON presented the petition of William Sharp, of Norfolk, Virginia, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. BOREMAN presented a petition of citizens of West Virginia, praying the establishment of a post-route from Cove Creek to Logan Court House; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of J. F. Caldwell, of West Virginia, praying a pension for service as a soldier in the United States Army in the war of 1812; which was referred to the Committee on Pensions.

He also presented a paper of J. F. Caldwell, in regard to his invention for transporting railroad cars over rivers in the absence of bridges; which was referred to the Committee on Patents.

Mr. MORRILL, of Maine. I present the petition of James G. Berret and several other persons, residents and property-holders in the District of Columbia, representing that the proposed tax of 2 per cent. on property in this District is too high, and proposing in lieu thereof 1 per cent. As that bill has been reported from a committee and is under consideration, I move that the petition lie on the table.

The motion was agreed to.

Mr. CAMERON presented a memorial of citizens of Chester County, Pennsylvania, praying Congress to prohibit by appropriate legislation the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

He also presented a petition of merchants, ship-owners, and shippers of the port of New Orleans, in regard to hospitals for the commercial marine of the country; which was referred to the Committee on Commerce.

Mr. FRELINGHUYSEN presented the memorial of the Grand Lodge of Good Templars of the State of New Jersey, signed by the officers, representing eight thousand members, asking Congress to prohibit by appropriate legislation the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

He also presented the petition of hardware dealers of Hoboken, New Jersey, praying the extension of Harvey Lull's patent for shutter-hinges; which was referred to the Committee on Patents.

Mr. DENNIS presented the petition of Elizabeth L. White, mother of James T. White, late of Company B, Eleventh Maryland Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HAMILTON, of Maryland, presented a petition on behalf of the State of Maryland, to be reimbursed for arms and ammunition issued during the late war; which was referred to the Committee on Claims.

He also presented the petition of Moore N. Falls, president of the Baltimore Steam Packet Company, praying compensation for the use of a steamer belonging to that company in keeping the harbor of Baltimore clear of obstruction to navigation by ice in the winter of 1862, under a contract with Major Belger, assistant quartermaster United States Army; which was referred to the Committee on Claims.

Mr. LEWIS presented the petition of Levi Washington, of Yorktown, Virginia, praying relief for services rendered by him in June, 1862; which was referred to the Committee on Pensions.

He also presented the petition of Governor Dogans, praying rent for certain buildings occupied by the United States Army; which was referred to the Committee on Claims.

He also presented the petition of Mrs. Ann Toliver, mother of David Toliver, late a soldier in the One hundred and nineteenth Regiment United States Colored Volunteer Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. LOGAN presented a petition of certain members of the United States Marine Corps during the late war, praying for an equalization of bounties, in accordance with the provisions of the bill equalizing bounties of soldiers; which was referred to the Committee on Military Affairs.

Mr. WASHBURN presented the memorial of the Grace Methodist Episcopal church of Springfield, Massachusetts, signed by its pastor and officers, asking Congress to prohibit by appropriate legislation the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

Mr. SPRAGUE presented the petition of Samuel Crapin, praying compensation for services rendered as a soldier in the war of 1812; which was referred to the Committee on Claims.

Mr. NORWOOD presented the petition of A. C. Davenport, praying compensation as deputy collector, abstract and debenture clerk at the custom-house in Savannah, Georgia, in the months of August, September, and October, 1854, during the prevalence of the cholera; which was referred to the Committee on Claims.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of War, transmitting copies of the reports and recommendations of Generals Pope and Ord relative to the bill introduced by the Hon. P. W. HITCHCOCK for the relief of persons suffering from the ravages of grasshoppers; which was referred to the Committee on Military Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

Mr. MERRIMON. Senate bill No. 407, being a bill for the relief of Enos J. Pennypacker, was referred to the Committee on Claims and an adverse report was made and that report was concurred in by the Senate. There are papers important to Mr. Pennypacker filed with the bill. He asks leave to withdraw those papers.

The VICE-PRESIDENT. If there be no objection, leave will be granted.

Mr. EDMUNDS. They should not be withdrawn without copies being retained. We never allow that in any case of an adverse report. The Secretary should retain copies.

Mr. MERRIMON. I concur in the Senator's suggestion, and the copies will be left.

The VICE-PRESIDENT. The order will be made with that understanding.

Mr. BAYARD. I ask that an order be made for the withdrawal of the petition and accompanying papers of Niel Nielson, praying to be placed on the pension-rolls. The case was reported upon adversely at the last session.

The VICE-PRESIDENT. Leave will be granted, copies being left with the Secretary.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, reported a bill (S. No. 1044) to provide for the resumption of specie payments; which was read and passed to the second reading.

Mr. SHERMAN. I give notice that to-morrow, if there shall be no more pressing business, I will ask the Senate to take up this bill with a view to present action.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (H. R. No. 1946) restoring the name of Mary Byrd Dallas to the pension-rolls, have had the same under consideration and have directed me to report it back to the Senate with the recommendation that the bill be indefinitely postponed, and for this reason: That since the bill has been in the Senate action has been taken, by the direction of the Secretary of the Interior, at the Pension Office, and her name is already restored to the pension-rolls, accomplishing therefore all the House bill seeks to do. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. PRATT. The same committee, to whom was referred the petition of Miriam Ward, of Johnson County, Iowa, praying to be allowed a pension, have had the same under consideration and have directed me to report it back to the Senate and to ask that the committee may be discharged from its further consideration, because the Commissioner of Pensions informs the committee that the claim is still pending in his office awaiting the reception of further evidence.

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the petition, if there be no objection.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 3379) for the further security of navigation on the Mississippi River, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3474) to establish Atlanta, in the State of Georgia, a port of delivery, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3592) to create a stevedores' and other maritime liens on sea-going vessels, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. NORWOOD, from the Committee on Pensions, to whom was referred the petition of George McCoy, praying for a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

LIBRARIAN'S REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print extra copies of the Report of the Librarian of Congress, have directed me to report it back and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That five hundred extra copies of the Annual Report of the Librarian of Congress for the year 1874 be printed for distribution by the Librarian.

THE REVISED STATUTES.

Mr. ANTHONY. The Committee on Printing instruct me to report a bill and to ask for its present consideration. A concurrent resolution was passed last week to bind one hundred and fifty copies of the Revised Statutes without waiting for the index, they being wanted for immediate use; but it appears that the act of Congress which places those volumes in the custody of the Secretary of State is so iron-bound and copper-fastened that he has no right to deliver them. Therefore it is necessary to pass an act in order to cover the resolution of the two Houses. I believe the books have already been bound and actually delivered to the committees.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let us hear it read first.

The bill (S. No. 1054) reserving for the use of Congress one hundred and fifty copies of the Revised Statutes authorized to be printed by the act of June 20, 1874, was read twice and considered as in Committee of the Whole.

The bill provides that the one hundred and fifty copies of the Revised Statutes of the United States bound and delivered to the two Houses of Congress by the Congressional Printer under the concurrent resolution agreed to on the 11th of December, 1874, be taken and reserved from the number ordered by the Secretary of State under the act of Congress passed the 20th day of June, 1874.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMISSIONER OF AGRICULTURE.

Mr. ANTHONY. The Committee on Printing instruct me to report back the resolution of the House of Representatives requiring that copies of the Agricultural Reports for 1872 and 1873 which have been printed for the use of the Commissioner shall be taken from him and distributed, two-thirds to the House and one-third to the Senate. The committee recommend that the Senate do not concur with the House in that resolution. I therefore move its indefinite postponement, and I desire to say that the greater portion of the reports which are proposed to be taken from the Commissioner have already been distributed, and they were absolutely necessary for his correspondents, and they were given to him for that purpose.

Mr. FRELINGHUYSEN. I should like to ask the Senator from Rhode Island whether the appropriation for printing for Congress, made at the last session, would not authorize Congress to direct the publication of copies of the reports of 1872 and 1873 for the use of Congress. Six hundred and fifty thousand dollars was appropriated, I think. I understand that that would be sufficient to authorize the publication of the reports of 1872 and 1873. I notice that $25,000 was appropriated for the folding of these reports, and I think it was an omission that a number of the reports for the use of Congress were not directed to be published.

Mr. ANTHONY. It was an omission that Congress deliberately made, and which the Committee on Printing cannot very well supply. Doubtless there was money enough appropriated, but it cannot be directed to that purpose without the order of Congress.

Mr. FRELINGHUYSEN. That I understand, but I understand there was money enough appropriated. Therefore, if a resolution is brought in for that purpose, I hope Congress will entertain it.

The VICE-PRESIDENT. The question is on the indefinite postponement of the resolution, which will be read.

The concurrent resolution of the House of Representatives was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That one-third of the reports of the Commissioner of Agriculture for the years 1872 and 1873, printed upon the appropriation of $50,000 by the act of June 23, 1874, be delivered to the Sergeant-at-Arms of the Senate, and that two-thirds of the said reports be delivered to the Doorkeeper of the House of Representatives, for distribution among the people by Senators and Representatives.

Mr. DAVIS. I could not hear all that took place between the Senators on the other side of the Chamber; and I rise to ask whether any of these agricultural reports were ordered to be printed for the use of Congress, or whether they are to be consumed entirely by the Department. Did not the last Congress order some reports for the use of Congress as well as of the Agricultural Department?

Mr. ANTHONY. It did not.

Mr. DAVIS. Then we are to understand that the sixty or seventy thousand copies that have been printed are all for the use of the Agricultural Department, and not for the use of Congress.

Mr. ANTHONY. It was so specified in the order to print, that the copies printed should be for the use of the Commissioner of Agriculture. None were printed for distribution by Congress. This resolution proposed to take from the Commissioner of Agriculture reports that had been assigned to him, and to distribute them to the two Houses of Congress. Most of them have already been distributed by him.

Mr. DAVIS. I would suggest that the resolution go on the Calendar instead of being indefinitely postponed.

Mr. FRELINGHUYSEN. I would suggest to my friend from West Virginia that I do not think that is necessary, unless he sees some special reason for it. I understand that the chairman of the Committee on Printing says the appropriation was sufficient to have had enough printed for the use of Congress, and all that will be necessary will be for our committee to report a resolution and then the printing can be done.

Mr. ANTHONY. I do not know the state of the appropriation. I presume there was money enough appropriated for that purpose, because the amount of public printing for Congress has been very small; but I think this resolution had better be indefinitely postponed for this reason: that the Commissioner may feel bound, if this resolution is pending in Congress, to hold up the few remaining copies that he has. It will be of no use to distribute them to us because there are so few of them, and it might subject him to inconvenience not to be able to distribute them to his correspondents. He might, out of respect to the supposed will of Congress, withhold the distribution of the remaining copies.

Mr. DAVIS. I withdraw the objection.

The VICE-PRESIDENT. The question is on the indefinite postponement of the resolution of the House of Representatives.

The resolution was postponed indefinitely.

BILLS INTRODUCED.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1045) to amend and explain the provisions of the act of June 10, 1872, relating to land titles; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. HAMILTON, of Maryland, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1046) for the benefit of Moore N. Falls; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1047) to reimburse the State of Maryland for arms and munitions of war furnished during the war; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. WASHBURN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1048) for the construction of a fire-alarm telegraph in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1049) for the relief of F. O. Wyse, late lieutenant-colonel, &c.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1050) to fix the date of entry into the military service of colonel and brevet Major-General Benjamin H. Grierson, United States Army, and to correct his record on the Army Register; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1051) authorizing the extension of the patent granted to Harvey Lull, of Hoboken, New Jersey, for a self-locking shutter-hinge; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1052) in relation to affixing stamps upon vessels containing fermented liquors; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1053) to amend chapter 7 of title 33 of the Revised Statutes; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. PRATT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1055) granting a pension to Charles H. Crippin; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1056) granting a pension to Emily L. Heron, of Obion County, Tennessee; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1057) amending an act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers, approved February 14, 1871; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1058) to legalize assignments of pay of officers and others in the Government service; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1059) to incorporate the Dakota and Montana Railroad Company; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1060) granting a pension to Mrs. Margaret E. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes; in which the concurrence of the Senate was requested.

The message also announced that the House had passed the bill (S. No. 1023) for the relief of certain settlers on the public lands.

PERSONAL EXPLANATION—TEXAS APPOINTMENTS.

Mr. FLANAGAN. Mr. President, I rise to a personal explanation. I propose to read from the New York Herald of the 19th an article to which I invite particularly the attention of the chairman of the Committee on Post-Offices and Post-Roads [Mr. RAMSEY] and of my colleague, [Mr. HAMILTON.] The article commences—

In the Senate "everything is" not "lovely." While the Administration Senators are advising together about a policy, the President's nominations are pretty sharply scrutinized and do not always pass muster. For instance, about four years ago Congress passed a law prohibiting further promotions in certain of the staff corps of the Army. Last session this prohibition was repealed. At the beginning of this session forty or fifty nominations for promotions in the corps were sent to the Senate. These nominations were so worded as to take effect four years back, which would give the back-pay for that time to all the nominees. The Senate Committee on Military Affairs have concluded not to recommend the confirmation of these appointments until the nominations are made to take effect from this date.

Now, here is the immediate point that I call attention to:

Again, Senator FLANAGAN has adopted a queer method of delaying action on the Texas post-office nominations sent into the Senate at the beginning of the session. By the usage of the Senate the committees to which the nominations for office are referred consult with the republican Senator for whose State the nominations are made before acting on them. The nominations aforesaid were referred to the Committee on Post-Offices, and on the same day Mr. FLANAGAN went into the committee-room, put the nominations in his pocket, and they have not been seen since."

Mr. President, I call upon my friend the chairman of the Committee on Post-Offices and Post-Roads, a member of which I have been for several years, to bear me out in the statement I will make. I have not conferred with him upon the subject. When these nominations were presented to the Senate they properly went to the chairman, and while I was occupying my seat here the chairman brought and delivered them to me. Up to that day I had not been in the committee-room this session. Indeed, we have only held one meeting, and that was at a subsequent date. He brought them to me and handed them to me, as had been his custom for many years, not only for the State of Texas but frequently for other southern States; and in my desk now are several nominations for the State of North Carolina, held up precisely on the same ground that the two nominations for Texas that I have now are held up. There were three nominations for Texas. In regard to one of them, I looked at it at once and went directly over to my colleague in regard to it, so that it is not true, as this article states, that I did not consult him. I went to him at once. There was one of these nominees that there was no objection to—I refer to the San Antonio postmaster. I reported him, and he was confirmed without a word. The others, upon consultation, were held up. I was advised and requested to do that by the parties interested, so that they could come on here and have an investigation to vindicate their characters; nothing else. There was no spirit of opposition on my part to having action upon them at any moment. There were no personal considerations actuating me. I cared but little about it one way or the other. I consulted my colleague and he approved my course, and upon that course I acted. I have never gone into the Post-Office Committee-room, first or last, and taken hold of a nomination there from my State or any other. I have never touched any that have not been directly handed to me by the chairman of the committee.

Then again, sir, I find another little matter going the rounds. I noticed in the Chronicle of Saturday last this item:

FLANAGAN, of Flanagan's Mills, has lifted high his brawny hand and by the nine gods sworn that the head of the proud Jewell, slayer of Texas postmasters, shall be brought low in the dust.

Mr. President, FLANAGAN swears by only one God. The writer of this may enumerate nine or ninety for aught I care; and I suppose one would be about as solemn with him as any of the others. One and a living God is the only one that I invoke. So far as Mr. Jewell is concerned I do not know him. I have nothing against him. There have been only three removals of postmasters by him in Texas all told. That is not a very large number. There is an immense area, there are many postmasters there. I find, too, that Texas is not alone in the removal of postmasters. Removals loom up here like blackbirds from all the States in this great nation. I suppose there are some objections to Postmaster-General Jewell; but I have nothing to do with him in any way, manner, or shape. I think it was an unhappy lick for the republican party to have made some of these removals—perhaps the two that are upon my desk. That he has been misinformed I have no hesitancy in saying; but individually I care not two baubees about it. I have no war to make on Mr. Jewell. I attend to my own purposes and nothing else. He is the Postmaster-General, and I take it for granted that he will discharge his duties. He is a "new broom" likewise, and it is said that "new brooms sweep clean," and I presume he has swept as he thought very well and cleanly through different States, not only in Texas. There are only two postmasters there that there is any squabble about that I am aware of. On the whole, it is a small matter, one way or the other.

STREET-CAR CONDUCTORS.

Mr. THURMAN. I offer the following resolution; and, as it is a mere resolution of inquiry, I ask its present consideration:

Resolved, That the Committee on the District of Columbia is hereby instructed to inquire whether any legislation is necessary for the protection of the conductors of street railroad companies in said District against regulations of the railroad companies requiring such conductors to work an unreasonable portion of each twenty-four hours, if any such regulations or practice exist; and that the committee have leave to report by bill or otherwise.

Mr. EDMUNDS. I rise to suggest to the Senator from Ohio that I am very sure a bill on that subject or a petition was referred to the Committee on the Judiciary at the last session and is now pending down stairs before our committee. I do not care which committee this goes to.

Mr. THURMAN. I was not aware of that. I have received various communications, some from conductors themselves, others from citizens, complaining that these conductors are required to work from seventeen to eighteen hours out of twenty-four. The statement seems almost incredible, but it is made to me and I have been urged to introduce a resolution of this character. I was not aware that there was any such matter before the Judiciary Committee. It seems to me the proper committee would be the District Committee.

Mr. EDMUNDS. I think so too; and if there be a bill before our committee, it can be reported back and sent to the Committee on the District of Columbia. So I think this resolution had better be adopted.

Mr. THURMAN. I hope this resolution, which is one of inquiry, may be adopted, and then we can send the petition before the Judiciary Committee to the District Committee.

The resolution was considered by unanimous consent, and agreed to.

CONTRACT SURGEONS.

Mr. LOGAN. I ask the consent of the Senate to have action now on Senate bill No. 1043, suspending so much of the act entitled "An act to reorganize the several staff corps of the Army," approved June 23, 1874, as applies to contract surgeons. It suspends the act until February 1, 1875. I will state the reason for the bill. The Military Committees of the House and Senate are informed that it will be impossible for that department of the Army to carry this law into execution on the 1st day of January; and inasmuch as there is a probability that there will be legislation increasing this number, or regulating it differently from what it is, I thought it proper to introduce a bill suspending that act so far as it applies to contract surgeons until the 1st day of February, to see whether Congress will take action or not. If not, then the law will be executed.

I think it very important, because the proper authorities tell me that it is impossible to carry into execution what the law requires to be done, for many reasons which I do not care to take up the time of the Senate by stating.

The VICE-PRESIDENT. The Senator from Illinois moves to proceed to the consideration of the bill (S. No. 1043) suspending so much of the act entitled "An act reorganizing the several staff corps of the Army," approved June 23, 1874, as applies to contract surgeons.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It suspends until the 1st day of February, 1875, so much of the act entitled "An act reorganizing the several staff corps of the Army," approved June 23, 1874, as applies to contract surgeons.

Mr. LOGAN. The Surgeon-General states to me and to the Military Committee of the House that it is impossible to carry out the law by the 1st of January. It reduces the number of contract surgeons, and it is impossible to make the transfer of articles which is required in time for the law to go into effect on that day. The Department ask for further legislation on the subject. Whether that will be agreed on I do not know; but we ask that the law be suspended, so far as it applies to contract surgeons, until the 1st day of February, and then if no action is to be taken of course the law will be carried out.

Mr. THURMAN. What are the provisions of the law that the Senator asks to have suspended?

Mr. LOGAN. That there shall be no more than seventy-five contract surgeons after the 1st of January, 1875. The bill proposes to suspend that provision until the 1st day of February, to see whether Congress will in the mean time take such action as the Department requests. If not, then the law will go into full force and effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 18th instant approved and signed the following bill and joint resolution:

An act (S. No. 781) for the relief of James L. Pugh; and

A joint resolution (S. R. No. 11) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

REVISION OF RULES.

Mr. FERRY, of Michigan, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Rules be instructed to consider the propriety of revising and reclassifying the rules of the Senate, and that they report accordingly at the earliest day practicable.

ACTION OF DISBURSING OFFICERS.

Mr. HOWE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any legislation is necessary to prohibit disbursing officers of the United States from paying moneys to persons or corporations, or to the order of such persons or corporations, who have been duly enjoined by the courts of the United States from receiving the same, and to report by bill or otherwise.

BUSINESS OF COMMITTEE ON CLAIMS.

Mr. SCOTT. Mr. President, I rise to give notice that I shall ask that an early day be fixed for the consideration of cases reported from the Committee on Claims, and I desire the attention of the Senate for one moment while I state the condition of that business as a reason why I shall ask that to be done.

There are now on the Calendar some twenty-five or thirty reports from that committee, many of them claims of parties residing in the late insurrectionary States, and some of them of a class which have hitherto elicited considerable debate. I might instance the case of J. Milton Best, which is now on the Calendar. I do not desire that these cases shall be pressed over into the latter part of the session so that they shall be taken up on motion and passed through hurriedly, but I wish them to receive deliberate consideration; and if it be the sense of the Senate, when I ask that day to be fixed to proceed to consider them and deliberately act on them with a view of disposing of them, it may be then worth while for Senators to introduce bills involving claims of this character, as they have already been doing. But if it be not the sense of the Senate to proceed with and consider them, I think it due to all Senators to say that the members of the Committee on Claims will hardly deem it their duty to take up time in examining and reporting upon cases of that character in addition to those which are already on the Calendar.

I am not prepared to make the motion to fix a day at present, owing to the uncertainty as to whether there will be a recess or not; but I give this notice, so that when I do make that motion its purpose may be understood.

Mr. STEVENSON. I hope the chairman of the Committee on Claims will fix a day. I concur entirely in the justice of the suggestion which he makes. There have been just claims on this Calendar for a long time which have never been considered by the Senate, though they were reported unanimously, and the claimants have been long kept out of what is justly their due. I hope we shall fix a day beyond the recess, and that this Calendar will be gone through with regularly. Then let claims that are controverted be discussed, and let the Senate settle the principle and dispose of them. I ask the honorable Senator from Pennsylvania, the chairman of the Committee on Claims, to fix a day early in January. Whether we take a recess or not let us fix a day, so that everybody may have notice that these claims will be examined, and that the Senate will be advised on such examination of the justice or injustice of the various claims, and we may dispose of them perhaps without much debate.

PRESIDENTIAL ELECTION.

Mr. MORTON. Mr. President, I desire to give notice that should there be a recess taken until after the holidays I will, at the expiration of the morning hour on the first day the Senate convenes after the recess, ask the Senate to proceed to the consideration of the propositions to amend the Constitution of the United States reported by the Committee on Privileges and Elections. If there be no recess, I shall ask the Senate at a very early day to take up that subject.

HOUSE BILL REFERRED.

The bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

TERRITORY OF ALGONQUIN.

Mr. BOREMAN. There was a bill before this body at the last session, and now on the Calendar as Senate bill No. 44. The Senate refused to order the bill to be engrossed, and a motion was made to reconsider that vote. In view of the adoption of the Revised Statutes, incorporating nearly everything that is in this bill in regard to the control of territorial affairs, I think it well to have the bill recommitted with a view to its amendment, and therefore I ask that the vote be reconsidered and the bill recommitted to the Committee on Territories.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from West Virginia moves to take up the motion to reconsider the vote refusing to order the bill to a third reading.

Mr. EDMUNDS. What bill is it?

The PRESIDING OFFICER. The title of the bill will be read.

The CHIEF CLERK. A bill (S. No. 44) to establish the Territory of Algonquin and to provide a temporary government therefor.

Mr. EDMUNDS. What is the present state of the bill?

The PRESIDING OFFICER. The third reading was refused, and a motion to reconsider that vote was made. The Senator from West Virginia now desires to recommit the bill.

Mr. EDMUNDS. What was the last vote?

The PRESIDING OFFICER. On the question of ordering the bill to be engrossed for a third reading it was determined in the negative, and a motion to reconsider was entered, and that motion is now called up.

Mr. EDMUNDS. What is the pending motion to reconsider; by whom, and when was it entered?

Mr. BOREMAN. The Senator from Iowa [Mr. WRIGHT] made the motion to reconsider.

Mr. RAMSEY. It is simply proposed to recommit the bill to the Committee on Territories.

Mr. EDMUNDS. I understand that; but the question is on what ground it is that this bill, which has been once thoroughly considered and defeated, is to be sent back for reconsideration. Is there any new light about it?

Mr. BOREMAN. I think there is. I think new facts can be laid before the Senate. My purpose in sending it back to the committee is what I have stated. This bill, like all territorial bills, is a long one, containing many provisions of detail in regard to the organization of the Legislature, the various officers and their duties, salaries, and matters of that sort. The Revised Statutes have made general laws in regard to all these matters, and it would be proper, it seems to me, to take out of this bill all the provisions which are covered by the Revised Statutes so as simply to create the Territory, with some provisions of a general character, and then refer to the Revised Statutes for the provisions which have been made by the Committee on the Judiciary in view of the organization and administration of affairs in all the Territories.

I think that the circumstances under which the Senate refused to pass the bill to its third reading were peculiar, and I believe if it was recommitted to the committee and the amendments made which are now contemplated, with still other amendments which were suggested by the Senator from Vermont at the last session, and which the committee no doubt would be willing to make, the bill would meet with the favorable action of this body. I have therefore asked that this vote be reconsidered and the bill recommitted to the committee so that they may take action upon it, prepare it as they think it ought to be prepared, and then report it to the Senate for future action.

The PRESIDING OFFICER. The morning hour has expired.

Mr. BOREMAN. I ask that the vote be taken, if there is no objection.

The PRESIDING OFFICER. Is there objection?

Mr. EDMUNDS. When the Senator surrenders the floor, I will see.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. EDMUNDS. I wish to submit a few observations on this subject, but not to occupy the time of the Senate. According to my recollection, this bill was not defeated on the ground of any trifling difficulties connected with the courts or the mere detailed frame-work of the operations of the Territory; but I had the impression that the Senate acted upon a broader ground, and that was the undesirability, under existing conditions of affairs, of creating a Territory with the boundaries, and with the capacities, and with the sort of inhabitants, or rather the want of inhabitants of any kind excepting Indians, to any large extent that existed in this region, they being now under the dominion of the Territory of Dakota. I had the impression that that was one of the leading objections to the passage of this bill, and upon which it was defeated by a pretty heavy vote; but I have not thought of the subject since, and I may be entirely mistaken.

Certainly, if the Committee on Territories, for whom I suppose my friend speaks, desire to have this bill go back for further consideration, I should not be disposed to interpose any objection, particularly if they have any new facts which they think may throw a better light upon it in the Senate, although it is not perhaps the best possible practice to report a bill and have it go through all its stages of discussion, and after it has been defeated to send it back to the committee with the purpose of giving them an opportunity to try again upon the same particular topic, because we never should end anything in that way. But my respect for the Committee on Territories is so great that if its chairman desires that this bill should be reconsidered with a view to correcting what he supposes to have been the objections to it which were not fundamental, I certainly shall not interpose any objection.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the Senate refused to order the bill to a third reading.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. It is now moved to recommit the bill to the Committee on Territories.

The motion was agreed to.

GOVERNMENT OF THE DISTRICT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 963) for the better government of the District of Columbia, the pending question being on the amendment of Mr. MORTON to strike out in section 3, commencing in line 3, the following words:

To be severally appointed by the President of the United States, by and with the advice and consent of the Senate, to be known as the board of commissioners of the District of Columbia; and the members first to be appointed shall be nominated and confirmed, respectively, to and for the terms following, in the order of their appointment, namely:

And in lieu thereof to insert:

To be elected by the qualified voters of said District.

So as to make the section read:

There shall be at the head of said Department a board of commissioners, to consist of three members, to be elected by the qualified voters of said District, &c.

Mr. SARGENT. Mr. President, I doubt if the Senate has ever received greater evidence of the industry of a committee than is shown by this bill of one hundred and ninety-eight pages. If in addition to the numerous provisions of this bill there had been put in as appendix to it Webster's or Worcester's Dictionary, whichever in the judgment of the committee might be the more authoritative, it would seem to me that everything that could be required in the way of an expansive bill would have been furnished the Senate. Some of the provisions of this bill have a very extraordinary character; some of them perhaps might be characterized as trivial were it not for the zeal and intelligence and industry that were brought to bear in its preparation.

Let us examine and admire the results of the committee's work. I find here in section 5 a very careful exclusion of certain inferences to be drawn from language used in the bill; and as it embraces a whole section and is a fair specimen of some other efforts of the committee to enlighten all lawyers, judges, and jurors hereafter as to what the bill means, I beg the patience of the Senate while I read it. By section 5 it is enjoined that—

The phrase "said District," as used herein, means the District of Columbia.

That certainly is valuable information. I did not know but that the title of the bill "for the better government of the District of Columbia" conveyed clearly enough the intention of the committee that it should be understood by everybody who might have time and patience to read this voluminous book after it should have become a law that the words "said District" or the word "District" alone referred to the District of Columbia. That point, however, is happily placed beyond all dispute; and we know that if Congress enacts this bill, wherever the phrase "said District" occurs in it, it means the District of Columbia. And then:

The phrase "said regents" means the board of regents of the District of Columbia."

Afterward the word "regents" was changed to "commissioners," the committee leaving out that word, which is so honored in the learned societies; that word which we adopt when we speak of the governing body of the Smithsonian Institution, and dropping down to the word "commissioners." I suppose that an amendment will hereafter be necessary to say that when the word "commissioners" is used in this bill, this bill thereby means the commissioners for the District of Columbia! Again:

The phrase "said government" and "said Department," as herein used, mean respectively the government and Department herein created.

It is possible that there might have been some confusion of ideas here, and it might have been supposed by some one that this referred to the Government of the United States or the government of the Sandwich Islands, over which we have had some excitement of late, or some other government than the District; but happily that point is settled!

The word "person" will include also, when the sense will permit—

And certainly it would not if the sense would not permit it—

the significance of the words "persons, firms, and corporations;" the word 'authority" may be held to include power, discretion, and duty—

We certainly shall not need Webster's Dictionary to add any more phrases there—

as will best promote the reasonable intent of this act; the word "ordinance" means a by-law or rule of action to be observed by the people subject to said government—

I do not exactly like that phrase "subject to said government," for I suppose the people herein residing are citizens; but nevertheless that might be considered hypercritical, and so closely is the dictionary followed in this section that I do not feel disposed to find minor faults—

or by the portion of them to which it is made applicable, under the penalty thereto affixed; the word "regulation" means a rule to be observed by the officers or subordinates of said government, or by the portion of them to which it is made applicable, in the discharge of their duties—

And there we are all reminded of Blackstone's definition of what law is. It is well always to keep these fundamental considerations in mind—always remember what law is. If we forget it, we turn to Blackstone; and if we forget what a "regulation" means as applied to this District, by all means turn to this bill so that our memory may be refreshed—

unless in any particular case—

And here comes in a saving clause, showing the excessive caution, industry, and zeal of our committee—

unless in any particular case aforesaid such defined meaning is clearly repugnant to the context or to the general spirit of this act.

The bill proceeds with just this industry and intelligence all the way through. We turn over page after page and we find the same care, the same minuteness, the same spinning out of spider-webs, more fibers put in, in order that the fly of intelligence shall necessarily be caught. I do not believe that a bill thus constructed is really an aid to lawyers or jurors or any one who may be called upon to pass upon it. I think that it is burdened, crushed down, with these details, and that it is better to use language which has a general, ascertained meaning, and let the construction be based upon the ordinarily well-received interpretations of that language, than to burden the bill with this word-splitting detail.

But, sir, I pass from this criticism, which applies to pretty much the whole bill, to something of very much more importance. We have on page 43 of this bill a provision for an election in this District, and it would naturally be supposed by Senators who had not had the opportunity to read this bill through and found life long enough to master its details, that when an election really was authorized it should be of a sufficient number of officers to have a majority of the board which was to be created partly by appointment and partly by election. I find that the board of education is to consist of eight members, four of whom are to be appointed; one of them is to be an *ex officio* member of the board without vote, with the simple opportunity to advise on certain matters, not even counted in making a quorum; and the other three are those who are to be elected by the people of the District.

I might ask, if in the view of the committee elections are troublesome things here and the people ought not to have the expense put upon them of elections at all; if there is some strong controlling reason applying to this District, separating it from the rules which are applied by the people themselves to every other State and Territory in the Union, and requiring that there should be no elections in the District—no exercise of the elective franchise in matters vital to them; why it is that a minority of the board of education are to be elected by the people? Why all the expense, why all the ferment and trouble of an election, when no effective result can be produced by it at all; when those who are elected by this election can never by any means control the action of the board to which they are elected?

I ask, Mr. President, why it is that the people of this District are deprived of the privilege of the elective franchise except in this entirely insignificant, unnecessary, immaterial matter? Is it a repudiation of negro suffrage *pro tanto*? If that is what it is, then let it be put upon the proper ground and we shall understand it. Is a Congress with a two-thirds republican vote in each House prepared to express that judgment upon negro suffrage? I must say for one that I am not. I certainly am not in view of the condition of the Southern States at the present time where this very question, whether the negro shall have a free and fair opportunity to vote, is being tried every day in the year, being tried especially at elections and every other day in the year when there is no election by measures looking toward the restriction of that right or privilege.

The republican party in the South, all the negroes who have now a vote in the South, are interested in the decision which the American Senate shall make upon the question whether the republican party, having the control and responsibility of affairs, is prepared to abandon the experiment of negro suffrage. If we take the position that it is not desirable that there shall be suffrage in this District for this reason, by the most authoritative method we send out word throughout the South to our friends there who have been struggling under adverse circumstances to vindicate the right and secure the practical exercise of negro suffrage there, that we have banished it; that we have no confidence in it. It seems to me that the condition of that portion of the country, the news even through prejudiced channels that reaches us day by day, should be a warning to us to carefully move in this matter. Very recently near Vicksburgh men elected by aid of negro votes, negroes themselves, to county offices, by stringent pressure were compelled to resign their offices, the men who were responsible upon their bonds being first by that pressure required to remove from those bonds; and when there was demur, when there was an attempt to resist the pressure thus brought to bear to vindicate the right of these men to hold the offices to which they had been thus elected, fifty to one hundred and fifty of them were shot down, one white man hurt by the accidental discharge of the gun of one of his comrades, and the "fight" ended by fifty colored men being buried in a single grave!

I do not want by my vote the word to go out to negroes situated as were those at Vicksburgh, that we have abandoned this experiment here, and I do not want to abandon our southern friends who are carrying on a fight which is hopeless without our help to a useless struggle to put in effect laws there which we repudiate here. By the same moving cause we have had trouble, disturbance, murder, governments overthrown, riots, tumult, disorder, working hideous confusion, depriving men of their rights, of their very lives by scores in Louisiana. We have had, in violation of the local constitution, a government overturned and subverted in Arkansas. We have had, I say, day by day, during the past weary months since Congress adjourned in the summer, evidence that unless the republican party is prepared to retreat upon the great measure which put the ballot in the hands of the colored man for his protection, we must show here no wavering and no turning; that we must stand by it upon principle and show that we mean by the legislation of Congress, so long as we control its counsels, that that which we advised and set in operation in the Southern States shall have fair trial and shall be enforced.

Sir, I object then to what is done in this bill and what is left undone. I object to this clause in reference to the election of three members of a board of eight of education, because it is trivial, because it gives all the expense of an election, all the heat and turmoil of one, and nothing is accomplished. I object to the other fea-

ture of the bill which forces upon the people of this District a voluminous measure like this where in every line, with the trivial exception I have mentioned, they are sedulously excluded from the control of their affairs, and the colored man, as well as the white, is left outside of the pale of American citizenship. I do not believe there would be such a pressure for the abolition of suffrage in this District unless this question of negro suffrage were mixed with it. I am unalterably of that opinion, and I think I recognize in the arguments which are advanced in favor of this proposition the old flavor of prejudice which would deny the colored man any right of protection whatever.

Now, sir, if it were a question *per se*, with the country entirely at peace, with no danger of outbreaks in the South, and the question was submitted to me whether the better form of suffrage would be educated suffrage, intelligent suffrage, I might assent to that proposition; but, sir, that is not the condition of the country and not the question which is presented to us now. It was clearly seen by the republican party and the republican administration, when we reorganized the Southern States and ordained that the colored man should have the ballot, that it was his only chance for life and safety in the Southern States; that it was a barrier which we trusted might be effectual between him and a state of peonage, or perhaps a slavery worse than that in which he suffered before; that it was a barrier against the selfishness and aggression of the old master on the one side and the otherwise defenseless negro on the other. I believe that to a certain extent that barrier has been effectual. I believe that it will utterly fail, that it will no longer protect the negro, unless the republican party shows that there is in the North and in Congress, it having the responsibility of legislation, a purpose to maintain it and maintain it jealously and guard it, not only in Arkansas and Mississippi, but here in the District of Columbia, and give it a fair opportunity for its exercise. So believing and so feeling, I certainly cannot vote for this bill unless it be amended in this particular.

Mr. SAULSBURY. Mr. President, I had not expected to say a single word to-day upon this bill, for I have not given to it that care and examination which would enable me to discuss the subject intelligently. My object in rising now is simply to say that it is much more easy to criticise a measure before the Senate, and especially a measure of this character, than it is to frame a government for this District. Now, there may be in the details of this bill much that is objectionable, and I have no doubt that some of the features to which the Senator from California has referred would, upon proper examination, be stricken from the bill under consideration; but I think it is our duty, having destroyed the government that was in existence in this District, to set ourselves diligently to work to frame such a government for the District as is required by the exigencies of the people who are here residing.

In reference to the immediate amendment under consideration and the principle of which the Senator from California has discussed, as it relates to the question of suffrage, I think we ought to take a broader view than that which arises from mere partisan considerations. I think in the discussion of this bill we ought not to lug in whatever of outrage and whatever of difficulty may have existed in Louisiana and Arkansas, in order to influence the votes that are to be cast on the measure pending before the Senate; but we should address ourselves calmly and deliberately to the consideration of this measure. In my opinion it rises infinitely higher than a mere measure of party interest, and it ought not to be controlled and governed by any such consideration.

I do not propose to enter into the discussion of the question whether negro suffrage in this District or in any State of this Union is proper. The fifteenth amendment conferred that right upon the negroes in the States of this Union, and I am not now going to discuss the question of whether it is proper or not. Let the experiment, if you see proper, be made in the States; and if the public judgment of the country is that it is right, let it remain as it now stands. But why should we enter upon that discussion in the consideration of this measure?

This bill proposes not to disfranchise the colored people alone; it simply proposes, in the organization of a government in this District, to place this city under the control of commissioners, not under the control of the electors of the District, but under the control of commissioners, and it affects the white people in this District in the same manner that it affects the colored people.

The Senator from California seems to regard this measure as one aimed at colored suffrage. There is nothing in the provisions of the bill that warrants any such conclusion. The tax-payers, the men of property, the men who have to bear the burdens of the government of this District, are put upon the same level with the humblest man, whether he be white or whether he be black; and therefore the point which is sought to be raised by the Senator from California, that it is an effort to disfranchise the colored people of this District, is not warranted by any provision of this bill.

Now, sir, I am in favor of establishing for the District of Columbia a government which will operate to the advantage of all the people of the District, the tax-payer and the non-taxpayer, the white man and the colored man. I would place them under a government that shall protect them from the outrages and oppressions to which they have been so long subjected. Let us rise above that mere party influence and party consideration which would seek to defeat this bill simply because every negro in the District is not secured the right of suffrage under the government proposed to be established. I was surprised, I confess, very much surprised, at the manifest effort on the part of the Senator from California to raise a party issue in the discussion of a measure of this character. I think as American Senators we ought to rise above such considerations, and endeavor to institute a government here that shall be not only a blessing to the people who are to be directly affected by it, but that shall do credit to the Senate and to the House of Representatives, who are charged with the important duty of establishing such a government.

I simply rose to make this criticism on the remarks of the Senator from California, and not to discuss the pending amendment or any other feature connected with the bill.

Mr. LOGAN. I desire before the Senator from Delaware takes his seat, if he will permit me, to ask him a question in this connection. I do not wish to discuss the bill at all, but I have the same opinions about it that have been expressed by the Senator from California. Inasmuch as Congress has legislative jurisdiction over this District, in my opinion, on the same principle that a State legislature has legislative jurisdiction over cities incorporated within the State, if the doctrine is correct that you may deprive the citizens of the District of Columbia of the right of suffrage, does not the same ground apply to cities all over the country?

Mr. SAULSBURY. So far as I am concerned, I say very frankly that I have not given much examination to the question of how far in municipal governments an exercise of unqualified legislative power may or may not be proper; but I know that there is a sentiment abroad in the country that in all large cities and large towns where there is a floating population not identified properly with the people of such cities or towns, the principles which govern and control governments of a different character are not applicable to governments of that nature. I submit no opinion of my own, however, on that point.

Mr. LOGAN. I maintain that the same principle applies as to the question of the rights of citizens, in reference to the regulation of their municipal affairs, in the city of Washington that applies in all other cities. So far as the legislative jurisdiction is concerned, that is another question, but so far as the regulation of matters pertaining to city affairs is concerned, the rights of the citizens here are the same as the rights of citizens everywhere else, in cities. Hence the proposition I put was this: Without questioning the authority, if we by legislative act can deprive the citizens of the District of Columbia of that right which pertains to citizens all over the country, will not that tend to lead to the exercise of the same power all over this country in municipalities?

The Senator says there is a sentiment in the different cities of the country that the right of suffrage should be taken away from what he calls the floating population; in other words, that the right of suffrage should be taken away from the poor people who perhaps have not a home, or have not property. I am opposed to any such thing as that. I do not believe in property voting. I believe in men voting, and not property. I hold that the right to vote belongs to one citizen the same as another, unless he deprive himself of that right by some criminal conduct of his own. I do not believe in the holding of a mule conferring the right to vote, so that if a man owns a mule to-day he may vote, and if the mule dies to-morrow he cannot. I do not believe in that; but that is his principle, and is the entering-wedge, in my judgment, to the destruction of the right of suffrage in the hands of the poor people, whether they be white or black. For that reason I shall vote against the bill.

Mr. SAULSBURY. I certainly do not propose to answer all the interrogatories propounded by the Senator from Illinois. In fact, I think he has made the answer, to a very considerable extent, to the proposition he himself suggested. But I wish to call attention to the fact that between the city of Washington and other cities of the country there is a very marked difference both in reference to the right of Congress and in reference to the propriety of the intervention of Congress in taking charge of the District. In the first place, the Government of the United States owns a very large portion of the taxable property of this District; and I am not certain that even if as a general rule the principle is right that in all municipal governments the people should have an unlimited voice, it is true in reference to this city, in which the Government of the United States and the property of the Government of the United States is to be affected so largely by the votes of the people of the city. I understand that nearly one-third of the taxable property in the District belongs to the Government; and if it is so, the question may well arise whether that property ought to be subjected to the control exclusively of the voters of the District, be they white or be they black. But I do not propose to discuss such matters, for, as I said before to the question of proper municipal government and the mode by which it shall be carried on, I have not given such investigation and such consideration as would enable me to express a very intelligent opinion.

Mr. LOGAN. I will say to the Senator right there that I believe, if I understand the theory of our Government, the people govern themselves. If this property belongs to the Government and is the property of the Government, the people of the whole United States pay taxes on the property of this Government.

Mr. SAULSBURY. Then may I not ask the Senator from Illinois why the representatives of the people of this Government should not

establish a Government for this city independent of the people who reside in it?

Mr. LOGAN. If property belongs to the Government in Chicago, and there is quite a lot belonging to the Government there, would it not have the same right to deprive the people there of suffrage?

Mr. SAULSBURY. There is no such proportion of property belonging to the Government in the city of Chicago or any other city in the United States.

Mr. LOGAN. The proportion of property is not the question. It is the principle. If the United States have a right to regulate this city because there are ten houses here owned by them, they have the same right to regulate it because there is one house. It is not a question of the amount of property, but a question of principle, whether the people shall have something to do with the regulation of their affairs for themselves. The property belongs to them; it does not belong to members of Congress.

Mr. SAULSBURY. Why are we here to-day considering a bill proposing a form of government for this District? An investigation had by this body at the last session revealed the fact that a government here controlled by the citizens of this District had involved the District in an untold amount of debt, that the people had become oppressed by heavy taxation, that the whole District was upon the very verge of bankruptcy under a government carried on by the electoral vote of the people of this District. And then, under the revelations made by that committee, this Senate, with a unanimity almost unparalleled, declared that such a government should not longer exist, and this city was put under the control of commissioners. Why, sirs, it was the revelations which were made by that committee of the outrages that had been perpetrated upon the people of this District and the oppressions with which they had been afflicted which have brought the attention of the Senate at the present time to the consideration of this measure. And yet the Senator from Illinois and the Senator from California propose to go back to a system controlled by the same identical population that has controlled the government of this District for several years past and involved it in such hopeless indebtedness, and which has brought them repeatedly to the Senate Chamber to ask appropriations from the public Treasury in order to carry on the government, and which has depleted the Treasury of the United States to the extent of eight or ten million dollars in appropriations which have been from time to time made to meet and defray the expenses which this government has incurred. Still, we are now called upon to re-establish if not the precise and identical government, yet a government conducted upon the same principles.

Sir, I am in favor of the general principle of this bill, of putting the control of affairs here in charge of commissioners, and let them see to it that the people of this District are not further oppressed, and let us at once and as far as we can relieve them from the burdens which they have heretofore borne. I am in favor of the general principle of the bill, which is aimed to be struck down by the amendment of the Senator from Indiana, [Mr. MORTON,] and I shall vote in accordance with it. While the details of the bill may not all meet my approbation, yet the grand principle of putting this city in the charge of commissioners I am in favor of, and I hope therefore that the amendment of the Senator from Indiana, though sustained and backed up by the eloquent remarks of the Senator from California, may not prevail.

Mr. LOGAN. I will not prolong the discussion, but will merely ask the Senator from Delaware if he is not mistaken when he states that the Senator from California and the Senator from Indiana were trying to put this District back in the same condition that it was before. So far as the investigation referred to is concerned, in reference to the conduct of certain persons in the District of Columbia, it has nothing to do with the principle of the organization of this District. I am certainly as far from desiring a repetition of the expenditure as any man in the Senate Chamber; but the Senator falls into a very grave error there, and if he will give me his attention I think I can point it out to him.

He says the reason why the whole country was aroused at the exposition here of great expenditures was on account of suffrage in the District. Does he not know that the very men who were investigated, and the very expenditures of which he complains and of which the country complains, were made by men who were appointed by the President of the United States and not elected by the people? Does he not know that this commission is to be appointed in the same way as the board of public works—not elected by the people, but appointed by the Executive? It seems to me that the Senator's argument is rather against him than for him.

Mr. SAULSBURY. Will the Senator from Illinois remember that a great many of those appropriations of money were made by the Legislature of the District of Columbia, and that some of the loans that were effected to carry on the work were submitted to and voted for by the people of the District, and that two-thirds of those voting for the creation of those debts, for the borrowing of the four millions of money, were men who contributed scarcely a dollar toward the payment of the taxes?

Mr. LOGAN. The complaint of taxation, and of the large amount that the Government expended for doing its part, was in regard to expenditures made by the board of public works. So far as a Legislature in the District is concerned to enact laws, I have not heard of any person who desires that. I expressed my view on that question at the time the territorial bill was passed in the other House, for I was then a member of the House of Representatives. When the bill was pending there authorizing the appointment of a governor for this District, providing for a Delegate in Congress and for a Legislature to enact laws, I opposed it on the ground that it was in violation of the Constitution of the United States. I would so do again. I believe the legislative jurisdiction belongs to the Congress of the United States and is not to be delegated to a Legislature of the District. The Congress of the United States is to enact the laws, but those laws are to be executed by whom? Executed by some of the citizens of the District; and the citizens to execute those laws, or at least to take part in the execution of the laws in connection with the executive power of the Government, should be left to the choice of that people, the same as the Senator himself occupies his position by the choice of his people.

It is not a question of legislation; it is not a question of the expenditure of money, for it belongs to Congress to restrict that in any way it deems proper and right; but it is a question whether or not the people themselves shall have the authority to suggest, appoint, or select the agents who are to execute the laws enacted by Congress for their control. The question is on depriving them as citizens of the right to have any voice in the municipal affairs of the municipality in which they themselves reside and which belongs to the citizens.

Mr. HAMILTON, of Maryland. I desire to ask the Senator from Illinois a question. Do I understand his position to be that Congress shall enact all legislation and then let the people of this District execute it?

Mr. LOGAN. What is that?

Mr. HAMILTON, of Maryland. Do I understand the honorable Senator from Illinois upon this bill to say that he is in favor of and believes any other thing to be unconstitutional than that Congress should enact all legislation and that then we should let the people of this District execute it?

Mr. LOGAN. No, sir; I did not say that.

Mr. HAMILTON, of Maryland. I so understood the Senator.

Mr. LOGAN. No; I was giving my reason for opposing the territorial bill when it passed, and I said that under the Constitution of the United States, in my judgment, Congress has the exclusive jurisdiction over the legislation of this District; and that is the exact language of the Constitution. Now, if you can provide a Legislature when the Constitution says that Congress shall have the exclusive legislative jurisdiction, then you are a wiser man than I am. So far as mere police regulations are concerned, that is a very different proposition; but Congress has a right to enact general laws for the government of this city, the same as a Legislature does in a State. The State Legislature enacts general laws, but the city has its municipal regulations in reference to the cleaning of streets and police regulations, and many things that are not necessary for the legislative department to take up its time in reference to. But I do say that when Congress enacts these general laws—for instance, a school law in the District of Columbia—some voice should be given to the people in their execution. Will you provide under a general school law that the directors of the schools shall be appointed? What is the office of a director of the schools? Merely to carry out a law that has been enacted by Congress. I say the people should have a right to choose these men. So in reference to your commissioners. You enact laws in Congress to appoint commissioners to do what? You appoint commissioners to observe, obey, and carry out the provisions of a law, and they may have men under them who transact little affairs belonging to the city even under your bill. But that is not the point. The point is not whether you give legislative jurisdiction to a Legislature of this District; but the point is whether the people shall have a right to elect the men who are to carry out the law the same as the people of a State elect their governor to execute the law, or the same as a city elects its mayor to execute the law. I believe to-day that this city would be better governed if the people were allowed to elect a mayor and a common council to carry out the laws enacted by Congress and then regulate their own police affairs through their common council.

Mr. FLANAGAN. I do not rise, Mr. President, for the purpose of criticising this bill. It has been well matured; much thought has been expended upon it, and ample justice has been done in its details as far as the ability of the distinguished committee who reported it was able to give to it. And, sir, I might further state that on this occasion I should not say one word but cast my vote, as I usually do, in silence except for the absence of any Southern Senator responding to the action already presented or having participated in any way in the debate upon the subject.

The distinguished Senator immediately on my right from Indiana [Mr. MORTON] has offered an amendment here. That amendment I am gratified to see has met the cordial approbation and able support of the distinguished Senator from California, [Mr. SARGENT.] I am gratified to see that. The great State of Illinois through her distinguished Senator [Mr. LOGAN] likewise indorses it, as I understand. Now, sir, the South through me, so far as I speak, cordially indorses the amendment proposed by the Senator from Indiana. What are the reasons for doing so? I will briefly submit them.

In the first place, the action deprecated and discussed by the Senator from California is objected to by my distinguished friend from

Delaware [Mr. SAULSBURY] on the ground that a political question ought not to be made of this. Why, sir, it is impossible that we can consider it otherwise. It is a political question. This is the capital of the nation, and your action in regard to it goes out through all the avenues and ramifications known to this great Government in every one of the States that have an immediate and direct interest pertaining to the government of the District of Columbia. It cannot be ignored; and how clearly are the positions defined here. In the able remarks made the other day by the other Senator from Delaware, [Mr. BAYARD,] he alluded to the fact that he himself was a tax-payer in this great city, and he seemed to think that the tax-payers and the tax-payers alone were the parties who were properly to take this matter into consideration and control it. Mr. President, the Constitution of the United States knows no distinction as to tax-payers. It knows the people, and the people only of this nation without respect to color. They are all free, for there are none enslaved that I am aware of now. Then they are all equal upon that branch of the subject, and their rights are precisely the same. How is one to be excluded properly, and in the spirit of the Constitution? We know very well that it cannot be, and I have no idea that it is necessary here to discuss the power of the Government as to the legislation that is contemplated. Therefore I pass that over.

Now, on the score of policy, aside from the absolute rights that pertain here, I might instance one fact. It is not infrequent that the removal of the capital of this great nation is spoken of. Let the tax-payers of the city of Washington take into consideration, as they may very well do, that this bill as presented is a fatal stroke to the perpetuity of the capital in the city of Washington. So far as a million of colored voters will go, at a very early day when they shall speak, I have no hesitancy in saying that they will speak as a unit; they would go for any place that might be designated in this broad Union rather than the city of Washington, because it had there been declared solemnly by act of Congress that the black man had no right to vote, had no suffrage. They would visit their revenge, if you please to call it so, on the citizens of this great capital for excluding them from that right.

Why, sir, the stand-point—and it is a very prominent one—taken by the distinguished Senator from Delaware [Mr. BAYARD] the other day was that of a tax-payer. Now, the tax-payers are very conspicuous throughout this Union, particularly in the South. There are the tax-payers the white-leaguers. What are they doing? They are regulating everything in their own way, and that is the text and the pretext, and they are carrying it out in every sense of the word with a determination that had better be checked, for the perpetuity of this Union, in my humble opinion, at the very earliest day.

Now, sir, let it be known that the colored men of the city of Washington have no right to vote, are excluded from suffrage, and it will go broadcast throughout the South in an instant and every State in the South will avail itself of that sweet spice, and they will look upon it as a precedent, and at a very early day they will live up to it. It will grow, and it will continue to grow, I have no hesitancy in saying. It is all-important that that privilege should be extended to the American citizen in the city of Washington let him be white, yellow, black, or as the case may be; and then it will flow out upon equal principles throughout this great Union. I would have been gratified if the distinguished Senator from Indiana had gone a little further in this amendment. Perhaps the period has not yet arrived in our history when it will succeed; but I have no hesitancy in saying that the day is not distant when it will. I should have been gratified if he had included the women too, and let the ball of woman suffrage start out from the national capital. It is due to the nation, and I believe the day is not distant when it will be recognized and become the law of the land. I would have been very much gratified to see it start here to-day. I hope for the good of the nation, in every sense of the word, that this amendment will be accepted, and I think it will do much good.

Mr. MERRIMON obtained the floor.

Mr. WEST. If it will not inconvenience the Senator to-day, I should like to ask for an executive session.

Mr. MERRIMON. I have no objection.

The PRESIDING OFFICER. The Senator from Louisiana moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at two o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 21, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at seven minutes after twelve o'clock.

CHARLES F. LARRABEE.

Mr. BURLEIGH introduced a bill (H. R. No. 4043) authorizing the President to reappoint Charles F. Larrabee a first lieutenant in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OFFICERS OF THE CIVIL SERVICE.

Mr. FRYE introduced a bill (H. R. No. 4044) making valid the assignment of the pay of officers and employés in the civil service of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DR. JOHN R. BIGELOW.

Mr. POLAND introduced a bill (H. R. No. 4045) for the relief of Dr. John R. Bigelow; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLICATION OF TREASURY ACCOUNTS.

Mr. DAWES introduced a bill (H. R. No. 4046) providing for the publication of the Treasury accounts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RIVER AND HARBOR IMPROVEMENTS.

Mr. PENDLETON introduced a bill (H. R. No. 4047) for the improvement of Pawcatuck River, Rhode Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 4048) continuing the improvement of Wickford Harbor, Rhode Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INTERNAL-REVENUE TAXES, ETC.

Mr. EAMES introduced a bill (H. R. No. 4049) in relation to internal-revenue taxes and duties on imports; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NORWICH AND NEW YORK TRANSPORTATION COMPANY.

Mr. STARKWEATHER introduced a bill (H. R. No. 4050) for the relief of the Norwich and New York Transportation Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF HARBORS, ETC.

Mr. BARNUM introduced a bill (H. R. No. 4051) to continue the improvements in the harbor of Norwalk, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 4052) for the improvement of the harbor of Bridgeport, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 4053) to repair and preserve the breakwater and piers at the entrance to the harbor of Southport, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SIGNAL SERVICE.

Mr. CROOK introduced a bill (H. R. No. 4054) to provide for the signal service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. GALWAY AND T. BRUGUIER.

Mr. MERRIAM introduced a bill (H. R. No. 4055) for the relief of John Galway and Theophile Bruguier; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BUILDING AT AUBURN, NEW YORK.

Mr. MACDOUGALL introduced a bill (H. R. No. 4056) for the erection of a public building at Auburn, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COLLECTION DISTRICT IN NEW JERSEY.

Mr. SCUDDER, of New Jersey, introduced a bill (H. R. No. 4057) to make a collection district in the State of New Jersey; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MATHILDA RENNEBURG.

Mr. SCUDDER, of New Jersey, also introduced a bill (H. R. No. 4058) granting a pension to Mathilda Renneburg, widow of Captain George R. Renneburg, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISLAND OF NAVASSA.

Mr. KELLEY introduced a bill (H. R. No. 4059) in relation to the occupancy of the island of Navassa; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

THOMAS HASLEM.

Mr. ALBRIGHT introduced a bill (H. R. No. 4060) for the relief of Thomas Haslem; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THE PENSION LAWS.

Mr. ALBRIGHT also introduced a bill (H. R. No. 4061) amendatory of the pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES S. REMINGTON.

Mr. RICHMOND introduced a bill (H. R. No. 4062) for the relief of Charles S. Remington; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. ESTELLA L. WOOD.

Mr. TODD introduced a bill (H. R. No. 4063) to increase the pension of Mrs. Estella L. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAWRENCE GROSS.

Mr. MAGEE introduced a bill (H. R. No. 4064) granting a pension to Lawrence Gross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRADE-MARKS AND LABELS.

Mr. ARCHER introduced a bill (H. R. No. 4065) to amend the statutes relating to trade-marks and labels; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN W. RILEY.

Mr. ARCHER also introduced a bill (H. R. No. 4066) for the relief of John W. Riley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL WEISELS.

Mr. LOWNDES introduced a bill (H. R. No. 4067) for the relief of Daniel Weisels, of Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. SPATES.

Mr. LOWNDES also introduced a bill (H. R. No. 4068) for the relief of George W. Spates; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE S. RALEY.

Mr. LOWNDES also introduced a bill (H. R. No. 4069) for the relief of George S. Raley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADELINA S. BLICKS.

Mr. STOWELL introduced a bill (H. R. No. 4070) for the relief of Adelina S. Blicks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROTECTION OF ELECTORS, ETC.

Mr. WHITELEY introduced a bill (H. R. No. 4071) to protect the electors and prevent frauds in congressional elections, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LOCATION OF LAND SCRIPS.

Mr. MOREY introduced a bill (H. R. No. 4072) defining the manner in which certain land scrips may be located; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JOSEPH R. SHANNON.

Mr. SHELDON introduced a bill (H. R. No. 4073) for the relief of Joseph R. Shannon, of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AGNES E. FRY.

Mr. SHELDON introduced a bill (H. R. No. 4074) for the relief of Mrs. Agnes E. Fry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISIANA WAR CLAIM.

Mr. SHELDON also introduced a joint resolution (H. R. No. 130) providing for the payment of State military indemnity warrants No. 1 and 2, representing the military indemnity claim of the State of Louisiana against the United States for expenses incurred in causing to be organized and disciplined for active service a regiment of State troops to aid in the enforcement law for the reconstruction service of the United States, pending the reconstruction of Louisiana in 1866 and 1867; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. G. PENN.

Mr. SMITH, of Ohio, introduced a bill (H. R. No. 4075) for the relief of E. G. Penn; which was referred to the Committee on War Claims, and ordered to be printed.

JOHN W. FRAZEE.

Mr. SMITH, of Ohio, also introduced a bill (H. R. No. 4076) for the relief of John W. Frazee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORLANDO H. ROSS.

Mr. SMITH, of Ohio, also introduced a bill (H. R. No. 4077) for the relief of Orlando H. Ross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. WOODWORTH introduced a bill (H. R. No. 4078) to prohibit the removal of causes from State to United States courts upon application of parties after appearance in State courts, except in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY D. JONES.

Mr. WOODWORTH also introduced a bill (H. R. No. 4079) granting a pension to Mary D. Jones, widow of Isaac D. Jones, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIMITATION OF CLAIMS AGAINST THE UNITED STATES.

Mr. LAWRENCE introduced a joint resolution (H. R. No. 131) proposing an amendment to the Constitution of the United States, (limiting the time for presenting claims against the United States, &c.;) which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

O. P. NORRIS.

Mr. SHERWOOD introduced a bill (H. R. No. 4080) for the relief of O. P. Norris, One hundred and eleventh Ohio Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN KIRK.

Mr. DANFORD introduced a bill (H. R. No. 4081) to remove disability from John Kirk, late second lieutenent, Company E, Ninety-second Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM SPRIGGS.

Mr. DANFORD also introduced a bill (H. R. No. 4082) to remove disability from William Spriggs, late of Company H, One hundred and sixteenth Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM WATTS.

Mr. ARTHUR introduced a bill (H. R. No. 4083) to refund to William Watts, of the county of Boone, and State of Kentucky, the sum of $5,610, illegally taken and received from him and paid into the Treasury of the United States by the collector of internal revenue for the sixth Kentucky district, in excess of the amount of lawful tax collected upon the sale of 28,031 pounds of manufactured tobacco on the 28th day of June, 1864; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES MARSHALS.

Mr. ATKINS introduced a bill (H. R. No. 4084) further defining the duties of United States marshals; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CUMBERLAND RIVER, TENNESSEE.

Mr. HARRISON introduced a bill (H. R. No. 4085) to continue the improvement of the Cumberland River, in the State of Tennessee; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ABANDONED PROPERTY.

Mr. WARD, of Illinois, introduced a bill (H. R. No. 4086) to amend an act entitled "An act to provide for the collection of abandoned property and for the prevention of frauds within the United States;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JACKSON LAVENBURY.

Mr. HYDE introduced a bill (H. R. No. 4087) for the relief of Jackson Lavenbury; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. WELLS introduced a bill (H. R. No. 4088) for the improvement of the Mississippi River, between the mouths of the Missouri and Ohio Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FIFTEENTH AND SIXTEENTH MISSOURI CAVALRY.

Mr. HAVENS introduced a bill (H. R. No. 4089) for the relief of the Fifteenth and Sixteenth Missouri Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM M. NEICE.

Mr. HAVENS also introduced a bill (H. R. No. 4090) for the relief of William M. Neice, late second lieutenant Company I, Sixth Mis-

souri Cavalry Volunteers; which was read a first and second time' referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL C. HENDERSON.

Mr. HAVENS also introduced a bill (H. R. No. 4091) for the relief of Michael C. Henderson, of Barry County, Missouri; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELMIRA C. CRAVATH.

Mr. WILLARD, of Michigan, introduced a bill (H. R. No. 4092) granting a pension to Elmira C. Cravath; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOWELL H. TRASK.

Mr. WILLARD, of Michigan, also introduced a bill (H. R. No. 4093) for the relief of Howell H. Trask; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHIGAN INTERNAL IMPROVEMENTS.

Mr. HUBBELL introduced a bill (H. R. No. 4094) to provide for the construction of a light-house at Passage Island, Lake Superior; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 4095) for the construction of range-lights at Eagle Harbor, Lake Superior; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 4096) to provide for the construction of a light-house at Stannard Rock, Lake Superior; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 4097) to provide for the construction of a light-house at Land Island, Lake Superior; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL W. ABBOTT.

Mr. HUBBELL also introduced a bill (H. R. No. 4098) for the relief of Samuel W. Abbott, postmaster at Menomonee, Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JUDICIAL DISTRICT IN MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 4099) to divide the State of Michigan into three judicial districts, and to establish the northern district of Michigan; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MICHIGAN INTERNAL IMPROVEMENTS.

Mr. BRADLEY introduced a bill (H. R. No. 4100) making appropriation for continuing the improvement of Saginaw River, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 4101) making appropriation for improving the mouth of the Pine River, at its entrance into the Saginaw Bay, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 4102) making appropriation for continuing the improvement of the Sheboygan River, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF GALVESTON HARBOR.

Mr. WILLIE introduced a bill (H. R. No. 4103) making appropriation to continue the improvement of the harbor of Galveston, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JENNIE S. BURK.

Mr. GIDDINGS introduced a bill (H. R. No. 4104) for the relief of Jennie S. Burk, late widow of James B. McClosky, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. H. LOOBY.

Mr. KASSON introduced a bill (H. R. No. 4105) increasing the pension of James H. Looby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UTILIZATION OF WATER-POWER.

Mr. McCRARY introduced a bill (H. R. No. 4106) to provide for utilizing certain water-powers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES M. SMITH, OF IOWA.

Mr. LOUGHRIDGE introduced a bill (H. R. No. 4107) for the relief of J. M. Smith, of Davis County, Iowa; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

GEORGE H. SMITH.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 4108) granting a pension to George H. Smith, late sergeant Company A, Seventh Iowa Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESTORATION OF INCOME TAX.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 4109) to restore the tax on incomes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HIRAM T. LOVE.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 4110) for the relief of Hiram T. Love; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HERMAN NETTLEFIELD.

Mr. McDILL, of Wisconsin, introduced a bill (H. R. No. 4111) granting a pension to Herman Nettlefield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. W. LA POINTE.

Mr. McDILL, of Wisconsin, also introduced a bill (H. R. No. 4112) granting a pension to G. W. La Pointe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. COOLIDGE.

Mr. CLAYTON introduced a bill (H. R. No. 4113) granting a pension to Mary E. Coolidge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPTAIN C. EDWARD DAVIS.

Mr. AVERILL introduced a bill (H. R. No. 4114) for the relief of Captain C. Edward Davis, Hancock's Veteran Corps; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANK A. PAGE, UNITED STATES ARMY.

Mr. AVERILL also introduced a bill (H. R. No. 4115) to authorize the restoration of Frank A. Page to the rank of second lieutenant in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OREGON CENTRAL PACIFIC RAILWAY.

Mr. NESMITH introduced a bill (H. R. No. 4116) to provide for the construction of the Oregon Central Pacific Railway and Telegraph line; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

LAKE TRAVERSE LAND DISTRICT, DAKOTA.

Mr. ARMSTRONG introduced a bill (H. R. No. 4117) to create the Lake Traverse Land district in Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DAKOTA VOLUNTEERS.

Mr. ARMSTRONG also introduced a bill (H. R. No. 4118) making appropriation to pay the sums found due to Dakota volunteers by the audit of Inspector-General Hardie; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PATENT FOR LAND IN ARIZONA.

Mr. McCORMICK introduced a bill (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CALL OF STATES FOR RESOLUTIONS.

The SPEAKER. The States having been called through for bills on leave and joint resolutions, they will now be called for resolutions. Resolutions are in order from the State of Alabama.

SAFE-BURGLARY INVESTIGATION.

Mr. BROMBERG. I have been requested to offer the resolution which I send to the desk, and on it I call the previous question.

The Clerk read as follows:

Resolved, That a select committee of five members of the House be appointed by the Speaker to inquire whether any officer or official of the Government of the United States or of the District of Columbia, or person or persons in the employ of the Government of the United States or of said District, or other person or persons, has or have used any means to obstruct the administration of the law in said District, and especially with reference to the recent trial and other proceedings in the so-called safe-burglary conspiracy. That said committee shall have power to send for persons and papers, to administer oaths, to sit during the sessions of the House, shall report what, if any, action is necessary to be taken by the House in the premises aforesaid and in regard to said case, and shall have leave to report at any time

Mr. DAWES. I object to that resolution.

The SPEAKER. The gentleman from Alabama moves the resolution and on it demands the previous question. Does the gentleman from Massachusetts make any point of order on it?

Mr. DAWES. I do not.

On the question of seconding the previous question a vote by sound was taken, and the Speaker declared that the ayes had it.

Several MEMBERS. Further count.

The SPEAKER. A further count being demanded, the vote will be taken by tellers, and the Chair appoints as tellers the gentleman from Vermont, Mr. HENDEE, and the gentleman from Alabama, Mr. BROMBERG.

The House divided; and the tellers reported—ayes 74, noes 80.

So the previous question was not seconded.

Mr. DAWES. I rise to debate the resolution.

Mr. RANDALL. I give notice that on next Monday the same resolution will be offered.

The SPEAKER. It is not in order to give such notice during the morning hour. The gentleman from Massachusetts having risen to debate the resolution, it goes over. Resolutions are still in order from the State of Alabama.

CONGRESSIONAL ELECTION IN ALABAMA.

Mr. HAYS. I offer the following preamble and resolutions, and on them demand the previous question:

Whereas, at the recent election for Representatives to Congress in the State of Alabama and during the canvass which preceded said election, Federal soldiers were stationed in several counties in said State by order of the President of the United States; and whereas information had been received by the President that intimidation and threats, violence, murder, and assassination had been resorted to in said State for the purpose of preventing electors from voting; and whereas these allegations have been denied by a portion of the press of Alabama and correspondents of northern newspapers, and it has been stated by them that there was no intimidation or threat, or violence of any kind for the purpose of deterring or influencing voters at such election, and it has been charged by them that said troops were sent to Alabama to intimidate and overawe electors, and prevent the free exercise of suffrage by such at said election: Therefore

Be it resolved, That a committee of five members of this House be appointed by the Speaker to go to Alabama to take testimony and investigate said charges and counter charges, and to report the same to the House of Representatives; and that said committee be empowered to inquire into all the facts relative thereto, and particularly to investigate and inquire whether any murders or assassinations or any other acts of violence were committed in said State at said election or while the contest for the same was pending; if so, by whom and upon whom committed, where and at what time; what were the known or supposed political sentiments of the parties respectively, and the motives which influenced them; to ascertain whether any means or efforts were used to constrain suffrage, or whether peaceable and legal assemblies were interrupted or disturbed by armed forces or by violence in said State, and to inquire and ascertain whether the Federal soldiers interfered with or in any manner whatever attempted to interfere with the free exercise of suffrage during said election, and to report the same to the House of Representatives.

Resolved, That said committee shall have power to send for and enforce the attendance of persons and compel the production of papers, and tender oaths to any one examined before or by them, to employ a clerk and stenographer, and to report at any time.

Mr. GARFIELD. I desire to ask the gentleman from Alabama a question, whether the allegations set forth——

The SPEAKER. The resolution is not debatable.

Mr. SPEER. I desire to ask whether it is not an unusual power to give a committee to enforce the attendance of witnesses?

The SPEAKER. The question is not debatable. The gentleman from Alabama demands the previous question on the preamble and resolutions.

Mr. CALDWELL. I ask that the preamble may be again read.

The preamble was again read.

Mr. COX. I wish to inquire whether the preamble cannot be separated from the resolution?

The SPEAKER. That question will arise after the previous question is seconded.

Mr. BECK. I desire to make a parliamentary inquiry: Whether the duties of the select committee appointed the other day by the Chair do not cover this matter?

The SPEAKER. That would not be a parliamentary inquiry. The Chair really would not know how to answer it. The question is on seconding the demand for the previous question.

Mr. MAYNARD. Before the question is submitted, I ask the Clerk to report again that portion of the resolution which relates to the sending for persons and papers.

The Clerk read as follows:

That the said committee shall have power to send for and enforce the attendance of persons, and compel the production of papers, and tender oaths to any one examined by or before them, to employ a clerk and stenographer, and to report at any time.

Mr. MAYNARD. I would suggest to the gentleman from Alabama that the language of the resolution be modified so as to be in the usual form in regard to sending for persons and papers, the words "enforce the attendance of" being left out.

Mr. HAYS. I accept the gentleman's suggestion, and will modify the resolution accordingly.

Mr. RANDALL. I ask the gentleman to modify the resolution so that the committee shall also inquire as to the manner of the distribution of rations heretofore voted by this Congress for the people of Alabama.

Mr. HAYS. A resolution has already passed the House, offered by my colleague, for the investigation of that matter. I have no objection to such an investigation in the world.

Mr. RANDALL. I would like that to go to the same committee. Is it understood that the gentleman accepts that modification?

Mr. HAYS. Not at all. I call for the previous question.

The SPEAKER. The modification suggested by the gentleman from Tennessee [Mr. MAYNARD] has been made; and the resolution is now in the usual form in regard to sending for persons and papers. The question is on seconding the demand for the previous question, and the Chair appoints as tellers the gentleman from Alabama, Mr. HAYS, and the gentleman from Pennsylvania, Mr. SPEER.

Mr. SPEER. I am not opposed to the resolution.

The SPEAKER. The Chair will take the gentleman's count.

The House divided; and the tellers reported ayes 112.

The SPEAKER. The tellers report 112 in the affirmative. Is further count demanded?

Mr. SPEER. I do not desire further count.

Mr. BECK. I want further count. I want to see how many are disposed to hide this matter as they have hid up the other.

The SPEAKER. The gentleman has no right to debate the question.

Mr. BECK. I have a right to a further count.

The SPEAKER. But not a right to debate.

Mr. BECK. The Chair was accepting the count without the negative vote having been taken.

The SPEAKER. The Chair assumed that as the affirmative vote was so overwhelming no further vote was required. The gentleman who as teller represented the side of the House on which the gentleman from Kentucky sits made the usual signal that no further count was demanded; and the Chair does not think it very becoming in the gentleman from Kentucky to demand further count and not to vote himself.

Mr. BECK. I voted for the resolution. I vote for all investigations. Can members on the other side of the House say as much?

Mr. BUTLER, of Massachusetts. We only vote for all proper investigations.

The SPEAKER. The Chair is not allowed to debate the question with the gentleman from Kentucky. Does the gentleman insist upon a further count?

Mr. BECK. There appears to be no one to count.

The SPEAKER. The Chair took the statement of the teller on the gentleman's side that no further count was demanded.

Mr. SPEER. I stated that no further count was necessary.

The SPEAKER. The Chair therefore does not accept the criticism of the gentleman from Kentucky. The report of the tellers is 112 in the affirmative and 3 in the negative.

Mr. SPEER. I want the record to show that I was not opposed to the resolution myself.

So the previous question was seconded, and the main question was then ordered.

Mr. COX. I ask for a division of the question upon the resolution and preamble.

The SPEAKER. The question, then, will be taken first upon the resolution.

The question was taken, and the resolution was agreed to.

The question recurred on agreeing to the preamble; and being put, there were on a division—ayes 114, noes 69.

So the preamble was agreed to.

Mr. HAYS moved to reconsider the votes by which the resolution and preamble were severally agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY OFFICERS IN SOUTHERN STATES.

Mr. CALDWELL. I offer the following resolution, upon which I demand the previous question:

Resolved, That the Secretary of War be, and he is hereby, directed to inform this House whether any commissioned officer of the United States Army, while on duty in any of the Southern States, has received or attempted to procure payment of any money or other valuable consideration from the Legislatures of any of said States, or endeavored to procure legislation to that effect as a compensation or reward to him for services performed in the line of his duty as an officer of the Army or otherwise; and whether any such officer, while so stationed and on duty, has been admitted to practice at the bar of any of said States, and has actually practiced thereat for his personal emolument, while receiving pay as an officer of the Army, and whether such officer is now an officer of the Army.

Mr. GARFIELD. I desire to know if the gentleman has any facts upon which this resolution is based?

Mr. MAYNARD. I make the point of order that the gentleman from Alabama [Mr. CALDWELL] has already offered a resolution under this call.

Mr. CALDWELL. Not to-day.

The SPEAKER. The gentleman from Tennessee makes the point of order that the gentleman from Alabama has already offered a resolution under this call. The Journal shows that he offered a resolution on Monday last.

Mr. YOUNG, of Georgia. He has certainly offered no resolution to-day.

The SPEAKER. But he offered a resolution under the same call on Monday last.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. WHITE submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Elections have leave to report upon the joint resolution amending the Constitution in respect of the election of President and Vice-President and the return and counting of the electoral votes at any time.

ARMY OFFICERS IN SOUTHERN STATES.

Mr. SLOSS. I offer the following resolution, upon which I call the previous question:

Resolved, That the Secretary of War be, and he is hereby, directed to inform this House whether any commissioned officer of the United States Army, while on duty in any of the Southern States, has received or attempted to procure payment of any money or other valuable consideration from the Legislatures of any of said States, or endeavored to procure legislation to that effect as a compensation or reward to him for services performed in the line of his duty as an officer of the Army or otherwise; and whether any such officer, while so stationed and on duty, has been admitted to practice at the bar of any of said States, and has actually practiced thereat for his personal emolument, while receiving pay as an officer of the Army, and whether such officer is now an officer of the Army.

Mr. KASSON. Cannot the gentleman name the officer who has committed the alleged offense?

Mr. YOUNG, of Georgia. I will leave it to the Secretary of War. I desire to name no man.

Mr. GARFIELD. Who is it?

Mr. YOUNG, of Georgia. I will state who it is. It is Major Merrill.

The question was upon seconding the previous question; and being put, no quorum voted.

Tellers were ordered; and Mr. KASSON and Mr. SLOSS were appointed.

The House divided; and the tellers reported ayes 65, noes 105.

So the previous question was not seconded, and the resolution was laid over.

HOLIDAY RECESS.

Mr. DAWES. I desire now to call up the resolution providing for a recess for the holidays.

The SPEAKER. Before entertaining that question the Chair will receive bills for reference from gentlemen who were absent at the time their States were called.

JOHN KIERNAN.

Mr. STANARD, by unanimous consent, introduced a bill (H. R. No. 4120) for the relief of John Kiernan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM T. MARTIN.

Mr. PACKER, by unanimous consent, introduced a bill (H. R. No. 4121) for the relief of William T. Martin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZA HOWARD POWERS.

Mr. PHELPS, by unanimous consent, introduced a bill (H. R. No. 4122) for the relief of Eliza Howard Powers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DALTON.

Mr. CASON introduced a bill (H. R. No. 4123) granting a pension to John Dalton, of Tippecanoe County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARMADUKE F. SMITH.

Mr. CLEMENTS introduced a bill (H. R. No. 4124) granting a pension to Marmaduke F. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CARPENTER'S PAINTING—"PROCLAMATION OF EMANCIPATION."

Mr. DUELL introduced a joint resolution (H. R. No. 132) to authorize the purchase of Carpenter's painting known as the "Proclamation of Emancipation;" which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

CRIMINAL COURT OF THE DISTRICT OF COLUMBIA.

Mr. CREAMER introduced a bill (H. R. No. 4125) to repeal an act entitled "An act conferring jurisdiction on the criminal court of the District of Columbia, and for other purposes," approved June 22, 1874; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL BANK OF SANBORNTON, NEW HAMPSHIRE.

Mr. PIKE introduced a bill (H. R. No. 4126) authorizing the Citizens' National Bank, of Sanbornton, New Hampshire, to change its name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CHARLES O. SHEPHERD.

Mr. BASS introduced a bill (H. R. No. 4127) for the relief of Charles O. Shepherd, chargé d'affaires *ad interim* of the United States in Japan; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LUTHER HALL AND S. S. HEMENWAY.

Mr. PIERCE introduced a bill (H. R. No. 4128) to authorize the Commissioner of Patents to extend the patent granted to Luther Hall and S. S. Hemenway; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ALEXANDER BARCLAY.

Mr. CRITTENDEN introduced a bill (H. R. No. 4129) for the relief of Alexander Barclay, of Benton County, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RHEINHART BREINNEISS AND OTHERS.

Mr. CRITTENDEN also introduced a bill (H. R. No. 4130) for the relief of Rheinhart Breinneiss and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALLOWANCE OF CLAIMS.

Mr. LAWRENCE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the documents transmitted by the Secretary of State to the Committee on War Claims of the House of Representatives relative to the mode of examining and allowing claims by foreign governments be, and are hereby, ordered to be printed under direction of the Clerk of the House, who is hereby directed to cause translations to be made into the English language of so much of said documents as are in foreign languages, and that copies of said documents be and are ordered to be printed.

REPORT OF COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE also submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Committee on War Claims of this House and the commissioners of claims four thousand copies of the fourth annual report of the commissioners of claims.

AMENDMENT OF THE RULES.

Mr. LAWRENCE submitted the following proposed amendments of the rules; which were referred to the Committee on Rules:

Whenever a claim is presented to the House of Representatives and referred to a committee, and the committee report that the claim ought not to be allowed, it shall not be in order to move to take the papers from the files for the purpose of presenting the claim to any of the officers or Bureaus of the Executive Departments except upon the recommendation of the committee making the adverse report; nor shall such papers be withdrawn for the purpose of referring them to the same or any other committee of a succeeding Congress, unless the claimant shall present a memorial stating in what respect the committee has erred in their report, or that new evidence has been discovered since the report, such new evidence to be set forth in the memorial.

And whenever leave is given to withdraw papers from the files of the House, copies thereof shall be made and certified to by the Clerk of the House, and the originals shall remain upon the files of the House.

GOVERNMENT OF THE DISTRICT.

Mr. CHIPMAN introduced a bill (H. R. No. 4131) to amend an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REAL ESTATE IN THE DISTRICT.

Mr. CHIPMAN also introduced a bill (H. R. No. 4132) to preserve original evidence and to prevent or detect fradulent conveyance of title to real estate situate in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DEFECTIVE LAND TITLES IN THE DISTRICT.

Mr. CHIPMAN also introduced a bill (H. R. No. 4133) to provide a cure for clouded titles to land in possession in the District of Columbia; which was a read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COURT OF CLAIMS.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 4134) to amend an act entitled "An act to amend an act to establish a court for the investigation of claims against the United States, approved February 24, 1855;" which was referred to the Committee on the Judiciary, and ordered to be printed.

REPORTS FOR MEMBERS AND DELEGATES.

Mr. HEREFORD, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That the Doorkeeper of this House be directed to furnish to each member and Delegate, as soon as practicable, one copy of every report or communication made to the House and by the House ordered to be printed.

REVOLUTIONARY CLAIMS.

Mr. LAMISON, by unanimous consent, introduced a bill (H. R. No. 4135) to amend an act entitled "An act supplementary to the act for the relief of certain officers and soldiers of the Revolution," approved June 7, 1832; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

INSANE ASYLUM AT AUBURN, NEW YORK.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 4136) to reimburse the State lunatic asylum for insane convicts, at Auburn, New York, for the keeping of insane United States convicts after terms of sentence had expired; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TUG-BOAT WM. S. EARL.

Mr. SMART introduced a bill (H. R. No. 4137) to change the name of the tug-boat Wm. S. Earl to Stephen Miles; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. TREMAIN. I ask unanimous consent to make a personal explanation, occupying not more than five minutes.

The SPEAKER. If there be no objection the gentleman will proceed.

There was no objection.

Mr. TREMAIN. My attention has been called to an infamous assault upon me contained in an editorial article published in the New York Sun of last Thursday. I have here an extract from it which I will send to the Clerk to read.

The Clerk read as follows:

The occasion of this inquiry is a bill which Mr. TREMAIN has just introduced into Congress conferring criminal jurisdiction on the courts of the United States in different parts of the country in prosecution, for libel, where the offense consists of a constructive publication in the District of Columbia. To be sure the bill provides that a man shall not be indicted in the District unless he lives there. Nevertheless the attempt to confer Federal jurisdiction over such a class of cases, in place of that of the State courts, is so flagitious, so at variance with all the ideas and intentions of the founders of our Government, such a departure from all sound constitutional principles, and so impossible to succeed, that the question very naturally suggests itself whether it could have been made by anybody but a fool.

Mr. TREMAIN. There is not one word of truth in that statement, as every member of this House who heard the bill which was introduced by me read by the Clerk at the time of its introduction very well knows. That bill does not authorize the indictment of any person for libel in the courts of the United States throughout the country. Under its provisions no man could be indicted for libel in the courts of the United States in any district or circuit court of the United States. The bill relates exclusively to the courts in the District of Columbia, as clearly appears from its title and from the express language of the body of the bill. It does not authorize an indictment for libel in any case or in any court where such indictment cannot now be found under the existing law. So far from this being the case, it prevents the finding of any indictment for libel in the greater number of cases where an indictment for such libel may now be found in the District of Columbia. It is a limiting and restraining and not an enlarging or enabling statute.

Indictments may now be found in the District of Columbia for all libels that are published in such District. Whenever a newspaper containing such libel is circulated in such District, or is sent to it and sold by the agents and servants of the editors and publishers, an indictment for such publication may be found now in this District. This results from the fact that libel was indictable at the common law, that Maryland had adopted the common law, and when the United States accepted from Maryland the cession of that part of this District which belonged to Maryland, the act of Congress provided that the laws of Maryland should remain in full force.

The Supreme Court of the United States and the supreme court of this District have repeatedly held that libel was indictable in the District, and various trials and informations for that offense have taken place within the District. Congress has passed an act relating to the trial of indictments for libel in the District of Columbia, declaring that in such cases the truth may be given in evidence and if it appears that the libel was published for good motives and justifiable ends the defendant should be acquitted, and that statute is now in full force.

My bill was intended to remove all grounds of complaint on the part of newspaper publishers who complained that they were liable to be brought from distant parts of the Union to this District for trial when their newspapers should happen to be circulated here, although the State courts in the States where these newspapers were published were open for the finding of such indictments. The first section of my bill reveals its purpose. It is in these words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a libel has been or may be hereafter published in any newspaper regularly printed and published outside of the District of Columbia, but circulated therein, no indictment for the publication of such libel shall be found in said District unless the party libeled shall reside therein at the time of such publication.

The second section only provides for the removal of such indictments to the locality where the newspaper was regularly issued. It does not in any manner relate to the residence of the defendant, as is falsely charged in this article. It is a bill in the interest of a free press, and the editor of the Sun knew this, for in his paper of Wednesday he published the bill *in extenso* with these announcements in capitals:

ANNULLING THE PRESS GAG LAW—A BILL WHICH WILL PREVENT EDITORS FROM BEING DRAGGED TO WASHINGTON.

WASHINGTON, *December* 15.

In the House of Representatives, Mr. TREMAIN, on leave, introduced the following bill: "A bill in relation to indictments for libel in the District of Columbia, and the trial thereof."

And then published the bill at length.

My bill is framed upon the model of a New York statute passed twenty years ago, and makes the scheme of that statute applicable to the District of Columbia. The Sun article also contains much coarse vituperation of me which I disdain to notice, remembering that, as Sir William Blackstone says, "it is the privilege of the vulgar to indulge in low abuse of other people with impunity."

What could have inspired this brutal attack upon me I cannot imagine. If, as he seems to have supposed, the bill allowed indictments for libels to be found in the United States courts where the libeler resided, I can well understand why Mr. Charles Dana should have regarded its introduction with trembling solicitude. But it does not; and hence I can only account for his bilious condition upon the theory that he is aching for a grievance against Congress, that he flatters himself that he now has a plausible one, and is disturbed by the apprehension that Congress may pass my bill and thus remove his pet grievance.

This article is only a fresh illustration of the gross injustice with which members of Congress, while laboring faithfully to discharge their public duties, are traduced by a portion of the newspaper press, and of the deluge of defamation and false charges which seems to be sweeping over the country. While thanking the House for its courtesy, I will add that I should not probably have deemed this article worthy of notice, for the reason that the true character of the Sun is generally appreciated wherever the paper is known, had I not also discovered from articles in two or three respectable newspapers that there was an honest misconception prevailing in some quarters touching the purposes and scope of the bill which I had the honor to introduce.

SUGG FORT CLAIM.

Mr. O'NEILL. I send to the Clerk and ask to have read a letter from the Commissary-General of Subsistence, with an accompanying card.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington City, December 17, 1874.

SIR: I have the honor to acknowledge receipt of your note of this date, calling my attention to a paragraph in the Republican of this morning, in which reference is made to "Hon. CHARLES O'NEILL" in connection with the Sugg Fort claim. In reply I would respectfully state that the reference to you is an error. The person alluded to was Mr. Charles C. O'Neill, an agent prosecuting claims in this city.

Yours, very truly,

A. E. SHIRAS,
Commissary-General of Subsistence.

Hon. CHARLES O'NEILL,
House of Representatives, Washington, D. C.

[From the National Republican, December 21, 1874.]

A CARD FROM C. C. O'NEILL.

WASHINGTON, *December* 19, 1874.

SIR: Allow me through your paper to correct an error which appeared in your issue of December 17, 1874, in relation to the claim of Sugg Fort, of Robertson County, Tennessee, for flour, amounting to $23,723.50, alleged to have been taken and used by the Federal troops at Nashville, Tennessee.

In your transcribing the papers in the claim the name of Hon. CHARLES O'NEILL, of Pennsylvania, appears in connection with the claim, which is an error. He had nothing to do with the claim whatever.

The claim was placed in my hands by Mr. Fort, March 18, 1873, and was filed by me March 19, 1873, in the War Department, and by the Secretary of War referred to the Commissary-General of Subsistence, who rejected the case March 29, 1873, on the ground of no jurisdiction since act of March 3, 1871, organized the southern claims commission. As requested by Mr. Fort, I withdrew from the Commissary Department the papers I filed there and handed them over to the claimant, who had a bill drawn and presented to Congress by Hon. H. H. HARRISON for the amount claimed.

After the charge of fraud was made, of which Mr. Fort told me himself, I suggested that he should go home and disprove the allegation.

I had no connection with the claim at its final settlement by the Departments, and never received one cent as fees from Mr. Fort or any person from the proceeds of said claim. He had his money in his pocket before I knew where or how he was paid.

CHARLES C. O'NEILL,
1305 *F Street.*

To the EDITOR OF THE NATIONAL REPUBLICAN.

TROUBLES IN MISSISSIPPI.

Mr. CONGER, by unanimous consent, submitted the following resolution:

Resolved, That the special committee appointed to investigate the troubles, &c., in Mississippi be authorized to have the attendance of a stenographer and deputy sergeant-at-arms, and the expense of said investigation be provided for out of the contingent fund of the House.

Mr. GARFIELD. Is the gentleman sure that the contingent fund will be sufficient to meet these expenses?

Mr. CONGER. That is my information.

There being no objection, the resolution was adopted.

ORDER OF BUSINESS.

Mr. WILSON, of Indiana. I ask unanimous consent to have taken from the Speaker's table a bill to enable the supreme court of the District of Columbia to proceed with its jury business.

Mr. RANDALL. I call for the regular order.

Mr. WILSON, of Indiana. I want to state to the House——

Mr. RANDALL. I insist on the regular order.

SUBSIDIES, APPROPRIATIONS, ETC.

The SPEAKER. The regular order being called for, the House resumes the consideration of the motion made last Monday by the gentleman from Indiana [Mr. HOLMAN] to suspend the rules and adopt the resolution which will be read.

The Clerk read as follows:

Resolved, That in the judgment of this House, in the present condition of the financial affairs of the Government no subsidies in money, bonds, public lands, or by pledge of the public credit should be granted by Congress to associations or corporations engaged or proposing to engage in public or private enterprises, and that all appropriations from the public Treasury ought to be limited at this time to such amounts only as shall be imperatively required by the public service.

The SPEAKER. The motion to suspend the rules was seconded, and on agreeing to that motion the yeas and nays were ordered and will now be taken.

The question was taken; and there were—yeas 149, nays 75, not voting 65; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barber, Barnum, Bass, Beck, Berry, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Burchard, Burleigh, Burrows, Cain, Cannon, Cason, Chittenden, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Cox, Crittenden, Crooke, Crossland, Curtis, Danford, Dawes, Dobbins, Donnan, Durham, Eames, Field, Finck, Foster, Freeman, Frye, Garfield, Giddings, Glover, Gunckel, Gunter, Eugene Hale, Hamilton, Benjamin W. Harris, Harrison, Hatcher, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Herndon, Holman, Hoskins, Hunter, Kasson, Kellogg, Lamar, Lamison, Lamport, Lawrence, Lawson, Lowe, Luttrell, Lynch, Magee, Marshall, Martin, McCrary, James W. McDill, MacDougall, McNulta, Merriam, Milliken, Mitchell, Monroe, Morrison, Neal, Niblack, O'Brien, Orr, Orth, Packard, Page, Isaac C. Parker, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Pratt, Rainey, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Shanks, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Speer, Sprague, Starkweather, Swann, Charles R. Thomas, Thornburgh, Todd, Tremain, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, and Woodworth—149

NAYS—Messrs. Averill, Biery, Blount, Bowen, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cessna, Comingo, Creamer, Crounse, Crutchfield, Darrall, Hagans, Hancock, Henry R. Harris, John T. Harris, Havens, Hays, John W. Hazelton, Hereford, Hodges, Houghton, Howe, Hubbell, Hyde, Kelley, Leach, Lewis, Lofland, Lowndes, Maynard, Alexander S. McDill, McKee, McLean, Mills, Moore, Morey, Negley, Nesmith, Nunn, O'Neill, Pelham, James H. Platt, jr., Ransier, Richmond, Rusk, Sawyer, Schell, Sener, Sheats, Sheldon, Sloan, J. Ambler Smith, Snyder, Stanard, Stephens, Stone, Stowell, Strait, Christopher Y. Thomas, Townsend, Vance, Waddell, Wallace, Walls, Wells, White, Whitehead, Whiteley, John M. S. Williams, William Williams, Willie, John D. Young, and Pierce M. B. Young—75.

NOT VOTING—Messrs. Albert, Albright, Banning, Barrere, Barry, Begole, Bell, Bland, Bundy, Carpenter, Clements, Clymer, Clinton L. Cobb, Crocker, Davis, DeWitt, Duell, Dunnell, Eden, Eldredge, Farwell, Fort, Gooch, Robert S. Hale, Harmer, Hathorn, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hooper, Hunton, Hurlbut, Hynes, Kendall, Killinger, Knapp, Lansing, Loughridge, McJunkin, Myers, Niles, Packer, Hosea W. Parker, Parsons, Potter, Purman, Rapier, Ray, Ross, Isaac W. Scudder, Sessions, Sloss, Smart, George L. Smith, William A. Smith, Southard, Standiford, St. John, Storm, Strawbridge, Sypher, Taylor, Wilber, and Wood—65.

So the House refused to suspend the rules, two-thirds not having voted in favor thereof.

During the vote,

Mr. HARRIS, of Georgia, stated that his colleague, Colonel BELL, was detained from his seat by illness.

Mr. SAYLER, of Ohio, stated that his colleague, Mr. BANNING, who was called home by important business, would, if present, vote in the affirmative.

Mr. ARCHER stated that his colleague, Mr. ALBERT, was detained from the House by illness.

Mr. STRAIT stated that his colleague, Mr. DUNNELL, was absent because of sickness.

Mr. ALBRIGHT stated that he was paired with his colleague, Mr. CLYMER, who was attending the funeral of Hon. John B. Rice, of Illinois, late a member of this House. If present Mr. CLYMER would vote in the affirmative, while he himself would vote in the negative.

Mr. WARD, of Illinois, stated that his colleague, Mr. FORT, was absent attending the funeral of his late colleague, Mr. Rice.

Mr. SCOFIELD stated that his colleague, Mr. ROSS, was detained from the House by sickness.

The vote was then announced as above recorded.

DISCHARGE OF A WITNESS FROM CUSTODY.

Mr. DAWES. I am directed by the Committee on Ways and Means to report the following resolution.

The Clerk read as follows:

Resolved, That Richard B. Irwin be discharged from the custody of the Sergeant-at-Arms on the warrant of the Speaker of this House, he having given satisfactory reasons for having neglected to appear before the Committee on Ways and Means in answer to the summons of this House.

Mr. DAWES. I wish to say upon explanation by him of the reasons why he delayed answering that summons they appear to the committee to be satisfactory, and perhaps that is all it is necessary to say on that point.

The resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CONTUMACIOUS WITNESS—RICHARD B. IRWIN.

Mr. DAWES. I submit the following report from the Committee on Ways and Means.

Mr. BUTLER, of Massachusetts. Let us settle first the question in reference to the adjournment over.

Mr. DAWES. Mine is a privileged question.

The Clerk read as follows:

The Committee on Ways and Means, to whom was referred the subject-matter of the employment of money to procure legislation by Congress in aid of the Pacific Mail Steamship Company, submit, in part, the following report:

That in pursuance of the power conferred upon them by the House, "to send for persons and papers, and to administer oaths in any matter from time to time pending and under examination before said committee," they caused one Richard B. Irwin, of New York, to be summoned before them for the purpose of giving testimony, and the said Irwin, after having been duly sworn, did on the 16th, 17th, 18th, and 19th, and the 21st days of December, 1874, testify, among other things, as follows:

By the CHAIRMAN:

Question. Will you state to the committee what was the character of your employment under this special contract?

Answer. Yes, sir; I was to come to Washington and get that subsidy for them.

Q. How much time did that contract cover?

A. Five months; beginning in January, 1872, and ending in May, 1872.

Q. Where was that service performed?

A. In Washington and New York.

* * * * * * * *

Q. What were the terms of your special contract with the company to come here and prosecute the passage of the subsidy?

A. In general words, the terms of that contract, which was made between Mr. Stockwell, the president of the company, and myself, he acting under the authority of the board of directors, were that I should come to Washington and get that subsidy for them, (that could be made longer, but it is just as well to make it short,) and that they were to pay me for my services a gross sum, which gross sum I was to state at a certain period before the completion of the service; and that contract was carried out by them.

* * * * * * *

Q. When the amount was ascertained, were you paid by check?

A. Yes, sir.

Q. And you spoke of the amount of this check a moment ago?

A. The amount of all the checks I only remember by the statement made in the complaint against me by the company, and I stated the amount from their testimony, subject to correction when I see the checks.

* * * * * * *

Q. It is stated by the company to be how much?

A. It is stated by them to be about $750,000.

Q. And you believe that to be correct?

A. I believe that to be correct.

Q. That sum was to embrace your own personal services and your expenses?

A. Yes, sir.

Q. What expenses were you to incur here?

A. It was to cover all expenses incurred here.

* * * * * * *

Q. Did all the money paid out by the company in securing the passage of the subsidy pass through you?

A. I do not know, sir.

Q. Was it understood that it was to pass through you?

A. That was the agreement between Mr. Stockwell and myself. The agreement was that I was to have entire charge of the matter. I of course continued all the arrangements previously made by Mr. Stockwell as president so far as they were communicated to me, and employed all persons whom he afterward directed me to engage.

* * * * * * *

Q. This sum, $750,000, covers nothing but money expended by you in obtaining the passage of the subsidy?

A. That and my personal expenses.

* * * * * * *

He was further examined:

Q. What, if anything, did you receive in exchange for those checks which you returned?

A. The checks which I have already stated, amounting to about $750,000.

Q. Are those the checks which are now exhibited to you (and which have already been introduced in Mr. Hatch's testimony) being numbers 2360 to 2365 inclusive, and all dated May 24, 1872?

A. They are. * * * * * * *

Q. Were they received for the same purpose for which the checks that you gave up had been received?

A. Yes, sir; exactly.

Q. And that was the purpose you have heretofore stated, in accordance with the contract to procure the subsidy?

A. Yes, sir.

* * * * * * *

Q. How soon after the receipt of these last checks did you put them into the bank to your own credit?

A. My impression is that I deposited those checks to my credit on the 27th of May, and my reason for that impression is that I have a distinct recollection of having kept them for two days before I deposited them; that recollection may be corrected or not when I see the bank-account; but I kept them about two days, I am sure. Then, I think, another interval of two days elapsed before the money was drawn; and the bulk of it was drawn, I think, on or about the 29th of May, as near as I can remember.

* * * * * * *

Q. The whole of this money was put in your hands for the purpose of paying the expenses of procuring the subsidy?

A. Yes, sir.

Q. Including your own personal services and the services of all persons who worked under you in that business?

A. Yes, sir.

Q. Was any portion of it used for any other purpose?

A. No, sir; for no other purpose whatever.

Q. How soon after its receipt from the bank by you was it so used?

A. I think, as nearly as I can remember, that the bulk of it was drawn out by me from the American Exchange Bank, about two days after I had deposited it there to my credit. I can tell positively when I see my bank account. * * * I don't think I drew any of that money in currency; if I did, it must have been a comparatively small amount. * * * I drew it mostly in the form of my personal checks; * * * some of them payable to somebody else's order, and some of them payable to my own order and indorsed in blank.

On Friday, December 18, the examination of the witness Irwin was continued, and the chairman put to him the following question:

Question. Whom did you employ to help you here in procuring the subsidy?

The witness asked to be allowed until Monday morning to prepare, so that he might answer the question intelligently and accurately, if at all; and the committee consented to wait until Saturday morning for his answer.

On Saturday morning the following question was again put to the witness by the chairman:

Question. Whom did you employ to help you here in procuring the subsidy?

Answer. A number of persons; but not any one subject to the jurisdiction of this House.

Q. Please give their names.

A. I shall be obliged, very reluctantly, Mr. Chairman, to decline giving the names of those persons upon several grounds. * * * Before stating them, I declare that I did not employ in this connection any Senator or any member of Congress, or any officer of the present Congress who was a member or officer of the Forty-second Congress. * * * I decline to answer upon the grounds—

First. That the resolutions referring this matter to the committee do not give the committee jurisdiction over the subject-matter to the extent of requiring an answer to that question. That, of course, I do not know. I make that point only formally.

Secondly. Having stated that I did not employ any person under the jurisdiction of this Congress, and there being nothing in the testimony, as far as I am acquainted with it, to negative that statement, and it being impossible in fact to negative that statement, and, moreover, there being already sufficient testimony in possession of the committee, furnished by myself and others, to convince any reasonable man (and consequently to convince the committee, composed exclusively of reasonable men) that a large sum of money was appropriated by the Pacific Mail Steamship Company for the purpose of procuring the subsidy, and that the money was used for that purpose, I decline to answer upon the further ground that neither the committee nor the House of Representatives has any jurisdiction over the subject-matter; and that if the committee had jurisdiction over the subject-matter, that jurisdiction has now been exhausted by reaching the point in the testimony that I have stated.

Thirdly. I decline upon the ground that this entire matter having arisen and been completed in a prior Congress, so far as my connection with it is concerned, the committee and the House of Representatives are without jurisdiction over the subject; and

Fourthly. I state what is in my mind the gravest and the controlling reason for my declining to meet the wishes of the committee, which is that I have no right as an honorable man to disclose the particulars of any confidential relation existing between myself and any other person whatever, and especially in relation to a subject not within the jurisdiction of the House of Representatives, as I have already stated that this subject is not.

I submit these points to the committee with great deference. I wish, as I have said already, that it were in my power to answer as they wish.

Q. Do you insist upon declining to answer the question put to you?

A. I do so, Mr. Chairman, most respectfully.

Q. Without waiving that question, and insisting upon its answer, I desire to put another: Will you state to the committee what portion of the $750,000 which you have testified you received from the Pacific Mail Steamship Company to use in procuring the passage of the subsidy you put in the hands of other persons to aid you in that work?

A. I paid the whole of that $750,000 to other persons.

Q. Will you state what was the largest sum you paid to any one such person for that purpose?

A. Mr. Chairman, I think I shall have to decline answering that for the reasons stated.

Q. Without waiving these questions, but insisting upon them, I ask you to state how many persons you employed to aid you in so procuring the passage of the subsidy?

A. I think I would answer that question if I could recollect the number, but I really do not remember—quite a large number. I should say off-hand as many as twenty or thirty.

Q. Do you mean to say that your engagement of persons to aid you in procuring the passage of the subsidy through Congress for the Pacific Mail Steamship Company was of such a secret and confidential character that you cannot honorably disclose it?

A. No, sir; I mean to say that my relations with the attorneys and counsel whom I employed were of such a confidential character that—they and each of them and I—being outside of the jurisdiction of this House, this House has no right to compel me to answer.

Here the examination was suspended until Monday, the 21st of December.

WASHINGTON, D. C., *December* 21, 1874.

RICHARD B. IRWIN, re-examined before the full Committee on Ways and Means.

By the CHAIRMAN:

Question. Whom did you employ to help you in procuring this subsidy for the Pacific Mail Steamship Company?

Answer. I never paid, nor agreed to pay, nor had any understanding with any other person that he was to pay, any money to any member or officer of the present Congress and of the Forty-second Congress or to any person under the jurisdiction of this House.

Q. Please give the names of those whom you did employ to aid you in procuring the subsidy.

A. I shall be obliged very reluctantly to decline to answer that question, for the reasons which I gave on Saturday and for additional reasons which I desire to give this morning.

Q. Do you adopt as part of your reasons the answer which you made on Saturday last?

A. Yes.

Q. What other reasons do you desire now to give besides those which you gave on Saturday?

A. I wish to add to the preliminary declaration which I made on Saturday this clause: I have never paid or agreed to pay, or had any understanding with any other person that he should pay or agree to pay, any money in this connection to any member or officer of this House who was a member or officer of that House, and I have no knowledge of such payment being made or agreed to be made.

And now, having seen four papers furnished to me by the committee, to wit:

A resolution passed February 20, 1873, that is to say, during the Forty-second Congress; a resolution passed March 3, 1873, that is to say, during the Forty-second Congress; a resolution offered by Mr. MILLIKEN on the 3d of April, 1874, and referred to the Committee on Ways and Means and not passed by the House of Representatives, and upon which no further or other order was taken by the said House; all of which documents or resolutions are now communicated to me by the Committee on Ways and Means at my request, as being the resolution or resolutions, order or orders, under which the said Committee on Ways and Means are or profess to be acting. I now desire to add to the above four reasons a fifth reason for declining to answer, all of the other reasons remaining valid and binding.

Fifthly. I decline to answer this question for the reason that the Committee on Ways and Means is not authorized and empowered by any resolution or order of the House of Representatives, or otherwise, to ask it.

Q. You insist on declining to answer the question put to you?

A. I do insist on declining.

Q. Without waiving that question, but insisting on it, I desire to put another question: State to the committee what portion of the $750,000 which you have testified you received from the Pacific Mail Steamship Company, to be used in procuring the passage of the subsidy, you put in the hands of other persons to aid you in that work.

A. In the form in which that question is put, it is impossible to give a categorical answer to it. I paid the whole of that $750,000 to other persons whom I employed in consideration of their services.

Q. State what was the largest sum which you paid to any one such person for that purpose.

A. I must decline to answer that question on the general grounds stated before and on the special ground that it relates entirely to private transactions between myself and other persons not under the jurisdiction of this House, and relates to a subject-matter which is not now under the jurisdiction of this House.

Q. Without waiving these questions, but insisting on them, I ask you now to state how many persons you employed to aid you in procuring the passage of this subsidy.

A. I think I answered that question before to the best of my knowledge and belief.

Q. What is your answer to it now?

A. It was quite a large number of persons. As nearly as I can recollect without going through papers, which are not now in my possession, I should say perhaps twenty or thirty persons.

Q. Are there any papers in existence which will show the number of persons so employed or the character of their employment?

A. I think not.

Q. Have there ever been such papers in existence?

A. Not to my knowledge.

Q. What did you mean by saying that, without being able to refer to papers not now in your possession, you were unable to answer the question?

A. I suppose that by referring to papers which are in my possession somewhere—that is to say, some of them in San Francisco and some of them here—I could refresh my memory to such an extent as to be able to make out a complete list of all the persons employed by me. I cannot do so to-day.

Q. What are the papers to which you allude?

A. To answer the question would push my memory beyond its limits.

Q. Can you give us the character of the papers to which you allude?

A. Yes. I would give my bank account which I showed to the committee the other day, as one of the papers.

Q. Will your bank account disclose the number of persons and the character of the engagements, or either?

A. I cannot tell without an examination of it. I should think it would give an approximation to the number of persons. [After reflection.] But, no; it would not do that. It would not give even an approximation to the number of names, because some of the gentlemen whom I employed also employed other counsel to assist them. Suppose, for example, that one counsel employed five others to assist him, that would make six persons, and my check would simply show the one person.

Q. Have you any memorandum or writing anywhere that gives the names of the persons so employed?

A. I have no memorandum which gives a portion of the names, but I have recently seen one.

Q. Will it show the amount of money which you put in the hands of those persons respectively?

A. I object to the phrase "put in the hands of" in any other sense than as payment for services. I do not think the phrase is justified by the testimony.

Q. Will you produce before this committee papers showing your transactions to any extent with any person so employed?

A. The only paper I have seen of the character I alluded to is a memorandum in the possession of one of my counsel, made by him, he being attorney and counselor at law, who is not now and never has been an officer or member of this House; and it contains a list of persons who are not subject to the jurisdiction of this House to the extent of this inquiry?

Q. Are they persons who were employed to expend any portion of this money?

A. No, sir; they are persons who were paid for their services.

Q. Are they persons into whose hands came any portion of the $750,000 received by you from the Pacific Mail Steamship Company for the purpose stated by you?

A. Yes, sir.

Q. Will that memorandum show what portion of that $750,000 came into the hands of each of those persons respectively, as far as it goes?

A. It will show the amount paid to each of those persons for his services as far as it goes.

Q. Will you furnish the committee with that memorandum?

A. I cannot furnish that memorandum, for the reason that it is not in my possession, and does not and never has belonged to me, but only to my counsel. None of the persons named on it are under the jurisdiction of this House, to the best of my recollection and belief.

Q. Do you mean to say that your engagement of persons to aid you in procuring the passage of the subsidy through Congress for the Pacific Mail Steamship Company was of such a secret and confidential character that you cannot honorably disclose it?

A. No, sir; I mean to say that my relations with the attorneys and counsel whom I employed were of such a confidential character that—they and each of them and I being outside of the jurisdiction of this House—this House has no right to compel me to answer.

Q. Do you mean to say that you employed no person but an attorney at law?

A. No, sir; I think I employed others.

Q. Were your engagements with such other persons of such a secret and confidential character as that you cannot honorably disclose them?

A. They were precisely of the same character as that with the others.

Q. Will you disclose those relations to this committee?

A. I decline to do so for the reasons which I have stated.

The CHAIRMAN. Then we will excuse you for the present.

The WITNESS. I am in a very weak condition; and I most respectfully submit that the committee has crowded my memory this morning, and I would like very much, as a special favor, to be allowed to revise this portion of my testimony, because I may desire to correct it. Some phrases that I have used may be a little too strong.

The CHAIRMAN. Such portions of your testimony as the committee may desire to submit to the House you will be permitted to revise.

By Mr. NIBLACK:

Q. Are you an attorney and counselor at law by profession?

A. I am not.

The committee are of opinion, and report, that it is necessary for the efficient prosecution of the inquiry ordered by the House that said questions should be answered, and that there is no sufficient reason why the witness should not answer the same, and that his refusal is in contempt of this House.

The committee recommend the adoption of the accompanying order.

Mr. DAWES. Now let the Clerk read the order upon which the action of the House is asked.

The Clerk read as follows:

Ordered, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Richard B. Irwin, and him bring to the bar of the House, to show cause why he should not be punished for contempt, and in the mean time keep the said Irwin in custody to await the further order of the House.

Mr. DAWES. Mr. Speaker, I do not desire to take any more of the time of the House than the gravity of such a subject would seem to demand. I cannot conceive of a question touching the purity of legislation that could be presented to the Congress of the United States in a more glaring light than the one before us, and I think the House of Representatives may well pause for a few moments before determining what is their duty in reference to this subject.

The testimony read to the House is somewhat lengthy, and more than is usual on such occasions; more for the purpose of presenting to the House the manner in which the sub-committee of the Committee on Ways and Means was compelled to pursue this examination of a witness who, at his own request and by the advice of his physician, was examined until this morning in his own private room. The committee desire every question they have put thus in private may be brought to the attention of the House, the manner in which they have put the questions, and the answers they have received. They have reported this morning to the full committee those questions, and bringing Mr. Irwin before it, he has been examined by the whole committee and this report recommended.

It may be summed up in a few words. This witness readily and almost, I may say, cheerfully states to the committee and to the country that for the purpose of procuring private legislation by Congress he has taken $750,000 and brought it to the very doors of the Halls of Congress, and then because he did not enter these Halls with his bags of money in his hands and walk up and down these aisles in distributing it, but put the remainder of his work, or whatever it was to be, in the hands of a third person, he fancies he can put a stop on this investigation. The question for this House to determine is whether, having rolled upon their shoulders an inference that it is impossible otherwise to repel, he shall let it remain here, that all the members of Congress who voted for that measure, each one and all of them, whether from convictions of duty or otherwise—that the charge shall remain that that subsidy was procured by the expenditure of this sum of money. There is no member of this House whose name stands recorded for that measure or who omitted to vote against that measure but has this charge by this testimony laid to his door. They called upon this House of Representatives to repel that inference which this witness seems voluntarily and with great alacrity to lay down upon them.

But, sir, if it touches the character of no member in the House, it touches the methods of legislation and the means of procuring legislation at the hands of Congress; and that having now been brought to the attention of Congress—whether it occurred in this or any other Congress—this Congress cannot omit to investigate to the bottom and understand this matter in its length and its breadth. If this money reached corruptly no member of Congress it was expended here to procure the passage of a bill, and, whether it was by private entertainments or by any other process whatever, the Congress of the United States must know in what manner it is that legislation is procured here, or they must cease to have regard not only to their own personal character as legislators, but must cease to have respect for the people of the United States to what they do here as legislators.

There is no aspect in which this witness presents for himself this case on the ground of which Congress can retreat from this investigation. I am myself very well, personally, convinced of the motive that has brought him from Europe to tempt a committee of Congress to bring him here and to draw out of him just what has been drawn out of him. But I am filled with amazement that any sane man could for one moment suppose that he could testify thus far and testify no more.

I do not think it is necessary to present further the reasons for this resolution, and therefore, unless some gentleman desires to present some other view of this case, I call the previous question.

Mr. MAYNARD. I desire to ask the chairman of the Committee on Ways and Means a question; but before putting that question I wish to say that I quite agree with him that it is right to prosecute this inquiry in order to disabuse the public of the idea that may have been entertained that the expenditure of any amount of money is either necessary or effective in procuring legislative action in either House of Congress. My experience of many years is decided to the effect that money is neither effective, desirable, nor useful for that purpose. Large sums of money frequently get into the hands of outside persons who are willing to take it and carry it off; but that it has any effect in procuring legislation I do not believe. But this is not the point for which I rise. The witness makes this objection: That the Committee on Ways and Means has not been formally authorized by the House to make this investigation. I do not recollect myself how the fact is. The chairman of the Committee on Ways and Means has stated nothing in response to that in the remarks he has made so far as I have heard. I would like to know what the exact state of the record is.

Mr. DAWES. On the 12th day of January, 1874, the House referred to the Committee on Ways and Means the testimony taken in the last Congress touching the subsidy to the Pacific Mail Steamship Company. On the 3d April, 1874, the House referred to the same committee a resolution introduced by the gentleman from Kentucky [Mr. MILLIKEN] on the same subject.

On the 24th of March, 1874, the following resolution was adopted by the House:

Resolved, That the Committee on Ways and Means are hereby authorized and empowered to send for persons and papers and administer oaths in all matters from time to time pending and under examination before said committee.

Mr. KASSON. Mr. Speaker, before the question is put I desire to call the attention of the House to a provision of law that seems not to have been generally understood, and, I apprehend, could not have been understood by the witness who has taken this great responsibility upon himself. By section 102 of the Revised Statutes of the United States it is provided that—

Every person who, having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months.

And it is further provided by section 103 that no witness is privileged to refuse to answer any question "upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous." But this witness comes before the committee and cooly refuses to testify on the ground that in his judgment it is not honorable for him to mention the names of men into whose pockets he desires us to believe the money went in the first instance; and with this law, providing that even if it disgraces him and renders him an infamous man he shall not refuse to answer, that is the only reason which he lays before the committee touching his liability to answer.

I submit to the House that it is time that, with the utmost seriousness and earnestness of which we are capable, we strain to the last the law that gives us the power to ascertain whether the charges of corruption so frequently made are well founded or not. And if this law as it now stands is not sufficient for this purpose, in order to prevent the very sapping of the foundations of public confidence in the supreme legislative tribunal of the country, let this Congress pass some law that shall accomplish that object.

Now, I wish simply to call attention to the fact that if the authority granted on the 12th day of January last, I think, to the Committee on Ways and Means, authorizing them to summon witnesses and to administer oaths in regard to any matter pending before them—if that amounts to anything, we have power to pursue this inquiry and to avail ourselves of the utmost privileges the law will allow to enable us to get this testimony. I hope that will be done, and that in dealing with this witness all proper means will be exhausted to procure the facts.

Mr. TREMAIN. Before the gentleman closes I would like to ask him whether this statement would be privileged under the provisions of any law whatever?

Mr. KASSON. O no; none at all.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 1043) suspending so much of an act entitled "An act organizing the civil staff corps of the Army," approved April 23, 1874, as applies to "contract surgeons," and a bill (S. No. 1054) reserving for the use of Congress one hundred and fifty copies of the Revised Statutes authorized to be printed by the act of June 20, 1874.

RICHARD B. IRWIN.

The House resumed the consideration of the resolution reported from the Committee on Ways and Means.

Mr. DAWES. I yield for a few moments to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. Mr. Speaker, I do not wish to take up the time of the House in discussing this question. I indorse all that the chairman has said as to the gravity of the offense committed by the witness and as to the duty the House owes to itself. I want simply to call attention to the fact that if the House finds this witness guilty of contempt, or if any other contempt is committed against it at any time in the future, its power at present is limited to requiring him to answer the questions that have been put to him in order to purge himself of the contempt alleged against him; confinement till the end of the session being the only punishment possible for refusal. It seems to me that Congress should pass a general law empowering the House to commit to the common jail for not more than one year a person who is in contempt. It may be found to be necessary in this as well as in many other cases. I shall urge the passage of such a law, and if this witness remains in contempt, as I believe he will, after the law has been passed, I would subject him to the penalty that it entails by again bringing him before the House after the passage of the law, when, with full knowledge of its provisions, he might answer or refuse, and on refusal be subject to its provisions, as I do not desire to do anything which may be considered *ex post facto*.

The difficulty in the present law, as I said, is that you can punish only by imprisonment so long as the Congress lasts. The term of this Congress is rapidly passing away; it will expire on the 4th of March next, and then this man can be bailed in any proceeding instituted against him in court, and go to Europe or anywhere else, and defy the power of Congress to make him answer these questions. I think this is one of those cases in which the witness should be kept in custody in the common jail for a time not exceeding one year, by the expiration of which time another Congress will convene, which can deal with him. Here is a man who has by insinuation at least made a very serious charge against many respectable members of Congress, and he ought to be kept beyond the power of bail until he answers the questions put to him touching the matter of those charges. I trust the House will amend the law in the manner indicated in the

resolution which I will read, the substance of which I shall offer before these proceedings close. It is as follows:

Resolved, That the Committee on the Judiciary be instructed to report a bill to this House, as soon as possible, so far amending the law punishing contempts as to authorize imprisonment of the person or persons guilty of contempt under the control of the Sergeant-at-Arms in the common jail for any period not exceeding twelve months from the date of the judgment, unless the person or persons shall be sooner excused or released by the same or the subsequent Congress.

Mr. WILSON, of Indiana. I desire to ask the gentleman a question. It is, if the House were to order this party put in the jail of the District of Columbia he would not thereby pass out of the power and jurisdiction of the House, and be in such a position that he might escape the punishment which the House would put upon him?

Mr. BECK. We have provided by a resolution that while in the common jail he shall be in the custody of the Sergeant-at-Arms of the House.

Mr. DAWES. I hope gentlemen will forbear leaping before they get to the stile.

Mr. BECK. I hope the Committee on the Judiciary will be able to frame some law that will meet this and similar cases.

Mr. KELLEY. I ask the gentleman from Massachusetts [Mr. DAWES] to yield to me for a moment.

Mr. DAWES. For a minute.

Mr. KELLEY. As a member of the Forty-second Congress who supported the grant of this subsidy, not only earnestly but almost enthusiastically, I desire to say a brief word to the House. Since the adjournment of the Committee on Ways and Means, of which I have the honor to be a member, I have had an appeal made to me for mercy so far as my voice goes. I want to echo that appeal. As the chairman of the committee has said, every member of the Forty-second Congress that voted for that bill, and every member of that Congress who being in Washington did not vote against it, is under a disgraceful charge sworn to by this witness. And I ask Congress to bear them merciful in remembrance, and, in justice to every man who was here and whose hands are free, to stretch the law to its utmost verge to compel this man to do justice to me and those who were associated with me from honorable motives in trying to secure the grant of this subsidy.

Mr. RANDALL. I ask the gentleman to yield to me a moment.

Mr. DAWES. I will do so.

Mr. RANDALL. Having originally introduced the resolution in the last Congress, by which the Committee on Ways and Means was directed to make this investigation, I want to correct an inference which seems to be conveyed by the language of the witness, that the present House has no jurisdiction in connection with this investigation. The investigation was proceeded with by the Committee on Ways and Means of the last Congress, and at the close of that Congress, (I think on the last day, or the day before,) this testimony was reported to the House, and reported sealed, so it was not known what was therein. But the recommendation of the committee was that it should be transmitted to the Committee on Ways and Means of this Congress. The connection is complete so far as the authority of this committee is concerned, for they took that testimony which was transmitted by a former Congress, and proceeded with the investigation under the law which the gentleman from Iowa [Mr. KASSON] has read. I thought the correction of this inference was important enough to justify me in directing the attention of the House to it.

Mr. DAWES. I now yield to the gentleman from Maine, [Mr. HALE.]

Mr. HALE, of Maine. For one I bid God-speed to this investigation, and I hope it will be carried to the bottom. But I want to enter my protest against the declaration just made by the gentleman from Pennsylvania, [Mr. KELLEY,] that is, that whatever becomes of this investigation, unless it shall follow that this recusant witness is made to testify in full, all the members of the Forty-second Congress who voted for this subsidy, for whatever reason might seem good in the mind of any member, or who being in Washington declined to vote against it, goes home with a deep disgrace resting upon him. I protest against that as an injustice to the Forty-second Congress.

Sir, there are some things that go to make up public reputation, public honor, and integrity that are not at the mercy of a hired lobbyist, who comes to these doors and employs others in one way or another that he sees fit not to tell. There are some things, thank Heaven, that are not at his mercy. What will the gentleman do with his broad charge against a whole Congress if this witness continues recusant, if he goes to confinement where we send him, and if he refuses to open his mouth, and will not testify where this vast sum of money went to, and the term of the House expires and we have no further jurisdiction over him? Is public service nothing? Is a long record untarnished by suspicion, such as many gentlemen have here in this House and who were members of the Forty-second Congress that voted for that subsidy—is that to go for nothing? I ask again, is a whole Congress at the mercy of a hired lobbyist who by implication or insinuation intimates that money has been paid here on this floor to affect legislation? Does the gentleman, in looking over his statement, candidly believe that if we do not get at this man and make him testify everybody goes home in disgrace to their constituents? I for one protest against any such thing.

There are members here who voted for that subsidy for honorable reasons, who knew nothing of any lobby, or never heard of it until afterward; who believed the measure was in the interest of commerce; who believed that there was a virgin field of commerce open to them and that they could hold it and protect it. I remember the discussion here on the floor at that time on this subject; I took part in it myself. And I know for myself, and there are others who know equally for themselves, what influence governed them in their votes. I again protest against its being said that a whole House is at the mercy of a hired lobbyist.

Mr. MAYNARD. So far as any personal reflection may rest upon any gentleman who was a member of the Forty-second Congress, however he may have voted, I am quite indifferent. If, as has been well said by the gentleman from Maine, [Mr. HALE,] the character of a member of this House is not sufficient to protect him against such testimony as we have had here to-day, then it is of so little consequence that it matters not whether it is adverse or otherwise. It is the general character of Congress I would protect rather than that of individual members.

My object in rising now is to call the attention of the Committee on Ways and Means to the technical legal attitude of this witness before the House. Undoubtedly we can hold him in the custody of the Sergeant-at-Arms until the 4th of March next. But it is very manifest that that would be quite inadequate punishment for this man, who confesses that he has pocketed $750,000; and the very fair and strong presumption is that it is in his pocket now, so far as anybody else has derived any benefit or advantage from it. What I ask the gentlemen to consider is that, when we leave him on the 4th of March in the custody of the judicial department, he shall be so left that there shall be no loop-hole out of which he can creep in order to escape the penalty of the statute read by the gentleman from Iowa, [Mr. KASSON.] For this reason I ask the gentleman from Massachusetts [Mr. DAWES] and the gentleman from Iowa [Mr. KASSON] whether they are satisfied that after we have taken the steps contemplated by the resolution against this witness there will be no embarrassment in his being proceeded against by the judiciary under the general statute?

Mr. STEPHENS rose.

Mr. DAWES. I yield to the gentleman from Georgia, [Mr. STEPHENS.]

Mr. STEPHENS. Mr. Speaker, I wish to say but a word. This is, as the chairman of the Committee on Ways and Means [Mr. DAWES] stated in his opening remarks, a very grave question. It involves principles of the greatest importance. It involves the rightful power of this House to punish for contempts of this sort. This, sir, is not a new question here. It is as old as the arrest of the editor of the Aurora (in 1798, I believe) on the charge of a contempt, (or what was styled a libel against the Senate.) There must be a violation of law before any body or any tribunal can rightfully punish in Heaven or on earth. Where there is no violation of law, there is no sin against man or God. This resolution proposes to punish by this House, against law. Now, sir, the law that was read by the gentleman from Iowa, [Mr. KASSON,] and which was passed some years ago, when I was a member of this House, to meet a similar case, (in which a person was imprisoned, as I believe, illegally, and therefore unjustly,) provides a mode of punishment in a rightful way. Whatever may be the crime of this witness, he is entitled to a trial according to the law provided for all such offenders. In this case the power of the House is exhausted.

The concluding section of the act referred to by the gentleman from Iowa, which he did not read, provides what shall be done in this very case. The matter is to be certified to the proper officer of the proper court, and the party is to be indicted and tried by a jury as all other offenders of a like grade. Real contempts of this House should be properly punished, but they can only be properly punished when punished according to law. The great right of all persons charged with high crimes and misdemeanors (except in cases of impeachment) is as sacred as any secured by the Constitution. I ask the Clerk to read the whole act.

A MEMBER. What is the title of the act?

Mr. STEPHENS. The title of this chapter in the Revised Statutes is "Congressional investigations."

The Clerk read as follows:

SEC. 102. Every person who, having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

SEC. 104. Whenever a witness summoned as mentioned in section 102 fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact, under the seal of the Senate or House, to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

Mr. STEPHENS. Mr. Speaker, I call particular attention to the last section just read. Upon the report of the committee now before us, as I have said, our power under this law in this case is exhausted. If this party has committed a crime (it is not for me to say whether he has or not, I prejudge no man) he has a right to trial by a jury of

his countrymen; and, Mr. Speaker, it is your duty under that act to certify this case to the district attorney, that the grand jury may indict him, and that he may have a regular trial like all other persons accused of crime. We have no rightful power to punish in the way proposed. We are as much bound by law as other people. Our duty is to maintain the law and not to break it.

Mr. KASSON. Will the gentleman from Georgia, [Mr. STEPHENS,] before he sits down, state whether in his opinion the act which has been read does not only give an additional remedy in the nature of a punishment, but deprives the Houses of Congress of the remedy existing by ordinary law?

Mr. BUTLER, of Massachusetts. Where is the "ordinary law?"

Mr. KASSON. The law under which we have acted for years. We have in many cases held men for contempt under the ordinary provisions of parliamentary law.

Mr. STEPHENS. Mr. Speaker, parliamentary common law is not in force in this country. This House has no inherent power whatever, and can rightfully exercise no power except that which is conferred upon it by the written Constitution. These powers are ample, but they are to be executed according to law. There is no common law extending to this House. This body has no right, on its own mere volition, to punish for contempt, except so far as may be necessary to preserve order in the House or for securing a quorum, as provided in the Constitution. There is no "ordinary law" in the sense intimated by the gentleman from Iowa. When this question arose some years ago, and when the contumacious witnesses were put in jail, Congress saw the necessity for passing a law on the subject. That law has just been read. It was passed with reference to just such a case as this; and it provides that a contumacious witness shall be turned over to the court to have a trial. That is what I say should now be done here. This House has no right to punish in such a case as this. In my judgment the case is already provided for by law, and should be turned over to the courts.

Mr. DAWES. It would seem to be a sufficient answer to the gentleman from Tennessee [Mr. MAYNARD] and the gentleman from Georgia, [Mr. STEPHENS,] for the present at least, to say that this proceeding does not contemplate any punishment whatever. The question before the House is whether we shall call this witness before the bar to show cause why he should not answer.

Mr. BUTLER, of Massachusetts. No, sir; why he should not be "punished for contempt." Let the gentleman read the resolution.

Mr. DAWES. I ask the Clerk to read it again.

The Clerk read as follows:

Ordered, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Richard B. Irwin, and him bring to the bar of the House to show cause why he should not be punished for contempt; and in the mean time keep the said Irwin in his custody to wait the further order of the House.

Mr. BUTLER, of Massachusetts. Do you hear?

Mr. DAWES. Exactly; to show cause——

Mr. BUTLER, of Massachusetts. To show cause why he should not be punished for contempt.

Mr. DAWES. Exactly; and we propose to hear him before we decide the question whether we shall punish him for contempt or not. I do not know but my friend from Georgia [Mr. STEPHENS] and my friend from Tennessee [Mr. MAYNARD] have some other idea. I propose to hear him. I wish to enter my protest against the idea that the House of Representatives has no power to punish any person for contempt. Whatever may have been the object of the statute, the Constitution of the United States has given to the House of Representatives power to govern itself and all matters appertaining to the just and fair exercise of its powers. It is a grand inquest of itself. The Constitution makes it a court of inquiry. Its very constitution and purpose and functions are those of inquiry—an inquest—an examination. It implies at every step of its progress, in the discharge of its duties under the Constitution, examination, inquiry, deliberation, and along with those powers and functions are carried all the means necessary for their fulfillment.

The Congress of the United States never stripped itself of the power to protect itself from any contempt on that body inflicted upon it from outside. That a witness may be punished for not having appeared here, whether we bring him before the bar of the House and attempt to enforce our order or not, has been the uniform practice of the House of Representatives since it had an existence. It never was doubted upon the records of the House, to my knowledge, until to-day. One week ago we brought this witness——

Mr. TODD. I hope the gentleman from Massachusetts will allow me to ask him a question, and that is, is it not a legal principle that wherever the general power exists, or a common-law remedy exists, if it is changed or altered by statute the statutory remedy must not be pursued exclusive of all others?

Mr. DAWES. No doubt that as a general proposition it is true, but it does not govern this case.

I was saying, a week ago we arrested this very witness upon a charge just as much within the letter of this law as the charge to-day, and to-day upon his having shown cause we have discharged him.

Mr. NIBLACK. Let me ask the gentleman from Massachusetts whether this witness has been discharged from the arrest he has been under for several days?

Mr. DAWES. He was discharged by order of the House this morning.

Mr. NIBLACK. The understanding was that he was to be discharged, but it had escaped me whether the House had acted upon that report of the committee.

Mr. DAWES. The committee reported the fact to the House that the reason assigned by the witness for having neglected to obey the summons of the House was satisfactory. Upon that report the witness was discharged from custody.

I cannot understand by what process it is supposed the House of Representatives, clothed by the Constitution and not by statute with the power to enforce its own rules and its own orders, is stripped of that power merely by attempting in addition to that authority to punish a witness who shall fail to appear.

Mr. KASSON. Will my colleague allow me to correct a misapprehension in reference to the law, and state a fact in addition?

Mr. DAWES. Certainly.

Mr. KASSON. By reference to the act of 1857, which is in the Revised Statutes, the language will be found to be, after providing for the case of refusal to answer, "the person so refusing shall, in addition to the pains and penalties now existing, be liable to indictment," &c. The original act which is referred to in the Revised Statutes contemplated the continuance of the then existing penalties, and not their abolition as suggested by the gentleman from Georgia.

Mr. BUTLER, of Massachusetts. Existing penalties of another statute.

Mr. DAWES. The proposition is this, that whether this House shall have the benefit of the testimony of a witness before it depends not upon itself, but upon the action of some other tribunal hereafter. Therefore the position of the gentleman from Georgia [Mr. STEPHENS] is that the House of Representatives is without power to pursue an investigation under any circumstances except such as may be voluntary, because whether the witness shall be punished or not does not depend on them; whether he shall be forced to appear before the House does not depend on them, but depends upon another tribunal to be assembled hereafter, over whose action the House of Representatives has no control, and which, if the position of the gentleman from Georgia be correct, can intervene between the House of Representatives and any investigation whatever and render nugatory any attempt to arrive at the truth. Such a construction of existing laws, not supported by a single precedent upon record, but in direct conflict to every precedent from the beginning of the government to this very hour, and especially in the last Congress, from which were taken all these orders and resolutions *in hæc verba*, must require the clear, unequivocal, and positive enactment in conformity with an equally clear and positive constitutional authority. This House of Representatives might as well proclaim to the world that it has stripped itself naked of the power for investigation and no longer is able to protect itself when assailed in reference to the good morals of legislation.

Mr. BECK. I wish to ask the gentleman from Massachusetts a question before he sits down.

Mr. STEPHENS rose.

Mr. DAWES. I yield to the gentleman from Kentucky.

Mr. BECK. I wish to ask the gentleman from Massachusetts whether he has ever heard that where a man commits an assault and battery in the presence of a court, although there is a law to indict him for it, that court cannot punish him for contempt? Is not that an analogous case to this one?

Mr. DAWES. I always supposed they could until to-day.

Mr. BUTLER, of Massachusetts, obtained the floor, and said: I yield to the gentleman from Georgia, [Mr. STEPHENS.]

Mr. STEPHENS. I have not proposed, nor have I uttered a sentiment leading in that direction, to maintain the proposition that this House has not the power to punish for contempt. I do not suppose that any gentleman on this floor entertains that view. There is no doubt that if a man committed an assault and battery in the presence of a judge, he would be committed for contempt. But how would it be if he committed the assault and battery outside on the street? Would the judge then punish him for contempt? He is then liable to the law of the land. We have rules in the House, made under the Constitution, regulating the discharge of the duties incumbent upon us in that respect.

Mr. BECK. I desire to say to the gentleman from Georgia that if this witness made his statement to somebody in the street we could not punish him; but he has made it to a committee of this House.

Mr. DAWES. And I wish to inform the gentleman from Georgia that a man committed an assault and battery on a member of Congress down at Richmond, and we brought him here and sent him to jail for three months.

Mr. STEPHENS. And I say you had no authority to do so.

Mr. ELDREDGE. That was what I said here at the time.

Mr. DAWES. The decree of the court, on a writ of *habeas corpus* being sued for, was that we had the authority.

Mr. STEPHENS. The House of Representatives by the Constitution has the right to determine the rules for its proceedings and to punish for violation of its rules. But the House has no right to punish any person for any offense committed outside of the House or in the streets, even against one of its own members. I know it has

done it repeatedly; but I question its power to do it. This matter in regard to the power of the House to punish a witness for contempt was thoroughly debated in 1857.

Mr. DAWES. I want to say one word——

Mr. STEPHENS. I am not quite through. I will detain the House but a few moments. The question now before us is how far a witness can go and save himself from punishment by refusing to answer a question put to him by a committee of the House. That, sir, is settled by law. That is my answer to the gentleman from Massachusetts. That is settled by law, and all that I ask is that this House adhere to the law.

The gentleman from Massachusetts said that this resolution was not to punish. I suppose from its terms that the witness will be required to show cause why he should not be punished. Well, if he comes up to show cause why he should not be punished, I suppose he would show no other cause than he has done already; and the next motion would be to punish him; and that, I say, under the law, we have no power to do.

Mr. BUTLER, of Massachusetts. As a member of the Forty-second Congress, who was a member when this subsidy passed, I have no such fear as makes it necessary for me to air my virtue by oppressing any man. I can stand here and look the people right in the face without feeling that I must put anybody in jail to vindicate my character or to prevent people from suspecting me of having to do with subsidies. I have no fear; I have no favors to ask of any body; and I can stand erect in the image of the God that made me and deal with the principles of right as they shall seem unto me just.

Now, sir, I would not interfere with this matter any more than I did with the passage of the Pacific Mail subsidy, were it not that some of the most valuable principles of the Constitution and the rights of the citizen are about, in my judgment, to be trampled down at the instance of honest and honorable men like my colleague at the head of committees and honest and honorable men on committees, and that precedents will be set which will return to plague us when stormy times come and bad men get the rule. Therefore I think it is that this House of Representatives should see to it that they set no precedent to-day which shall hereafter be detrimental to the liberties of the citizen.

I have no sympathy with the man who has stated and sworn upon his oath that he gave this money to purchase legislation. Neither have I any sympathy with those who are calumniating every public man for every action and every want of action that may be taken. I have suffered as much, perhaps, as some of my neighbors, and suffered in silence from wrong imputations, and therefore I may speak, I trust, with that plainness and with that calmness with which a grave judicial question should be treated. I have had brought here before, upon my motion, a man to have him show cause why he should not be punished for contempt of the House of Representatives, and he was restrained of his liberty for a given time. His name was Charles Wooley. I thought myself justified wholly and completely in that case, as I should not think myself justified in taking the like action in this case.

When my friend talks of precedent I desire him to look carefully into the precedents. What is the power of Congress? It takes three bodies, the President, the Senate, and the House of Representatives, to make laws. The House of Representatives can make no law binding upon anybody in this country except its own members and its own officers. The moment you step beyond that you are powerless. Am I not right, Mr. Speaker, and gentlemen of the House?

But the Constitution has given the House certain powers, and one is the power of impeachment, and in the exercise of that power we have a right to all the incidental powers necessary to carry it out. We are, then, the grand inquest of this nation, and we are the only grand inquest of this nation. When we have to inquire into the impeachment of some officer, being made by the Constitution the impeaching power, we have then to ascertain whether the man is worthy of impeachment or not. Then we have the power of punishment for contempt, and can do all other acts necessary to the ascertainment of the truth; but where in the Constitution do you find this new-fangled mud-machine, called an investigation, in which no man's character is safe, in which no rules of evidence prevail or are for a moment observed? In the Committee on Ways and Means last session such questions as these were asked about myself: "Did you ever hear a rumor that he did so and so?" "Was there not some talk in the city about it?" And there was some miserable newspaper talk that they could see my coat-tail going out of the committee-room.

Sir, this is not the power given to us by the Constitution. I say that we have the power of investigation. What is that power? That power is to ascertain such facts as are necessary to instruct our consciences in regard to our duties here, and when we have done that, we have gone as far as we have any power to go; and of course in these necessary investigations we are not a grand inquest in any form. Our power is simply to investigate facts, to summon witnesses, to take their testimony and report it to the House for our instruction.

Now, I remember well that the law now found in the Revised Statutes was passed in 1856 under precisely these circumstances: The tariff law of 1856 was changed, and a member of Congress from Massachusetts was Speaker. It turned out that an individual from Massachusetts had said somewhere that he had paid $82,000 for that change, and there was a movement to have it investigated. The matter was brought before the House, and it resulted in such disagreement of opinion in the House that this law which the gentleman from Georgia [Mr. STEPHENS] has called attention to, was passed to meet the case. But I ask you where does the power of investigation stop?

Mr. DAWES. My colleague will allow me a moment. I was here at the time to which the gentleman refers. The witness in that case was confined in the jail of the District of Columbia, under the order of the House, until the gentleman from Georgia himself got up and requested the Massachusetts delegation, because the man's wife was sick and at the point of death, to ask that he be discharged. In this case the precedent has been followed exactly in the words of the resolution.

Mr. BUTLER, of Massachusetts. I am very much obliged to my colleague for mentioning that fact.

Mr. DAWES. If my colleague will indulge me, I will say that I remember the gentleman from Georgia [Mr. STEPHENS] stating the fact that under the Constitution we had no right to commit that man to jail. That was before this law was passed. The gentleman from Georgia entertained the same ideas before this law was passed that he entertains now——

Mr. STEPHENS. And favored the passage of the law.

Mr. BUTLER, of Massachusetts. I thank the gentlemen for this, because it shows exactly what I said to the House; for I speak with accuracy—I mean to—that because of that discussion as to the powers of the House, this law was passed.

Mr. DAWES. No, sir.

Mr. BUTLER, of Massachusetts. Yes, sir; and it was before the law was passed that this action was had. And it was due to the party that was not in the majority, to the democratic party, about which I knew something in those days, the party to which the gentleman from Georgia [Mr. STEPHENS] belonged, that held to the doctrine that we have always held, and the doctrine I hold to now, that there can be no imprisonment without the law of the land and the judgment of a court.

Mr. DAWES. My colleague is mistaken; it was a democratic majority that committed him.

Mr. BUTLER, of Massachusetts. Pardon me.

Mr. DAWES. The republicans were in the minority, and got the aid of the gentleman from Georgia from the majority to help us.

Mr. BUTLER, of Massachusetts. Pardon me; was not Banks, the know-nothing, Speaker of the House?

Mr. DAWES. No; James L. Orr was Speaker when it was done.

Mr. BUTLER, of Massachusetts. Let me say further——

Mr. DAWES. I was here.

Mr. BUTLER, of Massachusetts. Pardon me; I am not misrepresenting you now, and you would not hear me when you were misrepresenting me, word for word. Now keep quiet.

Mr. DAWES. I will.

Mr. BUTLER, of Massachusetts. I was saying that the majority of the democratic party passed this law, and then I was interrupted.

Mr. DAWES. The law——

Mr. BUTLER, of Massachusetts. If you must talk, talk low. I say the majority of the democratic party aided to pass the law And since that time, for one, I never would have moved to put a man in prison for simply refusing to answer in an ordinary investigation.

Now, what have we the right to investigate about? Nothing but whether a law is or is not a good one to be passed. For instance, take this Pacific Mail subsidy; the question is whether it is best to repeal that law or not. I do not see why we should go into this investigation further. The agent of the company has sworn upon his oath, being dragged here by process, not coming here voluntarily, so far as I have heard. The last I heard of him before this was that the chairman of the Committee on Ways and Means was before the House asking that somebody should be sent to bring this witness here, sick or well. If I remember, he did not volunteer to appear here as a witness, but he was dragged here by process; and after he is brought here he swears that he paid something to somebody to get this subsidy passed. If he did, then for that reason alone I will vote to repeal it, unless the Pacific Mail Company will show that they had nothing to do with it.

I do not care whether he paid it to one man or another. I do not care whether he paid it to Mr. A, Mr. B, or Mr. C; but I utterly protest against this doctrine that the House can sit here and put men in jail in order to clear the character of anybody in a former Congress. We have enough to do to take care of the country in this Congress without clearing the characters of members of a former Congress. We have no right to drag out testimony either for or against members of former Congresses who are not here to answer for themselves. The half a dozen who are left over here have no right, in order to vindicate their reputations, to drag out testimony against men who are not here. Because members may say that they feel under a load, they have no right to insist that a burden shall be thrown upon the hundreds of men who are not here to answer. The cruelty is extreme.

I go farther and say this, that when this witness comes here and says, "I have done this, that, or the other," he has done all he is bound to do. You cannot go farther; or if you do, you can only go on under the law and turn him over to the courts for punishment. The gentleman from Kentucky [Mr. BECK] seems to have forgotten all his ideas and opinions of liberty; and he now asks us to pass a retroactive law. That is, we have got the man here, and he would pass a law to inflict

a more severe punishment or penalty upon him, compel him to answer or else keep him here during his natural life. He would bring him up here and ask him a question which he knows he will not answer; he will get him to break the law, having passed one which he knows he will break. What unbridled license this desire for investigation will cause to spring up in a man so honorable as the gentleman from Kentucky usually is.

Why not put the thumb-screws upon him and torture him? You would put in jail a sick man whom you have brought here; you would put him in a damp dungeon. Why not put the thumb-screws on him at once, and compel him to answer? Think a moment. We are in the year 1874, and very near Christmas, when "peace on earth and good will to men" is what we should be thinking about. We are in a land of liberty, a land of law, a land of right; and no body of men can summon a person as a witness and then without trial, without allowing him to be heard by counsel, thrust him into a dungeon. Let us not get frightened out of our propriety of thought with reference to the rights of citizens. I was surprised to-day by the great heat and feeling shown by my friend, the chairman of this committee, [Mr. DAWES.] Why, sir, that gentleman is a judge in this case. He is one of those in whose keeping this man's liberty is. Why this feeling against him? And why did another gentleman, my friend from Pennsylvania, [Mr. KELLEY,] whom I respect very much, who I know always votes for that which he thinks will promote the prosperity of his country and the progress of the world, without any hope of reward but the reward of doing right, and who I would not believe to have been guilty of any wrong if forty men like Irwin should come here and swear that they had placed a bag of gold in his hand—why does he feel it necessary to say that all of us who were in the Forty-second Congress are under a stigma unless we can squeeze certain testimony out of this man? And the gentleman from Iowa [Mr. KASSON] says, "let us strain the law." What language for a law-maker! "Strain the law" to do what? To put a man in prison.

What right have you here to investigate whether this or that member of a previous Congress was bribed any more than you have to inquire whether a member of a previous House committed robbery, or adultery, or any other crime, or was divorced from his wife or she from him without good cause? Why not go into such matters if you are going into examinations of this kind? Where shall we stop? The Constitution and the law and reason tell us we should stop when we pass out of our own doors and out from among our own number.

Sir, this is no new doctrine of mine. When you undertook the Credit Mobilier investigation, and when there were blank faces all over this House, mine was an exception. I was not frightened then any more than I am now. When you undertook to go and take the Vice-President out of his seat in the Senate and investigate his past conduct, the Committee on the Judiciary, of which I was then a member, brought in a report (which was unanimous with a single exception) that you had no right to investigate his doings in a past Congress under any circumstances. That question never directly came up, because when the Credit Mobilier Committee came to act they only acted upon the cases of Mr. Ames and Mr. Brooks, who were members of that Congress.

What are you going to do? Suppose you find out that every member in the last Congress not in this House took bribes; how are you to punish them? You may ruin them, because they may have no opportunity for a defense; you may ruin them, because some man, to account for money that was put into his hands, may say that he gave it to them; and they may have no opportunity to come in and answer. You may destroy the hopes of them and their families without the judgment of law or the trial of their peers. You have the brute force to do it, but you have not the legal power.

Now, this man has committed a crime known to the law, the crime of refusing to answer questions put to him by a committee of the House of Representatives about a matter which they say they have a right to inquire into. He answers back and says, "I appeal to the law; I am advised that you have no right to compel me to answer; you have no jurisdiction of the question; I appeal to the law of the land." The law of the land says that if a man refuses to answer in such a case he is to be tried by a court and jury, and punished by imprisonment not exceeding one year. Now, suppose you bring him here, and put him in a common jail and keep him three or four months and then turn him over to the court, where he is convicted of this crime. Then he is punished by an additional imprisonment of a year. Suppose the next Congress should meet in March; for I want to see my democratic friends deal with this sort of questions awhile when they are in the majority. Suppose he should then be brought up again to answer concerning what he did in the Forty-second Congress, and should then refuse. You may then keep him in prison until the end of that Congress, which will be two years; and then you turn him over again to the courts to punish him by imprisonment for another year. In other words, when the law has said to this man, "If you do this thing you shall be punished by imprisonment not exceeding one year," you punish him by imprisonment for three years or more. By what right? By the supposed right of "common parliamentary law," unheard of and unknown except in the British Parliament, which has supreme and unlimited authority. There is no common law of the United States. There is a common law in the States between man and man, and under it they are crimes against the States; but there is no common law of the United States, and there is no common parliamentary law in force here. But were there ever so much law, when a statute has provided distinctly that in such a case a man shall be punished thus far and no further, you cannot without wrong, and great wrong, lay an ounce more of weight upon him, however much you may detest the crime with which he is charged.

Let us not be driven from our propriety of thought, our manhood, our feeling of justice and right; let us not be driven from our stand upon the provisions of the Constitution in favor of personal liberty; for those safeguards are all that is left us in troublous times. Let us not in our hurry and excitement put a man in prison without authority of law because we are anxious to vindicate the character of some of our associates. There is nothing in the Constitution about the moral character of legislation that I ever heard. There is no reason and no ground to investigate for that reason. It is *ad captandum*. The whole argument is *ad captandum* when we say we are called upon here to vindicate the character of our friends and associates. It is appealing to our sympathies for them as against this man for whom none of us has any sympathy.

We stand here not now as legislators. We stand here now called upon to lay down our legislative character and assume the rod and ax, and bring this man in to show cause why he should not be punished. I agree, sir, that this man should show cause why he should not answer, but I object to a resolution that he should be brought in to show cause why he should not be punished. We have no right to punish. The House of Representatives under this clause of the Constitution——

A MEMBER. What about the case of Pat Woods?

Mr. BUTLER, of Massachusetts. I agree to the punishment of Pat Woods. That was another and a different affair. But point me to the statute, point me to the Constitution, point me to the law, point me to the rule of Congress which shows we can punish. I call on my learned friend from Ohio [Mr. LAWRENCE] from his learning to point to me the law or constitutional provision which provides for this power in a mere matter of investigation—not for the purpose of impeachment, or for the purpose of expelling a member, or for the purpose of enforcing order. Where is it? This is not to enforce order. All this man did was——

Mr. LAWRENCE. It is necessary for us to have facts upon which legislation shall be founded.

Mr. HAWLEY, of Illinois. Under what law was Pat Woods punished?

Mr. BUTLER, of Massachusetts. Under the law which protects a man; the power which we have to protect our members coming to and going from their attendance upon Congress. Mr. Porter swore exactly and precisely that he was coming here to answer his name on the roll-call when Pat Woods struck him down.

Mr. HAWLEY, of Illinois. But you say there is no law which gives to Congress power to punish.

Mr. BUTLER, of Massachusetts. Pardon me, it does; it is the power of self-protection. I say whatever we have a right to do we have the right to all the incidents. But my proposition is that we have no right to go into the investigation of what took place in another Congress. That is no more our business than it is to ascertain what took place in the convention which framed the Constitution of the United States.

My learned friend from Ohio [Mr. LAWRENCE] says it is in order to learn facts necessary for legislation. Why will it do him any more good to learn the fact that Mr. A received the money rather than Mr. B, if we know this money was paid by the Pacific Mail Steamship Company or its agents?

Mr. LAWRENCE. I ask the gentleman from Massachusetts to yield to me.

Mr. BUTLER, of Massachusetts. I will yield to the gentleman for a moment.

Mr. LAWRENCE. I cannot in a moment say what I want to say.

Mr. BUTLER, of Massachusetts. Then I will give the gentleman reasonable time to say what he wishes to.

Mr. LAWRENCE. Mr. Speaker, this is an important question, affecting the powers of this House, the rights of citizens, and the interests of this country. I have had no time to consider it as it deserves, and shall present only such views as now occur to me. The first question to be determined is this: Has this House, by the common parliamentary law, the power to punish for contempt? Now, there are two classes of powers: those which are conferred by express provision of the Constitution and those which are incidental. No man doubts but each house of the British Parliament has power to punish for contempt. It is a power long exercised, declared by all writers on the British constitution, and denied by no one. When our Constitution confers upon Congress, as it does in the very first section of the first article, all legislative powers therein granted, there is given to Congress the incidental power to ascertain every fact necessary to enable it to legislate intelligently on every subject within its constitutional jurisdiction. Among the powers necessary to accomplish this purpose is the power to summon witnesses and to compel them to testify. The power to punish for contempt is not an incident on an incident. It is only a necessary part of the one incidental power. That power has been exercised from the foundation of the Government up to this time, and it has never been doubted or

denied until this day. In accordance with that general power, that incidental power, it is stated in Barclay's Digest—

That the failure or refusal of a witness to appear or refusal to testify is a breach of the privilege of the House, and has been punished by commitment to the custody of the Sergeant-at-Arms and by commitment to the common jail of the District of Columbia.

Then in this book are cited the pages of the journals where instances have occurred of the exercise of this power. This power has been affirmed to exist by the decision of the Supreme Court, by every commentator on the Constitution, by the uniform usage of the House, and never been denied until now. I shall assume, therefore, that by the common parliamentary law, as a necessary inherent incidental power of this House, that it has the authority to punish for contempt just as fully for all authorized legislative purposes as the House of Commons of England. The Constitution, in creating a House of Representatives, intended to give it the same incidental powers within its jurisdiction as the House of Commons had in that country, from which we derive so much of our constitutional, parliamentary, and other law.

But my friend from Massachusetts [Mr. BUTLER] and my friend from Georgia [Mr. STEPHENS] say this power has been taken away by act of Congress—that act which provides that if a witness shall refuse to testify he may be handed over to the courts and subjected to punishment.

Mr. BUTLER, of Massachusetts. Shall be.

Mr. LAWRENCE. Certainly, shall be.

Sir, there are or may be two offenses. There may be a crime against the public, and there may be the offense against the power and authority of this House. When we punish for contempt it is an exercise of the power of this House to punish for an offense against this House.

Mr. BECK. Will the gentleman from Ohio allow me to say one word? I am informed by the Sergeant-at-Arms that while this discussion is going on the witness has gone. I desire to know whether the vote may not be taken immediately, so that his arrest can be secured.

Mr. LAWRENCE. I wish to say but a few words more. There exists a power in the courts to punish for the crime against the public, and a power in this House to secure its rights and punish for a disobedience of its authority. Now, my friend from Massachusetts knows very well, and any gentleman who will turn to Sedgwick "On the Construction of Statutes," will find it there laid down that a statute does not repeal or take away a common-law right unless it contains negative words—words expressly abolishing the common-law right. But this statute to which reference has been made has no negative on the common-law powers of the House, and those powers are twofold, to enforce obedience and to punish. One has as its object to give effect to the general powers of the House; for which purpose it may be necessary to punish for a refusal to obey the House in the exercise of its lawful and constitutional powers. Without this penal authority of the House its powers would become unavailing and would fall into contempt. The act of Congress to which reference has been made has for its object the punishment of crimes against the public. There is a necessity for this power in the courts. The House, unlike the Senate, is not a continuous body. It dies with the end of the Congress. It can therefore only punish by imprisonment not longer than the end of the Congress. That may be, and now is, a very brief term. The punishment by the House may be very inadequate. For that reason provision was made giving the courts a cumulative or additional power to punish. Now that, it seems to me, is all there is in this matter, and it seems to me perfectly proper that this witness shall be brought before the House, that he may be called upon to answer, and we can then determine whether he has committed such an offense as that and on account of it he can be committed for contempt. We ought not to barter away or surrender the common-law powers of this House, so essential to obtain information and to secure the ends of justice.

Mr. POLAND. I wish to ask the gentleman from Ohio [Mr. LAWRENCE] a question. Suppose the House should declare that this man is in contempt, and we voted that, as a punishment for that contempt, he be imprisoned in the jail of the District of Columbia six days; does the gentleman hold that after receiving that sentence and that punishment this man would still be liable to be indicted by the grand jury of this District for the same thing, and be punished by a year's imprisonment?

Mr. LAWRENCE. No, sir; not for the same thing, but for the crime against the public. Let me illustrate. An example has already been given. A court has power to punish as for contempt an assault and battery committed in its presence, and yet the party so punished may be indicted and punished for the offense against the State. So it may be a crime by statute, for which the offender may be indicted and punished, to transfer a promissory note for the purpose of defrauding creditors. It may also be a contempt of court to violate an injunction restraining the transfer of the same note, and there may be a punishment as for contempt for violating the injunction and for the crime against the public. The act for which the punishment is inflicted in both cases being the transfer, there yet may be an indictment and punishment for the fraud against the public under the statute as well as the punishment for contempt in violating the injunction.

Mr. POLAND. The difference is that in one case there is a civil remedy, in the other a criminal.

Mr. LAWRENCE. They are both penal in their nature. The punishment for contempt of the authority of this House may just as well be called a civil remedy.

Mr. POLAND. How does the gentleman reconcile the two punishments with the provision of the Constitution which declares that a man shall not be tried but once for the same offense?

Mr. LAWRENCE. That has reference to courts of criminal jurisdiction, and has no relation to the common parliamentary powers of this House no more than it has to proceedings for contempt in the courts. No commentator on the Constitution has ever claimed otherwise.

Mr. BUTLER, of Massachusetts. The parliamentary power to punish a man twice?

Mr. LAWRENCE. The parliamentary power to punish is and can be only exercised once, and is then *functus officio*. It is a power which has been exercised since the foundation of this Government down to this day to punish for contempt. There is no punishment twice for the same offense; they are different offenses, punished by different tribunals, and for different objects. This power has never been disputed until now. Bishop, in his Criminal Law, has shown that the same act may constitute different and distinct offenses; and Congress in passing the act which gives the courts the power of punishment expressly recognizes the common-law parliamentary power to punish, and in express terms says that—

Any person summoned as a witness by authority of the House to give testimony or to produce papers upon any matter before the House or any committee thereof, who shall willfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the House or committee by which he shall be examined, shall, *in addition to the pains and penalties now existing*, be liable to indictment as for a misdemeanor.

Note the words:

In addition to the *pains and penalties now existing*.

To wit, those that may be inflicted under common parliamentary law. What other pains and penalties can be referred to?

Mr. BUTLER, of Massachusetts. That is not on the record.

Mr. SPEER. Will the gentleman from Ohio allow me to ask him a question?

Mr. LAWRENCE. Certainly.

Mr. SPEER. Does the gentleman believe that a confinement which a party in contempt has the right to terminate at any moment is punishment within the language or spirit of the Constitution?

Mr. LAWRENCE. Not at all. That clause of the Constitution which prohibits any person from being twice put in jeopardy of life or limb because of any offense, has no reference to the exercise of common parliamentary power by the House of Representatives. It relates only to the administration of criminal justice and to those offenses which by law are classified as crimes, and which may be punished in the courts. Here is a case where a contumacious witness may put an end to his imprisonment, the object of which is to secure his testimony and not to punish him, so far as the ends of justice are concerned.

Mr. SPEER. That is the precise point.

Mr. LAWRENCE. The House has, however, the power to punish. We have been asked to point to the clause in the Constitution which confers the power to punish for contempt. It is found in that clause which confers legislative power and is an incident of that power. It is inherent in the House. It has been said in the case of the United States *vs.* McDaniel, (7 Peters,) and in United States *vs.* Lytle, (5 McLean, 9,) that the Executive Departments must necessarily have the inherent power to do many things essential to the discharge of their duties for which no express statute can be found. The same may be said of the Houses of Congress. It has been said that the Revised Statutes containing the law giving the courts power to punish a refusal to testify do not contain the words "in addition to the pains and penalties now existing." They were in the revision dropped out as mere surplusage—as unnecessary. That revision, as we all know, made no change in the law.

Mr. BUTLER, of Massachusetts. I resume the floor. I was desirous of hearing what might be said on the law of the matter, and it resolves itself into this, that Congress is omnipotent about this matter because the British Parliament is omnipotent. I want to say that that is not a doctrine I can subscribe to.

Mr. LAWRENCE. Is not this House as omnipotent as the House of Commons in relation to those subjects which are expressly intrusted to the House by the Constitution?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. LAWRENCE. That is my point.

Mr. BUTLER, of Massachusetts. In expelling members we have all the powers of the British Parliament. But the other element is mere arrogation.

Mr. LAWRENCE. And to ascertain the facts necessary to enable it to legislate under the Constitution; that is a power inherent in the House.

Mr. BUTLER, of Massachusetts. There are two incidental powers involved. There appears to be here an incidental power and an incidental power devolved from that under which you claim the right to punish a man.

Mr. SPEER. Has not the House the right and power to expel a member who has been corruptly influenced in his votes here?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. SPEER. Well, then, has it not the power to investigate the question whether he has been so corruptly influenced or not?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. SPEER. How, then, are you to conduct the investigation if the House has not the power to compel the attendance of witnesses and to punish them for contempt in refusing to testify?

Mr. LAWRENCE. What is the good of saying that the House has the power to investigate such questions when you do not allow it to carry into effect that power?

Mr. BUTLER, of Massachusetts. This man has sworn expressly that he has given no pay to any member of Congress.

Mr. LAWRENCE. O! that is another question.

Mr. BUTLER, of Massachusetts. There is no charge made here against any member of the House. If there were, then you might sweep the whole world for witnesses and punish for contempt those who refuse to answer the proper questions. You cannot do it unless there is some such charge made, unless there is something to which you can direct your inquiry. Without that you have not the power to send a drag-net through all creation and to scoop up everything you can against any man's character.

Mr. SPEER. How are you going to make charges against a man if you are denied the power to summon witnesses?

Mr. BUTLER, of Massachusetts. How are you going to summon witnesses when there is no charge made against any member of the House? When a member of the House rises and alleges in his place that there is certain evidence against a member of the House, then the House has full power to summon that evidence, and not otherwise.

Mr. SPEER. If it be not in the power of the House to compel the production of evidence, all a man has to do is to refuse to testify on matters affecting the conduct of members.

Mr. BUTLER, of Massachusetts. Pardon me; I am sorry you did not understand me better. You can only inflict punishment as long as you are in existence; but where the Constitution gives you no power you infer a power.

Mr. LAWRENCE. It is stated that the agent of the Pacific Steamship Company used money improperly to influence legislation. There is such a charge. The gentleman from Massachusetts [Mr. BUTLER] has said that if this was true he would vote to repeal the subsidy. We have a right to inquire into the facts touching that matter, so that the gentleman from Massachusetts may know how to vote on a proposition to repeal that subsidy. The House has the right to get all the facts in reference to it. In other words, we are charged with a duty, and that is to inquire in regard to the legislation we have to provide. Is the House powerless to ascertain the facts?

Mr. BUTLER, of Massachusetts. This power now claimed is not one that can be found in the Constitution of the United States. You find in the Constitution no power for this investigation. You infer it, and you then infer the power to control this investigation. Now, when you say that this power of imprisonment has been exercised by the House, I say it has been exercised in one or two cases, and then the law was passed about it; it was exercised in cases of impeachment and in cases where a member was charged with the commission of some act deserving expulsion.

Let me repeat here, so that there can be no mistake; where the Constitution has given us the power to do a thing, it has given us all the power incident to it; but where it has not given us the power to do a thing, it has not given us an incidental power to take away the liberties of a citizen. One thing further: Congress in 1856 did exactly what it had a right to do. This incidental power, they said, we will exercise under this limitation, and this only. If the man does not answer, we will turn him over to the courts to try him, and punish him by imprisonment for one year. And so far Congress laid down their power, if they ever had it.

Mr. LAWRENCE. There has been no repeal of the common-law power.

Mr. MAYNARD. Allow me to ask a question.

Mr. BUTLER, of Massachusetts. Very well.

Mr. MAYNARD. Have we not always exercised in proper cases the power to send for persons as witnesses?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. MAYNARD. Have we not the power to detain those persons until they shall have testified?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. MAYNARD. Well, that covers the whole ground.

Mr. BUTLER, of Massachusetts. No, it does not cover the whole ground. I thought somebody would blunder on that. That power to which the gentleman refers is the power of detention, not the power of punishment. We do not detain those persons in order to punish them, but we detain them in order to use them, to obtain their testimony. We have that power. This is the power of punishment. That is the difference, and it does not cover the whole ground. What I am contending for is not that the House has no power to investigate, but I am contending that this power to punish is against the Constitution of the United States, that it is a power without warrant of constitutional law, or a word of law; that all we can do is to send him to the courts. That is the only way in which we can undertake to punish a man for contempt of the House in this respect, for we have laid down by statute our power to so punish him if we ever had it. And you must have a proper case for investigation. You have no right to send for persons and papers in order to investigate the question whether John Smith, of Iowa, did this or did the other thing.

Mr. MAYNARD. Is not that a matter for our own discretion?

Mr. BUTLER, of Massachusetts. No, sir.

Mr. MAYNARD. Is it not for us to determine what we want to know and what we do not?

Mr. BUTLER, of Massachusetts. Pardon me; if you want to know ever so much, you have no right to use the power of the House to learn such a thing as that. I have suggested the common school for that.

Mr. HAWLEY, of Illinois. Does the gentleman deny the power of this House to hold in custody a witness who refuses to answer?

Mr. BUTLER, of Massachusetts. To hold him for the purpose of compelling him to answer?

Mr. DAWES. To hold him in custody?

Mr. BUTLER, of Massachusetts. In a case where we have the right to bring him before us. But we have no right to bring him here in order to find out whether John Smith's wife has done this or that.

Mr. HAWLEY, of Illinois. The gentleman seems to deny the power of the House to do anything in this case, and therefore it is not such a case as can be certified to the courts by the Speaker.

Mr. BUTLER, of Massachusetts. By no means. I was speaking of the Constitution before. Under the law we can bring this man before the House, adjudge him guilty of contempt of the House, and send him to the courts under the certificate of the Speaker.

Mr. HAWLEY, of Illinois. Must we part with our right to hold that witness in custody and to control him, and put him beyond our reach, because he happens to-day to refuse to answer?

Mr. BUTLER, of Massachusetts. No; we need not certify him to the courts unless we please.

Mr. HAWLEY, of Illinois. Can we hold that witness in custody until Congress shall adjourn?

Mr. BUTLER, of Massachusetts. You have only two remedies, even as you yourselves claim; first, you can hold him here before the bar of the House, and the other is to send him to prison for a year. You have done all you can when you get through with that. The fact that you cannot put the thumb-screw on him, as some people would like to do, that you cannot put his foot in a boot and twist it up, as they used to do in the old times when there was neither law nor constitution; the fact that you cannot put him on the rack and compel him to answer is no reason why you should do this thing.

Mr. LAWRENCE. Does the gentleman say that this House has no power except such as is expressly given by the literal words of the Constitution?

Mr. BUTLER, of Massachusetts. By no means. I have stated over and over again, and I will endeavor to make it plain to the commonest comprehension, that by the Constitution this House has certain expressed powers and certain incidental powers; the expressed powers carry with them incidental powers, but the incidental powers do not carry other incidental powers; that is all.

Mr. LAWRENCE. This House has the power to judge what are its incidental powers. The Supreme Court has decided that Congress is the sole judge of its incidental powers "necessary and proper" to carry into effect its granted powers.

Mr. DAWES. I call the previous question.

Mr. COTTON. I would like to offer an amendment.

Mr. DAWES. I cannot yield for that purpose.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

HOLIDAY RECESS.

Mr. DAWES. I now call up the resolution in regard to the holiday recess, which has been lying over since last Monday.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, (the Senate concurring,) That when the two Houses adjourn on Wednesday, the 23d instant, they adjourn to meet again on Tuesday, the 5th day of January next, at twelve o'clock noon.

Mr. GARFIELD. I ask the gentleman from Massachusetts [Mr. DAWES] to allow me to offer an amendment.

Mr. SENER. I object to any debate.

Mr. DAWES. I will yield for any amendment proposing to shorten the time or for a motion to lay the resolution on the table.

Mr. Speaker, I have offered this resolution, according to the usual custom, as a report from the Committee on Ways and Means. From my experience here my own opinion is that it would be impossible to keep a quorum here for business during the holidays. If a quorum would stay here and do business, I should be very glad to be one of that quorum. But I have seen the effort made a great many times to prevent a holiday recess. I never saw it succeed but once; and on that occasion there was not a quorum here on a single day of the proposed recess, and no business was transacted. If a majority of the House are disposed to stay here and feel it their duty to do so, I should be very glad to be one of that number.

Mr. SPEER. The gentleman should state that three special committees recently appointed have to be absent during the holidays.

Mr. HALE, of Maine. I move that the resolution be laid on the table.

The question being taken on the motion of Mr. HALE, of Maine, there were—ayes 72, noes 96.

Mr. TODD and Mr. SENER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 126, not voting 63; as follows:

YEAS—Messrs. Albright, Barrere, Bass, Bradley, Buffinton, Burrows, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Crutchfield, Curtis, Darrall, Donnan, Field, Freeman, Garfield, Gunckel, Hagans, Eugene Hale, Harrison, Hatcher, Havens, Hays, Gerry W. Hazelton, Hendee, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Lamport, Lawrence, Lawson, Loughridge, Lowe, Lynch, Marshall, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Negley, Niles, Nunn, Orr, Orth, Page, Isaac C. Parker, Phillips, Pike, Pratt, Rainey, Ransier, Ray, James W. Robinson, Rusk, Scofield, Sener, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stowell, Christopher Y. Thomas, Todd, Tremain, Tyner, Wallace, Walls, White, George Willard, Charles G. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—100.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Averill, Barber, Barnum, Beck, Berry, Biery, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Cain, Caldwell, Chittenden, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Comingo, Cook, Cotton, Cox, Creamer, Crittenden, Crooke, Crossland, Danford, Davis, Dawes, Dobbins, Eames, Eden, Eldredge, Finck, Foster, Frye, Giddings, Glover, Gooch, Gunter, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hereford, Herndon, Holman, Hurlbut, Kasson, Kelley, Kellogg, Lamar, Lewis, Lofland, Lowndes, Magee, McCrary, McLean, Merriam, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, Niblack, O'Brien, O'Neill, Packard, Packer, Parsons, Pendleton, Perry, Pierce, Poland, Randall, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Sawyer, Henry B. Sayler, Milton Sayler, Schell, Henry J. Scudder, Isaac W. Scudder, Lazarus D. Shoemaker, A. Herr Smith, Speer, Stanard, Stone, Strait, Strawbridge, Swann, Charles R. Thomas, Townsend, Vance, Waddell, Waldron, Jasper D. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, John M. S. Williams, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—126.

NOT VOTING—Messrs. Albert, Banning, Barry, Begole, Bell, Bland, Bundy, Benjamin F. Butler, Clymer, Clinton L. Cobb, Crocker, Crounse, DeWitt, Duell, Dunnell, Durham, Farwell, Fort, Robert S. Hale, Harmer, Hathorn, Hersey, E. Rockwood Hoar, George F. Hoar, Hooper, Hunton, Kendall, Killinger, Knapp, Lamison, Lansing, Leach, Luttrell, McJunkin, Myers, Hosea W. Parker, Pelham, Phelps, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rapier, Ross, John G. Schumaker, Sessions, Sloss, Smart, George L. Smith, William A. Smith, Southard, Standiford, Starkweather, Stephens, St. John, Storm, Sypher, Taylor, Thornburgh, Marcus L. Ward, Whiteley, Wilber, and Wood—63.

So the resolution was not laid on the table.

During the roll-call the following announcements were made:

Mr. LUTTRELL. On this question I am paired with the gentleman from New York, Mr. POTTER. If he were present he would vote "no;" I should vote "ay."

Mr. PLATT, of Virginia. On this question I am paired with the gentleman from Ohio, Mr. LAMISON. If he were here he would vote in the negative, and I in the affirmative.

Mr. BUNDY. On this question I am paired with the gentleman from New York, Mr. DEWITT, who, if present, would vote "no," while I should vote "ay."

Mr. SCOFIELD. My colleague, Mr. ROSS, is detained from the House by sickness.

The result of the vote was announced as above stated.

Mr. GARFIELD. The gentleman from Massachusetts yields to me to offer an amendment that the House shall adjourn from Thursday next, the 24th of December, to Tuesday, the 29th day of December. December.

Mr. DAWES. I now call for the previous question.

The previous question was seconded and the main question ordered.

The question first recurred on Mr. GARFIELD'S amendment.

The House divided; and there were—ayes 62, noes 90.

Mr. MAYNARD demanded the yeas and nays.

The House divided; and there were—ayes 18, noes 92.

So (one-fifth of those present not having voted in the affirmative) the yeas and nays were not ordered.

Mr. SENER demanded tellers.

Tellers were not ordered.

So the amendment was rejected.

The question then recurred on the original resolution.

Mr. PAGE moved that the House adjourn.

The motion was disagreed to.

Mr. PLATT, of Virginia, demanded the yeas and nays on the adoption of the resolution.

The SPEAKER appointed as tellers Mr. NEGLEY and Mr. RANSIER.

The House divided; and the tellers reported ayes 38, noes not counted.

So (one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 121, nays 93, not voting 75; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Averill, Barnum, Beck, Berry, Biery, Blount, Bowen, Bromberg, Brown, Buckner, Burchard, Burleigh, Benjamin F. Butler, Cain, Caldwell, Chittenden, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Comingo, Cook, Cotton, Cox, Creamer, Crittenden, Crooke, Crossland, Curtis, Danford, Davis, Dawes, Dobbins, Eames, Eden, Eldredge, Finck, Foster, Frye, Giddings, Glover, Gooch, Gunter, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hereford, Herndon, Holman, Hurlbut, Kasson, Kelley, Kellogg, Lamar, Lewis, Lowndes, Magee, McCrary, McLean, Merriam, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, Niblack, O'Brien, O'Neill, Packard, Packer, Parsons, Pendleton, Perry, Pierce, Poland, Randall, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Sawyer, Henry B. Sayler, Milton Sayler, Schell, Henry J. Scudder, Isaac W. Scudder, Lazarus D. Shoemaker, A. Herr Smith, Speer, Standard, Stone, Strait, Strawbridge, Swann, Taylor, Townsend, Vance, Waddell, Waldron, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—121.

NAYS—Messrs. Albright, Barber, Barrere, Bass, Bradley, Bright, Buffinton, Burrows, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Crounse, Crutchfield, Darrall, Donnan, Durham, Field, Freeman, Gunckel, Hagans, Eugene Hale, Harrison, Hatcher, Havens, Hays, Gerry W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hunter, Hyde, Hynes, Lamport, Lawrence, Lawson, Lowe, Lynch, Marshall, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Negley, Niles, Nunn, Orr, Page, Isaac C. Parker, Phillips, Pratt, Rainey, Ransier, Ray, James W. Robinson, Rusk, Sener, Sheats, Sherwood, Sloan, Smart, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, Stowell, Christopher Y. Thomas, Todd, Tremain, Tyner, Walls, Marcus L. Ward, White, George Willard, Charles G. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—93.

NOT VOTING—Messrs. Albert, Archer, Banning, Barry, Begole, Bell, Bland, Bundy, Clymer, Clinton L. Cobb, Crocker, DeWitt, Duell, Dunnell, Farwell, Fort, Garfield, Robert S. Hale, Harmer, Hathorn, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hooper, Hubbell, Hunton, Kendall, Killinger, Knapp, Lamison, Lansing, Leach, Lofland, Loughridge, Luttrell, McJunkin, Morey, Myers, Orth, Hosea W. Parker, Pelham, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rapier, Ross, John G. Schumaker, Scofield, Sessions, Shanks, Sheldon, Sloss, Small, George L. Smith, William A. Smith, Southard, Standiford, Stephens, St. John, Storm, Sypher, Charles R. Thomas, Thornburgh, Wallace, Wheeler, Whiteley, Wilber, John M. S. Williams, Jeremiah M. Wilson, Wolfe, and Wood—75.

So the resolution was adopted.

During the vote,

Mr. LUTTRELL stated that he was paired with Mr. POTTER, who would vote in the affirmative, while he would vote in the negative.

Mr. ARCHER stated that he was paired with Mr. SHELDON, who would vote in the negative, while he himself would vote in the affirmative.

Mr. PLATT, of Virginia, stated that he was paired with Mr. LAMISON, who would vote in the affirmative, while he would vote in the negative.

Mr. BUNDY stated that he was paired with Mr. DEWITT, who would vote in the affirmative, while he would vote in the negative.

Mr. STRAIT stated that Mr. DUNNELL, who would, if present, vote in the negative, was detained from the House by illness.

Mr. SHANKS stated that he was paired with his colleague, Mr. WOLFE, who would vote in the affirmative, while he would vote in the negative.

Mr. WILLIAMS, of Massachusetts, stated that he was paired with Mr. HUBBELL, who would vote in the negative, while he would vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. NEGLEY moved, by unanimous consent, that the bill (H. R. No. 3550) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River, at Saint Louis, in the State of Missouri," which was made the special order for to-day after the morning hour, be postponed until the next Monday, after the morning hour.

The motion was agreed to.

ENROLLED BILL.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 1023) for the relief of certain settlers on the public lands; when the Speaker signed the same.

BOUNTY.

Mr. COBURN. I move by unanimous consent that the first Tuesday after the recess be set for the consideration of the bill in relation to bounties.

The SPEAKER. Where is the bill?

Mr. COBURN. It is upon the general Calendar. I move that Senate bill (S. No. 14) in relation to bounties be taken from the general Calendar and considered in the House on that day.

Mr. WILLARD, of Vermont. It ought not to be taken from the general Calendar, and I therefore object.

Mr. COBURN. I move to suspend the rules in order that that order may be made.

Mr. PAGE. I move that the House do now adjourn.

The House divided; and there were—ayes 69, noes 25.

Mr. COBURN demanded the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. AVERILL: Papers relating to the claim for relief of C. E. Davis, late captain and recruiting officer Hancock Veteran Corps, to the Committee on Military Affairs.

By Mr. BRADLEY: A paper for the establishment of a post-route from Howard City to Lake View, Michigan, to the Committee on the Post-Office and Post-Roads.

By Mr. BUFFINTON: The petitions of William S. McFarlin, Mary O'Neill, Michael Harty, Mary J. Taunt, and Robert Anderson, for pensions, severally, to the Committee on Invalid Pensions.

Also, the petition of the Methodist Episcopal church, of Miller's Falls, Massachusetts, for the appointment of a commission of inquiry concerning the alcoholic-liquor traffic, to the Committee on the Judiciary.

By Mr. BURLEIGH: Papers relating to the application of Captain Charles F. Larrabee for restoration to service, to the Committee on Military Affairs.

By Mr. BURROWS: The memorial of Laban Heath, of the firm of Laban Heath & Co., publishers, of Boston, Massachusetts, for relief, to the Committee on Claims.

By Mr. BUTLER, of Massachusetts: Memorial of Thomas J. Durant, on the subject of the currency, to the Committee on Banking and Currency.

By Mr. CHIPMAN: The petition of Verlinda Davis, for a pension, to the Committee on Invalid Pensions.

Also, the petition of John D. McDill, of Georgetown, District of Columbia, for indemnity, to the Committee on the District of Columbia.

Also, the petition of citizens of Tennessee, for the completion by Congress of the Washington Monument, to the Select Committee on the Washington National Monument.

By Mr. CLAYTON: The petition of Mary E. Coolidge, for a pension, to the Committee on Invalid Pensions.

By Mr. COTTON: The petition of citizens of Cedar County, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

Also, the petition of attorneys of Muscatine County, Iowa, of similar import, to the same committee.

By Mr. HARRIS, of Virginia: Papers relating to the claim of Mrs. Caroline Heater, of Middletown, Frederick County, Virginia, for quartermaster stores and commissary supplies, to the Committee on War Claims.

By Mr. HAWLEY, of Illinois: The petition of Joel Ware, praying Congress to take immediate steps to secure a perfect title to the national cemetery at Arlington, to the Committee on the Judiciary.

By Mr. G. F. HOAR: The petition of Mary J. Miller, of West Brookfield, Massachusetts, for a pension, to the Committee on Invalid Pensions.

By Mr. HOOPER: The petition of the Park Street Methodist Episcopal church, of Chelsea, Massachusetts, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. HUBBELL: The petition of A. P. Swineford, Joseph H. Primeau; A. K. Harlow, and 150 others, for improvement of Marquette Harbor, to the Committee on Commerce.

By Mr. HYDE: The petition of Jackson Lovenburg, for relief, to the Committee on Claims.

By Mr. HINES: Several petitions of citizens of Arkansas, for relief, to the Committee on the Judiciary.

By Mr. KASSON: The petition of citizens of Decatur County, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

Also, the petition of attorneys of Decatur County, Iowa, of similar import, to the same committee.

Also, the petition of citizens of Lucas County, Iowa, of similar import, to the same committee.

Also, the petition of John H. Looby, for increase of pension, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of David G. Wilson, of Philadelphia, for pay as second lieutenant while serving in that capacity under governor's commission, to the Committee on Military Affairs.

Also, the petition of Mrs. E. Theodosia Bryan, of Philadelphia, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. LAMPORT: The petition of citizens of New York, for relief, to the Committee on the Judiciary.

By Mr. LEWIS: The petition of Fendall Carpenter, of Somerville, Tennessee, for payment for cotton taken by United States forces, to the Committee on War Claims.

By Mr. LUTTRELL: A paper for the establishment of a post-route from Pine Flat, via Illinois City and Mercuryville, to Geyser Springs, Sonoma County, California, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Jane D. Brent, widow of Captain Thomas L. Brent, United States Army, for a pension, to the Committee on Invalid Pensions.

By Mr. MAGEE: The petition of Lawrence Gross for a pension, to the Committee on Invalid Pensions.

By Mr. MAYNARD: Several petitions of citizens of Tennessee, praying relief, to the Committee on the Judiciary.

By Mr. McCORMICK: The petition of O. W. Streeter, of Tucson, Arizona, for relief, to the Committee on Claims.

By Mr. McCRARY: The petition of citizens of Pleasant Grove, Des Moines County, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committe on the Judiciary.

Also, the petition of attorneys of Jefferson County, Iowa, of similar import, to the same committee.

By Mr. McDILL, of Wisconsin: The petition of late soldiers in the volunteer forces of the United States, for amendments of the bounty law, to the Committee on Military Affairs.

By Mr. McLEAN: The petition of J. H. Bemis, Jefferson, Texas, for an appropriation to pay his claim against the United States, which has been passed upon by the accounting officers of the Treasury, to the Committee on Appropriations.

By Mr. MOREY: The remonstrance of B. F. Fort, and the police jury of Bossier Parish, Louisiana, against the closing of Jones's Bayou, on the Red River, to the Committee on Commerce.

Also, several petitions of citizens of Louisiana, praying relief, to the Committe on the Judiciary.

By Mr. NESMITH: The petition of citizens of Oregon, praying relief, to the Committee on the Judiciary.

By Mr. O'BRIEN: Papers relating to the application of Anton Hoeflich, late sergeant Company H, Fifth Maryland Volunteers, for bounty, &c., to the Committee on War Claims.

By Mr. RICHMOND: Papers relating to the claim of C. S. Reisenger, late first sergeant Company H, One hundred and fiftieth Pennsylvania Volunteers, to the Committee on Claims.

Also, the memorial of J. J. Lints, praying compensation for services as custodian of public property at Erie, Pennsylvania, to the Committee on Claims.

By Mr. ELLIS H. ROBERTS: The petition of discharged soldiers of Rome, New York, for an amendment of the homestead law so that bounty lands may be reserved for soldiers, sailors, and marines until they or their children settle upon them, to the Committee on Military Affairs.

By Mr. SCUDDER, of New Jersey: The petition of the Society of the Cincinnati, in the State of New Jersey, urging passage of bill (H. R. No. 1184) to provide for the settlement of the claims of the officers of the revolutionary Army and the widows and children of those who died in the service, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Mathilde Renneberg, for a pension, to the Committee on Invalid Pensions.

By Mr. SHELDON: Papers relating to military indemnity claim of the State of Louisiana against the United States, for expenses incurred by the State in raising State troops to aid in the enforcement of the laws of the United States pending reconstruction in 1866 and 1867, to the Committee on War Claims.

Also, the petition of Joseph R. Shannon, to be paid the value of steamer W. Burton, to the Committee on War Claims.

Also, the memorial of Robert F. Hunter, asking that the Commissioner of Internal Revenue be directed to enter into a contract with him for use of his internal-revenue stamp and to compensate him for its past use, to the Committee on Expenditures in the Treasury Department.

By Mr. SMITH, of Ohio: The petition of Charles Cline, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of William Dilcher, for relief, to the Committee on War Claims.

By Mr. SMITH, of Virginia: The petition of Thomas K. Feagan, for relief, to the Committee on War Claims.

By Mr. TODD: The petition of Estella S. Wood, of Carlisle, Pennsylvania, for arrears and increase of pension, to the Committee on Invalid Pensions.

By Mr. WALLACE: A paper for the establishment of a post-route from Jefferson, Chesterfield County, to Camden, Kershaw County, South Carolina, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

TUESDAY, *December* 22, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on the 23d instant, they shall adjourn to meet again on Tuesday, the 5th day of January next; in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 1023) for the relief of certain settlers on the public lands; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. SCOTT. I present the memorial of the board of commissioners for the improvement of the Ohio River and its tributaries, a body appointed by the governors of seven States, calling the attention of Congress to the importance of making a necessary appropriation for

the purpose of inaugurating the system of improvements which they have indorsed in resolutions embodied in this memorial. They do not take up time or space in giving statistics, but they direct attention to public documents in which the argument of statistics on this subject may be found. As this memorial comes from a board representing seven States, composed of commissioners appointed by the governors of them, and is very brief, I move that it be printed and referred to the Committee on Commerce.

The motion was agreed to.

Mr. LEWIS presented a petition of certain clergymen of different denominations in the District of Columbia, praying exemption of churches and church property from taxation; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MITCHELL. I present a memorial of the Legislature of Oregon, asking aid in the construction of the Portland, Dalles and Salt Lake Railroad. Inasmuch as this memorial relates to a bill which was reported favorably at the last session by the Committee on Railroads and is now on the Calendar, I move that the memorial lie on the table; and as it is very short, I move also that it be printed.

The motion was agreed to.

Mr. MITCHELL presented the petition of Major J. W. Drew, late assistant paymaster United States Army, asking relief on account of loss of certain vouchers; which was referred to the Committee on Claims.

Mr. CARPENTER presented the petition of John Spicer, praying damages for the breach of a contract for the delivery of twenty-nine hundred cavalry horses; which was referred to the Committee on Claims.

He also presented the petition of William W. Burns, praying payment of royalty on thirty-one hundred and ninety-five Sibley tents claimed to have been used by the United States Government; which was referred to the Committee on Claims.

Mr. CLAYTON. I present the petition of 889 citizens of the State of Arkansas, setting forth that for many months past there has not been in that State a lawful government; "that those who once held our race in bondage have wrongfully seized upon and usurped the functions of the government of the State in all its departments without law, against right, and in direct opposition to the voice of the people emphatically expressed at the ballot-box." They go on to state further facts and ask for relief. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. FRELINGHUYSEN presented the petition of James Millenger, of New Jersey, asking compensation for property destroyed by the Union Army at Nashville, Tennessee; which was referred to the Committee on Claims.

Mr. SCHURZ. I have been asked to present the petition of Henry H. Robinson, of Fort Wayne, Indiana, for the restoration of the President's salary to the accustomed sum of $25,000. As it contains a legal argument, I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. FLANAGAN presented the petition of John G. Todd, late of the Navy, praying to be placed on the retired list; which was referred to the Committee on Naval Affairs.

Mr. BOUTWELL presented the petition of James Alexander and others, asking for the erection of a light-house and signal station at Star Island near the Isle of Shoals; which was referred to the Committee on Commerce.

Mr. HAMILTON, of Maryland, presented a petition of settlers in the Des Moines Valley, Iowa, asking for redress of grievances on account of their titles to certain odd sections of land which were decreed to be Government lands by the Supreme Court in 1859, and from the right of which they have been stripped by a recent decision of the same court in 1869; which was referred to the Committee on Public Lands.

Mr. WEST presented a memorial of the New Orleans Cotton Exchange, asking congressional aid in the construction of the Texas and Pacific Railway, and praying also that the New Orleans and Texas Western Central Railroad be incorporated as a branch of the original road; which was referred to the Committee on Railroads.

He also presented the petition of Wakeman W. Edwards, praying compensation for property taken by the United States military authorities in 1864; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2976) to define a legal day's work in certain cases, which touches the topic in respect to which a resolution was introduced by the Senator from Ohio [Mr. THURMAN] yesterday, to ask to be discharged from its further consideration, and that the same may be referred to the Committee on the District of Columbia, to whom the resolution was referred.

The VICE-PRESIDENT. That change of reference will be made, if there be no objection.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred a resolution of the Legislature of Kansas, in favor of the passage of a law authorizing the pre-emptors and homestead settlers on the public lands in certain of the western counties of that State to abandon their claims for one year and extending the time of proving their claims and making payment for their lands for one year without working a forfeiture of their titles, asked to be discharged from its further consideration, the subject-matter having been acted upon; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of Kansas, in favor of the passage of a law authorizing homestead settlers in the regions of that State devastated by grasshoppers, chinch-bugs, and the drought to be absent from their homesteads for the period of one year, and extending the time of proving their titles and paying for their lands for one year without working a forfeiture of their titles, asked to be discharged from its further consideration, the subject-matter having been acted upon; which was agreed to.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2506) for the relief of Rev. John R. Hamilton, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3178) for the relief of the children of Baker White, reported it without amendment.

Mr. WRIGHT. On the 24th of February last the Committee on the Judiciary reported to the Senate House bill No. 1373, providing for the assignment of judges in the Territories, with an amendment in the nature of a substitute. On the 8th of April that bill was recommitted to the committee. I am instructed now to report it back to the Senate with the same amendment, in the nature of a substitute, and to recommend that the bill as thus amended be passed.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

REMOVAL OF DISABILITIES.

Mr. THURMAN. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 3745) to remove the disabilities of James Howard, of Baltimore, Maryland, have instructed me to report it with the recommendation that it pass; and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senators present voting therefor.

BILLS INTRODUCED.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1061) to amend title 52 of the Revised Statutes of the United States, entitled "Regulation of steam-vessels;" which was read twice by its title.

Mr. BOUTWELL. I wish to state that this bill was prepared by a person who is well acquainted with the business, and it may be a contribution to the information in the possession of the Senate. I move that it lie on the table and be printed, not as indorsing the character of the bill, but for information.

The motion was agreed to.

Mr. PRATT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1062) authorizing the commissioners of claims, appointed under the act of Congress of March 3, 1871, or any one of them, to take testimony in cases over $10,000; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1063) to amend and re-enact section 44 of an act to reduce internal taxes, &c., approved June 6, 1872; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1064) for the disposal of the Fort Kearney military reservation in the State of Nebraska; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1065) for the relief of J. W. Drew, late additional paymaster United States Army; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

PENSIONS TO SOLDIERS OF INDIAN WAR OF 1811.

Mr. PRATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the propriety of reporting a bill placing on the pension-roll at the rate of eight dollars per month the surviving soldiers of the Indian war of 1811; also the widows of such as are dead, who were married before the 1st day January, 1825.

LIGHT-HOUSE BOARD.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Appropriations be instructed to inquire whether the Light-House Board, as organized by law, is in the best form to promote its efficiency and harmonious action; and whether the supervision of the Secretary of the Treasury over the proceedings of said board is as clearly defined by law as is necessary for the responsibility of said board and the interests of the public service.

GEORGE S. WAGNER.

Mr. SARGENT submitted the following resolution; which was

referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be directed to pay out of the contingent fund of the Senate to the mother of George S. Wagner, deceased, the late librarian of the Senate, $150 for his funeral expenses, and a further allowance equal to three months' pay of his annual salary.

SPECIE PAYMENTS.

Mr. SHERMAN. If there be no further morning business, I move that the Senate now proceed to the consideration of the bill (S. No. 1044) to provide for the resumption of specie payments. It is a bill I reported yesterday morning from the Committee on Finance.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio.

Mr. SPRAGUE. I ask if that bill was reported to-day, with a view of making an objection.

The VICE-PRESIDENT. It was reported yesterday.

Mr. SPRAGUE. An objection, then, would not prevail against taking it up?

The VICE-PRESIDENT. It would not. The question is on the motion to proceed to the consideration of the bill.

Mr. SCHURZ. Does the Senator from Ohio intend to have this bill discussed and disposed of to-day?

Mr. SHERMAN. I suppose the bill will be discussed to-day, but I have no power to dispose of it. I think the subject has been thoroughly discussed in the Senate heretofore, and a long discussion ought not to be necessary at this time. At any rate I intend to press this bill to its passage from this hour forward at the earliest moment practicable.

Mr. SCHURZ. I think there is nobody more anxious for the passage of a bill to provide for the resumption of specie payments than I am; but I must say that I found this bill on my table to-day for the first time, and have not even had time to read it and to inform myself intelligently of its contents. We may all be agreed in regard to the general object, but the Senator from Ohio will admit that simply to resolve to resume specie payments would not accomplish that object; that some method of preparation for that event must be adopted, which, as everybody knows, is a very delicate and important matter. It should therefore be maturely considered. We ought at least to be permitted to know, before discussing it, what there is in this bill. To be sure, the general subject has been discussed enough; but here are, as I understand, some new propositions. I repeat I have not had the time even to read, much less to consider them, having just this moment found the bill on my table. I should be obliged to the Senator if he would not press this measure to final action at once.

Mr. SHERMAN. The Senator will have ample time. It is a short bill, only three pages long. He will see what there is in it on reading it, and I think in the course of an hour or so he will be able to make up his mind entirely as to whether he will be able to support the bill or not. I think for the interest of business men, for the interest of the whole country, it is important that this Congress should inform them what it purposes to do in regard to this important subject. I think if this bill can be passed to-day promptly, quickly, and sent to the House of Representatives as an indication that Congress will do thus much, if no more, in the direction pointed out by the bill, it would be of great benefit to the country. The Senator I think will agree to that.

Mr. SCHURZ. I am sure the Senator from Ohio is convinced that I am in perfect accord with him as to the general object of resuming specie payments. I shall certainly, therefore, have no objection at all to his explaining the bill to us to-day, telling us what there is in it, how the method which is proposed here is likely to operate, and so on. But I think it is asking a little too much that upon a measure of such importance, involving such intricate details, we should be required to pass in a hurry.

The Senator from Vermont [Mr. EDMUNDS] remarks that the Senator from Ohio proposes only to take it up. But the Senator from Ohio tells us that he wants to have it passed to-day, to send it forthwith to the House of Representatives.

Mr. SHERMAN. If it is taken up, we can debate it; and if the Senate are not ready to vote on it, they will put it over. I insist on my motion to take up the bill.

Mr. BAYARD. I would ask the Senator from Ohio whether, in taking this bill up, he proposes to press it to a vote now?

Mr. SHERMAN. I propose to press it if the Senator will sustain it. I trust to have early action upon it.

Mr. BAYARD. I am satisfied that there are few maxims more wise than those that bid us to make haste slowly. This bill has for me a very attractive title. The resumption of specie payments is a matter greatly to be desired; its importance can scarcely be overrated, but I do think it important that the proposition should be very thoroughly and fully canvassed, and that not simply the minds of Senators should be brought with great deliberation to bear upon the subject before the adoption of any measure, but I confess I would like aid from outside this Chamber, to hear something of the probable practical workings of this measure from the people of the country, from the business men of the country, whose interests are in the first place instantly to be affected by the measure which we may adopt. I say this because, while I have no objection whatever to the bill being taken up now, and the sooner the better, the more full the discussion the better, time must be given to form opinions and final opinions in regard to the value of the measure. Therefore I shall vote to take up the bill, but I shall also feel myself at liberty to vote for its lying over for consideration, and a consideration which I do not believe will be reached until after the recess, which I trust Congress is about to take. I do not consider that in to-day and to-morrow time can be obtained for the consideration of this bill which it deserves prior to its being pressed to a final vote in the Senate.

Mr. THURMAN. Mr. President, under ordinary circumstances I should vote to take up this bill; but under the circumstances that exist, with the declaration of my colleague that he proposes to press this bill to a passage to-day or to-morrow, I cannot vote to take it up. This bill certainly requires consideration. It is a new measure; the like of it has not been seen in the Senate before. When I say this, I am expressing no opinion for or against the bill. I wish to understand it before I express any opinion about it. I wish to understand what will be its effect if it become a law. I wish to understand what are the opinions of men capable of judging as to what will be its effect before I am called to vote upon it.

Now, if the bill were to be taken up and to remain on the Calendar and be discussed and finally acted upon after the recess, if we take one, or ten days or two weeks hence, I should have no objection to its being taken up now; but we have been informed by the newspapers, and I suppose it to be the truth, that this bill has been considered by a majority of this Senate in caucus. I find no fault with that. I do not mention it to find any fault; but this bill has been considered, we have been informed, and the majority of this Senate have determined to pass it. The newspapers state that there were only four dissenting voices. What were the reasons that commended this bill to a majority of the Senate and induced them to come to the resolution to pass the bill, we of the minority here have no knowledge whatsoever. Those reasons may have been good public reasons, such as will justify the majority, or they may have been insufficient reasons. We have not had the benefit of any discussion that took place over this bill in that secret place called the caucus. A law upon so great a subject as this, a subject that is to affect all the people of the United States, which is not a party question at all and cannot be made so—in that secret caucus, it seems, this great financial measure to restore a sound currency to the country has been matured and the vote taken to put it through the Senate!

If that be the case, if this bill is to be taken up, then the statement of my colleague, the chairman of the committee, that he desires to put the bill through to-day or to-morrow is a statement of extreme significance. It is not simply a statement of a desire, but it is a statement of what is to be and of what has been resolved upon and what the majority of this Senate have determined shall take place. Now, I do not think that is right. As I said before, upon this subject, as we all know, there is a difference of opinion, a difference of opinion among the republicans of the country, a difference of opinion among the democrats of the country. There is a very great difference of opinion. It is a most important thing that any measure which we shall adopt shall stand on the statute-book; and that measure is most likely to stand on the statute-book which shall command the approval of the judgment of the largest possible body of the members of the Senate and of the House of Representatives.

I believe that it is possible to frame a measure which will command the support of almost everybody in this Senate. Whether this is the measure or not I am not prepared to say at this time; but certain it is that an effort ought to be made to harmonize views on this subject so that when the bill shall become a law everybody will understand, the whole country will understand, that the policy of the Government on this subject is settled; for what we most need is that a policy shall be settled, that business shall not be deranged by an uncertainty in men's minds as to what shall be the legislation of Congress. And, therefore, I submit to my friend who has reported this bill that it is the part of wisdom to let this bill lie over until after the recess, so that it may be fully considered, so that we may see whether we can support it or not; and I think I may say for my friends on my left that there is no disposition to anything like factious opposition to any reasonable measure on this subject. I am quite sure there is none. I am quite sure that what we desire, as much as what the friends of this bill desire, is that a good, sound measure shall be adopted; and if upon consideration and reflection this bill, which I have not had time to read, shall prove to be such a measure, I think it will find support on this side of the Chamber as well as the other. I make no pledges whatsoever. I have not read the bill; I have not had time to converse with any one who has read the bill; but this I do say, that it is not a subject upon which we can make up our minds here while the business of the Senate is being transacted and in the short space of twenty-four hours. I hope, therefore, my colleague, if he insists on calling up the bill now, will not insist upon pressing it to a vote but will let it go over. He can lose nothing by it.

At the last session of Congress he allowed his financial measures to undergo debate here for months until the whole country and all of us were sick of it. I do not want that repeated; but there was good reason for it. It was not simply to get the opinions of the members of the Senate that he allowed that debate to "drag its slow length along" for two months and more, but it was that the intelligent minds of the country should be enabled to criticise the measures which were proposed and express their opinion on them. Well, sir, if there was reason for that course then, there is an equal reason for it now when

a new measure is introduced, one not recommended by the Executive, a different one from that recommended by the Executive, and which has been considered by the country, which has been reviewed and criticised, approved and condemned, but an entirely new measure. When I say such a measure as this is brought into the Senate, it is but right and proper and prudent that it should lie over, at least so long as to enable the intelligent minds of the country to let us know what they think about it, not to govern us absolutely, but to aid us in coming to a correct conclusion.

I hope, therefore, that it will be agreed that this bill shall lie over until some day in January. I will agree to fix any day whatsoever, as early a day as my colleague will ask for its consideration. If he asks to take it up with the understanding that it will be laid over to an early day—he may fix it the first day after the recess for aught I care—then I will vote with him to take it up and vote with him to give it precedence over other matters; but if he asks to take it up with a view to putting it through the Senate to-day or to-morrow, I am compelled to oppose his motion and vote against it.

Mr. SHERMAN. I think it is premature to discuss various topics which my colleague has drawn into the debate, and I think it is out of order, a violation of the rules, because he has discussed several matters that are not properly before the Senate at this moment. The only question is whether the Senate desires to proceed to the consideration of this bill. As I understand him, he is willing to proceed with the consideration of the bill, but does not want to dispose of it. "Sufficient unto the day is the evil thereof," or "the good thereof." When we take it up, as a matter of course the majority of the Senate can lay it aside. My purpose, however, is to seek to prevent any business being interposed before this bill, and to have the action of the Senate on the bill at as early a day and as early an hour as possible. As a matter of course, it is in the power of the Senate to postpone it and take up anything else.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio to proceed to the consideration of Senate bill No. 1044.

Mr. SPRAGUE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENSON. I hope the Senator from Ohio will not press this motion. This is the short session of Congress, and we all know the value of time. I am quite satisfied that he will save time by allowing the bill go over to a day certain after the recess. The Senators then will have an opportunity of knowing what the business sentiment of the country is upon the great subject of the finances of the country. The long debate that we had last year shows how business men differ in regard to what the exact needs of the country are in relation to a system of finance.

I myself cannot vote now knowingly on this bill; and if you were to force me to vote to-day I should not exactly know how to vote. I have not had time either to consider it or to know its probable operation, and I doubt whether the business men of the country in the great centers of this wide domain can themselves tell what its precise operation will be. If the honorable Senator who has charge of this bill really desires a quick disposal of the measure, it seems to me it would be the part of wisdom to let it go over until after the Senators generally go home and return. The country will then have time to study in detail the particular operations of the bill; and we should derive more light in that way than we should by a discussion of three or four hours here. Therefore, as a mere matter of the saving of time, it seems to me that the honorable Senator, if he will reflect, will agree to let the bill go over.

Mr. MERRIMON. I beg, sir, to express the hope that the Senator from Ohio will not press this bill to an immediate consideration, or at all events not press it to an immediate determination. It is one in which I feel a very deep and anxious interest. One of greater moment cannot come before the Senate or the country at this time. It involves the highest and most complicated interests, and requires the most serious and I might add the most solemn consideration. I have not seen the bill until this morning; I have not had time to read it, much less to study it, which I desire very much to do before I cast my vote upon it. I am very sure that I am anxious to cast a judicious vote. If the measure is wise, after I have given it my deliberate judgment, I shall support it with great pleasure; but I desire time to make up a judicious opinion. I have not had that time, nor will this day suffice for that purpose, nor even to-morrow in addition. I should be very much gratified before the holidays take place to have an exposition of it by the Senator from Ohio, the chairman of the Committee on Finance, so that we might have the advantage of that exposition in considering it during the holidays; but to take it up and dispose of it by to-morrow evening I think would be doing wrong.

Mr. SCHURZ. I confess to a good deal of embarrassment in voting on the question whether this bill shall be taken up now or not. I suppose neither the Senator from Ohio nor any other Senator on this floor will doubt the sincerity of my desire to pass a bill to provide for the resumption of specie payments at the earliest possible moment; and if I were prepared to recognize in this bill a practicable method to accomplish that end, I should say, let us pass it to-day.

I will say also to the Senator from Ohio that if I can convince myself that the details of this bill will work so as to bring us to a condition in which we can resume specie payments, I shall give it my hearty support. Therefore as to our agreement with regard to the objects of the bill there can be no question whatever. I have just now hastily glanced over the bill, and found some details in it upon which I myself am not clear, and I suppose the same is the case with a good many Senators around me.

Now, if we start to-day in a debate, there will undoubtedly be a great deal of random talk; we shall uselessly consume much time which otherwise we might employ better. As an instance, let me mention that the first section of the bill provides for the redemption of the fractional currency in silver. That is one of those things in which I heartily agree with the Senator from Ohio. It ought to be done. I do not mean to discuss the merits of the bill; but I merely want to illustrate why I think it is impracticable to go on with this bill to-day, and why it will cause much of random discussion. The matter which I want to consider so as to give an intelligent vote is whether under present circumstances we can issue silver and keep it in circulation, or whether the circumstances surrounding us to-day or liable to surround us to-morrow are not such as will make it probable that silver put out will be melted into bullion and sent abroad.

There are several other things in this bill of a similar kind. Let me repeat to the Senator from Ohio that I surely would be the very last man in this body to obstruct the passage of this bill; but I do not think his object can be furthered by plunging us now into a discussion which must necessarily be a very desultory one.

Mr. SHERMAN. I will say to the Senator that he is discussing the merits of the bill, and I would not be at liberty even to reply to him. The very point he now suggests has been fully considered and can be met when the bill is taken up; but I do not feel at liberty to trespass on the rules.

Mr. SCHURZ. I did not mean to discuss the merits of the bill, but merely to indicate what points there are in the bill that will raise serious doubts in the minds of those who are most earnestly and sincerely in favor of passing a bill that will bring us to specie payments. I say I confess to serious embarrassment in voting on taking up this bill now, because I do not want even to appear as one who obstructs or delays the discussion of such a measure as this. I am most earnestly in favor of taking it up, but I should like to have it taken up under circumstances in which we can intelligently proceed to its discussion at once. I do not know but that I may be among those who will aid the Senator from Ohio in passing it. Possibly I may, although my present impression is that I shall feel compelled to introduce some amendments, not to embarrass the bill, but to make its provisions conducive to the end the bill professes to serve.

I would therefore entreat the Senator from Ohio if he insists upon taking it up to-day to confine himself to an explanation of the provisions of the bill and then let it go over for future discussion; and if that is his intention I shall cheerfully vote to take it up; but I cannot so vote if it is his intention to press it to a vote to-day, because I am not prepared to vote upon the details of the bill, although with the general object we are heartily in accord.

Mr. SHERMAN. I do not intend to be drawn into any discussion at this stage of the question upon the merits of the bill. The title is all that we can now comment upon. All Senators agree that there is no subject in the world more pressing or more important than the subject contained in this bill. Whether the committee have reported the right bill is a question for the Senate to decide, and no doubt amendments will be offered from time to time that will present every question of detail and every question of difficulty; and we cannot engage in that kind of discussion or comparison of views too soon. Indeed it would be a happy Christmas gift to the people of the United States if we could give them some bill that would assure the business men of the country that stable times were coming.

Mr. SCHURZ. Does the Senator really expect that this bill will pass both Houses of Congress before Christmas?

Mr. SHERMAN. No, sir; but I think the passage of it in the Senate might give some assurance that it would pass the other House.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio to take up the bill for consideration, and upon that question the yeas and nays have been ordered.

Mr. BAYARD. This bill is laid for the first time in a printed form upon the desks of Senators this morning; for about one hour ago this measure appeared for the first time on the desks of Senators that they might know its contents; and the honorable Senator from Ohio distinctly places his motion upon the ground and couples it with the intent that a vote to take up the bill is a vote to proceed to its final consideration before the day closes.

I agree fully with the honorable Senator from Missouri [Mr. SCHURZ] that there is not in the Chamber any member whose fidelity to a return to honest money is more unquestioned than his own; and I claim to be equally direct and faithful to that end myself, and I think my votes in this Chamber have been much more in that direction than those of the honorable Senator from Ohio who has introduced this bill. While I wish that, it seems to me to be an insensible method of legislation to take up a measure so fraught with consequences either good or evil as this without the fullest opportunity to know that when we do act we act wisely. It may be that the debate which is, I suppose, to come upon the Senate on this bill may relieve me of all doubts. I may find the measure excellent for the design which it expresses by its preamble, or I may find that it is a delusion and a snare, and that so far from being a bill to facilitate the return of the conversion of paper money at will into money of value, it is

directly the reverse; and therefore we must await the developments of time. But I say upon the threshold we stand here upon what is the eve of a recess of Congress for two weeks, within which reasonable time an opportunity is best given to the intelligent business sense of the country to learn what the proposed measure is, and not only to learn what it is, but learning now that it has been, as my friend from Ohio [Mr. THURMAN] says, a measure that has been predetermined by a party majority, and therefore is to become a law, that they make some accommodation of their affairs to the result. I therefore shall vote against taking up the measure, coupled as the motion is with the expressed object and intent to force the bill to a vote now. I would gladly vote to take up this measure if it was for the purpose of explanation, which we all so much need and none more than I, and with the intention to allow a bill of this importance to rest for a time of reflection in the minds of those who are to take the responsibility of voting for or against it.

Mr. SAULSBURY. Mr. President, I desire to say in reference to this motion that if on examination I shall come to the conclusion that the bill is what it purports to be, a measure to provide for a return to specie payments, I shall give it my cordial support. But I have not had the time to examine it. None of us who have not been admitted to the discussion that has taken place in private on the subject are prepared to express any opinion on the measure. I am very well satisfied that for one I have no such financial intuition as enables me to come to a conclusion in reference to the merits of a measure of this kind simply by having it placed on my desk, and I apprehend that the judgment of the country is that there are as good financiers outside the Senate as in it. We should therefore, I think, for our own enlightenment avail ourselves of any judgment on this measure which the country may form upon an examination of the subject.

I do not know, so far as I am concerned, but that the title of this bill, instead of a bill to provide for the resumption of specie payment, ought to be a bill to delay a return to specie payments; but if the measure after due examination is such that I believe it will bring about the result, however remote it may be, I will give my cordial support. I think we ought to take some time to examine this measure before we take it up for the purpose of disposing of it. If the object is simply to draw attention to its provisions, so as to enable gentlemen to form conclusions in reference to its merits, then I have no objection to its being done, and I would vote for the motion with that understanding; but if the intention is to now take it up with the view of putting it on its final passage at a very early day, I must vote against it, because I want to vote intelligently when I am called on to vote upon a question of this character.

The question being taken by yeas and nays, resulted—yeas 39, nays 18; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Cameron, Carpenter, Chandler, Clayton, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Lewis, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Sherman, Spencer, Washburn, West, Windom, and Wright—39.

NAYS—Messrs. Bogy, Cooper, Davis, Dennis, Goldthwaite, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Sprague, Stevenson, Thurman, and Tipton—18.

ABSENT—Messrs. Alcorn, Bayard, Brownlow, Buckingham, Conkling, Conover, Fenton, Ferry of Connecticut, Gilbert, Gordon, Jones, Robertson, Schurz, Stewart, Stockton, and Wadleigh—16.

So the motion was agreed to; and the bill (S. No. 1044) to provide for the resumption of specie payments was read the second time, and considered as in Committee of the Whole.

The bill was read at length, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and required, as rapidly as practicable, to cause to be coined at the mints of the United States silver coins of the denominations of ten, twenty-five, and fifty cents, of standard value, and to issue them in redemption of an equal number and amount of fractional currency of similar denominations, or, at his discretion, he may issue such silver coins through the mints, the sub-treasuries, public depositaries, and post-offices of the United States; and, upon such issue, he is hereby authorized and required to redeem an equal amount of such fractional currency, until the whole amount of such fractional currency outstanding shall be redeemed.

SEC. 2. That so much of section 3524 of the Revised Statutes of the United States as provides for a charge of 1-5 of 1 per cent. for converting standard gold bullion into coin is hereby repealed, and hereafter no charge shall be made for that service.

SEC. 3. That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national-bank currency among the several States and Territories are hereby repealed. And whenever and so often as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000 to the amount of 80 per cent. of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of $300,000,000 of such legal-tender United States notes, and no more. And on and after the 1st day of January, A. D., 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than fifty dollars. And to enable the Secretary of the Treasury to prepare and provide for the redemptions in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The morning hour has expired, and the bill for the better government of the District of Columbia is now before the Senate.

Mr. SHERMAN. I move——

Mr. MERRIMON. I am entitled to the floor, sir, I believe.

The PRESIDING OFFICER. The Senator from North Carolina is entitled to the floor on the District bill. Does he yield to the Senator from Ohio?

Mr. MERRIMON. I will not yield the floor permanently. I will yield the floor with great pleasure for a temporary purpose.

Mr. SHERMAN. I desire to move to postpone the bill——

Mr. MERRIMON. I will not yield to that.

Mr. SHERMAN. The Senator can go on with his speech, if he desires, of course, but I give notice that when he is through I will seek the floor for the purpose of moving to postpone the District bill and go on with the bill which was taken up on my motion. I will inquire of the Chair—for the Senator's right to the floor depends on that—whether the morning hour ends at the end of the morning business or at one o'clock?

The PRESIDING OFFICER. At one o'clock.

Mr. SHERMAN. The Senator is entitled to the floor.

The PRESIDING OFFICER. The Senator from North Carolina is entitled to the floor, according to the rules, on the District bill, if he insists upon it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. No. 926) referring the case of Joseph Wilson to the Court of Claims;

A bill (S. No. 1054) reserving for the use of Congress one hundred and fifty copies of the Revised Statutes authorized to be printed by the act of June 20, 1874; and

A bill (S. No. 974) to enable the supreme court of the District of Columbia to proceed with its jury business.

The message also announced that the House had passed a bill (S. No. 1043) suspending so much of an act entitled "An act organizing the several staff corps of the Army," approved April 23, 1874, as applies to contract surgeons, with an amendment; in which it requested the concurrence of the Senate.

GOVERNMENT OF THE DISTRICT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 963) for the better government of the District of Columbia, the pending question being on the amendment of Mr. MORTON to strike out in section 3, commencing in line 3, the following words:

To be severally appointed by the President of the United States, by and with the advice and consent of the Senate, to be known as the board of commissioners of the District of Columbia; and the members first to be appointed shall be nominated and confirmed, respectively, to and for the terms following, in the order of their appointment, namely.

And in lieu thereof to insert:

To be elected by the qualified voters of said District.

So as to make the section read:

There shall be at the head of said Department a board of commissioners, to consist of three members, to be elected by the qualified voters of said District, &c.

Mr. CHANDLER. I desire to ask the Chair whether the steamboat bill was not made the special order for to-day?

Mr. EDMUNDS. The unfinished business takes precedence.

The PRESIDING OFFICER. The Chair understands that the Senate refused by a vote to make that bill the special order for to-day.

Mr. EDMUNDS. The unfinished business would take precedence if it were the special order.

The PRESIDING OFFICER. So the Chair rules.

Mr. MERRIMON. Mr. President, it is no part of my purpose to enter into a discussion of the general merits of the bill now under consideration. I propose to confine my remarks mainly to the amendment proposed by the Senator from Indiana, [Mr. MORTON.] I regard it as one of great importance. It is fundamental in its character, and involves very serious considerations and interests, not only to the people of the District of Columbia but to the people of the nation at large. The scope, purpose, and strength of the proposition of that Senator, if I understand it correctly, is this: He insists that, under the Constitution, Congress has the power to confer upon the people of the city of Washington the right to elect, by the popular vote, certain important officers who are essential for their good government, and that in pursuance of the genius, the spirit, and policy of our political institutions, it is our duty to confer such right on them. If he is correct in this proposition, I for one should feel very considerable embarrassment in refusing to give his proposed amendment the sanction of my vote; but in my judgment he is inadvertently mistaken as to the powers of Congress and as to the policy of our political system in this respect.

The Government of the United States is one, not of original powers. It is a government whose powers are conferred, and they are conferred with express limitations and for limited purposes. This is not only so, but very wisely and on purpose they have been conferred by a written Constitution, to the end that the national powers, whether executive, legislative, or judicial, shall not be transcended by those exercising them. If Congress shall undertake to exercise a power not so conferred, or in the exercise of powers so conferred, to transcend them and incorporate a power not conferred with measures that purport to be in exercise of a power conferred, just to the extent of the excess of the exercise of power on the part of Congress such acts would be absolutely null and void.

The point that I wish to impress on the Senate now is, that Congress has limited powers, it has limited legislative jurisdiction, and it is bound by those limits absolutely. It cannot by any possibility transcend them. And I wish to strengthen what I have said by reading a like exposition of the powers of Congress by one of the greatest judges, if not the greatest, that ever presided in this or any country. I read an extract from the opinion of Chief Justice Marshall, delivered in the case of Marbury *vs.* Madison. In delivering the opinion in that case—a case that grew out of litigation in the District of Columbia—the Chief Justice, in discussing the question to which I am now adverting, uses this language:

> This original and supreme will—
>
> That is, the will of the nation—
>
> organizes the government, and assigns to different departments their respective powers. It may either stop here or establish certain limits not to be transcended by those departments.
>
> The Government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it, or that the legislature may alter the Constitution by an ordinary act.

My purpose here is, in support of the argument I propose to make, to draw to the attention of the Senate and of the country the fact, and a very material one—that Congress can only exercise legislative power as that power has been conferred, limited, and defined by the Constitution; and that no policy can be derived from the powers conferred upon the National Government or carried into practical effect unless it shall have the sanction of the Constitution under such limitations.

The proposition contained in the bill to which the amendment is offered, is to appoint three regents or commissioners to govern the District of Columbia, these regents to be nominated by the President of the United States in the ordinary way and his nomination to receive the approval or confirmation of the Senate. These are very high officers; they are charged with very high and important duties in the execution of the proposed law of Congress. The terms of their office are fixed. They are to have a salary. They are to take an oath of office. In all respects, I take it, it will not be denied that they are officers in contemplation of law. The proposed amendment provides for electing these officers by the popular vote.

Now, in my judgment Congress has no power to authorize the people of this District to elect these officers, or indeed any officers. I say so, for the reason, that upon looking into the Constitution, from which all the powers of Congress are derived, there is no provision which confers upon Congress the authority to confer suffrage upon anybody. No citizen of the United States by virtue of such citizenship has any right whatsoever to suffrage. I go further and say, that there is no provision in the Constitution, there is no power reasonably inferable from it, which authorizes Congress to confer suffrage upon a single human being. The truth is, Mr. President, that the Government of the United States was not framed, was not organized, was not carried into practical effect for the purpose of conferring suffrage upon anybody for any purpose. Wherever the subject of suffrage is touched upon in the Constitution, it is touched upon as a right that belongs to a citizen of the United States as the citizen of a State. It refers to him as a voting citizen of the State in which he lives.

Mr. MORTON. Will the Senator allow me to ask him a question?

Mr. MERRIMON. With pleasure.

Mr. MORTON. I understand that my friend says that Congress has no power to confer suffrage upon anybody. I ask how it got the power to confer it in the Territories in the organization of territorial governments?

Mr. MERRIMON. As an original power, I undertake to say that Congress had no authority to confer suffrage even in the Territories upon the people of the Territories as citizens of the United States, and I challenge any one who will say otherwise to point me to a single provision of the Constitution that confers it. I repeat what I said a moment ago, and if any one shall deny it I challenge him, with all respect, to cite any clause of the Constitution which does authorize such a construction as that Congress or the Federal Government can confer suffrage upon any one for any purpose whatsoever; and I repeat that the citizen of the United States as such has no right to suffrage. Nowhere is there any provision in the Constitution which confers upon Congress or any department of the Federal Government the right to confer suffrage upon any citizen of the United States. The right of suffrage is not a right that belongs to a citizen of the United States as such citizen. The Government of the United States was not framed for the purpose of conferring the right of suffrage. The right of suffrage does not appertain to the Government of the United States at all, nor was it intended that citizens of the United States should exercise that right as such. The Government was not framed for any such purpose, but for certain general purposes defined and prescribed by the Constitution; and the officers of the Government which were to exercise these powers, whether executive, legislative, or judicial, should be elected and appointed under the Constitution by the people of the United States as citizens of the States.

In furtherance and in support of this idea I beg now to call the attention of the Senate to article 2, section 2, paragraph 2, of the Constitution. In prescribing and defining the powers of the President, it is provided in the paragraph to which I refer, in these words:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

With the exception of electors of President and Vice-President and members of Congress, this clause embraces all officers of the United States; and any officer of the United States, except President and Vice-President and members of Congress, must be appointed as provided in the clause of the Constitution which I have just read. I am warranted in saying so, because this clause of the Constitution is absolute; because there are no words of qualification there; and because, with the exception I have mentioned, there are no clauses whatever in the Constitution placing any limitation upon the power conferred by this clause.

Mr. MORTON. Will the Senator allow me to interrupt him?

Mr. MERRIMON. Yes, sir.

Mr. MORTON. I ask the Senator whether a territorial officer, or an officer of the District of Columbia, is an officer of the United States, in the purview of this provision of the Constitution?

Mr. MERRIMON. I answer the Senator and say yes; and I will advert to that more in detail by and by.

So that it appears, Mr. President, by this clause—so absolute and so exclusive in its character—that all officers of the United States except those which I have specified, and which are specified in the Constitution, must be appointed by the President, or by some head of Department, or by the court in the exercise of power conferred by Congress.

When we come to examine the clause of the Constitution which confers power upon Congress touching the District of Columbia, we find there no provision which limits or changes or enlarges the clause of the Constitution which I have read conferring power upon the President. It does not purport to put any limitation upon that clause or upon any other clause in the Constitution. The clause in reference to the District of Columbia is a clause forming part and parcel of the Constitution, subject to and governed by the other clauses of the Constitution as much as any other clause. It is not independent of the balance of the Constitution. It does not override the Constitution in other respects, in the absence of any language showing such a purpose. Can it be reasonably contended that this clause of the Constitution confers absolute power; that this section is not subject to the limitations of the Constitution just as are other sections and clauses?

I beg now to cite the clause in reference to the District of Columbia. I read from article 1, section 8, paragraph 17, of the Constitution:

> Congress shall have power to exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

That clause embraces every provision in the Constitution touching the District of Columbia, and that it confers all the power that Congress can exercise in reference to the District of Columbia.

Now, sir, will any one pretend, will any lawyer pretend, will any reasonable man pretend, that that clause of the Constitution overrides, absorbs, and swallows up all the balance of the Constitution; or is it not more reasonable and just and wise to say that it is put there as part and parcel of the Constitution in connection with the balance of it, and to be construed in reference to the other clauses of the Constitution, and subject to the limitations contained in the Constitution as a whole? If that is so, and it seems to me there can be no doubt that that is the just view, then I put it to every reasonable mind to say how it is that Congress can provide an officer of the United States to discharge his duties in the District of Columbia and allow the people to elect him in the face of the clause which confers upon the President exclusive power to appoint all officers. It seems to me unreasonable and absurd to so contend, and that the very statement of the proposition is sufficient to show the correctness of my view. To legislate does not imply or confer power to appoint or elect an officer; to legislate is to make a law that has to be executed by an officer or some

one. To do as the Senator proposes to do, we not only legislate for the District of Columbia; but he proposes that we shall go further and confer upon—delegate to—the people of the District of Columbia the right to elect certain officers which Congress in its judgment deems necessary for the good administration of the law in this District. I put this view of it: Suppose the proposition made by the Senator was to allow Congress to elect the regents and other officers provided for in this bill, will any one pretend that could be done? Why, sir, it would shock the mind of every Senator present; it would especially shock the legal mind, the constitutional mind. Congress has no power to elect an officer, and why? Because this clause of the Constitution does not confer any such power; because there is no clause of the Constitution anywhere that confers any such power; because the clause of the Constitution conferring power upon the President is exclusive, and provides in terms that he shall appoint officers to execute the laws of the United States everywhere and as well in the District of Columbia as elsewhere.

Now, sir, I am not inadvertent to the ground upon which it is said Congress has power to confer the right upon the people of the District of Columbia to elect the officers to govern them. It goes upon the ground that Congress has the right, like the several State Legislatures, to create municipal corporations for the government of cities and for other purposes. That, sir, I deny. I do not deny that Congress for certain purposes and in certain ways might create a municipal corporation. There is no doubt about that; but it must exercise the power to create a municipal corporation for some purpose authorized by the Constitution, and it must create that municipal corporation in pursuance of the powers conferred by, and the limitations contained in, the Constitution. So I am willing to concede, for the purpose of this argument, that Congress might make the city of Washington a municipal corporation; but how? Manifestly according to the powers conferred by, and the limitations contained in, the Constitution. They may provide that the city of Washington shall be governed by a mayor, or regents, or any other officers which Congress may be pleased to designate and provide for; but they cannot provide that the people of the District of Columbia shall elect those officers; and why? Because the right of suffrage is not known to the Government of the United States; because the Constitution provides that in the appointment of all officers of the United States of every grade and condition they shall be appointed by the President, except in the cases which I have repeatedly pointed out. Therefore it is that Congress cannot authorize the people of the District to elect these officers, and this seems to me perfectly plain. Congress can create an office, the office of regent, the office of mayor, the office of commissioner, any office Congress may see fit, for the District of Columbia; but Congress cannot elect that officer; Congress cannot empower the people to elect him. The President, by virtue of the power conferred upon him, must appoint that officer, and his nomination must be approved by the Senate. I go upon the ground that this clause of the Constitution is limited by every other clause of the Constitution according to its proper force and effect as a Constitution.

I go further, and say that Congress has no power to confer upon the people of the District of Columbia the right to elect a legislative assembly, and I put that proposition upon this ground: that, by the terms of the Constitution, Congress shall have the exclusive right to legislate for the District of Columbia, and there is no power which authorizes Congress to submit to anybody else the right to legislate. Suppose that Congress creates a legislative body, such a one as existed here lately. Such a body would go on and make laws, laws of the greatest moment, laws affecting the people of the District, their liberties, their property, their lives, and the property of the people of the United States—thousands of people and property worth millions of dollars. I maintain that Congress has no power to confer or delegate that power, because such power cannot be delegated. Legislative power must be exercised only by the body upon whom it is conferred by the Constitution. Congress cannot delegate this power to legislate, nor can Congress derogate from the right of the Executive to make the appointments. In support of that view I beg to read from a very high authority. I read from Cooley's Constitutional Limitations, at page 114:

> The authority that makes the laws has large discretion in determining the means through which they shall be executed; and the performance of many duties which they may provide for by law they may refer either to the chief executive of the State, or, at their option, to any other executive or ministerial officer, or even to a person specially named for the duty. What can be definitely said on this subject is this: That such powers as are specially conferred by the constitution upon the governor, or upon any other specified officer, the legislature cannot require or authorize to be performed by any other officer or authority; and from those duties which the constitution requires of him he cannot be excused by law.

Thus it appears by this high legal authority that where a power of appointment or any other power is conferred by the Constitution on the executive or ministerial officer, that power cannot be derogated from; it cannot be delegated; it must be exercised by that officer; and not only exercised by him to the exclusion of everybody else, but he cannot be excused from a proper and lawful exercise of it. And so in reference to the exercise of legislative power; it cannot be delegated. The same law-writer says:

> One of the settled maxims in constitutional law is that the power conferred upon the Legislature to make laws cannot be delegated by that department to any other body or authority. Where the sovereign power of the State has located the authority, there it must remain; and by the constitutional agency alone the laws must be made until the Constitution itself is changed. The power to whose judgment, wisdom, and patriotism this high prerogative has been intrusted cannot relieve itself of the responsibility by choosing other agencies upon which the power shall be devolved, nor can it substitute the judgment, wisdom, and patriotism of any other body for those to which alone the people have seen fit to confide this sovereign trust.

Now, sir, by the terms of the Constitution, the American people conferred upon Congress the exclusive power and right to legislate for the District of Columbia. By that Constitution they conferred upon the President of the United States power to appoint all officers provided for administering the laws which apply to that District; and therefore I say it is by the terms of the Constitution, by its spirit, by its policy, manifest that Congress cannot authorize the people to elect these officers; nor can Congress delegate to the people of the District of Columbia the right to legislate for themselves.

But it not only so appears by the Constitution and by legal construction of that instrument that Congress has no such power, but when we come to consider the purposes for which the District of Columbia was ceded to the United States, for which the Constitution authorized it to be taken and held by the United States, it seems to me it must be manifest that the purpose of the framers of the Constitution was that Congress alone should legislate for the government of this people. What was the object in acquiring the territory of the District of Columbia? Not commercial purposes, not manufacturing purposes, not agricultural purposes, but the purpose is mentioned in the clause of the Constitution which I have read; it was to have a place for the seat of Government, a place where the Capitol could stand unmolested by anybody, where the power of the nation would be unlimited except by the Constitution, where the President could execute the powers of his office without interference by State or other power, where Congress would legislate for the District without the interference of any other legislative body, where the judiciary would sit and expound those laws uninfluenced by State authority or any other authority whatsoever. I do not believe it was contemplated that a great city should spring up here. In my judgment a great capital city is not necessary or desirable. On the contrary, it seems to me that it is not wise to have one. There are considerations which would forbid the propriety of having a great capital city at Washington, or situated in the District of Columbia. Suppose the capital situated here were to-day as large as the city of London, or Paris, or New York; what influence would such a city in its own interest have over Congress, and over the judiciary, and over the Executive? What power might some designing and ambitious man through the mob exercise over Congress and over all the Departments of the Government? It might be such as to require the keeping of a standing army here. Can it be contended that that was ever contemplated; that Congress had the unlimited power contended for by the Senator from Indiana, [Mr. MORTON?] Will he pretend that Congress can make any law without any limitation? If he is correct, then there is no limitation upon the power of Congress in the District of Columbia. It may do what it pleases; it might establish any orders of authority or of honor or rank or dignity. It might go on and provide special privileges. It might, if Congress can exercise the high powers contended for under this clause of the Constitution, pass laws which would violate every bill of rights in the Union, violate every clause of the Constitution established for the protection of the American people and their property at home and abroad; for in that respect, as he contends, Congress is absolute.

The Senator probably would not admit that. He would say to me, "I do not claim such power for Congress." Then if you do not claim such absolute power as that, pray, I ask, where is the limitation on the power of Congress; and if there is a limitation, where does the limitation come from, when and where does it begin and when and where end? If there is a limitation it must manifestly be a limitation imposed by the Constitution. If one limitation in the Constitution applies to Congress, does not another limitation apply? Does not every limitation apply, and does not the limitation which confers upon the President power to appoint these officers apply? And that other limitation which confers upon Congress the power to legislate, does not that apply? And if the limitations of the Constitution apply, then, sir, it is manifest that the policy of the framers of the Constitution was that Congress should have absolute control of every foot of the territory of the District of Columbia, the city of Washington and all; and they so provided in the Constitution—they left nothing to doubt—there is no evidence anywhere going to show that by construction Congress might delegate power to elect officers or to legislate.

But, sir, there are other reasons tending to show the policy of the Constitution in this respect. Washington City—the District of Columbia—is the common meeting-place of the American people. It belongs to them in one sense. If it is not so now, I trust the day is not distant when it will be, when the American people will come here to interchange thoughts and courtesy, to interchange congratulations, to learn common channels of thought, to establish an American policy, an American system of thought, an American system of effort, an American system of industry, an American system of commerce, an American system of agriculture, an American system of manufactures, and to learn republican dignity and American simplicity and honesty. For one, I do not desire to see a great city here like Paris or London. I do not desire to see a kingly city established here. I

want to see a city established here that conforms to a republican form of government; one that harmonizes with the spirit of the Constitution and the genius of the American people. I trust in God the day will never come when kingly personages and persons who follow the trains of kingly personages will have control or a potent voice in the capital of this nation.

So that I say upon every consideration it seems to me that the amendment offered by the Senator from Indiana ought not to prevail, and indeed that it would be void if it should be questioned in the courts as part of a statute.

Here, sir, I might close what I have to say in reference to this amendment; but I deem it worth while to make some allusion to an insinuation—no, I will take that back, the word is a little offensive—I will say an intimation made by the honorable Senator from Indiana, and also by the honorable Senator from California, that my opposition and the opposition of other gentlemen to this amendment proceeds from opposition to the right of the colored people of this District and of the Union to exercise the right of suffrage. Sir, for my own part, I deny that I am moved by any such consideration. I insist that the question of negro suffrage does not enter into this discussion legitimately. It seems to me that it is improperly thrust into this debate, and it has the effect, whether it was so intended or not, to engender a feeling that ought not to prevail in discussing a matter of so much moment.

Why, sir, who is hostile to the colored people of the District of Columbia? Nobody. Who is hostile to the colored people of the South, to whom allusion was made yesterday in the debate, though it was not germane? Nobody. Are the people whom I represent hostile to negro suffrage and the colored people? Are the white people of any portion of the South hostile to the colored people and to negro suffrage? Why, sir, as an original proposition I have no doubt that thousands upon thousands were opposed to it. They did not desire to see it established, and there is no question about the fact that thousands upon thousands of republicans and northern people doubted the propriety of conferring on that race, immediately on their liberation, in their ignorance, the right of suffrage, and through it to control the lives, the liberties, and the property of the people; not because they had any hostile feeling to the colored people of the South or anywhere else, but because they believed and knew they were not prepared for the exercise of the right of suffrage.

But, sir, whatever opinion may have existed in the outset touching negro suffrage, it has been established by, I undertake to say, revolutionary force, and by that act of revolution it has been put upon the country; and the people of the whole country, and particularly of the South, have accepted negro suffrage as an accomplished fact, and it has become a part of the settled policy of this country; and, sir, no respectable number of white people of the South desire to interfere with the subject of negro suffrage; no respectable number of people there desire to deprive the colored race of the right to vote. I believe I am a representative man of the white people of the South, and while I did not desire negro suffrage, I am sure that I have no such purpose. I never entertained any such purpose. I not only make this declaration, but I insist that I am sustained in it by the action of the southern people everywhere, even in those States where we have lately witnessed political disturbances which were attributed to opposition to negro suffrage.

Why do I say so? I say so for the reason, that in many of the States of the South the white people have had the power to cut the negro off from suffrage in a great measure. They could have established qualifications other than that of color, race, or previous condition of servitude; an educational qualification, a property qualification, other qualifications might have been provided by the white people where they had a majority; but in no single instance have they done it, nor have they intimated any purpose to do so. Take my own State for instance. There the democrats have control, and they are the men who it is suggested are not to be trusted on this subject. What have they done there? Every colored man there over twenty-one years of age has the right to vote, every one has the right to hold office if he can get votes enough to elect him. Every colored man in the State is protected just like every white man. Every colored woman is protected just like every white woman. There is no distinction politically before the law there. There is perfect harmony, there is peace, quiet, and stability of government there. And all this is done with the free, voluntary will of the people of North Carolina. Go to the State of Georgia, and we find a like state of things. Go to the State of Alabama, and it is the same way. Go to the State of Texas, and it is the same there. Go to the State of Tennessee, and you will find political rights established there for all races and colors. These States are democratic. The disturbances that have been adverted to so repeatedly, and that are paraded before the country for intended political effect, have not proceeded from any controversy growing out of the question of suffrage. They have proceeded invariably in every case—and I challenge any one to show to the contrary—out of misrule inflicted by negro suffrage, the negroes being prompted and misled and deceived by wicked and irresponsible men, who have sought their own personal gain and supposed aggrandizement, and who would not have had the power or authority which enabled them to perpetrate such wrongs if they had not been sustained and encouraged by the republican party of the nation. Such a state of things would not have happened if a republican administration had left the white people of the South and the negroes of the South alone to manage their own affairs and consult their own best interests.

In further corroboration of what I have said, it affords me pleasure to turn to the case of the people of Arkansas recently in this very matter. A state of misrule and usurpation that produced almost general anarchy, resulted in the call of a convention in that State very recently for the purpose of amending the State constitution. The delegates were elected by an overwhelming majority of the people of that State, as the election records show. The convention assembled. The democrats, if you please to call them such, the white men, if you please to call them such, were in a very large majority, and they had absolute control of the convention, and power to make the new constitution as they pleased, subject only to the Constitution of the United States. Now, let us see what they did. While they had the power to deprive the negro of the right to vote because he happens to be ignorant and cannot read or for other considerations—for they might adopt any qualifications as to the right to vote other than race, color, or previous condition of servitude—what did those men do? They made a constitution in many respects a model for any people. They made an organic law which illustrates a high sense of popular right and civilization. This constitution was made only a few weeks ago, and I will read a few of its most striking provisions pertinent to be read here at this time. I read from the bill of rights, which provides, among other things:

SECTION 1. All political power is inherent in the people, and government is instituted for their protection, security, and benefit; and they have the right to alter, reform, or abolish the same in such manner as they may think proper.

SEC. 2. All men are created equally free and independent, and have certain inherent and inalienable rights; among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 3.—

This is important, as showing their animus especially toward the colored people of that State—

The equality of all persons before the law is recognized and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity, nor exempted from any burden or duty on account of race, color, or previous condition.

Where, sir, is there a friend of the colored race in this country who will ask for a higher protection than that, a nobler declaration of right and liberty! Now, we come to the subject of suffrage, which they might have qualified, and what do they say? They provide as follows:

SECTION 1. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the State twelve months, and in the county six months, and in the voting precinct or ward one month, next preceding any election where he may propose to vote, shall be entitled to vote at all elections by the people.

SEC. 2. Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; nor shall any law be enacted whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name, or whereby such right shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.

Can any State in the Union show a more liberal provision, one that is more catholic, more generous toward the colored race?

Then on the subject of the right to hold office, under the Constitution of the United States, it was competent for this convention to have provided that a negro should not *hold office* because he was a negro; and yet such a provision was not suggested. No limitation of that sort was suggested, much less adopted; nor, I venture to say, are there a hundred men in that State who would desire to prohibit the negro from holding office if he desired it and could be elected.

Take, again, the subject of education and see what provision is made in that respect. I read from the article on education. Article 14, sections 1 and 2, provide as follows:

SEC. 1. Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable, and efficient system of free schools, whereby all persons in the State, between the ages of six and twenty-one years, may receive gratuitous instruction.

SEC. 2. No money or property belonging to the public-school fund or to this State, for the benefit of schools or universities, shall ever be used for any other than for the respective purposes to which it belongs.

I read, Mr. President, these extracts to show the Senate and the country that there is no hostile feeling on the part of the southern white people against the southern black people. They are naturally friends. Naturally the whites and blacks there have a common interest. They have a common interest in many controlling respects. I venture the assertion that if the proposition was submitted to the southern white people to-morrow, and they had the means to do it, to deport every negro in the South from this country, they would vote against it by an overwhelming majority. Why? Because the negro is an essential part of our population. They are essential there as laborers; they are essential as domestics; and there is no country on earth where they can go on in the pursuit of peace and happiness and general prosperity as they can there.

Mr. CLAYTON. Will the Senator allow me to interrupt him?

Mr. MERRIMON. I will.

Mr. CLAYTON. He has called up the case of Arkansas. Does the Senator know that under the new constitution of Arkansas the tax is so limited for school purposes that a greater amount cannot be

raised by taxation than thirty-five cents to the head of the children of the State? Thirty-five cents is the greatest amount that can be raised by taxation under that constitution for the education of the children of that State. Now, I should like to ask him whether thirty-five cents a head will educate the children of this country. As a matter of fact to-day under that government, with Congress watching it and with the constant fear that Congress will interfere with it, every school in the State is closed for the first time since reconstruction.

Not only that, Mr. President, but while it is true that they have made a very fair constitution, if you will examine all its features you will find that it is applicable only while they are under the surveillance of Congress. When they find themselves well seated, they have provided very convenient machinery for changing it almost as speedily as they put it into execution.

Mr. MERRIMON. I regret, Mr. President, that I am not familiar with the value of the property of the State of Arkansas and the pecuniary condition of that people, so as to answer so well as I should like to do the question propounded to me by the Senator. But, sir, if his people are as poor as we are given by him to understand they are, so that they can pay but thirty-five cents on the head toward education, it argues a hopeless state for that people, and it naturally suggests the idea that we should inquire how they came into that unhappy condition. It suggests that the loud and long complaints of misrule and outrage were well grounded. And who perpetrated that? The country knows.

Mr. CLAYTON. If the Senator will allow me further, I ask whether he does not know that the Legislature of Arkansas, under this new government, has impoverished the school fund by allowing titles to school lands to be made upon the payment of confederate money and confederate war bonds?

Mr. MERRIMON. I do not.

Mr. CLAYTON. Then he does not know what is the fact. No wonder, then, the school fund is impoverished and that we are poor.

Mr. MERRIMON. But, Mr. President, without reference to the amount of their school fund, without reference to their condition of poverty, one thing is certain, that by their constitution and laws the two races, in their poverty and misfortunes, are on an exact political and civil equality, and that provided, too, by the true white men of the State. The Senator who represents the people of Arkansas—a gallant people, as the records of the past show; a people whose noble and heroic daring has been illustrated on more battle-fields and in more wars than one—intimates that they made this constitution because they were and are afraid of Congress, because they are afraid of the public sentiment at the North, because they are afraid of the President and Federal troops. I trust in God, I believe, I know—that he is mistaken about that. I trust that there is no people in the country afraid of Congress.

Mr. EDMUNDS. Even if they are wicked people who wish to overturn things?

Mr. CLAYTON. I trust there is.

Mr. MERRIMON. Yes; I would not even have wicked men afraid of Congress.

Mr. EDMUNDS. I suppose so.

Mr. MERRIMON. I would not; for by the spirit of the Constitution and the laws of this country even a wicked man is protected, so that you shall not kill him like a dog without trial or hearing. There may be those in this country—I doubt not there are some such people—who would like to establish that doctrine; but when it shall be done, it can only be done by revolutionary force. By the Constitution and the laws of this country the most wicked man, the highest criminal, is entitled to be heard and tried according to the law of the land. But, sir, I maintain that the Senator from Arkansas misrepresents, perhaps inadvertently, his constituents. They are not cowards, nor are they afraid of Congress or anybody else, and their recent action shows it.

Mr. CLAYTON. Will the Senator allow me to interrupt him?

Mr. MERRIMON. Yes, sir.

Mr. CLAYTON. I do not think I represented the people of the State of Arkansas as cowards.

Mr. MERRIMON. You said they were acting under the surveillance of Congress. That implies fear.

Mr. CLAYTON. I say Congress has had them under surveillance, and I am glad of it. Since he has raised this Arkansas question, I say to him that I hope the whole question will come before Congress, not now when we have no time to discuss it, but at a time when the Congress of the United States and the whole people of this country may know just what has been done. When that is known, I venture to say you will find that those men have good cause to fear that their work may be overturned and kicked aside.

Mr. THURMAN. Go back four years and we will join with you.

Mr. CLAYTON. We will go back as far as you desire. Does the Senator from North Carolina know that measures are now pending before the two houses of that Legislature, one of which makes vagrancy a penitentiary offense, another of which provides for penitentiaries in every county of the State, another of which provides for the selling out of the services of vagrants? If he does, let him reflect what that means.

Mr. MERRIMON. I do not know that, and will not undertake to say how that is; but I apprehend from past experience that the people of Arkansas will know how to punish crime and outrage upon their rights.

They know the right, and dare the right maintain.

But, sir, what I want to get back to, and what I am not going to pass away from until I get through with it, is this, that the people of Arkansas have not been afraid of the surveillance of Congress. They have dared to act like American citizens and American freemen. False and violent political clamor has been started and kept up with the view of arousing the northern people and Congress against those down-trodden people and to make political capital. But in the face of all this they dared to suppress a tyrant and a usurper and cast him down and establish constitutional law, and they did it by a vote which shows that thousands and tens of thousands of republicans, black and white, supported them in that effort. These facts do not go to show that they are afraid—that they are a race or set of cowards.

But, sir, I cited that fact to support the position I took that there was naturally no controversy between the black and the white races, and let alone the two races would be friends and mutual supporters. Naturally they are friends. To whom are the colored people of the South to look for protection, for friendship, for employment, for all that makes life desirable to them, but to the white people of the South? Will any man pretend that the handful of political adventurers who have gone down there from the North will extend to them the protection and the encouragement and give them the labor that they would need, that they could or would educate them, that they have any means to educate them? Let the records in the South of the past eight years show what they can and will do for any race. Why, sir, it is absurd to talk about such a thing. I repeat, there is no controversy between the white and black race in the South, save on the subject of misrule, superinduced by wicked and designing men.

Look at my State, sir. Under republican rule there, under the bayonet, what was the condition of the negro? Almost intolerable. What was the condition of the white man? It was intolerable. The convention that assembled under the auspices of congressional reconstruction undertook to increase our debt millions. The first Legislature that was elected under it, together with the convention, undertook to increase it over $16,000,000. Those bonds were put upon the markets of the country, and of that vast sum less than $500,000 went into the public works of the State. This was mainly the handiwork of political adventurers from the North. Such things as that were the cause of political and protracted disturbance in the South. Wherever the white people have been let alone, wherever the black people have been let alone, there is peace and law and harmony, as witness my State, as witness the State of Georgia, as witness the State of Tennessee, as witness the State of Texas. Wherever you find that there are disturbances between the two races in the South, there you find misrule—intolerable misrule at that, and such as would be condemned by any honest man. I do not care whether he is a northern man or a southern man, whether he is a white man or whether he is a black man, it would be condemned by him if he were honest and just. What I have said of northern men only applies to mere political adventurers—agitators, seditious men—not those who have gone to the South to cast their fortunes with the southern people. These latter are welcome there, and the regret is that more have not gone.

When the two races are let alone in the South, if you will just withdraw the influences that ought not to exist there; if you will withdraw the Army; if you will discountenance and condemn that class of men who have led the colored race astray and stimulated these troubles, you will see peace and harmony all over the South. Wherever their baleful influences have passed away, there you see peace, harmony, and prosperity, and a spirit of friendly tolerance. In my State their reign, thank God, is over; and what do you witness as a consequence? The State is slowly recuperating, perfect harmony between the races, stable laws honestly and faithfully administered, and a suffering and impoverished people trying to make arrangements to pay their public debt. Go to the State of Georgia and you witness the same thing. Go to the State of Tennessee and you witness the same thing. Wherever those influences are withdrawn there you see harmony and returning prosperity and growing friendship between the two races; and I give my republican friends fair notice now that the negro vote, in my judgment, will never be given solidly again. How natural it was for the negro to support the republican party at first, because they understood that that party by one means or another and for one purpose or another had given them freedom!

Mr. EDMUNDS. That was true, was it not?

Mr. MERRIMON. That was natural; and I think that, but not that alone, together with other sinister causes to which I have alluded, brought about the unholy disturbances referred to. I think Mr. Jefferson Davis and his followers had a good deal to do, in conjunction with the republican party, in giving them their liberty. [Laughter.]

The republicans alone did not do it. Their freedom is a consequence of the war, and those who made the war in the end made them free.

Mr. EDMUNDS. That is so. I have no doubt of that.

Mr. MERRIMON. But, sir, it seems that the republican party contemplated that they were to escape from one sort of slavery to pass into another. The slavery in the South before the war was

little more than the political slavery that drives the negroes to the ballot-box where they have the power nowadays. What I ask, sir, is what the southern people ask, is that these untoward influences shall be withdrawn; let the white people of the South alone; let the black people of the South alone; let them go on in the pursuit of their true interests and happiness, and they may become prosperous, and you will hear of no more disturbances and riots in Mississippi, or Arkansas, or Louisiana, or Alabama, or anywhere else. Whenever the negro, as was contemplated by the amendments to the Constitution, shall exercise the right of suffrage according to those provisions of the Constitution and according to law, you will hear no more of trouble. Whenever that is done the negro question is settled and the conflict of races is over. The white race and the black race have a common interest. Too many of their interests are common, they are too much interested in each other to bring on a conflict. What they want and need is to be let alone. They want peace and quiet, and then harmony and stable government and happiness and prosperity will come as a natural and certain consequence, and they will not come till that day shall happen. The best thing that the President can do is to withdraw the troops, let the people alone, not interfere to sustain those who are fomenting and establishing discord, practicing misrule, and setting up usurpations there. Let the law take its course, and then we shall be free from controversy such as we have had unhappily in the last six or twelve months in certain localities.

Mr. SARGENT. What of Vicksburgh?

Mr. MERRIMON. The Senator cites Vicksburgh again. I had almost forgotten it, but I will pay my respects to Vicksburgh, and the Senator. I regret what happened there and that there was cause for it, but I put it to the Senator from California, I put it to every honorable and just minded man, to say whether, when a band of desperate people, such as those who were marching upon the city of Vicksburgh to slay and slaughter and rob and plunder the city, the people so set upon had not the right to defend themselves, and if need be to the extent of taking life? Will he say that there was provocation? No reasonable person will pretend that there was provocation that would warrant a movement of that kind to attack a city. The facts as published—and I get my facts as he does, from the newspapers—go to show that the misrule in that city and in the county where that city is located has become intolerable. Neither the lives nor the property of the people were safe, and they resolved to liberate themselves from an incompetent, dishonest, and irresponsible officer; and because they did that it is stated that with the sanction of the governor of Mississippi hundreds of black men marched upon that city to assault it. I say, in this high place to the American people, and I think they will sanction what I say, that those people had a right to defend themselves to the extent of taking life, if need be. But, sir, there is this striking fact: everybody who knows the colored race knows that they have a warm feeling for each other, and especially at this time. The facts show that the negroes in the city of Vicksburgh did not join the rioters who were marching on the city. That is a significant fact, and shows that the negroes of the city knew that the action of those who were marching upon it was improper and criminal, and that they were putting their lives, and justly so, too, in jeopardy. I direct attention to the Vicksburgh affair as showing, and most forcibly, the grave necessity for withdrawing from the South the untoward and pestiferous influences that have operated in certain states of the South to produce riot, usurpation, and bloodshed. Let the Administration stay its hand of force and the American people discountenance seditious adventurers and meddlers, and the whole country may anticipate the most peaceful and happy results.

Why, sir, if the people of Vicksburgh had honest rule, if that sheriff had had an honest bond, if he had been honest and responsible, does anybody believe there would have been any disturbance there? No one can really so believe. But, sir, go to New York or Massachusetts, and let a sheriff or tax-collector there have no bond, while he collects thousands and tens of thousands of dollars from the people and it is squandered and applied to no legitimate purposes, do you suppose the people of Massachusetts or New York would tamely submit to such outrage and crime against their rights? No, not for an hour would they; nor will they in Vicksburgh or anywhere else, nor ought they to do it. Sir, this misrule ought to be suppressed; and if the powers of the nation were used for that purpose, as they might legitimately be, I believe they would be suppressed and cease to exist.

Mr. SARGENT. The Senator says that all that is necessary in the South is to allow the law to take its course. I understand what he means by the law taking its course to be not that the citizens should take arms and kill one hundred and fifty colored men, not one of themselves being hurt, except one by an accidental discharge of the gun of his own comrades, but that the law shall take such course as it would take in Massachusetts and other Northern States. The Senator ought to be sure of his facts. In reference to the Vicksburgh matter I would ask him how the law took its course? In the case of Coushatta Parish, in Louisiana, where the officers were compelled to resign, and they were not colored men either, and ordered to leave the State, were promised a safe escort out of the State and were murdered on their passage, there the law took its course, too!

Mr. MERRIMON. I do not know those facts. I have not seen them stated in any paper that I have read. But the Senator undertakes to assign me a false position. I cannot allow him to do that. I said, if the law should take its course there would be no trouble, no more misrule. If that negro sheriff had had an honest, faithful, and responsible bond, there would have been no difficulty. But as the Senator puts the Vicksburgh affair to me as complaint, I will take the liberty to ask him if he ever saw such an organization as a vigilance committee in his own State, or if he ever heard there that men were caught up by the dozen and hanged without trial of any sort, and that the state of affairs there made it absolutely necessary for society to invoke the aid and protection of such committees?

Mr. SARGENT. Allow me to answer the question. We had a vigilance committee in San Francisco which became a part of the history of the State; but the vigilance committee did not go out upon the highways and murder men by the hundred and bury fifty in a grave. Outside of all forms of law there was a trial and an opportunity for counsel to be heard on both sides and a jury impaneled, and I have no doubt as fair and impartial a hearing of the defendants as ever takes place before a court of justice. But I do not stand here to approve even that irregular method of administering what was really justice. Furthermore, there were not dozens of men hung up; there were only two or three, and they were generally admitted to be very desperate parties.

Mr. MERRIMON. Why, sir, it was better or worse than that. That vigilance committee virtually took control of the whole State, and I believe they arrested the chief justice of the State; and their power prevailed there for an indefinite period. What led to that but lawless misrule? And what led to the riotous conduct in Mississippi and in Louisiana and in Arkansas? Nothing but misrule, intolerable and without a parallel. Will the honorable Senator deny it? Does not the world know it? Thank Heaven, sir, the American people understand it now, and they have set the seal of their condemnation upon it; and I trust they will do it again and again until we have a new order of things. I think the time has passed by when honorable Senators ought to undertake to bring the suggested conflict of races into every debate. It will answer no practical party purposes; it will not answer any proper or just purpose. You will find the white people, the democrats, if you please, and the colored people harmonizing. They are harmonizing even among the troubles in Louisiana and in Mississippi and in Arkansas, as the late elections show. Thousands of colored people must have voted the democratic ticket, else the majorities that were unquestioned in many cases could not have been what they were.

So that, to close my remarks, and I did not intend to occupy the third of the time I have, I say to the honorable Senator from Indiana and to the Senator from California that the question of negro suffrage has nothing to do with this debate. When I come to vote upon this proposition I shall vote without reference to whether the vote is to be white or whether it is to be black. When it is necessary to defend the right of the colored people to vote or in any other respects, while I have life and strength I will be ready to defend their rights here and everywhere. But I am not willing to see the American people prejudiced, the District of Columbia prejudiced, my State prejudiced, any State prejudiced, by an everlasting appeal to this falsely-suggested conflict of races and the supposed desire on the part of somebody to deprive the negro of the right to vote. I stand here as thoroughly committed to their interest as the Senator from Indiana or anybody else. I represent a large constituency of negroes. I am ready to protect their rights at home and here and everywhere, and I have done it according to the measure of my ability; and because I and others like me have done it there is peace and quiet and prosperity and stable laws in my State, and an honest administration of the government. Withdraw unlawful force, cease this tyrannizing and despotic interference, and there will be peace and quiet and prosperity in Louisiana, in Mississippi, in Arkansas, in Texas, and everywhere. That is what the country wants, peace and quiet, and have the controversy about negro-suffrage and negro rule and white rule and democratic rule ended and settled to the satisfaction of everybody, and forever.

I trust, Mr. President, that if I have spoken warmly I will be pardoned for it. I, sir, and my constituents have a deep interest in this subject. The people whom I have the honor in part to represent on this floor have accepted the revolutionary reconstruction which has become part and parcel of the Constitution and policy of this country. They stand ready to protect it, to defend it, and to stand by the Union everywhere and under all circumstances; and when the Union shall have been allowed to be the Union of the Constitution, when Congress shall be a Congress in harmony with the spirit of the Union and not of a party and with the Constitution, when we have a Union under the Constitution, you will find no people more ready than the people of North Carolina, and I venture further to say, of the South, to stand by it and defend it to the last, to the extent of their lives and their property.

Mr. EDMUNDS. We have seen that.

Mr. MERRIMON. Yes, sir. The Senator from Vermont says he has seen that, and if I had the time and the occasion were opportune I could readily show how extremists North and South precipitated the civil war through which this country has passed. There was cause on both sides from the beginning. Jefferson Davis and the secessionists of the South were not alone responsible for the late war. There were agitators and extremists and disunionists who proclaimed the doctrine "Let the Union slide" who were as responsible for the war as the secessionists. I stand by the Union now; I shall

stand by the Union forever; and when the state of things that I have suggested shall come about—and I trust it will come about before four years shall elapse—you will find the people of North Carolina, the people of the whole South, as faithful and devoted to the Union as the people of Massachusetts or New York.

Mr. SHERMAN. Mr. President, I move that the pending bill be laid on the table for the present with a view to resume the consideration of the finance bill.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 4141) to make East Pascagoula, in the State of Mississippi, a port of delivery, in the district of Pearl River; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a resolution for the printing of two hundred and thirty thousand copies of the annual report of the Commissioner of Agriculture for the year 1872, and for the printing of one hundred and fifty-five thousand copies of the report for the year 1873; in which the concurrence of the Senate was requested.

CONTRACT SURGEONS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1043) suspending so much of an act entitled "An act organizing the several staff corps of the Army," approved June 23, 1874, as applies to contract surgeons, which was in lines 4 and 5 to strike out "the 1st day of February, 1875," and insert in lieu thereof "otherwise provided by law."

Mr. EDMUNDS. Let that be referred to the Committee on Military Affairs.

Mr. SARGENT. Had it not better on the table? That may be a mere formal amendment; and if the bill is to be passed it should be passed soon.

Mr. EDMUNDS. Very well; let it lie on the table.

The VICE-PRESIDENT. The bill will lie on the table for the present.

HOLIDAY RECESS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved, (the Senate concurring,) That when the two Houses adjourn on Wednesday, the 23d instant, they adjourn to meet again on Tuesday, the 5th day of January next, at twelve o'clock noon.

Mr. SHERMAN. Let that lie on the table.

Several SENATORS. O, let us agree to it.

Mr. SHERMAN. The regular order is before us. I object to the consideration of the resolution at present.

The VICE-PRESIDENT. One objection carries it over.

GOVERNMENT OF THE DISTRICT.

Mr. MORRILL, of Maine. I was out a moment since while the District bill was under consideration. I understand the Senate have laid it on the table. I do not object to that disposition of it at the present time, but I would like to have the general consent of the Senate that that bill may be postponed until the first Wednesday in January.

Mr. SHERMAN. I suppose by common consent the Senator can move to take it up at that time.

Mr. MORRILL, of Maine. If no gentleman feels disposed at the present time to object to that, I give notice that on that day I will call the bill up.

Mr. EDMUNDS. I do not object to the notice being given, Mr. President, but I object to everything else.

Mr. MORRILL, of Maine. If the Senator means to serve notice that he will not consent to that, then I will take my chances to get it back another day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 926) referring the case of Joseph Wilson to the Court of Claims;

A bill (S. No. 974) to enable the supreme court of the District of Columbia to proceed with its jury business; and

A bill (S. No. 1054) reserving for the use of Congress one hundred and fifty copies of the Revised Statutes authorized to be printed by the act of June 20, 1874.

SPECIE PAYMENTS.

Mr. SHERMAN. I insist on the consideration of the regular order.

The Senate resumed the consideration of the bill (S. No. 1044) to provide for the resumption of specie payments.

Mr. SHERMAN. Mr. President, I do not intend to reopen the debate on financial topics of the last session. That debate was carried to such great length that it was not only exhaustive, but it was exhausting, not only mentally but physically. The Senate is composed of the same persons who shared in that debate, and it is utterly idle for us in this short session to reopen it and to invite the discussion of the various topics presented in that debate. The Senate is now within less than three months, a little more than two months, of its adjournment, and there is a general feeling throughout the country, shared by all classes of the people, that this Congress ought to give some definite notice to the people of this country as to their purpose in the important topics embraced in this bill; and I say to Senators on all sides of the house that this bill contains enough to accomplish the important object declared by the title of the bill, and this without reviving all the troublesome and difficult questions which were discussed at the last session. It contains a few simple propositions which may be separated from the mass of financial topics discussed at the last session. Its purpose is declared upon the title of the bill, "An act to provide for the resumption of specie payments." Every word, every line, and every provision of this bill is in harmony with that title. It will tend to promote the resumption of specie payments. It may fall short in many particulars of the desire of some Senators; and it does go further in that direction than some Senators were willing to support at the last session. It is a bill which demands reasonable concession from every member of the Senate. If we undertake now to seek to carry out the individual views of any Senator we cannot accomplish the passage of any bill to promote this object, and therefore this bill has demanded of every one who has consented to it thus far a surrender of some portions of his opinions as to measures and means to accomplish the great purpose. I will consider my duty done so far as this bill is concerned by simply stating its provisions and calling attention to the character of these provisions, without entering into a single topic that gave rise to the long discussion at the last session.

The bill is intended to provide for the resumption of specie payments. The first section of the bill provides for the resumption of specie payments on the fractional currency. It is confined to that subject alone. It so happens that at this particular period of time the state of the money market, the state of the demand for silver bullion, and more especially the recent action of the German Empire, which has demonetized silver and thus cheapened that product, enables us now, without any loss of revenue, without any sacrifice, to enter the market for the purchase of bullion and resume specie payments on our fractional currency. The market price of bullion today will justify the Government of the United States, without any sacrifice, at a price about equivalent to or perhaps a trifle above our fractional currency—scarcely a shadow above our fractional currency—to purchase silver bullion in the money markets of the world, mostly of our own production, perhaps entirely of our own production. This bill simply directs that the Secretary of the Treasury shall purchase this bullion and shall coin silver coin and substitute that in the place of fractional currency. To that extent it is a resumption of specie payments upon the silver standard for the fractional currency. This section is recommended not only by the Secretary of the Treasury and the President of the United States, but I believe will meet the general concurrence of every member of the Senate, and we fortunately are enabled to embrace the present time to commence this operation without any loss to the Government, except perhaps the cost of the coinage of this silver may have to be paid out of the Treasury of the United States. That coinage may be done in the ordinary course of business without any increase of expenditures. The mints of the United States are now prepared, immediately upon the passage of this bill, to resume the coinage of silver coins of all the legal denominations. Therefore the committee have provided that the Secretary of the Treasury shall proceed to coin the silver coins and in one of several ways to issue them in the place of fractional currency.

I need not dwell further upon this section, because I believe it will meet with the general assent of the Senate. It provides for the immediate resumption of specie payments upon the fractional currency, or at least as immediate as possible; that is, as soon as the Government of the United States can in the mints of the United States coin the silver coin. That process may continue one, two, or three years, how long we cannot tell, depending entirely upon the force that may be employed in that direction. It takes a much longer time to coin these small coins than gold coins, and the operation will probably take more time than it would to coin any considerable amount of gold coin.

Mr. HAMILTON, of Maryland. I would ask the Senator if there is authority to reissue that fractional currency?

Mr. SHERMAN. I will come to that in a moment.

The second section of this bill simply removes an inducement that now exists to export our gold bullion from the United States to Great Britain, where by the long-established laws of that country they coin money free of charge. This section involved the surrender of about $85,000 a year of revenue: that is, the Government of the United States received last year for coining gold coin $85,000, or ½ of 1 per cent. on forty-five millions of gold coined. The only sacrifice of revenue, therefore, by the second section of the bill is the sacrifice or surrender of $85,000, which heretofore has been levied upon those who produce gold bullion in order to convert it into coin. In the opinion of many men, among them the Secretary of the Treasury, the Director of the Mint, and perhaps a large number of Senators heretofore, this will tend, in a slight degree at any rate, to prevent the exportation of the gold of our own country into foreign parts, because when the Government of the United States undertakes to put gold bullion in the form of gold coin without additional charge the tendency will inevitably be for the gold bullion to flow

into the mints for coinage, and being put into the form of American coin, it is thought by a great many people that this will tend to prevent its exportation. To the extent it does so it prepares us for specie payments. That is the whole of the second section.

The third section of the bill contains only two or three affirmative propositions. The first is that after the passage of this act banking shall be free. Perhaps there is no idea stronger in the minds of the American people than a feeling of hostility against a monopoly—a privilege that one man or set of men can enjoy which is denied to another man or set of men. Under the law as it now stands banking is substantially free in the Southern and some of the Western States; but banking is not free in the great commercial States, in the older States, where wealth has accumulated for ages. This may be a mere sentimental point, but it is well enough to meet it; and by the operation of this bill banking is made free, so that there will be no difficulty hereafter for any corporation organized as a national bank either to increase its circulation or for banks to be organized under the provisions of existing law to issue circulating notes to any extent within the limits and upon the terms and provisions of the banking law. This section, therefore, by making banking free, provides for an enlargement of the currency in case the business of the community demands it, and in case any bank in the United States may think it advisable or profitable to issue circulating medium in the form of bank notes under the conditions and limitations of the banking law. Coupled with that is a provision, an undertaking, on the part of the United States that as banks are organized or as circulating notes are issued, either by old or new banks, the Goverument of the United States undertakes to retire 80 per cent. of that amount of United States notes. In other words, it proposes to redeem the United States notes to the extent of 80 per cent. on the amount of bank notes that may be issued; and here is the first controverted question that arises on this bill and the first that is settled. It may be asked if we provide for the issue of circulating notes to banks, why not provide for the retirement of an equal amount of United States notes. The answer is that under the provisions of the banking act by the law as it now stands a bank cannot be organized and maintained in existence unless the reserve which is in that bank, or required for that bank in the ordinary course of business either on its deposits or circulation, is at least equal to 20 per cent. of the amount of its circulating notes, so that it was believed, according to the judgment of the best business men of the country, and I may say with the Comptroller of the Currency, that the retirement of 80 per cent. of the amount of bank notes is fully equivalent to keeping the amount of circulating medium in actual circulation on the same footing, so that this provision of the bill neither provides for a contraction nor expansion of the currency, but leaves the amount to be regulated by the business wants of the community, so that when notes are issued to a bank 80 per cent. of the amount in United States notes is redeemed, and this process continues until United States notes are reduced to three hundred millions.

Mr. SCHURZ. Will the Senator permit me to ask him a question in reference to this section? When the 80 per cent. of greenbacks are retired will they be destroyed and never issued again?

Mr. SHERMAN. I will speak of that in a moment in connection with other sections.

Now, Mr. President, that is all there is in regard to banking in this bill and also in regard to the retirement of the United States notes until the time for the resumption of specie payments comes, when this bill provides for actual redemption in coin of all notes presented. It has always been a question in the minds of many people as to whether it is wise to fix a day for specie payments. That matter was discussed at the last session of Congress by many Senators, and the general opinion seemed to be that if we would provide the means by which specie payments would be resumed it might not be necessary to fix the day; but, on the other hand, it is important to have our laws in regard to the currency fix a probable time, or a certain time, when everybody may know that his contracts will be measured by the coin standard. We also know that by the example of other nations which have found themselves in the condition in which we are now placed, and by some of the States when specie payments were suspended, that they have adopted a specific day for the resumption of specie payments. In England, by the bank act of 1819, they provided for the resumption of specie payments in 1823, making four years. In our own State—in New York, in Ohio, in nearly all the States—when there has been a temporary suspension of specie payments a time has been fixed when the banks were compelled to resume, and this bill simply follows the example that has been set by the States, by England, and by other nations, when they have been involved in a like condition.

This bill also provides ample means to prepare for and to maintain resumption. I may say the whole credit and money of the United States is placed by this bill under the direction of the proper executive officers, not only to prepare for but to maintain resumption, and no man can doubt that if this bill stands the law of the land from this time until the 1st day of January, 1879, specie payments will be resumed, and that our United States notes will be converted at the will of the holder into gold and silver coin.

Mr. President, these are all the provisions contained in this bill. They are simple and easily understood, and every Senator can pass his judgment upon them readily.

Now I desire to approach a class of questions that are not embraced in this bill. Many such, and I could name fifty, are not included in this bill; and I may say this: that if there should be a successful effort by the Senate of the United States to ingraft any of this multitude of doubtful or contested questions upon the face of this bill it would inevitably tend to its defeat. I am free to say that if I were called upon to frame a bill to accomplish the purpose declared in the title of this bill, I would have provided some means of gradual redemption between this and the time fixed for final specie payments. All of these means are open to objection. There have been three different plans proposed to prepare for specie payments, and only three. They are all grouped in three classes. One is what is called the contraction plan. The simplest and most direct way to specie payments is undoubtedly the gradual withdrawal of United States notes or the contraction of the currency. Now, we know very well the feeling with which that idea is regarded not only in this Senate, but all through the country. It is believed to operate as a disturbing element in all the business relations of life; to add to the burden of the debtor by making scarce that article in which he is bound to pay his debts; and there has been an honest, sincere opposition to this theory of contraction. Therefore, although it may be the simplest and the best way to reach specie payments, it is entirely omitted from this bill. The second plan, that I have favored myself often, and would favor now if I had my own way and had no opinion to consult but my own, is the plan of converting United States notes into a bond that would gradually appreciate our notes to par in gold. That has always been a favorite idea of mine. There is nothing of that kind in this bill except those provisions which authorize the Secretary of the Treasury to issue bonds to retire the greenbacks as bank notes are issued; and it also authorizes the Secretary of the Treasury to issue bonds to provide for and to maintain resumption. I therefore have been compelled to surrender my ideas on this bill in order to accomplish a good object without using these means that have been held objectionable by many Senators.

The third plan of resumption has been favored very extensively in this country, which is the plan of a graduated scale for resumption in coin or bullion; what I call the English plan. That is, that we provide now for the redemption at a fixed rate or scale of rates of so much gold for a specific sum of United States notes. At present rates we would give about $90 of gold for $100 of greenbacks, and then provide for a graduated scale by which we would approach specie payments constantly, and reach it at a fixed day. This may be called a gradual redemption. This, also, is objectionable to many persons, from the idea that it compels us to enter the money markets of the world to discount our own paper. It is an ideal objection, but a very strong objection; an objection that has force with a great many people. We have undertaken to redeem these notes in coin, and it is at least a question of doubtful ethics whether we ought to enter into the markets of the world and buy our own notes at a discount. Although that plan has been adopted in England and successfully carried into execution, yet there is a strong objection to it in this country, and therefore that mode is abandoned. Either of these plans I could readily support; but they have met and will meet with such opposition that we cannot hope to carry them or ingraft them in this bill without defeating it. We have then fallen back on these gradual steps: first, to retire the fractional currency; second, to reduce United States notes as bank notes are increased; and then to rest our plan of redemption upon the declaration made on the faith of the United States that at the time fixed by the bill we will resume the payment of the United States notes in coin at par. That is the whole of this bill.

Not only are all these plans of gradual redemption omitted from the bill, but there are also many troublesome questions omitted from the bill, among the rest the one suggested by the Senator from Maryland and the Senator from Missouri. If we undertake to define precisely what shall be done four years hence on the resumption of specie payments, to say whether the legal-tender act shall then be repealed, or whether it shall be repealed before or not, we enter upon a very difficult field, and will undoubtedly divide the Senate and divide the country. Is it not better to postpone until the time comes to meet them these questions which must then arise, rather than to engage in an attempt to settle them now, four years in advance?

Mr. SCHURZ. The question I asked the Senator does not relate to a time four years ahead, but it refers to the immediate operation of the bill.

Mr. SHERMAN. I will answer that question. I did not intend to avoid it. The Senator sees the force of the argument that we ought not to put in this bill anything about the reissue of notes or the character of those notes when reissued after redemption shall come. He sees the force of that.

Mr. SCHURZ. Does the Senator say that I see the force of that argument?

Mr. SHERMAN. I think the Senator ought to see it.

Mr. SCHURZ. Ah! Very well.

Mr. SHERMAN. I hope the Senator does. If he was himself preparing a bill to resume he would probably take some other plan, but he may very well leave a difficult question to the time when that question commences to operate. We declare the time when specie payments shall be resumed in order to give fair notice, so that market values for the future may be adjusted and so that people will prepare themselves for resumption. Our people may then base their transactions upon that solemn declaration made by Congress.

In regard to the other point as to the reissue of the fractional currency, the Senator from Maryland will see that the first section is carefully worded to require an equal amount in number and denomination of the fractional currency to be redeemed, and that this process is to continue until the whole amount of the fractional currency outstanding shall be redeemed. But he says that perhaps after all this is done we cannot compel people who hold the fractional currency to present it for redemption. It must be remembered that we cannot coin sufficient money to redeem all the forty-seven millions now outstanding in less than three years. He wishes to raise the question as to whether at the end of the three years during which this process will go on we shall provide by peremptory law that the fractional currency shall not be reissued under any circumstances. We do not undertake to do it, and I simply say to him that we should leave this question just where the section leaves it. We have provided for the sure and certain redemption of this fractional currency in a course of time which cannot exceed three years, and therefore we do not propose to go further and decide whether it may be issued again or not. Until it is fully redeemed the currency cannot be reissued, and then it will be time enough to determine its issue or reissue.

In regard to the question put to me by the Senator from Missouri, I will say that in regard to the absolute cancellation of the legal-tender notes that may be redeemed under the operations of the free banking clause, that matter is also provided for in the same way:

> And whenever, and so often, as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000 to the amount of 80 per cent. of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of $300,000,000 of such legal-tender United States notes, and no more.

How long will it take before this contingency shall arise upon which he puts to me the question? How long will it be before $100,000,000 of circulating notes will be issued to national banks? How long will it be before this process comes to such an end that his question is at all material? We know that no one can tell how fast these notes will be issued, how rapidly they will be called for. In the present condition of affairs none probably will be issued, but no doubt with the revival of industry, with the local demand for banks here and there, with the probable new wants of currency made necessary by the increase of business, banks will be organized, how rapidly no man can tell. At any rate the question he puts to me is not material until the whole amount of $82,000,000 is reduced, until the limit of $300,000,000 is reached. It is therefore scarcely necessary for us to ingraft in this bill provisions that will undoubtedly lead to controversy and dispute, in order to meet a question that will be provided for in the future.

Mr. SCHURZ. I think that the Senator from Ohio has probably not understood my question. What I meant to ask was whether whenever any greenbacks were retired by the Secretary of the Treasury or as the bill styles it are redeemed in consideration of so many thousands of dollars of bank notes having been issued, the greenbacks so retired shall be canceled and destroyed never be reissued again. The Senator will remember very well that we had a protracted struggle about a similar question once, and that the framing of a law gave rise to much controversy on that identical point. Now, what I am after is to understand whether the provisions of this bill will in their practical operation work in the direction of specie payments or not, and for that it is a very essential question whether the greenbacks so retired shall be destroyed never to be reissued again, or whether they shall be held as a reserve, as the forty-four millions were, certainly to be put into the market again.

Mr. SHERMAN. The honorable Senator from Missouri and I agreed perfectly some years ago when the question about the $44,000,000 reserve came up. I should rather put that question to him. At all events I say to him frankly that we do not propose to decide that question in this bill. I have no doubt that when the time arrives when the question becomes material, it will be met. Undoubtedly until the reduction of the United States notes to $300,000,000 they cannot be reissued. The process must go on *pari passu* until the amount of legal-tender notes is reduced to $300,000,000. Before that time will probably arrive in the course of human affairs, at least one or two Congresses will have met and disappeared, and we may leave to the future these questions that tend to divide us and distract us, rather than undertake to thrust them into this bill and thus divide us and prevent us from doing something in the direction at which we aim.

Mr. SCHURZ. I want to be satisfied on that point. The Senator then admits that the bill is open to the construction that the Secretary of the Treasury may gather up the 80 per cent. as a reserve and reissue the notes again, and that it is the intent of those who made the bill that it shall be open?

Mr. SHERMAN. I made no such admission. I leave that question to be decided upon the law as it stands. The case that is put of what I regarded as an illegal issue of notes probably may never arise, and certainly it cannot arise for a considerable period of time. But if there is any doubt upon that question, I leave every Senator to construe the law for himself; and if there is a doubt about it, I say it is not wise as practical men dealing with practical affairs, seeking to accomplish a result, to introduce into this bill a controversy which will prevent that unity that is necessary to carry the good that is contained in this bill.

Mr. SCHURZ. I will narrow my question, then, and ask the Senator whether in his own mind the bill is open to that construction?

Mr. SHERMAN. I do not care to give my opinion now. I have given my opinion once or twice before in regard to these questions. For instance, I gave my opinion when a bill was originally before the Senate four or five years ago that the reserve which was provided in that bill could not be reissued, and yet that opinion did not control the Secretary of the Treasury for the time being. I prefer to leave that question where the law leaves it, and to the judgment of the Congresses that may come hereafter.

Mr. SCHURZ. I do not want to annoy the Senator at all; but I put it to him whether we should pass a bill on a subject like this, so delicate and so important, the meaning of which is so obscure that the champion of the bill has to admit himself that its construction will be left to the courts of the United States?

Mr. SHERMAN. In supporting a bill of this kind, I do not meet all possible questions that may arise in its construction, and no human mind could do it. I know this, and upon this rock I stand: that this bill has provisions in it which tend to accomplish the purpose which the Senator and I have so diligently sought, and I will not seek to obstruct the passage of this bill or defeat it by thrusting into it doubtful questions of law or public policy which may tend to the defeat of the bill. I take this bill not as the bill that I should propose myself, a bill which itself surrenders many of my convictions as to the means to be employed to accomplish the particular purpose designed, but I take it because I see that every provision in it tends to the object that the Senator and I seek, and I will not weaken it by putting in questions of grammar or construction which may tend to weaken and destroy it.

Mr. SCHURZ. I think I shall not want to annoy the Senator or obstruct the bill, but I submit that we are not interpreting financial legislation here, but that we are making financial legislation, and we want to make it as clear as it possibly can be made. The Senator knows from his own experience that if the least loop-hole is left, he cannot foretell what the Treasury will do; whether it will not under the pressure of public opinion some time or other issue twenty or thirty or forty millions again of that which was accumulated, as he says redeemed, but possibly accumulated only as reserve. The thing was done before, and it may be done again. He knows very well also that that may defeat the whole scheme of returning to specie payments.

But leaving that aside for the moment, he says the principal object is to frame a bill which will contain machinery enough to lead us to specie payments. I agree with him there perfectly. I do not want to stick at trifles merely. I want to have a bill that is clear in its object and operative in its machinery. I should like him now to point out to me what provisions there are in this bill that will provide for the necessary preparation for the resumption of specie payments. I do not want to go into an argument, but merely to clear up my own mind.

Mr. SHERMAN. The Senator, I am sure, has not heard the bill read or he has not read it himself. It seems to me the language is very strong and the provisions ample and potent:

> And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

In other words, to prepare for and maintain redemption, he may issue either a 4 or a 4½ or a 5 per cent. bond, the lowest that he can sell at par in coin. We place in his hands the surplus revenue of the Government. More than that, we here by law declare our purpose, the purpose of a Government and a people that have never violated their obligations when distinctly made, that at this time and date we will do these things which amount to a resumption of specie payments.

Now, sir, the great weakness of our currency is that we have undertaken to pay our notes in coin and do not fulfill our promise. No man denies that obligation. It is so written upon the statute-books now six years old. But from the fact that we have not said when we will do it, at what time we will do it, the question is still open to rest upon the construction which each Senator and Member may give to the words "as early as practicable;" an indefinite phrase at least, and one that applies to all future ages. The object of this bill and the objective point of this bill is to fix a time within which the honor of the United States is pledged to redeem these notes in coin; and that pledge, if made by Congress, and I trust it may be made by the whole of Congress of all parties and made by the whole people—that pledge, if made, will be redeemed. It is true a subsequent Congress may repeal it, and anything we can do may be repealed by a subsequent Congress. All we can do is in our time to pledge the faith of the United States to do this in the future, and if the people in their power and might, through agents hereafter elected, violate this promise, there is no power in our Government to prevent it. We only know that they probably will not do it; that a pledge thus specific, made as to a definite day and time, with ample powers given to an executive officer to execute it, will be maintained.

I desire to say to the Senator one word more, that this pledge is made knowing the full extent of the obligation imposed by this law, and I believe that every Senator who votes for this bill is personally pledged and all his influence is pledged, all his political influence is pledged to maintain that declaration just as our fathers felt themselves bound by their lives, their fortunes, and their sacred honor to maintain the pledges they made in the Declaration of American Independence.

Mr. SCHURZ. Mr. President, I do not want to go into an argument upon this bill now, because I confess I am not sufficiently informed about the meaning of the provisions of the bill; and in order to inform myself I should like to put some questions to the Senator from Ohio.

I see a pledge in this bill to resume specie payments on the 1st of January, 1879. So far, so well. Better late than never. We shall, voting for this bill, consider ourselves honorably bound to fulfill that pledge, and I expect we personally intend to do so. That is worth something. But the question is whether the machinery provided for by the bill is such as to bring about a condition of things which will render the performance of that pledge possible; and in order to clear up this important point I asked the Senator what were the provisions of the bill calculated to give us the necessary preparation for the resumption of specie payments. Aside from this pledge, I find in the bill two things: first, free banking; secondly, the retirement of legal-tenders amounting to 80 per cent. "of the sum of national-bank notes so issued to any such banking association." That is as far as I can see all the provision that is made to prepare the way for specie payments. I would ask the Senator from Ohio whether he thinks that free banking—that is to say, the removal of all the restrictions which at present surround the organization of banks and the issuing of bank currency, and coupled with that the withdrawal of 80 per cent. in greenbacks of the amount of national-bank notes so issued—is all that in his opinion is required? I must confess that to my mind it is by no means clear that these provisions are sufficient to render the resumption of specie payments on the 1st of January, 1879, possible. The question I was asking the Senator is whether he thinks they are so sufficient, and how they are to operate?

Mr. SHERMAN. I will answer.

Mr. SCHURZ. If the Senator will permit me to make it perfectly clear, does he think that the removal of all the restrictions surrounding our banking system will result in the establishment of many more national banks and in the issuing of large quantities of additional currency? and does he think that in consequence thereof the quantity of greenbacks will be materially reduced? Or does he think that free banking will result in the establishment of but few new banks, and so on? In one word, what does he think that the practical effect of this measure will be in paving the way for the resumption of specie payments?

Mr. SHERMAN. As to whether more banks will be organized or whether old banks will issue more circulating notes with the certainty that they must in four years redeem them in coin, every Senator must form his opinion. I have no doubt some banks will be organized here and there; I have no doubt existing banks will increase their circulation; but to what extent I will not undertake to say; no man can undertake to say. If this be not done, we are no worse off; but if it be done, we retire 80 per cent. of that amount in United States notes, and that does not only lead us toward specie payment, but lessens the volume which we are bound to redeem when the time comes for final redemption.

Mr. MERRIMON. I wish to ask a question for information.

Mr. SHERMAN. If I am to be catechized here as a witness on the stand I will take these questions, carefully note them, and give them my thoughtful examination and answer them in time.

Mr. MERRIMON. I thought I had a right to propound a respectful question to the chairman of the Committee on Finance.

Mr. SHERMAN. I have a right to take my own time to answer. If I am to be put under cross-examination I may be embarrassed, and would prefer to take a little time to examine and answer a great many questions that are put, especially on this difficult subject.

Mr. MERRIMON. I will put the questions, and the honorable Senator can answer or not at his pleasure. It is whether, when the Secretary of the Treasury, after the 1st day of January, 1879, shall redeem Treasury notes in coin, he will have the right to reissue such notes?

Mr. SHERMAN. That question I said distinctly that I left to the future. I answered that a moment ago, and stated that this bill did not propose to answer that question, but would leave it to be determined by the future between this and the time when the redemption is to take place.

Mr. THURMAN. Mr. President, of course it it not my purpose, if I can avoid it, to speak at much length of a bill like this, that I saw for the first time less than three hours ago; for although it is a short bill, and it might seem a very simple one, yet every ones knows that on a subject of this nature many unforeseen results may follow the adoption of an apparently simple measure, and therefore the utmost care and consideration are necessary in enacting a law upon it. But surely enough has already taken place in the Senate to require us to call a halt on this bill, as it seems to me.

First, let me say that as to the first and second sections of the bill, I do not suppose there is a Senator here who does not approve them. As to the first section, which proposes to substitute silver money for the fractional currency, we all know, from what has been stated by the chairman of the committee, and from the report of the Director of the Mint made a year ago, that that may be done without any loss whatsoever to the Government, and certainly with advantage to the people.

As to the second section of the bill, which abolishes the coinage charge, I have always been in favor of that ever since I looked into the subject; and as early as the session of 1869-'70 a committee to which I belonged reported a large amount of testimony showing that that coinage charge ought to be abrogated.

The first two sections, so far as my opinion is concerned, are perfectly right; but now we come to the third and last section, and what is it? But, first, let me premise that the first two sections do very little toward the resumption of specie payments, for when you shall have paid the fractional currency in silver, you will have paid it in something that is no more valuable than the greenbacks in which it is now redeemable. So that is but a very slight step toward the resumption of specie payment. And when you shall have done away with the coinage charge, as provided in the second section, you will have done a little, it is true, toward increasing the amount of gold coinage and that is all—an almost infinitesimal step toward specie payments. Therefore, if there is anything in this bill that looks toward specie payments, it must be in the third section. Now let us look at that.

My friend from Indiana [Mr. MORTON] smiles, and well he may, because after hearing the statement by the chairman of the committee of the omissions from the bill, it is very difficult to find what there is in it. We know that there is a great deal of omission, but the least possible amount of commission that ever I have seen in a great public measure. Let us see what this section proposes to do. It proposes that there shall be free banking, and then for every $100 of bank notes that shall be issued there shall be redeemed $80 of legal-tenders, and that that process shall go on until the amount of legal-tenders outstanding shall be three hundred millions and no more. If that were all there was in this section, and it were fairly and distinctly stated that the legal-tenders thus redeemed were not to be reissued but were to be canceled, one could very well understand what the section is, and it would only be a question of time when the effect of the section would be to reduce the legal-tenders to $300,000,000; but that is not all that is in the section by any means. It goes further, and provides that after the 1st day of January, 1879, there shall be full and complete resumption of specie payments by the Government on the legal-tenders, and that means full and complete resumption by the banks, because the banks by their charters are bound to redeem either in legal-tenders or in coin; and if legal-tenders are redeemed by the Government in coin, it is equivalent to declaring that the banks shall also redeem in coin. Therefore, this bill provides that from and after the 1st of January, 1879, four years hence, there shall be complete resumption of specie payments in the United States. Put that provision in the bill, coupled with the other provision for retiring 80 per cent. of greenbacks for every additional dollar of national-bank issue under this bill, and see how they work.

Does my friend, the chairman of this committee, believe that there will be in the next four years $100,000,000 of additional national-bank currency issued? What warrant has he to believe any such thing as that? But without the issue of $100,000,000 more national-bank currency he cannot retire $80,000,000 of greenbacks and bring them down to $300,000,000. What warrant has he for supposing that? Is it in the experience of the Government for the last year? Pray how much increase has there been in national-bank currency under the law which you passed last session? About a million or $1,400,000, if my recollection is right, as the very outside. Now, it was said that there was a great demand for money, that a great deal of money was needed. Well, in more than twenty States of this Union there has been perfect freedom to issue paper money by starting national banks for the last eight months, and the result of it all is that the increase in the currency is less than a million and a half of dollars. How, then, will it be in the next four years? What reason have you to suppose that in the next four years you will have banks started or existing banks asking for an increase of circulation, so that $100,000,000 will be put out and you will thereby retire $80,000,000 of the legal-tenders? No man can believe any such thing. Pass this bill to-day, and I venture the assertion that the increase of national-bank currency under it in the next four years will not be $10,000,000; and the retiring of greenbacks therefore under it will not amount to more than $8,000,000 at the very outside. That is the truth about it, sir. You will have no increased banking under this bill, if you pass it, until business begins to revive; and when will business begin to revive? All that is necessary is for a man to open his eyes and read the history of his country to know when it will revive. At intervals of about twenty years we have one of those things called a panic, followed by stagnation in business, the result of overtrading, overproduction, of extravagance of all sorts and descriptions, extravagance in individuals, extravagance in corporations, extravagance in governments large and small, until at last the bubble bursts, and then comes a season of retrenchment, of economy; and how long does that last? How long is it before debts are liquidated and a surplus is accumulated, so that there begins to be an upward tide in the business of the country? Never has it been less than four years in the United States.

One of the first things that I can recollect when I was a very small boy, not higher than this desk, was the condition of monetary affairs in 1819. How long did that stagnation last? It lasted until 1823. Then business began to revive throughout the country and a period of great prosperity followed. Then came the panic and suspension of 1837 and the great stagnation in business that followed. How long did that last before business revived and the country began to be prosperous again? Five years. Then came 1857, at an interval of twenty years, and business had not revived when the war broke out and changed the whole face of affairs. And now comes this stagnation of 1873, and nothing but time, economy, honesty, and retrenchment will liquidate indebtedness and accumulate a surplus which will set business in motion again and make the country prosper once more. It cannot be done by legislative tinkering; it cannot be done by bills that omit everything valuable, that contain nothing important.

Now, Mr. President, one word more on the subject of this section of the bill. My colleague says that this bill will have one great and good effect: it will let the country know what is to be our policy, and then business will go on steadily, because people will know what they have to expect. Why, sir, if it would have that effect it would be in that particular most beneficial, for that is an effect most ardently to be desired. Yet my colleague says to the people—for what he says here goes to them—this bill, which is to inform you what is to be the policy of the Government, does not inform you whether these $80,000,000 of retired greenbacks are to be poured out again at the pleasure of a Secretary of the Treasury! Why, sir, if this bill could have operation, if there would be issued $100,000,000 of national-bank notes and then you retired $80,000,000 of greenbacks, it becomes the most material thing in the world for the capitalists and business men of the country to know whether these greenbacks are to be reissued again; for if they be reissued, the effect would be an inflation of the currency of $100,000,000. If they are to be canceled, then the inflation is only $20,000,000, and may not be even so much as that on account of the reserve that the banks are required to keep against their deposits; but if they are to be reissued, then there is unmitigated inflation to the amount of $100,000,000, and the business men of the country are told by the chairman of the Committee on Finance "I will not give you any light on this subject at all; I will not tell you; I will not even express my own opinion, whether or not you are to go on doing your business without knowing at all whether there is to be an inflation of $100,000,000 in the next four years or whether there is to be an inflation of only $20,000,000, or no inflation at all." That will not do, sir. Pass the bill in its present shape, and instead of settling you will unsettle, instead of fixing you will unfix, the minds of the people.

I felt this morning a little like complaining that our republican friends should mature such a measure as this, if they did do it as the newspapers say in secret caucus, without allowing their fellows of the Senate on this side of the Chamber to know anything about it; but that is a most venial offense, if offense it was, a most trifling thing compared to this studied ambiguity of the bill and keeping from the people the knowledge whether it means inflation or whether it does not.

Mr. President, when you consider it practically, when you come to consider that under this third section of the bill, in all human probability, not more than $10,000,000, if so much as that, of national-bank notes will be issued during the next four years, I ask what kind of provision is that for bringing us to resumption of specie payments in 1879? That is all. The redemption of fractional currency in silver I have said is an infinitesimal thing. The removal of the coinage charge is infinitesimal. Then what else is there in the bill to bring us to a resumption of specie payments in 1879? The provision for withdrawing 80 per cent. of greenbacks; and that provision the chairman does not tell us is to have any effect at all, for he will not say that the Secretary of the Treasury may not, at his own discretion, reissue these notes as soon as he pleases; take them in one day and reissue them the next. But not only that, if I am right in my idea that not $10,000,000 of national-bank notes would be issued under this bill in the next four years, then you would have but $8,000,000 of greenbacks retired; and, pray, what kind of an efficient matter would that be? what kind of efficiency would that have in preparing the country for a resumption of specie payments?

I think my colleague is entirely right in saying that this is a bill from which all questions that have divided the financial people of this country and the parties of the country and the different sections of the different parties, have been carefully omitted. But there is one thing upon which my colleague places great reliance, and that is the declaration that we will resume at the time named. Sir, I do not believe that a mere verbal declaration will satisfy the country or produce much effect. I have heard my colleague stand in his place here and with an eloquence that I admired, and felt proud of, speak of how this Government had failed to redeem its pledge in regard to these very greenbacks; how it had repealed the law, which was contemporary with them, that made them convertible into bonds of the United States; how it had broken that pledge. And now after he has held up to the country these broken pledges of the Government, it will not do for him to say to the business men of the country "you can shape your business in perfect safety and rely on the pledge of the Government that from the 1st of January, 1879, we will have a specie currency." That will not do. That is entirely too small a foundation on which to build any such superstructure as the resumption of specie payments.

Mr. President, these ideas have occurred to me in the very hasty and imperfect consideration I have been able to give to this bill; and now I propose to send up to the Chair an amendment. It is a very slight thing, perhaps, but the bill is a very slight thing, and the amendment will therefore be in perfect harmony with it. In my humble judgment, the amendment I shall propose is worth all that is in the bill. I think, if it be adopted, it will do more to approximate greenbacks to specie, and thereby bring about a resumption of specie payments, than any provisions that are in this bill. I may be entirely mistaken about it, but that is my judgment. I thought so at the last session. I offered it to the bill then pending. It received a very respectable support in the Senate, and many Senators said they would have voted for it but that they were afraid it would kill their bill, and therefore they voted against it. Now, I offer it to give them another chance to vote upon what I believe to be a practical proposition, and that will have some tendency toward specie payments, for I would like this bill to have a little tendency that way before it receives the vote of the Senate for its passage.

Mr. SARGENT. They feared it would kill their bill before, the Senator says, and they may vote against it for the same reason, that it may kill this bill.

Mr. THURMAN. Let the Senate hear what it is.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. 4. That from and after June 30, 1875, one-twentieth part of the customs duties shall be payable in United States legal-tender notes, or in national-bank notes, and after June 30, 1876, one-tenth, and after June 30, 1877, one-fifth part thereof may be so paid.

Mr. EDMUNDS. I ask for the yeas and nays on that amendment. I want to make my friend from Ohio perpetual on that vote.

Mr. THURMAN. I am perfectly willing, nay, desirous, to go on the record in favor of it.

The yeas and nays were ordered.

Mr. BOGY. Mr. President, is the amendment of the Senator from Ohio subject to amendment?

The VICE-PRESIDENT. Certainly it is.

Mr. BOGY. I desire to move an amendment to his amendment, to strike out all after the word "that" and insert:

On and after the 1st day of July, 1875, duties on imports may be paid in legal-tender notes or coin, at the option of the importer.

With the permission of the Senate, Mr. President, I ask indulgence for a few moments while I explain my amendment.

I am now, as I have been from the first day that I took my seat in this Chamber, in favor of the resumption of specie payments under proper conditions and with safety to the business of the country. My purpose in offering this amendment is to facilitate the object aimed to be accomplished by this bill; that is, as soon as possible, consistent with the interests of the country, to return to specie payments, and upon that subject my mind has undergone no change.

During the last session of Congress, while this subject was being discussed, on two occasions I addressed the Senate and avowed the sentiment I entertain now in favor of a resumption of specie payments whenever that can be effected without disturbing the commercial relations of the country. I was opposed to contraction as a means of resumption. I am opposed to contraction now. I believed then, as I believe now, that if contraction had been adopted as the policy to effect the object of resumption, it would have paralyzed the country so completely as to defeat the object intended to be accomplished; and time and experience have confirmed me in the views I maintained then. Under the existing circumstances, with the system of finance inaugurated by the republican party, and which system they were determined should be enforced, I believed then, as I do now, that instead of contraction being adopted as the means to accomplish resumption, an increase of currency was needed, at least in the West, so as to stimulate industry and commerce and relieve the debtor class. To this I was driven by the system imposed on us, but which I did not approve; but as I could not change it, I was anxious to obtain from it what good there was in it. It was as a necessity, to relieve the country, and particularly the West, suffering more than the East. Therefore, under the law then existing, and yet existing, which has given birth to legal-tender paper and to national-bank notes, I favored, and would favor now under proper circumstances, an augmentation of the currency; never, however, admitting that paper money was equal to gold or silver; and paper money never can be equal to gold and silver unless it observes one law, and that law must be obeyed at all hazards and under all circumstances, and without any doubt attending it, and is its convertibility into coin on demand. Whenever paper money is conveniently convertible into coin at all places, it is then for all purposes of commerce infinitely more convenient and better than coin; but it is only as a representative of coin, and because it can be converted into gold or silver. But under the law as it is now our paper money is not convertible, and we use no coin at all excepting for one purpose, and that is to pay duties on importations. Hence this paper money, good or bad, was the only means of exchange for the entire country. It being the only means of exchange, I believed then, as I believe now, that

the way to get to specie payments was by issuing a reasonable amount of this paper money, so as to establish a healthy prosperity throughout the country.

Now, sir, to make paper money equal to coin, I said awhile ago it must at all times be convertible. The fundamental law of its existence is its convertibility under all circumstances and with great facility. When the greenbacks were originally issued, they were convertible into 6 per cent. bonds. The object was to give them a positive value. Those bonds were coin bonds. If you could convert legal-tender notes into bonds payable in coin, you were giving to that paper money a value very nearly equal to specie. That law, in my estimation, was a wise one, but it was soon repealed.

Legal-tender notes were issued also upon another condition, that they should be received by the Government in payment of all debts, of every nature and description whatsoever; not only that they should be legal-tenders as between A and B in ordinary transactions, but they were to be such for debts due to the Government. It is so printed upon the back of every one of them. Although that was the promise to the ear it was not carried out to the hope, because in point of fact no individual in the nation owes the Government any money except two classes of persons, the importers and the defaulters, and these latter do not pay in greenbacks or anything else. The Government does not credit anybody. It pays in cash or in paper money for all that it buys, and there is in point of fact no debt due the Government excepting as already stated.

The great debt due to the Government by any class of individuals is by the importers. That amounted under our large importations some years back to $200,000,000, and I believe one year to $206,000,000. This year the amount of duties, according to the report of the Secretary of the Treasury, is $163,000,000. That is a debt which is being contracted from day to day by the class of individuals called importers, and it is the only debt that individuals owe to the Government except the debt that may be due by defaulters.

Yet by the very contract this debt due by importers is excepted. This excepts everything, and the legal-tender notes stand exactly in the attitude of a note issued by an individual payable in goods that may be in his store, excepting, however, brown sheetings, while keeping in said store nothing but brown sheetings. On its face it is a very handsome note, payable on presentation in merchandise at his store. Although it is a promise, the exception defeats the very promise. So in this case. What has been the result? From the very beginning the demand for gold to pay duties has been so great as to continually depreciate the legal-tenders. This demand during the period of a year exceeds the supply of gold. The demand for gold has been two hundred millions; it is now one hundred and sixty-three millions; and according to the report of the Secretary of the Treasury the amount of coin in the United States is only $166,000,000, so that the demand for coin at this day to pay duties is equal to the whole amount of gold in the country.

The result is therefore a very high premium on coin, and it amounts now to 10, 11, or 12 per cent.; and yet we have been heretofore so habituated to large premiums that we have got to think that 10 per cent. premium is a very small thing; but in point of fact it is destructive to the prosperity of the people. It is an enormous premium, and no commercial people can prosper when all the money that is used in the exchanges of commerce is at a discount of 10 or 12 per cent.

Now, sir, in order to resume specie payments, the first step is to give value to this paper. I was opposed to contraction, because to contract was ruin to the country. There being but $166,000,000 of gold, to contract the paper money to that figure so as to effect resumption would have brought universal commercial distress throughout the land, in the East as well as in the West, but I think more particularly in the West. But if you wish to resume, you first have got to give a value to your paper money, not by contraction. That would give it value beyond all doubt, but in giving it value you would produce great distress and ruin over the land. But if you will give to your paper money a value without diminishing its amount, you will have taken a great step toward resumption; and so soon as you make paper by legislation equal to gold, as it is more convenient in all the commercial transactions of the world than specie, gold will not be wanted.

If the legal-tenders are made receivable for duties, you at once give to them a positive value. You at once take away the only demand for gold. At the present day gold is not used for any purpose whatever in this country except to pay duties on imports. It is to-day an article of commerce as much so as iron or lead or dry-goods or sugar or coffee. It is not used at the present time as a medium of exchange. It remains a measure of value, because it is so recognized by the entire commerce of the world. But as a means of exchange it is not used only as an article of commerce, and is sold from day to day in Wall street; and for what purpose? Only for one: to enable importers to pay duties amounting to from five to eight hundred thousand dollars a day. Do away with the demand, and what will be the result? There being no demand for gold, as the national-bank notes are redeemable in legal-tenders, and these are not yet redeemable in gold, the effect would be that the gold of this country, amounting to $160,000,000, would at once flow into the channels of trade, and you would really have an expansion of coin of that large amount. The $160,000,000 now used as an article of merchandise would immediately go into the channels of business. It could not be used for any other purpose. If my friend from West Virginia [Mr. DAVIS] had $100,000 in gold and was a broker in Wall street, and there was no demand for it, what could he do with it? He would lend it to some one, say to my friend from Delaware, [Mr. SAULSBURY,] and he, having borrowed it, would use it as a necessity for legitimate business purposes, and in that way one hundred and sixty millions would be carried into the channels of trade and be used only as gold should be, as a medium of exchange in addition to being a measure of value.

Mr. THURMAN. Will my friend allow me to ask him a question?

Mr. BOGY. Certainly.

Mr. THURMAN. I should be inclined to favor the amendment of the Senator from Missouri but for one thing, to which I wish to call his attention; and that is the pledge of Congress that so much of the customs duties as shall be necessary are pledged for the payment of interest on the public debt and the creation of a sinking fund, and that interest is payable in gold. I have made my calculation in my amendment so as to leave an ample amount to meet that pledge; but the amendment of the Senator from Missouri would destroy the pledge altogether.

I wish to say further in reference to that, that the bill as reported and now before us disregards that pledge quite as much and more, a great deal, than can be said of my amendment, for mine does not disregard it at all. This bill allows the Secretary of the Treasury to use all the gold that may be received from customs duties to carry out the purpose of the bill, and in fact disregards the pledge totally.

Mr. EDMUNDS. The Senator from Ohio will pardon me if I suggest to him that he has not read the statutes of 1862 or stated it exactly as it is. The act of 1862 does not say so much as shall be necessary, (as he stated it,) leaving it to the judgment of the Secretary of the Treasury, shall be collected in coin. It says that all duties on imports shall be collected in coin, and the public faith is pledged to it.

Mr. THURMAN. I know it says that all duties shall be payable in coin; but the true interpretation of that statute, so far as it is a pledge, does not pledge us to collect any more in coin than is necessary to answer the purpose for which gold is necessary. I do not wish to go into that argument; I argued it at the last session; and if my friend will do me the honor to look at what I said then, he will see what I think about it.

Mr. EDMUNDS. That must be perfectly apparent, that "all" means a part; everybody can see that, of course; so that when the statute says "all," it only means a part!

Mr. THURMAN. Well, that is not exactly as broad a view of the legal question as my friend generally takes. Whenever it is necessary, I will do ample justice to that point.

Mr. BOGY. I had intended before I closed my remarks to notice that point, and I shall do so; and I think that there are two answers to the objection raised by the Senator from Ohio, either of which is sufficient.

I was on another branch of my argument, and that is as to the means of resuming specie payments; but I am coming to that other point after awhile, to ascertain whether we are by any present law deprived of using all the legitimate means proper, and which a nation can use without derogating from its standing and character and reputation—whether we are deprived of using such means as we think are wise and proper to enable us to resume specie payments. Now, sir, I say that to resume specie payments you have to give value to your legal-tender notes. I contend that by making these legal-tender notes what the words authorizing their issue justify, that is, making them receivable for all debts due the Government of any description whatsoever, without excepting duties on imports, you will give to your legal-tenders a value equal to gold, and that will do away with the demand for it, and by doing away with this demand it will nevertheless continue to exist to the extent of $160,000,000 now in the country, and not being used any longer as an article of merchandise, it will be employed in its legitimate function as a means of exchange. In that way, instead of bringing about an inflation of paper money, you would in point of fact have an inflation of gold to the amount of $160,000,000, because at once it would be added to the circulation.

As I stated awhile ago, but being disturbed in my line of argument I will restate it, the amount of duties is equal to the gold in the country. That being so, there is a constant and pressing demand which brings about this large premium of 10 to 11 and 12 per cent., which, as I have already said, we now consider very low, because we have had heretofore a higher rate of premium, but nevertheless it is high enough to be destructive of the trade of the country. The demand to pay duties will equal one-half the total issue, because, although our income from duties this year is only $163,000,000, on a revival of trade it will again be some $200,000,000, which is fully one-half the total amount of legal-tenders authorized by law. Creating a demand then for fully one-half the total amount of the issue will give to them a positive, fixed value, and make them as good as gold. This being so, there would be no necessity to buy gold to pay the interest on our bonds or for anything else, as there is no demand for gold in this country for any purpose whatever excepting to pay duties on imports and interest.

Now, I am met by the argument advanced by the Senator from Ohio, [Mr. THURMAN,] that this would conflict with the law of 1862,

which requires all duties to be paid in gold; not a part, not nineteen-twentieths, but the whole twenty-twentieths; all must be paid in coin. The object of the law beyond a doubt was to create a gold fund to pay the interest upon the gold bonds. But what is really the essence of that contract? Taking the modification of the law made by the act of 1869, which made all these bonds, both principal and interest, payable in gold, what is the essence of this contract? This Government agreed to pay the interest in coin, and by the act of 1869, modifying the law of 1862, the principal was also made payable in coin. When they were first issued I believed, and believe now, that the intention was to pay the interest in coin but the principal in legal-tenders, but the act of 1869 changed that, and made the interest and principal payable in coin. So be it. The contract is that we shall pay this character of debt, both interest and principal, in coin.

Now, Mr. President, I leave it to the intelligence of the Senate and the country, if we continue, as we shall be sure to continue, to pay our bonds as they fall due in coin, and if we continue, as we are certain to continue, to pay the interest every six months also in coin, will the credit of the nation be at all affected whether we raise this money by one means or another? I deny the proposition that a nation of the high character and standing of this need pledge any special source of revenue to maintain its credit at home or abroad, although it is customary for nations having doubtful credit to pledge certain sources of revenue by way of mortgage. The character of the nation, the means, the ability, the standing, everything that belongs to this people, is pledge enough to the world to maintain our credit, and there is no necessity for this additional security. Again, if you look at the law of 1862, which provided that the duties upon imports should be paid in gold, there is no pledge that this gold shall be used alone for that purpose. It is true it was a part of the legislation of that day, and I have no doubt that the object was to give to us at that time a credit which the exigencies of the day required. Why? Then the nation was involved in a gigantic war, and it was a possibility that a dissolution of the Union might permanently be effected and thereby the credit of the Government be impaired. It was to sustain the credit of the nation thus in danger of being destroyed. But that gloomy period has passed, the awful day has gone by, and there is to-day no reason why we should be subjected to the necessity of maintaining a mortgage upon any of our means of revenue for the purpose of sustaining our credit. Our credit is good enough, and I believe is too good, for the interests of all classes of people.

As a question of finance, not as a matter of national honor, our credit is too good. The nation makes nothing because the bonds are worth 115 or 117. There is no profit to the people, but only to a few speculators. We as a people make nothing by it, and a large portion of that profit inures to the benefit of foreigners and not to the benefit of our own people; and when to them, to a very small portion, the most of whom hold but a nominal citizenship and are to be found in the large cities.

But, sir, the answer, if I am correct in my argument, is, that if by receiving legal-tenders in payment of duty you appreciate them and make them equal to gold, there would be no necessity for having gold to pay interest upon the bonds. The interest is not paid by shipments of gold abroad. The Secretary of the Treasury, representing the United States, does not send every six months a load of gold to London or to Berlin to pay this interest. It is done through a system of exchange. He buys in New York or somewhere else the amount necessary to pay this interest abroad. It is not therefore paid by the shipment of gold. It is true that according to the laws of commerce if we are indebted abroad the balance has got to be paid in gold, but the mere payment of the interest is done through and by exchange. And if the legal-tenders are as good as gold, having been appreciated by receiving them for duties, you will not need gold to procure this exchange.

But, sir, there is another argument. At the present time paper money, both legal-tenders and national-bank notes, are below par 10 to 12 per cent. The amount of both issued is some $750,000,000. Ten per cent. loss upon $750,000,000 is $75,000,000, and that is repeated time and again during the year. It would be a matter of economy for the Secretary of the Treasury to buy $100,000,000 of gold every year and pay 10 per cent. upon that amount, which would be a loss of only $10,000,000, whereas the loss as it is now is $75,000,000. It would be much better for this Government to be compelled to buy the amount of gold which it needs to pay its interest than to depreciate all its paper issue. Our interest amounts in round numbers to $100,000,000. Ten per cent. on that would be only ten millions. The Government is only the people or the nation in the aggregate, and it would be infinitely better for it to lose ten millions than the people $75,000,000.

But, sir, I repeat that in my estimation gold would be worth no more than paper. There is a remarkable case in point. On the termination of the French war with Germany an indemnity was exacted of five thousand million francs—a thousand million dollars—which had to be paid in a very short space of time. The German government required every dollar of it in coin, and declined to receive any of the national securities of France. This exceeded the amount of coin in France by some four hundred million francs. Yet the obligation was met, and one large installment was anticipated, and every dollar of the indemnity was paid in coin.. What did France do? It authorized the Bank of France to issue paper money, and three thousand million francs were issued, being six hundred million dollars, and this paper money was made a legal tender and receivable for all debts of every nature and description whatsoever. The paper money was issued by the Bank of France, not by the French government, not as in our case by the Government, and therefore not as good as ours; but it was issued by the Bank of France, a corporation, not a part of the government excepting to a very limited extent. That paper money issued by this corporation, under the authority of law, was receivable in payment of every debt of every nature and description whatsoever, including duties upon importations. What has been the result? The prosperity of France continued, her manufactures were kept in a healthful condition, the circulation needed for commerce was not diminished, only it was changed from gold to paper, and gradually and rapidly too the gold came back to France in accordance with those great laws of trade which are just as fixed and certain as the laws of mathematics. Gold came back in accordance with those well-known laws, and the Bank of France reduced and canceled its circulation as the gold increased; and now, although they have not resumed, because a year ago a law was passed saying that they would resume on the 1st day of January, but for a year or more resumption has in point of fact practically taken place. To-day the paper money in France is worth as much as gold, and all the transactions of this country with France are made as if there were no difference between paper and gold. Yet for a short time after the war, in buying exchange in New York on Paris, the distinction was made whether the bill should be paid in coin or in paper, because the paper issue was at a depreciation; but it is not so now. There is in point of fact no difference; and why? Because the government of France at once created a legitimate demand for that paper money, made it a legal tender between individuals, and made it a legal tender from individuals to the government for everything whatsoever, and in a very short time the whole government had righted itself financially, while we have been here floundering in the mud and mire for a great many years.

Mr. President, I shall bring my remarks to a close as soon as possible, but I wish to make one other point. We desire to resume specie payments on the 1st day of January, 1879. I desire it. I as a democrat can desire nothing else. It is one of the cardinal principles of the democratic party. Gold and silver are the only true measure of value not only here but throughout the world. The great problem to solve has been how to get to the point of resumption without bringing ruin and distress on the country. You now desire to resume on the 1st day of January, 1879, and I believe it can be done. I will say more. The bill has some features which meet my approbation. There are some good features in the bill which strike me favorably, and with my amendment adopted I shall give it my support.

The resumption proposed is only on legal-tenders. Of course you cannot provide for the resumption of national-bank notes. Indeed it is a part of the bill to diminish legal-tenders and to increase national-bank notes. I agree, however, with the Senator from Ohio that there will not be much diminution of legal-tenders, and consequently there would not be much increase of national-bank notes. But nevertheless it is the theory of the bill that in proportion as one increases the other will diminish, less 20 per cent. You propose to resume on the legal-tenders alone, leaving the national-bank paper unprovided for. We have in this country now $165,000,000 of coin. It may to some extent be increased by the 1st day of January, 1879, yet we will not have anything like a corresponding amount to enable us to redeem the large amount of national-bank notes and legal-tenders; but if you will give to your legal-tenders a value equal to coin, you enable your national banks to resume also. There being now $382,000,000 of legal-tender notes, which may be reduced to $300,000,000, I do not think that that will be effected; but, taking the bill to be a success, the amount of legal-tenders will be reduced to $300,000,000. Make your $300,000,000 equal to coin, and, your national-bank notes by law being now redeemable in legal-tenders, there will be a fund for redemption equal to the legal-tenders plus the gold in the country. Therefore you must add your $160,000,000 of gold to your $300,000,000 of legal-tenders, which will make some $460,000,000 of means to redeem $354,000,000 of the national-bank notes, which may be increased by that time $100,000,000, making $454,000,000. The redemption fund would then stand at $460,000,000, the amount to redeem at $454,000,000, the redemption fund exceeding the other by $6,000,000; and thus the Government and the national banks on the same day throughout the land would resume without any disturbing effect, because the fund for redemption would be abundant; and whenever you make the means of redemption equal to the amount to be redeemed, there is no redemption required. The value of a bank note does not consist in the fact that it is redeemed, but in the fact that it is redeemable in good faith; not that it is actually redeemed, or at least very seldom; but the character of redemption must never be doubted, for as soon as there is the slightest doubt, then redemption is actually demanded.

Gold is no longer wanted in this enlightened age in transactions among commercial men. It is only needed as a basis of value, as the corner-stone and foundation for paper issues. I am very much in favor of introducing silver in lieu of this fractional currency, and this I consider a good feature in this bill.

Now, Mr. President, as to the time when the legal-tenders should

be receivable for duties, my proposition is on the 1st day of July next. Although the notice appears to be short, I can see no reason why it should not be adopted. I do not perceive that the trade of the country would be disturbed by it or that it would affect commercial transactions. I can only see that a few speculators in Wall street would lose their occupation and would no longer be able to make money in buying gold one day and selling it the next. To do away with the gold-room of the city of New York would be a public blessing to this nation, and in my opinion this would do away with it. There will be no longer a necessity to buy gold, as there would be no use for it. Until 1879 we are not compelled to redeem. We have now eighty or one hundred million dollars in the Treasury; being much better off than most individuals.

But, Mr. President, this measure will be opposed by Senators upon the other side of the Chamber upon this plausible ground, and particularly by the chairman of the Committee on Finance, for I know his views on the subject, and I know he will argue with ability that it is a violation of the plighted faith of this nation, given to the bondholders, that the duties upon imports should be payable in gold, so as to enable us to pay our interest in coin. The argument is not correct. It is not true in point of fact. We did not make that pledge, as it is expressed and contended for by some gentlemen; and if we did make the pledge, we made it at a time when our credit was impaired, when a pledge of that kind was necessary; and it would not be a breach of faith to do away with it now, provided we carry out the spirit of the contract and pay our debt in coin. I am satisfied that a law of this nature would not affect the credit of the nation abroad nor the value of your bonds in the least. I do think it would be better for us if they were not as high above par; but let that be as it may, it would not affect the value, because every bondholder the world over would know that this nation is able and willing to pay its bonds in coin, principal and interest.

I think, as a means to accomplish the object that we all so much desire or profess to desire, the amendment that I have offered is most important, and the adoption of it in my opinion would enable us to resume beyond the possibility of a doubt. My friend from Ohio and myself are aiming to accomplish the same object. While his proposition is only to approach it in a slow way, I, being younger and more ardent, want to get at the thing in a more speedy way. I agree with him in principle; but if it be true that we can do it gradually, there is no reason why we should not do it rapidly; and I think, as a measure of finance, it would do more to settle the financial question in the country than any other measure, and satisfy the world everywhere that we do intend to resume specie payments, that we do intend to make our legal-tenders equal to specie, and are willing to take them in payment of all debts. Hence, agreeing in principle with my friend from Ohio, if I cannot accomplish my object I shall vote for his amendment, although I think we might increase it a little faster than he proposes.

Mr. THURMAN. I understand from the chairman of the Committee on Finance that it is the purpose to sit this bill out. I have no disposition, and I believe nobody has, so far as I know, to interpose any mere dilatory motions or delay in any way to defeat or retard the passage of the bill which the majority of the Senate possibly may vote for; but I think we need not hurt ourselves by sitting right straight along, and if it is acceptable I suggest that we take a recess for an hour or two.

Mr. SHERMAN. I will say in reference to the statement made by my colleague in one word that I did state to him that several Senators, some on both sides of the Chamber, preferred to close this matter to-night rather than that it should go over until to-morrow, if it must be closed before the holidays; and Senators have suggested that it ought to be disposed of before the holidays; but whether to-day or to-morrow I am perfectly indifferent. If Senators on both sides say they would rather finish it to-night, I am willing that we shall prolong the session, and then we need not devote to-morrow to it.

Mr. THURMAN. I withdraw my suggestion. My friends all around me say they are ready to vote now.

Mr. SCHURZ. Mr. President, I merely wish to say that I shall vote against the amendment, and also against the amendment to the amendment, for three reasons: In the first place, because I do not think that the object contemplated by the Senators introducing those amendments will be accomplished by their measure; in the second place, because it would have a doubtful effect upon our public credit; and, in the third place, because it is introducing into this bill a new subject of discussion which might finally embarrass it very much.

Mr. BAYARD. Mr. President, I want to ask the honorable Senator from Ohio who has charge of this bill one question with regard to its provisions; and before I do that I desire to make a comment upon the amendment offered by the Senator from Missouri [Mr. BOGY] by which he proposes to make the payment of duties upon imports (now payable in gold which by law is appropriated to the payment of the interest on the public debt) optional with the importer, to be payable either in paper money or in gold coin. That would simply be to abolish the last trace, the last source, of gold income to the people of the United States. There is no gold now paid into the Treasury of the United States but that which is paid as duties upon imports. We know that at the time the bonds of the United States were issued the credit of the country was pledged that these duties were to be paid in gold, to be applied in payment of interest on the public debt, and it was made so payable for the purpose of giving credit to the securities of the United States.

If I believed, Mr. President, that the measure now before the Senate was a bill to restore specie payments in this country I would be inclined to vote for the measure of the honorable Senator from Ohio on my right, [Mr. THURMAN.] I have myself upon former occasions offered amendments, and voted for those offered by other members of the body, favoring a partial payment of duties upon imports in the paper money of the United States. I believe the Government discredited its own Treasury notes by refusing to receive them originally for the payment of debts due the Government while it insisted that other debts equally honest should be made payable in them. It was a mistake, it was a financial blunder, and one of the many which the history of the last twelve years records against the party in power. But, sir, believing that this is a bill rather adverse than favorable to a resumption of specie payments, that it is a bill tending to prevent a return to specie payments, that it contains many of the most objectionable features which have embarrassed our finances in the last eight years, and which it seems to me is intended to reproduce those same results, therefore I shall hesitate to vote even for the amendment of my friend from Ohio, much less for the amendment as amended by the Senator from Missouri.

I do not desire to banish from this country the last trace of gold payments to the Treasury. It is plain that if we are to resume specie payment there must be a fund of gold accumulated wherewith to resume, and this is nothing but a measure to abolish the only nucleus left by law for such accumulation and make a return to specie payments an impossibility while such a policy controls the Government. I hope this amendment offered by the Senator from Missouri will not be adopted, nor even that offered by my friend from Ohio, because I believe it should properly be appended to a bill honestly intended to resume specie payments; and as I cannot consider the measure before us to be in that direction, I am not disposed to vote for any measure that tends to banish our last source of gold income from the country.

Sooner or later, a sound public sentiment, born perhaps of the sufferings of the people, will demand that an honest measure of value shall be restored to the dealings of our citizens. That must come sooner or later, and I shall never be satisfied with the legislation of the country until it has produced that effect. Any measure tending to it shall find my vote recorded in its favor, and any measure hostile to it will find in me an opponent.

Now, I will ask the honorable Senator from Ohio who has charge of this bill whether he objects on line 15 of section 3, after the word "redeem," to inserting the words "and destroy," so that it will read:

It shall be the duty of the Secretary of the Treasury to redeem and destroy the legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent. of the sum of national-bank notes so issued to any such banking association as aforesaid.

Mr. SHERMAN. I would ask my honorable friend a question in response; and that is, whether the word he proposes to add will change the meaning of the bill?

Mr. BAYARD. Certainly it would, sir, in my opinion; and if it does not change it, why should the Senator object to the insertion of the word?

Mr. SHERMAN. I will answer the Senator now frankly, having asked him the question, that I do not propose to give my construction or opinion as a lawyer upon the question as to what is the meaning of the word "redeemed," as to whether it precludes or authorizes the reissue of notes, because I say that the question cannot arise under either of these sections until three or four years hence. The Senator will see that this process of reduction must go on until the whole amount of the fractional currency outstanding shall be redeemed. Whether it may then be reissued, I say frankly again to the Senator that we do not undertake to decide except so far as it is fixed by existing law. I, therefore, cannot vote for the Senator's proposition, simply because I propose to leave that an open question to be decided in the future according to law.

Mr. BAYARD. Now, the people of this country must take the record of this debate; they must take the answer of the honorable Senator who here represents his party on this subject, and they must see that he declines to tell them whether he means this to be a measure of contraction in any degree or at any time, or whether he means it to be a measure of inflation at the will and pleasure of the Secretary of the Treasury. We all know that the Treasury Department has been conducted with but slight regard for law for many years past. You had in 1872 and 1873 a reissue of the Treasury notes that your laws had declared to have been "retired and canceled," words of accepted, well-ascertained, thoroughly-understood meaning. Notes "retired and canceled" were retired and canceled in pursuance of a resolution of Congress in 1866 that the volume of the currency should be contracted thereby; but after that was done you had those notes reissued at the will of the Secretary, first in one sum of $5,000,000 in 1872, which were soon recalled, and then in a sum of $28,000,000 in 1873 and never restored but increased to $382,000,000 by the vote of Congress at the last session.

Now, see in this case: If it was an evil, if the people of this country felt that the Secretary of the Treasury ought not to be allowed

no matter how honest or well-intentioned he might be, to play fast and loose with the business interests of the country, to make money plenty or scarce at his whim or pleasure, and that to the amount of $44,000,000, what do you say to this? Here you have a bill that gives him the same power to the amount of $100,000,000, and the honorable Senator who has charge of the bill, and who once reported against such dangerous power, will not agree that his bill shall contain language which shall render such an exercise of power impossible. No, sir, this is a doubled-faced bill. It seems to me (and I say it without disrespect to the motive of any man who wishes to vote for it) that this is juggling with a plain question which should be honestly treated. I say that here in my place, and I say it to my fellow-countryman out of this Chamber as well as those in it. I believe this bill to be a juggle with a question that ought to be a matter of straightforward honest business, and that there ought not to be in this bill any one word or any set of words susceptible of any but one clear and plain interpretation and not capable of being frankly and fully explained and construed by those who advocate its passage. Is it to contract your paper currency until you shall have such a volume that gold and silver, the money of the world, shall flow into the country to swell the combined volume of paper and coin again and give it not simply quantity but give it that which it now has not, intrinsic value? When you give it intrinsic value you give it an increased purchasing power. When you give it increased purchasing power, you reduce the volume necessarily less and less for the transaction of business; and when you have given your currency value in itself, by making it convertible at will into coin, you have relieved it of those fluctuations which cause such wide-spread distress to the laboring classes and the demoralization of every one engaged in business.

Now can it be that we shall be enabled to come back to the days of an honest standard of value, excepting by the process which shall gradually but surely make our paper money of credit convertible into a money of value? Things which are equal to the same thing are equal to one another; and therefore when your paper issues are made convertible into gold, convenience will prevent the gold from being demanded. Its presence will be sufficient to sustain the paper steadily at par. It will have, as I said, an increased purchasing power. That necessarily diminishes the volume, and that can only be accomplished by the presence of gold in the country which shall bear a due proportion to the volume of the currency to be redeemed by it on demand.

Is this bill a step in that direction? Does it not tend and tend only to invite a repetition of those very errors of finance which have played at fast and loose with the business of the country and made it more a system of gambling and speculation than of honest and legitimate commerce? That is the question. If this bill can be truly so described by any of its advocates, if it will tend even probably to such an end, it shall have my hearty support. Here I see it still more distinctly by the refusal of the honorable Senator who has charge of the bill to commit himself to any statement to its intent and meaning one way or the other. He complains of amendments being thrust in. "Thrust in!" I have seen no evidence of thrusting in of amendments. The honorable Senator says if Senators are going—I forget his exact language—but if amendments are to be thrust into this bill and questions of construction, it will destroy it; and he says it is a hard thing that it should be done, and he seems to arraign any one in advance who——

Mr. SHERMAN. I hope my friend from Delaware, who is a fair man——

Mr. BAYARD. I think the remarks will be found so reported. I do not think I misunderstood him.

Mr. SHERMAN. I not only invite now, but I think I did invite before, any Senator to offer any amendment who may choose to do so. I understand the Senator from Delaware desires to offer some amendments, and I trust he will present them and that the vote of the Senate will be taken on any proposition fairly presented by any Senator. I did not make any objection to his offering amendments, but I do object, on behalf of the friends of this bill, to the introduction of any other questions in the bill than those contained in it. Perhaps I used the word "thrust." I certainly will resist the thrust if made. I will vote against amendments, but I hope any Senator who desires to offer any amendment to this bill, so as to present his own views, will do so. Indeed, I should like nothing better than for the honorable gentlemen who are going to vote against this bill to tell us on what ground they vote against it. My friend from Delaware, I know, votes against it because it does not come to specie payments rapidly enough. I might agree with him on some points.

Mr. BAYARD. I am trying to give the honorable Senator from Ohio and the Senate my reasons for voting against it. I want to vote in favor of a simple, straight-forward, business measure, and I want to know the effect of what I vote for, and I do not choose to vote for a bill with two faces, and I do not choose to vote for a bill concerning which the gentleman having it in charge will not answer, if he can, plain questions as to the meaning of his own words used in the bill, but chooses to say, "You may make your own construction, you may put what amendment you please on the bill, and then put what construction you please on your amendments; but I do not choose to answer you as to what this bill is intended to do, or what is to be done with this currency which we have redeemed, or tell you how long it shall be redeemed, or whether the Secretary of the Treasury shall issue it the day after he has redeemed it, whether he shall accumulate it until it reaches $50,000,000 and then issue it again, or what he shall do with it." No; the honorable Senator, I think, has betrayed here both his embarrassment and his displeasure when such questions have been asked him; and therefore it is that when he as the father of this bill introduces his offspring into the Senate and asks me to vote for it and is not able to explain or willing to state what its provisions are, I think the question too grave to vote on in the dark.

Now, Mr. President, it seems to have been decreed in party caucus that this bill shall be passed to-night. To attempt to prevent it would simply be a question of physical endurance, of great personal inconvenience, and one that I am not disposed in this case to court for myself or others. My present feeling about it is that I would rather not vote at all upon the subject. I do not think this subject has been treated worthily in this debate and by this measure, and that the people of this country will say it has not been treated worthily by this debate and by this measure. There is no need for the passage of this bill this day, nor for two weeks to come, as a measure of relief. Its effect cannot be instantaneous. I do not think it is in the power of any man or party instantly to relieve the country from the financial embarrassments and pressure which are now upon it. Time must work relief. Wise laws will greatly assist and hasten the returning tide of prosperity, which, when it shall come back, should rest upon a sound basis. That, I think, is all that even wise laws can justly be expected to do. You cannot suddenly make a nation prosperous nor cure the ills of extravagant, corrupt, and reckless administration. Excess and improvidence must bear their punishment. All you can do is to set your administration upon a path of economy and honesty, that gradually prosperity may grow again.

I do not know for what purpose the gentlemen on the other side have so pressed this measure. Is it their sense of public duty or party necessity that this bill should be brought into the Senate only this morning and with the printers' ink scarcely dry upon it that we should be called on to vote upon it. I do not impugn their sense of duty, but I have the right to my own, and my own mode of exercising it. I consider that my vote here is a public trust, and I will try to execute it for the benefit of those who gave it to me. It is not my pleasure, not my mere personal opinion, certainly not my mere personal interest, that is to control me; but I feel and know that there are too many dependent for evil or good even upon the fraction of power which is given me by my vote in this Chamber to exercise it otherwise than with scrupulous care. This bill ought to be discussed, ought to be long and deliberately and patiently considered, and time is allowed us for none of this by the pleasure of the majority of the Senate. While they can pass the bill if it is their pleasure to pass it to-night—and I do not propose, as I said, to create a mere issue of physical endurance on this subject—at the same time my present impression is that I cannot vote for the bill as it stands with the refusal of the honorable Senator to deny the interpretation which it seems to me capable of bearing and refusing to accept amendments which would prevent any doubt as to a plain and honest interpretation. I shall reserve to myself the right of not voting on such a measure.

Mr. HAMILTON, of Maryland. Mr. President, I am as much in favor of an early return to specie payments as any gentleman on this floor, and probably more so than most of those whom I have the honor to address. So far as I am personally concerned I would make short work of it. I have no panacea, but I would repeal the legal-tender act, and that would settle the question very soon. If Senators expect these measures of relief to extend through a series of years, with intervening sessions of Congresses to sit, and that at the end of that time there is to be a redress of so great a wrong as was perpetrated by the enactment of the legal-tender act without any suffering, they are very much mistaken. When you have departed from what is right, in getting back to it there must always be trouble; and the country will suffer before it gets back to a resumption of specie payments. Before we reach that great result the people will suffer and all branches of industry will suffer. You cannot legislate this people or this country out of that suffering. You have committed a wrong, and in getting back to the right you must expect to encounter difficulties. You might as well come to it first as last, and bear what you must, for now is as good a time as any you may have, when there is but 10 per cent. between paper and gold. Take what the Executive has recommended, repeal the legal-tender act, and let the people then adjust the relations that must then surround them. Interests take care of themselves, and soon there will be a sounder and better condition of things; and, while some will be obliged to bear hardships that in fact ought not to do it, the aggregate result will be good, and the hardships themselves will not be as great as may be anticipated by those who dread speedy and effective resumption.

We must get to it by more or less suffering, as did the people of England when they recoined their debased currency under William of Orange. It was not by years of studied and adroit legislation that it was done, but it was by the brave hearts and the master minds of his cabinet that Great Britain was indebted for a currency in coin that remains to this day. If you will read the description of the condition of things in England in the six months that transpired from the time all the debased coin was to be covered into the mint and recoined and issued to the people, you will have an idea

of what the suffering of that people was and of the gloom and terror that then prevailed; but the men who controlled affairs there were never shaken for an instant from their settled purpose of redeeming England from the curse of a currency that was eating out her vitals. So here, I care not what you may say or what you may think or what you may do, you can only come to the resumption of specie payments really and truly when this people are willing to bear the natural consequences of their wrong-doing in the beginning. You must start in curtailing expenditures; in living economically; in doing without that which you can; not buy one dollar's worth more than you actually require, and only that when you have the money to spare. In other words, before we can come to a resumption of specie payments we must come down to hard-pan individually and as a nation. There is no use of talking of accomplishing the result by a mere system of legislation. Words, however nicely arranged in a law, will not do it.

We must go back to our normal condition before we can build upourselves again. And we are getting there day by day. More and more we are enduring, more and more we are suffering, and now one step more and all may be righted for a progress that our past bitter experience may secure for untold time.

But what is to be the result of this bill? I will vote for almost any measure that has a tendency to secure a return to specie payments, because I consider that if there is one wrong above another which can be perpetrated upon a free and industrious people it is that in this gold-giving and silver-giving land we should have upon us this vicious paper-money system that recognizes no convertibility into coin. It is a disgrace to the civilization of the age; it is a disgrace to the American name and character.

But what does this bill propose to do, I ask my honorable friends who originated it? It proposes to remit this whole question to the next Senate and House of Representatives and even succeeding ones, so that as soon as there is either real or imaginary distress, as soon as the cry comes up that more money is wanted to relieve, that moment agitation begins, and the Senate and House, it may be under the press of an election, may turn to the sovereign remedy, inflation—more paper money. What should be done in such a matter should be done quickly; there should be no time to undo. The knife and the pain should go together, so that, once over, we would not only not wish to be as we were, but be only too glad that it was all over, and bending our hopes to the future, would reap the fruits of a brave and a good act. There can be no temporizing with such great and vital questions. To act is the thing, and no better time than just now.

I would vote for this bill cheerfully if my honorable friend from Ohio would put in two sections of it a word or two, a word directing the Secretary to destroy the fractional currency and the legal-tender notes as they are redeemed. Forty-seven million dollars of fractional currency you may say is not a small matter. You propose to redeem $47,000,000. So far, so good; that is a considerable reduction; redemption of $47,000,000 of this miserable trash is something; but what is then to be done with it?

Mr. THURMAN. If the Senator will allow me, I desire to interrupt him there. The amount, according to the Comptroller, of fractional currency issued is between forty-seven and forty eight million dollars; but the Comptroller of the Currency reports, and no doubt truly, that the amount actually in existence does not probably exceed $40,000,000. The rest has been worn out and destroyed.

Mr. HAMILTON, of Maryland. Say it amounts to $40,000,000, that is something to get rid of; but you do not propose to destroy it. That, then, remains on hand. Suppose you redeem five or ten or fifteen million dollars, or the whole of it, by the next session of Congress; that amount still remains on hand in the Department not destroyed. If we destroyed it, it would require legislation to remanufacture it; but it is to remain in the Treasury. So with your legal-tenders; 80 per cent. are to be redeemed for every dollar of new bank notes issued; but the redeemed are not destroyed; they are to remain on hand. Then as soon as there is a demand for money in the country, as soon as there is friction as a consequence of the bill, as soon as there is a wail or a panic in the land or a corner in Wall street, what will be done? The Secretary of the Treasury will be authorized to let loose that which he has redeemed, and you will have that in addition to what you have already got in the shape of the new national-bank notes. The very next Congress when it meets may inquire of the Secretary, "How much have you redeemed of legal-tenders; have you destroyed them?" And he will answer, "No." They then are all in the Treasury ready to be reissued; and the very first thing you may find is that Congress will be directing the redeemed but not canceled notes to be reissued again. If the notes be destroyed, if Congress knows that they are not in existence, there will be less motive in authorizing that amount to be manufactured than there will be in simply authorizing the Secretary of the Treasury to reissue what he has on hand; for there may be no trouble in calling it a reserve and using it as such, as was once done, in what either Congress or a Secretary may consider an exigency.

Sir, I know what is coming. It is only intended for that. This proposition is only to have final effect in 1879. Now, I do not want to separate with our republican friends who profess to be hard-money men. There are some old democrats on the other side of the Chamber who have not forgotten the precepts of Jackson and teachings of Benton, or some old whigs who have not forgotten Webster and his great hard-money speech. I should like to co-operate with those gentlemen in providing for a return to specie payments. I desire to do it, and at the last session I was willing to vote for almost anything which looked in that direction, and I am willing to do so at this session. But the gentlemen on the other side of the Chamber met in caucus, and for what purpose? To agree upon a financial measure. Now, sir, in a great measure like this affecting the public interests of the country, there ought to be no serious diversity of opinion even among political opponents. As the result of the caucus, however, we have this bill; and it, according to the statement of the chairman of the committee, the honorable Senator from Ohio, [Mr. SHERMAN,] is to be left open to construction—to the construction of the Treasury Department and most conveniently to the action of Congress, which may be invoked in a year hence or two years hence, just as party necessities may require or dictate whether it shall be a measure of inflation or really what its title pretends to impart what it is.

That is the whole bill. How easy will it be under this bill to redeem $10,000,000 of fractional currency and $10,000,000 of legal-tenders by next winter, and then according to the supposed necessities of legislation order them to be issued again. I do not blame one more than another for this, because the natural desire of people when they are in debt is to pay with the cheapest thing they have or can get. The natural desire of people is to pay their debts as cheaply as possible, and they will do it if they can, and that is true the world over. Unless our people take a determined stand and are willing to endure suffering, we can never get back to the true standard of value. Having departed from the right, as you have done in establishing a legal-tender currency, we cannot get back to the point whence we started without suffering; and back you must go if you want this to be a prosperous country. You cannot do it by a measure of this kind. You cannot hold on to it long enough. Tumult and clamor and, it may be, real distress, will shake you; but to the old standard of the country and of all the world you must come. Sir, when you talk upon this subject you speak to a world-wide question.

The idea that this American Republic, this great country extending from the Atlantic to the Pacific, a gold-producing and a silver-producing country, should at this day be paralyzed in all its industries, its shipping interests, its manufacturing interests, its agricultural interests all going to the ground mainly if not altogether from the fact that we have not a competing currency with the world, is insupportable. How are we to expect to compete with the world when we are but ten or twelve days from the shores of all the great manufacturing and producing countries and we a paper-money country and they hard-money countries? It is out of the question. Under such a system your industries must go down, as they are going down and are down. You will suffer in getting back to sound policy, but to that you must finally come; and though it may not be for five years or ten years or fifteen years, though you may postpone it by such legislation as this, yet you must cut the Gordian knot as did the counselors of William of Orange when they stood up against the violence of London mobs and against the prejudices of the English people to maintain the public faith by maintaining the standard of money.

If this bill had that in it, I would vote for it cheerfully. Destroy these notes; I want them destroyed. Why not put in a provision requiring that? In that way we can bridge over the coming presidential election and these little questions of party politics by one great measure for the public good. Just destroy these legal-tenders and this fractional currency as they are redeemed. The meaning of resumption is or ought to be destruction to unconvertible paper money; but my honorable friend from Ohio will not say that they shall be redeemed in fact and literally. Let him say that, and I will go for the bill; and we may all go for it, defective and even delusive as it may be, as for a common object. I do not like to vote against this bill, and yet I feel that I ought not to vote for it as it is. I am reluctant to vote for it without a provision for destruction, because I fear this thing. It is only a bait to the passions and the prejudices of the next Congress. We have a democratic majority in the next House, and I do not want them to be in the way of temptation any more than I want you to do wrong. My democratic friends can go wrong in this question as well as my republican friends. I want no temptation left for them to undertake to tell the Secretary of the Treasury, "This issue you have got in hand and we want it, holding on to what we have got."

The VICE-PRESIDENT. The question is on the amendment of the Senator from Missouri [Mr. BOGY] to the amendment of the Senator from Ohio, [Mr. THURMAN.]

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Ohio, [Mr. THURMAN,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 16, nays 33; as follows:

YEAS—Messrs. Bayard, Bogy, Cooper, Davis, Dennis, Goldthwaite, Hager, Hamilton of Maryland, Johnston, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, and Thurman—16.

NAYS—Messrs. Allison, Anthony, Boutwell, Cameron, Carpenter, Clayton, Cragin, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Howe, Ingalls, Logan, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pease, Pratt, Sargent, Schurz, Scott, Sherman, Spencer, Washburn, West, Windom, and Wright—33.

ABSENT—Messrs. Alcorn, Boreman, Brownlow, Buckingham, Chandler, Conkling, Conover, Dorsey, Ferry of Connecticut, Gilbert, Gordon, Hitchcock, Jones Kelly, Lewis, Mitchell, Oglesby, Ramsey, Robertson, Sprague, Stewart, Stockton, Tipton, and Wadleigh—24.

Mr. SAULSBURY. I move to strike out the word "nine," in line 24, page 3, and insert "seven," so as to read "1877." According to my view of this measure we shall be no nearer specie payments in 1879 than we are now. There is no provision in this bill for the accumulation of gold for the purpose of resumption in 1879, and I think we may as well come back to specie payments two years earlier as postpone it to that period. My amendment gives us two years to get ready to return to specie payments, and if we really mean anything by this bill, let us assure the country that at an early day we mean to return to specie payments. I do not think the bill will have that effect. I think that while the people have demanded specie payments, and though the business interests of the country which have been depressed require that we shall abandon this system of an irredeemable paper currency, yet the financial wisdom of our republican friends who have agreed in caucus on this measure has been unable to do more than to promise to the people who demand something substantial that which will prove but of little value to them. I do not believe there is anything in this bill looking to specie payments. There is a declaration that we will return in 1879, but there is not a single feature in the bill that looks in that direction, save the mere declaration that we will in 1879 redeem the greenbacks in coin. Let us, I say, adopt the amendment which I now propose, and if there is any virtue in a declaration let us fix an earlier period for returning. I think the people of the country do not want a postponement for four years before they are to have something that is to be money in reality as well as in name, something that has an intrinsic value, something that will give stability to financial affairs in this country. I therefore offer this amendment.

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The question is on the adoption of the amendment of the Senator from Delaware.

The amendment was rejected.

Mr. HAMILTON, of Maryland. I offer this amendment: Strike out all after the enacting clause of the bill and insert:

That from and after the 4th day of July, A. D. 1876, nothing but gold and silver shall be a legal tender for the payment of debts contracted thereafter.

Mr. CARPENTER. I ask for the yeas and nays on that amendment.

Mr. STEVENSON. I hope the Senator from Maryland will withdraw his amendment. I am one of those who believe that the legal-tender act was clearly unconstitutional, and I think so still. I shall not, however, vote at this time for its repeal. It would be rash and premature legislation for which the country is not prepared. So, too, in regard to the fourteenth and fifteenth amendments. I do not believe they were constitutionally adopted, but the country has acquiesced, and I am against disturbing them. I stand by them in good faith until they have been fairly tested and fully tried. I desire briefly to state why I shall vote against the pending bill. It cannot afford the stability which the country expects nor afford the relief which it has a right to demand. The bill is deceptive. It is a species of Janus-faced legislation, and should be deemed rather a measure of party policy than one of financial relief. Its introduction affords to my mind the first public acknowledgment by the republican party that they realize the fact foreshadowed by the recent elections that the scepter is rapidly passing from Judah, and that the days of their domination and misrule are rapidly coming to an end. To stay the advancing wave of popular condemnation it was necessary that the dominant party should, through caucus machinery, project some financial plan upon which expansionists and contractionists could temporarily unite. If public rumor is to be relied on, it has been a difficult undertaking. The bill before us is the result of their labor. It is eminently worthy of the object which the caucus sought to attain. The bill is clearly susceptible of two constructions. The expansionists by one construction can claim it as their measure and give it their support, while the contractionists, by a different construction, can insist that they have triumphed and the bill is one of contraction which commands their support. And it is unquestionably true that the bill is so worded as to justify diverse constructions, and allow both contractionists and expansionists to unite in its support as a party measure.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. STEVENSON. Certainly.

Mr. EDMUNDS. Do the democrats mean to say that it is theirs?

Mr. STEVENSON. No, sir; by no manner of means. The democrats have had no hand in the preparation of this bill. They have endeavored to acquire light as to its true intent and meaning from the distinguished chairman of Finance, but have failed to obtain it. Indeed, that distinguished Senator has not ventured to give us his own construction of the bill. Were he to do so, I venture the assertion that some of his republican colleagues would instantly take issue with him and prove that his construction was unauthorized and illogical. I venture to assert that the Senator from Vermont and the Senator from Indiana wholly disagree in their construction of the power conferred by this bill upon the Secretary of the Treasury to destroy or reissue the legal-tenders which he is authorized to redeem; and yet upon that construction rests the question whether the pending measure is one of contraction or inflation.

Mr. EDMUMDS. What does the Senator say?

Mr. STEVENSON. I hope the Senator will not interrupt me. I will, when I get through, answer any question that he may propound. The accuracy of my prediction that this bill will be diversely construed by expansionists and contractionists will soon be tested when its provisions and intendment become the subject of popular discussion before the country.

Mr. President, the Senate well remembers how republican Senators differed upon the question of power when a former Secretary of the Treasury, now a Senator on this floor, exercised the power of issuing a large amount of the forty-four millions of reserves, and how severely that action was criticised as wholly unwarranted by the letter or spirit of the law. Am I mistaken in stating that the honorable chairman of Finance [Mr. SHERMAN] and the honorable Senator from Indiana [Mr. MORTON] were warmly opposed in their construction of that law, one denying the legal authority exercised by Secretary Boutwell in that issue and the other equally confident in the assertion of the maintenance of that authority?

But, Mr. President, I am opposed to this bill upon another ground. I am unwilling to confer upon any Secretary of the Treasury the power to expand or contract the currency at discretion. The chairman of the committee who reports this bill declines to answer the question whether the Secretary of the Treasury can reissue the notes that he has redeemed, whether he will not have the power to reissue them. That is a matter on which the honorable chairman says every Senator must put his own construction. That is not the doctrine of the democratic party. They are opposed to arbitrary, unlimited power in one or many officials. They go for no ambiguous legislation. They are for straightforward, honest, upright legislation which the country can understand and which the public interest demands.

The Senator from Ohio [Mr. SHERMAN] says this bill looks to an early resumption of specie payments. When he is asked by the honorable Senator from Delaware, [Mr. BAYARD,] and the honorable Senator from Missouri, [Mr. SCHURZ,] what is his construction of the power of the Secretary of the Treasury to reissue the legal-tenders which he is empowered to redeem, he declines to answer! When the Senator from Delaware [Mr. BAYARD] asks him to allow an amendment forbidding the Secretary of the Treasury to reissue the redeemed legal-tenders, their request is refused and the bill is to retain verbiage so uncertain as to admit of two constructions. Why this unusual mode of legislation? Is it the interest of the country or the sinking interest of the republican party which demands it? I can conceive of but one motive, and that is that contractionists and expansionists both hope to persuade the people that each have triumphed.

Mr. President, the dominant party will find themselves greatly deceived in this policy. The people will soon understand it. The very danger sought to be avoided during the last session of Congress of restricting the power of the Secretary of the Treasury and withholding from him any discretion of expanding or restricting the currency by reissue or destruction of the redeemed legal-tenders is increased by the provisions of the pending measure. No one can measure the danger of such a power invested in any one official.

While I have great faith in the honor and integrity of the present Secretary of the Treasury, whom I have for many years known long and well, and whose financial views are well known to the country as opposed to expansion and in favor of early resumption of specie payments, yet I am unwilling to clothe any Secretary, whether republican or democrat, with the power and discretion to inflate or contract at pleasure. It is a power too great to be intrusted to any public functionary. We have already felt the danger and evil influence of permitting any Secretary to exercise such a power; and no measure can ever receive my support when it is not limited and circumscribed by the letter of the law. It is because the chairman of the Finance Committee tells us it was the intention of the friends of the pending measure to exclude from it any words which by a uniform construction would require the Secretary of the Treasury to burn and destroy the greenbacks, as they were redeemed under the provisions of this bill, that prompts my opposition to it.

The present Secretary of the Treasury might, and probably would, construe the act as requiring a destruction by him of all the legal-tenders as fast as they should be redeemed, while his successor might take an opposite view and construe the same words as empowering him to retain the legal-tenders which should be redeemed, and to reissue them if he at any time deemed the interests of the country required it. Either construction would find defenders in this Chamber from Senators who will vote for this measure. Is such legislation open? Is it wise? Is it beneficent? Are not the interests of the country too great to allow or justify it? I think so, and therefore I shall vote against the bill.

Mr. HAMILTON, of Maryland. I did not know that my amendment was going to give rise to discussion. It expressed my own personal views; but I withdraw it.

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The amendment is withdrawn.

Mr. EDMUNDS. I thought the Senator from Wisconsin demanded the yeas and nays on the amendment.

The PRESIDING OFFICER. He did.

Mr. EDMUNDS. Is not that the first question to be tested under the rules of the Senate?

Mr. THURMAN. They were not ordered.

Mr. EDMUNDS. This debate was entirely out of order. The Senator from Wisconsin had the floor and he was entitled to demand that the yeas and nays be taken on that amendment, and I insist on the rules of the Senate being observed.

The PRESIDING OFFICER. The Chair observes that the yeas and nays were not ordered. The Senator from Kentucky took the floor and opposed the amendment.

Mr. EDMUNDS. Yes; but I suggest to the Chair that the Senator from Wisconsin having the floor had a right to demand that the question should be taken on whether the yeas and nays should be ordered. He did demand it, and the Senator from Kentucky has been making his speech upon that question.

The PRESIDING OFFICER. The Chair will, if there is no objection, put that question.

Mr. THURMAN. No, sir; the amendment is withdrawn.

Mr. EDMUNDS. It cannot be withdrawn when there is a demand for the yeas and nays.

Mr. THURMAN. It can be withdrawn at any time before the yeas and nays are ordered.

Mr. EDMUNDS. But nothing can be done until that question is decided.

Mr. THURMAN. I deny any such proposition as that. A Senator demands the yeas and nays; and before any question is put as to whether they shall be ordered or not, the Senator offering the proposition withdraws it. What is to prevent his withdrawing it? Nothing. After you have once ordered the yeas and nays, and the call has begun, no other business can intervene; but it is perfectly within the competency of a Senator at any time to withdraw his amendment before the yeas and nays have been ordered on it.

The PRESIDING OFFICER. The Chair will state the question as he understands it. The Senator from Maryland offered an amendment. The Senator from Wisconsin called for the yeas and nays upon it. The Senator from Kentucky immediately arose and was recognized by the Chair. The Chair is of the opinion, having counseled upon the subject, that it is in order for the Senator from Maryland to withdraw his amendment.

Mr. EDMUNDS. Very good. Then the amendment, I suppose, is withdrawn. I will merely take this occasion to remark that I am very sorry indeed that our friends open their batteries and retire so rapidly as they do under the cover of the heavy guns. There seems to be a great state of uneasiness and unhappiness on one side of the Chamber—I do not know what it is about, I am sure—on this subject. I was not speaking in reference to this particular amendment; I would just as soon the Senator from Maryland should withdraw it as not if he wishes to do so, because anybody else can renew it; but I beg leave to insist for the sake of the orderly proceeding of this body, no matter what the advice of the Chair is, that when under the Constitution of the United States and the rules of the Senate a Senator having the floor upon a pending question demands that the yeas and nays be taken upon it, he has a right to have that question put then; and it does not depend upon the pleasure of the Senate whether that question shall be forgotten and overslaughed by going on with the debate and then have the mover of the proposition, after it has been debated four or five hours, or whatever the time may be, find that it is inconvenient for his friends to put themselves upon the record on it and take it out. It does not depend on the pleasure of a majority of the body whether the yeas and nays shall be ordered on a measure. It depends upon the pleasure of one-fifth of the Senators present, and that is a demand which under the Constitution and the rules a Senator has a right to make at any time, and it is the duty of the Chair, I submit with all respect, to state that question and to ascertain whether one-fifth of the Senators present demand the yeas and nays when they are called for, and that no debate or other business can intervene except by unanimous consent.

I do not propose to appeal or to take any other step on the subject, because it is not in reference to this particular amendment that I make the remark, but you cannot have three or four questions going on at the same time, and as this question is one which overrides all others, I think that a Senator demanding the yeas and nays has a right to have it determined then and without further debate, for it is not a debatable question, whether the yeas and nays shall be ordered. So much for that.

Now that I am up, I wish to say a word on the general topics that have engaged our attention. The Senator from Kentucky complains that the chairman of this committee does not submit to the Assembly's catechism and answer the thirty-nine or the fifty-nine or the one hundred and nine questions which may be propounded to him. Have Senators forgotten that the construction of this bill, if it becomes a law, is a question which does not belong to Congress, that it belongs in another department and in another tribunal? And if Senators had addressed themselves to the bill itself, instead of to the Senator who has it in charge, and had stated to us their opinions of its defects and of its construction, and had offered amendments in that view, there would have been some force in asking us to vote upon those amendments. But this opposition to a bill providing for a resumption of specie payments, which is based upon catechisms and general talk entirely apart from the bill itself and intended to touch an entirely different body of people, as it evidently is, and not intended to touch the merits of the bill at all, is not quite the thing, it appears to me, in the Senate of the United States. Senators seem to be exceedingly ready to ask questions of other people without pronouncing any opinions of their own. I suppose they might catechise the Senator from Ohio on the subject of the ten commandments or of all the laws that we passed last year; but if in connection with that they would give us their own views upon this particular bill and tell us why it is that they are opposed to it and what they understand it to mean as a reason why they are opposed to it, perhaps the country might get some information. Whether it would be valuable information might possibly be another question.

So, Mr. President, I shall vote, until I get further instruction from the debates, against any amendment whatever that is proposed to this bill unless the Senator who moves it shall show us that that amendment in that particular is to be an improvement upon it. But I do not want to take up the time of the Senate in discussing what I think the bill means and what I do not think there is any particular doubt in respect to, because the hour is late and there is no good reason why the discussion of this subject should be continued.

Mr. CARPENTER. I desire simply to put in a protest against the ruling of the Chair upon the demand made for the yeas and nays. It seems to me that, in strict parliamentary law, when the yeas and nays are demanded, the pending question then is "Will the Senate sustain the call?" That not being debatable, no man can get the floor for any purpose whatever until that question is settled. Consequently he cannot get the floor to withdraw his amendment.

Mr. SCHURZ. I do not understand the Senator from Wisconsin to reopen that important question.

Mr. CARPENTER. Not at all.

Mr. SCHURZ. I desire to say to the Senator from Vermont that if he thought the opposition offered to this bill on the other side was factious, I shall be slow to think so with him; and if he promises to consider any amendment offered in good faith, I shall again give him an opportunity, for I may assure him that the proposition I am going to offer will be offered in the most perfect good faith.

I understand the object of those who introduced this bill to be twofold. In the first place the bill appears here as a party measure, and, as we are informed, agreed upon in caucus. About this I have but little to say. If the measure is really a good one, the party bringing it forward and giving it in good faith a united support will be entitled to all the credit that can be derived from it. The most legitimate—nay, the only legitimate way to make party capital consists in doing that which will best serve the interests of the country. I shall, therefore, dismiss this matter without further discussing its propriety. The question which I consider of paramount importance is whether the measure is a good one, and whether it will practically promote the ends it professes to serve. I desire to say at the start that I am going to vote for this bill. I shall do so in spite of all its defects. I should do so simply for the reason that it contains a pledge to resume specie payments on a certain day, and that, as we are solemnly assured, all those who support the measure will, as honest men, be obliged to consider themselves in honor bound to do all that is necessary to render the fulfillment of that pledge possible, should the provisions of the bill as they now stand prove inadequate. That pledge I mean by all means in my power to strengthen.

But at the same time I am bound to say that in my opinion the redemption of that pledge is not assured by the provisions as they now stand in the bill before us. I put some questions to the Senator from Ohio, who appears as the champion of the measure, for the purpose of ascertaining what his own views of the effectiveness of the different provisions of this bill were, and I regret to say that the answers I received from him were very unsatisfactory.

He permits me to doubt whether he himself sees a sufficient preparation for the resumption of specie payments in free banking and the withdrawal of legal-tenders to the amount of 80 per cent. of bank notes newly to be issued. To my mind that preparation does certainly not appear sufficient. Upon what ground do republican Senators expect to derive, as a party, any credit from the passage of this bill? Certainly upon no other than that this measure will practically relieve the country of the evils of an irredeemable paper money and bring on specie payments; for, if it does not, where will your party capital be? You will have none, and scarcely deserve any.

I suppose you do not indulge in the delusion that all the financial knowledge and sagacity of this nation is confined to the walls of this Chamber. There are a great many people in the United States of America who understand the subject of finance as well as we do, and when we lay a measure before them they will see through it just as quickly and as clearly as we; and I predict to-day that although it will be admitted that this bill has some good features, yet the financial minds of the country will very soon perceive that as a measure intended practically to bring on specie payments it is sadly inadequate in its provisions.

Look at the matter in the light of common sense. How can we get back to specie payments? It requires only candor and a little intelligent study of the subject to see that we cannot resume and maintain specie payments until we have less paper money and more gold. That is an absolute prerequisite. With the present volume of currency it is absolutely impossible to resume and sustain redemption. I think I am not going too far when I say that you, Senators, all feel this to be true. It is a very simple arithmetical problem. The depreciation of the currency indicates that its pres-

cut volume is in excess of that which, on a gold basis, is necessary for the business transactions of the country. You resume under such circumstances, with such a volume of currency out, and what will be the consequence? Every dollar of the excess will at once rush to the Treasury for redemption and drain it of gold to that extent, and not only to that extent, for the general movement will take with it to the Treasury for redemption large quantities of paper money beyond that excess, enough perhaps to force suspension again. And what will become of the gold so drawn out? At least the excess will in all human probability flow abroad immediately. The effect which such a result would produce upon the business of the country cannot be calculated. I repeat, therefore, and I presume everybody must see it, if we want to resume specie payments with any degree of certainty and safety we must bring about a condition of things which will give us less paper money and more gold to redeem the remaining paper with, and unless the bill provides for that it does not come up to its profession.

The Senator from Illinois [Mr. LOGAN] says to me in an undertone, "You do not think you can pass a contraction bill?" I tell him candidly that unless we pass some bill which will bring about the condition of things I indicated, it is absolutely useless to speak of resuming specie payments and maintaining redemption. And in this respect the bill before us is palpably and deplorably inadequate.

I repeat, if I vote for the bill I do it merely because it contains a pledge to bind all its supporters as to their future action, but not because I believe that with its present machinery it will insure the desired result. At the same time, regarding it as inadequate, I do not look upon it as a dangerous measure. The duplicity which appears in it will, after all, be practically of comparatively little significance. I do not think that this bill, if made a law, will bring about a vast expansion of our national-bank currency. There was a loud clamor here last winter, as we all remember, that as soon as we should open the door for the establishment of new national banks in the West there would at once be a general rush to take advantage of the opportunity. What was the consequence? In my State, where it was also said the people were fairly starving for more "local circulation," we had an addition of about $9,000,000 offered to us, and the result was that we did not take a single cent, but surrendered $1,500,000 of what we already had.

I anticipate that the free banking provision will not lead to the establishment of a great many new banks in the West. Banking upon that basis will not be very profitable where the rate of interest is 10 per cent. and over. If there are any new banks created at all, most of them are likely to be in the East, and those Western Senators who last winter appeared so much frightened at the banking monopoly of the East, may see more of it under a free banking law like this than they ever saw before. Neither do I think that in the East a great many new banks will be started and that the volume of the national-bank currency will be very materially increased.

But if such an increase does not take place the measure will neither result in any corresponding reduction of the volume of greenbacks. There is, therefore, a probability that the bill will leave the currency of the country virtually in the same condition in which it finds it. At least the bill contains no provision which by its operation would necessarily change that condition.

But I want the Senate to understand that I express myself about the probable results of a financial measure with very great caution, for my own experience teaches me that when in the discussion of subjects of political economy we reason upon principles ever so correct, and draw from those principles conclusions ever so logical, it very frequently happens that in our calculation we leave out some element, some factor, which in practice brings about results very different from those anticipated, although our principles may have been correct and the conclusions were logical. Therefore, I say, I put forth any prediction of this kind with great diffidence; but I repeat, the bill as I at present understand it does not seem to me such as to render a material change in the condition of our currency probable.

I ask Senators, if the present condition of the currency is not materially altered, will the provisions of the bill bring us nearer to specie payments than we are to-day? I apprehend the judgment of the best financial minds in the country will be that the bill as it stands will not, and that further legislation of a more courageous character will be imperatively necessary. Why then not have that necessary legislation now? I ask republican Senators what effect do they think they can produce upon the public mind by a bill so manifestly insufficient? I need not tell them again that I do not mean to offer factious opposition; and it is with the utmost candor that I warn them not to indulge in any delusions about the gain they will make in public estimation by so inadequate a piece of legislation, for to conciliate a suspicious public opinion something more is required than a mere declaration of good intentions.

I fear that this bill is neither calculated to produce a steadying or reassuring effect upon the business community, for the business community will scarcely find in this measure as it stands a sufficient guarantee of a fixed, well-defined, and determined financial policy. The suspicion lies too near that a bill leaving the currency materially in the same condition in which it now is, will when the time of promise arrives, without any practical preparations for resumption having been made, be more likely to lead to a repeal or postponement of the promise than to the resumption of specie payments.

Now, I assume all the Senators around me supporting this bill are honest in desiring to reach the end they profess to have in view. Why, then, not give expression to that honesty of purpose in such a way that everybody will be obliged to recognize and appreciate it, by consenting to an amendment to this bill which will put the currency in such a condition that at the appointed time specie payments can with certainty and safety be resumed? Why expose yourselves to unnecessary suspicion and the business community to continued uncertainty by refusing to do to-day what ultimately, as honest men, you must do?

I to-day deprecated the hasty action on this bill which was advocated by the Senator from Ohio, and I will put it to him once more whether after all it is not far better that this bill be recommitted to the committee for the purpose of inserting into it some provision that will insure the approach to specie payments in the manner indicated by me. He knows just as well as I do that this bill cannot pass Congress before the holidays, and I think the more he considers the matter it will become clearer to him that this measure as it stands is not calculated to produce the desired effect upon the public mind; neither would it discourage agitation, for it is vague and indecisive enough to induce the advocates of inflation to make new efforts for the purpose of defeating the good objects here contemplated and of carrying their own point. Let those who stand ready to pledge themselves for the resumption of specie payments on the 1st of January, 1879, also show themselves ready to adopt the means necessary to that end.

I move you, therefore, sir, that this bill be recommitted to the Committee on Finance, with instructions to incorporate in it such provisions as are calculated practically to prepare the way for the resumption of specie payments.

The PRESIDING OFFICER. The Senator from Missouri moves that the bill be recommitted to the Committee on Finance with the instructions he has named.

The motion was not agreed to.

Mr. SCHURZ. Then I offer the following amendment, to be inserted on the third page, section 3, line 22, after the words "and no more:"

Provided, That not less than $2,000,000 of legal-tender notes shall be retired monthly by the Secretary of the Treasury, and that the legal-tender notes so retired shall be canceled and destroyed.

I ask for the yeas and nays on this amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WINDOM, (when his name was called.) On all questions connected with this bill I am paired with the Senator from Georgia, [Mr. NORWOOD.]

The result was announced—yeas 6, nays 44; as follows:

YEAS—Messrs. Bayard, Fenton, Hager, Hamilton of Maryland, Hamilton of Texas, and Schurz—6.

NAYS—Messrs. Allison, Anthony, Bogy, Boutwell, Cameron, Carpenter, Chandler, Clayton, Cooper, Cragin, Davis, Dennis, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Hamlin, Harvey, Howe, Ingalls, Johnston, Logan, Merrimon, Morrill of Maine, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Sargent, Saulsbury, Scott, Sherman, Spencer, Sprague, Stevenson, Thurman, Tipton, Washburn, West, and Wright—44.

ABSENT—Messrs. Alcorn, Boreman, Brownlow, Buckingham, Conkling, Conover, Dorsey, Ferry of Connecticut, Gilbert, Gordon, Hitchcock, Jones, Kelly, Lewis, McCreery, Mitchell, Morrill of Vermont, Norwood, Robertson, Stewart, Stockton, Wadleigh, and Windom—23.

So the amendment was rejected.

Mr. HAGER. I desire to offer an amendment to meet a case which I think the committee have omitted to provide for in the bill reported. As all Senators are aware, we have two kinds of national banks—those that redeem their bills in gold and those that do not. There is no provision made here in regard to the gold-paying banks. Why not place them upon an equality with the other banks? The bill reported provides for the repeal of all limitation as to the amount of notes to be issued by the national banks which do not pay in gold, but it leaves the limitation that is provided by law upon gold-paying banks. This is an unjust discrimination. The gold banks should be encouraged, not discouraged. Those that do not redeem in gold I should say ought to be discouraged rather than encouraged. I hope that when I call the attention of the chairman of the committee to this provision he will accept the amendment which I am about to propose. The third section of the bill reads:

That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed.

By reference to the statutes a section which follows, section 5185, will be found to have this limitation in regard to the gold banks:

But no such association shall have a circulation of more than $1,000,000.

My proposition is to amend the bill so as to repeal so much of this section as limits the circulation of the gold-paying banks. I presume it was omitted in the consideration of this bill by the committee, inasmuch as you have no gold banks upon the Atlantic side. In California we have no other kind of banks than gold-paying banks, and it is important for us that these banks should have the same rights in regard to circulation that the banks on this side have.

This is a reasonable proposition. It is not made with any view to make any factious opposition to the bill. I am not disposed to discuss the bill as to its merits or its demerits. We have specie as our currency in California and on the Pacific coast, and have always

had. We have reached that point which you are desirous of attaining, and therefore we have little to say in regard to the arrangement of this bill, as it does not affect us in the manner in which it affects you on this side.

I hope that this proposition which is so reasonable, unless it is in conflict with some arbitrary rule which I have not seen in the Manual, will be adopted. I will ask for the yeas and nays on the proposition.

Mr. SHERMAN. I trust the Senator will withdraw that amendment.

Mr. SCHURZ. I ask to have the amendment read.

Mr. SHERMAN. It simply repeals the restriction on the circulation of gold banks, limiting it to $1,000,000. That proposition has been reported favorably by the Committee on Finance and is pending in the Senate on another bill, but it has no pertinence at all to the question of specie payments. It is only a question as to the amount of circulation a gold bank in California may have. I trust the Senator will withdraw the amendment. I think myself the restriction ought to be repealed, but it ought not to be attached to this bill, which has no relation to banking except to make it free.

Mr. HAGER. I will merely say that the limitation in regard to the other banks is repealed by this very bill.

Mr. SHERMAN. Not the limitation as to circulation of any particular bank. The relation of the circulation to capital or deposits is left as it it is.

Mr. HAGER. Let us read the bill and see:

Is hereby repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit.

I would ask if that does not allow existing banks to increase their circulation beyond the allowance that is now made by law.

Mr. EDMUNDS. Not at all.

Mr. OGLESBY. How does the Senator from California get rid of lines 39 and 40 of section 3?

Mr. SHERMAN. This whole section merely provides that the restriction as to the aggregate limit of $354,000,000 shall no longer apply; and the section repealed by this act is simply the section which fixes the aggregate at $354,000,000; and all these provisions are merely to allow new banks to increase their circulation without respect to that aggregate. This limiting the amount of circulation of the gold banks has no relation to the bill at all.

Mr. HAGER. I must admit that for want of practice in regard to the banking law as it exists, we not having anything of that kind, I am not very familiar with its provisions; but I would ask the chairman, if this bill becomes a law, whether the existing banks will not have authority to increase their circulation to any amount they may deposit bonds for?

Mr. EDMUNDS. By no means, unless they increase their capital.

Mr. HAGER. Can they do it under existing law?

Mr. EDMUNDS. By increasing their capital, not otherwise.

Mr. HAGER. But are they allowed to increase their capital?

Mr. EDMUNDS. Certainly, if they conform to the other provisions of the law.

Mr. HAGER. I do not so understand. I understand there is a limitation now as to the increase of their capital, and that this bill is intended to allow them to increase their capital so that their circulation may be proportionately increased. In that respect I say the gold banks should be placed on an equality with them.

Mr. SHERMAN. I can assure the Senator that that is a mere question of detail as to the banking act. I am in favor of the provision, and at the last session reported a bill for that purpose, but it did not pass the House.

Mr. HAGER. I think the Senator is mistaken in regard to any pending bill of that kind. There is a pending bill to repeal another discrimination. Gold banks are only allowed now to issue 80 per cent. on the amount of their bonds, while the other banks are allowed to issue 90 per cent.; and there is a bill pending to repeal that discrimination, and place them in that respect on an equality. But I know of no bill that is intended to repeal this limitation of $1,000,000 circulation to each banking association that redeems its notes in gold.

Mr. SARGENT. On the merits of this proposition I entirely agree with my colleague, and I trust that the bill, which certainly, if not adopted, will very soon be introduced for the action of the Senate will be favorably reported by the Finance Committee, and I have no doubt, as the chairman of that committee states that he is in favor of it, its reasonableness will strike every Senator. But I cannot vote for this proposition as an amendment to this bill. I think, for the reason given by the chairman of the committee, the limitation repealed by the bill relates to the aggregate circulation of $354,000,000 and does not relate to the amount which a single bank may circulate. That restriction does not exist in regard to banks which are not gold-paying. Consequently this bill does not legislate on that subject.

Furthermore I desire that this bill in its present form and as reported by the Finance Committee shall go through. I believe that it is a great step in advance upon anything that we have had before, and furnishes great promise to the country. So believing, I do not desire that it shall be embarrassed by any amendment, and although entirely agreeing with my colleague on his proposition and desirous that it may pass as an independent one and determined to give him my aid in that direction, still as an amendment to this bill I cannot vote for it.

Mr. HAGER. If the measure is right, this is the only opportunity my colleague will have this session to vote for it in my opinion. If it accompanies this bill, and this bill becomes a law, that will also become a law; but if you wait for another bill to pass the ordeal of this Chamber and the other House, I have great doubt whether it will be got through; and if the thing is right, if all Senators admit that it is right, why not agree to it now? The chairman of the Committee on Finance, and my colleague, and every other Senator here, as far as I have heard, agree to it; and why not incorporate it in this bill?

Mr. SHERMAN. I can tell the Senator, if it is necessary to go into this debate——

Mr. HAGER. I was not a member of the caucus to which my colleague referred, or I might know the reason.

Mr. SHERMAN. I think I can tell the Senator perhaps better than his colleague can. This provision in regard to the limitation of the circulation of a gold bank to $1,000,000 was put in in the House, as I understand, on the motion of a member from California to prevent the Bank of California from coming in and absorbing the great amount of circulation. I always thought it was wrong to make this special discrimination to exclude a particular bank; and therefore we have once or twice reported a proposition to repeal this provision, but so far as I have known it has never yet passed the House. Certainly I would not desire to put on this bill a provision that would be likely to encounter local opposition in the other House if not here. The Senators seem to agree to it; but the members may not agree to it in the other House. At any rate, it is a proper provision for a separate bill, and I shall vote for it at any time in that form.

Mr. SARGENT. I have only a single remark more to make. I should oppose several things that might perhaps be considered right in themselves if they were proposed to be put on this bill. If this amendment be adopted, there is another one that occurs to me, and that would be the taking off of the 20 per cent. limitation and making it 10. A bill for that purpose passed the House and has been reported by our Finance Committee. I do not remember whether their report on that proposition was adverse or favorable. I think I could find several other propositions which might be a favor to our coast, but for the reason I have given as a controlling one, believing this bill to be a great advance on anything we have yet had and for the benefit of the whole country, I am willing to wait and attain the other objects in the ordinary course of legislation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California, [Mr. HAGER.]

Mr. EDMUNDS. The Senator demanded the yeas and nays.

The PRESIDING OFFICER. The first question will be on the demand for the yeas and nays.

Mr. HAGER. Inasmuch as all the Senators are in favor of the proposition, I withdraw the call for the yeas and nays. [Laughter.]

The amendment was rejected.

Mr. HAMILTON, of Texas. I offer the following amendment: In section 1, line 7, after the word "them" insert "at their current value;" and after the words "redemption of" strike out the words "an equal number and amount of;" so as to read:

And to issue them at their current value in redemption of fractional currency of similar denominations.

It strikes me that the bill as it is drawn, if adopted, will leave us without any fractional currency before the next meeting of Congress. There is a difference of from 4 to 8 per cent. between silver and currency. In many sections of the country silver is worth nearly as much as gold. This is true all through the Southern States to-day. There is but a fraction difference between gold and silver there. I insist that you cannot keep small silver coin in this currency while it is 5 per cent. or even 1 per cent. above currency. Speculators will buy it up all over the country. They will go out as soon as this bill passes, and you will find great stringency in every part of the country for fractional currency. It cannot be had at all. The result will be that if it is presented to the Treasury here and exchanged for silver, the silver will be melted down into bullion and go abroad, and you will be without any fractional currency. It strikes me in that way.

People must not suppose that upon a mere notion of patriotism business men are going to allow this thing to run. If there is a quarter of 1 per cent. to be made by buying up and shipping silver, there are thousands of men in this country who will go into that business at once, and they will clear the last dollar of fractional currency out of the country in the first place, and then they will sell the silver. I think it would be wise at any rate to exchange it at its current value, the market value, whatever that may be; and then if it turns out that fractional currency is worth as much as silver, nobody will buy fractional currency and nobody will ship the silver.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas.

Mr. HAMILTON, of Texas. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. I was so unfortunate as not to hear the explanation of the Senator from Texas, and do not comprehend wherein his amendment, if adopted, would alter the bill.

Mr. HAMILTON, of Texas. If the Senator from Ohio will listen to the amendment, it proposes to exchange the silver at its current value for fractional currency. That is to say, if silver is worth a premium of 4 or 5 per cent. above fractional currency, the Government is to ask that premium in exchange. The bill as it reads, as I understand, requires the exchange to be made even precisely. Now, there is a difference of at least 5 per cent. all over the United States between silver and currency.

Mr. THURMAN. If that were adopted, where would the Government sell its small change? Who would buy it?

Mr. HAMILTON, of Texas. Leave it as it is. The Senator from Ohio must understand that if the fractional currency is taken up and silver put in circulation in place of it, and that silver is worth 1 per cent. over the currency of the United States, it will be bought up. You cannot keep it in circulation; you cannot keep gold and silver in circulation to-day, because both are worth more than currency.

Mr. THURMAN. It is true that the most worthless currency is that which will circulate, and you cannot keep silver change and fractional currency both in circulation. The meaner of the two will circulate; but if you withdraw the fractional currency, then I do not see why the silver will not circulate.

Mr. HAMILTON, of Texas. Mr. President, I have a word more to say. This bill strikes me with surprise, I confess. I have sat and listened to it carefully all the way through, and I have listened to the explanations that have been made, or, in other words, the absolute refusal on the part of the chairman of the Committee on Finance to explain at all. I understand the bill to be for inflation. I think I shall vote against it on that ground. I am well persuaded from the debate here last winter that no inflationist on this floor would vote for the bill if he did not believe it was for inflation. If Senators suppose that the country can be duped by anything of this sort, I think they are sadly mistaken. If they are not mistaken, I am. Since as long ago as the time of Martin Van Buren it has been common to adopt platforms with a double construction; but they are worthless, everybody knows, worthless for any purpose in the world, and this bill will most likely be worthless for any purpose. The whole text of the bill will be discounted before it is printed. Everybody in the country will consider what can be done under the bill. They will understand perfectly well, with what has been said here to-day, that it is competent for the Secretary of the Treasury to reissue forty, or fifty, or sixty, or eighty million dollars of currency after it has been retired.

Now, sir, if you can get anybody in the country to make up his mind that we are going to have specie payments under this bill I shall be very much deceived, I confess. I do not think that we are as near specie payments to-day as we were in 1869. In point of years probably we are if we ever come to them at all; but I mean our condition is such to-day that we cannot resume specie payments as easily as we could have done in 1869. I think we shall be less prepared in 1879 than we are to-day. The country is in the midst of a terrible panic. The whole country is prostrate to-day, and, as the Senator from Ohio farthest from me [Mr. THURMAN] remarked in his speech, the country has never recovered from such a panic under four years; I think not in so short a period as that. From the condition of the country to-day my conclusion is that we shall be in no condition to resume specie payments in 1879. If we do not go into bankruptcy between now and 1879 I shall be very well satisfied indeed.

It is no easy matter to deal with such a panic as we had last fall. Look at the condition of the Government at that time. There is hardly a national bank in the United States that did not commit acts of bankruptcy; and if the law had been put in force against them by the Secretary of the Treasury, as the law required him to put it in force, every solitary bank would have gone to the wall, as every Senator here knows, and the Government probably would have followed suit. They are not out of the woods yet, to use a common expression. If another panic occurs and the banks refuse to pay currency, as they probably would do, and there happened to be forty, fifty, or sixty millions retired in the Treasury under this bill, what does any Senator expect would be done? I expect that money would be reissued and set afloat in the country again in order to relieve the condition of the people and the panic and the Government and everybody else. We had as well face first as last the extent of this calamity that has fallen upon the country. It is going to grind the country almost to dust before we get out of it. The idea that by inflating the currency we start the wheels of business, of machinery, of commerce, of railroads, and of everything else in the country, is fallacious in my opinion. The country is not prepared for anything of that sort. It is confidence that is wanted, not money. There is plenty of money in the country now. It is to be had at a very small rate of percentage on proper securities; but you cannot induce men to go into business on it. No man has any confidence that he can prosecute business six months and come out whole. The general fear is that everything will go to pieces before a man can get his money back again safe.

Now, to my mind it is wisest for Congress to let the people work out of this panic for themselves. They have better judgment, better sense, know their wants and their condition better than we do. I confess for one that I have not been able to determine upon any bill that it would be wise in my judgment to pass. To go for contraction would bring on a panic; to go for inflation would only stave the thing off a few years and bring a panic on in the end, I think. For one, I should like to see the question left to rest with the people. If they cannot work out of it we shall have to go into bankruptcy, that is all. I do not believe it is possible to legislate out of it.

With these remarks I shall insist on the amendment I have offered. I have offered it in good faith, not to embarrass the bill in any way. I think it is an important amendment, whatever other Senators may think about it. We shall be without any fractional currency at all, I think, in less than twelve months unless some such provision be made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas.

Mr. SPRAGUE. I ask that it may be reported.

The Chief Clerk read the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the Secretary will call the roll.

Mr. FRELINGHUYSEN. The Senator from Pennsylvania [Mr. CAMERON] desired me to say that on all these votes he was paired with the Senator from Oregon, [Mr. KELLY,] and that he should vote against the amendments and in favor of the bill, and the Senator from Oregon would vote the other way.

Mr. EDMUNDS. My colleague, Mr. MORRILL, of Vermont, who is necessarily absent at this time, is paired upon these questions with the Senator from Kentucky, [Mr. MCCREERY.] My colleague would vote against this amendment, and I do not know whether the Senator from Kentucky would vote for it or not.

Mr. WINDOM. I am paired with the Senator from Georgia, [Mr. NORWOOD.] I would vote against the amendment. I do not know how he would vote.

The question being taken by yeas and nays, resulted—yeas 3, nays 40; as follows:

YEAS—Messrs. Cooper, Hamilton of Texas, and Tipton—3.

NAYS—Messrs. Allison, Anthony, Bogy, Boutwell, Carpenter, Chandler, Clayton, Cragin, Dennis, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Hager, Hamlin, Harvey, Howe, Ingalls, Johnston, Logan, Merrimon, Morrill of Maine, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Saulsbury, Scott, Sherman, Spencer, Stevenson, Thurman, Washburn, West, and Wright—40.

ABSENT—Messrs. Alcorn, Bayard, Boreman, Brownlow, Buckingham, Cameron, Conkling, Conover, Davis, Dorsey, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Maryland, Hitchcock, Jones, Kelly, Lewis, McCreery, Mitchell, Morrill of Vermont, Norwood, Ransom, Robertson, Schurz, Sprague, Stewart, Stockton, Wadleigh, and Windom—30.

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. SPRAGUE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. MCCREERY. I am paired on this bill with the Senator from Vermont, [Mr. MORRILL.] He would vote for the bill and I should vote against it.

Mr. WINDOM. On this question I am paired with the Senator from Georgia, [Mr. NORWOOD.] He would vote in the negative and I should vote for the bill.

Mr. FRELINGHUYSEN. I am requested to state that the Senator from Pennsylvania [Mr. CAMERON] is paired with the Senator from Oregon, [Mr. KELLY.] The Senator from Pennsylvania would vote "yea," and the Senator from Oregon "nay."

The question being taken by yeas and nays, resulted—yeas 32, nays 14; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Carpenter, Chandler, Clayton, Cragin, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Logan, Morrill of Maine, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Spencer, Washburn, West, and Wright—32.

NAYS—Messrs. Bogy, Cooper, Davis, Dennis, Goldthwaite, Hager, Hamilton of Texas, Johnston, Merrimon, Ransom, Sprague, Stevenson, Thurman, and Tipton—14.

ABSENT—Messrs. Alcorn, Bayard, Boreman, Brownlow, Buckingham, Cameron, Conkling, Conover, Dorsey, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Maryland, Hitchcock, Jones, Kelly, Lewis, McCreery, Mitchell, Morrill of Vermont, Norwood, Robertson, Saulsbury, Stewart, Stockton, Wadleigh, and Windom—27.

So the bill was passed.

EXECUTIVE SESSION.

Mr. HAMLIN. I ask the Senate to give me an executive session for a very few moments.

Several SENATORS. Let us take up the adjournment resolution.

Mr. CHANDLER. Pass the adjournment resolution first, and then we will have an executive session.

Mr. EDMUNDS. I move that the Senate do now adjourn. ["No!" "No!"]

The motion was not agreed to.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of the resolution for a holiday recess, and I ask the Senator from Maine to waive the executive session for that purpose.

Mr. HAMLIN. If the Senate will then give me a short executive session I will yield. ["We will!"] I withdraw the request then.

Mr. WEST. Is that resolution liable to be objected to?

The PRESIDING OFFICER, [Mr. INGALLS in the chair.] The Chair understands that the resolution of the House relative to adjournment cannot be considered at this time except by unanimous consent.

Mr. WEST. Then I beg to enter my objection.

Mr. HAMLIN. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at six o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 22, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

REIMBURSEMENT OF THE STATE OF MARYLAND.

Mr. O'BRIEN, by unanimous consent, introduced a bill (H. R. No. 4138) to reimburse the State of Maryland for arms and munitions of war taken from said State by authority of the United States in the year 1861; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUISA F. STONE.

Mr. O'BRIEN also, by unanimous consent, introduced a bill (H. R. No. 4139) to compensate Louisa F. Stone, widow of Dr. Thomas J. Stone, deceased, for medical services rendered by him to United States troops at Leonardtown, Saint Mary's County, Maryland, in the years 1862 and 1863; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRINTING OF A REPORT.

Mr. NESMITH. On behalf of the Committee on Military Affairs I ask the authority of the House for the printing of the report of General A. J. Hardie in reference to the expenses of the Indian war in Oregon.

There was no objection, and it was ordered that the report be printed.

IMPROVEMENT OF HOLSTON AND TENNESSEE RIVERS.

Mr. MAYNARD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to communicate to this House a copy of report on survey in relation to the improvement of navigation of the Holston and Tennessee Rivers made by Lieutenant Colonel S. H. Long to Colonel S. D. Jacobs, president, &c., with the tables, maps, charts, and diagrams accompanying the same.

Mr. MAYNARD moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SHIP-CANAL BETWEEN CHESAPEAKE AND DELAWARE BAYS.

Mr. SWANN. I ask unanimous consent to submit for action at this time the following resolution:

Resolved, That the Secretary of War be directed to report to this House the most feasible route for the Chesapeake Canal over the narrow peninsula which separates the Chesapeake and Delaware Bays, and also to transmit estimate of the cost of the same per mile, together with the probable distance saved by such canal between Baltimore and New York, the ports of New England and European ports, and the advantage likely to accrue from the construction of such work to the commerce of the United States, in the development of our trade and resources, and the probable saving in time, &c.

Mr. HOLMAN. I think that should go to the Committee on Commerce.

The SPEAKER. Does the gentleman from Indiana object to the present consideration of the resolution?

Mr. HOLMAN. I hope the gentleman from Maryland will not object to this going to the Committee on Commerce.

Mr. SWANN. I have no objection to its being referred to that committee.

The resolution was referred to the Committee on Commerce, and ordered to be printed.

FOLDING DOCUMENTS.

Mr. KELLOGG. I ask unanimous consent to submit a joint resolution for consideration at this time.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriation of $25,000 by act of 23d of June, 1874, for folding Agricultural Reports be used for folding documents, including pay of folders of the folding-room and for materials, or so much thereof as may be necessary.

Mr. KELLOGG. I ask that the section of the act of last year making this appropriation be read.

Mr. WILLARD, of Vermont. I object to the consideration of the resolution now.

Mr. KELLOGG. I hope the gentleman will withdraw his objection for a moment till the section of the act is read, and until I make an explanation which will only occupy a moment.

Mr. WILLARD, of Vermont. I have no objection to the gentleman making a statement or having a section of the law read.

Mr. KELLOGG. Let the Clerk read what I send to the desk.

The Clerk read as follows:

For folding the reports of the Commissioner of Agriculture for the years 1872 and 1873, $25,000, or so much thereof as may be necessary for the folding-room of the House.

Mr. KELLOGG. What I wish to say is this: That last year the appropriation for the folding-room was only about one-half what it had heretofore been. That appropriation of $25,000 was so worded that it cannot be made available, and the employés of the folding-room cannot get their pay for this month unless this resolution passes both Houses. I hope the gentleman from Vermont will withdraw his objection.

Mr. WILLARD, of Vermont. I have no objection to the resolution being referred to the Committee on Appropriations.

Mr. KELLOGG. Very well; and I hope the committee will report it back to-day.

The joint resolution (H. R. No. 133) was received, read a first and second time, and referred to the Committee on Appropriations.

CONTINGENT FUNDS IN THE INTERIOR DEPARTMENT.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, instructed to transmit to the House a detailed statement of the disbursements of all contingent funds in his Department for the fiscal year ending June 30, 1874, and of all disbursements of the funds in the various divisions of the Secretary's office of his Department of the same period, giving the names of the persons to whom payments were made, the nature of the expenditure, and the amount in each case.

Mr. RANDALL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SMUGGLING OF MERCHANDISE THROUGH THE MAILS.

Mr. DAWES, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Postmaster-General be directed to inform the House if he is in possession of any information or facts in relation to the smuggling of merchandise through the mails; and if so, to communicate all such facts and such legislation as may be necessary in respect to the same.

ADJUTANT-GENERAL'S DEPARTMENT.

Mr. MACDOUGALL. I am instructed by the Committee on Military Affairs to report back, with the recommendation that it do pass, the bill (H. R. No. 3912) reducing the force in the Adjutant-General's Department of the Army.

The bill was read. It provides that the Adjutant-General's Department of the Army shall hereafter consist of one Adjutant-General, with the rank, pay, and emoluments of a brigadier-general; two assistant adjutants-general, with the rank, pay, and emoluments of colonels; four assistant adjutants-general, with the rank, pay, and emoluments of lieutenant-colonels; and ten assistant adjutants-general, with the rank, pay, and emoluments of majors.

The second section repeals so much of section 6 of the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," approved March 3, 1869, as applies to the Adjutant-General's Department.

Mr. RANDALL. I should like to know whether the Military Committee have considered this subject.

Mr. MACDOUGALL. The Military Committee have considered this subject and this is the unanimous report of the committee.

Mr. GARFIELD. I ask the House to consider whether we really want any more brigadier-generals. Our staff corps are already too large in proportion to the size of the Army. We have been cutting down the Army and now we propose to increase the staff.

Mr. MACDOUGALL. It makes no more brigadier-generals.

Mr. GARFIELD. We ought not to have brigadier-generals at the head of our staff corps. I recollect the act of 1869 which was passed to stop promotions. The Speaker was then a member of the conference committee with myself, and we concluded that was the only safe way to prevent the tremendously large staff, which was a staff for a million men, from maintaining its out-of-proportion size. Now, if we reopen that, you will have what has happened in connection with our legislation of the last session. I understand that under that legislation there has been nominated for one staff corps enough, if extended to the whole Army, to require more than a million dollars' additional expense, and the pay and allowance extend back. I think this bill ought to be discussed more fully than it can be now. If the gentleman will consent to have it assigned to some day when we can discuss it fully, I would like to have it so discussed. I do not object to its introduction now, but I hope the gentleman will consent to an assignment for some future time.

It was but yesterday we had a bill sent to us from the Senate—I think it is now on the Speaker's table—to take back part of the legislation of the last session in regard to the staff corps. It seems to me we should consider the two bills together.

Mr. MACDOUGALL. Then I will ask that the bill be set down for consideration on the first Wednesday after the recess.

Mr. YOUNG, of Georgia. For certain reasons, I would like to have the bill recommitted to the committee.

Mr. GARFIELD. Very well; they can report it back at any time just as well.

The SPEAKER. It can be recommitted and a motion entered to reconsider.

Mr. MACDOUGALL. I have no objection to that.

No objection being made, the bill was recommitted and a motion to reconsider entered upon the Journal.

GRAND JURIES IN THE DISTRICT.

Mr. WILSON, of Indiana. I ask unanimous consent to take from the Speaker's table, for consideration at this time, Senate bill No. 974, to enable the supreme court of the District of Columbia to proceed with its jury business.

The bill provides that until the 1st day of February, 1875, it shall be lawful for the supreme court of the District of Columbia, in its various terms, to cause to be drawn by lot and impaneled from time to time the proper number of persons for grand and petit jurors in said court from those whose names are now deposited with the clerk of the said court as jurors of the District of Columbia, selected by the persons designated to select jurors in said District; and such panels so drawn and constituted shall be deemed and held to be valid and legal; but nothing herein contained shall be construed to impair the right of challenge to individual jurors, as now existing by law.

Mr. CREAMER. I think I must object, and for this reason: if we propose to do anything with the courts of the District of Columbia, the sooner we settle the question whether or not the power exists in these courts to take editors from any section of the country the better. I think we had better discuss both questions at the same time.

Mr. WILSON, of Indiana. There is now no provision of law by which the courts can obtain grand juries for this District. This bill is only for a temporary purpose, to enable them to get a grand jury, so that the cases of parties now in jail may be considered. I will say to the gentleman from New York [Mr. CREAMER] that there is another bill pending, making permanent provision for the jury system of this District. But there is an absolute necessity for the passage of this bill, to the end that parties now in jail may have their cases considered by a grand jury. I will state to the gentleman that this difficulty arises out of a recent decision of the supreme court of this District. The bill now before the House is a bill that the judges of the supreme court are anxious to have passed.

Mr. CREAMER. I will withdraw my objection.

There being no further objection, the bill was taken from the Speaker's table, read three times, and passed.

REVISED STATUTES.

Mr. POLAND. I ask unanimous consent to have taken from the Speaker's table and considered at this time Senate bill No. 1054, reserving for the use of Congress one hundred and fifty copies of the Revised Statutes authorized to be printed by the act of June 20, 1874.

The bill provides that the one hundred and fifty copies of the Revised Statutes of the United States bound and delivered to the two Houses of Congress by the Congressional Printer under the concurrent resolution agreed to on the 11th of December, 1874, be taken and reserved from the number ordered by the Secretary of State under the act of Congress passed the 20th day of June, 1874.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

CONTRACT SURGEONS.

Mr. ALBRIGHT. I ask consent to take from the Speaker's table Senate bill No. 1043 suspending so much of the act entitled "An act to reorganize the several staff corps of the Army," approved June 23, 1874, as applies to contract surgeons. This act suspends so much of the act referred to as applies to contract surgeons until the 1st day of February, 1875. I ask that an amendment be made to the bill by striking out the words "the 1st day of February, 1875," and inserting in lieu thereof the words "until otherwise provided by law." That will meet the requirements of the case.

Mr. RANDALL. I hope the gentleman will give some explanation for this bill, in order that the RECORD may contain the reasons for its passage.

Mr. ALBRIGHT. The Senate bill suspends the operation of the law for but a single month, and will not enable the Surgeon-General to employ contract surgeons. The Surgeon-General says that if he is permitted to employ contract surgeons there will be a saving to the Government of at least $60,000. He now has not a sufficient number of surgeons, and according to the law he is compelled to employ surgeons in the several districts, and must pay them according to the fee-bills of the towns where they live. This bill, if enacted into a law, will be a saving to the Government.

Mr. HAWLEY, of Illinois. I believe it is conceded by every one who has given consideration to this subject that there will be economy in changing in some respects the law as passed at the last session. For instance, prior to the passage of that act the Medical Department had authority to employ a certain number of contract surgeons at fixed prices. By the law passed at the last session there is a restriction in this respect, so that at many of the posts where contract surgeons have heretofore been employed they are now unable to employ them and will be obliged to pay for specific visits at the rates paid in the cities or other places where the posts of the Army may be situated. I am satisfied from the examination I have given this subject that it will be a matter of economy to change in some way that law; and hence I think its operation ought to be suspended for the time being.

Mr. RANDALL. The object I had in view in asking for an explanation has been attained. I make no further objection.

There being no objection, the amendment proposed by Mr. ALBRIGHT was agreed to; and the bill, as amended, was ordered to a third reading, read the third time, and passed.

Mr. ALBRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH WILSON.

Mr. BECK. I ask unanimous consent to have taken from the Speaker's table and passed the bill (S. No. 926) referring the case of Joseph Wilson to the Court of Claims. A sub-committee of the Committee on War Claims have examined this bill and recommend its passage.

Mr. LAWRENCE. But the whole committee has not acted on the bill. This matter ought to be very thoroughly examined.

Mr. BECK. The case undoubtedly ought to go to the Court of Claims.

The bill, which was read, provides that the claim of Joseph Wilson for compensation for mules captured by the rebels in July, 1864, in consequence, as he alleges, of the refusal of the pickets of the Army to allow him to pass within the lines and deliver the mules to the Government on his contract, be referred to the Court of Claims for its decision according to the law and practice of that court in such cases and proceedings.

Mr. RANDALL. What committee has examined this?

Mr. BECK. The Committee on War Claims.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. BECK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGULATION OF TELEGRAPHS.

Mr. HAGANS, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the Judiciary.

Resolved, That the Committee on the Judiciary inquire whether any injurious restrictions or discriminations are imposed on the transmission of telegraphic reports to the press or private individuals, and whether any, or if any what, legislation is necessary to regulate the administration of the telegraph; and, after hearing parties in interest, to report by bill or otherwise.

MARE ISLAND NAVY-YARD.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 4140) to appropriate $163,597 for the improvement of Mare Island navy-yard, Vallejo, California; which was read a first and second time, and referred to the Committee on Appropriations.

DEVELOPMENT OF MINING RESOURCES.

Mr. LOWE. I ask unanimous consent that the amendment of the Senate to the bill (H. R. No. 2032) to amend an act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, be taken from the Speaker's table and concurred in.

Mr. RANDALL. I ask that the bill be read.

The Clerk read the bill.

It provides that the fifth section of the act named in the title be so amended that where a person or company has or may run a tunnel for the purpose of developing a lode or lodes, owned by said person or company, the money so expended in such tunnel shall be taken and considered as expended on the lode or lodes, whether located prior to or since the passage of the act; and such person or company shall not be required to perform work on the surface of the lode or lodes in order to hold the same as required by the act.

Mr. RANDALL. I object.

Mr. LOWE. I hope the gentleman will allow the amendment of the Senate to be read.

The Clerk read the amendment, as follows:

In line 1 strike out "the fifth section of said act" and insert "section 2034 of the Revised Statutes;" and amend the title so as to read "an act to amend section 2034 of the Revised Statutes relating to the development of the mining resources of the United States."

Mr. LOWE. The amendment is only a simple reference to the Revised Statutes instead of the original act.

Mr. RANDALL. I would like to have this matter considered by a committee.

Mr. LOWE. The bill has been considered by a committee and passed by both Houses. This amendment simply changes the mode of reference to the statute.

Mr. RANDALL. For one I do not comprehend how far back the bill may reach. We may credit expenditures very many years back.

Mr. LOWE. This bill has been fully considered by the appropriate committee and passed by the House; it has also been agreed to by the Senate. This amendment simply changes the reference to the section by referring to the Revised Statutes instead of referring to the original act. I hope the gentleman from Pennsylvania [Mr. RANDALL] will not insist upon his objection.

Mr. KASSON. Has the bill been printed?

Mr. LOWE. Yes, sir.

Mr. PAGE. It has been fully considered by committees in both Houses.

The SPEAKER. Objection being made, the bill is not before the House.

THE VISIT OF THE KING OF HAWAIIAN ISLANDS.

Mr. GARFIELD. Mr. Speaker, I desire to offer the following from the Committee on Appropriations, which it is necessary to pass soon, if at all. It is an act in regard to the visit of His Majesty the King of the Hawaiian Islands.

The bill, which was read, provides that the sum of $30,000 be appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to defray the expenses attending the visit of His Majesty the King of the Hawaiian Islands and his suite in the United States; the same, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State, vouchers to be filed in the Treasury Department and statement thereof to be reported to Congress by the Secretary of State.

Mr. GARFIELD. I have here a letter from the Secretary of State on the subject.

Mr. HEREFORD. I object, and shall continue to object until I have an account of what was done with the $25,000 appropriated for the Japanese embassy. There has been no report made on that subject up to this day.

Mr. GARFIELD. I ask the gentleman to suspend his objection for a moment. The King of the Hawaiian Islands some months ago notified our Government of his intention to visit this country, and the President very properly tendered him an invitation to visit Washington as a guest of the United States. There was no time to lay the matter before Congress so that an appropriation could be made in advance for his expenses. I am informed, and have every reason to believe, not only from the Secretary of State but from the chairman of the Committee on Foreign Affairs, that the expenses of the visit will be of the most carefully economical character consistent with the nature of the expense. The sum named probably will be beyond what will be needed; but a full report, it is here provided, shall be made to Congress direct. It will be very embarrassing to the Secretary of State if Congress should now before the holidays refuse to make this appropriation.

Mr. RANDALL. How much is it?

Mr. GARFIELD. Thirty thousand dollars is the sum proposed. Probably the actual expense will be less than that amount.

Mr. RANDALL. I think we had better not appropriate more than is necessary.

Mr. GARFIELD. I have presented this matter, as it was my duty, before the holidays, and hope that objection will not be insisted on, as it will embarrass the Government in a matter so delicate as this is while our guest is still here.

Mr. RANDALL. It seems to me that we had better postpone the subject until the guest is gone.

Mr. GARFIELD. That could not well be done.

The SPEAKER. The gentleman from Virginia objects, and the bill therefore is not before the House.

RECUSANT WITNESS—COLONEL R. B. IRWIN.

Mr. DAWES. I have a communication addressed to the Speaker of the House which I ask to have read.

The Clerk read as follows:

WASHINGTON, D. C., *December* 22, 1874.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES:

We, the undersigned, attending and consulting physicians in the case of Colonel R. B. Irwin, having carefully, and in each other's presence, examined the above-named patient, and fully recognizing our responsibility to the Congress of the United States in the premises, do hereby certify that in our judgment the said Colonel R. B. Irwin is not at present in a physical condition to present himself before the bar of the House, or to be subjected to any mental excitement whatever.

W. P. JOHNSTON, M. D.,
Attending Physician.

ALEX. Y. P. GARNETT, M. D.,
Consulting Physician.

Mr. DAWES. After such a statement from gentlemen of such high personal and professional character the Committee on Ways and Means cannot instruct the Sergeant-at-Arms to bring this witness before the House unless the House should otherwise order. It has been deemed best to lay the paper before the House, in order that it may understand the reason for the non-appearance of the witness. The command of the House is to bring him here forthwith, and it may be a matter of inquiry why the Sergeant-at-Arms does not obey the precept of the House. It is only that the House may understand the reason why, in the present condition of the witness, the Sergeant-at-Arms did not feel at liberty to bring him here and have brought the matter up.

EAST PASCAGOULA A PORT OF DELIVERY.

Mr. CONGER. I ask unanimous consent to report from the Committee on Commerce a bill (H. R. No. 4141) to make East Pascagoula, in the State of Mississippi, a port of delivery in the district of Pearl River.

There was no objection, and the bill was read a first and second time.

The bill, which was read, provides that from and after the passage of this act East Pascagoula, in the State of Mississippi, in the district of Pearl River, shall be a port of delivery in said district.

Mr. CONGER. I wish the Clerk to read the following letter:

TREASURY DEPARTMENT,
Washington, D. C., December 16, 1874.

SIR: I have received your letter of to-day, submitting a proposed bill intended to make legal the present custom of allowing the entry and clearance of vessels at East Pascagoula, and requesting the opinion of this Department in regard to the matter.

You are informed in reply that, as the facts have been represented to me, East Pascagoula is the only port in the district of Pearl River suitable for the accommodation of the foreign trade which has recently opened in that district.

I recommend, therefore, instead of the passage of the bill submitted by you, that East Pascagoula be made a port of delivery in the district aforesaid. Then, by laws already existing, this Department will have authority to clothe the deputy collector of customs stationed there with the powers necessary to enable him to enter and clear vessels, to receive duties, and to perform other acts ordinarily done by a collector at a port of entry.

Very respectfully,

B. H. BRISTOW,
Secretary.

Hon. J. R. LYNCH,
House of Representatives, Capitol.

Mr. WILLARD, of Vermont. Is this port accessible to sea-going vessels?

Mr. CONGER. It is accessible from the Gulf of Mexico. A large number of buildings have been erected within a few years. They have to go to get their entries at a port of delivery nearly one hundred miles off. If it be made a port of delivery, the officer there will have the power to make such entries.

Mr. WILLARD, of Vermont. Does this increase the number of officers?

Mr. CONGER. It does not; it merely gives the power.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL REPORTS FOR 1872 AND 1873.

Mr. DONNAN. I am instructed by the Committee on Printing to report a substitute for the resolution referred to the committee in relation to the printing of the Agricultural Reports.

The SPEAKER. If there be no objection, the substitute only will be read.

There was no objection, and the Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed of the annual report of the Commissioner of Agriculture for the year 1872 two hundred and thirty thousand copies, of which fifty thousand shall be for the use of the Senate and one hundred and eighty thousand for the use of the House of Representatives; and that there be printed of the report of the said Commissioner for the year 1873 one hundred and fifty-five thousand copies, of which thirty-five thousand copies shall be for the use of the Senate and one hundred and twenty thousand copies for the use of the House of Representatives.

Mr. DONNAN. I desire to say one word. The Committee on Printing have reduced the number named in the original resolution by seventy-five thousand. The reason for this reduction is that while for 1872 the Commissioner has received only the usual number, twenty-five thousand, he has received under the appropriation of last year, as I am informed by the Congressional Printer, one hundred thousand copies for 1873, being seventy-five thousand copies more for that year than for 1872. The committee have reduced, therefore, the number by that amount. I will state, also, that the cost of this report for 1872 will be a little less than forty-two cents per copy, and the cost of the report for the year 1873 will be between thirty-nine and forty cents per copy. I call the previous question upon the passage of the resolution.

Mr. WILLARD, of Vermont. I desire to ask the gentleman whether at the last session of Congress a resolution was not adopted ordering the report of 1872 to be printed?

Mr. DONNAN. During the last session the House of Representatives adopted a resolution authorizing precisely the same number as that we now provide for in connection with those received by the Department; but that resolution failed to receive favorable consideration on the part of the Senate.

Mr. WILLARD, of Vermont. Is it not now pending in the Senate?

Mr. DONNAN. It is not.

Mr. WILLARD, of Vermont. I suppose it is of no use to make any opposition to this. I would be glad, however, to have a division of the House upon it, to see if it be the unanimous wish of the House to adopt this resolution.

The previous question was seconded and the main question ordered.

On the question of agreeing to the resolution there were—ayes 59, noes 26; no quorum voting.

The SPEAKER. Is further count demanded?

Mr. WILLARD, of Vermont. I call for the yeas and nays on the question of agreeing to the resolution.

On the question of ordering the yeas and nays there were ayes 14; not a sufficient number.

So the yeas and nays were not ordered, and the resolution was agreed to.

Mr. DONNAN moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING EXTRA COPIES OF PRESIDENT'S MESSAGE.

On motion of Mr. DONNAN, the Committee on Printing were discharged from the further consideration of the resolution providing for printing 20,000 extra copies of the President's annual message, and the same was ordered to be laid upon the table.

F. CHRISTIAN AND Z. DE BOW.

On motion of Mr. MAGEE, by unanimous consent, the Committee on Patents was discharged from the further consideration of the bill (H. R. No. 1366) to authorize Thomas Christian and Z. De Bow to bring suit in the Court of Claims for compensation for the use of their improved wagon-brake by the United States; and the same was referred to the Committee on Claims.

FOWLKES WUNSTON ET AL.

On motion of Mr. WHITEHEAD, by unanimous consent, the Committee on Claims was discharged from the further consideration of the petition of Fowlkes Wunston and other citizens of Lynchburgh, Virginia; and the same was referred to the Committee on War Claims.

GOVERNMENT OF THE DISTRICT.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 4142) amending an act entitled "An act for the government of the District of Columbia, and for other purposes;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PACIFIC MAIL SUBSIDIES.

Mr. DAWES. I am instructed by the Committee on Ways and Means to report the following resolution, and to ask its passage:

Resolved, That the Committee on Ways and Means, in prosecuting pending investigation into the alleged expenditure of money in procuring the passage of subsidies for the Pacific Mail Steamship Company, may hold sessions either by full committee or sub-committee, in the city of New York with the same powers as those now exercised by the committee in such investigations in the city of Washington.

The resolution was agreed to.

Mr. DAWES moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNAL-REVENUE LAWS.

Mr. FOSTER, by unanimous consent, introduced a bill (H. R. No. 4143) to amend the existing internal-revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine. I move that the rules be suspended and that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the special order, the bill (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes.

And pending that motion I move that all general debate on the bill shall be closed in five minutes.

Mr. POLAND. Will the gentleman yield to allow me to report a bill from the Committee on Revision of the Laws of the United States?

Mr. HALE, of Maine. I yield to the gentleman if it will not occupy much time.

AUTHENTICATION OF REVISED STATUTES, ETC.

Mr. POLAND, by unanimous consent, from the Committee on Revision of the Laws of the United States, reported a bill (H. R. No. 4144) providing for the authentication of the Revised Statutes of the United States, and for preserving the originals of all laws in the Department of State; which was read a first and second time.

Mr. POLAND. I am instructed by the committee to ask that this bill be put upon its passage. The Secretary, Mr. Fish, is exceedingly anxious that it shall pass before the holiday recess.

The bill was read. It provides that the certificate to the printed volume of the Revised Statutes of the United States required by section 2 of an act "providing for the publication of the Revised Statutes and laws of the United States," approved June 20, 1874, shall be made by the Secretary of State under the seal of the Department of State, and repeals so much of said section as provides that such certificates shall be under the seal of the United States.

The second section provides that section 204 of the Revised Statutes of the United States shall hereafter read as follows:

Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President; and whenever a bill, order, resolution, or vote is returned by the President with his objections, and on being reconsidered is agreed to be passed and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate or Speaker of the House of Representatives, in whichever House it shall have been last so approved, and he shall carefully preserve the originals.

Mr. POLAND. I will not take any time to make any explanation of the necessity of this bill unless some gentleman desires it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LAND TITLES.

Mr. PACKARD. I ask unanimous consent to have taken from the general Calendar House bill No. 2188, for the relief of persons to whom the governors of Northwestern and Indian Territories confirmed land. I ask that the bill may be brought before the House for consideration as in Committee of the Whole on the third Tuesday in January.

No objection was made, and it was so ordered.

ORDER OF BUSINESS.

Mr. MAYNARD. Have we had a morning hour?

The SPEAKER. We have not.

Mr. MAYNARD. Then I call for the regular order.

The SPEAKER. The regular order is the calling of committees for reports, beginning with the Committee on Commerce.

Mr. HALE, of Maine. I move that the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of the naval appropriation bill.

The SPEAKER. If the House agrees to go into Committee of the Whole that will waive the regular order.

Mr. MAYNARD. If the gentleman makes his motion for the purpose of going on with the naval appropriation bill, I hope he will submit another motion to close all general debate upon the bill, so that if we go into Committee of the Whole we will be upon the bill.

Mr. HALE, of Maine. I propose to limit all general debate to five minutes, and make that motion.

Mr. BECK. I am advised, upon application at the document-room, that the report of the Secretary of the Navy, which we ought to have when considering this bill, has not yet been received.

Mr. HALE, of Maine. The Printing Office is almost choked up. It is almost impossible early in the session to get the reports of the Departments and Bureaus. It is not the fault of the Department; the report has been sent in.

Mr. BECK. It so happens that gentlemen on this side of the House, who were not able to be present while this bill was being made up——

Mr. HALE, of Maine. Has not the gentleman received a copy of the report of the Secretary of the Navy?

Mr. BECK. I have not; I sent for it this morning, but received word that it had not been received.

Mr. HALE, of Maine. I have received it.

Mr. BECK. I have at my room a pamphlet copy of the report of the Secretary of the Navy, without the appendix; but it is the appendix which gives all the necessary information.

Mr. HALE, of Maine. The appendix sometimes does not reach the House until January or February. I do not think that at this stage of the session, considering that this is a short session and we have a long recess before us, the gentleman will insist that there should be any further delay. We ought to put these appropriation bills through as rapidly as we can in the early part of the session, because, as the gentleman knows, by and by there will be other matters besides appropriation bills which the House will want to discuss. The Senate has a finance bill which they will send over soon after the holidays; and the more appropriation bills we can get through now, the more time we will have then for the consideration of that and other bills. That is why I am desirous of getting this bill on, and I hope the House will pass it before we take our recess to-morrow. If we wait for the appendix and all these voluminous reports we will not pass this bill for weeks.

Mr. BECK. The report will be here soon after the holidays.

The question was taken upon the motion to limit general debate, and it was agreed to.

The question was then taken upon the motion to go into Committee of the Whole; and upon a division—ayes 79, noes not counted—it was agreed to.

NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole (Mr. HOSKINS in the chair) and proceeded to the consideration of the bill (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes.

The CHAIRMAN. By order of the House all general debate has been limited to five minutes.

Mr. HALE, of Maine. I ask that the formal reading of the bill be dispensed with.

No objection was made.

Mr. HALE, of Maine. I now ask that the bill be read by paragraphs for amendment.

The Clerk began the reading of the bill, and read the following:

For pay of commissioned and warrant officers at sea, on shore, on special service, and of those on the retired list and unemployed, (and for expenses and transportation of officers traveling under orders,) and for pay of the petty officers, seamen, ordinary seamen, landsmen, and boys, including men of the engineers' force, and for the Coast-Survey service, eighty-five hundred men, $6,250,000.

Mr. RANDALL. I want to ask the gentleman from Maine a general question in regard to this naval appropriation bill. It is whether there is any fund derived from the sale of materials or vessels or from any other source which the Navy Department has now in its own hands and which can be drawn upon separate from the appropriations which we make? The gentleman, I think, will understand the purpose of my question.

Mr. HALE, of Maine. Not a dollar, as I understand it. There was a provision made in one of the appropriation bills within the last two or three years, authorizing the Secretary to sell old vessels and useless materials. But it was also provided that the proceeds of those sales should all be paid into the Treasury, so that wherever any sales are made of old vessels, of property or material, by the Navy Department, the money is at once turned into the Treasury, and, as I believe, the Secretary of the Navy has no more control over it than other Departmental officers.

Mr. RANDALL. I was induced to make this inquiry, because I knew the fact that the Navy Department has in years past been the recipient of large sums of money from the sale of material and vessels and from other sources. The gentleman will remember that for the year ending June, 1871, the appropriations were $19,000,000, at least not $20,000,000, for the Navy Department; I have the exact figures here; while for the years thereafter we have continued to increase the appropriations until for the fiscal year ending June 30, 1874, they ran up to $31,000,000. Now, if my memory serves me aright, but $22,000,000 were appropriated for the year ending the 30th of June next. Now, my object in this inquiry was to ascertain whether there is any source from which the Navy Department derives revenue, unknown to the appropriation bill.

Mr. HALE, of Maine. I see exactly what the gentleman is driving at. I will give the explanation. The report of the Secretary of the Treasury shows that the expenditure of the Navy Department for the year previous to last July was, as the gentleman states, about $30,000,000. That is explained in this way. The regular naval appropriation bill covering that year appropriated $19,000,000; but into that year there went as additional expenditures the extraordinary item of $3,000,000 for the construction of sloops of war, $4,000,000 for an emergency fund, $1,000,000 extra for iron-clad monitors, and all the appropriations for the navy-yards, making the aggregate nearly or quite $30,000,000 for that year. But the gentleman will see that that was an exceptional year, these extraordinary funds being put into the hands of the Navy Department for special emergencies.

I am glad the gentleman has called attention to this matter, because when I first saw that statement in the report of the Secretary of the Treasury it struck me there must be some mistake. But on inquiry—in fact without inquiry—on reflection, I saw how it was.

Mr. RANDALL. Then as to the fiscal year ending June 30, 1876, there is no reason to believe that anything beyond what is actually appropriated in this bill is to be expended by the Navy Department?

Mr. HALE, of Maine. I do not know, of course, what the future may bring forth; but so far as I can say now, and so far as the committee were informed, there is nothing to justify the belief that there will be any emergency or anything requiring any extraordinary appropriation.

Mr. GARFIELD. Of course the navy-yards come in another bill.

Mr. RANDALL. I understand that. But I wanted to see whether there is to be a reduction on the expenditures of years past.

Mr. HALE, of Maine. Certainly, a very marked reduction, as during the progress of the bill I will explain.

Mr. BURLEIGH. I wish to ask my colleague [Mr. HALE, of Maine] what is the condition of the sloops of war he spoke of. Are they finished?

Mr. HALE, of Maine. They are nearly finished and ready for sea; it is expected that by the opening of spring they will all be ready to be put afloat.

Mr. BECK. Mr. Chairman, I rise to make an amendment *pro forma* for the purpose of asking a question. Not having been able to see the reports, (which are not in,) I desire to know how many men have been employed in the Navy during the last year. In answer to a resolution that I offered last spring, the Secretary of the Navy informed us that he had enlisted fifteen hundred additional men, and application was made to Congress for the passage of an enactment authorizing such increase. That law never was passed; but the men were enlisted, and they have been employed in the Navy, I presume. I see, however, that this bill provides only for eighty-five hundred men. I desire to know (and this is one reason I wished to see the report) how long ten thousand men were employed, and by what authority they were kept in the Navy, when Congress had refused to pass a bill increasing the number from eighty-five hundred to ten thousand.

Mr. HALE, of Maine. The gentleman knows that in military establishments the force is naturally reduced at quite a rapid rate by the expiration of terms of service. This applies of course to the naval establishment as well as to the Army. The Secretary of the Navy, under the pressure of the emergency a year ago, when war was threatened with Spain, did enlist nearly fifteen hundred men in addition to the regular force, trusting to an appropriation of Congress for their payment and for the sanction of the increase. He frankly stated that under the emergency he had gone forward and spent more money than was regularly under his control and had enlisted these men. Congress did sanction his action, as the gentleman will remember, so far as to provide funds for the payment of those men; but it declined, and I think wisely, to embody in the act any authority for a permanent increase of the force. As soon as that result became known the Secretary ceased to make new enlistments; he discharged men as fast as possible, and reduced the force down to the regular number provided by law—eighty-five hundred men. During nearly all of the past year there have been but eighty-five hundred men in the service of the Government; and there is only that number now. Therefore the Secretary estimates only for the regular establishment, eighty-five hundred.

Mr. BECK. That is all I desired to know on this point.

The Clerk read as follows:

For contingent expenses of the Navy Department, $100,000.

Mr. BURLEIGH. I move to amend the clause just read by striking out "$100,000" and inserting "$50,000." I make this motion for the purpose of stating that I believe this contingent fund, or a portion of it, is used to thwart the action of Congress.

The records will show, and many men on this floor will remember, that at the last session of the Forty-second Congress an act was passed cutting off certain sinecure offices in the different navy-yards—that of receiver of, and that of clerk of accounts.

My predecessor (Mr. Lynch) at that time on this floor asserted, as he had done before, that these were sinecure offices; that the receiver at the Kittery navy-yard in particular did nothing but receive his pay; that the Secretary of the Navy himself knew they were sinecure offices, and had discharged the incumbents; but was obliged to fill the position of receiver again at Kittery on account of the political pressure which was brought to bear on him. It was also stated by Mr. Lynch that he expected that at the other end of the Capitol there would be a pressure brought to bear to have these officers retained. He was not disappointed. They did not succeed, however, and the places were abolished.

The appropriation for these sinecure places expired in July, 1873; but a short time before the expiration of that appropriation I learned that the receiver to whom my predecessor stated it was robbery to pay money out of the Treasury of the United States for doing nothing was about again to be appointed to a similar position. I wrote to the Secretary of the Navy, referring him to the action of Congress and the statements which were then made, telling him that I believed them to be true, and protesting in the most respectful manner, but earnestly, against his appointing any man to any such position in the district I have the honor to represent. Then came the worst of the whole. I repeat what the commodore told me and others at the time. He said that the Secretary of the Navy came to him and requested him to write a note to him, the Secretary, asking that the man be appointed as inspector. He said that he protested against it; that he advised the Secretary of the Navy of the uselessness of the position, and of the pernicious example it would be to the yard itself. The Secretary of the Navy appealed to their long friendship, and gave him two days to consider the matter. The honest gentleman, the commodore, said that he had the hardest struggle for two days he ever had in his life between his duty to his country and his friendship, and that the politician succeeded; that he was beat; his hands were clean. The appointment was made in the face of and in spite of the action of Congress. The man is paid on a pay-roll by himself, probably from this contingent fund.

Now, Mr. Chairman, I consider this not only an insult to me, but an insult to every member of this House and to every member of Congress. And why is it that he is so persistently quartered upon my district year after year? For the benefit of my democratic friends I will say that it is no new seed planted by the republican party. It is rather a gnarled old oak, grown to its full stature in democratic soil. This henchman and chief have traveled together thirty years or more. It is due to every man on this floor, due to his self-respect, that he should stand by me in the position which I have taken, and which was taken before by my predecessor, if he would stand up for the rights of his district, the law, and economy in public expenditures.

I send to the Clerk's desk the time that this sinecurist remained on the yard each day for twelve days, which shows that he was on the yard about twenty-five minutes each day. He goes on at mail-time to get the news. The time was kept by the detective on the yard.

Mr. HALE, of Maine. My colleague has been finding out for the past two years how uncomfortable a thing it is to have a navy-yard in one's own district. I do not envy any man upon this floor who has a navy-yard in his district. It will always be a source of trouble and disappointment to him. I am sorry he has had an encounter with the politicians he speaks of, whoever they may be, and that he has not had his way. I have no doubt his way was the good way and the right way, but I appeal to the committee that here is not the place to settle difficulties which arise in the administration of navy-yards as to the disposition of patronage. How the fact that my colleague has been ill-treated, as he says he has—and I am bound to believe it when he says so—affects the contingent fund of the navy-yard, I cannot see. It is a fund that has been appropriated every year.

Mr. BURLEIGH. This man was put upon a separate pay-roll and paid by himself for that year.

Mr. HALE, of Maine. I do not know how he was paid; but in considering this bill for the support of the Navy, we certainly have nothing to do with the quarrels of politicians in reference to the men who should go into the navy-yard. Quite likely my colleague has cause of complaint, but this contingent fund of the Navy Department is one which for years has been given for many various purposes in the running of the navy-yards. It is for rent and furniture of buildings and offices not in the navy-yards; for expenses of courts-martial and courts of inquiry—I have the bill of particulars before me; for boards of investigation; examining boards; clerks and witness fees; traveling expenses; stationery expenses and purchasing paymasters' stores at various cities. I think the committee will not

call upon me to go through with the particularization any further. The list goes through all things essential in the running of the Department.

Why my colleague moves to reduce this appropriation $50,000 because a man was put in over his head in his navy-yard who ought not to have been put there, I cannot see. As to this fund and the disposition of it, if there is any question as to how it has been expended I am ready to answer.

Mr. RANDALL. Does the gentleman from Maine have the report of the contingent expenditures?

Mr. HALE, of Maine. Reports have been sent in of the contingent expenditures of the Department and have not yet been printed. Knowing that to be the fact, I took the precaution to have a special copy made for my convenience, because I knew I should be asked if there had been no report made of the contingent expenditures. So I had the details all made up and have them here at hand; items as low as twenty-five cents being shown.

Mr. RANDALL. But the trouble is that we have not before us the information necessary to enable us to ask questions about these expenditures. We have not the facts before us. There is a material point suggested by the statement of the gentleman from Maine, and it is this: Whether after the Congress of the United States has declared that certain officers of the navy-yard heretofore provided by law are no longer necessary, the Secretary of the Navy notwithstanding that action of Congress has continued those officers and paid them from the contingent fund. Now that we do not know, unless we have this report. This morning I sent for the report of the expenditures of the contingent fund of the Navy Department, and I was informed that it had not been received from the printer. Therefore I cannot say whether these gentlemen have been retained in violation of the wishes of Congress and paid from the contingent fund or not. Can the gentleman from Maine tell?

Mr. HALE, of Maine. I cannot tell. I can only say this as to the civil force in the navy-yards, that by a very wise provision, as I think, Congress cut down the civil force in all of the yards 47 per cent., and I know that from that time the Secretary of War has faithfully set himself to put into operation that provision of the appropriation bill. It was a thing, of course, that gave him a great deal of trouble, because he was besieged on all hands to retain men. Nearly half of them had to go out and he had to select who should be retained. I know this about it, that the Secretary has stated, and I believe him, that he has followed out faithfully the directions of Congress and has only expended for this force the amount that Congress appropriated for the different yards, and this year I have only put in the bill the same amounts that we gave last year. Now, I do not know who is in, and I do not know who is out. I do not know the name of a man affected by the provision of the bill of last year. The members of the committee are not called upon to give the names of men. That is not our duty under this bill. It is a matter of administration; and who were retained I do not know.

Mr. BECK. I move to amend the amendment by making the amount $40,000.

I move to reduce the contingent expenses of this Department as I expect to move to reduce the expenses of most of the others, because I think that all the expenditures of all the Departments ought to be appropriated for specifically and the contingencies made as small as possible. I understand those contingencies to cover such things as are not specifically enumerated. We are now appropriating specifically for everything we can think of; and I was informed the other day, when I asked the question, that, contrary to the habit heretofore, the present Secretary of the Treasury is now requiring that the money we appropriate shall be applied to the specific objects for which we appropriated it, which is certainly a great step toward securing economy.

I have looked into these contingent expenses very often, and I have had made out—how accurately I do not know, but by a very careful man, who seems to be very well informed—a statement of the contingent expenses of the several Departments, which I send to the desk to have inserted in the RECORD as a part of my remarks, so that their accuracy can be tested. It appears that in the Department of State the contingent expenses amount to $466 for each person employed. In the Interior Department they amount to $458 for each person employed; in the Department of Justice they amount to $600 for each person employed, and so on. It is true that they are smaller in the Army Department and the Navy Department than in the others.

I am wholly unable to see how such amounts of money can be expended or that they ought to be expended for contingencies. These contingent expenses ought to be cut down, and the amounts specifically appropriated and their expenditure accounted for specifically, as is now required by the Secretary of the Treasury, according to what the chairman of the Committee on Appropriations told us the other day.

Mr. ELDREDGE. I desire to ask my friend from Kentucky [Mr. BECK] if there is any relation between the amount of contingent funds in the several Departments and the number of the employés in those Departments. The gentleman seems to be instituting a comparison, and I ask for information whether there can be any possible relation of the employés to the amount of the contingent funds expended in the several Departments?

Mr. BECK. If I am correctly advised, there ought to be. I understand that this contingent fund covers stationery, ink, paper, &c., and various outside services. There are a large number of persons who have to be supplied with articles of stationery, &c., and there are rooms to be swept and labor to be done, and hundreds of things of those smaller items which I understand we cannot enumerate in an appropriation bill. They are too small to be taken notice of in that way.

Mr. ELDREDGE. I supposed there was provision made for printing for the Department, and that the expenses on that account would not form a part of the contingent fund.

Mr. BECK. I understand——

Mr. ELDREDGE. I do not suppose the articles the gentleman refers to compose all the articles for which this contingent fund is expended. I cannot even now see what relation there can be between the amount expended and the number of employés in the several Departments.

Mr. BECK. The statement I furnish merely gives the amount of contingent fund allowed to each Department or Bureau, together with the number of employés and the amount of the funds for each employé.

Mr. KELLOGG. Are all of the contingent expenses of the Departments expended upon the employés?

Mr. BECK. I do not know.

Mr. KELLOGG. The gentleman should find out.

Mr. BECK. I am trying to find out.

Mr. ELDREDGE. If the gentleman knows what these expenses are——

Mr. BECK. I do not.

The following is the paper referred to by Mr. BECK:

Memorandum showing the relative amounts appropriated for the contingent expenses of the several Departments in Washington.

Department.	No. of persons.	Amount.	Per capita.
Department of State	60	$31,700 00	$466 00
Treasury Department, excluding loan branch	1,875	189,475 00	102 00
Treasury Department, including loan branch	2,406	1,829,475 00	761 00
Interior Department	964	442,010 00	458 50
Post-Office Department	342	49,100 00	143 56
Department of Justice	50	30,000 00	600 00
Department of Agriculture, exclusive of collecting and distributing seeds, and of the experimental garden	60	19,600 00	326 66
War Department proper	64	20,000 00	312 50
Adjutant-General's Office	396	8,000 00	20 20
Quartermaster-General's Office	147	7,000 00	47 62
Paymaster-General's Office	69	16,500 00	239 13
Commissary-General's Office	32	7,000 00	218 75
Surgeon-General's Office	170	7,000 00	41 17
Engineer Bureau	26	3,000 00	115 37
Ordnance Bureau	33	2,000 00	60 60

Mr. BURLEIGH. I ask permission to have printed in the RECORD as a portion of my remarks the time-table of the sinecure in the navy-yard to which I have referred, as kept by a detective.

The paper is as follows:

M. F. Wentworth's time at the Kittery navy-yard.

1873.	1873.
October 20. Not in the yard.	October 28. From 11.45 to to 12.30.
21. From 11 to 11.15.	29. Not in the yard.
22. From 10 to 10.15.	30. From 10 to 11.
23. From 10.30 to 11.45.	31. From 9.30 to 12.*
24. Not in the yard.	November 1. Not in the yard.
25. Don't know.	3. From 10.30 to 11.
27. Not in the yard.	

* This is the day of discharge.

Mr. BECK. I withdraw my amendment.

Mr. RANDALL. The gentleman from Maine [Mr. HALE] has at his desk a copy of the expenses under this contingent fund; perhaps he can answer the question whether, so far as he can see, any of the employés have been paid out of that fund?

Mr. HALE, of Maine. I can find nothing of that kind.

The question was upon the motion of Mr. BURLEIGH to reduce the contingent fund from $100,000 to $50,000.

Mr. HALE, of Maine. Before that vote is taken I wish to say that I hope the committee will not cut down the amount here appropriated. It covers very important services. Within the last two years we have cut this item down from $125,000 to $100,000, and the Committee on Appropriations do not believe that we should go further than we have done. Gentlemen will see that the fund at the disposal of the Secretary for the whole uses of the Navy, scattered all over the waters of the globe, must certainly be drawn upon in a great many ways. The Secretary in this case desired a larger fund, but the committee thought it best to keep it at $100,000.

The question was taken upon the motion of Mr. BURLEIGH; and on a division there were—ayes 21, noes 24; no quorum voting.

Mr. BECK. I think we ought to have tellers; that is too small a number to act upon so important a bill as this.

Tellers were ordered; and Mr. HALE, of Maine, and Mr. BECK were appointed.

The committee again divided; and the tellers reported that there were ayes 37, noes not counted.

So the amendment was not agreed to.

Mr. COX. I move to strike out the last word with a view only to say this: The gentleman from Maine [Mr. BURLEIGH] has not had his troubles allayed or his grievance remitted by his motion. There is a sort of impartiality on the part of the Navy Department that knows no party on this subject. I would suggest to him to put in a proviso to this clause to this effect: Provided that the expenditures shall be made in conformity to law. Perhaps that may pass. I tried one of these provisos last year; but it did not pass because it came from the wrong side of the House. I hope my friend will try it on his side of the House. I withdraw my amendment.

The Clerk read the following:

For the civil establishment at the various navy-yards and stations, the sum of $158,000.

Mr. WILLARD, of Vermont. I would inquire of the gentleman from Maine [Mr. HALE] why this appropriation in this clause is not set out in detail, as it was in the bill of last year?

Mr. HALE, of Maine. There was appropriated for the different navy-yards last year a certain amount to each yard. The Secretary of the Navy found that in some cases he could get along with less money than Congress gave him for particular yards, while for other yards he needed more. The only way in which we fixed the matter last year was to take the whole force, then cut it down, and keep the proportion the same for the different yards. Of course that was striking somewhat blindly. When the Secretary put the provision into operation he found that in some yards the force had been allowed to grow up till it was too large, and much more in excess in some yards than in others. Therefore, when we came to make up this bill he suggested that, while we did not increase the amount, it should be given to him in gross, so that he could assign it as he thought best. I thought that a good suggestion, and so drew up the bill.

Mr. WILLARD, of Vermont. I can understand how it may turn out as a matter of theory, that when appropriations in specific items are inserted, as they were in the bill of last year, they should not be exactly what they ought to be; that more was appropriated for the civil establishments of some navy-yards than was actually required by the service and less for other yards. But I cannot understand why, if the Secretary has found that out, (and I understand from the gentleman from Maine [Mr. HALE] that he has,) he is not able to report here just what will be required during the next fiscal year for each one of these yards. If he has ascertained that, for instance, there was too much appropriated last year for the navy-yard at Charlestown, Massachusetts, and too little for the one at Brooklyn, New York, then he should be able to specify how much too much for the one and how much too little for the other.

It so happens that the amount in gross which is recommended this year is just the same as last year, or within a few dollars. I suppose it was intended to be the same in gross amount. Therefore, coming to that estimate, it would seem that we last year hit the exact amount as to all of the yards, but did not correctly specify the amounts for the particular yards. Now, it is, I think, tolerably well settled by this time that the better way is to have these appropriations specific so far as possible. As little as possible should be left to the discretion of the officer having charge of the disbursement. Otherwise we might make our annual appropriation for the naval establishment $17,000,000 in gross, leaving that amount for the Secretary of the Navy to dispose of as he saw fit. To what extent we shall go into details is, of course, a matter of discretion and of sound policy. But we did go into detail on this subject last year; and I understand that the only criticism upon the action we then took is that in some respects the amounts fixed were not the amounts that ought to have been fixed. Now, that could easily enough have been remedied this year. The amount could have been fixed, as it should have been, for each navy-yard; and then it would not have been left to the discretion of the Secretary of the Navy or some subordinate officer (and as likely as not the matter is regulated by the discretion of some subordinate) to expend twice as much as the amount appropriated for some of these yards and not half as much for some others; in other words, to exercise a degree of favoritism (if the Secretary or any subordinate officer should desire to do so) for the benefit of any locality or against any locality.

Of course I am not prepared to offer an amendment, because any amendment ought to meet the very point the gentleman suggests. If the amount appropriated in any particular cases last year was not right, then those appropriations should be corrected this year. Hence I cannot offer any amendment to meet the case; but I desire to enter my objection to this method of returning again to these general appropriations after we have once attempted to make them specific.

Mr. ARCHER. I move *pro forma* to amend by striking out the last word.

Mr. Chairman, we stand to-day in a most humiliating position, considering the high ground we have taken, first in proclaiming the Monroe doctrine, second in claiming exemption from the right of search, on which matter we went to war with England in 1812, and assert that we are ready to do so against Spain should she interfere with vessels bearing our flag. At this moment we are without suitable ships, without guns, and without men to man the few vessels we have; and only by accident have we been saved from a humiliating war, in which the people of the United States would have been greatly disappointed in the results. Everybody has been led to believe that we had one hundred and sixty-nine ships of war, when we have really thirty-two sea-worthy steamers and eight iron-clads. With these our officers are expected to contend against a navy fitted with all the modern improvements, having eight or ten heavy sea-going iron-clads, fourteen or fifteen large and swift frigates, besides four or five very heavy sea-going iron-clads rapidly advancing to completion. And here arises a difficulty we must always experience in cases of sudden emergency. No doubt in the course of a great war, when all our commerce was laid up, we would ultimately be able to man a number of ships, not with such seamen as are required for immediate action, but with material that could be worked into shape in the course of three or four months.

An army, as has been demonstrated time after time, can be improvised almost immediately from the rawest material. It is merely teaching men to load and fire a musket and drill, and maneuver in companies and regiments. This can be fairly learned in two weeks, although of course it takes time to make a perfect soldier. But it requires months of constant drill to enable a ship of war to be prepared to hold her own in action against the well-drilled and well-maneuvered war-vessels of the present day.

Congress allows the Navy but eighty-five hundred seamen, which many suppose are all employed at sea, but a large portion are necessarily stationed in receiving-ships, store-ships, school-ships, transports, navy-yard tugs, &c., and but a small force is left to man the vessels actually employed in active service. Many of our ships abroad are sixty men short, and few of them have their proper complement. Can any one expect a frigate of four hundred men to contend successfully with one of five hundred? Common sense would convince any one of the absurdity of this.

In all these matters, as we seem to have no originality, we must adopt the ideas of foreigners, at least those whose defeats have taught them the necessity of perfect system in organizing their navies.

We have had some remarkable successes against great odds. In 1812 we obtained advantage over England with our handful of frigates, because she was then neglecting the very matter that we are neglecting now, in not educating seamen expressly for the naval service, and it was not until the navy of France under the late emperor had reached a point of excellence it never before attained, that the English determined to reorganize their system and educate their own seamen. The apprentice system was established, and now all the ships of the British navy are manned with native seamen, from whom are made up the ordinary seamen, seamen, seamen gunners, and petty officers. The English have at present in commission thirty-four vessels devoted to the purpose of naval training, including twelve ships of the line for training apprentices, eight tenders to the same, four large ships for gunners' practice, and nine ships and one tender for coast-guard drill, and it is now proposed to extend this system to the North American colonies, where England has a reserve of eighty thousand seamen.

From these facts it will be seen how little attention we have paid to matters of so much importance. When we fit out a ship, men are picked up haphazard at different naval rendezvous, at least 50 per cent. being foreigners with little or no interest in the country or devotion to the flag and ready at the first favorable opportunity to desert. A ship going to sea in a hurry, manned by such a heterogeneous mob, without sufficient time to properly station her men or instruct them in their duties, would fall an easy prey to an enemy's vessel of much inferior size. The frigate Colorado was not long since taken from the row of vessels, laid up a sheer hulk, and fifteen days afterward she sailed fully manned and armed for Cuban waters. Her crew only went on board four days before she sailed, and no country could reasonably expect a ship to fight under such circumstances and not disgrace her flag.

The best officers in the Navy could not even work the men into their places, much less instruct them in the art of loading, aiming, and firing in the short space of time allowed the crew. The crew of a vessel would not know their places and would be a mere target for a well-drilled enemy's shot.

We keep constantly at sea thirty-four vessels, or just about the number of training-ships alone in the British navy, while she maintains in commission on foreign and home stations two hundred vessels of all classes. The thirty-four United States ships are scattered all over the globe, never more than six being allotted to one station. These six vessels are again scattered so that they seldom if ever come together in one squadron.

How are officers to perfect themselves in fleet sailing and battle formations under such circumstances; and what chance would they have of contending with a well-drilled force of foreign ships, for now almost all sea fighting will be done in order of battle? What chance would a regiment of soldiers composed of companies hastily brought together without previous training stand in a contest with a well-drilled force of equal numbers? And yet it is much more important that ships should be thoroughly trained in fleet tactics before attempting to give battle to an enemy's squadron.

Fleets are nowadays maneuvered in battle under steam as troops are upon land, and a single false move would throw a whole line into confusion and make the ships an easy prey to an enemy. The British, French, Russians, and all other people of any naval pretensions, except the Americans, have large practice squadrons constantly employed in drilling officers and men. The British Channel fleet is composed of twenty-five of their heaviest iron-clads, which are kept so

constantly in motion that all maneuvers are like clock-work. In this way a thorough knowledge of the art of war is gained by officers and men throughout the service, and ships can join any squadron and at once take their place in line and perform the duty required of them. The same may be said of French and Russians. And what kind of ships do we give our officers and men to fight with? A style of vessels that have been ruled out of the line of battle by every other naval power, and which would not withstand the shock of battle on the ocean for fifteen minutes.

What chance would our old wooden frigates that cannot steam more than six knots an hour stand against the heavy iron-clads of European navies? Suppose a line of battle formed of ships like ours, and an enemy of half their number, heavy iron-clads and powerful rams, with a speed of twelve knots, were to come down upon them, breaking the line to pieces and crushing every vessel with which they came in contact, what chance would there be of success for the old wooden vessels; and what is the use of sending such ships to sea when their officers know that defeat is certain in case they have to encounter the new style of vessel?

We lay great stress on our "iron-clad monitors," as they are called, which really only admonish us of our weakness. Those vessels were built solely for harbor defense and smooth water, and they rely on their light draughts, which enables them to run into shoal water and avoid the crushing power of a ram, such as all foreign ships carry, but in a sea-way they are almost helpless. They cannot raise their turrets to train their guns, for the water would rush in and sink them; they cannot maneuver to avoid an enemy, for they have no speed. Their guns are good enough of their kind, but have no range; and though all the rest of the world has adopted the rifle up to the 35-ton gun, we have nothing of the kind in our Navy beyond some 100-pounders, which proved worthless during the late war, doing more damage to friends, by bursting, than they ever did the enemy.

We have then, it would seem, in our Navy nothing on which to depend except the officers, who are well educated in the art of war, and have shown in the past what they will do in the future, even against great odds. But is it fair to send these men to fight the battles of the nation and expect them to win when they have nothing on which to depend?

We are not accustomed to defeat; and in case of disaster during a foreign war our naval officers would be sacrificed to public opinion, and the blame that would fall on them should fall on Congress, whose duty it is to see that the Navy is in condition to meet any demands made upon it. At present our Navy will do to redress grievances against the small South American Republics, which have neither forts nor ships, or will answer to protect our missionaries among the South Pacific Islands, but in other quarters of the world its appearance is only a confession of our weakness.

Foreigners see the same old ships bearing the United States flag that they have been looking at for the last twenty years, with no advance toward the improvements of the present day. And when foreign officers come over here to examine our monitors, they write home that they are not up to the improved type. If foreigners have imitated them in any way, they have avoided their defects and constructed better vessels. There is no evil, however, for which there is not a remedy, and it may be asked what it is proposed to do?

Since 1790 we have expended $1,379,450,000 and have not now in the Navy a single ship that can be called a proper fighting vessel of war, although we have about thirty-eight that would do good service in destroying an enemy's commerce, although not fit to go into battle against vessels of the new type. During the same period Great Britain has built fifty-four heavy iron-clads, besides adding to her navy a large number of superior cruising-ships, and has kept in commission two hundred vessels of various classes since 1861 at an expense of $490,000,000, exceeding our expenditures since that time by $50,000,000, but having the most effective navy in the world to show for it.

Our system of naval administration provides for a civilian as Secretary of the Navy and eight Bureaus, with line officers at the head of four of them, and a surgeon, paymaster, constructor, and engineer at the head of the other four, all acting by authority of the Secretary. Previous to the establishment of the Bureaus the affairs of the Navy were managed by the Secretary and a "board of Navy Commissioners," composed of three line officers of the highest rank, with whom was associated a naval constructor of the first ability. When this board was abolished in 1842 the Navy then on hand was acknowledged to be the best for its size in the world, and its *personnel* and discipline were unequaled. From the day the board was abolished the Navy commenced to retrograde, and the harmony and unity of action which characterized the operations of the board seem not to exist in the present bureau system.

The great mistake in the reorganization of the Navy Department was in not retaining the board of commissioners to plan, with the Bureaus to execute.

At present the Bureaus may be likened to a balky team, without a professional head to guide them. One man plans and executes in his own department without responsibility to any one, and carries out his individual ideas, which may or may not be good ones. For instance, a constructor plans a ship, and an engineer plans an engine for her without regard to the opinion of the constructor.

The Chief of Ordnance may plan a battery much heavier than entered into the constructor's calculations, and there being no harmony in the different plans, the ship may be a failure.

While the Chiefs of Bureaus can exercise the most arbitrary power under the shield of the Secretary's authority, the inferior positions of chiefs of navy-yards and stations, over which they exercise control, have hitherto been filled by officers of high rank and experience, who entered the Navy long before the chiefs of Bureaus. In granting authority to the head of the Navy Department to appoint Bureau officers, the law authorized him to descend even to the list of commanders to find the person supposed best suited to the position. The object of this law was to enable the Department (in 1862) to ignore the older and more experienced officers and appoint those whom the Secretary of the Navy could easily control, and during the greater part of Secretary Welles's administration a civilian ruled the Bureaus with an iron hand and committed innumerable professional blunders at a cost to the country of many millions.

How different is the British navy department, which is composed of—First, a civilian, member of Parliament, occupying somewhat the position of our Secretary of the Navy; second, an admiral; third, a captain; fourth, a rear-admiral, (comptroller of the navy;) fifth, an earl, House of Peers; sixth, first secretary; seventh, second secretary. These are styled "the commissioners for executing the office of lord high admiral of England," &c. Under their direction is the secretary of the admiralty, contract and purchase department, department of comptroller of the navy, superintendent of naval stores, department of director of transports, hydrographic department, department of the accountant general, department of the medical director general, department of the director of engineering and architectural works, director of education for admiralty, royal observatory at Greenwich.

These latter offices assimilate to our Bureaus, but are subject to the supervision of the professional and mixed board which stands at the head of the list; and to this circumstance may be attributed the success of the British in maintaining a very large navy at little greater expense than we keep up a small one. Take away the board of admiralty, even with its defects, and the same difficulties would be experienced as in our case. A less efficient system would prevail, and the expenses of the British navy would be doubled. The first lord of the admiralty can appear on the floor of Parliament and make all necessary explanations regarding the navy and meet all attacks of the opposition. It was doubtless originally intended that our Secretary of the Navy should exercise similar powers, but Congress only extended that privilege to the Secretary of the Treasury, who, by the law of 1789, is authorized to appear on the floor of Congress and explain his acts or requirements.

The French navy department is composed as follows:

Minister of marine, (admiral.)

STAFF.

One captain of ship of the line, aid-de-camp; one lieutenant of ship of the line, aid-de-camp; one lieutenant of ship of the line, aid-de-camp; one lieutenant of ship of the line, aid-de-camp.

MEMBERS OF COUNCIL OF ADMIRALTY.

One minister of marine and of the colonies, (admiral,) president of council; two vice-admirals; two rear-admirals; one inspector-general of construction, (*genie;*) one commissary-general; one secretary, (commissary.)

Colleagues.

Two captains of ship of the line.
First bureau of cabinet, inspection of marine.
Second bureau of cabinet, naval operations afloat.

SECOND DIVISION.

Personnel of the navy.

One rear-admiral, (director;) one sub-director in charge enlistment bureau.
First bureau.—Staff of ships afloat in commission: One captain of ship of the line, chief.
Second bureau.—Maintenance of crews and other duties: One chief.
Third bureau.—Equipment and maritime justice: One chief.
Fourth bureau.—Sub-director of the marine corps.

THIRD DIVISION OF DUTIES.

Administrative services.—Commissioner-general of marine, (director:) One captain of ship of the line.
First bureau.—Maritime inspection and police of navigation: One chief.
Second bureau.—Fisheries and maritime domains: Sub-director.
Pay, clothing, and musters.
Third bureau.—Subsistence, hospitals, and galley-slaves.

FOURTH DIVISION OF DUTIES.

Direction of naval construction: Director.
First bureau.—Engineer of the first class: Sub-constructor in charge of bureau.
Second bureau.—Hydraulic works: Engineer of bridges and highways.
Third bureau.—General supplies: Commissary of marine sub-director of bureau.

FIFTH DIVISION OF DUTIES

Artillery of the navy and the colonies.
First bureau.—General of division of marine.
Second bureau.—Plans and works: Colonel of marine artillery.

SIXTH DIVISION OF DUTIES.

Colonies: One director.
First bureau.—General administration: One chief.
Second bureau.—Interior administration: One chief.
Third bureau.—Justice: Penitentiary, one chief.
Fourth bureau.—Finance, hospital, and pensions: One chief.

SEVENTH DIVISION OF DUTIES.

General accountability.—Counselor of state, director.
First bureau.—One chief of surveys of harbors and decrees of law.
Second bureau.—One chief of disbursements at sea.
Third bureau.—One chief (sub-director) of accountability of surveys
Fourth bureau.—One chief of accountability of material.
Fifth bureau.—One chief of interior service of libraries.
Sixth bureau.—One chief of preservation of archives.

From the above it will appear that the system of naval administration in England and France assimilates somewhat with our own, although with a better subdivision of labor. Indeed, our Navy Department was modeled on the plan of the two above mentioned, although it has now come somewhat to the condition of the play of Hamlet with the part of the Prince of Denmark omitted. Had the board of commissioners been retained under the law of 1842, to direct the Bureaus on naval affairs proper, we should have had as good a system as could be desired, with a little better subdivision of labor.

In all European navies professional men supervise naval affairs, notwithstanding there may be a civilian at the head of the department directing its political and financial management. Compare the results with those obtained under our system and note the difference.

We have not an efficient ship of war of the new style; we have no rifled guns that are worth anything; our enlistment system is the poorest in the world; we have not a marine-engine in the Navy that can propel a ship nine knots, with the exception of that in the Florida, which takes up the whole interior of the vessel.

Our medical and commissary departments are fair for the size of our Navy, but up to 1870 the Bureau of Provisions and Clothing continued to serve out shoddy raiment and bad food to the sailors in defiance of the protest of the board of inspection.

The detailing of officers for duty is imposed on the Chief of the Bureau of Navigation, who has already onerous duties to perform and has to bear the odium of ordering senior officers to positions not acceptable to them, which orders should emanate from a higher source. Of course the Secretary of the Navy is consulted about the appointment of higher officers, but the duty of detail should devolve on officers of higher grade, who would be familiar with the character of all those in the Navy, and from whose decision there should be no appeal, as there is at present. Yet it is not so much the fault of individuals as it is of the system. If a civilian were to be put in command of a ship of war, with ever so reliable officers to assist him, she would be a very indifferent ship of war; or if a naval officer were to be put at the head of the judiciary, it must be a very poor judiciary. "Every one to his trade" is an axiom no one will dispute.

To make the Navy what it should be the board of naval commissioners should be re-established, under any name that may be thought advisable, and clothed with the duties proposed for the board of survey, a bill to establish which once passed the Senate, viz, "to advise and assist the Secretary of the Navy"—

1. To detail officers.
2. To have charge of the Naval Academy.
3. To draw up rules and regulations for ships, yards, and stations, subject to Secretary's approval.
4. To examine plans of ships, steam-engines, and public works.
5. To examine and approve all contracts.
6. To make annually a full report to the Secretary of the Navy of the condition of the service, with necessary recommendations for its support and improvement.
7. To examine and correct the allowance-books from time to time.
8. To reorganize the apprentice and enlistment system.
9. To visit and examine the navy-yards annually or oftener, if necessary.
10. To examine the evidence in courts-martial.
11. To make the necessary alterations in ordnance, equipments, navigation supplies, and clothing from time to time, and to report from time to time to the Secretary of the Navy such matters as come under their observation for the improvement of the Navy.

When such a board of officers is established, and not before, will we have an efficient Navy like that required by a nation of forty million people, with a constantly-increasing commerce and an immense extent of coast open to the inroads of any ordinary naval power. The three senior line officers on the active list should be the members of the proposed board, of which the Secretary of the Navy should be *ex officio* president, the senior officer acting as president in the absence of the head of the Department and signing all reports made to him.

There should be three associates, namely: a naval constructor, an engineer, and an officer with the rank of captain, the last-named to be the secretary of the board. When this is done, the Navy will require nothing more for years in the way of naval administration.

The best feature in the organization of our Navy is the Naval Academy, which theoretically possesses all the requisites for turning out accomplished officers. It has, however, important defects, which would be remedied when the proper naval organization was established. Here the young cadet is taught everything relating to his profession, and is imbued with proper ideas of discipline and the respect due his superiors. When he graduates from the Academy, he is presumed to have the ground-work of a naval education, only waiting for an opportunity to put in practice the theories he has learned. But what is the poor youngster's disappointment when he comes in contact with the real service. He finds himself on board a ship which he has been taught to believe unfit for fighting purposes and which his reason tells him is the case. He finds the crew, whom he had expected to see perfect specimens of American tars, a heterogeneous mob of men of different countries, the native element not being sufficient to indicate the nationality of the ship. The wholesome laws established by Congress to maintain discipline he finds so curtailed by departmental authority that offenses are often committed with impunity. Perhaps his captain is an inefficient officer, who has for years indulged in drinking to excess, and who has been passed to his present position by an examining board unable to find anything "on record" against a person notorious throughout the Navy as having disgraced it for years. Our youngster finds the discipline bad, the officers with no heart in their duties, the guns not suited to cope with the improved ordnance of foreign navies, the crew, without distinctive uniform, clothed in shoddy. Executive and other officers have been ordered to the ship without regard to their efficiency, and the only things to distinguish the vessel as an American man-of-war are the officers and the flag at the peak.

This is hardly an overdrawn picture of some of our ships of war when first fitted for sea; for it is on board of such vessels that young officers, the future commanders of our ships and fleets, receive their first impressions of active service. Their after experience is little better. There is no system of instruction for young officers to compel them to put in practice what they have learned at the academy, and what they acquire in after life must be due to their native energy and love of knowledge. It is not uncommon when midshipmen are ordered to their final examination on their return from a cruise that two out of seven fail from ignorance of the practical part of their profession. So the thing is carried on from grade to grade until that of rear-admiral is reached, and the occupant is often incapable of properly performing his duties.

All this is for the want of a naval head to look after matters. A civilian Secretary of the Navy, no matter how clever, cannot be expected to understand in four years the details of a service which it costs an officer a life time to master. The Secretary of the Navy, being the member of a party and of a political turn of mind, naturally directs his chief attention to the political status of the Navy, to the neglect of some matters with which he is little or not at all familiar, and the Navy Department being considered an inferior office in the Cabinet, is regarded as a stepping-stone for something better. But few of the men who have held the position of Secretary of the Navy have comprehended the wants of the service even after an experience of eight years, the longest period any one has held the office. They have all committed great mistakes on first assuming office for want of a competent advisory board to assist them in the performance of their delicate duties.

Some Secretaries have endeavored to form an advisory board by assembling the Chiefs of Bureaus together and listening to their opinions. But these gentlemen are naturally in favor of anything emanating from their own Departments.

Here, then, you have a complete account of the Navy, with its defects, requirements, and a plan for its reorganization; and he who can introduce and perfect a system that will make the discordant elements now ruling the Navy work in harmony will reap a well-deserved reputation, and will have performed a distinguished service for his country. Before closing I will add a few remarks in relation to the yearly appropriations made for the Navy, to show that they are amply sufficient if judiciously applied.

Mr. Chairman, the great leak in the administration of the navy-yards of the country arises from a vicious system that has grown up, not confined, I am sorry to say, to the republican party alone, but which was practiced even in the days of democratic rule—a system of turning the navy-yards into political machines about the time of elections. Now, the fact of the matter is that one or two months before an election the navy-yards are crowded, not with mechanics, but with all kinds of broken-down politicians, who go there to draw their per diem until the day of the election, when they are expected faithfully to vote the party ticket.

Mr. O'NEILL. As the gentleman speaks with such confidence, I would like to ask him whether he has ever been in a navy-yard as inspector, and has ascertained what kind of men are employed there?

Mr. ARCHER. I have been, perhaps, as much about the navy-yards as the gentleman himself. Although I have no yard in my district, my long service on the Naval Committee has made me familiar with the workings of navy-yards during the last eight years; and my knowledge of their history induces me to say that the remark applied to democratic rule as well as republican.

Mr. O'NEILL. I merely wanted to ascertain whether the gentleman had ever visited navy-yards at times when he could judge as to what kind of men were employed there.

Mr. ARCHER. If I had been in the gentleman's district in Philadelphia I think, from all I have heard, and heard from reliable sources, that I could have reported very many men employed there on the gentleman's recommendation who were mechanics of very low grade.

Mr. O'NEILL. I would like to know on what authority the gentleman makes that statement; for I undertake to say in reference to the employment of men in the Philadelphia navy-yard now, and at all times under republican administration, that none but skilled mechanics have been put in the shops where mechanical work was done, and none but able-bodied laboring men have been put in the laboring departments; and they have done their work to the satisfaction of the officers who employed them.

Mr. RANDALL. How about the employment of Jerseymen?

Mr. O'NEILL. I have nothing to say about Jerseymen. I have no doubt that if men were brought from New Jersey to do this work, they were men fit for the positions.

Mr. ARCHER. I did not intend that that any remarks of mine

should drift into a partisan discussion with regard to the navy-yards and the Navy; and I was particular to qualify my remark by saying that the evil had existed under democratic as well as republican administration; and this evil, Mr. Chairman, never will be remedied until this Congress shall pass a law limiting the number of employés in the navy-yards. Whatever party may be in power will use these navy-yards as political engines; but whenever Congress will pass a law of that kind, we shall have a regular set of skilled mechanics in the navy-yards of this country from one end of the year to the other. If the peace establishment could be once ordered by Congress the number of laborers allowed to the navy-yards should be as follows:

	Mechanics.
New York or Brooklyn	1,000
Boston	800
Philadelphia	800
Norfolk	800
Washington	600
Portsmouth, New Hampshire	600
Pensacola	300
Making all told	4,900

These, at an average of three dollars a day per man, would amount to $1,542,300 per annum. This, including the amount called for to support the civil establishments of the navy-yards, would be $4,880,300; add $1,000,000 for material in Construction and Engineer Department, and we have $5,880,300 for labor and timber. Ordnance and torpedo corps should be cut down to $500,000 yearly for gradual increase and improvements in artillery; coal, hemp, and equipments to $1,100,000; hydrographic work to $110,000. We should buy our charts. Provisions and clothing should be cut down to $1,438,000, for the clothing is returned to the Government as the sailors pay for it; contingent expenses of various Bureaus, &c., should be reduced to $1,000,000, and the various expenditures mentioned in the appropriation. Each Bureau should put down for every thing required and have no such general contingent. Printing and binding should be cut down to $50,000. There is great waste in these items. Then the appropriations for the Navy would stand thus:

Pay or officers and seamen	$6,400,000
Pay of civil establishments, navy-yards	338,000
Ordnance and torpedo corps	500,000
Coal, hemp, and equipments	1,100,000
Navigation supplies	134,000
Hydrographic work	110,000
Naval Observatory, Nautical Almanac, &c	64,000
Repairs and preservation of vessels	3,000,000
Steam-machinery tools, &c	2,000,000
Timber, &c	1,000,000
Provisions	1,400,000
Repairs of hospitals, &c	40,000
Surgeons' necessaries	40,000
Contingent expenses of various departments	1,000,000
Naval Academy	193,458
Marine Corps	1,177,311
Printing and binding	50,000
Naval Asylum (Philadelphia)	51,650
Total	18,598,419

The difference between this sum and the amount called for in 1873 is $1,558,328, which could be applied to the gradual increase of the Navy for iron-clads, and in ten years would build us seven large vessels of this class, capable of carrying the heaviest guns.

In all these calculations, I have made large allowances for pay of mechanics, and have provided for twice as many as would be employed in private yards to do the same work. The great leakage, in fact, is our navy-yards, where no man does more than two-thirds of a day's work, and in times of political excitement men are crammed into the yard simply for the purpose of carrying an election! This custom will continue until the master-workmen are borne on the Navy Register as warrant officers, hold their appointments during good behavior, and are subject to court-martial.

If Congress would appropriate besides this, $2,000,000 annually for some years, for the gradual increase of the Navy, and specify that it is for the construction of iron-clad vessels of not less than three thousand tons, we would in a few years have as good a navy as could (for ordinary purposes) be desired. We can never compete with France and England in iron-clad ships, and must depend upon perfecting the torpedo for means to keep the navies of those powers out of our harbors.

In all my remarks I desire to reflect upon no person, and only find fault with a system under which the Navy can never prosper, no matter how clever may be those who administer its affairs. In this opinion I am upheld by every officer of the Navy, excepting perhaps the few who occupy the positions referred to, and it would be hardly natural to expect them to acknowledge the present system wrong, fearing to reflect upon themselves, although in reality they are not to blame, as they doubtless make the most of their positions.

Mr. LUTTRELL. I move to strike out the last word in the section. I wish to make a statement to this House, and perhaps the gentleman from Maryland [Mr. ARCHER] can give me some information on the subject, as he is a member of the Committee on Naval Affairs. In the Mare Island navy-yard, in the district which I represent, during the election times there have been from twenty-five hundred to three thousand men employed. Just prior to the election in 1872 nearly three thousand men were employed, but during the past year there have not been more than from seven hundred to one thousand, certainly not exceeding a thousand, employed on Mare Island. Large numbers of men were discharged the day after election. Yet, sir, our naval vessels are rotting for lack of repairs. They are left upon the stocks without anything being done in the way of repairing them; and yet good honest mechanics, who are anxious for work, are allowed to remain idle. Good mechanics, residents of Vallejo or Mare Island navy-yard, have been driven from their homes to seek employment, for political purposes; honest workingmen, honest mechanics, men who served the country during the late war, are refused employment, and why? Because they have chosen to exercise the right of the elective franchise in their own way, on their conviction of what was right and proper, they have been driven from their homes at Mare Island to seek employment elsewhere. Perhaps the gentleman can tell us why we have not had our share of the appropriation for Mare Island as usual.

Mr. COX. There is no election there this year.

Mr. LUTTRELL. But we will have one there next year. I am informed by one of the leading men of Mare Island that they expect to have three thousand men employed next year. Now, sir, I would not appoint a man for political reasons alone, but I would select good mechanics. I have recommended many men to be employed there, but in no instance have I recommended a democrat in preference to a republican; but I have recommended good mechanics of all parties, because I believe honest mechanics should have this employment at all times. I tell you that at Mare Island men who have been covered with scars received in defense of the flag of their country have been driven from their homes and their homes are closed to-day in Vallejo and their places filled by politicians, and why? Because they saw fit to vote as honest freemen, just as their conscience dictated. Let us have no more of it; and I wish to say to the democrats on this floor, that if in the next Congress they attempt to exercise any such power, namely, to force men to vote against their honest convictions as the republicans have done, I for one shall be unwilling any longer to vote the democratic ticket upon any such foundation of oppression and wrong. I never will vote for any party which will attempt to compel honest workingmen, honest mechanics, to vote against their conviction. Such has been the action of republicans at Mare Island, in my district, and I can prove it. I hope the democrats will remember this, and never tolerate for a moment the turning out of any man because he happens to vote against them. I am in favor of a first-class navy, and will vote for the bill under consideration.

Mr. Chairman, hundreds of men were employed in the navy-yard at Mare Island for political purposes, and I know of hundreds that were refused employment in 1872 for political reasons. Hundreds were compelled to walk in line and vote what was called the tape-worm ticket, a ticket so small that it was impossible to scratch or add a name to it; and any man refusing to vote as directed was discharged; and, so far as I am individually concerned, I will never support any man or party guilty of such oppression. Fellow-democrats, let us work for the rights of the people, the workingmen of our country, leaving them to exercise the sacred right of the elective franchise in accordance with their own judgment. And if we but prove faithful to our pledges and the country, the people will prove true to the democratic party.

Mr. RANDALL. Now, Mr. Chairman, as we are on this item of contingencies, I would like to say just one word.

Mr. HALE, of Maine. We have passed from the contingent fund of the Navy Department, and are now upon the civil establishment.

Mr. RANDALL. I wish to direct attention to this bill, so far as contingent funds are provided for its various Bureaus. We have in this bill nine contingent funds provided for. We appropriate a contingent fund for the Department proper, $100,000; for the Bureau of Navigation, $6,000; for the Ordinance Bureau, $1,000; for Equipment and Recruiting, $75,000; Yards and Docks, $40,000; Medicine and Surgery, $25,000; for the Bureau of Provision and Clothing, $50,000; for the Naval Academy, $36,000; and for the Marine Corps, $15,000; making in the aggregate for these nine items $348,000. I especially ask the attention of the gentleman from Maine to this aggregate amount appropriated for contingencies in this bill.

Mr. HALE, of Maine. Let me say to the gentleman from Pennsylvania that if he will look back he will find that twelve years ago the aggregate of this appropriation was $800,000, instead of $348,000 asked for in this bill.

Mr. RANDALL. I am glad we have succeeded in reducing these contingent funds from $800,000 to $348,000, and what I now hope is that the reduction will not stop here but go still further. Gentlemen cannot be unaware of the fact that in these very contingent appropriations lies the cause of the evil of which we all complain. I suggest to the gentleman from Maine, who has charge of this bill, that these very contingent items shall be so modified that we may know particularly for what items the money is to be expended. In some cases the items are specified, but in others cases the appropriation is made in a lump to the contingent fund without particularizing the items. I am ready to co-operate with the gentleman in reducing these contingent expenses to the very lowest possible point. If in twelve years we have reduced them from $800,000 to $348,000, I do not see why they cannot be farther reduced without doing any injustice to the service. It is in these contingent appropriations we find the gross abuses which have crept into the management of the

naval service. They are the fruitful cause of those irregularities of which gentlemen complain.

Mr. LUTTRELL withdrew his amendment.

The Clerk read as follows:

For drawing, engraving, and printing and photolithographing charts, correcting old plates, preparing and publishing sailing directions, and other hydrographic information; and for making charts, including those of the Pacific coast, $60,000.

Mr. RANDALL. I move to strike out "sixty" and insert "thirty" in order to give the gentleman from Maine opportunity to explain why this item is double what it was last year. We then appropriated $30,000 for this purpose, and why should we appropriate now $60,000 for the same purpose?

Mr. HALE, of Maine. We have put together in this bill what were two items in the bill of last year.

Mr. RANDALL. I think not. I have both before me. For this purpose we appropriated last year $30,000, and this year we are asked to appropriate $60,000.

Mr. HALE, of Maine. We have put together two items of last year's bill in one item this year. In the bill of last year the items were as follows:

For drawing, engraving, and printing and photolithographing charts, electrotyping and correcting old plates, preparing and publishing sailing directions, and other hydrographic information, $20,000; and for making charts, including those of the Pacific coast, $30,000.

Mr. RANDALL. I see that the gentleman is right as to the two items being put together; but there is still an increase of $10,000.

Mr. HALE, of Maine. But the amount is not doubled.

Mr. RANDALL. I withdraw that remark, and ask the gentleman to explain the reason for the increase.

Mr. HALE, of Maine. I will state the reason for the increase in this item. And I may say that there are very few items of the bill in which there is an increase. There are constant calls received from the Pacific coast for the extension of these surveys. All that has been done has been done under these appropriations, and in making up the bill we found that such was the need to our commerce and navigation of this appropriation that we were willing to put it at this sum. There have been wrecks there within the past year, and much property destroyed that might have been saved if more of the information had been given which is furnished under this service. The amount of property that would have been saved would have more than trebled or quadrupled this cost. It is in the interest of our merchant marine. It may be a question how much we should appropriate. I would not be in favor of an extravagant appropriation, but I do not think this is an extravagant appropriation; it is only an increase of $10,000.

Mr. RANDALL. I presume it is hardly likely that any abuse can creep in there. I withdraw my amendment.

The Clerk read the following paragraph:

For reducing the observations of the transit of Venus, $2,000.

Mr. MONROE. For the purpose of obtaining an explanation from my friend from Maine in regard to this appropriation, I move to strike out the paragraph. I make this motion because, as I now remember, a special commission was appointed to take charge of this whole work of making the observations in regard to the transit of Venus, and also, as I suppose, of making the calculations based upon those observations. My understanding was that a special appropriation was to be made for all the expenses which that commission would incur, and I supposed they would do this work of making the calculations. I do not understand why the Naval Observatory should have an appropriation for this purpose.

Mr. HALE, of Maine. The appropriation that was made does not complete the work. We made a special appropriation for an expedition under the charge of the Naval Department, and sent out vessels to different parts of the world upon this scientific expedition. Now, all that is of any use in the observations of the expedition must be brought here to the Navy Department and to the Naval Observatory, which is the organ of the Navy Department for this subject-matter. The results of these two expeditions are taken there and the observations are there reduced. And I have no doubt that hereafter—I will state for the information of the gentleman from Ohio, so as to give him notice—we will be called to make a further appropriation for the Naval Observatory for preparing the reports they may wish to make. I do not know to what extent such further appropriation may be required; but if the work were to cease now, with the observations of the expedition merely, it would be of no account whatever; nobody would ever get any benefit whatever from the results of that expedition.

Mr. MONROE. I think the gentleman does not quite understand my point. The gentleman cannot surpass me in his appreciation of the importance of having those calculations properly made; but I supposed that reducing those observations would be a work that must be done at any rate under the authority of the commission, and that there was a special appropriation for that purpose.

If the gentleman from Maine [Mr. HALE] will assure us that there is to be no other appropriation for reducing these observations except this one, then I do not know that I will make much objection to this item.

Mr. HALE, of Maine. I cannot say that. I have not scientific knowledge enough on this subject-matter to say that this $2,000 will be sufficient. I can say, however, that in the opinion of the officers at the Observatory this $2,000 will answer the purpose for this year.

Mr. MONROE. But is there no danger of two sets of men working at the same thing, each on a different appropriation?

Mr. HALE, of Maine. I have no fear of that at all.

Mr. GARFIELD. The language of the section of the law making an appropriation for the expedition was that they were to take the observations; and they have gone to distant points at considerable expense to take those observations. They merely took the astronomical and photographic observations on the day of the transit, and under their orders they come immediately home as fast as they possibly can. All the mathematical tables are in the Department here, and so are the computers who will reduce the observations, which of course cannot be so well done away at the distant posts of observation.

All the nations that have sent abroad expeditions are now competing which shall first bring out the results of the respective expeditions. So far as heard from, the observations have been very successful, and the Naval Department are waiting with great anxiety to receive here the observations of the expedition, so that the computers may be set to work.

I myself think that the Committee on Appropriations have made a mistake in not giving the whole sum that was asked for this purpose, viz, $3,000, instead of $2,000. And since an amendment has been offered, I will move to make it $3,000, in accordance with the estimate.

Mr. MONROE. I will withdraw my amendment with the understanding that there is to be but one set of men at work. I make no point on the amount.

Mr. HALE, of Maine. So far as I am concerned I will accept the amendment moved by the chairman of the Committee on Appropriations.

The question was taken upon the amendment moved by Mr. GARFIELD; and it was agreed to.

The Clerk read the following under the head of "Bureau of Ordnance:"

For miscellaneous items, $5,000.

Mr. RANDALL. I notice that a few words which were in the last naval appropriation bill have been dropped out of this: "For freight, express charges, and purchase of instruments." I suggest that they be incorporated here after the words "miscellaneous items."

Mr. HALE, of Maine. I have no objection.

The amendment was agreed to.

The Clerk read the following:

Bureau of Equipment and Recruiting:

For equipment of vessels: For coal for steamers' and ships' use, including expenses of transportation; storage, labor, hemp, wire, and other materials for the manufacture of rope; hides, cordage, canvas, leather; iron for manufacture of cables, anchors, and galleys; condensing and boat-detaching apparatus; cables, anchors, furniture, hose, bake-ovens, and cooking-stoves; life-rafts; heating-apparatus for receiving-ships; and for the payment of labor in equipping vessels, and manufacture of articles in the several navy-yards, $1,250,000.

Mr. RANDALL. Here is an increase of $185,000. I would like to have it explained.

Mr. HALE, of Maine. This is the only item of increase in the bill.

Mr. RANDALL. Will the gentleman explain it.

Mr. HALE, of Maine. Certainly, I will. Under the emergency appropriation of last year—that is, under the action of the Secretary in fitting up the fleet so as to be in condition to meet war if it came upon us—there was a more heavy draft made upon this Bureau than on any other, in proportion to the appropriations made for the several Bureaus. In looking over the needs of this year the Secretary believed, as also did the committee, that this was the only place in the whole bill where an increase was necessary. The Secretary showed the committee that he was running more snugly in his use of the appropriations than any other Department. He runs his Department upon the theory that there shall be no deficiencies.

Mr. RANDALL. Is not the explanation this: that the expenses have been incurred, and we must meet them?

Mr. HALE, of Maine. We must meet them.

The committee rose informally, and Mr. CESSNA took the chair as Speaker *pro tempore*.

MESSAGE FROM THE PRESIDENT.

A message in writing, from the President of the United States, was communicated to the House, by Mr. BABCOCK, his Private Secretary, who informed the House that the President had approved and signed the following bills and joint resolution:

An act (H. R. No. 3188) granting a pension to Letta Bagley;

An act (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin; and

A joint resolution (H. R. No. 119) to continue the board of audit to examine and audit the unfunded or floating debt of the District of Columbia.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session, and proceeded with the consideration of the naval appropriation bill. The following was read:

Bureau of Construction and Repair:

For preservation of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation

of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care and protection of the Navy in the line of construction and repair; incidental expenses, namely, advertising and foreign postages, $3,300,000.

For salaries of sub-agents and watchmen and miscellaneous expenses incurred in the protection of timber-lands, $5,000.

Bureau of Steam-Engineering:

For repairs and preservation of boilers and machinery on naval vessels; and for fitting, repair, and preservation of yard machinery and tools; and for labor in navy-yards and stations not before included; and for incidental expenses; and for purchase and preservation of oils, coal, iron, and all materials and stores; and for completing and erecting on board vessels compound engines with boilers, $1,800,000.

Mr. BURLEIGH. I move to strike out the last word for the purpose of making some remarks on this bill. It will be noticed that the portion of this bill relating to the Bureau of Construction and Repair is included in twelve lines. Last year that portion of the bill embraced one hundred lines. Has the Navy Department become so much more honest that we can trust it further than heretofore? I maintain that the abbreviation of that portion of the bill is in the interest of contractors. We to-day have a Secretary of the Navy; good, honest, intelligent officers in the Navy; constructors and skilled mechanics to lay out the work in the navy-yards and oversee it; skilled laborers, ready to work, men that have learned their trade in the navy-yards, and of superior skill—a perfect organization. But as an appendage, for a tail I may say, we have the contractors. The trouble is that the contractors are winding around the whole body.

On this I have a little story to tell, and now is the right time to tell it. Last winter a member of the Committee on Naval Affairs received a letter from a contractor at the Kittery navy-yard, claiming that a constructor from another yard and the head of a Bureau had received many presents of different kinds from contractors; that he paid them $6,000 for their influence with the Navy Department to buy a timber-bending machine of him, now in Boston. The letter was withdrawn during the recess by request of the party sending it, and acknowledgment made that they were not right when the first letter was sent. The first contract by this Mr. Griffeths was to complete the new sloop of war building at Portsmouth. During the recess he receives an extra $4,000 for completing her and $2,000 for launching her—a ship of six hundred tons—with all the facilities of the yard at his command, and he says there was a mistake in his sending the letter; and now what is the result? The man had contracted to complete the ship. At first he gets four prices to launch her; he gets $4,000 to complete the ship again; and now he has a contract, as I understand it, under which they agree to give him $25,000 to go on with her, and he does not agree in that contract to complete the ship; he does not seem to be bound to do anything but have money.

I maintain that the whole abbreviation of this portion of the bill, the leaving out the items, is in the interest of contractors. In the Kittery navy-yard, now practically closed, only one carpenter and two laborers are at work in construction, where they let this ship out; there my sinecure man is, and his brothers, four of them, receiving twenty dollars a day, or about that sum, besides other sinecures and clerks that are receiving large sums, with foremen and leaders. The laboring men are turned out of the yard, when the organization of the Bureau of Construction alone, one of the seven Bureaus, costs $5,000 per month, because there is no money for them—and new men outside get contracts, and work the cheapest men they can; and this sinecure man and his henchman, with others, are staying there under full pay, drawing their pay from the Government, and the hardest work they have to do is to go to the yard and come away again. This thing has been carried on there until the management of the yard, in the face of promises of retrenchment and reform of the party by the party, has become a stench in the nostrils of all good men in the vicinity.

Now, sir, I have said what I want to say about this bill. I mean to try to clean my own domicile and be ready for the next tenant. I understand that the House does not sustain me in what I have said; it did not on the other proposition; but I predict that the time will come when members will find out, as I believe I have found out; what the contraction from a hundred lines to one paragraph of twelve lines in this part of the bill, calling for so much money, is for.

I withdraw my amendment.

Mr. CREAMER. Mr. Chairman, I renew the amendment. One of my colleagues [Mr. TREMAIN] enlightened and entertained the House yesterday by quoting from a New York paper, the Sun, an attack made upon him; and he pointed out to us the fact that no matter how conscientious or how devoted a Representative may be in the discharge of his duties, he is constantly misrepresented and maligned by newspapers of the country. If that gentleman were in his seat at this time, I would like to call his attention to the reason why Representatives are constantly misrepresented by the papers of the country.

Sir, the administration of the Navy Department, since the present Secretary took office, has certainly, from the facts given to us from time to time by the newspapers, been the most corrupt, the most imbecile, and most contemptible in the history of the Government; and I would assure my friend from Maine, [Mr. HALE,] who fathers this bill and who was so careful yesterday about his reputation as regards his vote on the Pacific Mail steamship subsidy, that if he continues to father such measures as this—a bill appropriating $16,000,000—without having the papers here before us, the data showing how these items are made up, he will soon lose the glory that he achieved here at the last session by his shrieking for the reduction of the pay of members.

Sir, I contend that this Department, above all other Departments of the Government, needs investigation. It has done more to bring the Government and the republican party into contempt in the minds of intelligent men throughout this country than any other branch of the Government. I know whereof I speak when I charge that no such spectacle ever was presented in the history of the country as was witnessed here a year ago when simply on a scare of a war with Spain a fund of millions was voted to be used at the discretion of the Secretary of the Navy, this great admiral and great sailor, who has achieved so many brilliant results in the excursions he has made, out of the contingent expenses appropriated here, to Fortress Monroe and elsewhere, with the assistance of many valorous members of Congress. I know whereof I speak when I say that this Secretary is the companion daily and nightly of contractors and jobbers, who make millions a year out of the Government of our country—who are swindling us constantly, swindling the Government, swindling the Treasury.

Look at the spectacle presented at the last election. I differ from my friend from Maryland [Mr. ARCHER] when he states that the same abuses now existing prevailed in the days of democratic rule. I deny that. I refer now to the employment of men at navy-yards upon the approach of elections. We have had men employed at election-time, (I speak now of the navy-yard at Brooklyn,) we have had men employed previous to elections, for election purposes; but never before in the history of the Government, at least so far as our section is concerned, were men—I was going to say imported—never before were men sent from New Jersey to New York from the district of a gentleman whom I now do not see upon the floor, but who entertains us very often with his views on the currency, and who I am very sorry to say was not re-elected, as I recognize in him a man of ability and integrity, whose services will be very much missed here. Notwithstanding the efforts of his friend the Secretary of the Navy in importing men from districts in New Jersey to the Brooklyn navy-yard previous to the last election, that gentleman failed to secure a re-election. And I would like to call the attention of a gentleman from Massachusetts, [Mr. GOOCH,] whom I do not see in his seat, to the fact that even the republican papers of the city of Boston denounce the outrageous system that prevailed at the Charlestown navy-yard, where men to the number of fifteen hundred were employed two months before the election and discharged upon the very opening of winter, immediately after the election was over.

Now, sir, I do not speak as a partisan in this matter. Gentlemen complain that their actions here are misrepresented by the press of the country. Now, this Secretary and his administration have been charged time and again with the greatest abuses, the most corrupt practices; and no investigation has ever taken place. How, then, can you complain when the newspapers assail you? I insist, Mr. Chairman, that this bill should lie over until we have a detailed statement of the items of which these appropriations are made up, and that this House is not responding to the voice of the people, as expressed at the last elections, in passing a bill of this character and magnitude at this time in such a hasty way.

Mr. HALE, of Maine. Mr. Chairman, I am very glad that the gentleman from New York [Mr. CREAMER] has had the opportunity to deliver his scold. We had almost completed the bill. Nothing that has been said here has any pertinence to the part of the bill that is now before us, or in fact to any part. It is nothing except what we have listened to somewhat before this session; that is, general, sweeping, irresponsible, outright statements of fraud, theft, and here is added imbecility. I tell the gentleman from New York that if, instead of scolding the Navy Department, he will look into its records for the past five years, under the administration of the present Secretary, he will find that the money which has been appropriated by Congress has been better expended, there is more to be seen for it, than at any other time in the history of the Navy Department. The American Navy to-day, with appropriations constantly decreasing for five years, is in better condition than it ever was before. It has good ships, in good trim, well manned, well officered. There have been new ships built, there have been old ships repaired, and considerable money has been expended; and when the gentleman talks about fraud and about base conduct on the part of the head of the Navy Department, I defy him to produce anything which shall back up his statements or fix a stain upon the head of that Department.

Mr. CREAMER. Does the gentleman deny the statement about the Charlestown navy-yard? Let him answer whether he denies that.

Mr. HALE, of Maine. Yes, I do; but I am coming to that by and by.

The gentleman says that the Secretary of the Navy has been allowed to run loose and never has been investigated. Why, sir, this charge of his is as wrong as the rest. The Secretary of the Navy went through a thorough and complete investigation years ago on this very subject of contracts on a motion coming from a gentleman then upon the floor of this House, a prolonged investigation resulting in his complete acquittal. I have never heard since that day anybody else here upon this floor who has ventured to stand up and make such charges as the gentleman has made. I tell him and the House that the charges are not true; that he has no ground for them; that they are false, and he has no right or authority to make them.

He says that the Navy is the most corrupt, wicked, and imbecile Department of the Government; that there has never been anything like it in American history to shock our people. I am not fond of going over old party records. I have been trying to run this bill in a business manner, and I have not sought to bring up party records. But, sir, it does not lie in the gentleman's mouth to come here representing the democratic party in New York City, and talk about the Departments of the General Government shocking the sentiments of the people. It does not lie in his mouth to call up any record of that kind. He knows, he cannot have forgotten, that within the last five years he has had in his own city a spectacle of fraud and corruption in the city government, under the old administration of Tweed, in his own party—such a spectacle of fraud and corruption that the world never saw its like. And the worst of it is that to-day nobody knows how far it extended.

I am told, upon good authority, that papers showing money stolen from the treasury of New York City by Tweed and his associates are still coming in, representing hundreds of thousands of dollars, so that nobody knows the bottom of the pit, if, indeed, it be not bottomless. These are things in the gentleman's own party that he will do well to scrutinize instead of standing up here on an appropriation bill and making vague, formless charges against the head of this Navy Department.

Now, one word about the navy-yards. I am very glad the gentleman has referred to this matter of putting on force in the navy-yards before elections, because I have heard that mentioned before, and have armed myself with the facts showing to what extent the force has been put on in view of the late elections. There is the pinch, and that is what suggested the attack of the gentleman. I have the record of the entire force in several of the large navy-yards of the Government for the years 1874, 1873, and 1856, for I thought it worth while to go back to the pure days of democratic administration to see in what numbers men were found working in navy-yards just before elections. I will state before giving the figures that the number of men the Secretary of the Navy has put on in the present year in the months before the election is smaller than even I supposed it was. There were in the navy-yard in New York in the month of September, 1874, 1,061 men, and in October, 1,309; in all, 2,370 men. A year ago, when there was no election, when there was nothing to call out any extra display of force, the New York yard had in October 1,740, and in September 1,741 men, or in all 1,111 more a year ago than during the same months this year.

Mr. ARCHER. A year ago was the time when we supposed we would have trouble with Cuba.

Mr. HALE, of Maine. No, that had not come; that was not dreamed of; there was not a cloud in the sky, and of course that was not the reason. Now let us go back to New York and take the year 1856.

Mr. SCHUMAKER, of New York. Will the gentleman allow me to make a single remark?

Mr. HALE, of Maine. I would rather proceed with my statement.

Mr. SCHUMAKER, of New York. I merely desire to call the attention of the gentleman to the fact that any comparison of the figures with reference to the number of employés in the navy-yards in years which were not presidential election years is unfair. If the gentleman will take the numbers for 1872 and 1868, the years of the presidential elections, then the comparison would be fair.

Mr. HALE, of Maine. That is just what I am coming to. Let us see how many men in 1856, a presidential year, were in the New York navy-yard in September and October. In September there were 1,556, and in October 1,628, making in all 3,284 men in those two months—934 men more than were put on in 1874, with all this influx from New Jersey that the gentleman talks about; and, by the way, if the Secretary of the Navy sent men for the election from New Jersey to New York, all I can say is that in running the New Jersey campaign he was not bright.

Now I want to follow the figures right along. Take Philadelphia. How many do the committee suppose were in the employment of the Philadelphia navy-yard in October of this year, the month of the election? There were 661 men. How many do they suppose in October of last year? Ten hundred and fifty men. How many do they suppose were there under the democratic administration in 1856, the year of the presidential election when the republicans almost carried Pennsylvania, and, as they always believed, were counted out of the vote? Nine hundred and fifty-six men, or 294 more than were in the navy-yard in the month of October of this year. How was it at Norfolk? In the last election in 1874, in October, there were 1,666 men. Last year there were 1,541 men. But in 1856, in the corresponding month, when appropriations were smaller for the Navy, there were 1,926. And so it is with all of the yards.

Mr. SCHUMAKER, of New York. Will the gentleman tell us how many there were in 1872 and in 1868?

Mr. HALE, of Maine. I have not got here the figures for those years.

Mr. SCHUMAKER, of New York. Those statements are intended to deceive this House. The gentleman states what is not true.

Mr. HALE, of Maine. I am stating the truth.

Mr. SCHUMAKER, of New York. It is a very unfair statement, and the gentleman knows it. He should take the presidential elections if he intends to treat this House fairly.

Mr. HALE, of Maine. I have taken the year 1856.

Mr. SCHUMAKER, of New York. You must take 1872 and 1868 to make a fair statement. It is too thin altogether.

Mr. HALE, of Maine. I have taken this year, a congressional election year. I do not wonder that the gentleman is nervous.

Mr. SCHUMAKER, of New York. There is nothing nervous about me; but when a gentleman has a reputation for candor and fairness, I hate to see him deceived and attempting to perpetrate a fraud upon this House.

Mr. HALE, of Maine. I have taken this year because it is the year of a congressional election; I have taken last year for a comparison because it was not a congressional election year, that the House might see that the Secretary of the Navy has not because of a congressional election increased the force over and above the force in a year when there was no special election. Then I have gone beyond that, and taken the year of the presidential election, 1856, eighteen years ago, and shown what were the forces in the navy-yards at that time. I care little about these old things. But as the question has been raised by vague charges, and as the newspapers have been full of statements that the Secretary had piled in men by hundreds and thousands to corrupt the suffrage and carry the election, I have thought it right to show that they are false from the top to the bottom. There is no truth in any such charge, and whoever makes the charge without having made any investigation makes it ignorantly, and whoever makes it with investigation makes the charge falsely.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. CREAMER. I withdraw my amendment, and move to strike out the paragraph for the purpose of saying a few words.

The CHAIRMAN. The Chair desires at this point to say that he has allowed this debate to run over the five minutes allowed by the rule. Hereafter the Chair will find himself compelled to enforce strictly the five-minute rule.

Mr. RANDALL. The Chair will remember that we have had no general debate on this bill; therefore some latitude should be given.

The CHAIRMAN. The Chair would also remind the gentleman from Pennsylvania that by order of the House all general debate on the bill was limited to five minutes. That of course does not affect the operation of the five-minute rule.

Mr. CREAMER. I do not see what the affairs of the city of New York have got to do with this question. The gentleman from Maine seeks to place me in a false position upon this question. He has referred to Tweed. Why, sir, I fought Tweed when he was in power in the New York State Legislature and in the city of New York at elections; and I opposed him when he ran the republican party of the State of New York more easily than he did the democratic party. The curse was that with Tweed the republicans and democrats went in together for plunder. The plundering of the treasury of the city of New York which occurred there, and which placed Tweed on Blackwell's Island, was through a board of supervisors made up of six republicans and six democrats.

I think that a great many of these contractors to whom I have referred, and who hover around this Capitol in daily consultation with the Secretary of the Navy, are democrats. That makes no difference. I fought Tweed when he was in power. Now that he is down I do not believe in hounding him any further. I believe some reference has been made to those who have followed him since he has lost power. The gentleman from Maine stands here defending the Secretary of the Navy. I charge that the appropriation of $5,000,000 made a year ago was one of the greatest frauds ever perpetrated upon the American people, and if you were to take a microscope to-day and examine the entire Navy, you could not see where a dollar of it has gone.

The gentleman from Maine can gain no reputation by standing up here and endeavoring to force through at this time a bill of this character. So far as the employment of men in the navy-yards is concerned, that amounts to nothing. I would not care if they should employ ten thousand or fifty thousand men in the Brooklyn and Boston navy-yards, particularly at a time like this. But do not employ them on the eve of an election and then discharge them all when the election is over. I believe with the gentleman from California [Mr. LUTTRELL] that a time like this is the time when men should be employed. The time to reduce your force is not when millions of men are discharged from all the manufactories and industries of the country. The time to employ men is a time like this. And I will vote for the largest sum to equip and fit out our Navy if it can be honestly and properly done.

So far as the best information I can obtain goes, the same class of men who have been jobbing here for years under all administrations seem to have absolute control of the Navy Department. Your Secretary of the Navy has been charged by the public press with fraud and corruption, and the acts have been specified. I say that when a Cabinet officer is assailed, and he is so far indifferent to the voice of the press and the people as never even to ask for an investigation, you cannot complain when Representatives are assailed or members of this House misrepresented and charged with being corrupt. I simply speak as an American citizen, not as a democrat or a republican. I say it has a tendency to bring our Government into contempt to have the Secretary of the Navy, or any other official high in office repeatedly challenged to come forth and demand an investigation and he fails to do it.

This bill is made up of items that should be investigated, particu-

larly when charges are made against this Department. As I have previously said, so far as men being employed in the navy-yards is concerned that makes no difference. The gentleman dodges the question entirely; he does not come up and answer these charges. Why not have the Secretary of the Navy come here and ask for an investigation, instead of coming here as he did a year ago, running from desk to desk and from member to member, lobbying a bill through appropriating $5,000,000 on a scare of war with Spain?

The President of the United States and the Secretary of the Treasury, right in the midst of the greatest financial panic that ever occurred in this country, were asked to issue $10,000,000 of the reserve then in the Treasury, for the sake of stopping the panic, as it would have done. But the President shook his head and said "No; there is no law for it." But the Secretary of the Navy on his own volition could go on and expend $5,000,000 without the shadow of right or law. That is my answer to the gentleman from Maine. I am sorry to see a gentleman with the reputation that he has championing a measure of this kind, endeavoring to whitewash the Navy Department, misrepresenting the facts stated by my friend from Brooklyn [Mr. SCHUMAKER] as regards the items of which this bill is made up.

Mr. GOOCH. I agree with the gentleman who has this bill in charge, that any man who has a navy-yard in his district is to be pitied. I know that statement will be assented to by every gentleman here who is so unfortunate as to represent a navy-yard district, not even excepting my friend from Pennsylvania, [Mr. RANDALL,] whom I see before me.

Some suggestions have been made by the gentleman from Maryland [Mr. ARCHER] which I think worthy of consideration. One is that the navy-yards should be conducted in such manner as to employ as nearly as possible a uniform number of men. I know that it is an impossibility always to employ the same force, as it must vary at times with the exigencies of the service. But the fact is that wherever there is a navy-yard men crowd into that locality and find themselves homes there, and they are constantly anxious to secure employment within the yard. When business is dull in private establishments, then men from other localities also press for employment in the yard, and claim that no one set of men should be constantly employed by the Government to the exclusion of all others. And the fact that the force in the yards is so constantly changing keeps men waiting in the expectation that their chance for employment will come.

Reference has been made to the navy-yard in my own district, and it has been stated that there was an increase of men there this year prior to the election. It is true that there was such increase; and the record as cited by the gentleman from Maine shows that there has been an increase of employés as a rule about the time of an election throughout all the navy-yards in the country under all administrations.

Mr. HALE, of Maine. If the gentleman will allow me, I will give the record as to the Boston navy-yard, which I did not give before.

Mr. GOOCH. I was about to call on the gentleman for it.

Mr. HALE, of Maine. In September, 1874, 1,209 were employed; in October of the same year, 1,750; in all, 2,959. In September, 1873, 1,741 men were employed; in October, 1873, 1,740 men; in all, 3,481—522 more than in 1874.

Mr. SPEER. Where does the gentleman get that record?

Mr. HALE, of Maine. It was made up in the Navy Department.

Mr. SPEER. Made up by the Secretary or his clerks.

Mr. HALE, of Maine. Yes, sir.

Mr. GOOCH. I wish to say that there was a special reason for the employment of laboring men in the Charlestown navy-yard. It is well known that the Government had used up during the war all the live-oak timber that it had accumulated, and that it has been obliged to use in the construction of vessels material wholly unfit for the purpose, and that to-day we are finding vessels which should be in a serviceable condition entirely rotten in consequence of the use of improper timber. For this reason, as I am informed, the Government has been stocking its yards with live-oak timber to be laid aside and protected and kept until such time as there may be a demand for its use. In order to protect this timber it must be either housed or docked. At the Charlestown yard the Navy Department entertained the idea of putting its timber into a wet-dock; but finding itself unable to accomplish that, it then determined to protect this timber by piling it up and covering it in such a manner as best could be done. And, sir, the season being late, and the time when that timber should be protected having come, I understand that the authorities increased the force at the navy-yard in Boston for that purpose.

So that while I do not claim that the Charlestown yard is an exception to the rule which is admitted by all to have obtained at all yards pending an election, no matter which party has been in power, still I say there should have been an increase at that time for the purpose which I have stated.

[Here the hammer fell.]

Mr. CHITTENDEN. Mr. Chairman, the gentleman from New York, [Mr. CREAMER,] in alluding to the corruptions of the Brooklyn navy-yard, has led me to recall certain facts in regard to it which, especially as I have the honor to represent a district in Brooklyn, seem to require me to say something in reference thereto.

I am not here to apologize for anything that has ever been done or omitted at the Brooklyn navy-yard. I have been taught to feel and I know that it has been a sink of political corruption for many years; and although I am elected from a district closely allied, I have the honor and the pleasure to say that I was elected wholly independent of it; and there is no man outside or inside of it that pretends to have any special claim upon me whatsoever.

In respect to the last election I do not believe that all the remarks of the gentleman from New York as to the corruption of the Brooklyn navy-yard apply. I know that it has but about five hundred men employed. When the gentleman from Maryland [Mr. ARCHER] said that in a time of peace one thousand men would be in his opinion a proper proportion for the New York navy-yard, I felt like suggesting to him that great injustice is done at the present moment to that yard. But the gentleman from Maine [Mr. HALE] has explained the number employed there in October. I have no doubt at all that many of them were put there to carry the election. I say, here, upon my responsibility as a member, that I have been informed that a disreputable person obtained letters (I presume by fraud of some sort) from several members of the present Cabinet, recommending him or designed to assist him in obtaining the congressional nomination at the election at which I had the honor to be elected. But he did not succeed in his purpose. I have reason to believe that he placed many men in the Brooklyn navy-yard at that time; but I have no positive knowledge. They are not there now. And there stands upon the stocks one of the ten sloops of war voted here last year, rotting for want of covering, and nobody to cover it. There is no work going on there except the repair of the Tennessee. For this reason, in this connection, I wish to add my voice in favor of some further explanations in respect to the items under consideration. If I correctly understand the appropriations here proposed for the Bureau of Construction and Repair, if I understand the language of that section, it substantially places, in half a dozen lines, at the control of the Secretary of the Navy $3,300,000. If there is anything definite in that section it is this:

For the preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care and protection of the Navy in the line of construction and repair.

I would like the gentleman from Maine [Mr. HALE] to tell me if that clause does not place in the power of the Secretary of the Navy $3,300,000 to expend or not as he may elect; whether it is not in his power to reconstruct and rebuild a monitor now on the stocks of the Brooklyn navy-yard which has rotted away before boilers and turrets designed and built for it were put into it; and whether under that clause the Secretary of the Navy has not the power to adopt a new plan for hull for the same turrets and engines? There is another clause, under the head of "Bureau of Steam Engineering," for "incidental expenses; and for purchase and preservation of oils, coal, iron, and all materials and stores; and for completing and erecting on board vessels compound engines with boilers, $1,800,000."

Now, I undertake to say under that clause the Secretary of the Navy may clearly in his discretion adopt a plan which has been sent to me since I was elected a member of this body, suggesting a grand iron ship to be constructed in which are to be put the turrets and the engines which were built for a wooden ship now on the stocks and rotting—confessedly so rotten that it is not worth while to cover it. Again I would like the gentleman from Maine [Mr. HALE] to tell me whether under that clause the Secretary of the Navy would not be authorized in his discretion to adopt the plan of such a ship as I have described.

[Here the hammer fell.]

Mr. BURLEIGH. If in order, I should like to move an amendment.

The CHAIRMAN. Debate on the pending amendment is exhausted, but it is competent to amend the paragraph.

Mr. SCHUMAKER. I withdraw my amendment.

Mr. BURLEIGH. I move to amend by adding the following:

Provided, That the work be done in the shops of the navy-yard when practicable.

Now, Mr. Chairman, when I hear my colleague from Maine [Mr. HALE] at all times defending the action of the Navy Department, I look upon him with pity, because he is a man for whom I have the greatest respect. When I hear him talking of economy in the navy-yards I cannot but remember the letters which I am daily receiving, and which I have received ever since I was a member of Congress, from different officers scattered throughout the Navy, gallant, zealous lovers of their country and its flag. They write me, without exception, that the Navy is in the same deplorable condition as ever. When I look over the expenditures of the Navy Department I find that for the fifteen months preceding the 1st of October last there was expended under the direction of the Secretary of the Navy over $39,000,000. Why, sir, it is one-half of what our whole Navy is worth to-day.

Gentlemen talk about economy in the Navy. My friend from New York on my left [Mr. CHITTENDEN] struck the right key when he wanted to know what the Secretary of the Navy can do with this money. I contend he should use it in our navy-yards in employing skilled workmen who have served there as apprentices and who are now thrown out of employment. But what does he do? He built a monitor that lies in the Charlestown navy-yard, or did lie there, in the district represented by my friend from Massachusetts, [Mr. GOOCH.] Then what did they do? They put this monitor upon the dry-dock, took off her iron plating and sheathed her with boards,

took out her twelve engines and her turrets and all her works and landed them upon the dock and then towed her hulk to Chester, Pennsylvania. They are now loading schooners with the works of that monitor, all mixed up together in confusion, her engines, her boilers, and her plating, preparatory to removing the whole to Chester, Pennsylvania. My friend from Maine knows, or it is known, that the shipbuilders of Maine make draughts of ships they intend to build, and from these make molds and get out their frames and transport them to Maine and build ships on them. The Secretary of the Navy does different. He sends his materials for building his vessels away from navy-yards having all the materials, tools, and skilled workmen to build them out to Pennsylvania to get iron frames for them, when the draughts and measures of the frames could be sent well, and with light expense, and the frames returned at light expense to the place where all the materials are on hand to build and furnish the ship. It is like a man who, wanting a suit of underclothing from Chester, should go there himself instead of sending his measure and have the clothes sent him. This is the economy of the Navy.

[Here the hammer fell.]

Mr. RANDALL. I wish to ask the attention of my colleague from Philadelphia [Mr. O'NEILL] to one fact which appears in this debate, and that is while we have only six hundred and sixty men employed in the Philadelphia navy-yard, a first-class navy-yard in every respect, in the Norfolk navy-yard, which is in no degree equal to the Philadelphia yard, they have sixteen hundred men, and in the Charlestown navy-yard thirty-two hundred men.

Now it seems to me that it is at least a moderate way of stating it, to say that the gentlemen who represent Norfolk, and Charlestown, and New York have more influence than all of us combined; for I confess to you that I have sought to place men in the Philadelphia yard, and have sought to do it in vain. Whenever a man comes to me I give him a note. I do not always have it responded to, but I feel that I have done my duty.

And in addition I want to protest here against the defense made by the gentleman from Maine in justifying an abuse now because that abuse existed in 1856. That is no reason, to my mind, why we should not correct it. There were many things perhaps under Mr. Buchanan's administration which, for my part, if I had been here I never should have defended; and this is, perhaps, one of them. And I never will hereafter defend any wrong of this sort simply because I have the example of a democratic administration.

I am quite aware that gratuitous advice is seldom appreciated, and yet I feel that I ought to say to the republican majority of this House that one of their fatal mistakes has been that when we on this side charge corruption and misconduct, instead of their showing alacrity to correct abuses, they have sought to apologize for and defend defaulters and wrong-doers. So far as I have any voice in the democratic House of Representatives next year, I shall endeavor to exercise double the energy in casting out unfaithful democrats which I have shown in pointing out the misconduct of republican officials.

Mr. O'NEILL. I had not expected to participate in this debate, but after the remarks of my colleague I desire to say a few words. In reference to the Philadelphia navy-yard, and the employment of men there, I will say that when naval work is to be done at that station the Secretary of the Navy orders men to be employed to do that work, and then only, and such I suppose is his course at other yards—the more work the more men. At one time work can be more readily and conveniently done at one yard than at another. I would like there to be plenty of it all the while at the Philadelphia yard, especially in these hard times, and, as my colleague well knows, there is not a locality in this country when skilled labor and honest toil of all kinds are required where you can find more men fit for either than in the city of Philadelphia. Whenever there is work to be done there the Secretary in the proper and conscientious performance of his duty does not hesitate to order it and to employ a sufficient force of mechanics and laborers, and no more, to have it done well and in a way to challenge the admiration of the world.

I am sure my colleague will always admit that the work from the workshops of Philadelphia, either national or private, is unsurpassed. When my friend from Massachusetts [Mr. GOOCH] was addressing the Chair something dropped from his lips to which I desire to call attention. He said he pitied the member of Congress who had a navy-yard in his district. I do not want to be brought within the sphere of that pity. I prefer and like to represent a district or a city where a navy-yard is located. I want to aid in passing appropriations for building, repairing, and equipping a navy in this country, and I want especially to have the work done just where a portion of it is now done, in the city of Philadelphia, where we can furnish the men who know how to build, repair, and equip ships both for national purposes and for the mercantile marine.

I think no gentleman is to be pitied for having a governmental establishment of any kind in his district or in his city. I desire to keep the navy-yard in Philadelphia, and I say to the gentlemen representing the States and districts in which there are navy-yards, that all they have to do if they are tired of them, and are deploring their pitiable condition in having them, is to vote to abandon them and then urge the rapid building of one grand naval station for the whole country at League Island, in the city of Philadelphia. The work there should go on with greater rapidity. There is land enough for mechanical shops for all the purposes of a navy. There is ample room for docks, and liberal appropriations should be made to hurry to completion this most important yard.

The gentleman from New York [Mr. CREAMER] who spoke a few moments ago has referred in harsh terms to the Secretary of the Navy. The gentleman knows that he cannot make a specific charge against that officer. That officer has fulfilled his duty on every occasion since he has been at the head of the Department. We all know what his course was in fitting up a navy when there was the scare of a war with Spain, as the gentleman calls it. We know that he did in sixty days as much as was ever done in the Navy Department in the same space of time during the dark days of the rebellion. By an expenditure of less than $5,000,000—about $4,000,000—in those sixty days he fitted up a navy that was capable of coping with the navy of Spain, and in those few days he covered himself with glory and proved himself a statesman; and this Congress confirmed all he did by passing the $4,000,000 appropriation bill with great unanimity. Never in the history of any country has more effective work been done than was in that short period accomplished by that distinguished and patriotic official. The gentleman was in this House last winter, but he has forgotten the decided acquiescence of members in the prompt policy of the Secretary of the Navy when war was threatening. Many were of opinion that his preparations for the supposed enemy had much to do with the then solution of the exciting question. While the gentleman then saw that this work on the Navy was going on during the hard times of that financially disastrous fall, and knew that the Secretary was with judicious expenditure striving to uphold the honor of our flag, he now asks why ten millions of reserves were not put out by the President of the United States to help the people in their extremity. The gentleman well knows who made this request of the President of the United States. As I recollect the circumstance, some of his constituents attempted for selfish purposes thus to dictate to the President, but he in his wisdom denied to the money dealers and gold speculators of Wall street their bold demand for governmental aid sought by them, not one moment for the benefit of the people, but for their own aggrandizement at the people's cost.

I desire to say one word more. I must speak hurriedly, as a few minutes make but a short space of time for discussion when a man's official character is brought before the House and assailed. An effort was made a year or two ago to impeach the integrity of the Navy Department with reference to the administration of its duties. A committee sat for weeks upon the investigation, and the Secretary of the Navy and those who acted with him were triumphantly justified and vindicated wherever efforts had been made to tarnish their names and bring discredit and dishonor upon their official acts.

I will not sit here silent and listen to a gentleman upon this floor making charges against an honorable and patriotic officer of this Government. How does the gentleman know that the Secretary of the Navy associates with thieves and dishonest contractors? How does he know of such foul associations as he has broadly charged? If he does know, let him here and now say before this House where and when he witnessed such associations of the Secretary; who gave him such information; when and to whom a contract has ever been given out by this official that has not been for the interest of the Government. He cannot point out any such instance, and he does not name his informant or informants.

Mr. HALE, of Maine. Now let us have a vote.

The question was upon the amendment of Mr. BURLEIGH to add to the paragraph last read these words:

Provided, That the work be done in the shops of the navy-yard when practicable.

Mr. HALE, of Maine. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read the following:

Naval Academy:

For pay of professors and others: For one professor of drawing, (head of department,) $2,500; four professors, namely, one of mathematics, (assistant,) one of chemistry, one of English studies, history, and law, and one of French, at $2,200 each; twelve assistant professors, namely, four of French, one of Spanish, three of English studies, history, and law, one of mathematics, one of astronomy, and two of drawing, at $1,800 each; sword-master, at $1,500, and two assistants, at $1,000 each; boxing-master and gymnast, at $1,200; and assistant librarian at $1,400; three clerks to superintendent, at $1,200, $1,000, and $800, respectively; one clerk to commandant of midshipmen, $1,000; one clerk to paymaster, $1,000; one apothecary, $750; one commissary, $288; one cook, $325.50; one messenger to superintendent, $600; one armorer, $529.50; one gunner's mate, $469.50, and one quarter-gunner, $469.50; one cockswain, $469.50; three seamen in the department of seamanship, at $349.50 each; one band-master, $528; eighteen first-class musicians, at $348 each; seven second-class musicians, at $300 each; two drummers and one fifer, (first-class,) at $348 each; in all $58,826.

Mr. MERRIAM. I move to amend the paragraph just read by adding the following:

That all cadet appointments hereafter to be made from congressional districts shall be designated only after competitive examination, open to all the youth of proper age in the district, by a committee of three competent and impartial citizens of the district, said committee to be selected by the member of Congress representing the district from which said cadet is to be appointed.

Mr. PLATT, of Virginia. I raise the point of order that that is new legislation, and therefore not in order.

The CHAIRMAN. The point of order is well taken.

The committee rose informally.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks,

informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 3745) to remove the disabilities of James Howard, of Baltimore, Maryland.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session, and proceeded with the consideration of the naval appropriation bill.

The Clerk resumed the reading of the bill, and read the following under the head of "Naval Academy:"

For contingent expenses, $36,600.

Mr. RANDALL. This clause, unlike other clauses of the same character, has not the details which should be given.

Mr. HALE, of Maine. I have the full details, but not at my desk.

Mr. RANDALL. They ought to be put in.

Mr. HALE, of Maine. I think so myself, and will see that they are inserted before the bill becomes a law.

The Clerk resumed and concluded the reading of the bill.

Mr. HALE, of Maine. I move that the committee now rise and report the bill with amendments to the House.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HOSKINS reported that pursuant to the order of the House the Committee of the Whole had had under consideration the special order, being House bill No. 3819, making appropriations for the naval service for the year ending June 30, 1876, and for other purposes, and had made sundry amendments thereto, which he was directed to report to the House.

Mr. HALE, of Maine. There are no amendments of any importance to this bill. I call the previous question on the bill and amendments.

The previous question was seconded, and the main question ordered.

The amendments reported from the Committee of the Whole were concurred in, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HALE, of Maine, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AFFAIRS IN ALABAMA.

The SPEAKER laid before the House the following:

To the Speaker of the House of Representatives:

I have the honor to transmit herewith, for the information of Congress, a memorial forwarded to me by a convention of colored citizens assembled in the city of Montgomery, Alabama, on the 2d of this month.

U. S. GRANT.

EXECUTIVE MANSION, *December* 22, 1874.

Mr. RANDALL. Let that lie upon the table and be printed.

Mr. GARFIELD. It should be referred to the special committee on affairs in Alabama, and I make that motion.

The motion was agreed to.

STREETS AND SEWERS OF THE DISTRICT.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the board of audit of the District of Columbia furnish to this House all tables of expenditures on streets and sewers, whether so far published or not published, from the organization of the late District government to this date; also the dates and details of the assessments against private property, what loans have been made to anticipate this revenue, the dates of said loans, where the funds obtained therefrom have been kept from the time of issuing of such indebtedness to date, the amount of such bonds that have been redeemed, if any, to date; also, the collections on account of said assessments, what they were applied to, and a clear, detailed statement of what may be hereafter expected from said source, naming streets and approximating expenses thereon; finally, a succinct statement as to rules followed in making assessments against private property as well as against the United States, stating the authority of law therefor, with date of each law.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH W. JONES.

Mr. LAWRENCE, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 4145) for the relief of Sarah W. Jones, of Shelby County, Kentucky; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and with the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. LAWRENCE also, from the same committee, reported back adversely the following, which were laid upon the table, and the accompanying reports ordered to be printed:

The claim of J. T. Green, of Jackson, Mississippi;

The petition of Elizabeth Weaver, of Fauquier County, Virginia, for compensation; and

A bill (H. R. No. 3922) for the relief of Joseph Ballister.

SOPHIA LOW HOOLE.

Mr. LAWRENCE also, from the same committee, by unanimous consent, reported back the petition and accompanying papers in the case of Sophia Low Hoole, praying for a revolutionary pension; and moved that the committee be discharged from their further consideration, and that they be referred to the Committee on Revolutionary Pensions and War of 1812.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 926) referring the case of Joseph Wilson to the Court of Claims;

An act (S. No. 974) to enable the supreme court of the District of Columbia to proceed with its jury business; and

An act (S. No. 1054) reserving for the use of Congress one hundred and fifty copies of the Revised Statutes authorized to be printed by the act of June 20, 1874.

NATURALIZATION OF CHINESE.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 4146) providing for the exclusion of Chinese from the benefits of the naturalization laws of the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

DANIEL E. BAILEY.

Mr. BASS, by unanimous consent, introduced a bill (H. R. No. 4147) for the relief of Daniel E. Bailey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUISIANA ELECTION CONTEST.

The SPEAKER laid before the House papers in the contested-election case of Sheridan *vs.* Pinchback; which were referred to the Committee on Elections.

WITHDRAWAL OF PAPERS.

Mr. KELLOGG, by unanimous consent, obtained leave to withdraw from the files of the House papers in relation to the claim of Mrs. Julia L. Williams for balance due on the steamer City of New York, no adverse report having been made.

Mr. NIBLACK, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of George H. Wright and others, presented at the first session of the Thirty-ninth Congress.

Mr. BUNDY, by unanimous consent, obtained leave to withdraw from the files of the House the memorials and papers pertaining to the claim of J. J. Lints.

Mr. ARCHER, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Commodore Bissell, no adverse report having been made thereon.

Mr. STRAIT, by unanimous consent, obtained leave to withdraw from the files of the House two petitions of W. C. Dodge, upon which no action has been had.

Mr. BECK, by unanimous consent, obtained leave to withdraw the papers of Robert Price from the files of the Committee on Claims, no adverse report having been made.

Mr. WILLARD, of Vermont, by unanimous consent, obtained leave to withdraw from the files of the House the petition of Walton Cobb, the case never having been considered by a committee.

Mr. SHELDON, by unanimous consent, obtained leave to withdraw from the files of the House the petition and papers relating to the claim of E. E. Saunders.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DANFORD for one week from the 23d instant, on account of sickness in his family; to Mr. WALLACE, for six days from the 23d instant; to Mr. ELLIS H. ROBERTS, until after the holidays; to Mr. BURLEIGH, until January 5; to Mr. HAWLEY, of Illinois, for two days; to Mr. LANSING, for two weeks from December 21; to Mr. COTTON, for one week; to Mr. BANNING, for five days; to Mr. PENDLETON, until January 5; to Mr. STANARD, until after the holidays; to Mr. FRYE, for eight days from December 22; to Mr. STORM, for two weeks; to Mr. STANDIFORD, for ten days; to Mr. HATHORN, for three days from the 21st instant; to Mr. SMITH, of North Carolina, for three days from to-day; to Mr. FINCK, until January 5; to Mr. PACKARD, until January 5; to Mr. WALDRON, until January 4; to Mr. WILLIAMS, of Michigan, until January 4; to Mr. TOWNSEND, until January 5; to Mr. CRITTENDEN, until January 6; to Mr. WILLIAMS, of Massachusetts, until January 5; to Mr. SAYLER, of Indiana, for two weeks; to Mr. MCDILL, of Iowa, until January 5; to Mr. STRAIT, until January 5; to Mr. CARPENTER, for six days from the 23d instant; and to Mr. BLAND, indefinitely, on account of sickness in his family.

Mr. GARFIELD. I move that the few of us who now remain adjourn.

The motion was agreed to; and accordingly (at three o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BASS: The petition of Daniel E. Bailey, for relief, to the Committee on Claims.

By Mr. BECK: The petition of J. K. Dixon, Isaac Holbrook, and others, for the establishment of a post-route from Williamstown, Grant County, Kentucky, to Owenton, Owen County, to the Committee on the Post-Office and Post-Roads.

By Mr. BROWN: The petition of Lillie Singleton, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. BUTLER, of Massachusetts: Report of the commissioners of the District of Columbia for the year 1874, to accompany bill, to the Committee on the District of Columbia.

By Mr. CHIPMAN: The petition of Charles Ritter, for a pension, to the Committee on Invalid Pensions.

By Mr. COBURN: The petition of James E. Robertson, to have refunded certain tax on tobacco, to the Committee on Ways and Means.

By Mr. CONGER: The petition of Alexander St. Bernard, of Saint Clair, Michigan, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Honora Crawford, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Lovina M. Folkerts, guardian of the minor children of Harvey Tucker, deceased, late sergeant Sixth Michigan Cavalry, for relief, to the Committee on Invalid Pensions.

By Mr. EAMES: The petition of William Brown and 232 others, citizens of Rhode Island, for the passage of the civil-rights bill, to the Committee on the Judiciary.

Also, the petition of Edward S. Peters and 20 others, of similar import, to the same committee.

By Mr. HALE, of Maine: The petition of Sarah E. Church, for compensation for personal injuries received by her through the carelessness of officers of the Government, to the Committee on Claims.

By Mr. HANCOCK: The petition of John G. Ford, to be recognized as captain in the United States Navy, having been captain and commander in the Navy of the late republic of Texas, to the Committee on Naval Affairs.

By Mr. HURLBUT: The petition of John Spicer, for damages for breach of contract for delivery of twenty-nine hundred cavalry horses, to the Committee on War Claims.

By Mr. LAMPORT: The petition of citizens of New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. LOUGHRIDGE: The petition of J. M. Smith, for relief, to the Committee on the Post-Office and Post-Roads.

Also, the petition of George H. Smith, for a pension, to the Committee on Invalid Pensions.

Also, several petitions of citizens of Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. MONROE: The petition of Sons of Temperance of Ohio, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. O'BRIEN: The petition of Louisa B. Stone, for relief, to the Committee on Military Affairs.

Also, papers relating to a claim of the State of Maryland against the United States, to the Committee on Military Affairs.

By Mr. PLATT, of Virginia: The petition of Sons of Temperance of Virginia, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. POLAND: The petition of Edward J. Davis and others, committee of republicans of the fifth congressional district of Texas, praying Congress to interfere and to correct the districting of that State, which it is claimed is partial and unjust, to the Committee on the Judiciary.

By Mr. PURMAN: The petition of Logan O. Smith and others, for relief, to the Committee on Military Affairs.

By Mr. RUSK: The petition of Herman Voigtlander, for a pension, to the Committee on Invalid Pensions.

By Mr. SAYLER, of Ohio: The petition of Jacob Kline, to be placed on the pension-rolls, to the Committee on Invalid Pensions.

Also, the petition of John Rutter, to be placed on the pension-rolls, to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *December* 23, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

ELECTION OF PRESIDENT PRO TEMPORE.

The CHIEF CLERK (Mr. WILLIAM J. MCDONALD) called the Senate to order, saying: The Chief Clerk has received the following communication from the Vice-President with a request that he communicate it to the Senate:

WASHINGTON, *December* 22, 1874.

Please inform the Senate when it assembles to-morrow that I shall not be present.

H. WILSON.

Mr. ANTHONY. Mr. Secretary, I offer the following resolution:

Resolved, That in the absence of the Vice-President Hon. MATT H. CARPENTER be, and he is hereby, chosen President of the Senate *pro tempore*.

Mr. STEVENSON. Mr. Clerk, I ask that the ballots be taken.

The CHIEF CLERK. It is moved to amend the resolution by striking out all after the word "resolved" and inserting:

That the Senate now proceed to the choice of a President *pro tempore* by ballot.

The Chief Clerk put the question on the amendment, and it was agreed to.

The resolution, as amended, was agreed to.

The CHIEF CLERK. The Senators will prepare their ballots. The Senator from Rhode Island [Mr. ANTHONY] and the Senator from Delaware [Mr. BAYARD] will please to act as tellers.

Mr. STEVENSON. Mr. Clerk, I nominate Hon. A. G. THURMAN, of Ohio, for President *pro tempore* of the Senate.

Mr. ANTHONY. I nominate Hon. MATT H. CARPENTER, of Wisconsin.

The Senators having cast their ballots, and the ballots having been collected and canvassed by the tellers, the result was announced as follows:

The CHIEF CLERK. The tellers report the whole number of ballots 51; necessary to the choice 26, of which Mr. CARPENTER received 33 ballots and Mr. THURMAN 18; and there was one blank ballot. Mr. CARPENTER is therefore elected President of the Senate *pro tempore* and will be pleased to take the chair.

Mr. CARPENTER took the chair as President *pro tempore*, to which he was escorted by Mr. THURMAN, and said:

Senators, please accept my thanks for this renewed expression of your kindness and favor. The only return I can make for the partiality of your friendship is an impartial discharge of my duties, which I shall endeavor to do.

On motion of Mr. ANTHONY, it was

Ordered, That the Secretary wait upon the President of the United States and inform him that in the absence of the Vice-President the Senate has chosen Hon. MATT H. CARPENTER, a Senator from the State of Wisconsin, President of the Senate *pro tempore*; and that he make a similar communication to the House of Representatives.

JOURNAL.

The PRESIDENT *pro tempore*. The Secretary will read the Journal of yesterday's proceedings.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes; and

A bill (H. R. No. 4144) providing for the authentication of the Revised Statutes of the United States, and for preserving the originals of all laws in the Department of State.

CONTRACT SURGEONS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1043) suspending so much of an act entitled "An act organizing the several staff corps of the Army," approved June 23, 1874, as applies to contract surgeons, which was in lines 4 and 5 to strike out "the 1st day of February, 1875," and insert in lieu thereof "otherwise provided by law."

Mr. LOGAN. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

HOLIDAY RECESS.

Mr. WEST. Mr. President, I beg leave to interrupt the regular course of business, and I appeal to the Senate to allow me to do so. I was yesterday constrained to do a very ungracious thing to my associates here. I did so out of deference to my colleagues from the southern section of the country in the other House, who had voted unanimously against an adjournment over the holidays, but not with any idea of preventing the passage of the resolution, knowing that there was a majority of the Senate in favor of it. Now, I should like to ask the Senate to do me a particular favor. I know that perhaps they will not be unanimous on the point, but if they would do me the favor to take up that resolution now and consider it, I should be very much obliged to them.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves that the Senate proceed to the present consideration of the holiday-recess resolution. Is there objection? The Chair hears none, and it is before the Senate and will be read.

The Chief Clerk read the resolution of the House of Representatives, as follows:

Resolved, (*the Senate concurring.*) That when the two Houses adjourn on Wednesday, the 23d instant, they adjourn to meet again on Tuesday, the 5th day of January next, at twelve o'clock noon.

The resolution was concurred in.

PETITIONS AND MEMORIALS.

Mr. FLANAGAN presented the petition of Lemuel Adams, a soldier of the war of 1812, asking to be placed on the pension-rolls; which was referred to the Committee on Pensions.

Mr. BOREMAN presented the petition of Samuel C. Bartlett, of West Virginia, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. HITCHCOCK presented the petition of F. M. Brown, county clerk, and the other officers of Clay County, Nebraska, praying for the passage of a bill allowing the taxation of railroad lands; which was referred to the Committee on Railroads.

Mr. NORWOOD presented the petition of James G. Sturdivant, of Summerville, Georgia, praying compensation for provisions, supplies, &c., taken by the United States forces; which was referred to the Committee on Claims.

Mr. HAMLIN presented the petition of James O. Thompson, praying that a certain disability imposed upon him by the sentence of a court-martial may be removed; which was referred to the Committee on Military Affairs.

Mr. FENTON presented the proceedings of the common council of the city of Rochester, New York, and the proceedings of the Board of Trade of the city of Oswego, New York, in favor of the confirmation of the treaty now pending for the re-establishment of relations of reciprocal free trade between this Government and Canada; which were referred to the Committee on Foreign Relations.

He also presented the petition of Mrs. Lucy J. Loop, residing at Dunkirk, New York, praying for a pension on account of the services of her deceased husband; which was referred to the Committee on Pensions.

He also presented the petition of J. W. Benson, of Brooklyn, New York, praying action on the part of Congress for the recognition of the services of David Ritchie for gallant and meritorious conduct in the Navy; which was referred to the Committee on Naval Affairs.

He also presented the petition of prominent periodical publishers of the city of New York, representing that the new postage law makes unjust discriminations by which periodicals are rated at one cent per pound higher than newspapers, and praying that the law be so changed as to fix the postage on periodicals at two cents per pound; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. JOHNSTON presented the petition of Murray Mason, of Virginia, praying for the removal of his disabilities; which was referred to the Committee on the Judiciary.

Mr. HAMILTON, of Maryland, presented the petition of Lemuel Jones and Thomas W. Jones, praying to be reimbursed for damage done to the schooner Chieftain by the Government transport Star; which was referred to the Committee on Naval Affairs.

Mr. MERRIMON presented a resolution of the Legislature of North Carolina, in favor of an appropriation to enable the New River Canal Company to connect the inland water system of North Carolina with the Atlantic and Gulf coasts; which was referred to the Committee on Commerce, and ordered to be printed.

He also presented a resolution of the Legislature of North Carolina, in favor of the granting of pensions to the surviving veterans of the Mexican war; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. ANTHONY presented the memorial of Kate Lonise Cushing, widow of the late Commander William B. Cushing, United States Navy, praying an allowance on account of the services of her husband; which was referred to the Committee on Naval Affairs.

Mr. MORRILL, of Maine, presented the petition of Fiske Mills, of Washington City, praying to be reimbursed for expenses incurred in preparing a model for a statue of the late General John A. Rawlins; which was referred to the Committee on Claims.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a copy of a communication from the Quartermaster-General, dated the 16th instant, recommending that the legislative, executive, and judicial appropriation bill be so amended as to include the employment of two additional messengers or laborers in his office; which was referred to the Committee on Appropriations.

PORT OF DELIVERY AT ATLANTA.

Mr. NORWOOD. I desire to submit a motion for the reconsideration of the vote taken day before yesterday by which the bill (H. R. No. 3474) to establish Atlanta, in the State of Georgia, a port of delivery, was indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Georgia moves to reconsider the vote of the Senate by which the bill indicated by him was indefinitely postponed.

The motion will be entered.

BILLS INTRODUCED.

Mr. HAMILTON, of Maryland, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1066) to incorporate the Georgetown and Tennallytown Railroad Company of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1067) to divide the State of Iowa into two judicial districts; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HAGER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1068) for the relief of banking associations issuing notes payable in gold; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1069) providing for the construction of the Oregon Central Pacific Railway and Telegraph Line; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

AGRICULTURAL REPORTS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed of the annual report of the Commissioner of Agriculture for the year 1872 two hundred and thirty thousand copies, of which fifty thousand shall be for the use of the Senate and one hundred and eighty thousand for the use of the House of Representatives; and that there be printed of the report of the said Commissioner for the year 1873 one hundred and fifty-five thousand copies, of which thirty-five thousand copies shall be for the use of the Senate and one hundred and twenty thousand copies for the use of the House of Representatives.

The resolution was referred to the Committee on Printing.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4141) to make East Pascagoula, in the State of Mississippi, a port of delivery, in the district of Pearl River, was read twice by its title and referred to the Committee on Commerce.

The bill (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AUTHENTICATION OF REVISED STATUTES, ETC.

The bill (H. R. No. 4144) providing for the authentication of the Revised Statutes of the United States and for preserving the originals of all laws in the Department of State, was read twice by its title.

Mr. EDMUNDS. Mr. President, I ask unanimous consent of the Senate to pass that bill at this time. The first section merely rectifies some errors in respect to the mode of authentication of the Revised Statutes and of the laws of Congress, which are to be sent to the various public officials in the United States and the executive authority of the several States. By some accident the act of last year provided that this should be done under the seal of the United States instead of under the seal of the Department of State. The seal of the United States is what in other countries is called "the great seal," and it is a very formidable affair. To make the law conform to what it always has been this change needs to be made.

Then the other section of the bill which remodels one section of the Revised Statutes, which I have under my hand, provides for leaving the law where it was understood to be before the Revised Statutes passed. By some accident the commissioners of revision brought forward an old obsolete law—I think an act of 1789—which requires the Secretary of State to send, as fast as each law passes, an authenticated copy—two copies, in fact—to the executive authority of each State under the seal of his Department. That has fallen into disuse for more than fifty years, because it would be very expensive and entirely useless, a new law having taken its place providing for sending at the end of each session a copy of all the acts of that session; so that to carry out the law as it now reads in the Revised Statutes it would be necessary for the Secretary of State, every day as a bill passes, to send to the various officials in the United States, that I need not enumerate, copies authenticated under his own signature and sealed with the seal of the Department of State, which would require him, as he has computed it, to make about eighty thousand of these certificates, which of course is totally useless, and is a waste of time and labor.

This bill provides for rectifying these mere technical difficulties that have arisen on account of the passage of the Revised Statutes in their present shape. I therefore ask unanimous consent that the bill may be passed now.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent to proceed to the consideration of this bill. Is there objection? The Chair hears none.

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. No. 4144) providing for the authentication of the Revised Statutes of the United States and for preserving the originals of all laws in the Department of State.

The bill provides that the certificate of the printed volume of the Revised Statutes of the United States required by section 2 of an act "providing for the publication of the Revised Statutes and laws of the United States," approved June 20, 1874, shall be made by the Secretary of State under the seal of the Department of State.

The second section provides that section 204 of the Revised Statutes of the United States shall hereafter read as follows:

Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President; and whenever a bill, order, resolution, or vote is returned by the President with his objections, and on being reconsidered is agreed to be passed and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate or Speaker of the House of Representatives, in whichever House it shall have been last so approved, and he shall carefully preserve the originals.

The bill was reported to the Senate without amendment.

Mr. SARGENT. I am in favor of the passage of the bill for good reasons that have been given; but I take this opportunity to make one remark upon the apparent changes of law which were made by

the Revised Statutes, certainly without the knowledge of Congress, and I doubt if they were with the knowledge of the committees of Congress who gave as much time and attention as was possible perhaps to the scheme of revision of the laws. I have been surprised since we passed the Revised Statutes, on a number of occasions, to find that the statute law of the United States was changed in very grave particulars; and yesterday my attention was called to a case which I ask the patience of the Senate for one moment while I bring it to their notice.

Any one acquainted with the legislative history of the past few years knows that the question has been raised on a number of occasions whether the word "white" should be stricken from the naturalization laws or not. Some of the Senators and Members who are more familiar with the condition of things existing upon the Pacific coast thought it would be disastrous to the interests of civilization and good government on that coast to have Chinese naturalized, and therefore, and for that reason only, resisted the striking of the word "white" out of the naturalization laws.

I need not perhaps give the basis for that belief; but they thought, among other things, that as these persons were actually imperialists, if they had any political sentiments, as they were ignorant of our language and very slowly acquired it, they might be naturalized in large numbers and sent in platoons to the polls, and consequently anything like free government under proper influences would be lost to American citizens where they were in large numbers. At any rate we made a most earnest struggle in both Houses of Congress on that matter. The object of those who pressed for legislation in that direction was to enable certain persons who were of African descent to be naturalized, and finally there was a compromise made, by which the word "white" was left in the naturalization laws, but it was provided that aliens of African blood or African descent might be naturalized. So the law was placed in the statute-book, Africans being allowed to be naturalized, but the word "white" being retained for the very object that was explained in the debates at the time the provision was adopted in regard to Africans, that the Chinese might not be naturalized.

Now, sir, I find by reference to the Revised Statutes—

Any alien may be admitted to become a citizen of the United States in the following manner and not otherwise.

And the words are industriously excluded therefrom which are in the original statutes, which I traced up, providing that "any alien, being a free white person," may be naturalized under the laws of the United States. If that is not legislation under the form of revision, in spite of the action of Congress intelligently had to accomplish a certain object, then I cannot give an instance of it.

I call attention to this because it is possible that by and by I may ask that the law be put in *statu quo*, as it was before this provision was made, and also to show that it is a surprise upon us members from the western coast that any such legislation appears to have been adopted. I will state, however, that it was a matter of actual impossibility, as everybody knows, for Senators to familiarize themselves with every provision and every line of these Revised Statutes, one volume alone of which now in my hand amounts to over a thousand pages; and that is the only excuse I can give for having overlooked the matter.

Mr. EDMUNDS. I merely wish to add that the occasions are very rare indeed when I should venture to ask the Senate to pass a bill without a reference and in the regular course, for I do not think it is a good plan; but as this bill plainly relates only to the mere method of disposing of these laws and their authentication, and inasmuch as the Secretary of State, in a communication that I hold in my hand, expresses earnestly the desire and shows the necessity of its being passed before the holidays in order that these authentications of the Revised Statutes may go on, I have ventured to ask the Senate to depart from what I regard to be a very wholesome rule, of having everything referred.

I will only say in answer to the Senator from California that he cannot have forgotten that a good many of us a year ago thought it was unwise to pass these Revised Statutes in bulk without their being gone through with in the regular way, on account of the danger that the very things might happen which it now appears have happened, and in many respects necessarily happened, one may say, when you take so vast a work as this and do not have it subdivided among various committees. And so I entirely concur in what he says, that we must take steps from time to time, as rapidly as possible, to rectify the errors that have necessarily crept into this book; and by that I do not mean to impute to anybody any want of diligence in it; but it is perfectly clear that any body of commissioners, taking the vast mass of the laws that had accumulated, would make these mistakes, and that any one committee having the whole of them in charge would necessarily overlook many of these things that were apparently trifling and that would not be brought to their notice. It ought to be a warning to us never to pass any law, as it appears to me, except this particular bill, without a very careful reference and consideration of it.

Mr. THURMAN. I am very glad that the Senator from California has called attention to the matter about which he spoke; but I cannot help expressing my surprise that the fact is as he states it to be if his investigation has been correct. The legislation which he states has taken place in Congress is precisely what he says it has been, and how these revisers could have misunderstood that legislation passes my comprehension. It was stated here and in the other House that this revision was no change of the law at all, that it was only to make the law conform to what had been decided to be the law and to eliminate from the statutes, where necessary, mere repetitions of the same provisions of law and reconcile and harmonize those which seemed contradictory; and even that attempt to remove repugnancy, it was said, was pursued in a very slight degree; but there was to be no change in the laws. If there was a change in any phraseology, it was simply to make more clear the legislative intention as it had been expounded by the courts. But now we find, if my friend from California is correct in his statement, that there has been a most material change in the law; and how it could have taken place is a thing that is very singular to me.

But, sir, that is not all. I have in my desk a statement—I suppose every Senator has received the same statement—from certain importers, in which they complain of about a dozen or more changes in the tariff laws; and most singularly it so happens that every single one of these changes in the law is against free trade. That is one of the strangest things that ever happened, that every single one of them imposes a higher duty than was collected before the Revised Statutes were passed.

I did not rise to suggest what is the remedy for this; but I do hope that some remedy will be devised and that it will receive the attention of the Senate.

Mr. CARPENTER, (Mr. INGALLS in the chair.) Mr. President, in the absence of the chairman of the Committee on the Revision of Laws, I ought perhaps to say that that committee did what any other committee of this body would have been compelled to do. Congress provided first for a revision by commissioners, which ran on for years. Congress then passed a law authorizing the committee to make a contract with other gentlemen in Washington to go over their work and revise it. The committee, of course, had to accept that work as it was, and it was impossible to review it in detail.

I remember the discussion and the legislation referred to by the Senator from California; and I think he is entirely right in his statement of it, and of course the charge to which he referred is a mere blunder; but it is one of those blunders which I can very well see how the revisers might fall into without any intention to usurp the law-making power. The action of Congress for so long a time has been directed to striking the word "white" out of the Constitution and laws that they thought undoubtedly it was by omission or mistake that it was left in that law.

Mr. EDMUNDS. A bill once passed the Senate, I think, for that purpose, but it does not seem to have become a law.

Mr. CARPENTER. The understanding was upon the part of all the Senate that the Committee on the Revision of the Laws were not answerable. The chairman expressly so stated; and everybody knew that if that volume was to be passed it had to be passed at once and in bulk, for if we once entered into the amendment of it here, there would never be any end to it and never any passage of it. The idea was to pass the law as a starting-point, and then have something to which all subsequent amendments could refer; and it was with that view that the law was passed. The point mentioned by the Senator from California is clearly a blunder; and undoubtedly there are others; but it was a matter of impossibility for us to go through and prevent blunders.

Mr. EDMUNDS. I hope the Senator from Wisconsin did not suppose that I intended to reflect upon the Committee on the Revision of the Laws on the subject.

Mr. CARPENTER. Not at all.

The bill was ordered to a third reading, read the third time, and passed.

SENATOR FROM LOUISIANA.

Mr. MORTON. I offer the following resolution:

Resolved, That the Senate recognizes the validity of the credentials of P. B. S. Pinchback, as certified to by Governor William P. Kellogg, of Louisiana, under the seal of said State; and the Committee on Privileges and Elections are instructed to examine and report if said Pinchback is entitled to be admitted on the *prima facie* case thus made, or if such admission should be postponed until investigation is made as to the charges of corruption in his election alleged against him.

Mr. THURMAN. I object to the consideration of that resolution to-day.

The PRESIDENT *pro tempore*. The resolution will lie over.

Mr. MORTON. I move that the resolution be printed.

The motion was agreed to.

THE COUSHATTA TROUBLES.

Mr. CLAYTON. I offer the following resolution, and ask for its consideration:

Resolved, That the Secretary of War be requested, if not incompatible with the interests of the public service, to lay before the Senate the official reports and communications of Major Lewis Merrill, United States Army, relating to certain disorders in Louisiana known as the Coushatta troubles.

Mr. BAYARD. I object to the present consideration of the resolution.

The PRESIDENT *pro tempore*. It will be laid over.

Mr. CLAYTON. I move that the resolution which I offered be printed.

The motion was agreed to.

SENATOR FROM ALABAMA.

Mr. HAMILTON, of Maryland. I ask to have the resolution respecting the compensation of Mr. Sykes, claimant for a seat in this body, taken up and recommitted to the Committee on Privileges and Elections.

The motion was agreed to; and the Senate proceeded to consider the following resolution, reported by Mr. HAMILTON, of Maryland, from the Committee on Privileges and Elections, May 28, 1874:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Francis W. Sykes, late contestant from the State of Alabama, out of the appropriations for compensation and mileage for Senators, the sum of $3,374.80, being the salary of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874, inclusive.

The pending question being on the amendment submitted by Mr. CARPENTER on the 5th of June, 1874, in lines 4 and 5 to strike out "$3,374.80, being the salary of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874, inclusive," and insert in lieu thereof "$3,000."

The PRESIDENT *pro tempore*. The Senator from Maryland moves to refer the resolution and amendment to the Committee on Privileges and Elections.

The motion was agreed to.

GEORGE S. WAGNER.

Mr. DENNIS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be directed to pay out of the contingent fund of the Senate to the mother of George S. Wagner, deceased, the late Librarian of the Senate, $150 for his funeral expenses, and a further allowance equal to three months' pay of his annual salary.

CREDENTIALS OF SENATOR-ELECT.

Mr. PEASE presented the credentials of Hon. B. K. Bruce, elected by the Legislature of Mississippi a Senator from that State for the term commencing on the 4th day of March, 1875; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the bill (S. No. 420) to amend an act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1043) suspending so much of an act entitled "An act organizing the several staff corps of the Army," approved June 23, 1874, as applies to contract surgeons; and

A bill (H. R. No. 4144) providing for the authentication of the Revised Statutes of the United States, and for preserving the originals of all laws in the Department of State.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further morning business, the first bill on the Calendar will be reported by the Clerk.

The CHIEF CLERK. The first bill on the Calendar is the bill (S. No. 71) to authorize the organization of national banks without circulation.

Mr. BAYARD. We have passed a resolution to adjourn to-day for the holidays, and I know that the hours of leaving Washington render it necessary to many members of the Senate to do so shortly. I submit, therefore, that we might as well adjourn, and I move that the Senate do now adjourn.

Mr. EDMUNDS. May I ask the Senator to withdraw that motion for a moment, that we may have a short executive session?

Mr. BAYARD. I do not desire to interfere with that.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. WRIGHT. I trust the Senator from Vermont will withdraw that motion for a moment. I want to present an amendment in the nature of a substitute to a pending bill.

Mr. EDMUNDS. Very well.

Mr. WRIGHT. The next bill in the order of business, as I understand, is what is known as the District bill. That bill will necessarily go over for the recess. I offer an amendment in the nature of a substitute for it at this time, and ask that it may be printed, so that Senators may have an opportunity to examine it. I offer a substitute for the pending bill (S. No. 963) for the better government of the District of Columbia, to be laid on the table and printed.

The proposed amendment was received informally, and ordered to be printed.

EXECUTIVE SESSION.

Mr. EDMUNDS. I renew the motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at one o'clock and forty minutes p. m.) the Senate adjourned, the adjournment being under the concurrent resolution of the two Houses till January 5, 1875.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 23, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

MARGARET S. HASTINGS.

Mr. SAYLER, of Ohio. I ask unanimous consent to have taken from the Speaker's table and put upon its passage the bill (S. No. 862) granting a pension to Margaret S. Hastings.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret S. Hastings, widow of Charles B. Hastings, late a private in Company E, Forty-fifth Regiment Massachusetts Volunteers, and pay her arrears of pension from the date of the death of her husband to the time her present pension commenced.

Mr. MAYNARD. Has that Senate bill been considered by any committee of this House?

The SPEAKER. The Chair is not advised.

Mr. SAYLER, of Ohio. It has passed the Senate and has the approval of the chairman of the committee of the House, who is prepared to speak for himself.

Mr. MAYNARD. If the gentleman is prepared to say it has been even informally considered by any committee of this House, I do not object.

Mr. RUSK. I will say I believe the Senate report to be correct. This is an extreme case. It is a violation of the rules of the committee to pass any arrears of pension, but in this extreme case of necessity I believe this bill ought to pass.

Mr. GARFIELD. I wish to say in regard to this matter that we have almost uniformly refused to pay back of the date of granting the pension. This dates it back to the death of the soldier. I cannot see how we can do this without making a precedent for a great many other cases. I hope the gentleman will let it go to the committee.

Mr. MAYNARD. I do not place my objection on that ground at all. I can see there are extreme cases where the pension ought to go back, but I do not think we ought to pass bills of this character without having at least the sanction of the committee.

Mr. GARFIELD. Perhaps it ought to be referred.

Mr. SAYLER, of Ohio. This is a peculiar case of great merit and I hope gentlemen will not object. This woman is suffering.

Mr. HURLBUT. I object.

Mr. SAYLER, of Ohio. Then let it be referred to the Committee on Invalid Pensions.

Mr. RANDALL. I move that it be referred to the Committee on Invalid Pensions, with leave to report at any time.

There was no objection, and it was ordered accordingly.

MRS. MARY E. TWIFORD, OF NORFOLK, VIRGINIA.

Mr. DONNAN, from the Committee on Military Affairs, reported back a bill (H. R. No. 2524) for the relief of Mary E. Twiford, of Norfolk, Virginia, and moved that it be referred to the Committee on War Claims.

The motion was agreed to.

HARRISON HARBOR COMPANY, MISSISSIPPI.

Mr. LYNCH, by unanimous consent, introduced a bill (H. R. No. 4148) authorizing the Harrison Harbor Company to excavate a channel and harbor in the Mississippi Sound, and to construct docks and breakwaters in connection therewith; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATIONAL BANKS OF NEW YORK CITY.

Mr. COX. I ask unanimous consent to introduce the following resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to require each of the presidents and cashiers of the different banks doing business under the banking laws of the United States in the city of New York, under oath, to report to him within ten days of the passage of this resolution the exact amount of gold coin, gold certificates, and checks or memorandums of individuals held by said banks at the close of business on the 19th of December, 1874; and that said Secretary transmit to this House the results of said report.

Mr. MERRIAM. I object.

Mr. MAYNARD. Let it be referred to the Committee on Banking and Currency.

Mr. MERRIAM. I do not object to its reference.

The resolution was received and referred to the Committee on Banking and Currency.

ARKANSAS CONTESTED-ELECTION CASE—BELL VS. SNYDER.

Mr. HARRISON, from the Committee on Elections, submitted a report in the contested-election case of Marcus L. Bell against O. P. Snyder; which was laid upon the table, and ordered to be printed.

Mr. HARRISON. I ask that the resolutions reported in that case be read for consideration at this time.

The Clerk read as follows:

1. *Resolved*, That Marcus L. Bell, the contestant, was not elected a Representative in Congress to the Forty-third Congress from the second congressional district of Arkansas, and is not entitled to a seat on this floor.

2. *Resolved*, That the sitting member, O. P. Snyder, was duly elected a Representative to the Forty-third Congress from the second congressional district of Arkansas, and is entitled to his seat as such Representative.

Mr. HARRISON. I call for the previous question on the adoption of the resolutions.

The previous question was seconded, and the main question ordered; and under the operation thereof the resolutions were adopted.

Mr. HARRISON moved to reconsider the vote by which the resolutions were adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

RESTORATION OF MICHIGAN LANDS TO HOMESTEAD ENTRY.

The SPEAKER. The morning hour begins at twenty-two minutes past twelve o'clock p. m., and reports are in order from committees, beginning with the Committee on Commerce.

Mr. BRADLEY, from the Committee on the Public Lands, reported back, with an amendment, a bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes.

The bill was read.

The first section amends the act approved June 10, 1872, entitled "An act for the restoration to market of certain lands in Michigan," so as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawa and Chippewa Indians of Michigan for the selections found to have been made by them, but which were not prior to the passage of that act regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; and the remainder of those lands not disposed of, and not valuable mainly for pine timber, shall be subject to entry under the homestead laws for one year from the passage of the present act, and the lands remaining thereafter undisposed of shall be restored to market.

The second section permits all Indians who have settled upon and made improvements on section 10, in township 47 north, of range 2 east, and section 4, in township 47 north, of range 3 west, Michigan, to enter not exceeding eighty acres each, at the minimum price of land, upon making proof of such settlement and improvement before the register of the land office at Marquette, Michigan; and when these entries shall have been completed in accordance herewith the remaining lands embraced within the limits of these sections shall be restored to market.

The third section provides that all actual, permanent, *bona fide* settlers on any of the lands reserved for Indian purposes under the treaty with the Ottawa and Chippewa Indians of Michigan, of July 31, 1855, shall be entitled to enter not exceeding one hundred and sixty acres of land, either under the homestead laws or to pay the minimum price of land, on making proof of his or her settlement and continued residence before the expiration of ninety days from the passage of the present act, in case such settlers do not claim any of the lands heretofore patented to Indians, or in conflict with the selections found to have been made by Indians referred to in the first section of this bill, and shall have settled upon those lands prior to the 1st day of January, 1874.

The amendment reported by the Committee on the Public Lands was as follows:

At the end of section 1 strike out the words "restore to market," and insert the words "offer for sale at a price not less than $2.50 per acre."

The amendment was agreed to.

The bill as amended was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BRADLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SALES OF TIMBER LANDS IN CALIFORNIA, ETC.

Mr. BRADLEY. I am also instructed by the Committee on the Public Lands to report as a substitute for House bill No. 410 a bill (H. R. No. 4149) for the sale of timber lands in the States of California and Oregon and the Territories of the United States.

The bill was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read at length.

Mr. WILLARD, of Vermont. I suppose that the bill is open to the objection that it should have its first consideration in Committee of the Whole.

The SPEAKER. The gentleman from Vermont makes the point of order that this bill should have its first consideration in Committee of the Whole. On what ground?

Mr. WILLARD, of Vermont. On the ground that it disposes of public property.

Mr. BRADLEY. I will say to the gentleman from Vermont that this bill has been carefully considered by the Committee on the Public Lands and has been materially cut down from the original provisions in regard to the amount of land to be sold. It has been guarded at all points. At present there is no law providing for the sale of public lands in the Western Territories and new States, and the passage of this bill seems to be a matter of great necessity. If the gentleman insists upon his point of order I have no doubt that it will lie, but I hope he will withdraw it.

Mr. WILLARD, of Vermont. I insist upon my point of order.

The SPEAKER. The gentleman from Vermont makes the point of order that this bill disposes of public property, and therefore should have its first consideration in the Committee of the Whole. The Chair sustains the point.

MINERAL LANDS.

Mr. BRADLEY also, from the Committee on the Public Lands, reported as a substitute for House bill No. 2152 a bill (H. R. No. 4150) to amend an act entitled "An act in relation to mineral lands," approved February 17, 1873; which was read a first and second time.

The bill was read at length.

Mr. KASSON. I wish to inquire of the Chair if the same objection does not lie to this bill as to the one previously reported?

Mr. BRADLEY. If the gentleman from Iowa will allow me, I will explain that this bill makes merely one amendment to the act. The law was amended in 1872 so as to except Michigan, Arkansas, and Minnesota from the operation of the original act, and all that this bill does is merely to add Missouri and Arkansas to the list of exemptions. That is all the change that is proposed.

Mr. KASSON. I desire to say, reserving the point of order, that in reference to all measures affecting public lands and mineral lands my object is to preserve as far as possible the homestead principle to apply exclusively to the public lands and the development principle to apply exclusively to the mineral lands. And as it is impossible while this bill is being read to refer to previous laws, to see the effect of it I think it desirable that the bill should be before us in print and receive the approval of the Committee of the Whole. It is for that reason that I make the point.

Mr. BRADLEY. The bill applies exclusively to mineral lands, and only excepts Missouri and Arkansas with the other three named in 1872.

The SPEAKER. The gentleman from Iowa reserves the point of order that this bill also disposes of public property and should have its first consideration in the Committee of the Whole. It is the duty of the Chair to sustain the point of order.

RIGHT OF WAY THROUGH THE PUBLIC LANDS IN UTAH.

Mr. BRADLEY also, from the Committee on the Public Lands, reported as a substitute for House bill No. 3051 a bill (H. R. No. 4151) granting the right of way through the public lands for a toll-road in Little Cottonwood Canyon, in Salt Lake County, Utah; which was read a first and second time.

Mr. RANDALL. Before the bill is read at length, I ask the Chair to determinine whether the point of order applies to this bill also. My object is to save time that would be occupied by the reading of the bill by the Clerk.

The SPEAKER. Does the gentleman from Michigan desire to put the bill on its passage?

Mr. BRADLEY. Yes, sir,

Mr. RANDALL. It gives the right of way over the public lands for certain distances.

The SPEAKER. The bill gives the right of way over the public lands four rods in width, and to that extent the rule applies. The Chair sustains the point of order, and the bill goes to the Committee of the Whole.

LAWRENCE COUNTY (ALABAMA) NARROW-GAUGE RAILROAD.

Mr. BRADLEY also, from the Committee on the Public Lands, reported adversely upon the bill (H. R. No. 2732) granting certain lands to the State of Alabama in trust for the Lawrence County Narrow-gauge Railroad; and the same was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that, in the absence of the Vice-President, the Senate had chosen Hon. MATT H. CARPENTER, a Senator from the State of Wisconsin, President of the Senate *pro tempore*.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. No. 1043) suspending so much of the act entitled "An act reorganizing the several staff corps of the Army," approved June 23, 1874, as applies to contract surgeons.

The message further announced that the Senate had passed a bill (S. No. 1044) providing for the resumption of specie payments; in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the resolution providing for the adjournment of both Houses of Congress from Wednesday, 23d instant, to Tuesday, January 5, 1875, at twelve o'clock noon.

LAND DISTRICT IN OREGON.

Mr. HERNDON, from the Committee on the Public Lands, reported back, with a recommendation that it pass, the bill (S. No. 381) to create an additional land district in the State of Oregon, to be called the Dalles land district.

The bill was read.

The first section provides that the President of the United States be authorized to establish an additional land district in the State of Oregon, which district shall be bounded as follows, namely: Commencing on the Columbia River at the intersection of the range line, between ranges 8 and 9 east, thence south on that range line to the

fourth standard parallel, which is the north boundary of the Linkton land district; thence east on that parallel to range 27 east; thence north on range line between ranges 26 and 27 to the Columbia River; thence down that river to the place of beginning, comprising all that land in Oregon situate north of the Linkton land district and between ranges 8 and 27 east of the Willamette meridian. The district, as above bounded, is to be known and designated as the Dalles district; and the office of the district is to be located at the city of the Dalles, or such place as the President shall direct, in the State of Oregon; and the President of the United States is empowered to change the location of this land office, from time to time, as the public interests may seem to require.

The second section authorizes the President to appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver for the district hereby created, who shall each reside in the place where the land office is located, and shall have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are or may be prescribed by law in relation to other land officers in the State.

The third section provides that the public lands in the district shall be subject to sale and disposal upon the same terms and conditions as other public lands of the United States. But all sales and locations made at the office of the old district, of lands situated within the limits of the new district, which shall be valid and right in other respects, up to the day on which the new office shall go into operation, are confirmed.

Mr. WILLARD, of Vermont. I desire to inquire of the gentleman reporting this bill whether it would not be better to strike out in the second section the words "or during the recess thereof," which are inserted in the clause with regard to the power of the President to appoint these land officers?

Mr. HERNDON. I do not know that I shall make any objection to striking out those words.

Mr. WILLARD, of Vermont. The phraseology of the bill is that "the President is hereby authorized to appoint, by and with the advice and consent of the Senate or during the recess thereof, a register and receiver for the district hereby created." It occurs to me that the words "or during the recess thereof" should be struck out, because as the bill now stands they might imply that the President is empowered to make during the recess of the Senate an appointment that shall not require to be confirmed by the Senate.

Mr. HERNDON. Mr. Speaker, I do not think that the amendment suggested by the gentleman from Vermont would materially change the bill, while it would have the effect of sending it back to the Senate. It is a Senate bill, having received the unanimous approval of the Senate committee and having been passed unanimously by the Senate. In this House it has received the unanimous recommendation of the Committee on the Public Lands.

Mr. WILLARD, of Vermont. This is a mere matter of phraseology. I do not see why there should be any need of putting in the bill a provision that the President may appoint these officers during the recess of the Senate. It is a constitutional power he would have at any rate, while the bill on its face would seem to imply that he might appoint these officers during the recess, and that they would not be subject to the confirmation of the Senate after that body assembled.

Mr. NESMITH. Mr. Speaker, as this is a matter that has no effect whatever upon the substance of the bill one way or the other, I appeal to the gentleman from Vermont to withdraw his amendment. The people for whose benefit we propose to establish this land district are situated between two vast ranges of mountains, and they have no facilities for reaching the existing land offices without great trouble and expense, and at some seasons of the year it is absolutely impracticable. If the gentleman persists in his amendment, it will probably defeat the bill. I make a personal appeal to the gentleman to withdraw the amendment.

Mr. WILLARD, of Vermont. I have no objection to the passage of the bill, and if gentlemen think that the amendment would embarrass it or delay its passage beyond the time that would be convenient, I withdraw the amendment.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HERNDON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SIERRA IRON COMPANY.

Mr. ORR, from the Committee on the Public Lands, reported back, with amendment, the bill (S. No. 514) granting to the Sierra Iron Company a right of way through the public lands for a railroad and telegraph.

Mr. RANDALL. To save the time of the House and to relieve the Clerk from the necessity of reading this bill, I make the point that it appropriates public property, and must receive its first consideration in Committee of the Whole.

Mr. ORR. The bill had better be read.

The SPEAKER. The gentleman is entitled of course to have the bill read.

The bill was read.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] makes the point——

Mr. ORR. Has the amendment been read?

Mr. RANDALL. It would be unfair not to make the point against this bill after other similar bills have gone the same road, and especially in view of the fact that there is so sparse an attendance of members.

Mr. ORR. I have no doubt, Mr. Speaker, that the point of order lies against bills of this character.

Mr. RANDALL. I will hear the gentleman, reserving my point of order.

Mr. ORR. I desire to say that this bill is exactly in accordance with many bills we have heretofore passed without much objection. I had hoped that the point of order would not be made against bills which grant nothing but a simple right of way over the public lands and the necessary material for the construction of the roads. I admit that the point of order will be good if made; and if the gentleman insists upon it the bill must go the Committee of the Whole.

Mr. RANDALL. I insist upon my point of order.

The bill, with the accompanying amendment, was accordingly referred to the Committee of the Whole, and ordered to be printed.

DENVER, SOUTH PARK, AND PACIFIC RAILROAD.

Mr. ORR, from the same committee, also reported a bill (H. R. No. 4152) granting the right of way through the public lands to the Denver, South Park and Pacific Railroad Company; which was read a first and second time.

Mr. RANDALL. I make the same point of order upon this bill. I desire to make a suggestion. If all the bills granting right of way to railroads, where the donation of land is only for station purposes and depots, are sent to the Committee of the Whole, I think there will be no objection after the holidays to considering them in their regular order. They ought all to go together and be upon the same footing. I am apprised that there are some railroads already constructed that absolutely have no right of way. I think the right of way should be granted to such roads because the money invested by those companies has certainly increased the value of the adjacent public domain; and the Government ought to be as liberal toward these companies as it has been to many others. I therefore suggest the propriety of letting all these bills go to the Committee of the Whole, and after the holidays we can fix some day and hour for the special consideration of them. The gentleman will see at once that my suggestion is in the direction of the wishes of the conmmittee reporting these bills.

Mr. ORR. Does the gentleman from Pennsylvania insist upon his point of order on this last bill?

Mr. RANDALL. I do; and have made this statement in order to show that ultimately no injury will be done to these bills.

The bill was accordingly referred to the Committee of the Whole, and ordered to be printed.

DAKOTA CENTRAL RAILROAD COMPANY.

Mr. ORR, from the same committee, reported a bill (H. R. No. 4153) granting the right of way to the Dakota Central Railroad Company over the public lands; which was read a first and second time.

Mr. HOLMAN. I make the same point of order against this bill.

The bill was accordingly referred to the Committee of the Whole, and ordered to be printed.

SAINT PAUL AND SIOUX CITY RAILROAD.

Mr. ORR, from the same committee, also reported a bill (H. R. No. 4154) authorizing the Saint Paul and Sioux City Railroad Company to construct a branch line from Sibley, in Iowa, to Yankton, in Dakota; which was read a first and second time, referred to the Committee of the Whole, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 4144) providing for the authentication of the Revised Statutes of the United States, and for preserving the originals of all laws in the Department of State.

CHEYENNE, IRON MOUNTAIN AND PACIFIC RAILROAD.

Mr. ORR, from the Committee on the Public Lands, reported a bill (H. R. No. 4155) granting the right of way through the public lands to the Cheyenne, Iron Mountain and Pacific Railroad Company; which was read a first and second time.

Mr. CROUNSE. I would inquire why the committee find it necessary to grant twenty acres of land for these several stations? It seems to me it can only be in the interest of these roads, to enable them to build towns, to enter into town-site speculations, rather than for the actual use of the road.

Mr. ORR. In the original draught of these bills almost universally forty acres are asked for. The committee have cut the amount down to twenty acres for each ten miles of the road. That is the rule adopted by the committee, and that amount is regarded as necessary for depot grounds, station-houses, &c.

Mr. RANDALL. I insist upon the point of order against the bill.

The bill was accordingly referred to the Committee of the Whole, and ordered to be printed.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 1043) suspending so much of the act entitled "An act reorganizing the several staff corps of the Army," approved June 22, 1874, as applies to contract surgeons.

PUBLIC LANDS TO ILLINOIS.

Mr. HEREFORD, from the Committee on the Public Lands, reported adversely upon House bill No. 1288, to authorize the State of Illinois to select three hundred and sixty-seven thousand acres of the public lands to which said State is entitled by law.

Mr. HOLMAN. I make the point of order against this bill that it appropriates public property and must receive its first consideration in Committee of the Whole.

Mr. HEREFORD. I have reported adversely upon the bill.

Mr. HOLMAN. The bill would still go to the Committee of the Whole.

The SPEAKER. It would not unless insisted upon by the gentleman.

Mr. HOLMAN. I do not insist upon it.

The SPEAKER. Then the bill will lie upon the table.

Mr. COX. Will the adverse report be printed.

The SPEAKER. This bill is simply reported adversely without any accompanying report.

SWAMP-LAND INDEMNITY CERTIFICATES.

Mr. HEREFORD also, from the same committee, reported back adversely a bill (H. R. No. 187) to authorize the issue of swamp-land indemnity certificates and their location by actual settlers; which was laid on the table.

HOLY CROSS MISSION, DAKOTA.

Mr. HEREFORD also, from the same committee, reported back adversely a bill (H. R. No. 1509) for the relief of the Holy Cross Mission, in the Territory of Dakota; which was laid on the table.

MEMPHIS AND KANSAS CITY, ETC., RAILROADS.

Mr. BUNDY, from the same committee, reported back a bill (H. R. No. 2200) to declare the Memphis and Kansas City and the Kansas City and Memphis Railroads military and post-roads, and for other purposes, with the recommendation that it do pass.

Mr. HYNES. The most of that is an imaginary road.

Mr. BUNDY. Let it be read.

Mr. MAYNARD. I see no good reason for reading the bill when it will have to take the usual course of reference to the Committee of the Whole on the state of the Union.

The SPEAKER. This gives to the road the right of way to the extent of one hundred feet in width from the public lands, and brings it within the point of order.

Mr. MAYNARD. I do not make the point of order, but I presume it will be made.

Mr. RANDALL. I make the point of order.

The bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. BRADLEY. Has the morning hour expired?

The SPEAKER. It has.

TEMPORARY APPOINTMENT.

The SPEAKER. The members of the Committee on Enrolled Bills do not seem to be in the House to-day, and the Chair therefore appoints Mr. BURROWS to act temporarily for the purpose of comparing a bill which it is necessary to send to the Senate before the recess.

TROUBLES IN MISSISSIPPI.

Mr. CONGER. I move the adoption of the following resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and hereby is, directed to pay to the chairman of the special committee to investigate the troubles, &c., in the State of Mississippi, such sum or sums as may be necessary for the expenses of said committee while engaged in investigating as authorized by resolution of this House of December 14, 1874, and the receipts of the chairman of said committee shall be proper vouchers to the Clerk in the statements of his accounts at the Treasury.

Mr. RANDALL. It seems to me, Mr. Speaker, there ought to be some limitation of the amount provided for in this resolution.

Mr. HOLMAN. The usual practice has been to provide for these expenses being paid by the deputy sergeant-at-arms, not by the chairman of the committee. Heretofore the practice has been to pay these expenses under the direction of the chairman of the committee, of course, but by the Sergeant-at-Arms.

Mr. CONGER. On inquiry, I have followed the form necessary to provide the money for the payment of these expenses. The House passed a resolution that this should be paid out of the contingent fund, and the Clerk informs me the usual mode has been to pass a resolution authorizing him to pay it.

Mr. RANDALL. I do not think this has been the usual mode.

Mr. CONGER. I believe it has been done in other cases.

Mr. RANDALL. How much do you want?

Mr. CONGER. I do not know, but certainly we do not want more than is necessary.

Mr. RANDALL. I suggest a limitation of $5,000.

Mr. CONGER. I do not object to the limitation.

Mr. RANDALL. Let the resolution provide for an amount not to exceed $5,000. I do not think we ought to pass any such resolution in such general terms. I understand the committee themselves do not ask for more than $2,500, and I therefore modify my motion to make it $2,500, or so much thereof as may be necessary.

Mr. CONGER. I do not object to the limitation of the amount to $2,500, and I modify my resolution in that way.

Mr. RANDALL. Now let the resolution be read as modified.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and is hereby, directed to pay to the chairman of the special committee to investigate the troubles, &c., in the State of Mississippi the sum of $2,500, or so much thereof as may be necessary for the expenses of said committee while engaged in investigating, as authorized by resolution of this House of December 14, 1874, and the receipts of the chairman of said committee shall be proper vouchers to the Clerk in the settlement of his accounts at the Treasury.

Mr. GARFIELD. The ordinary practice has been to send a special officer of the House with the committee as disbursing officer. I have no objection especially, however, to the adoption of this resolution if the chairman of the committee is willing to take upon himself this trouble and responsibility. I think he will find it an onerous duty.

Mr. CONGER. I desired the Sergeant-at-Arms to take that responsibility, but he declines to do it.

Mr. MAYNARD. A deputy marshal, of course, will have to go with the committee.

Mr. GARFIELD. I believe no member of Congress ought to be required to become a disbursing officer in this way. I do not know of any such case heretofore where it has been done.

Mr. CONGER. Let the resolution be so amended as to provide for a disbursement of this money by the Sergeant-at-Arms or his deputy. I modify my resolution in that way.

Mr. FOSTER. I hope the gentleman from Michigan [Mr. CONGER] will allow an amendment that will make a similar provision for the committee on southern affairs.

The SPEAKER. There is a committee also going to Alabama. Is there objection to including in this resolution the committee on southern affairs, and the committee which goes to Alabama?

Mr. RANDALL. With the same limitations.

The SPEAKER. With the same limitations. The Chair thinks the resolution had better be drawn anew so as to cover all the cases.

Mr. CONGER. If that be so, let the other gentlemen draw their own resolutions. They have not yet received authority, as this committee has, to have their expenses paid from the contingent fund.

The SPEAKER. The gentleman from Michigan objecting, the resolution applies only to his own committee.

The resolution, as modified, was agreed to.

INTERNAL TAXES.

Mr. RUSK, by unanimous consent, introduced a bill (H. R. No. 4156) to amend section 35 of the act entitled "An act to reduce internal taxes, and for other purposes;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ENROLLED BILL SIGNED.

Mr. BURROWS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 4144) providing for the authentication of the Revised Statutes of the United States and for preserving the originals of all laws in the Department of State.

ORDER OF BUSINESS.

Mr. MAYNARD. I rise to move that the House proceed to the consideration of business on the Speaker's table. I desire to call the attention of the House to the fact that a bill is lying upon the Speaker's table from the Senate on a subject that we have discussed very much at length in the present Congress, and a subject in which the country is very much interested. Every business man, every man who is at all concerned in the material interests of this country, is interested in the fate of this bill. In going to the Speaker's table my object is to reach that bill, in order that the House may take such action upon it as they may think proper to take at this time, so that we may not leave the bill lying dormant there and let the time pass unimproved in respect to it. If the House think proper to pass it at this time, they will do so. If they think proper to make other disposition of it, they will do so.

Mr. RANDALL. I would remind the House that the motion of the gentleman from Tennessee if carried would reach the civil-rights bill and some other offensive bills.

The SPEAKER. The motion of the gentleman from Tennessee is that the House proceed to the consideration of the business on the Speaker's table.

Mr. MAYNARD. I am willing to modify my motion so that it shall apply to no other bill than the one to which I have referred.

Mr. RANDALL. I would suggest that the motion in the form now suggested by the gentleman from Tennessee is out of order. Such a motion would require unanimous consent.

The SPEAKER. If the House should go to business on the Speaker's table any bill can be taken up out of its order only by suspension of the rules or by unanimous consent.

Mr. RANDALL. And a suspension of the rules cannot be moved to-day.

Mr. MAYNARD. I suppose it is in order when we reach a bill for any gentleman to move that its consideration be postponed, and that the bill be laid aside and that we pass to the next bill.

The SPEAKER. The Chair thinks not. When a bill is reached on the Speaker's table, unless there be a general agreement otherwise it must be disposed of; it must be referred, must be laid on the table, or must be passed. It must have some definite action upon it except by general consent. It is very common for the House to go to the Speaker's table on an understanding, and in that case a bill may be laid aside without prejudice to it. But if the House goes to the Speaker's table under the rule, each bill as reached is entitled to be disposed of, and must have a definite disposition made of it.

Mr. BECK. Is it proper to inquire which is the first bill on the Speaker's table?

The SPEAKER. The Chair thinks that is a proper inquiry. The first bill on the Speaker's table is a bill (H. R. 1196) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

Mr. CESSNA. I desire to make a parlimentary inquiry. If the motion of the gentleman from Tennessee shall prevail, is it competent for the majority of the House to pass by any bill that may be reached without prejudice to that bill?

The SPEAKER. It would not be, in the judgment of the Chair.

Mr. CESSNA. Could it not be taken up by unanimous consent?

The SPEAKER. Unanimous consent can do anything under the Constitution of the United States.

Mr. CESSNA. Then I ask unanimous consent that the civil rights bill may be passed by informally without losing its place. We have agreed in committee that it should not be disturbed until after the recess.

Mr. BECK. Why not until after the 4th of March?

Mr. DAWES. I desire to make a parliamentary inquiry. Would it not be in order when any bill on the Speaker's table is reached to move that it be postponed to a certain day?

The SPEAKER. Undoubtedly. That is a definite disposition of it.

Mr. DAWES. Then would it be in order as each bill comes up to postpone it until the 1st Tuesday of January?

The SPEAKER. It would; but that does not leave the bill on the Speaker's table.

Mr. DAWES. It disposes of it for to-day.

The SPEAKER. And very likely would dispose of it for all time. In that case the House is only competent to postpone; it is not competent to make the bill a special order.

Mr. ELDREDGE. Would it be in order to move to refer that bill to the Judiciary Committee?

The SPEAKER. It would be entirely so.

Mr. ELDREDGE. Then I desire to make that motion.

Mr. DAWES. If every bill on the Calendar is postponed until the 1st Tuesday in January next, the bills will then stand in the same order as they do now.

The SPEAKER. When they are reached?

Mr. DAWES. Yes.

The SPEAKER. Of course after the morning hour, then the motion to go into Committee of the Whole would leave them subject to any special order or any question of privilege or a motion to reconsider, or any other of the numberless motions which would take precedence.

Mr. MAYNARD. I would make this parliamentary inquiry: Suppose when we go to business on the Speaker's table, and each bill as it comes up is postponed by a majority vote until the 5th of January; then on the 5th of January we proceed to the consideration of business on the Speaker's table; would not this bill be in precisely the same condition then as now?

The SPEAKER. If the House proceed to business on the Speaker's table and upon reaching any bill a majority shall postpone it to the 5th day of January for consideration, that bill will no longer be upon the Speaker's table; that vote would take it off the Speaker's table as definitely as if the bill were laid upon the table. Of course the position upon the Speaker's table is a very advantageous one for a bill to hold.

Mr. MAYNARD. Then I submit this proposition, and ask unanimous consent for it, that we proceed to business on the Speaker's table, and pass by informally every bill until we reach the one last sent us from the Senate.

Mr. PLATT, of Virginia. Why not simplify matters by asking unanimous consent to take the bill from the table for consideration?

The SPEAKER. That is what the Chair was about to suggest. The proposition of the gentleman from Tennessee is tantamount to asking unanimous consent of the House to take up the bill for consideration.

Mr. MAYNARD. I make that request.

Mr. BECK. Pending that I move to adjourn.

Mr. RANDALL. And I will call the yeas and nays on the motion to adjourn, in order to ascertain if there be a quorum present. I think there is not.

The SPEAKER. That can be determined by tellers.

Mr. RANDALL. Very well; I withdraw my call for the yeas and nays and call for tellers.

Mr. SMITH, of Ohio. When we reach a bill on the Speaker's table, can it not be referred to the appropriate committee, with leave to report at any time?

The SPEAKER. That requires unanimous consent, for the times are assigned under the rules for committees to report. If you vary those times it is a suspension of the rules, which requires unanimous consent except on Monday.

Mr. SMITH, of Ohio. The majority can refer a bill to an appropriate committee?

The SPEAKER. It can.

Mr. SMITH, of Ohio. And would not a bill so referred occupy as good a position as it does on the Speaker's table?

Mr. CESSNA. Not by any means.

The SPEAKER. What the gentleman from Ohio [Mr. SMITH] is aiming at is probably that the bill may be referred to a committee by a majority vote and a motion entered to reconsider. But that is a very long and weary road to travel, for there are a number of bills on the Speaker's table. The rules are very absolute in regard to the disposition of bills on the Speaker's table.

Mr. SENER. I insist upon the regular order.

The SPEAKER. The regular order is a motion to adjourn.

Mr. MAYNARD. I suggest that that be taken as a test whether we will go on to the currency bill or not.

Mr. BECK. Not at all.

Mr. ELDREDGE. The gentleman must not think that he is going to take up that bill and rush it through as they did in the Senate.

Tellers were ordered upon the motion to adjourn; and Mr. MAYNARD and Mr. BECK were appointed.

The House divided; and the tellers reported that there were—ayes 49, noes 92.

Mr. RANDALL. Is that a quorum?

The SPEAKER. It is not.

Mr. DAWES. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

Mr. RANDALL. I would like to make a suggestion to the gentleman from Tennessee, [Mr. MAYNARD,] if he will listen. It is that this bill of the Senate, by unanimous consent, be referred to the appropriate committee with leave to report at any time. That will give the bill proper consideration.

Mr. DAWES. What is the appropriate committee?

Mr. RANDALL. Well, I will leave that for you to struggle about.

Mr. FOSTER. I think we had better go on with the roll-call.

The question was taken; and there were—yeas 56, nays 121, not voting 113; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Beck, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Comingo, Cook, Cox, Crossland, Durham, Eden, Eldredge, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Kendall, Lamar, Leach, Magee, Marshall, McLean, Merriam, Milliken, Nesmith, Niblack, O'Brien, Perry, Randall, Read, Robbins, Milton Sayler, John G. Schumaker, Sloss, Stephens, Vance, Waddell, Whitehead, Whitthorne, Willie, Wolfe, and John D. Young—56.

NAYS—Messrs. Albright, Barber, Bass, Biery, Bradley, Buffinton, Bundy, Burchard, Burrows, Roderick R. Butler, Cain, Cannon, Cason, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crounse, Crutchfield, Curtis, Danford, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Foster, Freeman, Garfield, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hynes, Kasson, Lamport, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Monroe, Moore, Morey, Niles, Nunn, Orr, Orth, Packer, Page, Isaac C. Parker, Parsons, Pelham, Phillips, Pike, James H. Platt, jr., Poland, Pratt, Rapier, Ray, James W. Robinson, Ross, Rusk, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, Stowell, Strawbridge, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Waldron, Walls, Marcus L. Ward, Wheeler, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, and Woodworth—121.

NOT VOTING.—Messrs. Albert, Averill, Banning, Barnum, Barrere, Barry, Begole, Bell, Berry, Bland, Blount, Brown, Burleigh, Benjamin F. Butler, Carpenter, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clymer, Clinton L. Cobb, Cotton, Creamer, Crittenden, Crocker, Crooke, Darrall, Davis, DeWitt, Farwell, Field, Finck, Fort, Frye, Gooch, Robert S. Hale, Harmer, Hathorn, John B. Hawley, Hays, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Howe, Hunton, Hyde, Kelley, Kellogg, Killinger, Knapp, Lamison, Lansing, Lewis, Lofland, Luttrell, McCrary, Mills, Mitchell, Morrison, Myers, Neal, Negley, O'Neill, Packard, Hosea W. Parker, Pendleton, Phelps, Pierce, Thomas C. Platt, Potter, Purman, Rainey, Ransier, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, Sawyer, Henry B. Sayler, Schell, Henry J. Scudder, Small, Smart, A. Herr Smith, George L. Smith, William A. Smith, Southard, Speer, Stanard, Standiford, St. John, Stone, Storm, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Townsend, Wallace, Jasper D. Ward, Wells, White, Whitehouse, Whiteley, Wilber, John M. S. Williams, Ephraim K. Wilson, James Wilson, Wood, and Pierce M. B. Young—112

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. RANDALL. My colleague, Mr. MYERS, is absent by reason of a death in his family; and my colleague, Mr. SPEER, is away in connection with his duty on a special committee.

Mr. SHEATS. My colleague, Mr. HAYS, is absent on account of sickness.

Mr. CESSNA, who had voted in the negative when his name was called, subsequently said: I desire to state that yesterday I paired with the gentleman from Ohio, Mr. FINCK, upon all political questions. This question seems to have taken a political turn; and I therefore withdraw my vote.

Mr. RANDALL. What are the political sides to this question?

Mr. CESSNA. I think the record will establish that question.

The result of the vote was announced as above stated.

Mr. MAYNARD. I now ask that my proposition be submitted to the House.

The SPEAKER. The gentleman will state it again.

Mr. MAYNARD. It is that by unanimous consent we now proceed to the consideration of the financial bill from the Senate.

Mr. RANDALL. I make a suggestion similar to the one I made before——

Mr. DAWES. Does the gentleman from Pennsylvania object to the proposition of the gentleman from Tennessee, [Mr. MAYNARD?]

Mr. RANDALL. Yes, sir; I object for the purpose of making a suggestion.

Mr. DAWES. Then I move to go to business on the Speaker's table.

Mr. RANDALL. Pending that motion I move that the House take a recess for one hour.

Mr. MAYNARD. I make another suggestion, if I may be permitted to do so. It is that, by unanimous consent, the Senate finance bill be made the special order in the House for the 8th of January next, at one o'clock, and from day to day until disposed of.

Mr. DAWES. If the gentleman from Tennessee does not desire to have the bill referred, why can we not act on it to-day?

Mr. LAWRENCE. It is a matter of too much importance to be disposed of in an hour or too.

A MEMBER. And without having the bill before us in print.

Mr. RANDALL. I do not hear of any objection to the last proposition of the gentleman from Tennessee.

Mr. HOLMAN. Is it understood that on the day named the bill shall be subject to debate and amendment?

Mr. DAWES. Is not my motion pending?

The SPEAKER. If objection is made, the motion is that the House proceed to business on the Speaker's table.

Mr. HOLMAN. For my own part, I do not object to the proposition of the gentleman from Tennessee.

Mr. MAYNARD. I hear no objection to the proposition I have last made.

Mr. HOLMAN. I do not wish to be understood as objecting; but it would seem reasonable that on a measure of this kind there should be full latitude for debate and amendment; and hence it would be suitable for consideration in the Committee of the Whole.

Mr. GARFIELD. I call for the regular order.

The SPEAKER. The regular order being called for, the question is on the motion of the gentleman from Massachusetts [Mr. DAWES] to go to business on the Speaker's table.

Mr. RANDALL. Pending that motion I move that the House take a recess for one hour.

Mr. DAWES. Pending my motion is it in order to take a recess?

The SPEAKER. Why not?

Mr. DAWES. I make the inquiry of the Chair.

The SPEAKER. The Chair thinks it is.

Mr. DAWES. Then let us have the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. ELDREDGE. I move that the House adjourn.

Mr. CESSNA. I would like to have the yeas and nays on that motion.

Mr. RANDALL. Now, Mr. Speaker, we are all ready to agree to the very fair proposition of the gentleman from Tennessee, [Mr. MAYNARD.] There is no objection to it whatever on this side.

Several MEMBERS. Regular order.

The SPEAKER. The question is on ordering the yeas and nays upon the motion to adjourn.

Mr. MAYNARD. I appeal to the House once more. My friend on the opposite side of the House [Mr. RANDALL] has interposed an objection to the consideration of the bill at this time.

Mr. RANDALL. Yes, sir.

Mr. MAYNARD. But I understand that he and his associates are content that it shall be made a special order for the 8th of January next at one o'clock. As that seems to be the best we can do in the premises, I submit——

Mr. DAWES. What is to hinder our going to the Speaker's table now and reaching this bill?

The SPEAKER. The Chair does not know anything to hinder.

Mr. RANDALL. We may reach the civil-rights bill.

Mr. BECK. The objection to going to the Speaker's table is that the civil-rights bill will be almost the first measure that will come up.

Mr. DAWES. The civil-rights bill will be postponed by a majority.

Mr. BECK. We do not intend to risk the possibility of the passage of that bill.

Mr. GARFIELD. That bill shall not be an obstacle in the way of gentlemen on the other side; and as to the land-grant bills on the Speaker's table, (which are objectionable to some members,) they will go over on a point of order.

Mr. PLATT, of Virginia. I hope the House will exhibit on this question a little of the backbone that has characterized the action of the Senate, and that we shall sit this matter out if it takes two weeks.

Mr. COX. Do I understand that the bill referred to by the gentleman from Tennessee [Mr. MAYNARD] is before the House in any way so as to be subject to a point of order?

The SPEAKER. It is not.

Mr. COX. Then I ask the Chair this question: Is the bill liable to the point of order that it must go to the Committee of the Whole on the state of the Union by reason of its authorizing the issue of bonds?

The SPEAKER. The Chair never rules on hypothetical points. When the bill is reached he will rule, if any point be made.

Mr. COX. I suggest such a point might be made.

Mr. CESSNA. I wish to give notice to the House that if the civil-rights bill should be reached when we go to the business upon the Speaker's table, I shall move to refer it to the Committee on the Judiciary, and then enter a motion to reconsider.

The SPEAKER. The gentleman perhaps can get unanimous consent that it shall not be disturbed when reached.

Mr. CESSNA. Very well; I will ask unanimous consent.

The SPEAKER. The gentleman from Pennsylvania asks when the House goes to the business upon the Speaker's table the civil-rights bill shall remain without prejudice in its present position.

Mr. ORTH. I object.

Mr. CESSNA. Then I give notice if we go to the Speaker's table I shall move to refer the civil-rights bill to the Committee on the Judiciary and then enter a motion to reconsider.

Mr. PLATT, of Virginia. But some one may move to lay that upon the table.

The question then recurred on the demand for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 53, nays 112, not voting 124; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Beck, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Comingo, Cook, Cox, Crossland, Durham, Eldridge, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Kendall, Lamar, Leach, Magee, Marshall, McLean, Milliken, Nesmith, Niblack, O'Brien, Perry, Randall, Robbins, Milton Sayler, John G. Schumaker, Sloss, Stephens, Vance, Waddell, Whitehead, Whitthorne, Wolfe, and John D. Young—53.

NAYS—Messrs. Albright, Barber, Bass, Biery, Bradley, Buffinton, Bundy, Burchard, Burrows, Cain, Cannon, Cason, Chittenden, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crounse, Crutchfield, Curtis, Danford, Dawes, Dobbins, Donnan, Duell, Eames, Foster, Freeman, Garfield, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hooper, Houghton, Hubbell, Hunter, Hurlbut, Hynes, Kasson, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Monroe, Moore, Morey, Niles, Nunn, Orr, Orth, Packer, Page, Isaac C. Parker, Parsons, Phillips, Pike, Poland, Pratt, Rapier, Ray, James W. Robinson, Ross, Rusk, Scofield, Isaac W. Scudder, Sener, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Starkweather, Strawbridge, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Waldron, Walls, Marcus L. Ward, Wheeler, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, and Woodworth—112.

NOT VOTING—Messrs. Albert, Averill, Banning, Barnum, Barrere, Barry, Begole, Bell, Berry, Bland, Brown, Burleigh, Benjamin F. Butler, Roderick R. Butler, Carpenter, Cessna, Amos Clark, jr., Freeman Clarke, Clymer, Clinton L. Cobb, Cotton, Creamer, Crittenden, Crocker, Crooke, Darrall, Davis, DeWitt, Dunnell, Eden, Farwell, Field, Finck, Fort, Frye, Gooch, Robert S. Hale, Harmer, Hathorn, Havens, John B. Hawley, Hays, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hunton, Hyde, Kelley, Kellogg, Killinger, Knapp, Lamison, Lamport, Lansing, Lewis, Lofland, Luttrell, McCrary, Merriam, Mills, Mitchell, Morrison, Myers, Neal, Negley, O'Neill, Packard, Hosea W. Parker, Pelham, Pendleton, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rainey, Ransier, Read, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, Sawyer, Henry B. Sayler, Schell, Henry J. Scudder, Sessions, Small, Smart, A. Herr Smith, George L. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Standiford, St. John, Stone, Storm, Stowell, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Townsend, Wallace, Jasper D. Ward, Wells, White, Whitehouse, Whiteley, Wilber, John M. S. Williams, Willie, Ephraim K. Wilson, James Wilson, Wood, and Pierce M. B. Young—124.

So the House refused to adjourn.

During the vote,

Mr. SHEATS stated that his colleague, Mr. HAYS, was absent on account of sickness.

Mr. CESSNA stated that he was paired with Mr. FINCK, of Ohio, who would vote in the affirmative, while he himself would vote in the negative.

The vote was then announced as above recorded.

The SPEAKER. The question next recurs on the motion of the gentleman from Pennsylvania, [Mr. RANDALL,] that the House take a recess for one hour; on which the yeas and nays have been ordered.

Mr. MAYNARD. I again submit the proposition that this bill be made the special order for the 8th of January next, to the exclusion of all other orders; and I will annex to it a still further proposition that the Senate bill be printed. I ask that that order be made lest perhaps we shall overlook it. It is important the bill should be printed.

Mr. RANDALL. There is no objection to that.

Mr. MAYNARD. I suppose an order might be made to print the bill by unanimous consent.

There was no objection, and it was ordered accordingly.

Mr. MAYNARD. I renew my motion to make the Senate finance bill the special order for the 8th of January next, to the exclusion of all other orders.

Mr. RANDALL. I wish to give notice to gentlemen on the other side, that we will not agree to any motion which will reach the civil-rights bill.

Mr. COX. Who objects to the proposition of the gentleman from Tennessee?

Mr. MAYNARD. Gentlemen on both sides suggest I name the 7th, instead of the 8th, of January next, and I so modify my motion.

Mr. DAWES. We have the power when we reach the civil-rights bill to postpone it to a day certain or to refer it to a committee.

Mr. RANDALL. But we have the power to prevent the bill being taken up now, and we do not intend that power shall pass from our hands into those of the other side.

Mr. DAWES. Would not a motion to postpone to a certain day be in order?

The SPEAKER. It would.

Mr. HAWLEY, of Connecticut. Mr. Speaker, as one of those on this side of the House who have voted against all motions to adjourn or delay business, I beg leave, nevertheless, to suggest to the friends of this currency bill that it is best to accept the suggestion of the gentleman from Tennessee, [Mr. MAYNARD.] It seems to me a very fair proposition indeed, and while I oppose motions for mere delay and avoidance, I must say, speaking for myself alone, that I will not vote for the currency bill in question to-day. I positively will not. I hope unanimous consent may be given to the motion to make it a special order for January 8.

The SPEAKER. The gentleman from Tennessee asks that the bill may be made a special order for consideration in the House for Thursday, 7th January, at the hour of one o'clock, to the exclusion of all other orders, and from day to day until disposed of. Is there objection? If there be no objection that arrangement will be ordered. It is ordered.

Mr. MAYNARD moved to reconsider the vote by which the bill was made a special order; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. MAYNARD. I also ask that the bill may be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and required, as rapidly as practicable, to cause to be coined at the mints of the United States silver coins of the denominations of ten, twenty-five, and fifty cents, of standard value, and to issue them in redemption of an equal number and amount of fractional currency of similar denominations, or, at his discretion, he may issue such silver coins through the mints, the sub-treasuries, public depositaries, and post-offices of the United States; and, upon such issue, he is hereby authorized and required to redeem an equal amount of such fractional currency, until the whole amount of such fractional currency outstanding shall be redeemed.

SEC. 2. That so much of section 3524 of the Revised Statutes of the United States as provides for a charge of 1-5 of 1 per cent. for converting standard gold bullion into coin is hereby repealed, and hereafter no charge shall be made for that service.

SEC. 3. That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national-bank currency among the several States and Territories are hereby repealed. And whenever and so often as circulating notes shall be issued to any such banking association so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000 to the amount of 80 per cent. of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of $300,000,000 of such legal-tender United States notes, and no more. And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than fifty dollars. And to enable the Secretary of the Treasury to prepare and provide for the redemptions in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

PACIFIC MAIL SUBSIDY.

Mr. DAWES. I ask that by unanimous consent authority be given for printing the evidence taken by the Committee on Ways and Means in the Pacific Mail subsidy investigation from time to time at their discretion.

There was no objection, and it was so ordered.

MRS. SUSAN A. SHELBY.

Mr. HAZLETON, of Wisconsin. I ask unanimous consent to take from the Speaker's table for consideration now the bill (S. No. 433) for the relief of Mrs. Susan A. Shelby. This bill has been considered by the Committee on War Claims, and I think there will be no objection to its passage.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Mrs. Susan A. Shelby, of Port Gibson, in the State of Mississippi, out of any money in the Treasury not otherwise appropriated, the sum of $10,351.02, in full of her claim for cotton captured and sold by the United States.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. HAZLETON, of Wisconsin, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DEVELOPMENT OF MINING RESOURCES.

Mr. LOWE. I ask unanimous consent that the bill (H. R. No. 2032) to amend an act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, with an amendment by the Senate, be taken from the Speaker's table, and that the Senate amendment be concurred in.

The amendment of the Senate was read, as follows:

In line 1 strike out "fifth section of said act" and insert "section 2324 of the Revised Statutes."

Mr. HOLMAN. I trust the gentleman will explain the effect of this amendment.

Mr. LOWE. The objection made yesterday was withdrawn. I explained yesterday the object of the amendment, which is merely to refer to the Revised Statutes instead of to the original statute. It makes no new legislation, and it is of importance that it should be adopted before the 1st of January.

Mr. HOLMAN. It is merely a reference to the same law?

Mr. LOWE. Yes, sir.

The amendment of the Senate was concurred in.

Mr. LOWE moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

EXPENSES OF THE COMMITTEE ON SOUTHERN AFFAIRS.

Mr. FOSTER. I ask unanimous consent to offer the following resolution:

Resolved, That the committee on southern affairs be authorized to draw, through an assistant sergeant-at-arms, $2,500 from the contingent fund of the House for the use of said committee or a sub-committee thereof, and that the assistant sergeant-at-arms be required to file vouchers, approved by the Committee on Accounts, to cover the amount expended by him.

Mr. RANDALL. I would suggest to the gentleman the insertion after "$2,500" of the words "or so much thereof as may be necessary."

Mr. FOSTER. I have no objection to that, and will modify the resolution accordingly.

The resolution, as modified, was agreed to.

RAYMOND'S REPORT ON MINING STATISTICS.

Mr. DONNAN. I ask unanimous consent to take from the Speaker's table the House resolution in reference to the printing of Raymond's report on mining statistics with an amendment by the Senate, that it may go to a committee of conference. The amendment of the Senate changes the number of copies to be printed and gives to Congress none whatever.

Mr. WILLARD, of Vermont. The quickest way would be to concur in the amendment. The Senate have reduced the number properly enough.

The SPEAKER. Does the gentleman object?

Mr. WILLARD, of Vermont. I do not.

There being no objection, the resolution with the Senate amendment was taken from the Speaker's table and ordered to be sent to a committee of conference.

SPECIAL DISTRIBUTION OF SEED.

Mr. CROUNSE. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seed.

Mr. WILLARD, of Vermont. I object to the present consideration of that bill.

Mr. CROUNSE. Then I move that the bill be taken from the Speaker's table and referred to the Committee on the Public Lands.

Mr. WILLARD, of Vermont. Not to be brought back on a motion to reconsider.

The SPEAKER. It would not avail anything if it should.

Mr. RANDALL. Should not this bill go to the Committee on Agriculture?

The bill was taken from the Speaker's table, read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ALABAMA INVESTIGATION.

The SPEAKER. The Chair names, as the special committee ordered by the House to make certain investigations in the State of Alabama, Mr. COBURN of Indiana, Mr. ALBRIGHT of Pennsylvania, Mr. CANNON of Illinois, Mr. BUCKNER of Missouri, and Mr. LUTTRELL of California.

Mr. ALBRIGHT. I ask unanimous consent to submit the following resolution:

Resolved, That the special committee to investigate troubles, &c., in Alabama be authorized to have the assistance of a deputy sergeant-at-arms, and that the expenses of such investigations be provided for out of the contingent fund of the House, and that the Clerk of the House of Representatives be, and is hereby, authorized to pay to the Sergeant-at-Arms or deputy sergeant-at-arms the sum of $2,500, or so much thereof as may be necessary, for the expenses of said committee while engaged in the investigation as authorized by the resolution of the House of December 18, 1874, and the receipts of the Sergeant-at-Arms or his deputy shall be proper vouchers to the Clerk in the settlement of his accounts at the Treasury.

Mr. RANDALL. I would like to ask the gentleman from Massachusetts, [Mr. BUFFINTON,] the chairman of the Committee on

Accounts, whether the contingent fund of the House will bear all these drafts?

Mr. BUFFINTON. That is a hard question to answer.

The resolution was agreed to.

CHARLES O. WOOD.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the claim of Charles O. Wood, of Vigo County, Indiana; which was referred to the Committee on Military Affairs, and ordered to be printed.

ABSENTEE SHAWNEES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recalling his report dated 13th of April last, and the claims of absentee Shawnee Indians submitted therewith; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ENLISTED MEN IN ORDNANCE BUREAU.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the employment of thirteen enlisted men in the Ordnance Bureau; which was referred to the Committee on Military Affairs and ordered to be printed.

CONTINGENT FUND OF POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting, in compliance with the act of June 8, 1872, a detailed statement of the expenditures made from the contingent fund of his Department for the fiscal year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

REMOVAL OF MODOCS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriation to remove Modocs from Oregon and the Indian Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

CENTRAL INDIAN SUPERINTENDENCY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriation required to aid and instruct the Indians of the central superintendency; which was referred to the Committee on Appropriations, and ordered to be printed.

APACHE INDIANS IN ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of the appropriation for collecting and subsisting the Apache Indians in Arizona for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

CHEROKEE LANDS IN NORTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to the lands of the North Carolina or Eastern band of the Cherokee Indians, including the draught of a bill for the benefit of said Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ROCK ISLAND BRIDGE.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the clause of the sundry civil appropriation act of June 23, 1874, which appropriates $23,400 to the Rock Island bridge; which was referred to the Committee on Appropriations, and ordered to be printed.

ADDITIONAL MESSENGERS IN WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending that the legislative, executive, and judicial appropriation bill be so amended so as to include the employment of two additional messengers or laborers in his office; which was referred to the Committee on Appropriations, and ordered to be printed.

WHITE FEMALE CHILDREN CAPTURED FROM CHEYENNES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recommending that $3,000 be appropriated from the annuities of the Cheyennes for the support and education of two white female children captured from said Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

INDIVIDUAL CLAIMS AGAINST CHOCTAWS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting certain information called for under the third section of the sundry civil appropriation act of June 23, 1874, in relation to amount of liabilities due from the Choctaw tribe of Indians to individuals; which was referred to the Committee on Appropriations, and ordered to be printed.

FREEDMEN'S AFFAIRS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the freedmen's branch of the Adjutant-General's Office for the fiscal year ending June 30, 1874; which was referred to the Committee on Freedmen's Affairs, and ordered to be printed.

CUTTING TIMBER ON INDIAN RESERVATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to the necessity that exists for some remedial legislation in behalf of Indian tribes or bands living upon reservations, and who by reason of recent decisions of the Supreme Court of the United States are prevented from cutting and selling timber from the land occupied by them; which was referred to the Committee on Indian Affairs, and ordered to be printed.

BARRACKS AND QUARTERS IN PENSACOLA HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the draught of a proposed joint resolution for completing barracks and quarters in Pensacola Harbor, Florida; which was referred to the Committee on Naval Affairs, and ordered to be printed.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, sundry claims for Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HOLMAN. I move that the House now adjourn.

The motion was agreed to; and accordingly (at two o'clock and fifty-five minutes p. m.) the House adjourned until Tuesday, January 5, 1875.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BELL: A paper for the establishment of a post-route from Gainesville to Cumming, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. DONNAN: Memorial of George W. Cook, praying relief, to the Committee on Military Affairs.

By Mr. HALE, of Maine: The petition of Mary L. Woolsey, widow of Melancton B. Woolsey, late commodore United States Navy, for relief, to the Committee on Naval Affairs.

By Mr. ROBBINS: Resolutions of the Legislature of North Carolina, in relation to pensions of soldiers in the Mexican war, to the Committee on Invalid Pensions.

Also, resolutions of the Legislature of North Carolina, in relation to the New River Canal Company, to the Committee on Commerce.

By Mr. SAYLER, of Indiana: The petition of Catharine Greybig, for a pension, to the Committee on Invalid Pensions.

By Mr. WADDELL: Resolutions of the Legislature of North Carolina, in relation to pensions of soldiers in the Mexican war, to the Committee on Invalid Pensions.

Also, resolutions of the Legislature of North Carolina, in relation to the New River Canal Company, to the Committee on Commerce.

IN SENATE.

TUESDAY, *January* 5, 1875.

The Vice-President resumed the chair.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Wednesday, December 23, 1874, was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the bill (S. No. 381) to create an additional land district in the State of Oregon, to be called the Dalles land district, and the bill (S. No. 433) for the relief of Mrs. Susan A. Shelby.

RESTORATION OF MICHIGAN LANDS TO HOMESTEAD ENTRY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. No. 420) to amend an act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan."

The amendment of the House of Representatives was at the end of section 1 to strike out the words "restore to market" and insert the words "offer for sale at a price not less than $2.50 per acre."

Mr. FERRY, of Michigan. I move that the Senate concur in the amendment of the House of Representatives. It simply provides that instead of the lands restored to market being sold at the minimum of $1.25 it be $2.50, double the present minimum.

Mr. THURMAN. What lands are they?

Mr. FERRY, of Michigan. Lands reserved some twenty years ago under an Indian reservation and now proposed to be restored, to market.

Mr. THURMAN. Has the bill been before the Committee on Public Lands?

Mr. FERRY, of Michigan. The bill was passed by the Senate, and the House has passed it with this amendment, providing for the restoration at the price of $2.50 an acre instead of $1.25. There can be no objection to this proposed increase of the revenues.

Mr. BOUTWELL. Did the bill originally come from our Committee on Public Lands?

Mr. FERRY, of Michigan. Yes, it did, and with its concurrence.

Mr. BOUTWELL. I think the bill had better be recommitted to the Committee on Public Lands. I move that it be recommitted to that committee.

Mr. FERRY, of Michigan. I have no other objection to that than that it delays the bill. I think there can be no possible objection to the amendment. I will state in brief the condition of the case. The lands were reserved some twenty years since under a treaty made, I think, in 1855. The privilege of entry of thelands only by Indians expired in 1865, and the lands have been kept from market until this time. The bill provides that there shall be a year granted to actual settlers under the homestead law, and after the expiration of that year whatever land shall remain of the reservation untaken shall then be sold at public sale. The existing law provides that the minimum shall be $1.25. Inasmuch as these lands have been withheld from market for the space of twenty years, it is fairly supposed that the remaining lands are more valuable and will bring more than $1.25 an acre. Therefore the House, in its judgment, has seen fit to increase the minimum to double the present Government minimum. I think there can be no objection, since it will put into the Treasury a larger amount of money than the Senate bill would if passed without the House amendment.

Mr. THURMAN. Where is this land?

Mr. FERRY, of Michigan. In Michigan.

Mr. THURMAN. How much is there of it?

Mr. FERRY, of Michigan. There cannot be a great deal left. I cannot say exactly how much. Whatever the amount, the withholding them from entry or sale is prejudicial to the public interest. The bill has been considered by the Committee on Public Lands and reported, and this is an amendment of the House merely increasing the minimum to $2.50 an acre.

Mr. BOUTWELL. I hope the bill will be recommitted. I dare say it is all right, but it is a matter of some consequence.

Mr. FERRY, of Michigan. I withdraw the objection to recommittal if the Senator persists. There is nothing else in the bill, as the committee will find.

Mr. BOUTWELL. I move that the bill and amendment be referred to the Committee on Public Lands.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. SPENCER presented the petition of Philip Henson, a citizen of Alcorn County, Mississippi, asking pay for his services during the late war as scout and spy; which was referred to the Committee on Claims.

Mr. SCOTT presented a memorial of the American Iron and Steel Association, protesting against the ratification of the proposed reciprocity treaty with Canada; which was referred to the Committee on Foreign Relations.

He also presented the petition of Henry C. Watterson, of Pennsylvania, praying that the amount paid by him for certain internal-revenue stamps used in his business be refunded; which was referred to the Committee on Claims.

Mr. LOGAN presented the petition and papers of Henry Greenbaum, president of the German Savings Bank of Chicago, asking a refund of taxes improperly collected on deposits; which was referred to the Committee on Finance.

He also presented the petition of 10,000 soldiers of the late war residing in the State of Illinois, asking the passage of the bill reported from the Military Committee, equalizing bounties; which was referred to the Committee on Military Affairs.

Mr. FERRY, of Michigan, presented the petition of Merritt Lewis, late of Company K, Seventh Regiment Michigan Cavalry, praying to be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of the mayor and common council of the city of Burlington, Iowa, asking an appropriation for the improvement of the harbor of that place; which was referred to the Committee on Commerce.

He also presented additional papers in support of the petition of Louis Sterne, of Boston, Massachusetts, praying compensation for services in breaking up whisky rings; which were referred to the Committee on Claims.

Mr. PRATT presented the petition of Lawrence P. N. Landrum, praying an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Philip Lester, of Washington County, Indiana, praying to be allowed the pay of second lieutenant from the 31st day of March, 1863, to June 30, 1863; which was referred to the Committee on Military Affairs.

He also presented a petition of certain soldiers and sailors, and heirs of deceased soldiers and sailors, of the volunteer forces of the United States, living in the State of Indiana, earnestly urging the immediate passage of a law providing for the equalization of bounties on the basis of $8.33⅓ per month; which was referred to the Committee on Military Affairs.

Mr. MITCHELL. I present the memorial of the Board of Trade of Portland, Oregon, in which they recite that there are vast tracts of unoccupied lands within the undeveloped portion of their State and the adjoining Territories, and that such extent of country can only be made available for settlement by direct railroad communication with those States lying east of the Rocky Mountains. They also say that the early completion of direct railroad communication will be an act of justice to our people, and greatly stimulate agriculture, mining, commerce, and the mechanical arts; will also furnish homes to thousands of immigrants, who will make our country rich by cultivation and by developing its mineral wealth. They conclude in the following language:

> We most respectfully petition Congress to extend such aid, by a guarantee of interest upon bonds or otherwise, as will most surely tend to secure to our people railroad connection with the Atlantic States.

I desire to state, in this connection, a fact that is lost sight of sometimes; and that is that Oregon is the only State in the American Union to-day that is not connected with the remaining States by railroad communication. I move that the memorial be printed and lie on the table.

The motion was agreed to.

Mr. HAGER. I present a memorial from the Associated Veterans of the Mexican War, memorializing Congress that a small pension be allowed to George W. Ross, and also one to Edward Cox. The memorial is signed by as respectable citizens as I am acquainted with, members of this association, and by others, setting forth the reasons why the pensions should be granted. I move the reference of the memorial to the Committee on Pensions.

The motion was agreed to.

Mr. HAGER. I present a memorial from Lieutenant Duane M. Greene, of the Sixth United States Artillery, who was commissioned a captain by the governor of the State of California on February 17, 1863. He had his company, but was delayed being sworn in by reason of some desertions, although he was actually in the service of the United States four months and twenty-three days prior to the time that he drew pay. This is a memorial setting forth the facts, with accompanying vouchers, and asking that pay be allowed for these four months and twenty-three days, for which he has received no compensation, when he was actually engaged in the service of the United States. I move that the memorial and papers be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HAGER. I have a resolution of the board of supervisors of the city and county of San Francisco, setting forth the fact that they have been paying money on account of the United States to the extent of $7,383.33 for improving the property of the Government by paving and taking care of the streets in front of the public buildings, whereas by the laws of the State of California such expenses are charged upon the owners of the property. In default of the Government of the United States attending to this matter, the city of San Francisco has had to pay these charges, and this amount has been expended by the city of San Francisco in gold coin and paid on account of the Government, whereas it should have been paid by the Government itself. I move that this resolution be referred to the Committee on Public Buildings and Grounds.

Mr. SARGENT. I suggest to my colleague that that memorial go to the Committee on Appropriations. The proper place for an appropriation is in the sundry civil bill, and there are a number of precedents for it, as for instance the case of Pittsburgh in a recent bill.

Mr. HAGER. I have no objection to that. I merely suggested the other, because I thought it appropriate.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Appropriations.

Mr. MORRILL, of Vermont. I ask the Senator from California if he knows of any instance where the Government of the United States has been called upon by any other city of the country to pay the taxes that accrue on the streets and avenues in front of the public buildings?

Mr. SARGENT. Yes, sir; I know of a case exactly in point, where the United States did pay, by the sanction of Congress in an appropriation bill, the city of Pittsburgh for improving the streets around the public property on that side of the street which the Government buildings occupied, which I suppose is the provision asked here for San Francisco. I will further state that I know of another precedent in the city of Washington where, the streets being improved in front of the Government property, payment has been made therefor not in one instance only, but in several. I remember another case in the city of Charlestown, Massachusetts, where a similar appropriation was made by the Government. I think I remember a fourth case, also in Massachusetts. The arsenal of the United States is situated at Springfield, and a similar appropriation was made for that. If the question of the Senator from Vermont is as to the justice of the United States paying for the improvement of the streets in front of its own property, streets of which it has the use continually and more use perhaps than the citizens living along them on account of the nature of the use that it makes, I say that I think it is entirely just and proper that such expenses should be paid.

Mr. MORRILL, of Vermont. I merely called the attention of the Senator from California, as this would evidently open a very great question and would call for the reimbursement of taxes that have been paid since the foundation of the Government, I suppose, for the improvement of streets in front of public buildings. I consider that

the case of this city is not at all a parallel case; and if there are any other cases they are extremely bad precedents, and ought not to be followed.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Appropriations.

Mr. INGALLS presented a memorial numerously signed by citizens of Dickinson County, Kansas, praying the passage of House bill No. 3281, relating to the issue of patents to land-grant railroads; which was referred to the Committee on Public Lands.

He also presented the petition of Dickson Williams, praying to be allowed a pension on account of services rendered by his sons in the late war; which was referred to the Committee on Pensions.

Mr. CAMERON presented a memorial of a large number of tobacco dealers of the city of Philadelphia, protesting against any change whatever in the existing laws relating to the taxes on the manufacture of tobacco; which was referred to the Committee on Finance.

Mr. SARGENT presented a petition of citizens of California, praying that the late members of the California Hundred and the California Cavalry Battalion may be reimbursed for additional travel-pay paid by them from their place of discharge from the United States military service in Massachusetts to California; which was referred to the Committee on Military Affairs.

He also presented the petition of John M. Dorsey and William Shepeard, praying for an allowance of a certain claim which they have for supplies furnished to the Government during Indian hostilities in the State of Nevada, then the Territory of Utah; which was referred to the Committee on Claims.

Mr. CONKLING. I present the petition of Moses Taylor & Co., Dollner & Potter, and others, citizens of New York, reciting that they were owners of merchant vessels lawfully pursuing their course on the ocean, which vessels were destroyed by the Boston, Georgia, and other confederate cruisers, among which was the Shenandoah before she arrived at Melbourne; that they, and owners of this description, are excluded by the law as it stands for the distribution of the Geneva award, although they were included in the bill as sometimes proposed. They ask an amendment of the existing law which will include them among the beneficiaries of that fund. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING presented a memorial of the Second Baptist church of New York City, signed by the pastor and officers, asking Congress to prohibit, by appropriate legislation, the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Territories.

Mr. HITCHCOCK presented two petitions of over 100 of the principal dealers in the O street and K street markets, praying the passage of an act incorporating the Capitol, North O Street and South Washington Railway Company; which were referred to the Committee on the District of Columbia.

Mr. FLANAGAN. I presented a petition the other day for the relief of John G. Tod, captain United States Navy, which was referred to the Committee on Naval Affairs. I now ask that it may be printed.

The VICE-PRESIDENT. The order to print will be made, if there be no objection.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 1068) to remove the limitation restricting the circulation of banking associations issuing notes payable in gold, reported it with amendments.

Mr. SHERMAN. I am also directed by the same committee, to whom was referred the bill (S. No. 731) to reduce tax on circulation of State banks to an amount equal to that paid by national banks, to report adversely thereon and recommend its indefinite postponement.

Mr. THURMAN. The Senator from Delaware [Mr. BAYARD] who is not present takes a good deal of interest in that bill, and I suggest that it go on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 739) to prohibit national banks from loaning money on money as security, and for other purposes, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. SHERMAN. I am also directed by the same committee, to whom was referred the bill (S. No. 777) to amend the fifteenth and sixteenth sections of the act entitled "An act revising and amending the laws relative to mints, assay offices, and coinage of the United States," approved February 12, 1873, to report adversely thereon and recommend its indefinite postponement.

Mr. SARGENT. I would like to have that bill go on the Calendar, that I may have an opportunity to examine it.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SHERMAN. The Committee on Finance, to whom was referred the bill (H. R. No. 975) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary loan certificates, and for an increase of national-bank notes," approved July 12, 1870, have instructed me to report adversely thereon, and I move its indefinite postponement.

Mr. SARGENT. Let that bill go on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 1398) to fix the amount of legal-tender notes at $400,000,000, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 593) to admit certain sculpture free of duty, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 1000) amending the concluding proviso to section 3262 of the Revised Statutes of the United States, to report it adversely and ask to have it indefinitely postponed. There is a communication from the Commissioner of Internal Revenue accompanying the bill.

The bill was postponed indefinitely.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3694) granting a pension to Rebecca W. Taylor, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2355) granting a pension to Ann R. Vorhees, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3017) granting a pension to Jacob Grosch, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2351) granting a pension to John B. Miller, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 580) granting a pension to Rosalie C. P. Lisle, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SCOTT subsequently said: My attention has been called to an adverse report upon a pension bill made by the Senator from Texas in the case of Mrs. Rosalie C. P. Lisle. I move to reconsider the vote by which the bill was indefinitely postponed.

The VICE-PRESIDENT. The Senator from Pennsylvania moves the reconsideration of the vote by which the bill was indefinitely postponed.

The motion was agreed to.

Mr. SCOTT. I now ask that the bill may be placed on the Calendar with the adverse report of the committee.

The VICE-PRESIDENT. The Chair hears no objection, and it will take that direction.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the petition of Mary L. Moore, widow of Robert Moore, Company C, Fifteenth Michigan Volunteers, praying for arrears of pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Margaret C. Wells, praying for a pension, submitted a report accompanied by a bill (S. No. 1070) granting a pension to Margaret C. Wells.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. WRIGHT, from the Committee on Finance, to whom was recommitted the bill (H. R. No. 3668) for the relief of Smith & Matthews, of Illinois, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of the widow of Captain Thomas C. Randolph, praying for a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3691) granting a pension to James Burris, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1820) granting a pension to Samuel Henderson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SARGENT. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes, to report it back with certain amendments. I give

notice that I will call this bill up at a very early day, as soon as I can get the attention of the Senate to it.

The VICE-PRESIDENT. The bill will be printed and placed upon the Calendar.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1071) to advance Lieutenant A. H. M. Taylor, Nineteenth Infantry, on the rolls of the Army; which was read twice by its title.

Mr. CONKLING. Mr. President, that bill was sent to me with a request that I should introduce it. I do introduce it in deference to that request. I move its reference to the Committee on Military Affairs.

The motion was agreed to.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1072) making provision for an Oriental college; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1073) for the relief of John M. Dorsey and William Shepeard; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1074) fixing the pay and rank of civil engineers in the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1075) for the protection of the postal rights of the inmates of insane asylums; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1077) for the relief of Dwight J. McCann; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1078) for the relief of S. K. Thompson, late second lieutenant in the Twenty-fifth United States Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1079) for the relief of William M. Kendall, of Plymouth, in the State of Indiana; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1081) to reimburse the State of Oregon for moneys paid by said State in suppressing Indian hostilities during the Modoc war; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1082) granting to the Willamette Valley and Coast Railroad Company a right of way for a railroad through the public lands; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1083) granting the right of way for a railroad and telegraph line to the Puyallup Valley Coal Company, and for other purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1084) to establish a post-route in Baker County, Oregon, from Clarksville, via Humboldt Basin, to Rye Valley; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. FLANAGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1085) for the relief of Edmund T. Ryan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a bill (S. No. 650) explanatory of the resolution entitled "A resolution for the relief of settlers upon the absentee Shawnee lands in Kansas," approved April 7, 1869.

The message also announced that the House had passed a bill (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 24th of December, approved and signed the act (S. No. 1054) reserving for the use of Congress one hundred and fifty copies of the Revised Statutes authorized to be printed by the act of June 20, 1874; and on the 28th of December the following acts:

An act (S. No. 974) to enable the supreme court of the District of Columbia to proceed with its jury business; and

An act (S. No. 1023) for the relief of certain settlers on the public lands.

The message also announced that the President had, on the 29th of December, approved and signed the act (S. No. 926) referring the case of Joseph Wilson to the Court of Claims.

The message also announced that the President had, on the 1st instant, approved and signed the act (S. No. 1043) suspending so much of an act entitled "An act organizing the several staff corps of the Army," approved June 23, 1874, as applies to contract surgeons.

USE OF THE ARMY IN LOUISIANA.

Mr. THURMAN. I offer the following resolution, and ask for its present consideration:

Resolved, That the President of the United States is hereby requested to inform the Senate whether any portion of the Army of the United States, or any officer or officers, soldier or soldiers of such Army, did in any manner interfere or intermeddle with, control or seek to control, the organization of the General Assembly of the State of Louisiana, or either branch thereof, on the 4th instant; and especially whether any person or persons claiming seats in either branch of said Legislature have been deprived thereof, or prevented from taking the same, by any such military force, officer, or soldier; and if such has been the case, then that the President inform the Senate by what authority such military intervention and interference have taken place.

Mr. CONKLING. I ask to hear that resolution read once more.

The Chief Clerk read the resolution.

Mr. CONKLING. Mr. President, I suggest to the Senator from Ohio who moved this resolution, although it seems to be here only a matter of form, that he had better conform to the customary phraseology "if in his judgment not incompatible with the public interests," which very likely the Senator means to imply; but that is the rule, and I think it had better be so stated.

Mr. THURMAN. I do not agree that that is the rule. I do not agree that, on a matter which concerns our relations with no foreign power, which merely concerns the domestic affairs of the United States upon a question in respect to the use of the Army of the United States to interfere with the organization of a State Legislature, there is any necessity or any propriety for saying that the President shall not make a communication unless, in his judgment, it is proper to do it. I say that it is for us, in our judgment, to know whether the facts are as suggested in that resolution, and if they are, by what authority this interference has taken place; and it is not for us to submit to the opinion of the President, or the judgment of the President, whether the Senate of the United States shall know the facts, and know by what authority such interference has taken place, if the fact be that there has been such interference.

This is not, sir, a case in which we interfere with warlike movements, although it has wonderfully the semblance of war—not war made by the people, but war made I will not say by whom; I will wait for the facts. It is not a case in which the public can suffer any detriment, in which the Government can suffer any detriment from the Senate of the United States knowing fully what are the facts of the case, and by what warrant of law or pretense of law this intervention, if it has taken place, has been made.

Mr. CONKLING. Mr. President, I had no idea of laying the Senator from Ohio under such obligation to me as that which now he owes. Very inadvertently I have given him the opportunity of delivering a most eloquent and perhaps somewhat oppressive speech—oppressive while it was undelivered. I had no idea of affording the Senator such an opportunity or the Senate such a gratification. Whenever this resolution comes to be considered—we have not yet waited to see whether any Senator will object to its consideration to-day or not—I will move, unless some other Senator anticipates me, to amend the resolution by inserting the words which I suggested to the Senator from Ohio, supposing that in this case, as in every other case that has occurred during my service in the Senate or during any period of time which my observation has covered, the suggestion would be readily accepted. I will ask a vote of the Senate upon it in order to see whether the usage ought to be maintained in this case or not. And while upon my feet I will occupy a moment in replying to an observation made by the Senator from Ohio.

He seemed to think that he distinguished this case not only from the mass of cases but from all other cases (for I undertake to say that this usage has not been departed from, when attention was called to it, in any instance) by observing that the topic to which the resolution relates does not concern our relations with foreign nations. Now, I humbly conceive that if there be sense and reason in the rule, which commits something to executive discretion, that reason is no stronger, nay it is less strong, in a case which may involve facts touching our foreign relationships, than it is in many a case, this one for example, touching our domestic affairs. To what does this resolution relate? To the turbulence, to the bloodshed, to the chaos, to the serious disorder of a great community in one of the States of this Union; a community from which the most recent tidings are suggest-

ive and ominous—suggestive of something higher than the mere strife and competition of faction or of party—suggestive of considerations which address themselves to every Senator, not as a partisan, but as he stands upon his oath in conscience to represent the constituency behind him and to be true to the great trust committed to him. Here is a resolution aimed at facts touching such a subject, and the Senator from Ohio thinks that it is too much, even for to-day and for to-morrow, during that time when for aught we know turbulence and defiance to law stalk high-headed in the public way. The Senator from Ohio smiles. Perhaps, Mr. President, it is a very appropriate place and a very appropriate time for the Senator to smile. He said he would wait for the facts. That may be rather a dangerous experiment; because the facts may embarrass him; but as I am in the habit of imitating my distinguished friend from Ohio, I will wait for the facts too. I assert nothing. I say, for aught we know, peace, order, the security of life "and law," as my friend behind me [Mr. EDMUNDS] adds, while we deliberate, and while the Senator from Ohio smiles, are trampled in the mire in the streets of New Orleans. I do not know whether it is so or not; nor does the distinguished Senator from Ohio; but speaking on a day when our information is that uncertainty, danger, grave peril, surround the subject at which he aims his inquiry, the Senator says it is for us who are to wait for the facts—who have no facts upon which we can form a judgment—it is for us to say absolutely that in the twinkling of an eye, before the sun goes down to-morrow, with all the expedition of response to this resolution, it will be right for the President to so act that the telegraph will flash back to New Orleans and all over Louisiana the precise truth in respect of the employment, in respect of the location, in respect of the proximity of that power which, possibly, alone of all the powers that can there be felt, may be able to trammel up the consequences of a disorderly disposition on the one side or on the other.

I submit to the Senate that, unless we are to be driven by the gusts of party heat on the one side or on the other, this resolution is especially one invoking the reason, the prudence, the discretion, which, in all time, has led the Senate, when addressing an inquiry to the President of the United States upon a matter of large public moment, to say in its resolution "if in the judgment of the President this publication will be not incompatible with the public interests," thereby committing to his discretion without the hazard of a discourtesy, without the hazard of an apparent conflict with the Senate, the right to say "this information were better given day after to-morrow, or next week, or a fortnight hence, and not in the midst of the very emergency of this occasion." The Senator from Ohio says, "No; let us send a virtual direction to the President touching the Army of which, besides being President, he is Commander-in-chief; let us send a direction to him forthwith to make exhibit to us, and thereby to all the world, to-day, of what he has done and what officers have done, and what dispositions have been made necessarily foreshadowing what dispositions are contemplated."

Now, sir, regarding as I do very highly, as the Senator knows, his judgment upon all questions to which he applies it, I submit to him that so far from this being the case in which this rule of long continuance—"rule," perhaps, is an ill-chosen word, I had rather say "usage"—so far from this being a case in which this ancient usage, and modern usage, too, should be thrown down, it is conspicuously a case illustrating the fact that there is substance as well as ceremony in invoking the discretion and the responsibility also of the President upon the question whether at a particular day, promptly in response to a resolution, he shall publish, or for the time being withhold, some part of that information which is called for by the resolution. I say while it commits a discretion, it imposes a responsibility. So it does. If, in answer to such a mandate as that, the President sends here information which he knows it is unwise for a day or for a week to disclose, upon the honorable Senator from Ohio and upon me and upon every other member of this body is that responsibility which the occasion logically imposes upon the President of the United States. Therefore, as I say, when we come to consider this resolution, I shall move that it shall be so amended as to be in the customary form and customary substance.

Mr. THURMAN. Mr. President——

Mr. CONKLING. If the Senator from Ohio will pardon me for a moment, the Senator from Vermont suggests that I move the amendment now. I do not know whether objection is to be made to considering the resolution or not; but before I take my seat, I will move to insert at the proper place "if in his judgment not incompatible with the public interest."

Mr. SHERMAN. That the Constitution fixes.

Mr. CONKLING. No, I take it, not.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York, which will be read.

Mr. SHERMAN. Before that amendment is read, I ask the Chair if that precludes an objection to the consideration of the resolution to-day in case it is received?

Mr. EDMUNDS. Let us act upon it now.

The VICE-PRESIDENT. An objection to the consideration of the resolution, the Chair thinks, is yet in order from any member.

Mr. CLAYTON. I do not propose to object to the consideration of the resolution, but I would ask the Senator from Ohio to allow it to be temporarily laid aside for the purpose of taking up the resolution I offered on the 23d day of December.

Mr. THURMAN. No; I will not agree to that.

The VICE-PRESIDENT. The Senator from Ohio has the floor.

Mr. CLAYTON. Then I think I must object.

Mr. EDMUNDS. O, no; I would not object.

Mr. CONKLING. I hope objection will not be made.

Mr. CLAYTON. I make no objection.

The VICE-PRESIDENT. The Chair hears no objection to the consideration of the resolution at this time. It is before the Senate, and the question is on the amendment of the Senator from New York, which the Secretary will read before the Senator from Ohio proceeds.

The CHIEF CLERK. After the word "Senate" it is proposed to insert "if in his judgment not incompatible with the public interest."

Mr. THURMAN. Mr. President, the Senator from New York seems to complain that I smiled during his remarks. Why, sir, the Senator is too well read, too well acquainted with the stage and with the drama, not to know that while we weep over the real tragedy, we always smile at the mock-heroic; and really it was the mock-heroic of the Senator, that air of tragedy, that tragic countenance of his without justifiable cause, as it seemed to me, which made me think that he expected us to laugh and not to weep.

But, sir, let us come to the substance of this matter. The Senator says that it is a rule or a usage to submit it to the discretion of the President of the United States whether he will answer resolutions of inquiry like this. Sir, if there is any such usage, I do not know it. I think I am tolerably familiar—not as familiar as the Senator, for he has been here longer than I have been—with the usages of the Senate; but I was familiar with the Senate long before the Senator was familiar with it, and with the usage in Congress long before he had a seat in Congress; and if there is any such usage, I must say I do not know it. In respect to our foreign affairs, it has always been the usage; but that in respect to matters of domestic concern, in a time of profound peace—not in a time of war, but in a time of peace—our resolutions of inquiry are to be subjected to the discretion of the President; and that he is to answer them or not, according to his judgment, or his will, or his prejudices, or his feelings, or his interests, I am not ready to admit. I do not, therefore, concede that there is any such usage as the Senator speaks of applicable to a resolution of this kind; for what is this resolution? Does it ask the President what is to be done with the Army in the future? No, sir; it relates simply to what has taken place, and asks the President to give us a piece of information as to what has taken place. What objection can there be to that? It is that we may not act upon mere newspaper reports; it is that we may not take mere telegraphic dispatches as the evidence of what has taken place, but that we may have official information of what has taken place. It relates entirely to what has occurred; not to movements of the Army contemplated in the future, but to what has occurred—the simple, naked facts. What are the simple, naked facts that are asked for? They are whether any portion of the Army of the United States has been used to interfere with or control the organization of the Legislature of a State. That is a matter of fact and nothing else; and there can be no possible public interest that could prevent the President from answering that question "yes" or "no." It is impossible to conceive of any public interest that could be even prejudiced by the President answering that question truly. How can there be any? You might as well say that the public interest would be prejudiced by asking the President whether or not he had taken an official oath on the 4th day of March, 1873.

The PRESIDING OFFICER, (Mr. FERRY of Michigan, in the chair.) The Chair will remind the Senator that the morning hour has expired.

Mr. THURMAN. I ask that the regular order be postponed and that we proceed with the resolution.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Ohio still has the floor.

Mr. EDMUNDS. Subject to a call for the regular order.

Mr. THURMAN. Well, subject to a call for the regular order. I say then it is simply impossible to conceive of any injury to the public interest that can result from the President informing us what took place in New Orleans yesterday. If he answers the interrogatory in this resolution as to whether or not any portion of the Army interfered with the organization of either branch of the Legislature of Louisiana, he simply tells us what ten thousand people, nay, what fifty thousand in the city of New Orleans know. But we ask him to tell us; we ask him to give us official information upon which it will be proper for us to act. We ask him to tell us officially that which the whole people of the city of New Orleans know perfectly well. That is what we desire to know. How can the public interest be prejudiced by his telling us that fact? Then, if that interference did take place, we ask him further to tell us by what authority of law, if any, it took place. Where can there be any injury to the public service in the President pointing out the law under which he claims (if it is claimed that there was law for it) that this interference has occurred? No, sir; it is a wrong precedent to set; it is an abnegation of the right of the Senate for us to submit any such question as this to the mere discretion of the President. We have a right to request him to furnish us this information; and if there is any reason why he ought not

to furnish it, it is for him to communicate to us that for reasons of public interest he does not think it expedient to communicate to us the information called for; or, if he see fit, he may send it to us under the seal of secrecy, to be considered by us in secret session. But it is not for us to anticipate any such thing as that.

But I say again, sir, it is impossible, and I defy the ingenuity of man to show me any prejudice to the public interest that can occur from the President answering the interrogatories in the resolution.

Mr. EDMUNDS. May I ask a question?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. I wish the Senator would inform the Senate if he knows of any instance in which a resolution of this character has been addressed to the President of the United States without the amendment proposed by the Senator from New York?

Mr. THURMAN. I believe that I could find a hundred if I were to take time to look over the Journals.

Mr. EDMUNDS. Does the Senator remember one at the present time?

Mr. THURMAN. I do recollect more than one.

Mr. EDMUNDS. Name them. Give us one instance.

Mr. THURMAN. I shall give the Senator enough if we are to go into that matter.

Mr. EDMUNDS. One will satisfy me now.

Mr. THURMAN. No; I do not care about being interrupted by that inquiry now. I think I could find enough for the Senator. But if the usage were what the Senator says, it is time that it were abolished, for it is derogatory to the Senate that any such usage should exist. I deny that that has been the usage. It is for those who affirm that it is the usage to show that it is so. I want some Senator to point out to me any possible prejudice to the public interest that can accrue from the President answering this resolution. I want that to be done before I stand here to take my hat in hand and bow my knee before the majesty of the President and humbly solicit him to exercise his judgment, instead of my exercising my judgment, whether he shall communicate to the Senate of the United States facts of such grave moment as those to which this resolution refers.

Why, Mr. President, it does seem to me as if all sensibility on the subject of liberty was being lost in this land. Is Louisiana the only State in which troubles occur in organizing a Legislature? My colleague will remember when the Legislature of the State of Ohio was for more than two weeks without organization under circumstances very nearly similar to those in Louisiana, except that in that case there was no fraudulent returning board in Ohio; for, thank God, we never got to that depth of perdition in that State, and there was no military power; but there were two bodies in the house of representatives with two speakers and business going on before both in the very same chamber. For two weeks the Legislature of Ohio was unable to organize by reason of that state of affairs. What would have been said if the President of the United States, if Martin Van Buren had sent the Army of the United States into that chamber to expel some of the members who claimed seats and to seat the rest? I can tell you, sir, that that force would never have left Columbus if it had been sent there for any such purpose.

But that is not the only instance. Who has forgotten the scenes that took place in the Legislature of Pennsylvania? Who has forgotten the trouble about organizing the Legislature of Pennsylvania on a famous occasion? There what would have been said, what would the venerable Senator before me from Pennsylvania [Mr. CAMERON] have said, if at that time the President of the United States had sent the Army of the United States to Harrisburgh to put up one party and put the other down?

Well, sir, there is the same law for Ohio and Pennsylvania that there is for Louisiana. I know very well the excuse under which these things are done. I know very well that there is an idea afloat that, although Louisiana is one of the States of the Union, as much entitled to the rights of a State as Ohio or Pennsylvania or New York, yet she may be trampled into the dust; that a governor may be foisted upon her by usurpation, by the unconstitutional edict of a Federal judge supported by bayonets, and that that first fatal step is to be maintained, although liberty and the Constitution and law may all perish in sustaining it; and that what would not be tolerated in Massachusetts, or your own State, or Ohio, or Pennsylvania for a single moment, may be patriotism, forsooth, and the force of law in the State of Louisiana!

I want to see the facts. I want these facts to come here. I want to know who it is that has called for the use of the Army of the United States to organize a State Legislature. I want to know whether that call makes a case under the Constitution. I want this Senate to sit in solemn judgment upon it. I do not want this matter to be decided by clamor about tumultuous bodies or a tumultuous spirit. Great God, there would be a tumultuous spirit in New York, there would be a tumultuous spirit in Ohio, there would be a tumultuous spirit in Michigan, if either of these States were subject to the same outrage! There would be a tumultuous spirit anywhere. But I do not want this matter to be decided upon any such question as that. It is too grave. It is no less a question than whether this Federal Government shall interfere and deprive the people of a State of their constitutional rights, and shall organize the Legislature of that State not according to her constitution and her laws, but according to the will of a military ruler knowing no obedience to her constitution or her laws.

Mr. MORTON. Mr. President, it seems to me that the fervor displayed by the Senator from Ohio is rather uncalled for in view of the character of his resolution. He argues this resolution as if it was in the nature of a mandate, as if it was peremptory, as if the Senate of the United States had the power to issue an order to the President of the United States to make a certain report and that he was compelled to obey that order.

Mr. THURMAN. I said no such thing. The resolution is a request.

Mr. MORTON. That was the scope of the Senator's argument. He said we should not get on our knees and ask the President to do this thing. Why, sir, the Senator's resolution gets upon its knees in the very beginning. How does it read?

That the President of the United States is hereby requested to inform—

How is the President to determine whether he will grant that request or not? By simply considering the question whether it comports with the public interest. If in his judgment it should not comport with the public interest to grant this request, he will not do it. Therefore, why did the Senator object to the insertion of the customary phrase employed in resolutions of this kind, when the resolution, as it has been prepared by him, leaves it discretionary with the President whether he will respond to the resolution or not? Therefore, sir, there can be no objection, in point of logic upon the framing of the resolution itself, to the adoption of the amendment offered by the Senator from New York, because that is involved anyhow. When the President comes to consider the request made by the Senate—and that is all the resolution is—he will consider the other question, whether it is or is not incompatible with the public interest. This is, therefore, a play upon words; it amounts to nothing else.

Now, I come to another matter that, I think, is of more importance.

Mr. CONKLING. Will my friend from Indiana, before he leaves this point, allow me to read a passage from the Manual?

Mr. MORTON. Certainly.

Mr. CONKLING. The Senator from Ohio remarked that the *onus* was upon those who sustained this amendment to show that it had been the usage. The Senator from Indiana has asserted, as I did, that it is the usage; and now I will read to him, to show whether he is right or not, from the Constitution, Manual, Rules, and Barclay's Digest, 1874:

A proposition requesting information from the President of the United States, even where reported from a committee—*Journal*, 1, 31, p. 723—shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented immediately after reports are called for from select committees; and when adopted, the Clerk shall cause the same to be delivered.—*Rule* 53.

[The form of resolution contemplated by this rule, as sanctioned by long usage, is: "*Resolved*, That the President of the United States be requested to inform (or communicate to) this House, if not incompatible with the public interest," &c.]

Now, if the Senator from Indiana will pardon me one further moment, I read from the Journal of the Senate of the 15th of May, 1874, the very last instance that occurs to me in which this question could have arisen, and as my friend from Vermont reminds me, it happens to relate to just such a subject:

On motion by Mr. CLAYTON,

The Senate proceeded to consider the resolution submitted by him, the 12th instant, calling upon the President of the United States for the correspondence relating to the troubles in Arkansas; and having been amended on the motion of Mr. CLAYTON, the resolution as amended was agreed to, as follows:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interest, all papers and correspondence relating to the troubles in the State of Arkansas that may be in his possession, and not heretofore communicated to either House of Congress.

Inasmuch as here is one instance and a reference to a long usage, perhaps the *onus* in this case will be shifted now and the honorable Senator from Ohio will take occasion to inform us when it was that this was done in the way he proposes.

Mr. MORTON. The authorities cited by the Senator from New York bear out the argument. There the form states the reason upon which the President would otherwise determine whether he would grant the request or not. If he is requested, it is not a mandate, and he will grant the request or refuse it for the reason that is put in the form. So that my friend from Ohio will see the futility of his argument.

But, sir, I come to another, which I think is a more important matter, and goes beyond the mere phraseology. If we are to have information upon this subject, let us have the whole story, and not require the President to answer upon a particular point. Let us have the whole story; let the whole truth go to the nation, and I think we can bring that out by putting the following addendum to the resolution:

And whether he has any information in regard to the existence of armed organizations in the State of Louisiana hostile to the government of the State, and intent on overturning such government by force.

If the attempt to organize this house yesterday is a part of a conspiracy to overturn the State government of Louisiana, to again cover the streets of New Orleans with blood and with dead bodies, to continue the murders and the massacres which have prevailed in that State for months and for years past, and what the President has

done has been in the interest of humanity and to preserve the public peace and to prevent a consummation of this conspiracy; if these are the facts, let the President tell the whole story. We do not want it by piecemeal.

My friend from Ohio treats this as if it was the beginning of trouble in Louisiana. He has not been reading the reports of the testimony taken before the investigating committee the other day. General Ogden—I believe general by virtue of a commission from Mr. McEnery—swore before the House committee the other day that he had an armed organization in the city of New Orleans of about twenty-five hundred men called the White League. I believe he admitted that that organization exists throughout the State of Louisiana. We know what that organization has done in times past; we know what took place on the night of the 14th of September last; we know what took place at Coushatta; we know what took place at Colfax; we know what took place at Vicksburgh the other day. We know that men have been massacred by the score and by the hundred, deliberately murdered. Shall the President shut his eyes to all these facts and permit a conspiracy to be consummated by the organization of a house of a Legislature in direct violation of the laws of Louisiana? If these are the facts, let us have the whole of them; let the whole story come; and if the President is called upon to state any part of it let him state the whole truth. We are always safer in the presence of the whole truth than of a part.

Sir, in view of the fact that murder has been rampant in Louisiana and there is no security for life or for liberty upon the part of a large portion of the population of that State, in view of the fact that the very men by whom they are surrounding New Orleans are covered with blood that has scarcely dried upon their garments and are ready to commit further murders, being duly organized for that purpose, drawn up for that purpose, ready at a moment's warning to precipitate the State into a bloody revolution, the President may have acted with due discretion in whatever he has done. Let us have the whole truth, and I shall be content.

Mr. HOWE. Mr. President, the times, I fear, are getting a little thick and dusty. I am very much afraid that in some quarters of the country, if they are not losing respect for law, they are losing sight of it. Yet I hoped there were some portions of the country left in which both the light and the love of law still remained. If there be any such portion of the country to be found, it ought to be near the capital. If there be any such locality where this light and this love yet exist, a rational American might hope to find it in the Senate of the United States; or if not so rash as to expect it generally to pervade the Senate, certainly we might expect it in the breast of the honorable Senator from Ohio. He has long shone in this country as a light of the law. It has been his business in various capacities to administer it, and he ought to be an example to the country, and to the Legislature of the country still of that abiding love for law. And yet has he not lost sight of it in a measure this morning? Sir, he has laid upon your desk a resolution calling upon the Executive of the United States for certain information. It is a peremptory request on the Executive to communicate certain information to the Senate. Well, sir, I am not about to say that in the language of the resolution itself there is anything particularly treasonable to law. There is something quite different from the ordinary forms of procedure here, I am very well assured; and in order to bring it more in harmony with the forms of procedure which have obtained here an amendment, very slight in effect I think, was suggested by the honorable Senator from New York. What amendment? Simply to incorporate in the resolution this condition; that the Executive of the United States is only called upon for this information upon the condition that in his judgment it is compatible with the public interest. "No, sir," says the Senator from Ohio, "no such condition as that; this is the Senate; our discretion guides; this call must go to the Executive not conditionally but absolutely; we want to know, and the Executive must therefore tell." Sir, who are we? A respectable body of men, I trust, whether we know anything about law or not; but we are the Senate of the United States, so nominated in the Constitution. What can we do? A variety of things; fill that chair, sir, where you now sit, when it is vacant and the people have neglected to fill it; make some committees; do a variety of things; but we can make no laws for the guidance of anybody; least of all can this Senate make a law which shall guide the acts of the Executive of the United States. And I guess on the whole we had better not try to do that. Let your call go to the President in any terms you please; he will respond to it or not as he pleases. If he judge that it be not compatible with the public interest to give you the information you ask for, he will not give it; and should he withhold the information, "what are you going to do about it?"

Since, therefore, it is pretty evident that you have got to depend upon the discretion of the Executive of the United States for this information, it occurs to me, independent of all questions of law, it is the better part for sensible men simply to address yourselves to that discretion at once. Therefore, when called upon to vote on the amendment of the honorable Senator from New York, I shall vote for the amendment and not against it. And yet, sir, I do not want to forget to say before I sit down that I heartily re-echo one declaration made by the honorable Senator from Ohio. He says there is no reason, there can be no reason why we should not have the information, that it cannot prejudice the public interest for the President to communicate this information to the Senate. I concede that the honorable Senator from Ohio is entirely right. I want the information. I believe giving the information will promote the public interests and not prejudice them. I do not know what that information is; I do not suppose the President knows yet accurately. I trust he will be fully informed on the subject before long.

I am well persuaded from reading the morning papers that a portion of your Army found employment yesterday in the city of New Orleans where it ought to have found no employment. I do not know what it was about. The language of the resolution seems to assume that it was employed to prevent the organization of the Legislature of Louisiana. I hope it will not turn out so; but if it was so, I want to know it. I very much fear it will turn out either that your Army was employed in New Orleans yesterday to prevent the organization of the Legislature of that State, or that it was employed for that other purpose, to expel from the State-house of Louisiana the miscreant mob collected there, in defiance of all law, to override the Legislature of Louisiana. I guess when you get the facts before you, it will turn out that the Army was employed for one or the other of these two purposes; and for whichever it was, the people of the United States have a pressing and an urgent need to know. So I want the resolution to go to the Executive if it is thought better to address it to the Executive. I myself should have thought it best to address such a call to the Secretary of War; but I have no sort of choice. I want the facts.

Mr. President, there has been a great deal said in the press, on the hustings, and about the hotels within the last few years about Federal usurpations here and there in the States. The honorable Senator from Ohio, if I did not misunderstand him, seemed just now to take it for granted that the Army of the United States, or a portion of it, yesterday was employed in New Orleans for a purpose for which if it had been employed in the capital of his State it would have left baffled and defeated. It may be so; but I hope it will turn out—and I have an abiding faith that it will turn out—when you get the facts that the Army of the United States executed no duty in the city of New Orleans yesterday that it would not have executed just as promptly in the city of Columbus, in the State of Ohio. If it did expel a Legislature from the State-house yesterday, then it did a great wrong; and I should hope it would never be called upon to discharge that duty and never would attempt it in the city of Columbus; but I say again that I have an abiding faith that the Army was not employed for any such purpose in New Orleans yesterday.

I am not going to attempt to sum up this mass, this mountain of contradiction which is called "the Louisiana question," this morning; but I am not going to leave the floor until I have said that I have seen no evidences of Federal usurpation in the State of Louisiana. I am ready to see that evidence whenever you show it to me. But as yet proof has not been forthcoming; and, having paid some very careful attention to the history of these transactions, I have come to the very settled conviction that there can be no proof adduced of such usurpation.

But I take my seat simply remarking once more that I want no delay in calling for information. I want the fullest information. I will abide by my share of responsibility, no matter what the facts may show that share to be; and I hope every other Senator will be equally ready to shoulder his share of the responsibility. I want to say also before I sit down that if it should turn out, after all, that the Army was not employed yesterday in New Orleans to prevent the organization of a Legislature, but simply to aid the organization of a Legislature, and that it was put in motion upon the direct call of the executive of that State, the Legislature not being in session; that the President was simply discharging a duty which he has sworn to discharge and which the Constitution delegates to him, I hope the honorable Senator from Ohio, although he does not belong to that political party which elected the present Chief Magistrate, will not be among those who will cry "on" to all the party dogs which are willing to bark when they hear the cry. If it shall turn out that the Executive has been simply trying to discharge according to the best light furnished him a duty which the Constitution, as the Senator knows, devolves upon him, I take it he will allow him undisturbed by clamor to go on with the discharge of that duty.

Mr. SAULSBURY. Mr. President, the resolution offered by the Senator from Ohio, I presume, is predicated upon the information which is contained in the public press of the country that there was yesterday in the city of New Orleans military interference with the organization of the Legislature of Louisiana. That information has been communicated to the country by telegrams sent from New Orleans, and published in almost all the papers of the country this morning; and the Senator from Ohio very properly, as I conceive, not desiring to act upon mere newspaper rumors of the day, offers in his place in the Senate Chamber a resolution respectfully requesting the President of the United States to communicate to this body information on that subject, to tell us whether there was any interference by the military authorities of the country for the purpose of preventing or interfering with the organization of either house of the Legislature of Louisiana; and then, if that has been the fact, what is the authority, where is the law which justified such intervention? That is the purport, the sum and substance of the resolution offered by the Senator from Ohio.

I repeat, sir, that in my judgment that resolution was not only proper in itself, but it was eminently proper in the uncertainty of

the information we possess and demanded by the circumstances in which we find ourselves placed this morning. If the facts stated in the newspapers be true, then I apprehend the duty devolves on the Senate and the Congress of the United States to provide a remedy against the recurrence of similar action hereafter, and it was eminently proper, therefore, in the Senator from Ohio, before proceeding to take any steps looking to the correction or application of a remedy for such an evil, to know definitely from the President himself whether the information contained in the newspapers was true.

But, sir, says the Senator from Wisconsin, [Mr. HOWE,] the President of the United States would answer at his pleasure, and if he concludes not to reply to your mandate, "what are you going to do about it?" Sir, that is strange language to be used in the Senate of the United States, that if a public officer of this country, high or low, has violated the law of the land, has trampled upon the Constitution of his country, has attempted a usurpation which subverts liberty and tramples it in the dust, forsooth, because he may fail to respond to a respectful inquiry of the Senate of the United States, we are to be contemptuously inquired of, "What are you going to do about it?" Why, sir, I hope the time has not come in this country when any ambitious Cæsar may bid defiance to the popular will of the country or may bid defiance to the will of the Senate and of the other House of Congress.

"What are you going to do about it?" I say to the Senator from Wisconsin, if the facts be as alleged in the papers, if the statements intimated and suggested in the resolution of the Senator from Ohio be true, whether the other side of this Chamber is willing or not to apply a remedy, the American people will find a way to deal with the question. I hope the time has not yet come when any Cæsar may clothe himself in his robes or his purple and bid defiance to the American people or to the Senate of the United States.

"What are you going to do about it?" Why, sir, if Cæsar attempts to wrap the purple about him, I say in the name of public liberty let the American people tear the robes from him.

The Senator from Indiana, [Mr. MORTON,] in discussing this question, refers to the action of the 14th of September. Ah, sir, I do not wish to enter into that question now; but I say that when the people of this country are attempted to be reduced to slaves, whether it be in Louisiana or Indiana, whether it be in New York or in Delaware, I shall glory in that spirit of freedom that will impel them to rise in the majesty of their own strength and assert their own rights in defiance of Federal interference.

Mr. HOWE. Will the Senator allow me to ask him a question?

Mr. SAULSBURY. Certainly.

Mr. HOWE. I simply want to understand the honorable Senator from Delaware. He is attempting, if I understand him, to answer my inquiry, which was, in case the President should refuse to answer our call for information what would we do about it? Do I understand him to say that in case the President refuses to answer he would call upon the people to take his robes off?

Mr. SAULSBURY. I have answered the Senator's question. I said the American people would find their own remedy. I did not say that I would call upon the American people to do anything. It is not necessary to call upon the American people for any purpose. The American people have a way of dealing with their own questions. But the Senator says——

Mr. HOWE rose.

Mr. SAULSBURY. I dislike to be interrupted. But the Senator says he has heard of no Federal interference; he has seen no interference. I believe that was his language. I retort "there is none so blind as he who will not see." Has there been no Federal interference in Louisiana? Was not Kellogg placed by the decree of a Federal court, sustained by Federal bayonets, upon the throne that he occupies? Has there not been Federal interference for the last two years in sustaining the usurping government over the people of Louisiana? And yet the Senator from Wisconsin is so oblivious to every fact that he can see no Federal interference. Sir, the people of this country have seen it; the people of this country have responded to it, and in the elections which occurred last fall the very usurpation of the President in the Southern States had much to do with forming public opinion in opposition to his party and with casting the ballots of the people in condemnation of it. The Senator from Wisconsin may not have seen it. The people of this country have seen it and have replied to it. And if the Senator cannot see that there has been any Federal interference, I do not know how I can hopefully at least address myself to him; but I say this resolution ought not to be amended; it ought to go at once to the President, and I have no question that the President, as in duty bound, will promptly respond to a respectful request on the part of the Senate of the United States.

Mr. LOGAN. Mr. President, I had not intended to discuss the merits of this resolution or to say one word in this debate; but the remarks of the Senator from Delaware, at least one or two sentences which he uttered, carry me back some days beyond this time; and it seems to be an attempt at a revival of the revolutionary sentiments which were uttered in this Chamber in days gone by.

What is the question we are considering, and why should that question draw forth sentiments of the character that we have heard expressed here this morning? A resolution of inquiry is offered requesting the President of the United States to give certain information to the Senate of the United States, with the amendment proposed "if not incompatible with the public interest," which is in accordance, as I understand, with precedents and the usage of the Senate; and another amendment is to be offered, I understand, asking that the President shall give all the facts not only in connection with the use of the Army or a portion of it yesterday in New Orleans, but the facts in connection with that which has transpired in Louisiana preceding the action of yesterday.

I was struck this morning with the anxiety which seems to weigh on the minds of some of our friends on the other side of the Chamber in reference to the outrages in the State of Louisiana perpetrated yesterday. I was struck with the facility with which they came forward with their resolutions of inquiry to ascertain why the power of the Army was used yesterday, whether in sustaining the law, whether the Army was used in sustaining an officer of the Legislature of Louisiana in performing his duty, that a Legislature might be organized, when the mob was so fierce that the officer would not be permitted to perform his duty; and not that merely, but why it was used at all; and its use is charged as an interposition on the part of the Army, at the instance of the President or some officer of the Government, without any authority of law whatever.

If our friends had advanced to the work as courageously a few weeks ago or when this session was first organized as they have this morning, there would be some reason for us to believe and to have confidence in the fact that they were in earnest and desired to ascertain where the right or the wrong exists in the State of Louisiana. But was either the Senator from Ohio or the Senator from Delaware so prompt when the news came that one hundred men were slain—slain without any provocation; murdered in cold blood while emerging from a court-house where they had been barricaded? Who then offered a resolution to know where oppression was, where wrong existed, and why it existed, and why these outrages were perpetrated? Not from that side of the Chamber, Mr. President.

When Mr. Penn, with ten thousand armed men in rebellion against his State, overturned a State government, and assumed an authority there not delegated to him by law, assumed authority unauthorized entirely, who on that side of the Chamber asked to inquire why Mr. Penn had not been arrested for treason? Who on that side of the Chamber asked the question why a rebellion in a State had been permitted without some attempt, at least, on the part of the authorities, to have men tried for the crimes they had perpetrated against the laws of the country? Not one, sir! Silence pervaded that side of the Chamber as it does the grave. No voice was heard then to inquire why treason against the State should stalk forth in the land. Not a voice was heard then, sir.

A few days ago some seventy-five unfortunate colored people were murdered, who I presume it would be said were running hastily against bullets that the people having guns in their hands could not avoid discharging on account of their running headlong against them; but they were murdered, and a portion of them, according to the testimony taken, remain unburied until this day. What voice, then, was heard on that side of the Chamber to check the wrath of the White Leagues, and to stop the murders that were practiced against men merely because they believed in republicanism in this country?

I ask those Senators why it is that while murders are being perpetrated by "White League" democrats (for democrats they are) against men whose only offense is that they believe in the perpetuity of republican institutions, that no voice is heard in this Chamber to challenge the wrong that is perpetrated by their friends? Men cannot say either here or elsewhere that these wrongs are perpetrated by republicans. You, gentlemen, sit silent here; and your silence and your acquiescence and your defense of every wrong that is perpetrated upon the unfortunate man, poor though he may be, colored though he may be, indicate what there is in your hearts.

It is unnecessary, if I may be permitted to say it, for men to keep it disguised here to-day that there is an organization in some of the Southern States as determined now as they were in 1860 and 1861 to overthrow either this Government or at least some of the State governments; yes, determined to usurp the power at the ballot-box, determined to take possession of those States, determined to murder and slaughter for the purpose of getting political power in their hands. While men acquiesce in it, while men sustain it by their silence, while men defend it by their actions, there is no use in talking to this people about love of country or about patriotism.

The Senator from Delaware said that if a Cæsar has risen his purple robe should be torn from his body. Has the Senator from Delaware become the Brutus of this day that he should be the man to tear the purple from around Cæsar that the country may applaud? "Noble Brutus" might be expressed by some, but the murmurings of the mass would be too loud for his pleasure. Again he said that if——

Mr. SAULSBURY. Will the Senator allow me a word?

Mr. LOGAN. Certainly.

Mr. SAULSBURY. I am very much obliged to the Senator at all times for noticing what I say; but I do not care that the measure of my patriotism shall be determined by the Senator from Illinois. I hope my acts and not the judgment of the Senator from Illinois will be the measure of my patriotism.

Mr. LOGAN. I am only dealing with the expressions of the Senator. I do not know what his meaning was. I only understand the import of the language he used.

But again he remarked—and he can have an opportunity to explain

this remark—that unless these usurpations, as he called them, ceased to exist, the people would rise in their power and shake off this oppression that now exists. What does he mean by that? Does he mean they will do it through the ballot-box, or does he mean a revolution will take place and those in power will be driven from power by force of arms? Is that what he means? I should like to know.

On the 14th of September, Penn, with his ten thousand men arose, as the Senator suggests, and overturned the State government of Louisiana. Is that what he means? Does he mean that rebellion and revolution are to be indorsed in this land at this day? I desire to know. We all would like to know. The people everywhere would like to know whether he means that the forms of law shall be observed in changes of power in this country, or whether he means that force shall be resorted to for the purpose of producing results that gentlemen desire.

Now, Mr. President, I am as much in favor of having that information asked for as any Senator in this Chamber, without giving any opinion as to the right or wrong, for I have none to give until I hear the facts, and I should like to hear them for the purpose of forming a judgment and deciding thereon. This is a question in reference to the exercise of certain power, whether delegated to the officers or authorities of the Government or not, or if delegated whether exercised in accordance with that authority. I should like to know myself as to that; but at the same time that we ascertain that, I should like to know, as the Senator from Indiana has indicated by his amendment, the other facts in connection with this, and to know what the meaning of all their conduct is. Let me now say that I do not propose myself any means of arriving at power in the people or in a portion of the people except through legalized and constituted modes. I am no revolutionist in any sense; but I warn my friends on the other side of the Chamber against one thing: Your friends have got to stop their bloodshed and murder. If they do not, I tell you they will be made to do it; and if your friends do not stop their murders, their assassinations, and the bloodshed that they are causing in the Southern States, the Army or any other lawful power should be used to make them do it; and the men that stand by and sustain them in these horrible and damnable crimes are no better than the perpetrators of the offense. [Manifestations of applause in the galleries.]

Mr. TIPTON. Mr. President——

Mr. THURMAN. Will my friend allow me one moment to read an authority or two which I was challenged to produce?

Mr. TIPTON. I yield.

Mr. THURMAN. I read a resolution adopted by the Senate of the United States on the 11th of December, 1833:

The following motion, submitted by Mr. Clay, was considered:

Resolved, That the President of the United States be requested to communicate to the Senate a copy of the paper which has been published, and which purports to have been read by him to the heads of the Executive Departments, dated the 18th day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its officers.

On the question, "Shall this resolution pass?"

It was determined in the affirmative—yeas 23, nays 18.

On motion by Mr. Forsyth,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—

Messrs. Bell, Bibb, Calhoun, Chambers, Clay, Ewing, Frelinghuysen, Hendricks, Kent, Knight, Mangum, Naudain, Poindexter, Prentiss, Prestou, Robbins, Silsbee, Smith, Southard, Swift, Tomlinson, Webster.

Those who voted in the negative, are—

Messrs. Benton, Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, Moore, Morris, Rives, Robinson, Shepley, Tallmadge, Tipton, Tyler, White, Wilkins, Wright.

The Senate will perceive that there is no such qualification in that resolution as the Senator from New York contends is necessary.

Mr. CONKLING. Was any attention called to the point? Was the question under consideration at all?

Mr. THURMAN. I do not suppose it was, because it was not the usage at that day to insert any such thing, as the Senator will see if he looks into it. Now I will come down to another resolution, and I beg the Senator from Vermont to give his attention while I read this, which is of a little later date—1868. Certainly no one knows the usages and rules of the Senate better than the Senator from Vermont. I read from the Journal of 1868:

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate whether he has established or ordered the establishment of any new military department since the 1st day of August, 1867; and, if so, what department or departments, and under what statute or other authority.

That is directly in reference to the Army.

Mr. EDMUNDS. Did anybody raise the point then?

Mr. THURMAN. Nobody imagined that if the Senator from Vermont offered a resolution it was not in due form. It would have been a contempt of the Senate for anybody to have made such a suggestion. [Laughter.]

Now, I offer another precedent, though the Senator from New York said—or perhaps it was the Senator from Vermont—said that one would suffice. Here is a resolution offered by another Senator who has been a long time a member of this body and who is quite remarkable for his knowledge of its rules and its usages:

Mr. MORRILL, of Maine, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate any information in his possession relative to the unauthorized occupation or invasion of, or encroachment upon, the Indian Territory, so called, by individuals or bodies of men, in violation of treaty stipulations.

I believe I could verify what I said before, that I could produce a hundred such resolutions from the Journals of the Senate. I was told that if I could produce one, it would be sufficient.

Mr. CONKLING. If I may be allowed by the Senator who has the floor—I think the Senator from Nebraska—I should like to occupy a moment in reply to the Senator from Ohio.

The Senator from Ohio always has the ability to astonish the Senate, and but a very small part of the genius he universally displays would be enough to astonish me. Therefore I have no right to claim attention to the fact that I am surprised at the last performance of the honorable Senator from Ohio. He sat long upon the bench; he adorned it. He decided a great many cases. I should think from the spirit he evinces this morning that he may have sometimes regretted that he could not beat both sides; and I have no doubt he always did beat the side which he thought should be defeated. Now I wonder what that honorable Senator sitting upon the bench, with judicial distinction covering him as I know it used to do, would have thought of any man with a sheep-skin in his pocket who had risen before him to demonstrate a point upon authority and had cited cases in which the question never was raised and never was thought of at all. Had he been able to cite a long succession of instances amounting to a current of authority in the language of the books, establishing a uniform, settled usage, then the honorable Senator from Ohio would not have been surprised at such citations; but suppose some enterprising counsel, searching over a period from 1833 to 1875, had been able to find three sporadic instances in which the ordinary form of a writ or a precept or an order had been varied by the omission of certain words, and had then proceeded to convince the court and summon the court to surrender to the conclusion that these omitted words, although stated in a rule, although observed in the usage of the court, although commonly found in its judgments and its records, and although uniformly planted in its proceedings whenever attention was called to it, were really not only matters of "tithe and cumin" having no reference to weightier matters but were really a foreign substance wherever they appeared and had no business to be found!

Mr. President, I ventured to say to the Senator from Ohio that I would like to see an instance when the point was in question, when it was a point in judgment, where the Senate ever acted otherwise. In reply to that he reads three random cases where nobody seems to have thought of it one way or the other, and he commences in 1833. Now let me begin in 1827 on the 3d of January:

The following motion, submitted by Mr. Parris, was considered and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate, (so far as may be compatible with the public interest,) any information in his possession relative to any alleged aggression on the rights of the citizens of the United States by persons claiming authority under the government of the Province of New Brunswick.

Now, the Senator from Ohio wants to say that this touched our foreign relations, and therefore I save him the trouble of rising by calling attention to that fact. He wants to put this case now upon that ground. Let us see. On the 17th of April, 1862, this very question that we are now discussing arose in this Chamber. It was not an instance in which a certain form unobserved passed *sub silentio*, as this might have done. A Senator near me remarked that he did not observe at all that these words were omitted, and assumed that they were there until attention was called to their absence, although he had heard the resolution read twice. It was not an instance, I say, of a form being adopted *sub silentio*, perhaps by inadvertence in the draughtsman of the resolution; but it was this case:

Mr. GRIMES. I offer a resolution calling for information, and ask that it be considered now:

Resolved, That the President of the United States be requested to communicate to the Senate the testimony and judgment of the recent naval court of inquiry in the case of Lieutenant Charles E. Fleming, of the United States Navy—

The Senate will observe that that was not very foreign in its relationship—

Also the testimony and finding of the naval retiring board in the case of said Lieutenant Fleming; and that he be also requested to inform the Senate whether or not the judgment and finding aforesaid have been approved by him.

Mr. SUMNER. Should not that be with the limitation, "if not inconsistent with the public interests?" I believe it is not the habit of the Senate to make a positive call on the President without that limitation.

There was a Senator, too, of somewhat long standing in his service here and somewhat instructed in the forms of parliamentary proceeding, and in the substance as well as the properties of parliamentary law. Further on in the debate—

Mr. DOOLITTLE. I understood the Senator from Massachusetts to suggest that the resolution should be so amended as to embrace the words which are ordinarily used when this body addresses the President, asking for information, as an independent and co-ordinate branch of the Government—

Not "when they ask about foreign affairs," but "which are ordinarily used when this body addresses the President, asking for information, as an independent and co-ordinate branch of the Government—"

I move that the resolution be amended by inserting the words "if in the judgment of the President it shall be deemed compatible with the public interest."

The amendment was agreed to.

There I present the Senator from Ohio a case, as he as a lawyer uses that term—not an instance, in which it seems that no attention was attracted to a point and no consideration given to it and which therefore proves nothing one way or the other beyond the inadvertence of an occasion.

The Senator read quite recent authorities. I will read one—an authority which should be of the very highest standing, a resolution drawn by a Senator who, I read in the public prints, disputes with the honorable Senator from Ohio the leadership of that great organization in which he shines as such a lustrous light. On the 10th of February, 1874—

Mr. BAYARD submitted the following resolution for consideration; which was ordered to be printed:

Resolved, That the President be, and hereby is, requested to inform the Senate, if not inconsistent with the public interest, whether any commissioned officer of the United States Army, while on duty in the State of South Carolina, has received or attempted to procure, &c.

I need not read the body of the resolution. That was as late as the 10th of February, 1874.

Now, Mr. President, I submit that the Senator from Ohio is in this position: He started with denying that there was such a usage, denying that there was such a rule; he started with denying that precedents could be found; he hears read a rule of the House establishing this form; he hears read a commentary of the compiler of the Manual of the House that that is the usage; he has presented him a record showing that whenever attention has been called to it the Senate has so affirmed, and he retreats and perches upon the position of an advocate who finds a sporadic case in which the point was omitted altogether and seeks to vindicate himself in that way!

This is not a very important matter. The Senator from Wisconsin struck through the bark into the marrow of this subject when he reminded us that we, one-half of Congress, are calling upon the whole of another branch of the Government, with rank in the Constitution equal to both Houses of Congress put together, for information touching his ministration of duties committed to him and not to us by the Constitution. I know that that magistrate has the courage as he has the truth to send this information to the Senate or to withhold it temporarily, just exactly as he judges upon his conscience or his oath will best conserve the public interests. And therefore this question degenerates into one of form; but as I have some respect even for the forms and the methods in which the Senate proceeds, I thought it worth while to move, and I think it well for the Senate to adopt this amendment; and before taking my seat I beg to say a word to the Senator from Ohio, who observed, if I remember rightly, about "mock-heroics." That observation was made so long ago that as far as it is possible to me to forget anything that falls from the illustrious Senator from Ohio, it was growing somewhat faded in my memory. He talked about mock-heroics and seemed to think that somebody was playing a part, or preparing to play a part, to dissemble or cloak something touching this matter in the State of Louisiana. I say to that honorable Senator now, for the sake of brevity and relieving him from any prolix discourse, that he is no more anxious than I am that the truth, the very truth to the uttermost, shall be known seasonably and in order, touching the doings in the State of Louisiana and the mighty murders that have there proceeded. There may be some mock-heroism about that; but when I remember the history of the last few months, I think I shall be pardoned for speaking in a grave tone of voice of what is supposed to have occurred in the State of Louisiana. I say to the Senator that he is no more anxious than I am to know the truth, and if possible to have the truth carried to the habitations of the rich and to the cabins of the poor, from sea to sea and from the North to the South, so that all will know the truth. I have no doubt of the valuable contributions to just history which will be made by the honorable Senator from Ohio, and I say to him that when we have a response to this resolution, or when otherwise we possess ourselves of the facts touching the condition of things in the South since the adjournment of the last session of Congress, I venture to predict that that honorable Senator will not be compelled to stand alone in the discussion of the question involved, and that he will not find those whose political sympathies are with the Administration retreating to the wall, or indulging in mock-heroics, or endeavoring by any trick or device to stifle the most thorough discussion which the honorable Senator will give if he puts this whole subject upon the anvil and hammers it out so thin that it can be seen in its nakedness and reality not only in the Senate, but far beyond the assemblage which the honorable Senator from Ohio seems so ready and so anxious to address on this subject.

I will vote for the resolution; I will assist him to get all the information; and should the honorable Senator need any aid of a character which I can possibly afford him in illuminating and bringing out in bold relief the facts after we get them, I promise him he has only to command me and I will follow, at a distance and with unequal footsteps of course, but still zealous, in the direction in which he goes if the publicity of the truth be really his purpose.

Mr. THURMAN. Mr. President, I have no doubt whatever that when the debate shall take place, which I imagine is inevitable, on this question, we shall hear from the Senator from New York, for power yet never lacked advocates, and we all know that the Senator from New York is the leader here on the side of power. But notwithstanding that, and notwithstanding his notability, I say to him that the gage that he throws down will be accepted and that this matter will be discussed, and discussed too with a determination to arrive at the truth, and discussed too with a determination to have a judgment upon the truth whenever it shall be ascertained. So much for that.

Again, Mr. President, a great deal has been said here about murders, outrages, and the like. Why, sir, liberty never has been overthrown yet in a free country, except under the pretense of putting down anarchy. The world over, wherever free institutions have been destroyed and despotism has taken their place, it has always been under the pretense of putting down anarchy; and it is nothing but this old pretense, old as history, or at least old as free institutions, that we hear now in this Chamber to justify the most plain and flagrant usurpation, and the most plain and flagrant violation of the Constitution, if the facts are as they are said to be, that was ever seen in this land or in any other free country.

Sir, there is nothing new in this cry of anarchy, murder, and the like. It is the old cry, the old pretense, and the old defense of despotism ever since history was written, or at least ever since free institutions existed. I am not terrified by that. I do not stand here to defend outrages of any kind. I do not stand here to defend homicides that are unjustifiable. No member of the Senate, on this side or on the other, has stood here for any such purpose as that; and it will not do to attempt to defend or to evade the condemnation of flagrant infractions of the Constitution and overthrow of the rights of a State by talking about homicides that have been committed in violation of law. When those homicides come to be investigated, and when the state of society out of which they grow comes to be understood, and when the causes for that state of society come to be known to the American people, I do not undertake to say what will be their judgment, but I do know that they will find that there are two sides to the question.

But enough of that. I did not rise to speak on their merits now, but upon this incidental question. I know the skill with which my friend from New York always diverts attention from the main question to get up some side issue, and he rolls this matter about the form of the resolution under his tongue as if it were a sweet morsel. I thought I was challenged to produce a single instance in which a resolution had passed the Senate asking for information of the President without the qualified remark, "if compatible with the public interests." I produced three. The Senator says they are sporadic cases, random cases. Did the Senator listen to the first, to the resolution offered by Mr. Clay in 1833, in what was known as "the panic session" of Congress? Perhaps the Senator is too young to recollect, but I can recollect when it was talked of in the streets of Baltimore and Philadelphia that armed men would march to this capital to compel a restoration of the deposits or to depose Andrew Jackson by force from the presidential chair. It was at that time, when a state of feeling existed in the Senate that never existed before and never has since, when nearly one-half of the Senators did not speak to each other, so strong was the excitement—it was at that session, which Mr. Clay commenced, I might almost say, with that memorable clause of his speech arraigning Jackson, "We are in the midst of a revolution, bloodless as yet, but tending fast to the concentration of all power in the hands of one man"—it was in that fiery season, when Clay was forging his weapons of attack against the Administration, that he offered the resolution which I read and which was to furnish him with one of the chief instruments by which he was to assail the President of the United States. And yet the men who defended the President, such men as Benton, such men as Grundy, never for one moment suggested that that resolution needed any qualification, although it was in relation to a paper read by the President to his Cabinet and which it might be supposed the Senate would not ask him to communicate to it. Was that a random resolution? Was that a sporadic case? Was that a thing that would pass *sub silentio*, without any observation or notice—that resolution which was debated and debated furiously, upon which the yeas and nays were called and which passed only by a strict party vote? No, sir, that will not do.

But let us note a few more instances. The Senator says it has been the usage of the Senate to insert this qualification. How does he prove that it has been the usage of the Senate? By producing a long series of resolutions containing this qualification? No, sir, but by reading an extract or scrap from Barclay's Manual. I believe it is a book that was compiled for the House of Representatives. It may be a very good book, for aught I know. I do not trouble myself much about rules. The Senate has such good sense as not to trouble its members much about rules, but puts each man on his honor and propriety as a gentleman, which is a great deal better than having a body of rules; and therefore I cannot undertake to say what value is to be attached to that book. But did the Senator produce a long series of resolutions in the Senate showing that it was the usage to put any such qualifying words in? Not at all. He only assumed it. I showed some to the contrary. Let us look at a few more. I will not detain the Senate long, because I agree this is not much of a matter, and I do not want our attention diverted from the main subject to this side-play. Here, sir, is a resolution of the 14th of February, 1868, offered by him who now presides over this body, our honored Vice-President:

Mr. WILSON submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to report, for the

information of the Senate, whether any new military department, division, or district has been authorized under orders issued by the President of the United States; and, if so, under what authority of law.

There is a resolution in reference to the Army, offered by a Senator who had held his seat here almost as long as any Senator on this floor, and who now presides over this body, asking what the President had done in reference to the Army, without any such qualification, and adopted without a single word of objection. Ay, but Andrew Johnson was President of the United States at that time, and it was not considered necessary to treat him with such distinguished consideration, you may say. That was in the days when you had a plain man for President of the United States, and no very humble language was considered necessary on the part of the Senate of the United States when they addressed to him a respectful request for information! Let us pass on. Here is one offered in 1857:

Mr. Davis submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate all correspondence between the executive department and the present governor of Kansas, together with such orders and instructions as have been issued to said governor in relation to the affairs of said Territory, together with the constitution and schedule referred to in the annual message.

Was that a sporadic resolution? Was that a random resolution? Why, sir, it was in the midst of what was called the Kansas-Nebraska war almost, the Kansas-Nebraska difficulty, when this country was agitated from one end to the other by the terrible strife which was going on within the borders of Kansas—a subject upon which the American people felt more sensitively, perhaps, than upon any other that ever was mooted in Congress; and that was the form of the resolution in which President Buchanan was requested to communicate that information. Does it stop there? Let us see. On the 17th of December, 1857, Mr. Trumbull offered the following resolution:

Resolved, That the President be requested to communicate to the Senate all correspondence between himself or any of the Departments and any governor or other officer or person in the employment of the Government in Kansas Territory, not heretofore communicated, together with all orders and instructions which have been issued to the governor of said Territory or any other officer or person in said Territory in relation to Kansas affairs.

The first resolution was offered by Mr. Davis, a friend of the administration. Here is a resolution offered by Mr. Trumbull, an opponent of the administration. Neither contained the limitation, and each was adopted by the Senate without putting any such limitation upon it, and each was upon that most delicate subject which then so agitated Congress and the public mind. But, sir, it does not stop there. On the same day Mr. Pugh submitted the following resolution for consideration:

Resolved, That the President be requested to communicate to the Senate copies of the following documents.

Then follows a list of eight documents, or I might say eight classes of documents, in relation to Kansas, which Mr. Pugh's resolution called for, all on the same subject, and without one single word of limitation or qualification in the resolution. What next? On May 19, 1858, a resolution was offered by Mr. Doolittle, a remark by whom was quoted by the Senator, as follows:

Mr. Doolittle submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate all correspondence, instructions, and orders, not heretofore communicated to either branch of Congress, connected with the arrest of William Walker and his associates, by the naval forces under the command of Commodore Paulding, including all the correspondence between him and the Navy Department since the arrest of Walker in relation thereto, or in relation to the property or persons seized by the forces under his command, and including, also, copies of any letters, orders, or instructions, if any, addressed to Commodore Paulding, which may have been subsequently withdrawn from him by the Navy Department, and the reasons for such withdrawal.

I have shown you resolution after resolution relating to the organization and distributions of the Army. Here is one relating to the Navy, and relating to the acts of the Navy, and inquiring why it was that the Navy seized certain persons and certain property, and we all know to what that resolution referred. We know that then, as it related to a force that invaded a foreign State, Walker and his associates having undertaken to set up a government in a foreign country and having been seized by the Government of the United States, as it had this look of foreign affairs about it, there might have been good reason for putting in the limitation which is now suggested; but no such thing was done. It does not stop there. On the 19th of May Mr. Doolittle moved another resolution calling for further information upon the same subject, and without any such qualification; but I will not fatigue the patience of the Senate any further.

I deny that I am wanting in respect to the Chief Magistrate of the United States or ever will be. I deny that I wish to depart from any usage, a departure from which might be considered disrespectful to the Chief Magistrate of my country. I do not depart from it when I politely request him, in language such as was used for at least fifty years of the history of the Senate, to communicate to us information which we know, positively know, can be communicated without any prejudice to the public interests.

Mr. BOGY. Mr. President, this discussion has taken a very wide range, and I presume a range hardly anticipated on the part of the gentleman who offered the resolution. I, for one, am glad that the discussion has taken place. It will present to the country a most remarkable state of facts as existing in the Senate at this day. If it be true that the Executive of the United States, because he is the Commander-in-Chief of the Army of the United States, and acting solely under the oath which he has taken to support the Constitution, is never to be interrogated with regard to the movements of the Army, this Government has ceased to be republican, and is nothing more nor less than a naked military despotism. We all know that but a short time ago the second officer of the Army of the United States was ordered with his staff to proceed to the city of New Orleans, not by the order of the Secretary of War, not by the order of his commanding officer, General Sherman, but the President, disregarding the established organization represented by the War Department and the chief of the Army, sends to the city of New Orleans his faithful personal adherent to command that portion of the Army which happens to be in that city. That fact is known throughout this nation. In the course of time a Legislature is to assemble in the State of Louisiana. At this time and critical moment we find the President assuming the immediate command of the Army, and through his faithful lieutenant thereby is enabled to control the organization of the Legislature of a sovereign State with his armed soldiery tramping the halls of the house where the Legislature met. And when a Senator on this floor offers a resolution asking of the Executive who has thus brought about this military state of affairs to give to the Senate, and through the Senate to the country, the reasons for his action, we are told that the resolution must be couched in language of submission; that if he deems it compatible with the public service he is to give us that information, and if he deems it not to be so compatible he is to refuse to answer.

Suppose the President of the United States was organizing an army under our eyes in the city of Washington, which we could see with our own natural vision, for the purpose of invading one of the sovereign States of the Union, he as Commander-in-Chief of the Army having the right, in accordance with the arguments made on this floor, to move the Army at his will, and we were to address him a resolution to know what he proposed to do, would it be proper to try to amend that resolution by inserting "provided he thought it compatible with the public interest?" As a matter of course he would say that he did not believe it to be compatible with the public interest to avow the motives which impelled him to the accomplishment of his fell purpose.

By the amendment you refer the whole subject to his discretion, and you give to the Executive of the nation, in virtue of the fact that he is the Commander-in-Chief of the Army, a discretionary and unlimited power. History is full of such cases. Had an Englishman asked Cromwell, when he was marching with his Invincibles to drive the Parliament away, what was his object, and to give the information if he believed it compatible with the public interest, what would Cromwell have answered? He would have replied, "I do not think it compatible with the public interest of England; I am the sovereign judge of the occasion, and I refuse to give the information." Go back step by step in the long line of history, if you leave it to the person who is exercising despotic powers to answer or not at his discretion, you will never obtain an answer.

But, Mr. President, it seems to me, regardless of what might have been the usage heretofore, at the present day under the present circumstances, when events of so singular and unheard of, and I may say unprecedented character are occurring from day to day, we must change our manner of communicating with the Executive of the nation, observing all the time those courtesies and rules of politeness which should exist not only between the co-ordinate branches of the Government, but between individuals as gentlemen. The Executive of the nation, as a matter of course, must be treated by the Senate of the United States with becoming respect. But here is involved a great principle, not one of mere courtesy, but one of right. Has the Senate of the United States the right to know whether certain things are being done by the military at this day in the city of New Orleans and by whose authority and the reasons for the doing of it? I say the Senate has a right to know it, whether the President deems it compatible with the public interests or not; and in this case the knowledge of the Senate becomes the knowledge of the country; it becomes public property. The people of this nation have a right to know why to-day the city of New Orleans is in possession of an armed soldiery. It will not do to argue this question on one side that there is a mob in New Orleans, that murders have been committed, that bad men exist there. It will not do to carry out the idea advanced by the Senator from Indiana.

There are two sides to the question. The people of Louisiana have rights too, and they claim (and I believe the country will sustain them) that the Legislature elected a short time ago was elected in opposition to the views entertained by the gentlemen on the other side of this Chamber. I think the country will sustain that assertion, and that in the organization of that Legislature these men were only exercising the right which men born in this land have as a birthright, no more and no less. When we wish to ascertain why this right has been subverted, we are told we have no right to know it unless we go in a very submissive manner to the Executive and ask if he deems it compatible with the public interest to let us and the country know why he and his subalterns have deprived the citizens of this State from the exercise of a right dear to all men who love liberty.

Sir, sentiments have been avowed on this floor during this discus-

sion that will not only surprise the country, but in my estimation will astound the public mind of this nation—sentiments showing a determination to sustain executive power which I had no idea existed here. I was astonished to hear gentlemen assert that it was competent for the President of the United States, as the Commander-in-Chief, and restrained by nothing but his oath, to do just as he might deem proper with the Army of the United States. I deny it. He may abuse his power and do it, but he does not do it because he has a right to do it. It is an abuse of power, and not a right.

Another Senator says, "Suppose you do ask of the President to communicate to you certain information and he refuses to do it, what are you to do then?" What are we to do then? Has it come to this, that the idea can be entertained by a Senator on this floor that he would sustain and vindicate the course of an Executive who would thus violate his oath of office? Has it come to this? History, sir, is repeating itself from day to day, and it has repeated itself in this Senate to-day most eloquently. The Senator from Illinois charged those who, as he chose to say, encouraged and abetted murders and the violation of law in the State of Louisiana and throughout the South as being no better than the murderers and violators of the law themselves; and this sentiment was applauded in the gallery of the American Senate and not restrained by the Presiding Officer who sat in your chair at that moment. Sir, it is not true that the party to which I belong are apologists for murder or violations of law; but it is true, and I am glad it is true, and it is one reason why I love the party to which I have attached my fortunes, that we will vindicate the rights of the people and assert the great bir hright of resisting tyranny and oppression whenever the effort may be made to tyrannize and oppress. [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. Order.

Mr. BOGY. I do not vindicate murder; I do not vindicate the violation of law; but on the other hand I do hope that the people of all countries, including Louisiana, will never tamely submit like cravens and cowards to be oppressed without a show of resistance. [Renewed applause in the galleries.]

The VICE-PRESIDENT. The galleries will preserve order.

Mr. BOGY. Sir, what would become of liberty here or elsewhere if that spirit did not all the time exist in the human breast? If all men were apologists of presidents and of kings and of tyrants, vindicating at all times and everywhere the assertion of power in the heads of government, what would become of liberty? The spirit of liberty is kept alive by these men who are called murderers and maranders by the Senator from Illinois. They are brave men who risk life, property, fortune, and all in the vindication of freedom. I am not for murder, but I am for vindicating the right even at the peril of life and property; and the Senator from Indiana is wrong when he states that the people of New Orleans are a set of murderers and violators of law, and that all the effort that has been made by the President has been to preserve peace and order in the city of New Orleans and State of Louisiana. The efforts made by the President have been to keep in power a governor not elected by the people, and to organize a Legislature in violation of the public will of the people of that State; and hence the people of that proud and former great State are trying to resist that terrible oppression. Now, sir, we wish to know under what law these proceedings in Louisiana have taken place.

I had intended early, and even before this discussion, to propound a question to my friend from Ohio as to what law orlaws now exist authorizing the President of the United States to carry on war in any State of this Union, independent of that wide, undefined, undefinable power as Commander-in-Chief of the Army of the United States. I had intended to ask the Senator from Ohio whether there was any such law in force at the present day. I know of none.

The so-called reconstruction laws of the 2d of March, 1867, and their supplements are *functus officio*. They have accomplished the object for which they were passed, which was to reorganize the Southern States that had just come out of the war, and to enable them to come back into the Union. Having accomplished their object, they are, I say, *functus officio*. But at this day, as informed by the public press, the President of the United States is carrying on war in one of the States of this Union, under no specific law, but under that wide, unlimited power that kings and emperors and tyrants the world over have always claimed and have always exercised; and, I regret to say, in all ages of the world have always found apologists to sustain them. Cæsar had his friends in Rome when he was aiming at absolute power. Mark Antony was a willing and most eloquent apologist. Cromwell had his friends in England and his apologists in every part of the British islands. Napoleon had his friends and adherents in France when on the 18th of Brumaire he dispersed the French Chamber. And why should not Grant have his friends also? He has friends in this Chamber, and I am sorry to say that sentiments have been avowed here which if carried out are destructive to all liberty in this land, and we may as well quit our respective seats and go to our homes and let the President of the United States carry on the Government restrained only by his oath of office.

Mr. HOWE. Mr. President, it is inevitable, I suppose, that in the discussions which take place elsewhere, in the *ex parte* debates which transpire on the hustings, in the *ex parte* debates which ring through partisan presses, misrepresentations shall be made now and then which cannot be adequately and promptly met. But I submit that the first duty of every Senator who undertakes to debate a public question in this Chamber is to acknowledge the existence of truths which lie right before him.

Now, Mr. President, I rise for the purpose of calling the attention of the Senator from Missouri [Mr. BOGY] to some observations which he has thought himself at liberty to make in the course of this debate. He charges that the President yesterday assumed command of the Army of the United States. Did he assume command of the Army of the United States yesterday, or was that a command with which he had been charged by the people of the United States for many years? Does the Senator from Missouri think himself quite authorized to utter a complaint in the Senate Chamber that the President was in command of the Army of the United States yesterday? What day has there been since you first had a President that the President of the United States has not been in command of the Army? I know there was a period in the history of this country when he would have been deprived of that command if it had been in the power of certain politicians to do it; but the fact remains that there has been no day since you had a President and a Constitution that he has not been in command of the Army of the United States. I hope the Senator from Missouri will not feel called upon to complain if he finds the President in command to-morrow, not only in Louisiana, but in Missouri. But what use did he make of that Army? Unquestionably being in command, he may abuse that command, he may misuse or he may rightfully use it. What use did he make of it yesterday in New Orleans? The Senator from Missouri felt himself authorized to tell the people of the United States that he controlled with the Army the organization of the Legislature of Louisiana. Does he mean to stand upon that declaration? What does he mean by saying that the President controlled the organization of the Legislature of Louisiana? That he put into the State-house a body of men who were not the Legislature, or that he turned out of the State-house men who were the Legislature?

Mr. BOGY. I believe that he did turn out men who were the Legislature, and put in men who were not.

Mr. HOWE. Very well. I want to know if the Senator means to be responsible for that statement.

Mr. BOGY. I do.

Mr. HOWE. For the direct declaration?

Mr. BOGY. From the information which has been received, and from my knowledge of that country individually, I am willing to be responsible for what I say, that he did exclude from the halls of the Legislature men who were rightfully elected to the Legislature, and through the military installed a body of men who were not elected as the Legislature. I believe so.

Mr. HOWE. Mr. President, let us restrain this applause, not until we get out of the Senate Chamber; the rule may require that; I do not. If intelligent men think when this debate is closed they find any fitting occasion for applause, if they find occasion to applaud such sentiments as the Senator from Missouri has just uttered, I do not want you to enforce the rule so far as I am concerned. Let it break, but let us see whether that is a sentiment to applaud or not. If the Senator means simply to say that he believes from the information before him that the Army under the command of the President yesterday turned out members of the Legislature duly elected, he has a perfect right to say that. Nobody is responsible for his opinions but himself. When he undertakes to charge it as a fact that the President did so, I do not stand here to contradict him, for I do not know but that the fact is so; but I do beg permission to remind him that he is making the charge somewhat in advance of the day that he can by possibility know whether it is true or not. Why, what are we about here? We are asking for information upon that very point. We are calling on the President to tell us what he did with the Army, and what authority he had for doing whatever he did; and until that inquiry is answered, either by the President or by somebody else, I take it the Senator from Missouri will not, on cool reflection, think himself authorized to charge as a fact that the President sent out of the State-house of Louisiana the true Legislature, or that he inducted into it men who were not the true Legislature.

Sir, what is the pending question? Simply whether we shall amend the resolution. Let no Senator think himself authorized to say here or elsewhere that there is the slightest objection on the part of the friends of the President to his being called upon for information. If all you want is light, God grant that you may have a flood of it. You will find no friend of the President standing here to withhold a single ray. You can have information. When the Senator from Ohio had his resolution read at the desk, no Senator on this side arose with a single word of objection to the adoption of the resolution. The honorable Senator from New York arose, not to assert anything, not to object to anything, but in the mildest way in the world to ask of the Senator from Ohio if it were not usual to incorporate into resolutions of inquiry addressed to the Executive the condition that he should give the information if compatible with the public interest. It was put in the form of an interrogatory; but the Senator from Ohio felt called upon almost to resent that suggestion. "No, sir," said the Senator, "not at all." Thereupon the Senator from New York thought himself authorized to move that language as an amendment; and the question now pending is simply whether we shall incorporate those words as an amendment upon the resolution or not.

The Senator from Missouri complains "that if you put that language

in, then you submit to the discretion of the President whether he shall answer or not; the Senate bows before the President;" and that is made a cause of accusation against the majority in this Chamber. Is it a just cause of accusation? Do we by the terms of the resolution subject the Senate to the President? Is it our doing? Will it follow simply because of the terms which you employ in this resolution, or does that subjection simply follow because of the terms which our forefathers employed in the Constitution of the United States? I put it to the Senator from Missouri, can we command the President to make answer or can we not? Often such resolutions have passed and attention not been called to the form of them; but when the question is raised, and it is distinctly asserted here on the floor of the Senate that you must not put such language into a resolution because that will submit to the discretion of the President whether he will answer or not, then I put it to Senators, I put it to the Senator from Missouri, if that is not the precise predicament in which the Senate is placed by the Constitution? Can you command the President to answer? If you cannot, what is the use of trying? I did ask the Senate "suppose the President refuses to answer, what are you going to do about it?" I will put the question again to the Senator from Missouri, what will he do about it?

Of course you can get this information from other quarters. If the President has violated his official duty, you can prove it by others; but the Senate of the United States cannot, by force of any authority which the Constitution has vested in it, put him upon the stand and make him impeach himself. You tried to make a newspaper correspondent, a few years ago, answer a question; but he told you he would not do it, and he did not. I do not know whether the Senator from Missouri was here at the time, or not, but I see a great many Senators about me who came to the conclusion that the Senate could not make that witness answer. And, if you could not make a private citizen answer a question, I do not think, if I understand the constitutional relation between the President and the Senate, that you can make the President answer; and you cannot punish the President for not answering. You may punish him for any violation of his official duties, but not for not answering your mere inquiry, simply because you cannot force him to answer. So I put the question, "What are are you going to do about it, if he does not answer?"

The Senator from Missouri with a look of horror declared his astonishment at hearing it asserted on the floor of the Senate that the President of the United States, being Commander-in-Chief of the Army, could do as he pleased. Well, sir, I should feel some astonishment at hearing that declared in the Senate. I suppose he is deadsure he has heard that declared, and therefore I shall not say he did not hear it. I only say that I have not heard it declared myself, and I do not expect to hear it until we get a different style of President in the White House from what we have got to-day. I am in hopes the Senator's ears deceived him. I am in hopes it will turn out, when the RECORD is read to-morrow, that no such declaration has been made, at least on this side of the Chamber; but I do not undertake to say that it has not been.

Mr. BOGY. Will the Senator allow me?

Mr. HOWE. Certainly.

Mr. BOGY. I can save the Senator a great deal of useless trouble. He need not take so much concern as to what I may have said as to anticipate any false position in which I may be placed. I take all the responsibility of what I said. The Senator may save himself the trouble of expressing great anxiety about the declarations which I made. I stand by them and am willing to repeat them.

Mr. HOWE. Repeating what the Senator has said does not save me from any anxiety or any labor. I took occasion to comment upon it because I supposed the Senator did take those positions deliberately and meant to stand by them. I want to submit the question to the Senate and to the people whether he or any other Senator can afford to stand by them, or rather whether the American people will accept them. He can undoubtedly afford to stand by them; but I ask whether the American people can afford to accept them. Among other things that I understood the Senator to assert, and which I have no doubt if he did once say he will say again, in reply to the charge of the Senator from Indiana that murder was regularly employed as a political agent in many States of the South——

Mr. BOGY. I made no such statement, and no statement which would justify the Senator in coming to any such conclusion.

Mr. HOWE. Why, Mr. President, the Senator does not understand me. I was about to refer to what the Senator from Missouri said when replying to the statement of the Senator from Indiana, which statement of the Senator from Indiana substantially was—not the statement of the Senator from Missouri—that murder was regularly employed as a political agent to carry elections, that blood was shed in torrents, deliberately and for a partisan purpose. That was the charge which I understood the Senator from Indiana to make; and replying to that the Senator from Missouri thought he was making a sufficient answer when he said, "We will resist oppression." Mr. President, I have not a word of fault to find with the disposition of any man who assumes to himself the privilege of resisting oppression. I suppose that is a right we have, each one of us and any number of us. But let me say to the Senator this one thing, that if I understand our constitution of government, not he nor myself nor any dozens nor any few thousand of us are clothed with the prerogative of deciding for ourselves conclusively when we are oppressed and when we are not. Those questions are delegated by your laws to different tribunals, and although you may say when the last tribunal has decided that that decision is oppressive and tyrannical and wrong, and may revolt against it and take up arms to resent it, do not make any mistake about the character of that transaction. That is rebellion in the eye of the law. If I understood the Senator from Indiana, his charge was, not that blood had been shed and that murder had stalked abroad at noon-day to resent or to rebuke or to relieve against oppressions actually perpetrated, but that these agencies were employed to prevent a free expression of opinion on the part of the people of a State. It may be that if the people had been allowed to speak freely and fully they would have decided very foolishly. After all, if I understand our laws, it is not exactly what may be called oppression for them to claim and assert the right to speak so fully and to speak freely.

Sir, I understood the Senator from Missouri also to say—I am not making any issue with that honorable Senator on which I propose to take one side and leave him on the other; I am simply calling attention to some little declarations which he made, doubtless deliberately, for I understand him to say that he will repeat them all—calling attention to them for the purpose of saying, not that they are not true, but, so far as they bear upon the conduct of the majority in this Chamber, I for one do not admit their truth. He said, as I understood him, that the President was actually now carrying on war in a State, and in defiance of law. If the Senator means to say that he simply believes that, undoubtedly he is justified in saying so; but if he means to say that is the fact, while I do not tell him it is not the fact, I must be allowed to tell him that we have not seen any adequate evidence of it yet. We are waiting for the evidence. If the fact exists, I am as ready to hear it as any man in this Chamber; and if the fact does not exist, I suppose the Senator from Missouri is perfectly willing to see it contradicted. Therefore he and I will unite in voting for this call; therefore he and I will vote for ransacking every possible receptacle where truth can be supposed to be lodged. As I said before, I say again, I will take my share of the responsibility. If this investigation shall show that the Army of the United States was employed yesterday to overthrow a legal Legislature and to inaugurate an illegal one, I will say that I was responsible for one vote in electing the President by whose hands that wrong was committed, and I will answer for that one vote, for I voted for him. When I voted for him, I knew that he would be Commander-in-Chief of the Army if he was elected, for I had read the Constitution which said so, but I did not suppose that he would make any such use of the Army. Perhaps I ought to have known better if it should turn out that he did actually do so. On the contrary, if it should turn out when the facts are fully ascertained that he did not make any such use of the Army, if it should simply turn out that upon the call of the executive of a State complaining that the lawful authorities of the State were surrounded by illegal forces to which his resources were not equal, he merely employed the Army, or any portion of it, to disperse those illegal forces, I do not know what the Senator from Missouri will feel called upon to do, but I think on the whole he will admit then that he was slightly mistaken in some of his statements this afternoon.

The last grave charge against the majority in this Chamber was that Grant had friends in the Chamber. I think he recalled some other historic characters preceding the life of the present President of the United States, and of whom he undertook to say that they had friends severally. I do not know but that Cæsar was one of those men who had friends. I think Cromwell was another. I do not remember the catalogue. Perhaps Napoleon was another. I do remember that he concluded the schedule by saying with a good deal of emphasis that Grant also had his friends in this Chamber. Yes, at last—no I do not mean that; I mean to say that whatever may have been the accuracy of the preceding statements, the Senator from Missouri concluded his remarks by the utterance of an unquestionable truth. Grant has friends in this Chamber yet. He has earned every friend that he has in this Chamber by the most indubitable and by the most enduring public service, if service for the country can earn friends. And so I am happy to be told by the Senator from Missouri that Grant has friends in this Chamber. I hail that fact with a great deal more satisfaction than I fear the country will hail the fact with which I conclude my remarks, which is that in spite of all his great and enduring service for the country, if not because of such service, Grant still has enemies in the Senate Chamber of the United States.

Mr. EDMUNDS. Mr. President, I should like to say a word or two upon this subject, and first touching the amendment of the Senator from New York, which the Senator from Ohio so much opposes. The Senator from Ohio has discovered, as he states, that it is not of much consequence whether the amendment be adopted or not; that the President of the United States will furnish this information at the earliest possible moment, and it is a mere question of etiquette and orderly procedure whether we shall put it to him conditionally or absolutely as a request. Upon that topic it is not worth while to spend a great deal of time; but inasmuch as the Senator has cited one precedent with which I, it seems, was connected—he calls it a precedent—and one or two others, it is perhaps necessary for the rightful proceeding of the Senate that we should say something about them.

When the Senator was first speaking he was speaking upon the question of whether it was right for the Senate to introduce these words into the resolution. He was not asserting that resolutions without this clause had sometimes passed. If he had, probably he would have found nobody to dispute it, because, as my friend from New York said, it often happens that rules are waived tacitly even in courts, with which the Senator from Ohio himself, I believe, says he is much more familiar than he is with the rules of this body; because he does not believe in rules, as he states it, and if he does not believe in rules, I suppose it is just possible that like the Senator from Missouri he does not believe in laws; but he has not said that. Now, then, the point is not whether some resolution has passed through this body that did not contain these words, but whether the Senate has ever refused to insert such words when they were proposed. Upon that point I think I can safely challenge the great learning of my friend from Ohio and the great industry of the dozen people who may have been employed to hunt up these precedents, as he calls them, to produce one. He has not done it. I did not challenge the Senator from Ohio to produce one instance in which a resolution had passed without these words; but I did endeavor to ask him if he could name then an instance when the Senate had declined to do what the Senator from New York proposed should be done here. I do not know whether the language that I adopted was particularly well adapted to convey that idea or not, because I was somewhat shy of interrupting the Senator from Ohio at all, but that was the substantial point. Upon that point the Senator from Ohio, having exhausted all his ammunition, has not yet been able to show that in any instance in which the attention of the Senate was called to the topic, and such words were proposed to be inserted, the Senate ever failed to insert them, and that without a division. I suppose on this occasion we shall have a division, and we shall find on one side the solid phalanx of the excusers and the apologists and the defenders of what they call the rights of the people in the Southern States, which means the same body of people whose rights their predecessors defended in 1860 and 1861, the old aristocracy of white men and nothing else, and white men of one political opinion and nothing else. So they will be again in solid array as they were fourteen or fifteen years ago to do the same thing. I think I can say for one, and for the people whom I in part represent, that they are quite welcome to begin.

It is high time, Mr. President, that the people of this country (and by that term I mean the whole people, those who have become people under the amendments of the Constitution as well as those who were citizens before) should ascertain now and forever whether these amendments for liberty and for human rights are to live and have a vitality, or whether, to use a western and a democratic phrase, they are to be frozen out, and frozen out by Ku-Klux for which there were apologists in this Chamber, in respect to whom there were denials by the minority in this Chamber of the existence of any such body, and in respect of whose conduct in assassinations and murders, which the honorable Senator from Ohio so gently calls "homicides without authority of law"—a most sweet and gentle phrase, one that would not touch the coat-tails of any murderer in the South with the slightest derogation—and men stood up in this Chamber and with similar gentle phrases characterized that widespread conspiracy of four years ago. And now, when by a new name "Ku-Klux" has transferred itself to "White League," and a military organization, created, organized, ramified, extended, for the sole purpose of making war upon their fellow-men because they stand up to assert the rights that the Constitution of their country and the laws of God have given them, are again extending their hands and their forces everywhere, we find the same old story repeated by the same old allies or their successors, that these assassinations, and murders, and cruelties, when they come to the ultimate termination of death, are "homicides without authority of law!" And from another Senator, they are "the spirit of liberty resisting oppression and despotism;" and, as the Senator from Ohio puts it himself, a statement of these circumstances that are known here of all men is only the cry of despotism endeavoring to shield itself in its war upon liberty by saying that it does it in defense of law and order!

Mr. President, the despotisms of which we have any account in human affairs, until this of most recent times, have been despotisms whose forces were put in play against the rights of men, against the preservation of life, against the defense of liberty; and yet here we have what the honorable Senator styles a despotism which exerts the power of government to protect defenseless and innocent men against an organized conspiracy to deprive them of liberty, and of life, and of right, because they happen to assert their right to be citizens of this Republic as well as the white race. The honorable Senators, so far as I am concerned, are quite welcome to open an issue of that kind to the people of this country. It is a momentous one there is no doubt; it involves in its solution large sacrifices, it involves in its solution still larger consequences; but I think I can tell Senators that they need not rely upon what they suppose to be a triumph at the elections if they suppose they are going to cover up or to maintain for a single year any excuse for or recognition of that state of things which the southern "White League" is the exponent of, and, which its dreadful and unpunished crimes are one of the means of carrying its notions into execution, without an expression of opinion by the people of the United States—I will not say of the North or of the South, but I will say without an expression of that portion of the people of the United States who fifteen years ago rallied to the unity and the liberty of the Government and its citizens, which they will learn to their satisfaction or dissatisfaction has not fallen asleep for any great length of time. I can tell Senators I think with some safety that the thirteenth, fourteenth, and fifteenth amendments of the Constitution of the United States are intended to be, and will be, whether we all live to see it or not, just as firmly planted in practice in this country as they are now in theory; and "it will not do," to use a phrase so favorite with my honorable friend from Ohio, for him or any other Senator to say that the people of this country, who love law and order and liberty combined, are going to sit down and see thousands and tens of thousands of their fellow-citizens in any part of this country made the victims of oppression and assassination and every species of wrong, merely because of the fact that they wish in an innocent and a lawful way to assert their constitutional rights, without resisting it.

So then, Mr. President, the question is not precisely whether despotism is to cover itself up by acting under a pretense of supporting law, but the question is whether a powerful government, armed by the Constitution with the authority to maintain itself and protect every constitutional right of every citizen, shall exert its power in order that every right of every citizen may be respected, and that an honest and an innocent man who lives in any State shall have a right to call upon the government of his country to protect him in the rights that the Constitution of that country has made sacred to him.

When I see, Mr. President, as I have not yet seen, that the people as they call themselves, the white-leaguers, or the white democrats, or the white conservatives, or whatever they may be, of any State in this Union, when they find that any of their associates have committed assassination or murder or wrong upon their fellow-citizens for no cause but opinion's sake, turn upon him as in Ohio they would turn upon him, or in Vermont, without respect of party, and bring him under the heavy hand of justice, then I shall begin to have some faith that our southern brothers, who it seems have not yet forgotten the old manners and ways of semi-barbarous times, have thought better of it; and then I shall begin to have some faith that whatever irregularities or wrongs may exist in the autonomy of any of those States will be properly corrected.

But the difficulty is, Mr. President, and it is perfectly useless to disguise it, that there is upon the one side there the constant and organized effort of a minority of the people, which same minority had always governed those States until the end of the war, to force their opinions upon the majority without any respect to the means by which they are to do it; and inasmuch as mere voting will not do it, then there must be whipping; inasmuch as mere whipping will not accomplish it, then there must be slaughter; and inasmuch as education will not do it, then let the school-houses be burned up; and inasmuch as religion will not do it, then let the churches go; and until that notion is reversed or is exterminated by the hand of fire, just so long you must expect that there will be resistance and aggression on the part of this body of white-leaguers, as they are called, that really represent, according to the testimony, southern society, as they call it, and the organized forces of free government. Let me repeat to the Senator from Ohio that it will not do to affect a great horror of what is called fraud, a great horror of what is called despotism, a great horror of anything that may be conjured up or may exist, until you reach the fundamental fact that there shall be legal protection to every citizen of the United States in every right that the Constitution of his country guarantees to him. When that comes to be the case, I repeat, there will be no difficulty in respect to Cæsarism, or despotism, or oppression, on the part of the Government.

Mr. President, as I have said, this is the first time, I think, in human history when any man has raised his voice to condemn what he calls despotism on the part of the Government, where, when you look to find what that despotism is, you find on one side the Government exerting all the power that it is able to exert to protect human life and human liberty, instead of, as in the despotisms we have read of, exerting all the power that it possesses to imprison and to get men out of the way and to destroy them and exile them, or kill them, in spite of the law and against the law. That is what the white-leaguers are endeavoring to do, and it is to resist that aggression upon government and good order and upon liberty that the forces of the Government are brought together. That is the difference, and it is a difference, I must say, that I think naturally grows out of the condition of things that existed in the Southern States. It is a difference that would not be tolerated, that could not exist, in fact, in any Northern State where society is homogeneous and intelligent and educated; and it is a difference that necessarily almost grows out of the circumstance that a hundred years of slavery, a hundred years of oppression and of wrong have created such a state of opinion in the body of the governing classes in those States that whatever they see is done that does not suit them is to be redressed at their own free will without any regard to law at all.

Now, Mr. President, I am as anxious as the honorable Senator from Ohio is that we shall have this information. I am anxious on the particular topic to which he refers to know whether the white league and its aiders and abettors in Louisiana undertook in defiance of the laws of the State of Louisiana, with which the United States have something to do with respect to the organization of the State, and to which in such respects we are not strangers by any means, to

set up a Legislature which the statutes of that State forbade them to set up and to turn out and to ignore the only persons to whom the law intrusted the duty of receiving the certificates of election, counting them, calling the roll of the men who were certified, and organizing that body of people. That is what I wish to know, and if I am rightly informed we shall then have the spectacle of the use of power to repress an illegal but organized mob that, in defiance of law, in defiance of justice, in defiance of usage, undertook to set itself up as a Legislature to the exclusion of the right one. If that should happen to be the case, I trust that the honorable Senator from Ohio and the honorable Senators from Missouri and Delaware, and all the other honorable Senators of that ilk, will be as glad as I shall be to know that such an operation was prevented by the exercise of legitimate constitutional power; for I suppose these lovers of liberty on the other side of the Chamber, though they seem to have somewhat queer notions of what liberty is, have not yet got so far as to be willing to maintain that it is not the business of constituted power to resist illegal aggressions, and therefore that it would not be the right thing for the Government of the United States to uphold the rightful Legislature of the State of Louisiana. If it should turn out that those whose friends are here found maintaining their cause were themselves the illegal and wrongful aggressors, not having a shadow of right to stand upon under the laws of Louisiana, then I hope we shall have taken back in this august presence all those talks about despotism and Cæsarism and oppression which we have heard so much of to-day. But perhaps it is too early to anticipate what is to be the fact.

Here is one little circumstance which, however, I think we might pay attention to. I see a telegram in the public prints addressed to the Secretary of War, an official telegram, evidently a public one, for the man who has sent it has not been accustomed to hide his operations in a corner or to cover them under a cloud of confidential secrecy. He is a man whom many of the Senators on the other side of the Chamber have seen undoubtedly. I have seen him very rarely; but wherever he has been seen he has been regarded as a brave, an honorable, and an upright man. I think his testimony at this present juncture is worth something. I do not say it is conclusive, but from his character, his history, and his position, I think his testimony is of some value. Let us hear what he says:

NEW ORLEANS, *January* 4.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority, and an insecurity of life which is hardly realized by the General Government or country at large. The lives of citizens have become so jeopardized, that unless something is done to give protection to the people, all security usually afforded by law will be overridden. Defiance to laws and murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest. I have to-night assumed control of the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General.

Now, it may be that the honorable Senators will smile again and say: "O, that is despotism; and what is a homicide without authority of law now and then? It only kills a negro, or a republican, or a carpet-bagger, or some citizen of the United States who does not happen to think just as we do; what of it?" and if there is nothing of it in case one is killed, what is there of it if there be a thousand? The more the merrier. Ah, Mr. President, I have been taught to believe that the protection of human life and of human liberty was the chief business of government; that whatever other evils men may suffer under government rightfully or wrongfully administered, there were none so great as those which assailed the liberty or the life of the citizen; and if it should turn out to be true under the information we are to obtain, either by this resolution or otherwise, or by both, that it always happens that the slaughtered man was a negro, or a republican, or a citizen of some other State who under the Constitution of his country had taken up his abode there, it will present a subject of inquiry for the learned casuists and homicide gentlemen on the other side how it happened that all murder, all assassination, all restraint of liberty, all disorder, fall upon the heads of that particular class of people. It will be worth knowing; and when it is known we shall find that the simple answer is what I believe is well known to every person in this Chamber, that it flows out simply of a spirit of resistance to the theory and the practice of the free Constitution of the United States that has been given to this people in spite of themselves by the armies and the people of the North; and if that is to be overthrown, it will be overthrown, as the honorable Senator from Illinois has said, in spite again of the power and the arms of the people of the Northern States. They do not wish to oppress any Southern State; quite the reverse; they do not wish to oppress any man in the Southern States; quite the reverse; but they do intend, if I understand their spirit and their purposes, that every man in the Southern States shall be equal to every other man in respect of his right to protection, to life, and to liberty.

And, sir, this system of disguise, this forgetting what is the necessity for the employment of the power of the Government, this blinking everything which transpires day by day, as General Sheridan reports it, or when it is forced upon your attention, for you never notice it unless it is, then turning it off with the sweet phrase, "A possible homicide not justified by law," will not answer. Mr. President, the time will come when a homicide not justified by law, which deprives a citizen of the United States of his life because his skin does not happen to be of the right color, or, the more important now, because his opinion, which we have all thought was a thing that a man had a right to, did not happen to correspond with that of my honorable friend from Ohio, is rather a sad state of things, and we should speak of it rather in grief and in pity than in resentment and in anger, it may be; but if the truth be as it seems to be upon what we know, then I say it is time that the people of the United States who have been so loudly referred to upon the other side should have their attention drawn to the subject, because I believe that the opinions and the purposes of the people of the United States in respect of the defense of life and of liberty everywhere within the borders of this nation are precisely what they were when they adopted these amendments; and any man, be he North or South, who fancies that he is to drive these great principles of liberty out of the Constitution by letting them become obsolete, or by overriding them without punishment, will find in a very short time that he has made a great mistake.

Mr. THURMAN. Mr. President, during the five years that I have held a seat in the Senate, speaking from recollection, according to the very best of my memory, I have heard precisely the same speech that has just been delivered by the Senator from Vermont [Mr. EDMUNDS] at least half a dozen times, and I have no doubt the people of Vermont have heard in every parish and corner of that State this same screed of hatred preached by that Senator. What is it, sir? It is that there is a difference that necessarily exists down South between the black and the white races, out of which these troubles arise, if I understand the Senator's proposition, and that therefore that fact, which should make us do all that we could to conciliate, shall be a reason for the General Government usurping powers not conferred upon it by the Constitution and putting the people of the South, or at least the white people of the South, under the heel of a despotism worse than exists in any portion of this globe. That is the real solution which the Senator from Vermont would give to this difficulty, which he declares is necessary and inevitable.

What have the Ku-Klux outrages or the White League to do with the subject-matter before the Senate in the resolution which is now under consideration? Suppose there have been murders; call them murders, and gross murders, if you please; call them assassinations; use the choice language of your vocabulary whenever you speak of the people of the South; denounce the people of the South as assassins, thugs, Ku-Klux, as you do; do all that; and suppose that such were the fact, what has that to do with the question whether the armies of the United States were yesterday used to organize a Legislature of a State without any authority of the Constitution or the law for that use? What has that to do with it? Why, sir, crimes have existed everywhere. Crimes have existed in New England as well as at the South. People have been hung in New England without judge and jury as well as at the South; and people have been sentenced there by judicial sentence whose punishment and execution are now looked upon as a blot upon the civilization of the age in which they were executed. Such things have taken place everywhere; but what has that to do with the question whether the Army of the United States, in violation of the Constitution of the United States, and without any authority of law, has intervened to determine who are the rightful members of a State Legislature and to organize it not by the law but by the bayonet? That is the question before the Senate. But whenever you touch any such question as that, whenever you point to a violation of law, the old answer, the stereotyped answer, the only song the bird can sing is "Ku-Klux," "murder," "assassination," "outrage!" That is the whole of it, sir, and I have no doubt that if the President of the United States to-morrow were to overthrow any government in the Southern States and institute martial law there without authority of Congress, he would be defended exactly by the same cry of "Ku-Klux," "White League," "murder," "homicide."

But, sir, that will not do. The time has passed by in the United States when plain violations of law, plain violations of the Constitution, can be defended or justified by the cry of "southern outrages." The gentlemen on the other side attempted to work that up last summer. There was a "southern outrage" mill started; the Attorney-General of the United States was the head miller; the grist was ground out; but the people rejected the product of that mill, and set their seal of condemnation upon the reiterated attempt to keep alive the fires of the late civil war and to still stimulate the hatred of one part of the country toward the other. What do you want to do with this country? What is your duty? Your duty to your country is to harmonize the people all over the Union, and not to preach sectional hatred. Your duty is to bring peace and prosperity upon the country, and not to set the people of one portion against the other by an eternal iteration and reiteration of the doctrine that the people of nearly one-third of this Union are a set of assassins and murderers.

What warrant has the Senator from Vermont for charging the people of Louisiana—I say the people of Louisiana—with being a set of assassins and murderers? Because there have been some lives lost down there, does that make the whole people of that State assassins and murderers? Because there have been bad men down there, because there have been men down there reckless of their own lives and reckless of the lives of others, does that make the whole com-

munity of that great State a set of thugs and assassins? Are the people of Nevada a set of thugs and assassins because bands of men have roamed through there and destroyed the lives of people?

Mr. EDMUNDS rose.

Mr. THURMAN. The Senator rises. I will hear his question.

Mr. EDMUNDS. I wish to ask the Senator to be good enough to repeat what I said touching the body of people down there being thugs and assassins.

Mr. THURMAN. If the Senator says they are not, then what justification is there for the General Government to interfere in this manner?

Mr. EDMUNDS. I have not said they were not or said they were. I am only asking the Senator from Ohio to quote me correctly.

Mr. THURMAN. What was the whole inference to be drawn from the Senator's speech? Why does he attempt to picture as he has pictured before——

Mr. EDMUNDS. Ah, that is another thing.

Mr. THURMAN. Does he mean to paint for the purpose of showing that there is a little band here or a little band there of bad men or murderers in Louisiana? Did he not lay it, in effect, at the door of the whole white population of that State? Did he not say, in effect, though not in words, that the whole white population of Louisiana were in revolt against the Constitution of the United States, and carrying out their revolt by assassination and murder? If not, what was the use of his speech? What was the use of talking about murders and assassinations if they were casual occurrences that have happened in all communities, and especially have happened after the end of a great civil war in every land where such wars have prevailed? But the Senator says that there are necessary differences with the white population owing to the existence of a black population after the previous existence of slavery down there. I deny that that is any justification, nor is it true in point of fact that there is any such necessary and inevitable antagonism. Where is there a more peaceful State than Virginia? Where is there a more peaceful State than North Carolina? And so of Missouri, my friend [Mr. BOGY] says; and so I might name State after State. Where is there a more peaceful State than are those States—States that were slave-holding States—that contain still a large amount of negro population?

No, sir; it will not do. The Senator knows the reason why Louisiana is agitated. The Senator knows that over two years ago a government was foisted upon the people of Louisiana which was not elected, that the State-house of Louisiana was seized under a midnight order of a Federal judge, an order which our Committee on Privileges and Elections have unanimously declared to be without a parallel in judicial proceedings and utterly void, which he had no jurisdiction to make, which was not even an order of the court, but was the order of the judge at his private house at midnight, without any parties before him, without any motion made for the order, and the order itself not verified as every order must be to have effect; that under that order troops of the United States, at 2 o'clock in the morning, seized that State-house, or what was used as a State-house, and that under that order and under a subsequent order made in the case of Antoine, which our committee also reported, and as every lawyer knows who has looked at it was wholly without jurisdiction and utterly void, not a man was permitted to go into that State-house but such men as a returning board, declared by our same committee to have had no authority whatsoever in the premises, should say were entitled to take seats in that body; and that that returning board counted in Kellogg for governor, Antoine for lieutenant-governor, and a majority of the Legislature, without ever having a single return before them, upon newspaper reports and other rumors, as they swore themselves before our committee, and in some cases without any reports at all but according to their own estimate of what ought to have been the republican majority in those parishes. And, sir, was it to be expected that you would have peace after such a usurpation as that? When that man Kellogg was put into that chair, when that Legislature was inaugurated, when those illegal proceedings took place, then were the seeds of the troubles of Louisiana laid. Had the choice of the people, the men who were elected State officers by more than ten thousand majority, been allowed to take their places in the executive offices, had the Legislature elected by the people been allowed to assemble, Louisiana would be as peaceable a State to-day as is the State of Vermont. That is the truth about it. But in violation of the rights of that people, in utter disregard of free institutions, trampling under foot the elective franchise, and by the exercise of power which your own committee have unanimously reported was unconstitutional, a usurpation was set up there, and that was the first fatal step, that fatal step of the President—that fatal step taken without waiting for the remonstrances of the people of Louisiana to be heard, without waiting for their committee on its way here to appear and represent the true state of the facts—that usurpation and that recognition of the usurpation is the source from which these terrible evils have flown; and therefore we need not be surprised that now, two years afterward, when another election comes, another returning board is found to count out the democratic or conservative majority of twenty-four members and count the minority into a majority in the house of representatives of the General Assembly of that State.

Mr. EDMUNDS. What authority has the Senator for saying that that is the fact?

Mr. THURMAN. I have this authority for saying it, the authority of just as good men and a great deal better men than that returning board. I will show the Senator at the proper time the authority I have. After we get this information the Senator shall see something that has the odor of authority.

Mr. EDMUNDS. You seemed to have the authority now.

Mr. THURMAN. Yes, sir; I will show by the apologetic defense of this returning board itself that it has counted out a majority of twenty-odd against the republican party, and counted in a republican majority, and counted out the State officers who were elected and counted the republican candidates in. Now, when such things as that take place and such conduct is sustained by the Army of the United States, Senators instead of being shocked at seeing it, Senators instead of feeling that their country and her institutions are aggrieved and wronged by such conduct, are here palliating it if not defending it, diverting attention from it by talking about Ku-Klux and white leagues and homicides. Sir, it will not do. The question before us is a question of constitutional law and of statute law, and it cannot be blinked, and it cannot be overshadowed, and it cannot be pushed aside by appeals to the passions of men or by a threat of a still greater degree of despotism upon the prostrate necks of the people of Louisiana.

Mr. EDMUNDS. Mr. President, I wish not to occupy time in reply to the very eloquent effort of my friend from Ohio, and which, I am sure, I never heard before; because I have got so familiar with it that I generally go out when it has been pronounced latterly, but to call the attention of the Senate and of the Presiding Officer to one fact that the honorable Senator has stated, which has a great deal to do with this question.

The honorable Senator says that this returning board, to whom by law the returns were sent, has counted out a democratic majority in the house of assembly of Louisiana and counted in a republican majority, which he says is a very bad thing. If they have done it contrary to law, it is a very bad thing; but I believe we both agree that by the laws of Louisiana it was the business of that board to count one way or the other, and determine for the time being. Then we have, on the Senator's own statement, the fact that a republican majority of that house of assembly had their certificates and attended at the State-house to organize their Legislature; and yet we find him complaining of a violation of law because a mob, headed by his friends, were not allowed to organize themselves in spite of that majority who had certificates.

Mr. MORTON. Mr. President, the Senator from Missouri [Mr. BOGY] this afternoon seemed to argue that there was an unwillingness upon our part to have this resolution passed asking the President for information. I beg to disabuse the mind of my friend on that subject. I welcomed this resolution, and my friend, if he will reflect for a moment, must know that we all did, because a single objection would have carried it over until to-morrow and prevented its consideration to-day. I welcomed the resolution, but I wanted it enlarged somewhat.

I agree with the Senator from Ohio that this question cannot now be blinked. I am glad we have now come to the point where the ten thousand lies which have been systematically sent up from Louisiana as an apology and an excuse for the numerous murders that have been committed there can no longer blind the people and prevent them from seeing the exact condition of things. Sir, there has been a system of lying in regard to affairs in Louisiana that has had no parallel in this or any other country. Every murder that was committed required a thousand lies to conceal it or to justify it; and hundreds of murders that have been committed have first been denied, and when that could not be done, have then been justified and excused by every species of falsehood that guilt could invent.

And now I want to make reference to one or two statements made by the Senator from Ohio, in conclusion, and I want to refer to the last returning board that he says has made a false return. I ask him how he knows it. I tell him that I deny it. I believe I have good authority for denying it. I have official action, at least upon one side, of men acting under oath; and on the other side we have the statement of white-leaguers, men covered all over with murder and crime; and men who will commit murder will lie. Men who will commit murder, will commit perjury and forgery and arson, and every minor crime for the purpose of covering up their guilt.

Now, I submit one proposition in regard to this last election to the consideration of the Senator from Ohio. I believe they only claim upon the other side that counting all their votes they carried the State by about three thousand. If they have only carried the State, conceding it to be true that they have carried the State, by three thousand after all the murders committed, the intimidation at New Orleans, the hundreds of men killed at Colfax and at Coushatta, and all the murders over the State—if with all the intimidation that these murders brought about, they have only carried the State by three thousand, it presents overwhelming evidence that Kellogg was elected in 1872.

Why, Mr. President, will you tell me that murder does not produce intimidation? Is it to be gravely asserted upon this floor that negroes can be killed by the score and by the hundred, and singly here and there all over the State, and no terror be produced by it? That is absurd. You may make that assertion, but you convince nobody. We know that these murders have kept thousands of men from the

polls; and if the democrats have then only by three thousand carried the State, it would be conclusive testimony that Kellogg was elected in 1872. But they have not come within three thousand of carrying the State, even with the intimidation. They have no evidence of it except the statements of these white-leaguers, men who are interested in covering up murder by perjury and falsehood. We have no evidence of it except the statements of the agents of the Southern Associated Press, and it has now come to be a maxim "to lie like an agent of the Southern Associated Press."

Sir, so far as this last returning board is concerned, I know nothing about the particulars of their action. I simply know that they sat for weeks, almost for months, hearing witnesses on both sides, lawyers on both sides going before them and presenting the cases from different parishes and from different precincts, and then trying to make up their minds, honestly, I believe, from the evidence submitted; and when they have come to a conclusion, an attempt is made by force, by fraud, by arms, and by conspiracy to subvert their mature action and to install a Legislature that is to be organized not in accordance with, but in defiance of, the laws of the State of Louisiana.

Now I want to say one word in regard to the Kellogg election. I am sorry to hear one so distinguished as the Senator from Ohio, at this late hour insist upon McEnery's election. The Senator ought to know that to insist on the election of McEnery is to insist upon the most monstrous fraud that has been attempted at any election in modern times. What was the attempt in the election of McEnery? An attempt to overthrow by fraud a majority of not less than twenty thousand people in the State of Louisiana—a notorious and acknowledged majority; and if McEnery was elected, it was because of the most monstrous fraud that was ever practiced. When the Senator insists upon the election of McEnery, he is simply insisting that the arts of fraud and corruption were sufficient to overcome a majority of twenty thousand people in the State of Louisiana. The Senator says that the Committee on Privileges and Elections made a unanimous report to that effect. Not so; I at least dissented from it; therefore it could not be called unanimous.

But I would remind him of another thing that he forgot, and that is that the rest of that committee declared, in so many words and in the strongest language, that the whole election was void for fraud; that McEnery was not elected. The Senator cannot quote that report to prove the election of McEnery, when that committee declare that the election was so tainted and so tinctured with fraud that there was nobody elected. I differed with the committee on that point. There were but two candidates, Kellogg and McEnery, and I was satisfied that one of the two was elected, and that that one was Kellogg, and that Kellogg on the day of his inauguration represented a popular majority in the State of Louisiana of not less than twenty thousand people, and does to this very day. Therefore I want to hear no more about McEnery's election, because McEnery's election claimed or insisted upon is the most monstrous fraud in the history of elections.

Mr. THURMAN. The Senator has mistaken what I said about the committee. I said the committee unanimously reported that Judge Durell's orders were without jurisdiction and void; and that is all that is necessary. The Senator shall have enough of this report about McEnery's election before the debate is through.

Mr. MORTON. I think that is rather begging the question on the part of my friend just now. It comes very far short of the statement he made awhile ago I think.

But, sir, a few words more and I am done. The Senator attempts by his remarks to belittle the crimes that have been committed in Louisiana. Able as he is, he is not able to do that. "O," he says, "some lives were lost down there!" Yes, there were some lives lost. There have been as many men murdered in Louisiana for political causes in the last six years as fall in most modern wars. Men have been slaughtered by the dozen, the score, the fifty, and the hundred; and yet this is belittled; it is attempted to be jeered and laughed away by talking about "the outrage business!" I tell my friend that that has passed by. These murders can no longer be concealed, they can no longer be excused by attempted merriment over "the outrage business!"

He says "the outrage business" did not pay last fall. Well, these statements were published, and then there came ten thousand times ten thousand lies, denying them, or excusing them, or justifying them, until the public mind in many places was confused and confounded by the innumerable lies that were told. What was the remark of Talleyrand? "The same lie never wins a second victory;" and a victory won by these innumerable falsehoods cannot be held by the same instrumentalities.

The Senator says that the question of murders in Louisiana has nothing to do with this resolution. He simply wants to know whether the Army was employed down there for the purpose of preventing the organization of a Legislature, and says the murders have nothing to do with the resolution. O, yes, the Senator would exclude them; he would ignore the murder, the systematic murder and crime, but he would keep other outrages in the front that are, if true, confessedly of a minor character. I want to know by my amendment how these fifteen hundred of the Army of the United States came to be in New Orleans; I want to know what took them there, and I want to know if the streets of New Orleans for the last three months have run with blood, the blood of innocent men, shed by men in a rebellion against the State government, and men who are as hostile to the Government of the United States to-day as they are to the government of Kellogg, and who fight one just as cheerfully as they fight the other. I want to know if there is an armed conspiracy in Louisiana to-day that has been going on for months increasing in strength and power in the city of New Orleans and in every parish, threatening from day to day to overturn the State government, every day threatening the life of every white and of every black republican in that State. Let us have the whole truth.

If this be the state of facts, then the country will say "amen" to the presence of the Army in the city of New Orleans. Republicans have a right to be protected whether they are white or black. Men have a right to protection without regard to their political opinions; and the question now comes, and it is a question I submit to my democratic friends on this floor, is murder to become an established institution in this country?

Mr. THURMAN. It will as long as it is the interest of the republican party to say that is the case.

Mr. MORTON. O, "the interest of the republican party!" The republican party commits these murders! Does the Senator mean to say that? I do not deem it necessary to contradict him on that point. No; it is the enemies of the republican party who commit these murders; but they say the republican party aggravates them, drives them to it! We drive them to commit these murders because we do not give them power! And the Senator refers to the fact that Virginia is peaceable, and Georgia is peaceable, and other States where they have the power are peaceable. O, what a confession is this, Mr. President, that where they have the power there is no necessity for murder, but where they have not got the power, there they murder to get the power! That is what the Senator confesses upon this floor by his argument.

Mr. THURMAN. The Senator from Ohio confesses no such thing, and the Senator from Indiana has no right to put any such words in my mouth.

Mr. MORTON. I did not put the words in his mouth, but that is the effect of his argument; and I submit it to those who heard him. That is the effect of it, and my friend cannot evade the force of it. His argument is that where they have the power, there is no murder. It is only where they have not got the power that murder prevails. That is a confession, though not so intended, that this murder is for the purpose of procuring the power. Can the Senator deny his own logic?

Ah, the Senator said we ought to bring peace and fraternal love. I say so too, but before you have peace and fraternal love you must stop the murder business. Murder is an enemy of love. It always was. It is a great barrier in the way of friendship. You cannot very readily get the friendship of those whom you murder, or of their families, or of their friends, or of those who are associated with them socially or politically or in any other way. Therefore if you would establish fraternity you must first stop the murder business; and I say to my democratic friends in the North, you cannot handle pitch without being defiled; you cannot acquiesce in murder, you cannot connive at it without being affected by it. Blood is the most demoralizing thing in the world; it contaminates the very soil and makes it barren; and you cannot tamper and trifle with murder without having it come home, as a curse does, to roost. It comes back to those who smile at it, those who favor it, or those even who refuse to condemn it. It is the interest of the democratic party of the North as it is of the republican party of the North and everywhere to condemn it, frown upon it, and bring those who perpetrate it to punishment.

Therefore, Mr. President, I welcome this resolution. I hope the President of the United States will give us all the information he has, and I am glad that the country is awakening to the true condition of things in the South; for if things go on as they are now going on, murder is to become a fixed political institution in this country as it formerly was in some of the countries of Europe.

Sir, we will ask the President of the United States to give us this information. We will get all we can from other sources. We are told this question is to be debated again. I say so and I hope it will be kept before the country. It will be debated until the mists that have been created by the ten thousand lies that have been sent abroad denying or covering up murder shall have been fully dissipated, and the people of this country shall see upon what a brink they stand, upon what a fearful precipice we are now treading.

Ah, Mr. President, this armed organization which the leader confesses exists all over Louisiana exists in other States. It is in Mississippi; it is in Alabama; it is in other States that I might mention—perhaps I might say more or less in all the States of the South. How many men are under arms now, armed with Winchester rifles, in every Southern State? There are independent companies, it is said, but all would spring to arms at the tap of the bell just as the fire-engine comes out here at night on the ringing of the fire-alarm. Men are now under arms in the South, ay, sir, more than there were before the rebellion, ten to one.

What is the ultimate purpose of these armed organizations? Is it simply to carry an election? They do not need it in Kentucky for that purpose; they do not need it in Georgia now for that purpose. I will not now undertake to say what is the ultimate purpose of these armed organizations in the South that now number hundreds

of thousands of men in their ranks; but they have a purpose, and that purpose will in due time be fully revealed. I am glad that the people of the United States are being aroused to the exact condition of things.

Mr. CONKLING. It being the usual hour of adjournment, and the convenience of some members of the Senate being concerned in an adjournment now, I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and thirty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 5, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Wednesday, December 23, 1874, was read and approved.

SWEARING IN A MEMBER.

Mr. CESSNA presented the credentials of Hon. John M. Thompson, a member-elect from the Twenty-third district of Pennsylvania, to fill the unexpired term of Hon. Ebenezer McJunkin, resigned.

The credentials having been read, Mr. THOMPSON presented himself and was duly qualified by taking the oath prescribed by the act of July 2, 1862.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at fifteen minutes after twelve o'clock; and reports are in order from the Committee on the Public Lands.

RELIEF OF GRASSHOPPER RAVAGES.

Mr. TOWNSEND, from the Committee on the Public Lands, reported back without amendment the bill (S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seeds.

The bill was read. It appropriates $30,000 to enable the Commissioner of Agriculture to make a special distribution of seeds to the portion of the country which has suffered from grasshopper ravages during the past summer.

Mr. WILLARD, of Vermont. I make the point of order that this bill, containing an appropriation, must receive its first consideration in Committee of the Whole.

Mr. TOWNSEND. I trust the gentleman from Vermont will not insist on that point. Everybody in the House knows the suffering condition of these people out West; and if we are to do anything at all, it must be done promptly. This is but a small measure of relief at best; and it should be agreed to at once, that the Commissioner of Agriculture may take the necessary action in the case.

The SPEAKER. The point of order not being withdrawn, the bill must go to the Committee of the Whole on the state of the Union.

LANDS IN ARIZONA.

Mr. TOWNSEND also, from the Committee on the Public Lands, reported back a bill (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona.

The bill was read. It authorizes the Commissioner of the General Land Office to include, under the patent for the town site of the town of Yuma, county of Yuma, and Territory of Arizona, that part of the Fort Yuma military reservation (not exceeding five acres of land in all) restored to the public domain under the act of Congress entitled "An act authorizing the Secretary of War to relinquish and turn over to the Interior Department such parts of certain reservations in the Territory of Arizona as may be no longer required for military purposes," approved June 22, 1874.

Mr. TOWNSEND. I send to the Clerk and ask to have read a letter from the Commissioner of Public Lands.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 28, 1874.

SIR: I have examined House bill No. 4119, entitled "A bill authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona."

The land involved has recently been released by the Secretary of War from military reservation under authority of the act of June 22, 1874, and lies within the town site limits, as shown by the survey on file in this office. From what examination I have given the subject it clearly appears that the land is necessary for the town as furnishing a water-front, and worth little for any other purpose. So far as is shown by the records of this office there is no adverse applicant for the tract. I have no hesitation in stating that I deem the appropriation of the land to the purpose indicated in said bill as being advisable and in the public interest. I would suggest—as the actual area of the tract will somewhat exceed five acres—that the word "ten" be substituted for the word "five," occurring next after the word "exceeding," in the seventh line of the printed bill.

I am, very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. R. C. MCCORMICK,
House of Representatives.

Mr. TOWNSEND. In accordance with the suggestion made in the letter just read, I move to amend the bill by striking out "five" and inserting "ten;" so that the clause will read "not exceeding ten acres of land in all."

The amendment was agreed to.

Mr. WILSON, of Iowa. I would like to hear a word of explanation in reference to this bill.

Mr. TOWNSEND. I will explain it. This is a small tract of land at the junction of the Colorado and the Jila Rivers, which was held as a Government reservation; but as such it has been abandoned and has been turned over to the Interior Department. It is now proposed to give it to the city of Yuma, to be sold in lots for the benefit of the people of that city. It lies immediately along and on the banks of the Colorado River, and unless disposed of in this way it might fall into the hands of speculators and be held by them to the detriment of the people of the city.

Mr. PARKER, of New Hampshire. Does the Government realize anything from this?

Mr. TOWNSEND. The tract will go to the city of Yuma under the law concerning town sites; under that law it will be sold at $1.25 per acre. The bill therefore is not required under the rule to go to the Committee of the Whole. I trust there will be no objection to its passage.

Mr. MCCORMICK. It is not proposed to give this land in excess of the town site, but as a part of it, and it will be paid for under the regulations of the Land Office.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. TOWNSEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF GRASSHOPPER RAVAGES.

Mr. TOWNSEND. My friend from Vermont [Mr. WILLARD] is willing, I understand, to withdraw his point of order upon the bill (S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seeds. He desires to occupy a few minutes in an explanation.

Mr. WILLARD, of Vermont. At the personal solicitation of some Representatives from the section of country interested in this measure——

Mr. KASSON. I wish to have the point of order reserved so that it may be insisted upon after the gentleman's explanation.

The SPEAKER. The gentleman from Vermont, if he speaks upon this matter, does so by unanimous consent, and of course if he withdraws the point, any other member is competent to renew it.

Mr. KASSON. I renew the point, but reserve it that the gentleman from Vermont may make his explanation.

Mr. WILLARD, of Vermont. Mr. Speaker, I was going to give my reasons for making the point of order. I agree at this period of the session a Senate bill, which is not particularly objectionable, but only objectionable because it contains an appropriation, might fairly ask to be considered on the report of a committee, and not be sent to the Committee of the Whole, and so should not have made that point on this bill had it not been that its merits seemed to me to require some consideration more than they were likely to receive this morning.

I desire now to call the attention of the House to this bill; and it is a rather melancholy fact when committees are reporting as the Committee on the Public Lands is reporting this morning not very general attention is paid by members of the House to the bill itself which may for the moment be read at the Clerk's desk. This is a bill, Mr. Speaker, directing the Commissioner of Agriculture to make a special distribution of seed to the region of country which has been afflicted with what is known as the "grasshopper plague" the past year. I am totally unable to see any ground whatever upon which Congress can justify such an appropriation. It is certainly unknown to any provision of the Constitution.

Mr. KASSON. Is the gentleman from Vermont going to withdraw his point of order?

Mr. WILLARD, of Vermont. I am, after making a brief explanation; but if the gentleman from Iowa proposes to renew the point of order I will not make my remarks at this time.

Mr. KASSON. I do propose to renew the point of order.

Mr. TOWNSEND. If, then, the point of order is to be insisted upon, the Committee on the Public Lands does not wish the hour allotted to it to-day for reports shall be unnecessarily consumed.

Mr. WILLARD, of Vermont. I understand the gentleman from Iowa proposes to insist on his point of order, and I will not therefore detain the House further at this time.

Mr. KASSON. I wish to say, Mr. Speaker, I have a communication from the grasshopper country protesting against this mode of affording relief. But I do not wish to detain the House now. As the bill goes to the Committee of the Whole, I will only say there are good reasons why this mode of relief should not be adopted.

Mr. CROUNSE. I hope the gentleman from Iowa will not insist on his point of order, because if the bill is to be passed at all it ought to be passed now. It will be worthless if postponed till late in the session.

Mr. KASSON. I would not insist on my objection unless from a sense of duty. It is an extravagant way of giving relief, and besides it is not the mode which the people really want, according to the

evidence coming to me in a particularly lengthy communication, the importance of which is such that I must insist on my point of order.

Mr. CROUNSE. I ask unanimous consent the bill may be considered now without being charged to the time of the committee. As I have said, the bill should be acted on now if at all. I do not understand the gentleman from Iowa objects to the bill being considered at this time as in Committee of the Whole without prejudice to the time allotted to the Committee on the Public Lands for making reports.

The SPEAKER. That requires unanimous consent.

Mr. TOWNSEND. If the bill is to be considered now, I do not wish it to be taken out of our time.

Mr. CROUNSE. Nor do I want it to be done, but that it shall be taken up without prejudice to the time of the Committee on the Public Lands.

The SPEAKER. The Chair does not know how that can be done in the morning hour without taking it out of the time of the Committee on the Public Lands. The gentleman from Nebraska can renew his motion at the close of the morning hour.

Mr. CROUNSE. Would not a motion be in order at this time, by unanimous consent, to bring the bill up for consideration?

The SPEAKER. The point of order being insisted upon, the bill has gone to the Committee of the Whole on the state of the Union. If the House now goes into committee, of course the special order will first require attention. It is the duty of the Chair to advise the gentleman from Nebraska that the bill going to the Committee of the Whole places it where it will practically require a two-thirds vote to pass it. The bill, under the point of order, has gone to the Committee of the Whole on the state of the Union.

REORGANIZATION OF THE GENERAL LAND OFFICE.

Mr. TOWNSEND. Mr. Speaker, there is lying upon the table in Committee of the Whole a bill (S. No. 260) to reorganize the clerical force of the General Land Office. It provides for the creation of more offices, and as it will meet, I suppose, with objection, I therefore ask there may be a special assignment for it—say this day week, to the exclusion of all other orders.

Mr. RANDALL. I object to that, as it creates new offices.

Mr. TOWNSEND. All I desire is to get it before the House, in order that the committee may be relieved of the responsibility of the bill, which has been hanging there for a long time to the great detriment of the public service. Every gentleman who has a land district must feel that it is right and proper that the bill should come up for discussion, whatever may be its ultimate fate. I trust there will be no objection.

Mr. RANDALL. The reason I object to this bill is that it creates new offices, and should have its first consideration in Committee of the Whole.

Mr. TOWNSEND. I ask that it be considered as in Committee of the Whole on the day I have named, so that every member on that day may have as large an opportunity for debate upon it as he desires.

Mr. RANDALL. That does not reach my point of order.

The SPEAKER. The gentleman from Pennsylvania [Mr. TOWNSEND] asks unanimous consent that the bill for the reorganization of the General Land Office be considered this day week, after the morning hour, as in Committee of the Whole. His colleague [Mr. RANDALL] objects to that arrangement.

Mr. TOWNSEND. I now yield to my colleague on the committee, the gentleman from Michigan, [Mr. BRADLEY.]

WAHSATCH AND JORDAN VALLEY RAILROAD COMPANY.

Mr. BRADLEY, from the Committee on the Public Lands, reported as a substitute for the bill (H. R. No. 3308) a bill (H. R. No. 4155) granting to the Wahsatch and Jordan Valley Railroad Company the right of way through the public lands for the construction of a railroad and telegraph line; which was read a first and second time.

The bill was read at length.

Mr. RANDALL. I make the point of order that this bill appropriates public property, and must have its first consideration in Committee of the Whole.

Mr. TOWNSEND. I wish to explain to my colleague what I presume he does not know; that this road has been built through nearly its whole extent, and that now all that the company want is the right of way, in order that they may mortgage the road. The House has on no occasion objected under such circumstances to granting the right of way.

Mr. RANDALL. I believe I can tell my colleague something he has forgotten; that we agreed when we were last in session that when bills of this character come up they should all be referred in this manner. And there was then a general understanding—my colleague, perhaps, was not here when it was made; he tells me he was not—that there should be a day assigned when all these bills might be considered together. There should be no favoritism shown to one over another, as would be the case if this bill were not objected to as others have been heretofore. I therefore insist on my point of order.

The SPEAKER. The bill goes to the Committee of the Whole.

ABSENTEE SHAWNEE LANDS IN KANSAS.

Mr. PHILLIPS, from the Committee on the Public Lands, reported back, with the recommendation that it do pass, the bill (S. No. 650) explanatory of the resolution entitled "A resolution for the relief of settlers upon the absentee Shawnee lands in Kansas," approved April 7, 1869.

The bill was read. In its preamble it recites that several tracts of land ceded to the Shawnee Indians by the treaty concluded between them and the United States which was proclaimed November 2, 1854, were erroneously set apart and allotted to various individuals of the Shawnee tribe of Indians, and which said allotments were subsequently canceled, and therefore form a part of the residuum of the land which by the treaty aforesaid was to be set apart for the absentee Shawnees.

The bill therefore provides that the terms of the resolution approved April 7, 1869, for the relief of the settlers upon the absentee Shawnee lands in Kansas should be extended to those settlers who now occupy and have improved tracts of land known and described as the east half of the northeast quarter and the southwest quarter of the northeast quarter of section 29, in township 12, of range 23 east of the sixth principal meridian; the south half of the southwest quarter of section 5; the south half of the southwest quarter, the north half of the southwest quarter, and the northwest quarter of section 8, in township 13, of range 22 east of the sixth principal meridian; all located in the State of Kansas, within the boundaries of the tract ceded to the Shawnees by the treaty proclaimed on the 2d November, 1854.

Mr. WILLARD, of Vermont. I desire to ask the gentleman from Kansas a question. What class of settlers does this bill relieve? Are they white settlers?

Mr. PHILLIPS. Yes, sir.

Mr. WILLARD, of Vermont. How came white settlers on this tract?

Mr. PHILLIPS. These settlers were upon the lands at the time. They were upon them supposing them to be open to settlement, and had been upon them seven or eight years. The Shawnee Indians never occupied the lands in question. I send to the desk to be read the joint resolution which was passed in 1869 for the relief of these settlers, and this bill extends the provision of that act to several tracts, amounting to six or seven hundred acres.

The Clerk read as follows:

A resolution for the relief of settlers upon the absentee Shawnee lands in Kansas.

Whereas a large tract of lands set apart by a treaty with the Shawnee tribe of Indians, dated May 10, anno Domini 1854, and proclaimed November 2, anno Domini 1854, for the benefit of certain absentees of the said Shawnee tribe, is now, and for many years past has been, occupied by a large number of white settlers and citizens of the State of Kansas; and whereas the beneficial interest of the said absentee Shawnees in said lands was and is absolutely forfeited by reason of their continued absence and non-affiliation with the said Shawnee tribe; and whereas the said lands were ordered to be publicly sold at the United States land office at Topeka, August 3, 1863, by Abraham Lincoln, President, by his proclamation dated March 20, anno Domini 1863, and by reason of the absence of large numbers of said settlers from their homes in the Federal armies the sale was indefinitely postponed: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each *bona-fide* settler now occupying said lands and having made improvements thereon, or the heirs at law of such, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled to purchase the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, at the price of two dollars and fifty cents per acre, under such rules and regulations as the Secretary of the Interior shall prescribe: *Provided, however*, That the proceeds of said sales shall be applied in accordance with the provisions of the treaty between the United States and the said Shawnee Indians, proclaimed November 2, anno Domini 1854.

Approved April 7, 1869.

Mr. PHILLIPS. The tracts of land affected by the bill before us were by error or fraud patented to parties who had double entries, made under different names. These entries were canceled for that reason, and these tracts ought to have been included under the provisions of the first act, and this measure merely extends it over them.

As my colleague [Mr. COBB] is more familiar with the case, as it is in his district, I yield to him for any other explanation that may be desired.

Mr. COBB, of Kansas. By the provisions of the Shawnee treaty of 1854, to which the subject of this bill relates, the land ceded under the treaty was disposed of in this way: First, two hundred thousand acres were set apart to be divided in severalty among the more civilized portion of the tribe residing upon this reservation; second, another portion of the reservation, embracing about thirty-three thousand acres, was set apart in a body for what was known as the Black Bob band of Shawnee Indians, a band of the tribe which chose to retain their lands in common. After all this land was disposed of there was still left several thousand acres of the reservation, which was given by the treaty to what is known as absentee Shawnees—Indians who had left the tribe and gone away from the reservation into the Indian Territory. This absentee Shawnee land, so called, embraced by the terms of the treaty all of the reservation not disposed of in former grants. These absent Indians remained away, and this land was taken possession of by settlers and sold to them by the act just read from the Clerk's desk.

Now, in dividing the land in severalty, it so happens that by mistake or fraud four of the settlers under the treaty obtained patents for an allotment each more than they were entitled to. This bill simply provides that those double allotments shall be disposed of the same way as the absentee Shawnee land was disposed of, to actual settlers under the law referred to. It simply follows in the line of precedent established for the sale of similar lands belonging to this tribe.

Mr. HOLMAN. I hope the bill will be again reported.

The bill was again read.

The bill was ordered to be read a third time, and it was accordingly read the third time, and passed.

Mr. PHILLIPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

THE DESTRUCTION OF FORESTS.

Mr. PHILLIPS, from the Committee on the Public Lands, reported back, with the recommendation that it do pass, the bill (H. R. No. 2540) for the appointment of a commissioner for inquiry into the destruction of forests and into the measures necessary for the preservation of timber.

The bill was read.

Mr. WILLARD, of Vermont. I make the point of order that this bill creates a new office, and should have its first consideration in Committee of the Whole.

The SPEAKER. The point of order being made, the bill goes to the Committee of the Whole.

OREGON CENTRAL PACIFIC RAILWAY.

Mr. ORR, from the Committee on the Public Lands, reported a bill (H. R. No. 4162) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company, through the public lands of the United States, from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon; which was read a first and second time.

The bill was read.

Mr. WILLARD, of Vermont. Unless the gentleman from Iowa consents to a modification of that bill, I shall be obliged to make the point of order upon it.

Mr. ORR. What is the modification?

Mr. WILLARD, of Vermont. The bill provides that there shall be twenty acres granted every five miles.

Mr. ORR. No; only every ten miles. This bill is exactly in accordance with the other bills of the same character which have been reported by the committee.

Mr. WILLARD, of Vermont. The last bill reported only gave ten acres.

Mr. ORR. Every five miles.

Mr. WILLARD, of Vermont. There is another point in the bill which I think is objectionable. It provides that stone and timber may be taken from the public lands anywhere by this company. I ask for the reading of that clause of the bill.

The Clerk read as follows:

Provided, That the Oregon Central Pacific Railway Company shall have the right to take from the public lands of the United States timber, stone, and other material necessary for the construction of the road.

Mr. WILLARD, of Vermont. Let that provision be so modified that they may take these materials only within the right of way.

Mr. ORR. I have no objection to that.

Mr. HOLMAN. I must object to this bill unless a provision is added, which I will reduce to writing, providing that the State or States through which the said road shall be constructed shall have the right to regulate the cost of transportation over the same.

Mr. ORR. I will consent to that.

The SPEAKER. The Chair must remark that there is great irregularity in this mode of proceeding.

Mr. RANDALL. I thought some understanding was come to with the chairman of the Committee on the Public Lands as to a special day being assigned for the consideration of these bills.

Mr. NESMITH. I appeal to my friend from Pennsylvania not to make a point of order on this bill. It is very important that it should pass at once.

The SPEAKER. It is too late to make a point of order on the bill; but the Chair directs attention to the fact that gentlemen cannot make conditional points of order.

Mr. NESMITH. Does the gentleman from Vermont [Mr. WILLARD] withdraw the point of order?

The SPEAKER. There is no point of order pending.

Mr. RANDALL. Why will not the chairman of the committee fix upon some day when all bills of this class can be considered?

The SPEAKER. The Chair understands that the gentleman having charge of the bill is waiting for the gentleman from Indiana [Mr. HOLMAN] to write his amendment.

Mr. NESMITH. While the gentleman from Indiana is doing that, I would suggest that this is a matter of great importance to a people who have no railroad connection with any other State in the Union; and if the bill goes over now, I am satisfied that that will be the end of it.

Mr. RANDALL. The gentleman is not indebted to me at all; he has his bill before the House.

RIGHT OF WAY TO RAILROADS.

Mr. TOWNSEND. While the gentleman from Indiana is writing his amendment, I beg to move that Tuesday, January 12, be set apart for the consideration of all bills already reported from the Committee on the Public Lands granting the right of way to railroads, and all other bills that may be reported in the mean time.

Mr. RANDALL. O, no; not all other bills.

Mr. TOWNSEND. I mean bills of the same character.

Mr. RANDALL. I think that motion ought to be agreed to as to all bills that were reported and referred at the last session.

The SPEAKER. The gentleman from Pennsylvania [Mr. TOWNSEND] limits his motion to all bills giving the right of way; and he asks that Tuesday next be set apart for the purpose of considering such bills.

Mr. RANDALL. It relates only to bills where no land grant is involved beyond station grounds.

The SPEAKER. The Chair will construe it in that way. The Chair will not hold that any bill comes within this order that goes further than to grant the right of way through the public lands, with the ordinary amount of land for stations.

Mr. TOWNSEND. I want to say that we have on the Calendar, or if we have not on the Calendar we propose to report a general bill granting the right of way, which will save the introduction of all these special bills; and I should wish that bill to be considered.

The SPEAKER. That would come within this vote.

Mr. TOWNSEND. I wish it also to include all bills granting the right of way that we may report before that day.

There was no objection, and the order was made.

OREGON CENTRAL PACIFIC RAILWAY.

Mr. HOLMAN. I now offer the following amendment, to come in at the end of the first section of the bill:

Provided, That the State or States within the limits of which said road or any part thereof shall be hereafter situated shall have power to regulate the cost of transportation of persons and freight over the same.

Mr. ORR. I will agree to that amendment, as I wish this bill to pass.

The amendment was agreed to.

Mr. ORR. I now ask the previous question on the bill as amended.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ORR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF WAY TO RAILROADS.

Mr. TOWNSEND. It is understood that the assignment of Tuesday next for the purpose proposed was agreed to.

Mr. HOLMAN. I think that was not so understood.

The SPEAKER. The Chair understood the gentleman from Pennsylvania [Mr. TOWNSEND] to get unanimous consent that on Tuesday next after the morning hour the House would proceed to consider bills reported from the Committee on the Public Lands which merely granted to railroads the right of way over the public lands with the general allowance for stations, &c., and also a bill which might be a general law regulating the manner in which railway companies might obtain the right of way over the public lands.

Mr. GARFIELD. With what limit of time?

The SPEAKER. For that single day only.

Mr. GARFIELD. I do not think we should take a whole day for that purpose.

Mr. RANDALL. We agreed to it.

The SPEAKER. The Chair thinks it was fairly agreed to.

Mr. RANDALL. Besides we have given a great deal of time to the gentleman from Ohio.

Mr. GARFIELD. It is not for myself that I ask the time.

Mr. RANDALL. For your bills.

Mr. GARFIELD. We must have time enough for the appropriation bills.

Mr. TOWNSEND. The Committee on the Public Lands have no further reports to make.

ORDER OF BUSINESS.

When the Committee on Indian Affairs was called,

Mr. AVERILL said: It is so near the conclusion of the morning hour to-day I ask that the Committee on Indian Affairs have the right to submit their reports to-morrow. The committee would have been ready to submit reports to-day, but there was not a quorum of the committee in attendance this morning.

The SPEAKER. The morning hour of to-day can be terminated by moving to go into Committee of the Whole.

Mr. BUTLER, of Massachusetts. I move to proceed to the consideration of business on the Speaker's table.

Mr. WHEELER. I move to suspend the rules, and that the House now resolve itself into Committee of the Whole on the Army appropriation bill.

Mr. BUTLER, of Massachusetts. I will state the reason why I moved to proceed to business on the Speaker's table. There is one bill known as the Senate civil-rights bill now upon the Speaker's table; and in order to get that disposed of so that it may be out of the way of other business, I desire now to proceed to the consideration of business on the Speaker's table. As chairman of the Committee on the Judiciary, I have the right to report a civil-rights bill at any time; but I desire to get this Senate civil-rights bill out of the way.

Mr. RANDALL. Anything which the gentleman has a right to do we cannot help his doing; but anything he has not the right to do I for one object to.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] has the right to move to proceed to the consideration of business on the Speaker's table.

Mr. ELDREDGE. There are quite a number of members who desire to make remarks upon the civil-rights bill when it comes up.

Mr. BUTLER, of Massachusetts. Whenever the civil-rights bill comes up I propose to give a reasonable time for debate. I do not think it will come up on this motion. I desire to do nothing without a full understanding. My proposition is to go to the Speaker's table, take up the Senate civil-rights bill, and then I will move to amend it by substituting for it the bill which has been printed for the use of the Committee on the Judiciary, and which is on all your files. Then I propose to put the bill so amended upon its passage, under the right given the committee to report at any time, and to allow reasonable time for debate.

Mr. ELDREDGE. I think the gentleman had better have the bill set down for some day certain than to endeavor to take it up at this time.

Mr. RANDALL. I think this civil-rights bill had better come in the other direction. Let the Committee on the Judiciary report a bill. I for one do not see the propriety of going to the Speaker's table, when by so doing we will reach other bills which, according to the ruling of the Chair, must be considered and disposed of before we can reach the civil-rights bill.

Mr. CESSNA. I understand that there is but one bill upon the Speaker's table that has priority over the civil-rights bill.

Mr. RANDALL. That gives force to my remark. Whether there be one or twenty bills that have priority they must be first disposed of.

The SPEAKER. The civil-rights bill is the first Senate bill upon the Speaker's table. There are two House bills with Senate amendments on the table which will have priority of the Senate bill. The first motion is to go to business on the Speaker's table; pending which the gentleman from New York [Mr. WHEELER] moves that the rules be suspended and the House resolve itself into Committee of the Whole on the Army appropriation bill.

Mr. WHEELER. Before the vote is taken on that motion, I move that all general debate upon the Army appropriation bill be limited to five minutes, unless there is a disposition to discuss the bill for a longer time.

The question was taken upon the motion to limit debate, and it was agreed to upon a division—ayes 94, noes 58.

Mr. WHEELER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question was then taken on the motion to suspend the rules and go into Committee of the Whole on the Army appropriation bill, and upon a division there were—ayes 88, noes 44.

Before the result of the vote was announced,

Mr. BUTLER, of Massachusetts, and Mr. HAZELTON, of Wisconsin, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 93, not voting 96; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Bass, Beck, Bell, Berry, Biery, Blount, Bradley, Bright, Bromberg, Brown, Bundy, Burchard, Caldwell, Chittenden, John B. Clark, jr., Comingo, Cook, Cox, Crossland, Crounse, Danford, DeWitt, Dunnell, Durham, Eldredge, Farwell, Finck, Fort, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Hereford, Herndon, Holman, Houghton, Hunton, Killinger, Knapp, Lamar, Leach, Magee, Marshall, Alexander S. McDill, McLean, Merriam, Milliken, Mills, Neal, Nesmith, Niblack, Packer, Hosea W. Parker, Isaac C. Parker, Perry, Randall, Ray, Read, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sheats, Lazarus D. Shoemaker, J. Ambler Smith, John Q. Smith, Southard, Stone, Swann, Christopher Y. Thomas, Thompson, Thornburgh, Waddell, Wells, Wheeler, White, Whitehead, Whithorne, Charles W. Willard, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—99.

NAYS—Messrs. Albert, Averill, Barber, Barrere, Barry, Begole, Buffinton, Burleigh, Burrows, Benjamin F. Butler, Cain, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Corwin, Cotton, Dobbins, Donnan, Eames, Field, Frye, Garfield, Gooch, Gunckel, Harmer, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hodges, Hooper, Hoskins, Howe, Hunter, Hynes, Kasson, Kelley, Lawrence, Lawson, Loughridge, Lowe, Lynch, Martin, Maynard, MacDougall, McNulta, Monroe, Moore, Myers, Negley, Niles, Orr, Orth, Packard, Page, Parsons, Phillips, Pierce, Pike, Poland, Pratt, Purman, Ellis H. Roberts, James W. Robinson, Henry B. Sayler, Sessions, Shanks, Sherwood, Small, A. Herr Smith, H. Boardman Smith, Snyder, Starkweather, Stowell, Strawbridge, Charles R. Thomas, Todd, Townsend, Tremain, Tyner, Jasper D. Ward, Marcus L. Ward, Whiteley, George Willard, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—93.

NOT VOTING—Messrs. Albright, Barnum, Bland, Bowen, Buckner, Roderick R. Butler, Cannon, Freeman Clarke, Clymer, Clinton L. Cobb, Coburn, Conger, Creamer, Crittenden, Crooke, Crutchfield, Curtis, Darrall, Davis, Dawes, Duell, Eden, Foster, Freeman, Hagans, Robert S. Hale, Benjamin W. Harris, John B. Hawley, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hubbell, Hurlbut, Hyde, Kellogg, Kendall, Lamison, Lamport, Lansing, Lewis, Lofland, Lowndes, Luttrell, McCrary, James W. McDill, McKee, Mitchell, Morey, Morrison, Nunn, O'Brien, O'Neill, Pelham, Pendleton, Phelps, James H. Platt, jr., Thomas C. Platt, Potter, Rainey, Ransier, Rapier, Richmond, Robbins, William R. Roberts, James C. Robinson, Ross, Rusk, Sawyer, Henry J. Scudder, Sheldon, Sloan, Sloss, Smart, George L. Smith, William A. Smith, Speer, Sprague, Stanard, Standiford, Stephens, St. John, Storm, Strait, Sypher, Taylor, Vance, Waldron, Wallace, Wells, Whitehouse, Wilber, Charles G. Williams, William B. Williams, and Ephraim K. Wilson—96.

So the motion of Mr. WHEELER that the House resolve itself into the Committee of the Whole on the state of the Union to proceed to the consideration of the Army appropriation bill was agreed to.

During the roll-call Mr. MARSHALL said: My colleague, Mr. EDEN, is necessarily absent from the city, having been called away by sickness in his family.

The result of the vote was announced as above stated.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WILSON, of Iowa, in the chair,) and proceeded to the consideration of the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

Mr. WHEELER. Unless the Committee of the Whole desire that the bill shall be read at length, I ask that its first reading be dispensed with.

Mr. BECK. I object.

Mr. HOLMAN. I hope the bill will be read through.

The bill was read.

Mr. WHEELER. Before we enter upon the consideration of the bill by paragraphs, I want to state that this bill, so far as it appropriates money, is almost a literal duplicate of the Army appropriation bill of last session; there is but a trifling difference in the amount appropriated. The Committee on Appropriations adheres to the policy of keeping the enlisted force of the Army at twenty-five thousand men; and the appropriations now to be considered by the Committee of the Whole are based upon that estimate. The experience of the current fiscal year, so far as we have progressed, demonstrates that the efficiency of the Army has not been impaired by the reduction; and the committee are of opinion that twenty-five thousand enlisted men judiciously distributed throughout this country are the entire military force that will be needed.

Mr. ELDREDGE. Will the gentleman allow me to ask him whether he takes into consideration the state of affairs in Louisiana—whether if things go on as at present, and the Army is to be used to control the organization of State Legislatures, it may not be desirable to greatly increase the number of our military force?

Mr. WHEELER. I do not take that into account. I say that in my judgment an increase will not be necessary or desirable. We hope that the question to which the gentleman refers will be settled irrespective of the Army of the United States.

Mr. ELDREDGE. But it is not being settled in that way.

Mr. WHEELER. It will be a sorry day for the Republic when we must depend upon the Army alone to maintain permanent peace in Louisiana.

Mr. ELDREDGE. Already the Army is being used to drive men out of a Legislature while that body is in course of organization.

Mr. WHEELER. That is a matter foreign to this appropriation bill.

Mr. ELDREDGE. It seems to me that it is not.

Mr. WHEELER. Mr. Chairman, the Army appropriation bill of last session contained several provisions not of an appropriative character.

Mr. ELDREDGE. There are eighteen hundred men now engaged in organizing the legislative body at New Orleans.

Mr. WHEELER. I do not know but twice that number may be required; if so, the Government will furnish them.

Mr. ELDREDGE. Then the gentleman should take that into consideration and make these appropriations accordingly.

Mr. WHEELER. I believe that with twenty-five thousand United States troops we can keep even the State of Louisiana in order.

I was remarking that the bill of last session contained several provisions not of an appropriative character. Among them was one suggested by the gentleman from Indiana [Mr. HOLMAN] relative to military transportation upon railroads. The committee have retained that provision, although they think that in some respects the legislation of last session went beyond the intention of Congress. The Solicitor-General has decided that under that statute the Government must withhold compensation for transportation to all railroads which have received land grants upon any conditions whatever.

Now, to illustrate, here is the case of the Northern Pacific Railroad, which had a grant of land upon the condition solely it should charge no more for transportation of Government property than for the transportation of the property of individuals. The Solicitor-General holds that condition is one which comes within the scope of the legislation of last session.

Another of these extraordinary provisions in the appropriation bill related to the traveling allowance to officers of the Army. Congress provided hereafter actual expenses should be allowed to Army officers traveling on duty. The committee adhere to that policy, although the Secretary of War and the Quartermaster-General recommend we should change back to the old rule of mileage. The committee think this experiment ought to have a fair trial, and we ought to see at least the results of one fiscal year so as to institute comparison.

With this brief explanation, unless something further be required, I ask the bill be read by paragraphs for amendment.

Mr. HOLMAN. The inquiry I wish to put to the gentleman from New York is whether in his judgment there may not be further reduction of the Army to twenty thousand men, in view of the number

now stationed in the Northeast and Northwest, without really embarrassing in any degree the public service?

Mr. WHEELER. My own judgment is if there be further reduction of the enlisted force of the Army, it must take company organizations with it. We cannot maintain company organizations with a less enlisted force than we now have. That the Army has been diligent during the past summer upon frontier and other duty no gentleman can deny. And it ought to be kept diligent, my own idea of the enlisted force being it is better it should be kept busy than lying around in idleness.

Mr. ELDREDGE. They are kept now very busy in New Orleans.

Mr. WHEELER. And probably they will be kept more busy still.

Mr. TREMAIN. They are not half busy enough.

Mr. BECK. The question I wish to ask the gentleman from New York is why this bill is now laid before us and we are required to pass upon it in advance of publication of the reports of the Secretary of War and of his Bureau officers?

Mr. WHEELER. I will say to my friend from Kentucky, while I do not know how it may be with him, that I have received the printed reports of the Secretary of War, of the Commissary and Quartermaster-General, and of the other heads of Bureaus. They are on file, I believe, and accessible to anybody who may desire them.

Mr. BECK. In reply I will state I have sent twice to the document room to-day and went in the last fifteen minutes myself, and have been assured that none of those reports are there and none have yet been sent there.

Mr. WHEELER. I do not know how that is, but I have received mine in due course of mail.

Mr. BECK. I sent for them for the purpose of being able to ascertain what modifications ought to be made in this bill; and if the gentleman from New York will send to the document-room, he will find they cannot be had. I suppose no gentleman outside of the Committee on Appropriations has ever had them, ever seen them, or ever been able to procure them.

Mr. WHEELER. I can only say to my friend from Kentucky they came to me through the mails. I had proof-sheets sent to me, of course, during the preparation of the bill. The reports came to me through the mails, and I supposed every other member had received them.

Mr. BECK. They are not in the document-room—have not been, and cannot be had. We are now asked to legislate in the absence of official documents showing the action of the Army during the last year. We do not know, of course, what modifications should be made in the absence of reports from the heads of Bureaus of the War Department. We are absolutely in the dark. I had occasion during the last session to call attention to the withholding of reports from the Navy Department when the Navy bill was under consideration. They were withheld when we passed the Navy bill before the holidays. We have not now the reports from the War Department when the Army appropriation bill is under consideration. In my judgment, Mr. Chairman, Congress should refuse to vote a dollar of this money until these reports are laid before us. Here are two volumes of last year's reports and one volume of the same size from the Engineer Department, but not one word of this year's reports to tell us why we should vote this money in the way proposed. If I am mistaken about these reports not being in the document-room I easily can be corrected. It is not fifteen minutes, after having sent two pages without success, since I went to the document-room myself and learned the documents could not be procured. I venture to say nobody outside of the Committee on Appropriations has ever yet seen them.

Mr. NIBLACK. If the gentleman from New York will allow me, I wish to ascertain whether the Committee on Appropriations have had any conference with the Committee on Military Affairs with regard to the Army bill and the general military condition of the country; if so, whether it is contemplated that we shall be called upon to legislate for either an increase or a diminution of the Army or for its reorganization at this session of Congress. It is always a matter of some importance in making appropriations to take into consideration what Congress is likely to do upon the subjects to which the appropriations apply. I know it has been in years gone by customary for the Committee on Appropriations, or at least the sub-committee which has had charge of any particular branch of appropriations, to confer with the other committees of the House who have charge of the particular subjects in connection with which we are called upon to appropriate, so as to be able to state to the House upon what basis the appropriations should be made and what changes ought to be made if the existing laws are insufficient, in order to make the appropriations effective. This, I think, ought always to be done by the Committee on Appropriations, that we may have the legislation necessary for economy on the one side and efficiency on the other. I hope, therefore, the gentleman from New York will be able to state to us what information he has in regard to the probable legislation of Congress on the subject in connection with which appropriations are made in this bill, and whether we are to anticipate any changes as to the organization of the Army during the present session.

Mr. WHEELER. I will inform the gentleman from Indiana [Mr. NIBLACK] that this is an appropriation bill, pure and simple; that it does not respect the organization of the Army; that it does not seek even to interfere with what is by law the maximum of the enlisted force. It simply appropriates for the next fiscal year for twenty-five thousand enlisted men. I am not aware that the Committee on Appropriations has had any conference with the Committee on Military Affairs in reference to this bill. If we had sought to interfere with the organization of the Army or to affect it in any other manner than as a matter of mere appropriation, then courtesy would have required that I should have consulted that committee. I have not done so, nor am I aware that other members on the Committee on Appropriations have done so.

Mr. NIBLACK. The gentleman from New York stated that there had been certain new legislation and some of it was ingrafted on the appropriation bill of last session.

Mr. WHEELER. By the House, and not on the recommendation of the committee.

Mr. NIBLACK. I understand that the gentleman says some legislation is contemplated this session. I think the opportunity was given to the committee to propose certain amendments.

Mr. WHEELER. Not on this bill.

Mr. NIBLACK. I understand it was in connection with the legislative appropriation bill. But I think it fair that whatever legislation of an independent character may be attached to this bill, if any, should have the concurrence of the Committee on Military Affairs, or at least that that committee should be consulted in regard to it.

Mr. WHEELER. I think so too. But the Committee on Appropriations do not contemplate anything of the kind. They have not had the rules suspended with a view to offering an amendment to this bill, and I am not aware that there is any necessity for doing so.

Mr. NIBLACK. I find that I was mistaken as to the authority given to offer amendments to this bill.

Mr. BECK. I desire to say just one word further. When I rose to inquire about the reports from the War Department, on which alone we can act intelligently, I did it in good faith; because I do not intend, so far as I am concerned, to vote a dollar to carry on the military operations of this Government until the facts which by law are required to be laid before Congress, and on which we can act, are laid before us. Those facts have been withheld, and are now withheld, for what purpose I do not know, but the presumption is that they are withheld for no good purpose. Those reports will show, at least they ought to show, all the movements of the Army during the past year. These are facts we ought to know, as they may influence our action. I see by the newspaper report of the testimony taken in New Orleans the other day that General Emory, in command of the Army there, swore before our committee that the Army of the United States had been brought into operation in the affairs of Louisiana by order of the Attorney-General of the United States. If he has sworn that, and he is so reported, then I would not vote one dollar to keep up an Army that has been or shall be surrendered to the Attorney-General of the United States. On the contrary, I want those facts to appear, if they are true, so that articles of impeachment shall be brought against that official for daring to take command of the Army of the United States unless called upon by the Chief Executive to do so. If General Emory's statement is true, as reported, we ought to know it—and the reports of his subordinate officers will show—that the Attorney-General has been so interfering, then, instead of making appropriations of money to maintain an Army to be so used we ought to deal with the heads of Departments who are thus prostituting their offices and prostituting the Army and guilty of high crimes and misdemeanors in office. I do not know whether it is true or not. The papers state that General Emory so swears. The reports of the Bureaus of the War Department will show whether it is true or not. I want to know this, and have a right to know it, before I am called upon to vote the money of my constituents to maintain this Army. The facts are withheld from us now. If the statement be a slander, and if the Attorney-General has not interfered in this way, then let the country know it; but if he has done as the papers say that General Emory has sworn, let that fact appear, and then let the consequences follow; but until we have these reports I shall steadily vote against every appropriation, right or wrong, because it is my right to know the facts before I vote.

Mr. WHEELER. I concede most fully the right of the gentleman and of every other member of the committee to know the facts before they vote. But my friend from Kentucky was so eager to go into Committee of the Whole that I supposed he was prepared to consider the bill.

Mr. BECK. Let me say that I was desirous to do anything to defeat the civil-rights bill.

Mr. WHEELER. O!

Mr. BECK. And, if necessary, I will filibuster from now until the 4th of March to defeat that bill.

Mr. BUTLER, of Massachusetts. Let the republican side of the House take notice.

Mr. BECK. We will try our best, at any rate.

Mr. LAWRENCE. Permit me to say that the fact about the report of the Secretary of War is that we have the report itself, but we do not have yet printed the accompanying documents.

Mr. WHEELER. I have sent to the document-room and ascertained that the report is not there, and it is not only due to every member that he should have the report before being called upon to vote on this bill, but we cannot legislate fairly and candidly unless we have it.

Mr. LAWRENCE. One word more; we all have the report, I suppose, but not the accompanying documents. The report was trans-

mitted to Congress at the proper time, and it is no fault of the Secretary of War that the accompanying documents have not been printed. That belongs to another Department.

Mr. WHEELER. I do not stop to question where the fault lies. It is sufficient for my purpose that the House has not the information on which we can legislate before it, and to the end that it may attain it, and read it diligently, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CESSNA having taken the chair as Speaker *pro tempore*, Mr. WILSON, of Iowa, reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the special order, being the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. BUTLER, of Massachusetts. I move that the House now proceed to business on the Speaker's table.

Mr. RANDALL. Pending that motion I move that the House take a recess for one hour.

Mr. BECK. I desire to know if the motion to go to business on the Speaker's table is now a privileged motion, business having intervened since the expiration of the morning hour.

The SPEAKER *pro tempore*. The motion is clearly in order and the two motions are pending. The Chair recognizes them. The gentleman from Massachusetts [Mr. BUTLER] renews the motion that was pending before the House went into Committee of the Whole.

Mr. HOLMAN. I move that the House do now adjourn, and on that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Pending that motion I move that when the House adjourns, it adjourn to meet on Thursday next.

Mr. BUTLER, of Massachusetts. I object to that motion. The gentleman cannot interrupt the roll-call.

The SPEAKER *pro tempore*. The Chair will not entertain any further motion. There is already a motion pending to take a recess, and a further motion that the House do now adjourn, on which the yeas and nays have been ordered; and until that question is decided the Chair will entertain no further motion.

Mr. RANDALL. There is no haste about this matter, gentlemen. There are plenty of motions that we can make.

The question was taken; and decided in the negative—yeas 63, nays 123, not voting 102; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Blount, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Cook, Cox, Crossland, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Magee, McLean, Milliken, Mills, Neal, Nesmith, Niblack, Hosea W. Parker, Pelham, Randall, Read, Milton Sayler, Schell, Sloss, Southard, Stone, Swann, Waddell, Wells, Whitehead, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—63.

NAYS—Messrs. Albert, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Comingo, Corwin, Crounse, Crutchfield, Curtis, Danford, Dobbins, Donnan, Duell, Eames, Farwell, Field, Fort, Freeman, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Harmer, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hodges, Hooper, Hoskins, Howe, Hunter, Hynes, Kelley, Killinger, Lawrence, Lawson, Loughridge, Lowe, Lynch, Alexander S. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Negley, Niles, Orth, Packard, Packer, Page, Isaac C. Parker, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Pratt, Purman, Ray, Ellis H. Roberts, James W. Robinson, Rusk, Henry B. Sayler, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Stowell, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—123.

NOT VOTING—Messrs. Albright, Barnum, Barry, Berry, Bland, Bowen, Buckner, Cannon, Chittenden, Freeman Clarke, Clymer, Clinton L. Cobb, Coburn, Conger, Cotton, Creamer, Crittenden, Crooke, Darrall, Davis, Dawes, Dunnell, Eden, Foster, Robert S. Hale, Benjamin W. Harris, John B. Hawley, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Houghton, Hubbell, Hurlbut, Hyde, Kasson, Kellogg, Kendall, Lamison, Lamport, Lansing, Lewis, Lofland, Lowndes, Luttrell, Marshall, Martin, Maynard, McCrary, James W. McDill, Mitchell, Moore, Morey, Morrison, Myers, Nunn, O'Brien, O'Neill, Orr, Parsons, Pendleton, Phelps, Thomas C. Platt, Potter, Rainey, Ransier, Rapier, Richmond, Robbins, William R. Roberts, James C. Robinson, Ross, Sawyer, John G. Schumaker, Henry J. Scudder, Sheldon, Sloan, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Speer, Sprague, Stanard, Standiford, Starkweather, Stephens, St. John, Storm, Strait, Strawbridge, Sypher, Taylor, Vance, Waldron, Wallace, Walls, Whitehouse, Charles G. Williams, William B. Williams, and Ephraim K. Wilson—102.

So the motion to adjourn was not agreed to.

During the call of the roll,

Mr. ST. JOHN said: I am paired with Mr. STORM, of Pennsylvania. If present he would vote "ay," and I would vote "no," on this motion.

The SPEAKER. The question recurs upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House now take a recess for one hour.

Mr. RANDALL. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Pending the motion for a recess, I move to amend it so that the House will take a recess until ten o'clock to-morrow morning; and on that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. Pending the motion for a recess, I move that the House now adjourn; and on that motion I call for the yeas and nays.

Mr. BUTLER, of Massachusetts. Has any business intervened since the House last voted on a motion to adjourn?

The SPEAKER. The House has ordered two yeas and nays on two separate motions for a recess, which constitutes business.

The yeas and nays were then ordered upon the motion to adjourn.

Mr. BECK. If it is in order to move now that when the House adjourns to-day it be to meet on Thursday next, I will make that motion.

Mr. BUTLER, of Massachusetts. Does not the motion to adjourn take precedence?

The SPEAKER. The motion to fix the time to which the House will adjourn takes precedence of the motion to adjourn.

Mr. COX. I call for the yeas and nays on the motion to fix the time to which the House will adjourn.

Mr. HEREFORD. If in order I move to amend the motion to adjourn, so that the House when it adjourns to-day will meet on Monday next.

The SPEAKER. The Constitution of the United States forbids that motion.

The yeas and nays were then ordered on the motion of Mr. BECK.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. BABCOCK, his Private Secretary, informed the House that the President had approved and signed a bill of the House of the following title:

An act (H. R. No. 4144) providing for the authentication of the Revised Statutes of the United States, and for preserving the originals of all laws in the Department of State.

ORDER OF BUSINESS.

The question was upon the motion of Mr. BECK that when the House adjourns to-day it be to meet on Thursday next, upon which the yeas and nays had been ordered.

The question was taken; and there were—yeas 58, nays 124, not voting 106; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Blount, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Cook, DeWitt, Durham, Eldredge, Fink, Giddings, Glover, Gunter, Hagans, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Leach, Magee, Marshall, McLean, Milliken, Mills, Neal, Nesmith, Niblack, Perry, Randall, Read, Milton Sayler, Schell, Sloss, Southard, Stone, Swann, Waddell, Wells, Whitehead, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—58.

NAYS—Messrs. Albert, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Comingo, Corwin, Crounse, Crutchfield, Curtis, Danford, Dobbins, Donnan, Eames, Farwell, Field, Fort, Frye, Gooch, Gunckel, Eugene Hale, Hamilton, Harmer, Harrison, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, Hodges, Hooper, Hoskins, Houghton, Howe, Hunter, Hynes, Kasson, Kelley, Killinger, Lawrence, Lawson, Loughridge, Lowe, Lynch, Maynard, Alexander S. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, Niles, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Pratt, Purman, Ray, Ellis H. Roberts, James W. Robinson, Rusk, Henry B. Sayler, Scofield, Isaac W. Scudder, Sessions, Sheats, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Starkweather, Stowell, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams James Wilson, Jeremiah M. Wilson, Woodworth—124.

NOT VOTING—Messrs. Albright, Barnum, Barry, Berry, Bland, Bowen, Buckner, Cannon, Freeman Clarke, Clymer, Clinton L. Cobb, Coburn, Conger, Cotton, Cox, Creamer, Crittenden, Crooke, Crossland, Darrall, Davis, Dawes, Duell, Dunnell, Eden, Foster, Freeman, Garfield, Robert S. Hale, Benjamin W. Harris, John B. Hawley, Hays, John W. Hazelton, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hubbell, Hurlbut, Hyde, Kellogg, Kendall, Lamison, Lamport, Lansing, Lewis, Lofland, Lowndes, Luttrell, Martin, McCrary, James W. McDill, Mitchell, Morey, Morrison, Nunn, O'Brien, O'Neill, Parsons, Pendleton, Phelps, Thomas C. Platt, Potter, Rainey, Ransier, Rapier, Richmond, Robbins, William R. Roberts, James C. Robinson, Ross, Sawyer, John G. Schumaker, Henry J. Scudder, Sener, Shanks, Sheldon, Sloan, George L. Smith, J. Ambler Smith, William A. Smith, Speer, Sprague, Stanard, Standiford, Stephens, St. John, Storm, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Vance, Waldron, Wallace, Walls, Wheeler, White, Whitehouse, Charles G. Williams, William B. Williams, and Ephraim K. Wilson—106.

So the motion of Mr. BECK was not agreed to.

SOUTHERN CLAIMS.

Mr. LAWRENCE. I ask unanimous consent to report a bill to pay the claims allowed by the commissioners of claims, and to have it printed and recommitted to the Committee on War Claims, with leave to report it back at any time.

No objection being made, the bill (H. R. No. 4156) making appropriations for the payment of claims reported allowed by the commissioners of claims, under the act of Congress of March 3, 1871, was received, read a first and second time, ordered to be printed, and recommitted to the Committee on War Claims, with leave to report at any time.

HOMESTEADS TO ACTUAL SETTLERS.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 4157) to amend an act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN M. DORSEY AND WILLIAM SHEPEARD.

Mr. PAGE also, by unanimous consent, introduced a bill (H. R. No.

4158) for the relief of John M. Dorsey and William Shepeard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PAY DEPARTMENT OF THE ARMY.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 4159) to reduce and fix the Pay Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

W. W. VAN ANTWERP.

Mr. WILLARD, of Michigan, by unanimous consent, introduced a bill (H. R. No. 4160) for the relief of W. W. Van Antwerp, of Jackson, Michigan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INMATES OF INSANE ASYLUMS.

Mr. HAWLEY, of Connecticut, by unanimous consent, introduced a bill (H. R. No. 4161) for the protection of the postal rights of the inmates of insane asylums; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I must now insist upon the regular order of business.

The SPEAKER. The regular order being called for, the question recurs upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House now adjourn, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 61, nays 115, not voting 112; as follows:

YEAS—Messrs. Adams, Arthur, Atkins, Banning, Beck, Bell, Berry, Blount, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Comingo, Cook, Cox, Crossland, De Witt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Magee, Marshall, Milliken, Mills, Neal, Nesmith, Niblack, Hosea W. Parker, Perry, Randall, Read, Milton Sayler, Schell, Southard, Stone, Swann, Waddell, Wells, Whitehead, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—61.

NAYS—Messrs. Albert, Averill, Barber, Barrere, Bass, Begole, Biery, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Corwin, Crounse, Crutchfield, Danford, Dobbins, Donnan, Duell, Eames, Farwell, Field, Fort, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harrison, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, Hodges, Hooper, Hoskins, Howe, Hunter, Kasson, Kelley, Killinger, Lansing, Lawrence, Lawson, Lowe, Lynch, Maynard, Alexander S. McDill, MacDougall, McKee, Merriam, Monroe, Myers, Negley, Niles, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Pratt, Purman, Ray, Ellis H. Roberts, James W. Robinson, Rusk, Henry B. Sayler, Scofield, Isaac W. Scudder, Sener, Sessions, Sheats, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Starkweather, Stowell, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Tyner, Jasper D. Ward, Marcus L. Ward, Wheeler, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—115.

NOT VOTING—Messrs. Albright, Archer, Ashe, Barnum, Barry, Bland, Bowen, Bradley, Buckner, Benjamin F. Butler, Cain, Cannon, Freeman Clarke, Clymer, Clinton L. Cobb, Coburn, Conger, Cotton, Creamer, Crittenden, Crooke, Curtis, Darrall, Davis, Dawes, Dunnell, Foster, Freeman, Robert S. Hale, Harmer, Benjamin W. Harris, Havens, John B. Hawley, Hays, John W. Hazelton, Hendee, Hereford, Hersey, E. Rockwood Hoar, George F. Hoar, Houghton, Hubbell, Hurlbut, Hyde, Hynes, Kellogg, Kendall, Lamison, Lamport, Lewis, Lofland, Loughridge, Lowndes, Luttrell, Martin, McCrary, James W. McDill, McLean, McNulta, Mitchell, Moore, Morey, Morrison, Nunn, O'Brien, O'Neill, Parsons, Pelham, Pendleton, Phelps, Thomas C. Platt, Potter, Rainey, Ransier, Rapier, Richmond, Robbins, William R. Roberts, James C. Robinson, Ross, Sawyer, John G. Schumaker, Henry J. Scudder, Shanks, Sheldon, Sloan, Sloss, George L. Smith, J. Ambler Smith, William A. Smith, Speer, Sprague, Stanard, Standiford, Stephens, St. John, Storm, Strait, Strawbridge, Sypher, Taylor, Todd, Tremain, Vance, Waldron, Wallace, Walls, White, Whitehouse, Charles G. Williams, William B. Williams, and Ephraim K. Wilson—112.

So the motion to adjourn was not agreed to.

The SPEAKER *pro tempore*, (Mr. CESSNA.) The question now recurs on the motion of the gentleman from Kentucky [Mr. BECK] that the House take a recess till ten o'clock to-morrow morning, on which motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 55, nays 121, not voting 112; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Begole, Bell, Berry, Blount, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Comingo, Cook, Cox, Crossland, Durham, Eldredge, Finck, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Magee, McLean, Milliken, Mills, Neal, Perry, Randall, Read, Milton Sayler, Southard, Stephens, Stone, Swann, Waddell, Wells, Whitehead, Whitthorne, Willie, Wolfe, Wood, and Pierce M. B. Young—55.

NAYS—Messrs. Albert, Barber, Barrere, Bass, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Corwin, Crounse, Crutchfield, Curtis, Danford, Dobbins, Donnan, Eames, Farwell, Field, Fort, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harrison, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, Hodges, Hooper, Hoskins, Houghton, Howe, Hunter, Kasson, Kelley, Killinger, Lawrence, Lawson, Loughridge, Lowe, Lynch, Maynard, Alexander S. McDill, MacDougall, McKee, Merriam, Monroe, Moore, Myers, Negley, Niles, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Pratt, Purman, Ray, Ellis H. Roberts, James W. Robinson, Rusk, Henry B. Sayler, Scofield, Isaac W. Scudder, Sener, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Starkweather, Stowell, Strawbridge, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—121.

NOT VOTING—Messrs. Albright, Archer, Averill, Barnum, Barry, Bland, Bowen, Buckner, Cannon, Freeman Clarke, Clymer, Clinton L. Cobb, Coburn, Conger, Cotton, Creamer, Crittenden, Crooke, Darrall, Davis, Dawes, DeWitt, Duell, Dunnell, Eden, Foster, Freeman, Giddings, Glover, Robert S. Hale, Harmer, Benjamin W. Harris, John B. Hawley, Hays, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hubbell, Hurlbut, Hyde, Hynes, Kellogg, Kendall, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Lowndes, Luttrell, Marshall, Martin, McCrary, James W. McDill, McNulta, Mitchell, Morey, Morrison, Nesmith, Niblack, Nunn, O'Brien, O'Neill, Orr, Parsons, Pelham, Pendleton, Phelps, Thomas C. Platt, Potter, Rainey, Ransier, Rapier, Richmond, Robbins, William R. Roberts, James C. Robinson, Ross, Sawyer, Schell, John G. Schumaker, Henry J. Scudder, Sessions, Sheldon, Sloan, Sloss, George L. Smith, William A. Smith, Speer, Sprague, Stanard, Standiford, St. John, Storm, Strait, Sypher, Taylor, Tremain, Vance, Waldron, Wallace, Walls, Wheeler, White, Whitehouse, Charles G. Williams, William B. Williams, Ephraim K. Wilson, and John D. Young—112.

So the motion of Mr. BECK for a recess till ten o'clock to-morrow morning was not agreed to.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to make a proposition, to see whether we cannot come to some understanding.

Mr. RANDALL. I do not think it is worth while for us to hear any proposition.

Several MEMBERS. O, let us hear it.

The SPEAKER *pro tempore*. The gentleman from Massachusetts asks unanimous consent to make a proposition. The Chair hears no objection.

Mr. BUTLER, of Massachusetts. My proposition is simply to fix the hearing of the civil-rights question for Tuesday next, immediately after the morning hour.

Mr. TOWNSEND. There is an assignment for that day.

Mr. RANDALL. Let me say that the gentleman from Massachusetts has leave, as the representative of the Judiciary Committee, to report at any time on this subject. He need not make these propositions.

Mr. ELDREDGE. What debate does the gentleman from Massachusetts propose to allow on the bill?

Mr. BUTLER, of Massachusetts. I will state it if you will allow me.

Mr. RANDALL. We do not wish to reach the bill at all.

Mr. BUTLER, of Massachusetts. It is by unanimous consent to fix this for Tuesday next after the morning hour, and to allow then such debate as will be satisfactory to the minority in view of the public business. I think this matter should be fully discussed. Then my proposition is to take the Senate bill from the table, amend it, offer the amendment of the Judiciary Committee which is on your tables, and which I suppose will be passed by the majority of the House if they can get to a vote. That will send the question back to the Senate precisely as it would if I report the House bill and that is sent to the Senate; although it is not quite courteous with a Senate bill upon our table to pass a House bill on the same subject and send it to the Senate.

Mr. RANDALL rose.

Mr. BUTLER, of Massachusetts. One word further.

Mr. RANDALL. I thought the gentleman had concluded.

Mr. BUTLER, of Massachusetts. Besides, the Senate bill would then remain upon the Speaker's table, provided I report the House bill, to stand in the way of all business upon the Speaker's table during the remainder of the session. So nothing is gained by the majority, so far as I understand it, in having the Senate bill amended and sent to the Senate. There is nothing gained; but there is a gain to the public business by getting the Senate bill out of the way. That being so, I propose to take that exact course, and give all the time any gentleman will say is reasonable and just and proper for the discussion of the bill.

Mr. ELDREDGE. I suppose there would have been no opposition to going to the Speaker's table if the gentleman from Massachusetts had not announced his purpose was to take up the civil-rights bill—to do precisely what he said now it was his purpose to do. It is not the object of this side of the House to delay important public business. It is well known what our feelings are in regard to the civil-rights bill. They are opposed to that, and it is that only which they are seeking to oppose by this course. If the gentleman had gone to the Speaker's table with an understanding the civil-rights bill should be laid aside, there would have been no objection, no opposition made to it, as I apprehend, although I am not authorized to speak for anybody but myself. However, I suppose such would be the result, that there would be no opposition to go to the business upon the Speaker's table with an understanding the civil-rights bill should not be taken up, but on the contrary should be laid aside. Besides, the gentleman must remember he announced his purpose to go there to take up the civil-rights bill and to do the very thing he now seeks, which is to take up the civil-rights bill for consideration.

Mr. BUTLER, of Massachusetts. What objection is there to that?

Mr. ELDREDGE. The objection is we are all opposed to that bill and entitled to use every parliamentary and legal means to defeat its passage. To that extent we purpose to go under any and all circumstances.

Mr. BUTLER, of Massachusetts. My purpose is to amend the bill.

Mr. ELDREDGE. But the gentleman does not propose to amend it to our satisfaction. His proposition does not meet our views.

Mr. GARFIELD. Does the gentleman mean the other side will resist by all means in their power the consideration of the civil-rights bill?

Mr. ELDREDGE. The gentleman understands very well what I mean.

Mr. GARFIELD. Does the gentleman mean to say they object to any consideration of the proposition?

Mr. ELDREDGE. I think, so far as I am able to understand the opinions of this side of the House, they feel it to be their duty to defeat, if possible, the passage of this civil-rights bill.

Mr. GARFIELD. To defeat what? To defeat the consideration of the subject? Does the gentleman mean that?

Mr. ELDREDGE. He does not.

Mr. GARFIELD. That is what we are coming to.

Mr. RANDALL. With this House consideration involves passage.

Mr. ELDREDGE. This is a proposition to take it up and pursue a certain course in regard to it.

Mr. GARFIELD. The purpose is to open it up for discussion—for full consideration.

Mr. BUTLER, of Massachusetts. And amendment.

Mr. GARFIELD. And amendment in this House; and do I understand the gentleman from Wisconsin to say the other side have resolved that the subject of the equal rights of American citizens shall not be discussed?

Mr. ELDREDGE. The gentleman could not have so understood me.

Mr. GARFIELD. Shall not be amended and voted on?

Mr. ELDREDGE. The gentleman could not have understood any such thing.

Mr. GARFIELD. How then am I to understand him?

Mr. ELDREDGE. What I endeavored to say was that this side of the House, as I understand their views, are opposed to the civil-rights bill, and feel it to be their duty to defeat its passage by all the means within their power. I did not say anything about defeating the rights of American citizens. The gentleman from Ohio drew upon his imagination for that.

Mr. GARFIELD. O, no! I said the gentleman ought to recognize this fact, that the proposition now before the House was to consider the subject open to amendment, open to debate, open to full action, and no man here is entitled to say what the bill is on which the House will be called upon to vote.

Mr. ELDREDGE. If I were to answer what the gentleman says in regard to our opposition to the rights of American citizens I should reply to him that we believe the civil-rights bill, in the form in which it is proposed by the gentleman from Massachusetts to be passed, is an injury to American citizens, both white and black, and that it would be the destruction of the black race.

Mr. GARFIELD. Does the gentleman know what that form is?

Mr. ELDREDGE. I think I do. I am somewhat familiar with the views of the gentleman from Massachusetts, having been with him on the Judiciary Committee, and I think I know his views on this subject better than the gentleman from Ohio does.

Mr. GARFIELD. I desire to say for one that I do not know what is proposed by the Committee on the Judiciary.

Mr. ELDREDGE. I do. In that respect I have the advantage of the gentleman from Ohio.

Mr. GARFIELD. Very well; but there are one hundred or perhaps two hundred members on this floor who do not know what proposition is to be offered in regard to this subject. But we do say that we claim it as the right of members of this House to consider a great subject and to act upon it in the way of debate and amendment. I understand, however, the gentlemen on the other side to say, at least practically, by their conduct, that that subject-matter shall not be by this Congress taken up for consideration at all.

Mr. ELDREDGE. The gentleman is drawing again upon his imagination.

Mr. GARFIELD. Why, then, does the gentleman resist the plain proposition to take this up for consideration?

Mr. ELDREDGE. The gentlemen on this side of the House, I think I can say without assuming too much, supposed that the gentleman from Massachusetts was capable of making his own proposition and managing this bill, being the chairman of the committee that had the subject under consideration, without the assistance of my friend from Ohio.

Mr. GARFIELD. But the gentleman from Massachusetts is not capable of obtaining legislation on the subject without the assistance of other gentlemen.

Mr. ELDREDGE. And as the gentleman from Ohio does not know anything about it, does not know what amendments are to be brought up, does not know what consideration has been given to it, it seems to me he ought to leave the matter in the able hands of the gentleman from Massachusetts.

Mr. GARFIELD. The gentleman from Wisconsin has full liberty, as I understand it, to offer whatever amendments he pleases to this bill. Now I cannot understand how he, or any other man here, has such foreknowledge that he can now say that all the various amendments which gentlemen may choose to propose to this bill are amendments which ought not to be considered, and that nobody ought to have the right to offer them. I have some very well-defined notions myself of what I would like to offer on a bill of this kind, but the gentleman says I shall have no opportunity, and no other man shall have the opportunity.

Mr. ELDREDGE. We want to have time to consider it. I think we had better sleep on it.

Mr. BUTLER, of Massachusetts. I think I must resume the floor. I desire to ask the gentlemen on the other side simply this: Whether they propose to filibuster against the report of the Committee on the Judiciary, that has been some three weeks now on the files of the House?

Mr. RANDALL. Sufficient unto the day is the evil thereof.

Mr. BUTLER, of Massachusetts. I understand the evil of to-day is that we are wasting the public time.

Mr. RANDALL. No, sir.

Mr. BUTLER, of Massachusetts. That is sufficient, I think.

Mr. RANDALL. I want to say a word on that point.

Mr. BUTLER, of Massachusetts. I yield to the gentleman.

Mr. RANDALL. I wish to say that no public business whatever is suffering by the proceeding this side of the House has adopted. Under the rules, at any time a majority of this House can suspend the rules and proceed to the public business. Now, in reference to the statement made by the gentleman from Massachusetts, that it was the same thing whether we passed the Senate bill, or took it up and amended it and then passed it—that doing that was the same thing as taking up the House bill from the Judiciary Committee, I am sure he knows enough of legislation and has observed enough in his long term of service to know that he is mistaken in that respect. It is a very different thing.

Mr. BUTLER, of Massachusetts. Why?

Mr. RANDALL. To take up the Senate bill and amend it increases the facility of its passage through Congress. The other way would require a more tedious proceeding, which we should prefer.

Mr. BUTLER, of Massachusetts. And we want to oppose that tedious proceeding. I ask my friends on the other side—and I want to have it distinctly understood—if they will agree to have the bill set down for consideration with the understanding, which shall be carried out so far as I have charge of it, that it shall be fully debated, that every proposition shall be fully debated, and that every amendment shall be voted upon that any man will say is offered in good faith, so that everybody shall have the right to put his views not only before the country in the shape of a speech, but to try and put before the House such views to incorporate in legislation as the House will adopt.

Mr. RANDALL. Then stick to your House bill.

Mr. BECK. Allow me to say a word. I desire to speak not for this side of the House, for I have no right to speak for it, but so far as I am concerned I desire to say, and to say it in the hearing of the gentleman from Ohio, [Mr. GARFIELD,] the chairman of the Committee on Appropriations, that I believe all upon this side of the House are entirely willing to go on with the appropriation bills; we have thirteen of them still undisposed of.

Mr. GARFIELD. The Committee on Appropriations moved to go into Committee of the Whole to-day.

Mr. BECK. And we voted with you.

Mr. GARFIELD. But the gentleman rose and objected to going on with the bill that was pending because certain Bureau reports were not before us, and upon his own objection, made very strenuously, the member of the Committee on Appropriations having charge of the bill did not press it, because gentlemen on the other side were unwilling to go on without those reports.

Mr. BECK. Allow me to say that that is not a true statement of the facts. I voted to go into Committee of the Whole on the state of the Union in good faith; and, expecting to make objection to some features of the bill, I went to the document-room to see if the necessary documents were there. I found that those documents were not there after we had gone into Committee of the Whole; and when I found that fact I had a right to insist on a postponement of action on the bill. I only called attention to the fact that we were doing with the Army bill what we did with the Navy bill before the holidays—putting it through without the reports from the Bureaus. But there are eight or nine other bills with which we could go on. The Committee on Appropriations was here for weeks—for more than a month—before Congress met preparing those bills; and doing it, I believe, without much opposition from this side of the House. We have never asked for general debate. We have thrown no obstacle in the way of your finance bill or the other regular business. We will endeavor to aid you faithfully in passing all necessary legislation; but I will say further that whatever means I have of defeating the civil-rights bill I shall endeavor to use to defeat that bill; and I do not intend to consent to go to the Speaker's table to give it any advantage if I know how to prevent it. I think I have a right to do that. It is leaving all the legitimate business of the session—the finance, the appropriation bills, and all private claims—to throw in a firebrand here, and we are going to resist it if we can.

Mr. BUTLER, of Massachusetts. I am one of those who believe that there is other public business for Congress to do in the present exigencies of the country except passing appropriation bills to take money out of the Treasury in the shape of public or private claims. I think the question of settling the rights of citizens of this country is as high a one as the getting a little more or less money in an appropriation bill. I do not understand what gentlemen mean when they say that we are leaving the public business. It is the public business of Congress to settle the great questions which are before the country, and this is one of them which all men here and elsewhere recognize the importance of and upon which we differ. And now the only

proposition before the House is whether the other side of the House will let us consider any proposition of public business that they do not want passed.

Mr. NIBLACK. Allow me a word. The House has given to the Committee on the Judiciary the right to report this measure at any time. Now, then, as there seems to be some difference, why do not the Committee on the Judiciary make that report which the House has authorized them to make?

Mr. BUTLER, of Massachusetts. Let me answer my friend from Indiana. The gentleman from Pennsylvania [Mr. RANDALL] has answered him in this, that he says that by reporting the House bill it would be a more tedious course of legislation. Now, to avoid this more tedious course of legislation and get at the same thing, I am trying to bring this bill before the House.

Mr. NIBLACK. Why does not the gentleman from Massachusetts ask to have the Senate bill referred to the Judiciary Committee, and then, at some time when it suits his convenience, report it back with such amendments as the committee may deem advisable?

Mr. BUTLER, of Massachusetts. Let us understand. I only want practical matters. If I bring forward the report of the Judiciary Committee, will the other side of the House filibuster on it?

Mr. RANDALL. O, we cannot answer that.

Mr. BUTLER, of Massachusetts. Will gentlemen on the other side filibuster on the report of the Committee on the Judiciary and the amendments thereto which they may offer to the House?

Mr. RANDALL. We are not going to commit ourselves to any hypothetical condition of things.

Mr. BUTLER, of Massachusetts. I can state to the gentleman exactly what it is that the committee propose to report.

Mr. ARCHER. Is it the Senate bill?

Mr. BUTLER, of Massachusetts. No, sir; it is not.

Mr. ELDREDGE. I think I can answer the gentleman. His first question is that it is a simple question whether this side of the House will allow the majority to consider this great subject of civil rights. Now, the gentleman from Massachusetts knows as well as I know, and as well as every other member upon the floor of this House knows, that this side of the House is entirely impotent to prevent just such action as the other side have the right to take under the rules provided for the House. But we, as a minority, have the right to avail ourselves of those rules to the utmost extent, and beyond that we do not propose to go.

Mr. BUTLER, of Massachusetts. You cannot go beyond that.

Mr. ELDREDGE. We propose to go just as far as we can under the rules that govern this body in defeating that bill; beyond that we do not propose to go.

Mr. BUTLER, of Massachusetts. Because you cannot.

Mr. ELDREDGE. Now, the gentlemen asks us whether we will promise him that we will not filibuster upon the proposition which may come from the Committee on the Judiciary. Does the gentleman suppose that we are going to put our necks into a halter which he is to prepare for us before we know how strong the strands are, or whether we can get out or not? He certainly is too shrewd to expect us to do that.

Mr. BUTLER, of Massachusetts. Let us deal with this matter fairly and justly. We are now engaged in a filibustering performance against the Senate civil-rights bill. If the Senate bill is the objective point, I will try to remedy that. But if any civil-rights bill is the objective point, if the consideration of a civil-rights bill in any form is the objective point, under the rules which will allow the minority to make it a mere question of endurance, then we might as well fight it out now as at any time. If the minority have the power to prevent us from considering a civil-rights bill, it is of no consequence what kind of a civil-rights bill we fight over; it may as well be one as another.

Mr. ELDREDGE. The gentleman's proposition went a good deal further. We have shown him by our actions what we propose to do upon his proposition of to-day. We have shown him that we are to some extent disposed to antagonize his proposition of to-day. But he now asks us if this bill is sent to the Committee on the Judiciary, and that committee shall consider it with the gentleman from Massachusetts at its head, with all the ideas he has upon the subject of civil rights, and the bill shall come back ultimately to the House, whether we will promise him that we will not filibuster against it.

Mr. BUTLER, of Massachusetts. No, sir; that was not the question I asked. It was if we send the Senate bill to the Committee on the Judiciary, and I should report the bill which is already on your tables, with the privilege of amending it, whether that bill will be filibustered against. That is the question. I do not propose to do anything by indirection.

Mr. COX. Allow me one word. I never knew any great advantage to be obtained by filibustering in this House during a somewhat long term of service here. The gentleman from Massachusetts [Mr. BUTLER] seems to argue this matter to us somewhat as to the importance and dignity of legislation as to which subject shall first be considered by us. Now, so far as I am concerned, I voted to proceed to the consideration of the Army appropriation bill in Committee of the Whole. But the gentleman from Massachusetts would set aside all the appropriation bills for the purpose of getting at a mere abstract question, as I hold this civil-rights bill to be, connected with social life. Yet we know that this very day the bayonets of the United States are throttling the sovereign State of Louisiana. That, sir, is to-day the most important question for the consideration of Congress; yet we here seem to be utterly indifferent to it. If you want practical legislation, if you want business done, if you do not want a volcano, a new civil war, then drag off your bayonets from Louisiana, and do something practical. Your civil-rights bill, if you pass it, will only bring on trouble. For one I will not help the Judiciary Committee that failed to report on Louisiana to get forward with any other business. Let them bring up Louisiana and settle that matter properly and give peace to the South, and the civil rights of the nation, North and South, will be better cared for.

Mr. BUTLER, of Massachusetts. A single word right here. I am as anxious to get at Louisiana as any man on earth. But we have sent a committee to Louisiana to ascertain and report to us the facts. And while that committee is out, while that committee is getting information, I do not propose to undertake to attack or to defend anybody upon that matter.

Mr. RANDALL. Why does not your President do it?

Mr. COX. And let me say——

Mr. BUTLER, of Massachusetts. Pardon me; I heard you, now hear me. I do not propose to make any attack or defense simply upon the lying telegrams of the Associated Press, or upon the report of anybody except the report of our own committee. And when that report comes in, I will stay here night and day until peace is given to Louisiana. I did it once, and I would be glad to do it again.

Mr. RANDALL. How did you do it?

Mr. COX. He did not do it so as to make it permanent. And if he did anything well then, he has overturned it by what he has done since.

Mr. GARFIELD. They said years ago that it we would take our troops away from Fort Sumter we would have peace.

Mr. RANDALL. The gentleman from Massachusetts states to-day that he proposes to wait until a committee appointed and sent to Louisiana to make investigation into the affairs of that State shall have reported before he is ready to act upon that matter. I want to know whether the President did not give this Congress an assurance in his last annual message that we might expect he would not act unless there was a failure on the part of Congress to act. Now, I maintain that in obedience to his suggestion in his message we have in good faith sent a committee to Louisiana to investigate and report to Congress the facts in regard to the condition of affairs in that State. I want to know now from the gentleman whether, in such a condition of things as I have stated, he justifies the interference of the military power in that State, and the throwing out of men, duly elected, from the legislative halls of the State by the bayonet?

Mr. BUTLER, of Massachusetts. I can answer the gentleman. I do not justify the throwing out of men duly elected from the halls of that Legislature; but I do justify throwing out intruders who had no shadow of claim by law, so that they should not come in and vote themselves into a Legislature to make laws for the people who would not elect them. We cannot guarantee a republican form of government if intruders are allowed to come into the halls of legislation in that way.

Mr. COX. You are prejudging the question.

Mr. BUTLER, of Massachusetts. No, sir; pardon me. My friend [Mr. RANDALL] spoke of men "duly elected."

Mr. RANDALL. Certainly, I said so.

Mr. BUTLER, of Massachusetts. I say they were not "duly elected." There is the difference.

Mr. RANDALL. I do not want the bayonet used till the facts are ascertained.

Mr. WADDELL. Mr. Speaker, is this debate proceeding by unanimous consent?

The SPEAKER. It is.

Mr. WADDELL. Then I object.

The SPEAKER. The gentleman from North Carolina objects to this debate proceeding further. The question is on the motion to take a recess for one hour.

Mr. SCOFIELD. Is a motion to adjourn in order now?

The SPEAKER. It is.

Several MEMBERS. Let us not adjourn.

Mr. BUTLER, of Massachusetts. Allow me a single word. I see no use in spending time filibustering at unseasonable hours, when it can be done just as well to-morrow. We have now spent a full day. I propose that we now adjourn.

Several MEMBERS. No, no!

Mr. BUTLER, of Massachusetts. Let us adjourn now, and to-morrow morning we can begin again. I move to adjourn.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 381) to create an additional land district in the State of Oregon, to be called the Dalles land district;

An act (S. No. 433) for the relief of Mrs. Susan A. Shelby; and

An act (S. No. 650) explanatory of the resolution entitled "A resolution for the relief of settlers upon the absentee Shawnee lands in Kansas," approved April 7, 1869.

ORDER OF BUSINESS.

The question being put on the motion of Mr. BUTLER, of Massachusetts, that the House now adjourn, the Speaker declared that the ayes appeared to prevail.

Mr. HARRIS, of Massachusetts, called for the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ASHE: Resolutions of the Legislature of North Carolina, in regard to removal of obstructions from Neuse River, to the Committee on Commerce.

Also, resolutions of the Legislature of North Carolina, in relation to the harbor of Edenton, North Carolina, to the Committee on Commerce.

Also, resolutions of the Legislature of North Carolina, in relation to the Freedman's Savings-Bank, to the Committee on Banking and Currency.

By Mr. BANNING: The petition of Caroline Sheward, for a pension, to the Committee on Invalid Pensions.

By Mr. BUNDY: The petitions of Ralph Leete and 102 others, of George Peters and 121 others, and of M. W. King and 66 others, of Lawrence County, Ohio, praying Congress at its present session to provide for an increase of United States legal-tender notes commensurate with the demands of the business interests of the country, and to provide for a uniform rate of interest not exceeding 5 per cent. per annum, to the Committee on Banking and Currency.

By Mr. BUTLER, of Massachusetts: Memorial of the Southern Maryland Railroad Company, praying Congress to authorize the authorities of the District of Columbia to divert to the Southern Maryland Railroad Company the amount of subscription authorized and directed to be made to the Piedmont and Potomac Railroad by an act of the Legislature of the District of Columbia approved August 19, 1872, and ratified and confirmed by act of Congress approved May 23, 1873, to the Committee on the District of Columbia.

Also, petitions of publishers in the United States, for a trial in the Government Printing Office of Orren L. Brown's patent machine for setting and distributing type, to the Committee on Printing.

Also, the petition of Frank J. Adams, of Oakland, California, that land warrants be granted disabled soldiers in place of homesteads, to the Committee on Military Affairs.

By Mr. BUTLER, of Tennessee: A paper for the establishment of a post-route in the State of Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. COX: Memorial of Kate Louise Cushing, widow of Commander W. B. Cushing, for a naval pension, to the Committee on Naval Affairs.

By Mr. DANFORD: The petition of J. M. Dalzell, for legislation to provide free transportation and subsistence for soldiers in the late war to the centennial celebration at Philadelphia in 1876, to the Select Committee on the Centennial Celebration.

By Mr. FARWELL: Papers relating to the claim of Mrs. Eliza Potter for relief, to the Committee on War Claims.

By Mr. FINCK: The petition of J. R. Teagarden and others, for a post-route from South Bloomfield, via Saint Paul, to Marcy, in Pickaway County, Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. FRYE: The petition of Betsey M. Murray, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mary J. Blood, widow of Emery A. Blood, that a pension be granted her children, to the Committee on Invalid Pensions.

By Mr. GOOCH: The petition of Elizabeth Williams, for a pension, to the Committee on Invalid Pensions.

By Mr. GUNCKEL: Petitions of James Riley, John Hamilton, John McCabe, Philip Lavassuer, and Dicy Fyke, for pensions, severally, to the Committee on Invalid Pensions.

By Mr. HAGANS: The petition of Mrs. D. W. Wallingford, to be compensated for property taken by the United States Army, to the Committee on War Claims.

By Mr. HODGES: The petition of Alison Nailor, for relief, to the Committee on War Claims.

By Mr. HOUGHTON: The petition of the heirs and legal representatives of José and Pablo Apis, for relief, to the Committee on the Judiciary.

Mr. HUNTON: The petition of bondholders of the Northern Pacific Railroad, for indemnity, to the Committee on the Pacific Railroad.

By Mr. KELLEY: The petition of Brevet Brigadier-General C. A. Finley, late Surgeon-General United States Army, to be allowed the rank and pay of a colonel of twenty years' service to date from the 1st of July, 1870, to the Committee on Military Affairs.

Also, the remonstrance of dealers in manufactured tobacco in Philadelphia, against the passage of the bill allowing producers of tobacco to sell leaf-tobacco to consumers, to the Committee on Ways and Means.

By Mr. LAWRENCE: The petition of J. M. Dalzell, of Caldwell, Ohio, and others, that provision be made for the free transportation and subsistence of all soldiers and sailors of all American wars on the occasion of the centennial celebration at Philadelphia in 1876, to the Select Committee on the Centennial Celebration.

By Mr. LOUGHRIDGE: Several petitions of citizens of Monroe and Davis Counties, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. LOWE: Papers relating to the claims of Pottawatomie Indians, citizens of the United States, to the Committee on Indian Affairs.

Also, the petition of John A. Tiffany and others, for relief, to the Committee on Indian Affairs.

By Mr. McKEE: The petition of citizens of Lauderdale County, Mississippi, for refunding of the cotton tax, to the Committee on Ways and Means.

By Mr. MILLS: Petitions of citizens of Texas, for refunding the cotton tax, to the Committee on Ways and Means.

By Mr. NESMITH: Petitions of citizens of Oregon for the establishment of a post-route from Winnemucca, in the State of Nevada, via Black Buttes, to Salem, in the State of Oregon, to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Board Trade of Portland, Oregon, in favor of the construction of railroads to connect the railroads of Oregon with other railroads of the United States, to the Committee on Railways and Canals.

By Mr. ELLIS H. ROBERTS: The petition of B. H. Wright, of Rome, New York, in relation to early resumption of specie payments, to the Committee on Banking and Currency.

By Mr. RUSK: The petition of Harry E. Eastman, for relief, to the Committee on War Claims.

By Mr. SMITH, of Pennsylvania: Memorial of the State Society of the Cincinnati of Pennsylvania, in regard to compensation for services of revolutionary officers, to the Committee on War Claims.

By Mr. SMITH, of Ohio: The petition of Benjamin D. Lakin, of Clermont County, Ohio, for relief, to the Committee on War Claims.

By Mr. SMITH, of Virginia: The petition of William B. Derrick and 3,000 colored citizens of Richmond, Virginia, for legislation to relieve depositors in the branch of the Freedman's Savings Bank, located at Richmond, to the Committee on Banking and Currency.

By Mr. THORNBURGH: The petition of Mary D. Williams, widow of William M. Williams, late private Second Tennessee Infantry, for a pension, to the Committee on Invalid Pensions.

Also, the petition of William K. Griffith, guardian of minor children of John Morgan, late private First Tennessee Infantry, for relief, to the Committee on Military Affairs.

Also, the petition of Thomas F. Carter, to be compensated for services rendered the Federal Army, to the Committee on Military Affairs.

By Mr. WHITEHEAD: The petition of Eliza J. White, of Rockbridge County, Virginia, for relief, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *January* 6, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceeding was read and approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the Speaker had signed the following enrolled bills; which were thereupon signed by the Vice-President:

A bill (S. No. 381) to create an additional land district in the State of Oregon, to be called the Dalles land district;

A bill (S. No. 433) for the relief of Mrs. Susan A. Shelby; and

A bill (S. No. 650) explanatory of the resolution entitled "A resolution for the relief of settlers upon the absentee Shawnee lands in Kansas," approved April 7, 1869.

HOUSE BILL REFERRED.

The bill (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona was read twice by its title, and referred to the Committee on Public Lands.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of War, recommending an appropriation for the employment of two draughtsmen in the office of the Quartermaster-General; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, transmitting a report of General E. O. C. Ord in relation to the sufferers from the grasshopper plague; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Secretary of War, transmitting a communication from Major-General J. M. Schofield

respecting the repeal of the law which forbids promotion in the staff of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, recommending an amendment to the pending legislative, executive, and judicial appropriation bill, so as to authorize the retention of thirteen enlisted men in the Ordnance Bureau; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, recommending an appropriation for the purchase of land required for the improvement of the Fox and Wisconsin Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of the Treasury, transmitting the report of the Superintendent of the Coast Survey for the year 1874; which was referred to the Committee on Printing.

He also laid before the Senate the annual report of the Congressional Printer, showing the condition of the public printing, binding, &c., for the year 1874; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented five petitions of citizens of Nevada, praying the passage of the bill (H. R. No. 3281) amending an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, so that certain lands provided for in it may be duly assessed and taxed as other lands; which were ordered to lie on the table.

He also presented resolutions of the Board of Trade of Portland, Oregon, urging upon the Senators and Representatives from that State to use their influence while the reciprocity treaty with the Hawaiian Kingdom is being negotiated to allow no discrimination of duty between the higher and lower grades of Hawaiian sugars, and that all sugars from that kingdom be imported free of duty into the United States; which were referred to the Committee on Finance.

He also presented a petition of citizens of Wisconsin, praying an appropriation for the improvement of the Fox and Wisconsin Rivers; which was referred to the Select Committee on Transportation Routes to the Sea-board.

Mr. PATTERSON presented a resolution of the General Assembly of South Carolina, relative to the deposits made in the Freedman's Savings Bank; which was referred to the Committee on Finance.

Mr. SARGENT presented a memorial of the Legislative Assembly of Idaho Territory, in reference to the United States assay office at Boise City, giving reasons why an appropriation should be made to continue in operation that assay office; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WADLEIGH presented the petition of Marie Louise Perrin and Troutmann Perrin, praying compensation for destruction of their property by the bombardment of Greytown, Central America, by the United States sloop of war Cyane; which was referred to the Committee on Claims.

Mr. MERRIMON presented a resolution of the Legislature of North Carolina, in favor of a refund of the tax levied and collected on spirits of turpentine after the late war; which was referred to the Committee on Finance.

He also presented a resolution of the Legislature of North Carolina, in favor of an appropriation for the improvement of the harbor of Edenton, North Carolina; which was referred to the Committee on Commerce.

He also presented a resolution of the Legislature of North Carolina, in favor of an appropriation to remove the obstructions to navigation in the Neuse River, below the city of New Berne, in that State; which was referred to the Committee on Commerce.

He also presented a resolution of the Legislature of North Carolina, concerning the Freedman's Saving and Trust Company; which was referred to the Committee on Finance.

Mr. CRAGIN presented the petition of Benjamin Fellows, of Hanover, New Hampshire, a soldier in the war of 1812, praying to be allowed a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2156) granting a pension to Nathan A. Winters, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 888) directing the name of James Brown, of Oregon, to be placed on the pension-rolls and granting him a pension, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3689) granting a pension to Bernard Sailer, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3728) granting a pension to Abby A. Dike, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT. The Committee on Claims, to whom was referred the bill (H. R. No. 3181) for the relief of Mrs. Mary A. Thayer, have had the same under consideration, and instructed me to report it back and recommend its indefinite postponement. At the request of the Senator from New York farthest from me [Mr. CONKLING] I ask that the bill may go on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WADLEIGH. The Committee on Patents, to whom was referred the bill (H. R. No. 3170) for the relief of John W. Marsh, made a report in favor of the bill at the last session which by some mistake was not ordered then to be printed. I move now that the report be printed.

The motion was agreed to.

GOVERNMENT OF THE DISTRICT.

Mr. SARGENT submitted an amendment intended to be proposed by him to the bill (S. No. 963) for the better government of the District of Columbia; which was ordered to lie on the table and be printed.

BILLS INTRODUCED.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1086) to regulate promotions in the staff of the Marine Corps; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1087) to fix and reduce the Pay Department of the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1088) for the relief of D. S. Miller and G. W. Riley; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1089) to amend an act entitled "An act granting a pension to Martha E. Orrick, Mary J. Orrick, and John J. Orrick, minor children of John C. Orrick, deceased;" which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1090) for the relief of A. W. Greely, Fifth Cavalry, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1091) to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

VOLUNTEERS IN PURSUIT OF JOHN MORGAN.

Mr. PRATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the propriety of reporting a bill extending the benefit of the pension laws to such of the volunteer forces concerned in the pursuit and capture of General John Morgan and his men, on their raid through the States of Indiana and Ohio in 1863, as were disabled in consequence of wounds or injuries received in the line of duty while engaged in that service under the calls of the governors of those States, and to the widows and dependent relatives of such as died in consequence of disabilities incurred in the same service.

LAND ENTRIES.

Mr. HARVEY. If there be no further morning business, I move that the Senate proceed to the consideration of the bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

Mr. WEST. I rise to inquire whether the proposition of the Senator from Kansas will exclude the further consideration of the resolution that was under discussion yesterday, as I understand that to be the unfinished business?

Mr. EDMUNDS. That will come up at one o'clock.

The VICE-PRESIDENT. The Chair understands that the Senator from Kansas moves to take up the bill named by him during the morning hour. When the morning hour expires, the unfinished business of yesterday will come up.

Mr. WEST. The resolution of the Senator from Ohio [Mr. THURMAN] will come up at one o'clock, then?

The VICE-PRESIDENT. Yes, sir. The question is on the motion of the Senator from Kansas.

Mr. SARGENT. That bill, I am informed, the Senator from Nevada, [Mr. STEWART,] who is expected every day, who was on the Committee on Public Lands when it was there considered, desires to be heard upon. If the Senator from Kansas only desires to make some remarks on the bill and to take it up in the morning hour for that purpose, I have no objection; but I do not wish that the bill shall be taken up for passage until the Senator to whom I have referred has an opportunity to state his objections or propose his amendment to the bill.

Mr. HARVEY. I have no desire to discuss the bill unless it becomes necessary in explanation of some of its provisions. I desire to have it taken up this morning so that some progress can be made toward its passage. I have made several efforts to have it taken up, but it

has been laid aside because of the absence of certain Senators who expressed a desire to discuss it. My impression is that some of those Senators are present this morning, and I should like to have the bill read and proceeded with so far as possible, in order that we may see what objections, if any, appear to it.

Mr. SARGENT. I have no objection to a discussion of the bill.

Mr. WRIGHT. I trust my friend, the Senator from California, will not interpose further objection to the consideration of this. It is important that we make some progress in it at all events, and if possible dispose of it this morning. If it shall strike the Senate that there be no fair objections to the bill, it might be disposed of this morning.

Mr. SARGENT. I do not know the nature of the objections the Senator from Nevada would urge to the bill, but by special request I desire that he shall have an opportunity to be heard on the bill. I understand that he will be here in a very short time.

Mr. WRIGHT. I will state in explanation that there are many cases pending in my own State in the courts, and it is important to know whether we are to have this legislation or not, in view of such litigation. I hope, therefore, the bill will be taken up and progressed with as far as possible this morning, and that if there be no fair objection to the bill we may have a vote upon it.

Mr. SARGENT. I have no objection to a discussion of the bill, but I do not want it disposed of to-day in the morning hour.

The VICE-PRESIDENT. The question is on the motion to take up the bill.

The motion was agreed to, and the bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants, in cases where the entries have been made under the regulations of the Land Department, was considered as in Committee of the Whole.

The first section confirms all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith upon tracts of land with n the limits of any land grant prior to the time when notice of the withdrawal of the lands embraced in the grant was received at the local land office of the district in which such lands are situated or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, and patents for the same are to issue to the parties entitled thereto.

According to the second section, when at the time of such withdrawal valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, or who shall make the proper proofs required under such laws, such entries are to be deemed valid, and patents to issue therefor to the person entitled thereto.

Section 3 provides all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant, at a time subsequent to expiration of such grant or when the grantee was in default in the performance of any of the conditions imposed by such grant, shall be deemed valid and a compliance with the laws, and the making of the proof required shall entitle the holder of such claim to a patent therefor.

The VICE-PRESIDENT. The bill was reported by the Committee on Public Lands with amendments.

Mr. FENTON. Is this bill before the Senate now?

The VICE-PRESIDENT. The bill is before the Senate, having been taken up by a vote.

Mr. FENTON. I did not listen very attentively to the reading of the bill. I should be glad to examine it. If the Senator having charge of it will allow it to lie aside until another morning, I will examine it in the mean time.

Mr. HARVEY. In answer to the Senator from New York, I would state that the bill has been laid aside a number of times. It was reported last June and has been on the desks of Senators since that time.

Mr. SHERMAN. If my friend from Kansas will allow me, I would like him to explain to us the scope and purpose of the bill. It seems to be a very important bill, and must affect a great multitude of cases. I think he will expedite the matter if he will explain the general scope and purpose of the bill. I only know it by hearing it read. I wish also he would speak louder. We cannot hear him.

Mr. HARVEY. On account of a severe cold, I am unable to speak as loudly as I might otherwise do; but I can state in a few words the general scope and object of this bill. It provides that homestead and pre-emption settlers upon the public lands who have complied strictly with the law and the rules and regulations of the Department at the time when their settlements were made and their proof completed shall be entitled to their patents. It has simply this scope and no more. I do not think there can be any well-founded objection urged to the bill; and until I hear some objection urged, I have no disposition to take up the time of the Senate in discussing it.

Mr. SHERMAN. The proposition of the Senator seemed to me so plain that I wanted to know who contested it. Where a pre-emption or homestead entry has been formally and regularly made before any grant by an act of Congress, how could that homestead or pre-emption claim be defeated by any subsequent act? I cannot imagine how the difficulty could arise, and therefore I want to know from the Senator what gives rise to this difficulty.

Mr. HARVEY. There has been an opinion entertained by some few persons that a homestead or pre-emption claim which had been taken when there was no question about the propriety of taking such a claim, prior to the receipt at the local land office of the notice of withdrawal of the lands for a railroad grant, would not be valid. The person making the entry received a formal and lawful certificate, and yet the opinion was advanced later that persons having made such entries in pursuance of the laws of the United States might have their entries defeated by the claim that the right of the railroad company under the grant made to it attaching not from the time of the receipt of the notice of withdrawal of the lands for the grant, but from the time of the passage of a resolution by the board of directors of the railway company at a time when neither the settler who had made the entry in good faith and received his formal certificate of the fact nor the officials of the local land office had any notice or could in any way have known that there could be any adverse claim to the land.

This bill, as I stated in the beginning, simply provides that where a settler under any of these laws has complied fully with the laws and with the regulations of the Land Department at that time, his right and title to his home shall not be defeated by any other construction.

If Senators will examine the bill, they will see that it needs no explanation, it is so evidently just in its nature.

Mr. BOUTWELL. Will the Senator state whether or not this bill in the first section changes the law in regard to settlers' rights when they locate upon lands that have been granted to railroad companies or to other companies for internal improvements? Does it not change the law, and is it not retroactive in its operation?

Mr. HARVEY. No, sir. My understanding is that this bill does not change the law and is not retroactive in its operation, but that it prevents a retroactive ruling or new construction which has been placed upon the law from defeating the rights which a settler had acquired under the law. That is my understanding of it, and I think an examination of the bill will satisfy Senators that it is correct.

Mr. BOUTWELL. Let me ask further whether the construction of the Department in regard to the law has not been this: that when the order was issued from the Department withdrawing lands from pre-emption and sale that order took effect immediately? I ask if this section does not change the construction of the Department, whether the construction is right or not as a legal proposition, so that settlers who went upon lands after the order was issued and before notice of the issuance of the order was received at the local office will hold their lands? Does it not change the construction of the Department so as to give title to the occupant of lands whose title would not be recognized by the Department on the construction now given to the law?

Mr. HARVEY. My understanding is that the original construction of the Department was that the right of a company or corporation to whom a grant had been made could only attach, as against an actual settler, at such time as the officers charged by the law with the issuance of evidence of settlement received notice of the order of withdrawal. The construction was that the land was only withdrawn from the action of the homestead and pre-emption laws when these officers charged with the duty of issuing the original evidence of title to the settler had notification of it. That is my understanding of the history of the questions arising under these land grants. This bill is an attempt to defeat the effect of later retroactive rulings of the Department which have been based upon the assumption, not that the withdrawal took place at the time that the Department first made the order, but that it took place on the passage of a resolution by the board of directors of a corporation having received the grant, even before the General Land Office or the local land officers had any notice of it.

Mr. HOWE. I should like to ask the Senator a question for information. Is the question raised by this first section a question which the Legislature can control at all? Is it not a question for judicial determination rather than for legislative determination?

Mr. HARVEY. In answer to the Senator from Wisconsin, I will state that I apprehend that it is a question for legislative action, for the reason that the persons having rights under the homestead and pre-emption laws, if their certificates of entry are canceled, cannot go into court.

Mr. HOWE. Is the Senator quite sure of that? If, under the pre-emption and homestead laws as they stand, A does what entitles him to a pre-emption or a homestead right, is there discretion in the Department to refuse to recognize that right? Will not the judicial department enforce that right?

Mr. HARVEY. I would ask the Senator how the pre-emption or homestead settler, whose certificate is canceled by departmental action, can get into court? Where is his evidence of title? I will cite him to an instance not directly under the operation of the homestead or pre-emption laws, but a law similar in its provisions, the law which provided for the sale of the Osage ceded lands in Kansas. It provided that only actual settlers could become purchasers, and

required a settlement and improvement as preliminary, it being very much like the pre-emption law in that respect. A great number of settlers being affected exactly alike by a certain ruling of the Department, having their certificates canceled, had no means by which they could get into court, and it became necessary for my predecessor here and my colleague by application to the Department of Justice to secure by their intervention a method by which these settlers could go into court and plead their rights there; and so far as the United States district courts are concerned for that locality, they have been successful. But I call attention to the fact that it required an extraordinary intervention in order to procure this relief. Throughout all the land States and Territories where the pre-emption and homestead laws are in force, where so many land-grants have been made to railroads, if the settlers have their certificates of pre-emption or homestead entry canceled, there is no way with which I am acquainted by which they can bring their case before the courts. The aim of this bill is simply that such settlers may not be defeated in their rights, but that they may have the patents issued to them which the Government by its general laws promised they should have upon compliance with its requirements.

This I think is a matter of simple justice to those people. I cannot see how the Senate of the United States can hesitate to give them this relief at once. By giving the settler the muniment of title to which he has vindicated his right by compliance with the law and by furnishing the proper proof, you only give him an equal right with the corporation claiming adversely. It is useless to claim that the legal or equitable rights of these corporations will be defeated by the passage of the bill, because if they have really legal and equitable rights adverse to those of the settlers, those rights can be pleaded under the law making the grant. Further, the passage of this bill is not a finality. The issuance of a patent even, if it has been given improperly, does not conclude the adverse claimant. It only places the settler and the corporation upon equal terms so far as regards admission to the courts of the country.

Mr. HOWE. If I do not embarrass my friend, I would like to suggest that I think that is entirely correct, that this law would not be a finality; that, in spite of this law, any party who conceived that he had a right prior to and better than the right of the pre-emption or the homestead claimant, would still be permitted to stand upon that right and go into the courts to vindicate it. The first objection that occurred to me to this bill was that it was a bill providing for endless litigation, or unlimited litigation; and if we attempt to do a thing which we are not permitted to do, to confer a right now which we have already conferred upon somebody else, we do not really benefit the new grantee, the homestead claimant, or the pre-emption claimant, if he is to be the party; we only insure him a lawsuit. And, now, would the Senator have any objection to letting this bill go to the Judiciary Committee, so that they may examine this section in connection with the existing statutes, for I am not familiar with them, either the laws granting homestead rights, or the laws making railway grants? Would he have any objections to letting these statutes be examined by the Judiciary Committee, and wait for a report of that committee upon the question whether we are now attempting to meddle with rights already vested under existing laws?

Mr. HARVEY. So far as I am concerned, I will say that I object most decidedly, and I think all the friends of this bill and of the pre-emption and homestead laws would object to having this bill referred to any other committee now. It was reported, as I stated in the beginning, last June. I made endeavors several times to have it taken up for consideration then. Those gentlemen who desired to discuss it were then aware of whatever objections might be urged against it, and then would have been the proper time to move its reference to the Judiciary Committee.

As to what my friend from Wisconsin says with reference to its simply insuring the settler a lawsuit, I will state that in my opinion it is sometimes an advantage even to be able to have your rights brought before a court for judicial determination. Without a bill like this, these settlers have no such right even.

Mr. SARGENT. If I do not embarrass the Senator, I should like to ask for an explanation of the second section. His remarks so far have applied to the first section; and, as I understand the rulings of the Land Office, the first section does not change the practice heretofore. I may be in error about that, but I have no particular exception to the first section. It seems to me, however, that the second section and then again the third section are liable to several constructions. I call attention to this language:

> That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and the rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries.

Mr. HARVEY. I will state to the Senator that my understanding is, and I think the Senator upon considering it fully will see that the meaning of that is, that these claims were abandoned, not the grants.

Mr. SARGENT. But it says "grants which afterward were abandoned." I think we need the services of the Judiciary Committee to put this in legal language.

Mr. HARVEY. The abandonment there has reference to the pre-emption or homestead claims. If he will read the section carefully, the Senator will see that it has reference not to the abandonment of a grant, but to the abandonment by the settler of the homestead or pre-emption claim.

Mr. SARGENT. If the Senator will examine that, he will see that it reads "within the limits of any such grants which afterward were abandoned." There is a chance for construction that the abandonment refers to the grants. Having, however, got over that verbal criticism, which might, perhaps, amount to a very great obstacle in the explanation of the bill hereafter, I should like to direct his attention to the body of the section, even if it bears the construction he puts upon it. It provides that where there was a valid pre-emption or homestead claim existing upon any land which was abandoned, which became entirely nugatory, of no benefit or advantage to the person who made the entry, without conferring any obligation on the United States—for that is what abandonment means—that abandoned homestead or pre-emption shall be made the method of giving some vitality to a pre-emption to be entered after the grant has been made and after the withdrawal was actually made and after the railroad company has built its road. So that something which is absolutely abandoned, which in law is as near death as can be expressed by any word in the English language, is to be rehabilitated, put upon its feet, and stamped into the Land Office for the purpose of giving respectability and countenance to something that is entirely subsequent to all its rights which have accrued to the company. If the construction he puts on the language is right, the inference I have drawn from the section is a necessary conclusion.

Mr. HARVEY. The Senator evidently misapprehends the intention of that section. It refers, I am well satisfied, to pre-emption or homestead claims which had been abandoned by settlers; and under the rulings of the Department at that time the land, having been abandoned, reverted to the Government. There was a claim that it reverted to the railroad company upon abandonment by the settlers; but the Land Department decided that instead of reverting to the railroad company it reverted to the Government and became again public land of the United States, subject to either homestead or pre-emption entry. Such being the ruling at that time, other settlers in good faith took those claims which had been abandoned by former settlers and complied with the law and rulings, and made the proper proof; and now we ask that patents be issued to them.

Mr. SARGENT. Does the Senator say that that is the ruling of the Land Office now?

Mr. HARVEY. I say that was the ruling at the time to which this section refers.

Mr. SARGENT. But that ruling has since been changed.

Mr. HARVEY. There have been, as the Senate no doubt knows, at different times different rulings, conflicting rulings; and the scope of this bill, and the whole scope of it if he will examine it, is simply to provide that those who at the time their settlements were made and their proof filed complied with the law and regulations then in force, shall be entitled to their patents.

Mr. SARGENT. This is now the ruling of the Land Office or it is not. If it is not the ruling of the Land Office, as the Senator says, it is because on reconsideration they have overruled a former ruling. The former ruling, it occurred to me, without much examination of this bill and of the case, would seem to have been right; that is to say, where a thing had been actually abandoned it could not afterward be set up as evidence of something which had no existence; and therefore the ruling of the Land Office would seem to have been correct. If, however, the Land Office now holds that it is a fair construction of all the laws of Congress that an old abandoned claim, which is dead, may be set up to create life in something else, then the section is entirely unnecessary.

Mr. HARVEY. The Senator certainly does not understand that this section attempts to revive an abandoned claim.

Mr. SARGENT. I understand it to make it a condition of the privilege granted to the subsequent possessor that there shall have been a former one abandoned; otherwise I see no necessity of mentioning that abandonment at all.

Mr. HARVEY. It is simply this, that it provides for cases where a grant was made originally, and at the time the grant was made these claims which have since been abandoned were then occupied by settlers who abandoned them afterward.

Mr. WRIGHT. Will the Senator from Kansas allow me to say a word in explanation of this section and also of the other section?

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. HARVEY. Yes, sir.

Mr. WRIGHT. As I understand, the main object of this bill is not to give to the settler any right that he has in fact, or in equity, beyond what he now has; but to so provide by law as that he shall have some evidence of that right, for the reason that, as the law stands now, under the constructions given to the different railroad grants at the Interior Department, the railroad companies take title either by the patent issued to the companies or under and by virtue of the terms of the law, according to the construction that is given; and they thus have a patent, or that which amounts to a title in fee, or an evidence from the Government of the United States that they are entitled to these lands. They go into court as the law stands now, and having thus this superior evidence of title, and the homesteader or pre-

emptor having no such evidence, as a matter of course he has no standing in court. Now, in view of this condition of things, this bill provides for three classes of cases——

Mr. BOUTWELL. Do I understand the Senator to say that a standing in court cannot be based upon a certificate of entry in most of the States?

Mr. WRIGHT. Certainly, it can, so far as a certificate of entry is concerned; but, under the rulings of the Department, as they stand now, the certificate is canceled, or if not canceled, at all events it is claimed that the railroad companies, in virtue of the construction which has been given to the statutes, have the better title in the face of, and in opposition to, these certificates.

I was about to say that this bill covers three classes of cases. In the first place, the Department hold, as I understand, that the railroad grant took effect as against the persons who are described in the first section of this bill, actual settlers, from the time that notice of the withdrawal of the lands from sale was filed or found in the local land office; and therefore up to that time the actual settler had a right to go upon the lands and make improvements. In many instances in the West they did go upon such lands and make such improvements prior to notice of such withdrawal being found in the local land office. It occurred that afterward the Department ruled that these grants take effect from the time that the railroad companies by the resolution of their board of directors determined to accept a particular line; and then on each side of the line, ten miles or twenty miles according to the grant, they took lands that had been thus settled upon, before there was any notice of the withdrawal of the lands in the local land office.

Now it is provided by the first section of this bill that in such cases the actual settlers shall have some evidence so as to give them a standing in court.

Mr. SHERMAN. I should like to ask my friend when the decision was made which gave effect to the mere resolution of a board of directors without the knowledge of the Department or the knowledge of the Land Office?

Mr. WRIGHT. Of the decision made by the Land Office I am not prepared to give the exact date; but the decision thus made has affected numberless actual settlers in the Western States, and there is controversy and litigation now in the courts growing out of just such cases.

Mr. SHERMAN. It seems to me that that decision ought to be before the Senate. It seems to me very extraordinary indeed that the title should depend on an act within the knowledge of only one party.

Mr. WRIGHT. There can be no question in my judgment but that the true rule of law is that these grants never took effect as against actual settlers until notice of the withdrawal was filed in the Land Office.

Mr. SHERMAN. Certainly; but it seems to me the Senator having charge of this bill ought to produce that decision.

Mr. WRIGHT. If there be any question as to the fact that such a decision was made, it can be produced.

Mr. HARVEY. In response to the Senator from Ohio, I will state that in coming here this morning I was under the misapprehension that the resolution introduced and discussed yesterday would probably occupy the time; but finding an opportunity this morning to bring forward the bill, and at any rate learn what objections could be urged against it, I moved to take it up. I can furnish at another time, if necessary, the evidence that the Senator from Ohio is asking for. I thought those things were within the knowledge of every Senator here, except, possibly, as to the particular date of certain decisions and orders. Not expecting to have an opportunity to bring this bill forward to-day, I have not the dates and the memoranda at hand.

The VICE-PRESIDENT. The morning hour has expired.

Mr. MORRILL, of Vermont. I suggest to my friend from Kansas that he submit the bill to the Commissioner of the General Land Office and inquire of him what the effect of it will be as to any equity on the part of any railroad company; whether Congress will not be called upon to supply all the lands that they now claim, and which might go over to actual settlers.

Mr. HARVEY. That is a question which would not affect the rights of these people at all.

Mr. BOUTWELL. If by general consent I can make a statement——

Mr. WRIGHT. Allow me just to make a statement——

The VICE-PRESIDENT. The Senator from Massachusetts asks leave to make a statement in connection with the bill under consideration during the morning hour, the morning hour having expired. The Chair hears no objection.

Mr. BOUTWELL. The Committee on Public Lands did call upon the General Land Office for information in regard to this bill. I supposed this morning that the letter was on the files of the Secretary of the Senate; but not finding it there I have sent to the room of the Committee on Public Lands, and I have found the document, which is very instructive.

Mr. SARGENT. I ask that the letter be printed in the RECORD, so that we may see it to-morrow morning.

Mr. BOUTWELL. Without troubling the Senate to read it, I ask that it be printed in the RECORD.

The VICE-PRESIDENT. The Chair hears no objection to that suggestion.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 25, 1874.

SIR: I have the honor to acknowledge the reference from you personally of House bill No. 3250, to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department, which passed the House 11th instant.

If I correctly understand the purport and intent of the bill, it simply proposes in the first section to enact at this time a provision which in my judgment might with propriety have been made a condition in all acts making grants for railroad purposes.

But as those laws have been passed, and rights have vested under them according to their express signification, and many of them have already been construed by the courts to fix the date of actual location of the line of the roads as the time when title vested to the lands granted, without regard to date of withdrawal, I do not see how a legislative declaration at this time can defeat such right, or give to settlers who have unfortunately gone upon the lands subsequent to such date a superior title to that of the railroad companies.

Should the courts after all hold, notwithstanding such declaration by Congress, that the better title is in the company receiving the grant, great wrong will have been done the settlers by inviting them to make further improvements, and receiving further evidences of title by the issue of patent.

As the holding of certificates of entry will in most of the States enable suits to be maintained for a judicial determination of the question of title, I am of the opinion that it should not be further complicated by the passage of an act that will compel this Department, in violation of its understanding of the laws governing the adjustment of cases coming before it, to issue patents for claims that without the act would be deemed illegal and clearly in conflict with rights already vested at their inception.

The second section can have no application, for the reason that no necessity exists for the confirmation of entries permitted upon lands excepted from the grant by valid claims existing at date of definite location; and if the withdrawal was subsequent to location of the road, a claim valid at the date of withdrawal must have been also valid at the prior date, and entries made upon lands in that condition are approved as a matter of course under the present laws. If the withdrawal was prior to the definite location, and the claim was abandoned prior to such location the Department has not ruled that subsequent entries should be allowed; and if in any case such entry has been permitted, it has been in violation of the rules, and clearly erroneous.

If these errors could be cured by legislation without conflict with vested rights, they could be reached without additional legislation, under the acts of 1846 and 1856, conferring equitable powers upon the Department.

I am unaware of any cases existing in the Department which would be affected by the third section, and see no impropriety in its provisions, unless it may be held to revive claims already passed upon and settled, and disturb titles already passed out of the Government under previous adjustments, or unless Congress may have revived some grant once expired, without making conditions for such claims, and have vested title without reserve in the company receiving it. In such case I cannot recommend the destruction of legal titles for the purpose of recognizing mere equitable rights founded upon misconstruction of law and originating in mistakes of either Department or legislative officers.

The bill in its present form seems to be broad enough to cover cases running back indefinitely, and to restore entries canceled years ago, where lands have already been patented under the railroad grants, and where title may have been a matter of transfer for years between the successive assignees. If passed at all, it should, in my judgment, be confined to cases where patents for the lands or the equivalents for patents have not yet issued, leaving to the courts the control of titles after they have once passed from the Government. This office has no power to compel the relinquishment of the outstanding evidences of title; and to authorize the issue of two patents for the same land, except in cases where the clearest legal right demands the issue of the second, only serves to bring contempt upon the decisions and actions of the Government, to cast doubt upon every United States patent, and destroy confidence alike in Government officials and the public records.

While I very much desire that some relief may be granted to the settlers, I cannot recommend the sacrifice of vested rights to accomplish the object. By way of inducement, however, to the railroad companies to yield to the claims of the settlers, this office has prepared and recommended a bill, Senate No. 606, which was also offered in the House, (No. 2630,) and with amendments passed that body on the 4th instant, No. 3162.

This will, if passed by the Senate, give to the great mass of settlers in railroad limits security in their homes by the withdrawal of the railroad companies from the conflict, and the acceptance by them of indemnity for the lands relinquished. Such, at least, is the opinion of this office; and from documents and other information which I have received I have no doubt that the companies will gladly avail themselves of the opportunity of thus relieving the settlers along their routes on whom will depend in a great measure the local support and traffic of the roads.

Very respectfully,

W. W. CURTIS,
Acting Commissioner.

Hon. WILLIAM SPRAGUE,
Chairman of Committee on Public Lands, United States Senate.

Mr. WRIGHT. I trust I shall be allowed to occupy three minutes to say something in reference to the second and third sections of the bill. Without saying more in reference to the first section, the second section, as I understand it, is intended to cover this class of cases: In railroad grants, whether they took effect *in præsenti*—that is, at the time of the passage of the bill—or at the time of filing notice of withdrawal in the local land office, or in virtue of the action of the board of directors, in all cases there was excluded from the operation of such grants all pre-emption claims and homestead claims. That is, the rights of actual settlers were designed to be protected. Fixing the time, if the rights of actual settlers then attached they were protected. It occurred in many cases that there were actual settlers upon these lands, and then they abandoned their lands—abandoned them after the railroads took their grants, after they had their surveys, and after the lands were set apart to them. Of course there was not included in the lands thus set apart to them the land belonging to actual settlers. It was believed by the Department and by the actual settlers also that when these lands were abandoned by the settlers in the case that I have supposed, then such lands would revert to the General Government, and the Department decided that they did thus revert because the railroad compa-

nies had taken lands in place of those which thus belonged to actual settlers or pre-emptioners. The Department decided that these lands thus abandoned by the actual settler belonged to the General Government and did not go to the railroad companies, and therefore they were open for market, and so persons settled upon them and took pre-emptions and got homestead rights. Afterward the Department decided that these lands which were thus abandoned by the persons in possession at the time the right of the railroad company attached to the grant belonged to the railroad companies, and that therefore the settlements by subsequent pre-emptioners or homesteaders must fail them. They have thus lost their property, or at least by the decision there is danger that they will lose their property; and these lands which were thus abandoned and allowed to be settled upon by second pre-emptioners go to the railroad companies, and also the lands they took in place of those settled upon or abandoned.

Mr. SARGENT. I asked the Senator from Kansas a question as to the second section, because I thought there was an ambiguity in the language of the section, and he informed me that the proper construction of it, or the intended construction of it, was that the pre-emption and homestead claims should have been abandoned. My friend from Ohio [Mr. SHERMAN] says the language of the section means that the railroad grants shall have been abandoned. That certainly proves ambiguity. I should like to have the Senator from Iowa tell us what the construction of that section is as it reads.

Mr. WRIGHT. I have just endeavored to do so. My construction is that it relates to homestead or pre-emption rights that have been abandoned. The third section covers another class of cases:

That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant.

It has occurred that many of these grants have lapsed, so to speak, and subsequently Congress has revived them, or has continued the time within which the company might complete the improvement. The lands having been forfeited by reason of the failure of the company to comply with the law, in many instances these lands have been restored to market, and persons have entered upon them as pre-emptioners and homesteaders, and subsequently, in virtue of the legislation of Congress, it is held that the grant has been kept alive all the time, and as a consequence the settlers lose their property.

Without saying more, this is very briefly what I understand to be the purport of the bill.

Mr. SARGENT. I should like to have a word of explanation as to the last clause:

All such pre-emption and homestead entries which have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant, at a time subsequent to expiration of such grant, or—

Observe this—

when the grantee was in default in the performance of any of the conditions imposed by such grant.

Let us see what that will affect. The Senator, I have no doubt, conscientiously intends that it shall have the narrow application which he states. I will give an illustration which will be a very strong one, upon which, however, I am not very solicitous. It is provided in the Pacific Railroad acts that the companies shall pay 5 per cent. of their net proceeds into the Treasury. The demand under the legislation of Congress has recently been made for the payment of that money. They are in default of it up to this time. The demand presumes them in default under the original legislation or the demand would not have been made. They will be under a second default in a few days if they do not pay that 5 per cent. into the Treasury, and then every foot of land granted to these great companies goes off under this section.

I will suppose another case in the Senator's own State. In the land-grant acts there is a kind of indefinite provision that the land-grant railroads shall do the Government transportation for nothing. There has been a dispute between the companies and the Government whether that means that they shall allow their track to be used, the Government furnishing the cars, engines, &c., and as to just what it does mean. They certainly have not done the Government transportation for nothing, or at least did not do it for a considerable length of time, and the result is that they are in default. What is the nature of that default, what its limits, what their liabilities, is by this section thrown into the Land Office to be decided, the penalty being that they are actually stripped of every foot of land they have not sold to other parties. So that this section, instead of being very harmless, may, by the very phrase as to the grantee being in default on any of the conditions of the grant, strip men of valuable property rights. I think the Senator himself will say that the Senate ought not to legislate carelessly where such immense interests are involved.

I agree with the suggestion of the Senator from Wisconsin that this bill involving such weighty judicial considerations, being so ambiguous that the Senator who reported it and the Senator from Ohio and myself are puzzled about the construction of one section as to what it does mean, it ought to go to the Judiciary Committee for the very purpose of correcting the language and to consider whether the other considerations I have mentioned may not also be worthy of consideration by that committee.

Mr. WRIGHT. I only desire to say that it may be that there are provisions in this bill which ought to be amended. My own opinion is that so far as the point now made by the Senator from California is concerned, the failure that is here mentioned relates to such conditions as are conditions precedent, those upon which the vesting of the title depends, and not to provisions that may be in the railroad laws touching the performance of conditions subsequent to the vesting of the grant. But whether that be so or not, all I have to say now is that in my judgment there will be found in this bill ample ground and room for relief for these people. I think it eminently proper that Congress should do something with this subject, and thus prevent the dispossessing of persons who have fair, honest, and just titles, in my judgment, and who have made improvements upon land amounting to thousands of dollars and been stripped of all by these conflicting decisions of the Departments.

The VICE-PRESIDENT. The Senate will now resume the consideration of the unfinished business of yesterday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4162) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States, from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon;

A bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army; and

A bill (H. R. No. 4126) authorizing the Citizens' National Bank of Sanbornton, New Hampshire, to change its name.

USE OF THE ARMY IN LOUISIANA.

The Senate resumed the consideration of the resolution submitted yesterday by Mr. THURMAN, the pending question being on the amendment of Mr. CONKLING.

Mr. WEST. I have no doubt, Mr. President, that the Senate is more anxious to vote upon this proposition than it is to hear it further discussed; but there were assertions made in this Chamber yesterday that it is incumbent upon some Senators to controvert with such testimony as they have before them.

The range of discussion upon a simple, formal amendment to a resolution has become an arraignment of the President of the United States for a malfeasance in office; and some Senators with hot haste are prepared, with the meager information that has been submitted to this body, to pass judgment upon the Chief Magistrate of this country. He is boldly charged with such a malfeasance as, if the facts were presented to us through the legitimate channels, would require the customary notice of the offense. It is somewhat remarkable that the parties who profess to desire the information and who have thrust this resolution upon us, but which it is evident will be met most readily, and has been so met—it is somewhat remarkable, I say, that they avow themselves possessed of all the information, and in presenting the inquiry at the same time make the assertion. They take exception to the fact that the Army of the United States, or a portion of it, is on duty in the State of Louisiana. Surely they must be aware from the events that have transpired in that State within the past two years, and more particularly within the last three months, that there was a very urgent necessity for the presence of the Army of the United States in that State. Only yesterday we had the testimony of one of its most trusted soldiers that such a condition of things existed there as required the military arm of the Government to protect the lives of even its humblest citizens. The dispatch of General Sheridan gives forth no uncertain sound. He says unquestionably that such a state of lawlessness and disorder prevails there as to make it necessary that the military power of the Government should interpose to protect life. So there cannot be, I think, much question as to that necessity or even as to the propriety of the presence of the Army of the United States there.

We have to try this case, as far as it is now being tried in this body, by the dispatches sent to the newspapers. We have no official information. A trial has been forced upon us on such evidence. Therefore, in what I have to say, I shall use the evidence as far as it has come to us through the public press, and endeavor to state circumstantially what has been done in that State at the present juncture.

Exception is taken by the Senator from Missouri [Mr. BOGY] that the President of the United States has assumed command of the Army, and he in unqualified terms charges from his seat in this Chamber that the President of the United States has violated all the usages of the Army in the proceedings which have been had in that direction. He makes that bold assertion that the President of the United States has violated the usages of the Army and consequently disgraced his position as Commander-in-Chief by his proceedings. He says:

We all know that but a short time ago the second officer of the Army of the United States was ordered with his staff to proceed to the city of New Orleans, not by the order of the Secretary of War, not by the order of his commanding officer, General Sherman, but the President, disregarding the established organization represented by the War Department and the chief of the Army, sends to the city of New Orleans his faithful personal adherent to command that portion of the Army which happens to be in that city.

He says "We all know that." He makes that assertion here that we do know it. He may know it, or possibly believe so; but if he only believed so he should not have said that he knew it. Let me say to my friend that although the President of the United States may, from the fact of his military training, make mistakes in his civil proceedings—and I am not here to excuse them, much less to accuse him of them—but do not let him set his heart upon the supposition that the President of the United States ever makes a military mistake. General Grant never made a military mistake, and some of the gentlemen on that side of the Chamber know it. What was his course in sending General Sheridan to New Orleans? What was his authority in the premises, to begin with? Let us refer to the Army Regulations. What do they say?

Orders are transmitted through all the intermediate commanders in the order of rank.

But there might be emergencies, and this very regulation contemplated such emergencies:

When an intermediate commander is omitted, the officer who gives the order shall inform him, and he who receives it shall report it to his immediate superior.

There was not a question in my mind when I heard the assertion of the Senator yesterday but that all the forms of law and military usage had been complied with in directing General Sheridan to go to New Orleans. I felt prepared to make that assertion here to-day, and happily just before I opened my remarks I found the Secretary of War here on the floor, and I asked him if I made such an assertion would it be warranted by the facts. "Most assuredly," said he; and putting his hand into his pocket he produced the acknowledgment—which I would like to have incorporated in my remarks—of the General of the Army that he was communicated with, and that all the forms of the law were complied with. So much for General Sheridan's presence, and so much for one of the assertions made by the honorable Senator from Missouri.

Mr. HAMILTON, of Maryland. Let us hear that acknowledgment read.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Secretary will read the paper.

The Secretary read as follows:

HEADQUARTERS ARMY OF THE UNITED STATES,
Saint Louis, Missouri, December 30, 1874.

GENERAL: I have the honor to acknowledge receipt of your confidential communication of December 26, with inclosures.

Your obedient servant,

W. T. SHERMAN, *General.*

General W. W. BELKNAP,
Secretary of War, Washington, D. C.

Mr. WEST. Then as a matter of fact, Mr. President, that letter is the acknowledgment from the General-in-Chief of the receipt of all the orders and all the instructions that were communicated to General Sheridan.

Mr. SAULSBURY. Will the Senator yield to me a moment?

Mr. WEST. Certainly.

Mr. SAULSBURY. That is simply an acknowledgment of a confidential communication. It does not state the character of the communication or whether it refers to all the orders that have been made or not, or to what it related. It may have related to something entirely different from that.

Mr. WEST. When this resolution passes, and when all this information is laid before the Senate in due form, the Senator will be gratified with the statement of the fact that that was an acknowledgment of all the orders and all the communications that were sent to General Sheridan, or copies of them. That is the fact, and I know it to be so.

Now, we know the state of turmoil, disorder, almost anarchy, that existed in the city of New Orleans on Monday, the day of the inauguration of the new Legislature. We know that that population was rising *en masse*, prepared, if they had not been effectively restrained, to repeat the outrages of the 14th of September. Proper precautions were taken through the military arm of the Government to prevent such an uprising. No one can take exception to that. I think the Senators on the other side of the Chamber will agree with me that it was for the best interest of the people of Louisiana that the power of the Government in its military capacity should be exercised in that direction. But they take exception to what the military did; they say that the President of the United States forcibly, by the instrumentality of his subordinates in power, ejected from the House of Representatives in Louisiana duly-authorized and elected members. They quote from the evidence as it comes to us, and by that evidence I propose to hold them. The Senator from Missouri says from the information which has been received. If he has any other sources of information he did not submit them to the Senate. Consequently I conclude that he spoke from the information that was available to us all, namely, the public press, and from my knowledge of that country individually I am willing to be responsible for what I say. What does the Senator say? That he, the President of the United States, did exclude from the halls of the Legislature men who were rightfully elected to the Legislature. The Senator made that charge deliberately, and he has deliberately repeated it. Now, what are the facts of the case, Mr. President—because I think some of the facts in the case ought to go to the country, as well as the charges? How is the General Assembly of the State of Louisiana organized? Does the Senator know? I read from the statutes of Louisiana of 1870. First, I will quote, to show the analogy between the methods of organization, the statute of the United States providing for the organization of the House of Representatives here. The act of March 3, 1853, says:

That before the first meeting of the next Congress, and of every subsequent Congress, the Clerk of the next preceding House of Representatives shall make a roll of the Representatives-elect, and place thereon the names of all persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States respectively, or the laws of the United States.

We all know what the process is. The Clerk of the old House calls the roll, and no member whose election is disputed, or who fails to produce the customary and legal certificate, is allowed to take his seat or has his name placed upon the roll. Take the Legislature of the State of Louisiana. What does the law say there?

That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives, and the secretary of the senate of the last General Assembly, a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly; and it shall be the duty of said clerk and secretary to place the names of the representatives and senators elect, so furnished, upon the roll of the house and of the senate respectively; and those representatives and senators whose names are so placed by the clerk and secretary respectively, in accordance with the foregoing provisions, and none other, shall be competent to organize the house of representatives or senate.

Mr. SHERMAN. When was that passed?

Mr. BOGY. Will the Senator permit me a question? I would ask him if this mode of proceeding was not strictly observed in this very case, that the secretary of state transmitted to Mr. Vigers, the chief clerk of the former house of representatives, a list of the duly returned members of the Legislature? That list was received by him, and read by him; and with that list the house was organized, and thus being organized, they elected a temporary chairman. Mr. Wiltz, and, after the organization, they took up the case of five members who had not been returned by the returning board, but whose case had not been rejected by the returning board but which had been referred specially to the Legislature for the action of the Legislature; and that Legislature, thus being legally organized, admitted those five members whose seats had not been rejected by the returning board, and who had simply not been admitted by the returning board but had been referred to the Legislature. That is the information which we get through the public press, and I have seen no contradiction to it whatever in any paper.

Mr. WEST. If the Senator had not interrupted me, I should have made that statement to his satisfaction, and answered his question by this time and shown him how entirely he is at fault in this case, as well as in the other that I have just cited. The Senator from Ohio asked me a question.

Mr. SHERMAN. When was that act passed?

Mr. WEST. In 1870.

Mr. SHERMAN. Then the law has been in operation four years?

Mr. WEST. Yes, sir.

Then again, on the 16th of March, 1870, in order to provide for just one of the contingencies that the Senator has alluded to, the Legislature passed the following act:

That for the purpose of facilitating the organization of their respective bodies, the secretary of the senate and the chief clerk of the house of representatives shall hold over and continue in office from one term of the General Assembly to another until their successors are duly elected and qualified.

So that the officer calling the roll on that occasion was the officer provided for by law, and he was proceeding according to the statutes to call the roll of the members certified to him by the secretary of state and none other.

Now, what would have been the result of an acquiescence on the part of the minority in that legal proceeding? It would have given the majority of the organization of that House to the republican party; but not satisfied with that, the opposition saw proper to extemporize an organization in violation of law, in violation of usage, in violation of precedent, and to turn that body into a mob, which they did. The accessories to that outrage were promptly on hand. They were there ready.

Mr. BOGY. Will the gentleman permit me to interrupt him again, for really I am an honest seeker after the truth in this case?

Mr. WEST. If the Senator will not interrupt me I will show him all the facts. I am not going to make an assertion unless I can prove it right here.

Mr. BOGY. I am only asking for information. I should like to be set right if I am wrong. I should like to learn from the Senator, if he knows the fact, whether the organization of that Legislature was not in exact conformity with that law; that is, that the members of the Legislature were called over by the late clerk of the house, Mr. Vigers, and the organization took place in exact accordance with that law, Mr. Vigers and the secretary of the senate remaining in office until their successors were duly elected. The house being legally organized, a clerk was elected, a chairman, a temporary speaker was elected, and the house had a legal organization in exact accordance with the law which the gentleman has read. If I am mistaken in that I should like to be corrected. I do not want the conclusion of the Senator; I want the facts to be stated; and those are the facts that we have read in all the papers that have said anything on that subject.

Mr. WEST. Mr. President, I always yield with that customary courtesy due in this Chamber to a Senator to ask a question. I will only say to my friend from Missouri just this: If he sits still in patience I will show him how that organization was made, and I propose to show him that it was made directly in violation of that law. I say they extemporized an organization there unknown to our law, unknown to our practice, and unknown to the practice of the other end of this Capitol. I say they did that willfully and as a mob, and as a mob they were dealt with. Now what were the facts? The clerk called the roll. Mr. Vigers is the clerk of the house and the legal officer until he was substituted by another and another officer put in his place. He called the roll. He found one hundred and two members there. The democrats were in the minority, but a member in the hall took the floor and put the motion that the house organize temporarily by the election of a speaker, and the motion was declared carried by acclamation. The temporary chairman it should have been, if there could have been any such temporary organization, but they said temporary speaker, and never waited for the clerk to put the motion, never waited for a division, but by resonant acclamations foisted a man into his seat who immediately assumed the reins of power there and with what result? Take him by his own proposition, and what did he do?

Mr. MORTON. May I ask the Senator a question?

Mr. WEST. Yes, sir.

Mr. MORTON. The clerk of the old house being authorized by law to organize the new one, they permitted the clerk of the old house simply to read over the names, and then they ousted him entirely from his position and took the organization out of his hands and proceeded with it in a way unknown to the law, and in violation of the law, by the appointment of a temporary chairman, an officer unknown to the law entirely. Is not that the fact?

Mr. WEST. That is the fact, Mr. President. To carry those proceedings into the other end of this Capitol, what would be the result we all know. Now, recurring to this case somewhat upon newspaper testimony, our friends on the other side are adroit in quoting what may contribute to their side of the question; and if they see proper to ignore what comes adverse to them, I do not propose to follow their example. Among the telegraphic dispatches we have one to this effect:

Congressman POTTER—

A gentleman whose statement will not be discredited, I expect, by our friends on the other side of the Chamber—

Congressman Potter was present during the *coup d'état* by Wiltz, and discouraged such proceedings. He declared that Wiltz could not lawfully hold the position, and would harm the democratic cause.

It is not exactly fair that everything to the prejudice of the action of the republicans should be quoted here without quoting what is said on the other side of the question.

Now, let us go back to the condition of affairs at a critical moment in that house of representatives. There were there one hundred and two members duly provided with their certificates of election. There were other members contesting. There were also five members who had no certificate, and they were there by sufferance and by an understanding that they would abide by the decision of that house upon their credentials as the constitution provided. There were not enough members there to give the organization to Mr. Wiltz. Consequently this *coup d'état* to which this friend POTTER takes exception was inaugurated and carried into effect. We know how easily that can be done. At any public assemblage get you the strongest lunged and the heaviest booted friends on your side and you will be very apt to carry a measure unless the yeas and nays are called. The motion was put by some member of that assemblage that Mr. Wiltz be declared speaker *pro tempore* or chairman. Have we got a parallel to that in the history of this country? Yes, we have one. We have one in the inauguration of the Twenty-sixth Congress in 1839; but how far does the parallel extend? In order to preserve order, in order to secure the necessary decorum for the transaction of business, Mr. John Quincy Adams, at the opening of the Twenty-sixth Congress, was declared temporary chairman of that body; and what was the occasion for that temporary organization? Because in the House of Representatives—as now in the house of representatives of Louisiana—there were pending five cases of contested election. Did Mr. Adams declare those members entitled to their seats and thus give a majority to his friends? No, sir; the question of the claims of these gentlemen to seats was never considered there until that body was permanently organized, and they never were acted upon for ninety days afterward. All due deliberation was taken, all proper inquiries were instituted and carried into effect to protect the rights of the voters in that case; but with sharp and hasty decision the president of this body submits a motion that is offered by some member of the house, and declares those gentlemen entitled to their seats without any evidence, with nothing before the body except the common rumor, which the Senator knows about, that they were elected. And what was the occasion for their being declared elected? In a very short time afterward, before the permanent organization, as I take it, was entered upon, some question arose and the yeas and nays were called for, and this speaker *pro tempore* forsooth declared that that body was not in a condition to either demand or take the yeas and nays. A body that was not competent even to call the yeas and nays was competent to pronounce upon the disputed claims of five members of that body! Where is the consistency in such a proposition as that? The chairman peremptorily refused to put the question on the yeas and nays, but declared the motion carried on the simple assertion that a majority was in favor of it. Then there was your house organized, the republicans withdrawing with the exception of two, leaving the body short of a legitimate quorum. A quorum of the Louisiana Legislature is fifty-six. Then it permanently organized with those five members present.

Mr. BOGY. Will the gentleman allow me to interrupt him?

Mr. WEST. If the Senator will pardon me I think I will tell him the whole story before I get through, and if he wishes anything more he will find opportunity at the conclusion of my remarks.

Mr. BOGY. I merely wish to ask the Senator a question. I should like to know if there were not troops there?

The PRESIDING OFFICER. The Senator from Louisiana declines to be interrupted.

Mr. WEST. That body then went into an organization and an election for speaker, Mr. Wiltz saying in his own testimony to a newspaper representative, that is, the correspondent of the New York Herald—

Fifty-five votes were cast for me; 2 were cast for Hahn; and I voted blank, making 58.

Consequently he was three short of a legitimate majority of that house, or of a majority sufficient to organize. There were only fifty-three members there entitled by their credentials to a position. What then was the intervention by the military authorities? How did the troops get into the State-house? Who asked them to come there? I must quote again from these newspapers that we have. Governor Hahn testifies:

I do not think General De Trobriand entered the house until the resolution was passed appointing a committee of three to ask the presence of General De Trobriand, who restored order in the lobby, according to the request of Mr. Wiltz.

Is there anything to controvert that in your testimony?

Mr. SAULSBURY. Will the honorable Senator allow me to say a word?

Mr. WEST. Yes, sir.

Mr. SAULSBURY. I wish to call his attention to the fact that he was there for the purpose of keeping order with the police force in the lobby, not for the purpose of interfering with the members of the house on the floor.

Mr. WEST. That is the Senator's idea. Let us see what he was there for. He was first requested to maintain order in that body by the so-called democratic majority in it. Ah, yes! the employment of the troops for that particular occasion was not unacceptable to them; but when their orders went further than that, and were to eject from that chamber men who were not entitled to be there, then exception is taken! What more right have these five men inside of the lobby than the fifty men outside? On the contrary, they had less right, because they were in a position where they could do harm, which was not the case with the outsiders. Then, when General De Trobriand, pursuant to his orders to evict from that chamber men wrongfully, illegally, violently there, proceeded to eject these five men, what exception could be taken to it? Suppose five men were to come into your Chamber here and you were surrounded by such a mob that the ordinary officers of this organization were insufficient to maintain the peace and the dignity of this body, would you object to seeing that mob evicted by an armed force if you knew they had no right to be here? Then what becomes of the assertion of the Senator from Missouri that the President evicted men lawfully elected from the Legislature of Louisiana? What is the evidence of it? How does he know that they were lawfully elected? Because that mob, without the warrant of law, chose to say that they were!

I think, sir, it is clear, as far as the testimony is now before us, that the action of the military in this case has been such as was entirely warranted by the necessities and by the law of the case, and I here assert that the charge that the President has been guilty of malfeasance is not borne out by the facts, but on the contrary is entirely controverted by the evidence now before us; and I state that the further charge, that he did turn out men from that Legislature who were lawfully entitled to be there, falls to the ground with the very evidence upon which it is made.

We shall get all these facts. They will come before us. No man on this side of the Chamber will hesitate, I believe, to vote for the resolution with or without an amendment; but we do not propose to be tried on a case of this kind by such evidence as we have here, and if we are forced to that trial we propose to defend ourselves upon that evidence.

Now let me say one word to the Senator from Ohio, who took occasion to remark that the great wrong done to Louisiana was when the government of Governor Kellogg was foisted on her people. He quotes freely and with evident satisfaction from a report made by a committee of this body going to show that the election of Governor Kellogg was never substantiated by returns, and next that his installation by the Federal power was a usurpation. We must then conclude that if Governor Kellogg should not have been there Governor McEnery should have been put there. That is the logic of the Senator's proposition, that if Kellogg had no right there McEnery had; and how far is he warranted in that assertion by the report of the committee?

He makes the statement that it was McEnery's right to be governor of that State; that is, he makes it by inference, because he says that it was wrong for Kellogg to be. Now, on what does McEnery base his right, that right having been thoroughly investigated by your committee? I read from the report of the Senator from Wisconsin, [Mr. CARPENTER.] In speaking of the testimony before that committee it says:

> If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that legislature, should be seated in the Senate in place of Kellogg. But your committee believe that this would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of that State.

Consequently a Senator rises in his seat and says that a man is entitled to be governor of the State of Louisiana whom a committee of your body has declared was not governor and that any attempt to put him there would be through fraud. There is no avoiding the logic of that proposition. It was either Kellogg or McEnery. The report concluded that there was an insufficiency of title in the Kellogg case, but the report determined that McEnery had no title and that whatever title he presumed upon was so tainted with fraud as to entitle it to no consideration whatever; and still the Senator from Ohio says that was the lawful, that was the legal, that was the legitimate governor of the State of Louisiana, when the committee has reported that to have installed him there would have been in violation of the wishes and desires of the majority of that people.

It is not a pleasant thing, Mr. President, to speak of the events that have transpired in the State of Louisiana, and I am certain that, should it ever come to the cognizance of the Senate that through any manipulations or chicanery of a returning board, the voice of the people has been suppressed and their true verdict has been distorted, such action will find no supporters in this body, least of all from me. But I do contend that the law of the land shall rule, and that we shall live by it one and all, be it in our favor or against us, as long as it is the law of the land, and it is a pitiful sarcasm to talk about the condition of peace that reigns in Louisiana, or that has reigned there for years! What does all the testimony that has been submitted to your Congress show, with reference to the condition of affairs there? Turbulence, anarchy, riot, murder! Can any man point me to a single instance in the jurisprudence of that State where any individual has ever been arraigned, even arraigned in the State courts, for what may be called political murder? No, sir! There is no law there but the law of brute force; there is no peace, there is no tranquillity, except such as is secured by the all-potent arm of the Federal Government. And, until the people of Louisiana, as they call themselves, make up their minds to tolerate that difference of political opinion which is essential to the organization and the maintenance of all free government, they will have no peace, and they do not deserve it.

What is their condition to-day, and what has it sprung from? Is it due to political causes alone? If it is, I am prepared to show that, in the shaping and ordering of political events, our adversaries there had been quite as potent as we have been. It is due to a variety of causes, aggravated, I will admit, by political wrongs, which loudly call for redress. Why are the people of Louisiana to-day impoverished? Why are they taxed beyond their endurance, as they say? Why does the once-busy mart of New Orleans to-day lie idle, almost deserted? Why are stores vacant there? Why are business enterprises failing? You say political causes. I admit political causes, combined with other inevitable causes of an entirely different character. The State has been overflown. Twenty-three States have poured their waters upon us. Her people have been impoverished by the failure of their crops. Business has abandoned New Orleans and sought other marts. The market of Saint Louis to-day absorbs nearly all the custom that we ever had in New Orleans. Is that due to political causes alone? What are some of these political facts? One of these political facts is that if any man professing republican principles dares to go down there and endeavors to earn his living in a legitimate way, he is accosted on all sides by the epithet that he is a "carpet-bagger" and a "Yankee;" and he is not allowed to do business in that city upon fair and equitable terms. That is one of the political causes of the depression existing in that city; and so it will be as long as it shall be a cardinal and orthodox principle of the ruling and dominant party in society there, that no man is fit for an associate if he dares to be a republican. I dare to be a republican; I dare to dwell there; and I am no new-comer among them. But you might as well undertake, Mr. President, to breathe freely and successfully in a little chamber asphyxiated with charcoal as you might undertake to draw your breath down there, with all you have to contend against in Louisiana. The more prominent a man is in maintaining his political faith, the more he is subjected to political odium and opprobrium. You will find republicans down there tolerated. Yes; they are republicans but in name. In the whole city of New Orleans to-day, that once great mart where congregated all the enterprise sent from the Northern States, I can count but three men doing business there who are republicans in faith. We did have them. They were there at the close of the war. One by one they have been obliged to leave, and I state as a fact to-day that not only does that ostracism exist against republicans, but it is applied to democrats who are somewhat conservative in their ideas. I know that when this White League was first inaugurated in that city, its originators went around from house to house, and by duress and force required men who were averse to it in their sentiments to sign their organization and become members of it. And in some instances where they refused to do it they were surrounded with a cordon of spies, intercepting every customer from the country "Don't go into that man's store and buy goods from him; he would not join our White League."

That is the reign of terror that exists in Louisiana. That is one of the reasons why whenever there is an ebullition in that State you see that the so-called white people are always unanimous. Sir, they dare not be otherwise. No matter how much they may be disgusted, how much they revolt at these measures of their associates, they are compelled, every one of them, to fall into line; their lives and their business are worth nothing until they do. Can you expect anything like a toleration of sentiment there with such a state of things as that?

And then how is it with the colored people? What is the reason that our opponents are congratulating themselves that a division has sprung up in the ranks of the colored people and that they are now commencing to vote the democratic ticket? The evidence so far as taken shows that this is the fact to a very limited extent. But I ask you how much faith would a white man have in the principles or the power or the good faith of a party that for six years allowed him to be slaughtered with impunity and never raised its hands to protect his life? Show me an instance where a colored man's memory or his fate has been vindicated by the punishment of his slayer. Show me one instance. Not one can be produced; but what do the records show with reference to my State? What do the congressional inquiries show? What does the legal testimony on file here tell us? Not counting the dropping murders from time to time, I can point out to you from congressional documents that over three thousand lives have been yielded up as a sacrifice in my State for the vindication of political opinion; and you talk of peace in Louisiana! There is no peace there, and this war will go on and the people down there will suffer from it and they will become impoverished and beggars and they will cry to you for help, and they will come up here when their lands are overflowed and beseech your charity, and that thing will go on from year to year and from generation to generation until they admit that a man can be just as good a lover of his country if he is a republican as he may be if he were of the other political faith.

Mr. President, I seldom speak of the troubles in my State. I always do so with reluctance. It is not a pleasant thing for me to expose all that occurs there. It is not an agreeable thing for me to arraign any portion of the people of my State for their crimes and for their mistakes; but I say let the truth come to the world; let it be understood that there is that determination, not only in my State but throughout the Southern States generally, to utterly obliterate every vestige of republicanism within them, to utterly ignore the constitutional amendments, and finally to set at defiance all Federal authority and to make it a question whether your statutes can be enforced within their limits. The step that is now endeavored to be taken is but one step in the direction to such an overwhelming control of the southern section of this Union as will trouble you in 1876 when you come to deal with it; and if you do not deal with it efficiently and effectually now, you may look forward for such troubles at the counting of the next presidential vote as this country has never seen.

I do not wish to be a prophet of evil; but as far as my intelligence enables me to judge I say that republican institutions in this country are in greater peril now than they were in 1850. When I speak of "republican institutions," I do not use the word in a party sense, but I say that all that is dear to us in the organization of our Government, all that is dear to us as Americans and citizens of the United States, is now being gradually sapped, and insidiously sapped, in a way calculated to effect complete ruin. I hope it will not be so.

Mr. President, I have endeavored to controvert the assertions that have been made on the other side of this Chamber; first, that the President of the United States has acted entirely without warrant of law, and next that either with or without law he has done an unlawful act. I think I have satisfied the Senate, at least I have satisfied myself, on these points.

Mr. GORDON. Mr. President, I do not propose to reply to the speech just delivered. I am quite willing that it shall go to the country and be its own answer. It was not my purpose originally to participate in this debate, although repeatedly urged to do so by friends around me with whom I am united in sentiment and sympathy of feeling. Fearing that the cause of truth, of justice, and of a distressed people would suffer rather than be benefited when defended by those of my class, against whom there exists in this Chamber so much of prejudice and animosity, I felt that my duty to the people I represent required that I should suffer in silence the insults which Senators on the other side of this Chamber deemed themselves authorized to utter here. But, sir, when the people of my section are held up to the gaze of the civilized world as murderers, assassins, and semi-barbarians, I feel that further silence will subject them to a more cruel misconstruction than can be extorted from any perversion, however gross and unjust, of my utterances here. And if my voice now betrays, as I fear it does, undue excitement, it is not the excitement of anger, but that of a man aggrieved at the unjust assaults upon the reputation of his people, conscious that they deserve a vindication which he feels himself inadequate to make.

Sir, I was appalled at the spectacle yesterday presented in this

Chamber of American Senators—the spectacle of a body of men with a common ancestry, proud of a common history, inheritors of a common birthright of freedom, confronted by a common destiny, seeking to pillory the reputation, the honor, the fair name, and of consequence the rights and the liberties of one large section of this country, before the civilized world. To say that I am surprised at such a spectacle would not express my emotion. I am utterly amazed that there should be found in the hearts of men with whom I daily associate in this Chamber on terms of pleasant intercourse, so much of hate and vindictiveness and of the spirit of vengeance as has been exhibited in this debate. I was totally unprepared for it; and if to-day I believed that the expressions which I have heard from Senators' lips on this floor reflected the sentiments of the northern people I would be overcome with despair, and feel that the time had come for republican government to die. If the utterances which I have heard are indicative of the policy which is in future to be pursued by this powerful Government toward the disarmed people of my section, then, sir, let us have done with this farce of local self-government at once and forever. But I do not believe it. Sir, I do not believe that a majority of the northern people entertain the sentiments expressed upon this floor. I do not believe that the brave men with whom we were threatened on yesterday, or any considerable portion of them, cherish any such sentiments. I believe that an overwhelming majority of the American people, North and South, East and West, utterly abhor the spirit of animosity, of hate, and oppression manifested in this debate. I believe that the day is coming when this fact will be made manifest. I believe that the movement inaugurated in 1872 under the lead of that large-headed and large-hearted man of New York, intended to destroy this spirit, to produce a better state of feeling between the sections, to enable the people better to know each other, to bring fraternity to the once opposing soldiers, and to inaugurate an era of peace, of good-will, and of law, will go on to its final consummation, in spite of all the efforts to prevent it.

And now, sir, I protest against any support which I may give to the resolution now pending, as offered by the Senator from Ohio, being construed into any discourtesy or lack of respect to the President of the United States. If this Senate is anything, it is the representative of the States, of their existence, of their integrity, of their independence. Its voice is the voice of the States; and when the question of the overthrow of a State government is involved, I apprehend that this body may, without any qualification whatever, ask of the Executive, as a co-ordinate branch of the Government, all information relative to the causes and circumstances attending so grave and startling an event.

Very much has been said about the President having control of the Army, and we are reminded that he is its Commander-in-Chief, and therefore has the right to use it. For one I am glad that the President is by the Constitution made Commander-in-Chief of the Army. I am glad that this fact stands as a prominent evidence of the great fact which lies at the very foundation of our system, that the civil is superior to the military—a truth which of late has been sadly lost sight of. He is Commander-in-Chief of the Army by virtue of his being the chief *civil* magistrate of the nation; and his authority as such *civil* magistrate is paramount to any *military* authority in the land. His use, therefore, of that Army must be in accordance with that civil law and the fundamental law upon which his authority rests. I did not rise to discuss this resolution, its merits, its terms, or the questions involved in it. I rose solely for the purpose of replying to the charges, and what I am forced to conclude, the gratuitous insults offered to the white people of the South by some of the Senators on the opposite side of the Chamber.

It is charged that murder is an every-day occurrence in the South; that for political purposes it is becoming to be one of the institutions of that country; that innocent blood flows in torrents; that the streets of cities are red with the gore of victims slaughtered by the hands of a lawless southern democratic white party. My reply to that, sir, is very brief. *It is false.* That murders exist, that outbreaks occur which are indefensible, nobody denies. Nobody deplores them more than I do, nor more than do the people of the South, whose fair name Senators seem anxious to consign to perpetual infamy. We have always regarded and always said at home, abroad, and everywhere, that the acts of these misguided, deluded, and reckless men were not only wrong, but destructive of the best interests of our people. But do these rare and isolated instances justify the branding the whole southern people as a body of assassins and murderers and semi-barbarians?

The Senator from Indiana [Mr. MORTON] goes so far as to say that murder exists all over the South. Is that true, Mr. President? No, sir; at least to no greater extent than it is true of the Senator's State. As long as fallen man is what he is, murder will exist. But I protest here to-day, and I challenge refutation of the declaration, that wherever in the Southern States people of intelligence, integrity, and honesty have control of public affairs, property and life and rights, political and personal, are as secure as in the Senator's State or any State of this Union. [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. Order.

Mr. GORDON. But the Senator from Indiana says "What an admission! Wherever the democrats get power they cease to murder; and wherever they are defeated, they murder for the purpose of gaining power?" Does the Senator forget that some of the Northern States are in democratic hands? If I recollect aright some twenty-three of the thirty-seven States of this Union are now in democratic hands. Does the Senator arraign them also? No; they are not of that class that the Senator's ire is directed against; but it must not be forgotten that these States and these democrats, North, East, and West, were classed as sympathizers with these southern semi-barbarians, murderers, and ruffians, and we were told on yesterday that those who sympathized with us were no less criminal.

Is life less safe in Georgia than in Indiana? In my own town there lives a man who sat in the Georgia house of representatives and presided over it, without being a member of that body or claiming to be so or pretending to have been a candidate for a seat in that body—presided over it while it was organizing under republican rule. Yet he lives, and no one molests or makes him afraid. He is as secure in his person, as secure in his property and in his political rights, and the expression of his political opinions as is the Senator from Indiana in the city of Indianapolis.

Mr. President, my humble belief is, and I say it with no asperity of feeling, that no people in the history of the world have ever been so misunderstood, so misjudged, and so cruelly maligned as the people I represent on this floor. It is known to this country and to this body that since the war not a solitary arm has been raised throughout the extent of southern territory against the power and authority of the Federal Government by a solitary white man of the South, and yet we are charged because of riots at elections with manifestations of hostility to the Government of the United States!

A State government is overthrown; a committee of the Senate report that the powers which hold it are usurpers; the people attempt to assert their rights with the broad declaration that they mean no war upon the United States Government, and will acquiesce in its demands; the Federal soldiery, who have no interest in the support of any political party, cheers the people as they move upon the usurpers; a conflict ensues; men are killed; and the southern people are branded as murderers!

A band of misguided, deluded, ignorant negroes, armed, march upon converging lines in the dark hours of the night, with arms to murder, with hearts for plunder, and wagons and sacks to bear away their spoils from a peaceful city; the whites arm for their defense; a conflict ensues; men are killed; and the South is branded as a band of murderers and assassins!

An armed black militia rides in arrogance over a country in the midst of a disarmed people; rob, pillage, insult, drag innocent citizens from their beds at night, and perpetrate crimes not to be described on this floor; and when men resist, when they defend themselves, their wives, and their daughters, and conflict ensues, the South is branded as a band of murderers and assassins!

Men are sent among us—I do not care otherwise to characterize them—who have no permanent habitation, no interest, no property, no sympathy with us, and whose sole purpose is to hold the offices, to gather our taxes, to levy our taxes, to disburse our taxes, to make our laws, to govern our people, and then to malign our people. We protest; we strive by all the powers given us under the laws of the land to overthrow their power and recover our rights; riots ensue, and we are charged with disloyalty to the Government of the United States, and outrage, and murder.

How long is this thing to last? How long are we thus to be the subjects of misrule and of misrepresentation, the foot-ball with which political adventurers play? How long is the American Senate to be the stage for such scenes as this? How long are the material interests of every section to suffer by bankrupting the South, and the very existence of our free institutions endangered by the military support of political usurpers?

We are told in one breath that in these States the republicans of course elected their candidates because they are so largely a majority, and in the very next breath we are told that these republicans are intimidated from voting notwithstanding they have the government, the governor, the judges, the jurors, the sheriff, the militia, all the appointments of the government, backed by armies and navies. Still republicans are intimidated! It does not matter what may be our minority; it matters not that we may have neither judge nor sheriff nor constable nor governor nor member of the Legislature—still we intimidate! Now, sir, suppose it should be found that there was intimidation on the other side? I will read from a newspaper report. It ought to be good authority on the other side. I read from a report furnished to the Chicago Inter-Ocean, in reference to the examination in Alabama:

> Luttrell had witnesses who proved that the Government bacon intended for the overflowed country was sent to Opelika, distant seventy miles from the overflowed region, and that it was in charge of republicans and carpet-baggers' candidates. He traced three thousand pounds to one negro meeting-house, where, the day before election, it was distributed to republican voters. No proof was required as to the destination.
>
> Some negroes swore they had been discharged for voting the republican ticket, while others swore they had been beaten by republican negroes, turned out of their churches, and generally mistreated for being democrats.
>
> Other negroes testified that before the late election the republican candidates promised to divide the white democrats' land among them, and their furniture, bedding, and household property. The negro witnesses all complained that none of their promises were kept.
>
> The general run of testimony, as far as ascertainable, was to the effect that not a republican meeting was disturbed by democrats in this county, but that riots and rows were frequent between the two radical factions, often resulting in bloodshed, and once in death by a pistol shot.
>
> It was also proved—

I commend this to the attention of my friends on the other side—

It was also proved by republicans that every case of murder on the docket here was of a negro for the murder of a negro, being some fifteen or twenty in the past eighteen months. Also that every official in this county and presiding judges were republicans. It was proven that in two or three instances in the late canvass a few negroes were kicked by some drunken democrats, and it was also proven that no United States marshal notices these republican disturbances under the enforcement act in this county.

I want to read now a few lines from the testimony given by James Connaughton, who was a candidate for the Legislature in Rapides Parish, Louisana:

There were about fifty colored votes in the parish polled against him of the two hundred who voted—

Just one fourth—

The majority against him was three hundred, but he has been counted in by the returning board.

Now, sir, what does the Senator from Indiana [Mr. MORTON] reply to these proven facts? Not a republican meeting in the county disturbed; not a murder committed of the twenty within eighteen months but is committed by a negro; no intimidations by democrats; negroes vote the democratic ticket notwithstanding the Government-bacon argument used by republican officials, and are beaten and turned out of church for voting the democratic ticket—all these things and a vast deal more proven by the testimony of negroes, republican negroes, which in the Senator's opinion is worth, when the evidence pleases him more than all the testimony of all the white men in the South. And what, I repeat, is the Senator's reply? "Lies. Lies of the Associated Press. Nothing but lies." "Why," said he, "ten thousand times ten thousand lies have been perpetrated to screen the South from the glare of the truth. All the Associated Press of the South are liars." Mr. President, I regard that as a libel on the Associated Press of the South. I know as much about it as the Senator from Indiana, and as a Senator and a man, recognizing my responsibility to my country and my God, I say they are truths, every one of them truths, and not half the truth is told in the direction to which their testimony looks. Liars! Are these colored republicans liars? Is this candidate from Rapides Parish, who testifies that he was beaten three hundred votes, and that one-fourth of the negroes in his county voted against him, notwithstanding which he was counted in by the returning board—is he a liar?

But, Mr. President, there are other witnesses besides these semi-barbarous southerners, who are reporters for the Associated Press. What does the Senator do with the reporters sent out from the city of New York by the leading press of the continent? Are they liars, too? Are the reporters sent to New Orleans and to Alabama by the Herald and the Tribune also liars?

Mr. THURMAN. And the Times.

Mr. GORDON. Yes; and the Times. Is the intelligent and scrupulous correspondent of the Times also a liar? If so, why did not the Senator charge it? These witnesses testify to the very same class of facts. Why does the Senator find it in his heart to charge falsehoods upon the southern representatives, when if a falsehood existed its very heart throbbed in the city of New York? No, sir; the Senator trembled before the power of the Tribune, and the Herald, and the Times, and the Sun; and he dare not assail them. [Applause in the galleries.]

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The Chair will remark that applause in the galleries is entirely out of order and in violation of the rules of the Senate. The Chair admonishes the galleries, so that it may not be repeated.

Mr. GORDON. Mr. President, it is a terrible thing to murder; to take human life. All good citizens deplore it; but the conviction is forced upon me—I almost shrink from announcing the terrible conviction—that there are those who, professing a reverence for law, desire that murders should continue. I know not what impressions other men have received; but, sir, I have witnessed enough with my own eyes in the South to satisfy me, and I think I can satisfy any twelve honest men in any section of this country that those who are seeking office in the South by arraying race against race, and who clamor for Federal bayonets, and who claim to be among all the white men of the South the only friends of law and good government and of loyalty, really desire riots, bloodshed, murder. They talk peace, but, like Louis XIV, who hung upon the gibbet his secretary for divulging his secrets and at the same time sent his money to Spain to purchase her state secrets, these men talk law and peace to the North, but stir up strife at the South. Yes, sir, they want murder, they want strife, they want riots, because they know that when peace comes, when the people of this country begin to look at each other as they ought to look at each other, when they look into the hearts of their fellow-countrymen, when they understand each other as they are beginning, thank God, to understand each other, when the North knows the South and the South knows the North, that then their day of plunder is ended. They know that with peace good government will come, and that where good government and peace and liberty live there is no place for them; and so when our interests demand we shall have quiet, when we plead for harmony and concord, when the North is ready to second our efforts, these men, like the teaser in the Spanish bull-fights, dip their flags in blood and flaunt them in the faces of northern people. Why? Sir, it is for the purpose of provoking the North to further oppressions of the South, that the South may be driven in her desperation to deeds of violence.

I am not unmindful, sir, of the gravity of the charge I have made. But, sir, history will yet write it down that I have drawn no exaggerated picture of those men at the South who, year after year since the war, have, like birds of prey, borne off on their wings the spoils of ill-gotten office, and fattened upon the bleeding body of a manacled people.

Why should we not desire peace? My advice to the people of the South is to suffer anything until the returning good sense and good feeling which I know will come from the North shall relieve them of these dreadful calamities by giving us the opportunity of turning these corrupt men out of power. The South is earnestly striving to bear these wrongs; but, smarting under insults offered to her people by those who claim to represent them, and goaded to madness by actual suffering, I must be permitted to say that some indulgence should be accorded to those who are driven to the verge of desperation.

While we are all agreed about these crimes wherever committed, whether, as was recently the case, in one of the Western States, by a body of disguised men, or elsewhere, while we all deplore them and all condemn them, it does not seem to occur to Senators that there is any crime in the murder of the Constitution of our country, in the murder of a State, and the murder of the rights of an entire people.

But I have said enough on that point. We are also told that we are flooding that country with arms. The Senator from Indiana said on yesterday that there are a great many more arms in the South in the hands of southern whites than before the war. I know as much about that as the Senator does. I live there; he does not. I tell him he is mistaken. It is not so. The truth is that not one man is armed now in the South where a thousand were armed before the war. More than one-half of our entire white population are without arms of any description whatever. Even old-fashioned double-barreled shot-guns have almost disappeared. It is all right, in the opinion of the Senator, to arm the black militia. It is all right in districts where white men are in the minority ten to one to disarm them and to arm the blacks; but whenever guns are ordered by white people at the South murder, murder, is the cry—assassination, outrage, war against the Government of the United States, are the words of alarm rung through this Chamber; and when the fact is proved that we mean no war, that not a solitary arm is lifted in the whole Southern States against the authority of the Government, that nowhere in its broad domain is its authority so complete as in the Southern States; and when a people outraged by the usurpation which this very body has recognized, rise in their might and dash from them the ridiculous pretense of a government which usurpers have placed upon them and yet make no war upon the Government of the United States, when the flag floats in absolute triumph and dominion over every State and city—when all this is demonstrated, what next? Then we are told, "It is not against the Government, but it is against the unfortunate black man of the South we war;" and sir, this charge is as unfounded as the other.

I appeal to every southern Senator upon this floor to bear me out in the assertion that until the men whose daily, rather *nightly* occupation it is to array for their personal ends the black man against us came into our midst, there was nothing but harmony and good will between the races throughout the Southern States. Are we enemies of the black man? All over the South churches and school-houses stand to-day monuments of the liberality of the southern white man to the colored man. Thousands of dollars have been contributed in every Southern State for school-houses and churches for the colored people. Only a few days ago a gentleman of position in Georgia, a man who bears a distinguished and honored name in that State, bequeathed in his last testament, of the sum left him by the war, $100,000 for the benefit of southern black men. These facts do not accord with the theory of some of the Senators here, but they are none the less facts.

Mr. President, I will notice one other charge against our people and it shall be the last. We were told on yesterday, in a spirit doubtless of pity, that the people of the South were semi-barbarians. The Senator from Vermont [Mr. EDMUNDS] is responsible for that epithet. That Senator affirms his good-will to his southern brethren, and expects to secure theirs in return by calling them semi-barbarians, while he claims for his own section a "society homogeneous, intelligent, and educated."

Now, sir, I do not envy that spirit. I do not envy the spirit of self-complacency which would enable the honorable Senator to thank God that he was not as other men. That is a matter of taste, about which the Senator and myself might honestly differ, and he is welcome to all the glory he can get by that sort of warfare. I shall not imitate his example. I shall not seek to detract from the men of his section, from their intelligence, their honor, or their patriotism.

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. GORDON. Certainly.

Mr. EDMUNDS. Will the Senator be kind enough to read out of the RECORD, which I never correct, so that he has it in its original purity, any remarks of the character which in the last few minutes he has attributed to me?

Mr. GORDON. Does the Senator say that he did not use the expression that the people of the South before the war were semi-barbarous?

Mr. EDMUNDS. I say so, to the best of my recollection. I have not looked at the report. But that is not precisely the point——

Mr. GORDON. It does not matter what the RECORD may say. The words were burnt into my memory, and will not "out." The Senator may seek to wipe them from the memory of this Chamber, but they will not "out." He said it.

Mr. EDMUNDS. Mr. President, the Senator cannot escape quite so easily, if he is willing for me to say a word. I say I have not looked at the RECORD and I do not recollect using any such expression. If I did, I certainly shall not retract it. But the point which the Senator was undertaking to make upon me was that I have instituted a comparison between the people of my State and my section, a self-complacent one, and the people of his State and his section. Now, I challenge the honorable Senator to read out of the RECORD any remarks of mine of that character.

Mr. GORDON. I think the Senator's remarks are not reported at all.

Mr. EDMUNDS. They are never retained and are never corrected, so that the Senator will get exactly what I said; and if he can fish out of it anything of that character, then his ingenuity is equal to the audacity with which he makes statements respecting the position of other Senators.

Mr. GORDON. I never make a statement for which I do not stand responsible. I took down the Senator's words at the moment he uttered them.

Mr. EDMUNDS. Undoubtedly responsibility is a good thing.

Mr. GORDON. The want of it sometimes is a very excellent thing. Now, sir, I will quote the Senator from the RECORD. The Senator's words were these:

> When I see, Mr. President, as I have not yet seen, that the people as they cal themselves, the white-leaguers, or the white democrats, or the white conservatives, or whatever they may be, of any State in this Union, when they find that any of their associates have committed assassination or murder or wrong upon their fellow-citizens for no cause but opinion's sake, turn upon him as in Ohio they would turn upon him, or in Vermont, without respect of party, and bring him under the heavy hand of justice, then I shall begin to have some faith that our southern brothers, who it seems have not yet forgotten the old manners and ways of semi-barbarous times, have thought better of it.

Does the honorable Senator now charge me with audacity?

Mr. EDMUNDS. O, yes, I said that.

Mr. GORDON. Then, Mr. President, where is the *audacity* with which the honorable Senator charges me? Is it *audacious* to bring the Senator before this body upon a charge which he himself now admits? But, as I have already said, it is a mere matter of taste. I shall not imitate the example of the Senator. I shall not seek to displace one solitary leaf from the chaplet which rests upon the brow of his people. I am proud of whatever they have won of glory in the past history of this country as a common heritage of the people of the entire country. I detract nothing from them, but I say to the honorable Senator that if to have contributed much to the formation of this Government by the people he is pleased to term as having semi-barbarous manners; if having done much to guide her through the past and most glorious period of her history; if to have furnished a Henry to fire the hearts of her colonists and a Washington to lead them to victory; if to have furnished a Scott and a Taylor to command her armies; if to have contributed a Marshall and a Taney, and other lights to illumine her jurisprudence; if to have given to the Government eleven of her seventeen Presidents; if having, by the wisdom of her statesmanship and the prowess of her arms, done much to make a continent possible to the American flag; if to have poured out the blood of her sons like water upon every field in the past history of this country where the honor and the glory and the dignity of the Government were in peril—if that be semi-barbarous manners, I am willing to accept before my countrymen and before the civilized world and before Heaven all the stigma which attaches to such a crime.

But, Mr. President, I am heartily sick of all this stirring up of bad passions. I was sent here for no such purpose. Nothing was further from my anticipation than that I should ever be forced into such a conflict. I came here with my heart full of good-will to all men of all sections of this country. I came here representing a people who by solemn resolutions of their Legislatures and by all the conventions that had assembled, whether of mechanics, of railroad men, or of farmers, had invited northern men with their capital and their families to our midst and our homes, and who have to-day in their midst a republican who bears the name of some of the most honored Senators on that side of the Chamber—a friend, though a republican and a supporter of this Administration. And now, sir, I want to close as I began with the declaration that I have not lost faith in the *right* and in the American people. My faith is as firm in these as in the great truth for which the throne of Jehovah is pledged, that right and justice and truth shall triumph and that liberty shall live.

Fraternity and good-will shall be restored to our divided country, and, despite the efforts to prevent it, shall grow and strengthen until its final consummation in a united people, united to build up a common country and not to desolate one portion for the benefit of the other.

Mr. EDMUNDS. When the solemnity that has fallen upon us on account of the sermon of the Senator from Georgia shall have been sufficiently relieved, I want to occupy a few minutes of the time of the Senate in saying a word touching his observations upon me.

Mr. GORDON. I cannot hear the Senator.

The PRESIDING OFFICER. The Senate will preserve order.

Mr. EDMUNDS. The Senator from Georgia, with great professions of good will to man, and with a great desire, as he puts it, for peace on earth and in this country, has undertaken to arraign me for having referred, in some remarks I made yesterday, to a period of time in this country and in his section of it, when manners were, as I styled them, semi-barbarous; and misstating what I said, to accuse me of having described the white people of the Southern States as being semi-barbarous now, without any reference to the period of time of which I spoke or the fact of the manners to which I alluded. That may be, in the opinion of the honorable Senator, a fair statement in debate; no doubt it is. Our judgments of what is a fair are such as the Supreme Being, to whom he so often appeals, furnishes us.

Mr. GORDON. Will the Senator allow me to interrupt him?

Mr. EDMUNDS. With pleasure.

Mr. GORDON. The Senator is mistaken in his position. I did not arraign him; I simply refuted an arraignment he made of my people.

Mr. EDMUNDS. O, we will not quarrel about terms, Mr. President. The Senator seems to be particularly unhappy that I should have stated that the manners of a certain old time were semi-barbarous. He seems to be disturbed at the idea that persons who profess refinement and Christianity should speak of such a state of things or suppose them to have existed; and in the next breath almost the honorable Senator here, not in the street, not in a grocery, not on the field of battle, but here, repeats a phrase which has acquired a very definite meaning, I believe, and which I think most men nowadays regard as bordering upon semi-barbarism; and that is, that he is responsible for what he says. Was there any great occasion for that? Does it not a little remind you, Mr. President, (the Vice-President in the chair,) of times that are within your recollection and experience, when predecessors of the honorable Senator, and those who in those days thought like him, were in the habit of making use of the same phrases when they had not any better arguments, that they were responsible; that is to say, if they could not maintain here precisely what they wished to maintain, they would fight it out by the duello?

O, Mr. President, what an idea of refinement, of peace, of culture, of that gentility which characterizes my honorable friend, as I know perfectly well must exist in his mind, to put me up here on the gibbet of public derision and scorn for speaking of the manners of the times of the institution of slavery, and in connection with it, as semi-barbarous, and fortify it by a declaration drawn from the same period of time and the same methods of life and society, that he is responsible for what he says! Mr. President, I think I can leave the honorable Senator to the responsibility and to all the benefit that he may think he has obtained in criticising the use of the word "semi-barbarous" in the connection in which I used it. I do not care to discuss that question any more. If the honorable Senator is satisfied with that exhibition of his ideas of the difference between barbarism and its opposite, I, of course, have no right to complain.

But the honorable Senator, in speaking for his people, has referred largely to the glory that they have attained in the service of our common country. He has referred to George Washington, and to Patrick Henry, whose words fired the hearts of the people—to use another old phrase that the Senator did—in making our flag glorious. So they did; and they deserve large gratitude for it; but, unhappily, there has been a more recent period which the Senator seemed to have forgotten or to have omitted in his observations, when the glory that covered the names of Washington and of Henry and of Taney has been, in the minds of some, somewhat dimmed by the conduct of a Lee and of a Davis, and of a Toombs, and of others who might be named, who shed blood for the destruction of the same flag which their ancestors had endeavored to uphold and make glorious. I do not think it necessary, if we are to boast of the character of any portion of the people of this country, to go back quite so far. I think justice requires, now that it is alluded to, that we should bear in mind that many events have happened since the days of Washington and of Patrick Henry, and that those events have not been calculated largely to make one section glorious, in the sense in which the honorable Senator has spoken of glory—that is, glory in the service of a common country, and in maintaining a common and a sacred flag—but quite the reverse.

Mr. President, this is the first time, I believe, since Senators from the Southern States have come here, that I have been drawn into any such reference as this to the *personnel* of the rebellion, and I only do it now for the simple reason that the honorable Senator himself has undertaken to bring forward the services to the country of the people of the Southern States which were so gloriously rendered in order to convince you and his brother Senators that they have occupied all the time, as I must suppose, an attitude like that which Washington and Patrick Henry occupied. I must be excused if I say, what I have said, that there is a later period in the history of the people of those States which does not redound so largely to the glory of our common country as that of the earlier instances to which he has referred.

I do not say it (as the Senator has said of his own remarks) in any spirit of animosity. Quite the reverse. But I think it due to the truth, now that the thing is forced upon us, that we should not forget that all the trouble and all the difficulty and all the sorrow and the disorder of whatever character it may be which now exists in the Southern States has, so far as the human mind can understand it, arisen from the conduct of the leaders of the people of those States

who either led them or forced them or persuaded them into the act of rebellion to which I have referred. But no man has been more glad than I to see returning from those States Senators representing all shades of opinion, and without any inquiry or scrutiny or reference into what the course of such Senators may have been during the war.

I think I said yesterday (although the honorable Senator from Ohio seemed to put a different interpretation upon it, but he spoke in haste) that instead of feeling animosity toward those people, the people of the Northern States of all parties would hold out all their hands to assist the people of the Southern States in every way. All that the people of the Northern States desire is that there shall be peace and the preservation of life and liberty. Is that asking too much? Is not that the thing which, if we believe in a common Government for this country and believe in the Constitution of our country, we are bound to maintain to the extent of our constitutional power? Democrats and republicans in the Northern States live in peace side by side; they have heated and contested elections; but they mingle together in society; they meet in public and in private together. Whenever the ballot-box has settled a question of dispute between them, there is the end of it; and whenever any man, no matter what his party may be, is persecuted for opinion's sake, the whole body of the community, not one party and not the other, but all parties, uphold the execution of the law, so that the right of the humblest citizen, no matter of what race he may be, no matter of what citizenship, even, he may be, much less no matter what his politics or his religion may be, is avenged.

Ah, Mr. President, there is the difficulty. It is not animosity toward the people of the South which fills the hearts of the people of the North or any portion of them, when they only pray and beg that there shall be the liberty and the equal protection of the law which exists among them everywhere within the Republic. And I have no hesitation in saying that, so far as any act of mine has ever gone or ever will go, I shall never stop to inquire whether the Representative from any Southern State has been engaged in rebellion or has belonged to one particular political party or another when he comes here; nor shall I stop to inquire what is to be the result of a particular election in any course I may take, so that I see that the people of the State where the election may have occurred have had a fair opportunity to express their opinions; and when I see the people of such a State protected in the liberty and in the rights which belong to them, and when I see when such events occur as have occurred that justice is in some way to be obtained through the orderly administration of the law. The State of Georgia, from which the honorable Senator comes, was at one time since the rebellion in a similar state of commotion. I do not say that it proceeded from the same cause; of course its facts were different; but there was disorder in the State of Georgia. A person claiming to be governor of that State—and I do not know but that he was—was endeavoring to get the control of it. That person was of my political party. I did everything that I could to resist his efforts; and so far as my voice and my vote went the schemes he had in view were prevented and set aside. I do not think, therefore, that I am amenable to any criticism from the Senator from Georgia in respect to the course which I or my party may have taken touching the disturbances which have existed since the war in various of these States, one after the other. It does not become him, I think, with the fairness which ought to characterize his conduct, to undertake to impute to me, from anything that I said yesterday, or have said at any other time, any evidence of ill will or animosity or dislike to the people of the Southern States. All that I say is that I desire that there shall be security of person and of property, of life and of liberty, security not only to the honorable Senator and those who may belong to his party, but security to all men of all parties under the law and according to law. Can the honorable Senator be dissatisfied with that? I have not the slightest objection to the democratic party, the party of the white men of the South, as it is sometimes called, having the control of every State government there, so that they get it in the forms provided by the Constitution and administer their government equally for the benefit of all. Is that animosity? Is that hostility? If it is I do not understand the meaning of the terms. The only thing which should divide us now is not a glorification of one side or the other, (which I certainly have not entered upon;) it should be a careful effort to get at the truth as to the condition of the Southern States where there are disorders; and whatever the truth turns out to be act upon it under the law and for the law and for the protection of all the people.

But, Mr. President, I have a suspicion—perhaps it is unjust—that getting at the truth and acting upon it to the effectual preservation of peace and order through the modes pointed out by the Constitution and the laws would not suit a certain portion of the people of the Southern States. If the Senator referred to any portion of the people of the Southern States, it is not the portion to which he referred. When I see armed organizations of men, not provided for or tolerated by the Constitution of the United States or the constitution of any Southern State, arrayed and drilled at the earliest and best opportunity they can select to undertake to take the law into their own hands and to overthrow an existing government, whether that be a government *de jure* or not, then I say it is time to inquire what this state of things means; and when we find, if we should find, that great numbers of human lives are sacrificed in these disorders without the bringing to justice of the persons who commit these crimes, if they are crimes—I will put it in that way—but the criminals going boldly everywhere through the places where these events have occurred untried, unpunished, it is time for the American people and the American Congress to inquire whether there is not power in the Government within the Constitution to defend the lives and the liberties of its citizens—not to defend them by making war upon other people, not to defend them by turning any man out of his rights, be they what they may, but by the simple and ordinary process of justice under the law. And just as fast and just as far as it can be seen that under any administration of any political party in any State of the South there is peace, good order, liberty, then just so far I am sure that I shall hail and the people of my State will hail such a state of things with satisfaction. Ever since the rebellion terminated the North has cried out and longed for simple tolerance of opinion and liberty. It has not cried out for vengeance. It has taken the weight of constitutional disabilities off from the leaders in the rebellion, and it has received them with open arms into the councils of the States and of the nation, and it has done it gladly; and it has only implored and sought for that peace of which the honorable Senator professes himself to be so great an advocate. That is all.

If there is any animosity in this, I do not know the force of the term. If there is any hostility in this, I do not know the force of the term. But inasmuch as government is instituted solely for the protection and the preservation of the rights of its citizens, it is the business of the Government to the extent of its powers to see to it that the rights and the liberties of its citizens are preserved. If wishing for that is an offense to the sensibilities of the honorable Senator, then I am sorry. It is all that I wish for; it is all that I have acted for, and it is all that I shall act for. But so far as it is necessary to inquire or to act within the Constitution to attain these ends, the honorable Senator must be sure that I shall act and that the people of my State will act without feeling any great danger from responsibility.

Mr. GORDON. I will confine myself to a very few words in reply to the honorable Senator from Vermont. The Senator seemed to be under the impression that I was unhappy because he entertained certain opinions of my people. Upon that point I wish simply to say that while I prefer for the southern people the good opinion of the Senator, I was not very unhappy over his unfavorable opinion. I was much more concerned as to the effect of his remarks upon others than as to whether he himself was misguided or not.

The Senator referred to my using the phrase that I was "responsible for what I said." I used it in retort upon the Senator who had charged me with *audacity* in making statements. I did not use it in the sense which he attached to that term. What I meant was responsibility as a Senator and as a man for the truth of what I say; and if, in view of this statement of what I meant by responsibility, I am to bring upon myself the censure of the Senator as a semi-barbarian, I must bear it "e'en as well as I can." But it seems to me that the Senator and I need not quarrel about this matter. If he will allow me to remain responsible for my statement in the Senate in the sense in which I used that term, I will promise not to molest him in his irresponsibility for *his* statements.

The honorable Senator objects to my allusion to the past services of the southern people. I should never have obtruded it upon his ear but in reply to his assault upon that people. He reminds me of the fact that recent events, in his judgment, have beclouded the glory to which I referred. The honorable Senator will fail of his purpose to lead me into any controversy about the late war. This is not the time to defend the men, if they need a defense, to whom he has invited my attention. If it suits his purposes to keep alive the animosities of that recent struggle, he must do so without any aid from me. I had supposed that the unhappy past was buried with the past, and that whatever of glory was won on either side would be in the future the common heritage of a common people. If the Senator has different views, he is welcome to entertain them.

The honorable Senator desires to get at the truth. Sir, if the South has one desire higher than another it is that the American people may know the whole truth in reference to her purposes and conduct. In the face of his reference to semi-barbarism the Senator protests his kindly feeling toward the people of the South. I know, for I have a reason to know, that the day of better feeling is dawning. I stated that as broadly, I thought, as language could state it in my first remarks; but, sir, there is a deep and broad gulf between the sentiments of the people and the spirit of hate exhibited here.

The Senator also said that when he could see armed organizations, the white league of white men in the South, brought to punishment, he would then hope for some peace. The Senator will allow me to tell him that, ever since the war, black organizations, armed and drilled night after night, have existed and been marched to the polls all over the South. Did the Senator ever think it necessary for the peace of the country to investigate them? Did he ever call upon the Army and Navy to put them down?

The honorable Senator, I repeat, disclaims any animosity toward our people. I am very glad of that disclaimer. I certainly had no disposition to make him an enemy; but the Senator will excuse me for imagining that he might entertain some hostile feeling toward us

when I read an additional passage from his speech of yesterday, with which I shall close:

But the difficulty is, Mr. President, and it is perfectly useless to disguise it, that there is upon the one side there the constant and organized effort of a minority of the people, which same minority had always governed those States until the end of the war, to force their opinions upon the majority without any respect to the means by which they are to do it—

That looks to me very much like a reference to the whole white people of the South—

and inasmuch as mere voting will not do it, then there must be whipping; inasmuch as mere whipping will not accomplish it, then there must be slaughter; and inasmuch as education will not do it, then let the school-houses be burned up; and inasmuch as religion will not do it, then let the churches go; and until that notion is reversed or is exterminated by the hand of fire—

Conciliatory words those—

just so long you must expect that there will be resistance and aggression on the part of this body of white-leaguers, as they are called, that really represent, according to the testimony, southern society, as they call it—

Mark the words: "southern society, as they call it"—

and the organized forces of free government.

Mr. FLANAGAN. Mr. President, in briefly attempting to discuss the subject now presented to the Senate, I have simply to say that I have no criticism to make on the resolution offered. I favor, however, the amendment; but I shall vote for the resolution with a great deal of pleasure in the absence of the amendment. The Senate and the people of the United States are certainly entitled to the fullest information upon this grand subject. When the resolution was presented by the distinguished Senator from Ohio, I was very much delighted. It was precisely such a subject as I wished amply discussed. Whatever may have been his promptings for its introduction does not matter; it appeared to me at that moment that the object was to give strength to what may be termed the conservative party in New Orleans, where this Legislature of Louisiana was being organized.

The VICE-PRESIDENT. Order will be preserved.

Mr. FLANAGAN. The little disorder does not annoy me in the least. It is just what I expected to encounter, and I understood it well before I got up. I do not think I shall find anything to change my convictions in that respect; but that circumstance is a potent one, that should speak loud and long to the American citizen to-day that we are standing upon a precipice, and we should look well before we step either to the right or to the left.

This is no small matter, Mr. President. It only tends to ventilate the Louisiana question, which has been a vexed one for years; but at the same time it ventilates the whole reconstruction subject; it goes back to the war of 1861. I am gratified on this occasion to see my democratic friends consistent. They are only doing now what they have done heretofore; and if a conflict is forced upon the nation, as it was before, I shall expect them to be consistent and to do again what they did then.

This question is one of great moment. I arise to discuss it in my feeble manner with no unkind feeling toward any individual. It involves a great principle. I love my country. I am for my country right, but I go further. A great spirit, who occupied the chair for many, many years with distinction, when speaking on a great question, said he was for his country right, and there he closed. I go with him heart and hand thus far, but I go further: I am for my country right or wrong. I make no question upon that branch of the subject.

Mr. President, we have had many distinguished names in our history. The nation loved the name of Andrew Jackson. There are many yet who respect the name of James Buchanan. There are those to-day, as was well said in the Senate yesterday, who love the name of Grant. I believe in 1815, upon January 8th—and we are hard by it now, approximating it rapidly, but two days off—the fond name that I first instanced was placed in New Orleans where the distinguished Sheridan is to-day, the 6th of January, 1875; and if he is not assassinated there, and he is not likely to be, he will be very likely to be there on the 8th of January, and I think it will be found that he will be as efficient on that occasion as Andrew Jackson was when he so triumphantly succeeded over the minions of England, those men who were under Packenham and Wellington, who represented and declared in our infancy, when we were coming into existence, that we could not live. The party that to-day antagonize the Government, as I understand it, entertains the same views.

I am one of those who have always known the sincerity of the action of the people of the South and of their promptings. The distinguished gentleman from Georgia, I see, has retired from his seat, which is unlike the way he acted when he led the proud soldiers of the South to battle in a cause he, I feel no hesitancy in saying, gloried in then as he does now when he speaks of glory, supposing he was fighting in a good cause; but I should like to ask my friend, if he were in my sight, if he entertains the opinion to-day that he was then right? I have no hesitancy in saying that he would respond without a question, because he is a candid, sincere gentleman, that he was right. If that idea be correct, that he believed himself to be then right, has he evidenced to us in any way, manner, or shape that he believes now that he was in error then? If he believed himself to be then right and indorses that action of his to-day, give him the power and what will he do in the third instance? Just that which he has done heretofore; and it illustrates the whole action of that great party which brought down millions, nay, billions, of indebtedness upon the American nation and untold floods of blood.

He says that he knows better the feeling and action of the people of the South, whom he has lived among, than the distinguished Senator from Indiana, [Mr. MORTON.] He may do so; I raise no issue as to the superior knowledge of one of these gentlemen over the other; but I can say for myself that I have lived as long in the South as the distinguished Senator from Georgia. I have lived in the South sixty-nine years. He cannot go that far back. I have lived in the immediate neighborhood where I now reside for upward of thirty years. I know the people; I know their feeling if their action indicates their feeling, and it would be strange logic to me if it did not. The distinguished gentleman says that shot-guns are not even common in his part of the country. That may be. I raise no issue with any fact that my friend states; but in my section they are amply abundant, and if history be true they are always to be come at whenever they are wanted to shoot a few of the colored voters in his portion of the country. They then can be found. But he says there are few such instances. True, upon one occasion, I believe, he does admit that some drunken democrat did shoot down a black man or two. Very well, let it go under the cover of drunkenness if you like. I do not think, however, that is a very good plea to put in on this or any other occasion.

Mr. GORDON. Will the Senator allow me to correct him? I did not say that.

Mr. FLANAGAN. You were within half an inch of it and a little farther than I went. [Laughter.]

Mr. GORDON. I prefer, when the Senator quotes me, that he shall not miss me by half an inch even. [Laughter.] I would rather he quote me exactly. I was reading from testimony as published in the papers.

Mr. FLANAGAN. I would like to have your language if you will be kind enough to give it to me. Well, sir, what are the facts? It is said that the statements presented to the American people by the republican party are fabulous; but let me remark in all candor, as the Queen of Sheba said to the wise man, "The half has not been told." The half has not been told of southern outrages, of murders, and everything of horror that can be contemplated in our language. Surely Senators are possessed of all the facts, and yet not one of them can point to one single man who has been put upon trial in the South and convicted for any of these crimes, let him have been a drunken democrat or otherwise. It seems to me that that speaks volumes. I need not to invoke the slaughter at Colfax; I need not go to Coushatta, though I can say that one of the young officers who was assassinated upon that occasion I knew from his boyhood. He was raised close by me, in Shreveport, Louisiana, and I live but about sixty miles from that place. I knew the family of Howell well; and, by the way, they were good democrats until that unfortunate circumstance occurred. After that they faltered. They said they could not go the figure when their own family was being massacred by the democracy. That brought them to hesitate, and it has many.

But the line, Mr. President, that I wish to pursue is this: When this resolution was yesterday introduced I was much gratified at the fact. Why? I wanted the subject ventilated; I wanted it discussed; I wanted the whole testimony. Let it all come out; let it go forth to the nation. This is a period when it should certainly go to them, and I think it will do much good when it does. And I was more than delighted yesterday when I saw distinguished Senators take hold of this question understandingly. The facts are so clear that they cannot misapprehend but must understand them. There was not a southern voice heard here yesterday. The North took hold of it, the extreme North, and the great West. Thought I, "We are safe;" and I must confess that I felt buoyant upon that occasion. I knew that the republican party was demoralized in the last elections; and see how beautifully that is played upon now by the distinguished Senator from Georgia. "O," said he, "the North are aroused." That is not his language exactly; I have it not before me; I am only undertaking to give the substance. He said, "The North is going to stand by us, and do this, that, and the other." That was understood previous to the last war. It was understood at the South then that the North was going to stand up for the South, that they would make their fight secure, that cotton was king, and all that kind of thing; that it would demoralize even old England and that the recognition of the independence of the South would be at a very early period. Those expectations all proved to be merely speculative. I think from the evidence of witnesses on this occasion we are still secure; but we are insecure in the absence of the interest manifested upon this question yesterday. If the distinguished Senator from Georgia is correct to-day in saying that the sentiments of the Senators here are not in accord with those of their constituents in the States that I think they so ably represent, then we are gone and there will be no longer any republican party. The North must come to the rescue of the few republicans that there are in the South. It is their fight now. Heretofore I have felt to a very great extent on this floor that I was ignored. The majority were entirely too easy and independent; they cared nothing for Texas. The republican party were so strong that they could go into battle on any occasion without regard to Texas, or indeed many other of the Southern States, and victory still perch on their banners. Not so to-day, sir. The handwriting is on the wall. I am glad to see that the North

are aroused. Well they may be. It is now their fight as well as mine as an humble republican in the South. I am disposed, myself, quietly, from my age, already alluded to, to yield the question and submit. Whatever "the powers that be," I always submitted to them, and if I dislike them, I will do the best I can. That is all I have to do as an American citizen. I love the Constitution; I love the laws, though they may not be always such as I desire; but the same power exists and will continue to exist while this glorious Government is perpetuated to alter, amend, and re-enact, and do everything that is needful for the benefit of the nation as it has done heretofore.

Mr. President, what is the feeling of the people in my State. When McEnery was likely to come into power, a few months since, all Texas was aroused. The men were excited; thousands of them would readily have gone into battle for "the down-trodden Louisianians," as they termed them. They felt it, and they took it home to their bosoms, and they were ready to make it a common cause. What I am to relate occurred close by me. I live within twenty miles of the town of Marshall, a very thrifty town, too. The Texas Pacific Company runs its road through that town directly from Shreveport, the terminus on Red River. It was made known that it was necessary to concentrate forces to carry out the avowed intentions of the McEneryites in Louisiana upon that occasion to seize the government and to retain it. Instant was the response right there from my neighbors close to me. A company of men went down in their fine uniforms, well armed, though my friend from Georgia says arms are scarce there. Those Texas boys had them. They went down and got to the depot, ready for an advance to aid their brethren in Louisiana, when they received a telegram, "All quiet; everything lovely here; the flowers are blooming delightfully; thank you for your good intentions; we do not wish your services." All went back. Their friends had the government of Louisiana; they were possessed of it and were happy. Thus they are happy to-day in the State of Georgia. I should like to put a question to my distinguished friend from Georgia, and I would prefer that he was sitting in his seat, but he prefers to exercise himself, and it is all right. He knows the day was when he could not get a seat in this Chamber. Why? For his love of "the lost cause." That kept him away for a time; but the difficulties were removed upon that subject, and his love for "the lost cause" is that which entitles him to his seat to-day. It is a reversed order of things. His love for "the lost cause" gives him power to-day. That is all right; I am not antagonizing his views; I am not calling them in question so far as he is concerned or those who indorse him; but they do not suit me, and I only instanced that to show unmistakably that whenever they get the power they will exercise it. When was it in their history that they did not do so? But recently it was "anything to beat Grant," and they took up Greeley, who had been with us all his life. "Anything to beat Grant" was their cry; and poison as Greeley was to them, they would take him to get into power, just as they have taken the reconstruction acts. They have made war upon those acts, and in their hearts they are bitter enemies to them practically upon all points; but they have availed themselves of them wherever they could profit by doing so.

Mr. President, there is one idea that I wish briefly to call the Senate's attention to to-day. The organization at the South which is seeking to control is the democratic party. It has never been anything else; when they call themselves conservatives, it is only to get up close to you, so that they can hug you like the two Indians did at old Boonsborough, in Kentucky, to get the advantage of you and kill you. It was only to use the name as policy dictated, so as to get the advantage. They are all democrats to-day, and they will do anything under the sun when they get into power that they can do. And what will that be? Would they be enabled to perpetuate this Government? Do they desire to do so? Many of them say they do; but if you will only get hold of one who will say that he regrets what he has previously done, and that he desires to perpetuate the Government, then I am ready to take him into the church; not before.

Now, sir, I read from the Houston Telegraph of December 29, 1874, and I take occasion to remark that that has been one of the most moderate democratic sheets in our region and has been considered indeed high-toned; and it certainly is, not the father of all the democratic papers in our State but the grandfather. It is the oldest paper known to the State of Texas. It was published there in the days of the republic; and here is a little article, a very modest one, from it at this recent date:

Is a republican form of government a failure? If not, why are the people of the United States so indifferent about the condition of Louisiana?

Is Grant to be a dictator, and his will to be the law governing the people of a free State? Are his minions and his emissaries to run riot in a State of this Confederation with the Army of the United States to do their bidding? What is the meaning of all this? Is the voice of the people to be disregarded and their will set at defiance? We said some time since Grant meant mischief. We predict now that notwithstanding the denial of Phil Sheridan that he has had no orders to go to Louisiana, he will be sent there in less than ten days.

Therefore directly saying that Sheridan is a liar. By the way, they know he is pretty good authority in a great many cases. There is no doubt about that.

He will be sent there in less than ten days.

He may have said so, because he knew, in justice to the American people, that he ought to be sent there—the very man for the purpose.

We predict that Kellogg will be sustained by the Administration—

No very wise prediction, because that had been decided upon in the Senate here solemnly two years since—

and every effort made to place the people of Louisiana in a false position.

As a matter of course!

It makes our blood boil to know that the radical flag is flaunted in the faces of our brethren—

Surely it does. A few more generals that have commanded the noble spirits of the South will occasionally be found to be aroused here likewise at a very early day, and it will not be a great many days until your humble servant that is addressing you upon this occasion will retire and a rebel general take his seat. Then he will sympathize with what has been said here to-day, and I know not how much further he may go, nor do I care.

I read on—

when they have defeated at the ballot box the whole horde of wretches who are the creatures of the national Administration, and are kept in power by Federal bayonets.

Mr. President, "Federal bayonets" do not alarm me. But for "Federal bayonets" may I not well ask what the condition of this nation would be to-day? But for "Federal bayonets" would my friend from Georgia have a seat in the Senate Chamber? No, sir. He was fighting upon a different line altogether, but he was overpowered, and the Government of the United States being a government of power, justice, and mercy, through that power—I will waive justice to some extent and let it take a seat elsewhere, if you please—but through its mercy he is authorized to sit here, as many others like him will be. I do not dislike the bayonets. They are very good in their proper place. I am not one of those who would advocate their being used everywhere, but there are places where they should be used. They have been used in the South, and properly used.

Upon that branch of the subject I might well go further, but I am admonished that it is growing late. I wish, however, directly in connection with the remarks that are now submitted, to ask when they speak of the Federal bayonets so often, what have they done in the South since the rebellion has been so successfully put down by them? Military trials were had there in many instances for assassinations that were clear and unmistakable; convictions were had; men were sentenced to die, to pay the penalty that they had brought upon themselves; but the mercy that I speak of, through the Executive, President Grant, on all occasions I believe wherever he has been appealed to, interposed to save them. I know once I appealed to him in behalf of about twenty men who had been condemned by a military court that had been in session for four or five months at Jefferson, some forty or fifty miles distant from me. I was there and employed to defend a party for killing only about six men at one time. He was condemned to die, but President Grant directly reprieved the whole of them. I went to him once or twice, perhaps the third time. He said that he would turn every one of them loose or turn them all loose in the goodness of his heart. He thought by kindness he could bind them up so that they would respect and appreciate his kindness. Not a bit of it; and I say to you to-day, Mr. President, that every time you contract with a democrat, one of these parties down there that are so earnest now on this subject, and there are scarcely any others, you simply sell out yourselves on all occasions and you get nothing in return. They kick you out of court the very first opportunity they get after their solemn engagement with you. That is all you would realize. Let me continue reading this article:

We cannot foresee to what Louisiana is to be brought. We hope our predictions may prove false, but we have no faith in the integrity of the Chief Magistrate of the country, and believe his creatures are capable of everything but common honesty and patriotism. Sheridan is hanging around now to do his master's bidding, and, as much as he may deny it, we are satisfied that Grant intends to bring on the fight.

It is not remarkable for the people of the South to arrive at such a conclusion. There are thousands and thousands of them who, if you should put them upon their oaths to-day, would testify, and believe before God and man that they were speaking the truth, that the Federal Government brought on the war. But few of them there are ready to acknowledge that Sumter was fired upon in the first place. Many of them are not in the full possession of the facts. They were simply drilled by the democracy there, and whatever the democracy said was to them as the Bible or anything known to man; and they said in their speeches on the subject right and left that the war was forced upon them, that they were not the aggressors, and thus they say to-day; and if forty wars hereafter are forced upon the nation, they will always think themselves free from responsibility. They will never have anything to do with it except to fight like good, honest soldiers.

And Sheridan is to take charge of it. If so, we shall not mourn if "*little* Phil" has an opportunity to sample the sulphur refreshments of that particular place which he said he would prefer to Texas as a residence. It is about time the whole press was speaking out.

They all wish him a happy exit, and that he may reach that point at an early day. That is the whole of it, so far as little Phil is concerned. Here is another comment that is not very uninteresting to me on this line of the subject, because it portrays their character, though I am not an admirer of it:

The situation of affairs in Louisiana occasioned some time since a very positive and decided article in the Shreveport Times as to what disposal should be made of men usurping the places of those elected by the people. The article called out the

Memphis Appeal and Courier-Journal in bitter and denunciatory articles, which in turn provoked very personal editorials from the Times. The fact that two Southern papers had taken the Times to task for its ill advised article, as they termed it, caused the matter to be thoroughly ventilated in the North. We have counseled moderation, and do so yet, but the following from the Times is just what every man must indorse:

"The question now with the people of Louisiana is, is the work finished? We think not. The will of the people, as expressed at the ballot-box on the 2d of November, and not the will of Kellogg & Co., as expressed through their returning board, must be vindicated. Every man elected to the lower house of the Legislature must be present in New Orleans at the opening of that body ready to take his seat. No private interest or matter of private business should prevent any from being at his post of duty, and he who fails now deserves the scorn and contempt of his fellow-men."

The Times then goes on to say that "if the Federal Government interferes to deter the people from protecting themselves, let the State be made too hot," &c.

Now, I say, let it be thus made, and let it be understood that the Senate of the United States are ready to meet that question. Let them make it just as hot as they desire; and, for the benefit of the nation, the sooner it is done the better. Let me not be misunderstood. The handwriting is on the wall, and the Southern States to-day are just as the volcanoes of Etna and Vesuvius are; they are ready to burst forth and to spread their lava broadcast upon any and every individual, I care not what his color may be, who entertains the idea of equality among the people of this proud nation.

Let every man do his duty, and his whole duty, be the consequences what they may. If the natural sequences are such that our fellow citizens *must* assert their manhood, they will; but, under the present pressure, coolness, deliberation, and moderation should be counseled, terrible as the oppression is.

Thereby stating clearly and unmistakably that but for the pressure some great rising would take place. What pressure? The pressure of these bayonets that our friends here are so much opposed to. That is the pressure, and it is rather an objectionable feature for a man to run against. He cannot very well afford to do it.

But there is another subject that I wish to discuss. I want to admonish the American people to-day—now is the time—that the southern people are better prepared for war than they have been for any period during the existence of this nation. I see my friend from Maryland [Mr. HAMILTON] smiling. He is a good democrat; he is one of the good democrats that I always like. I always love to please him, for I am then very much encouraged. He laughs at what I have said; he thinks it is a good idea. Now I will give him the reasons why I think so. When the last war was inaugurated and the South was possessed of some four million slaves they were worth a very large amount of money; they aggregated millions of dollars in value. They were by the laws of the land their property; they had inherited them; they had gotten them from their forefathers or from the North. There they were. During the war we had a very pretty little statute that he who was possessed of twenty slaves was exempt from military service. He could go and denounce radicalism and everything of that kind, and say very glibly that one southerner could come out with his lariat and by breakfast bring in half-a-dozen green Yankees without any trouble; but he was not required to fight himself. Those people went to battle under these circumstances. Very often they divided large plantations, so as to relieve A, B, C, D, E, and F, &c., to a very great extent, from military service. Now these gentlemen are free and easy. They did not go into the ranks to fight then, but they staid at home to watch the blacks. They were liberated to that extent. But here is the point: a war to-day would be in the absence of those slaves, in the absence of the money they represented; for that was the grand point. Before when the war was waged it was often said that the rebels had gained a victory at such and such a place, many of them being well known to history; but it was given out directly after the battle that the water had become a little bad where they were, and that they had fallen back some ten, fifteen, twenty, or fifty miles, as the case might be, until they found good water. They kept finding good springs and good locations until they began to come down close to Texas. [Laughter.] Before that, however, the blacks came by the hundreds and by the thousands into Texas. What were they coming to Texas for, crossing the Mississippi and Red Rivers, and getting into that vast plain? It was hoped that the Federal troops would not reach them and they would be secure in that retreat. They were always accompanied by many owners, overseers, &c. The laws recognized their action in that retreat in every instance. To-day if war was inaugurated that question does not come up. There is no negro interest there now to fight for. That is all disposed of. Therefore all could go to the front; they could all fight; there would be no excuse for any to remain behind; and I tell you they are stronger and better prepared to-day than they have ever been at any previous period of their history, and many of them are all anxiety to go into war.

It is true there are many there like my distinguished friend from Georgia. He went into the war and fought valiantly. There are a great many down there who never got into it, and those who never got into it to-day are the most warlike men you ever saw. One of them could whip twenty Yankees without any trouble in God Almighty's world; and unless they should prove consistent and run away in the second instance, as they did originally, they would have to be encountered too, and they would stop a few bullets occasionally. That is the feeling there.

Again, let it be understood, let it go abroad that the bitterness upon the part of the southern people to-day is tenfold greater than it was at any period during the last war, because throughout that whole struggle it was fondly hoped by many of the slaveholders that ultimately, when peace should be made, they would be left in possession of their property. All those parties became very bitter to those who had sympathized with republicanism and the struggles of the Federal Army anterior to that period. But what is the history to-day? You may go all over the South, as far as I have ever gone, and you will find at the breakfast table, you will find at dinner, at tea, in the parlor, everywhere, the great subject is Louisiana and her oppression, and the anathemas that are hurled at the United States Government, the civil-rights bill, and everything else included. Previous to the war they were simply democrats. They were drilled then broadcast throughout the whole South. All the South was democratic. They had all power—power, they thought, to sunder the Government and build up a new one, but in that they failed. They are not satisfied. History repeats itself; revolution follows upon revolution. Alphonso is king to-day, where there was a republic a few days since, and so we go. I think that at an early day you will hear that young Napoleon has come to power, and is placed on the throne of his ancesters as the Emperor of proud France. What is in the future for us? Is it Davis? God only knows whether Davis is to be the President of the United States at a very early period or not. Thousands and thousands there are who would vote for him in preference to Grant or anybody else.

Are those the persons whom you wish to possess the power of exercising control over the bayonets that they speak of? The democracy cannot perpetuate this great nation. They had all power up to 1860. They became so strong that in their strength they fell. Give them the power and they will do that again, and it is an open question whether the republican party is not going to do precisely the thing that the democracy did at that day. They have been too strong, with perfect confidence in their ability to do anything and everything, so as to secure and perpetuate the blessings that have grown out of a republican government. I am gratified to know that we have lived to reach that period when the republicans are aroused. Sir, they must be; they must come to the front throughout this great nation. They must now, politically, make a charge; and it must be a Murat charge. They must not be halting between two opinions. "There is the enemy," as the old general told his soldiers when they were in martial array, directly in view of the contending army. Said he, riding up and down before them, "I am no speaker; but there's your enemy; if you don't whip them, they will whip you." I tell you that the republican party is in this condition to-day. They are in martial array. Let these men say what they may about bayonets, they will find the bayonets when they are necessary to be found, if they have that sympathy that is invoked and is so clearly boasted of on this occasion in the North. Yet what is it that they will not be armed with? They have more power than you have any idea of, unless you contemplate the subject earnestly.

The American nation owes a large debt; she owes many millions. What is the confederate debt? Nothing, under God Almighty's heaven! They do not owe any foreign debt; they dislike very much to pay their *pro rata* of interest on the national debt to-day; but give them the power, and then they would talk to you. Then, when you spoke of pensioning an old soldier, they would say, "Yes, pension the confederates likewise." When you talked about appropriations to pay the interest on your debt, they would say, "Yes, but pay the cotton bonds to England, for we drew the money and will stand up and acknowledge our general indebtedness," and at an early period the question would be whether the sum would not be so large, like counting the horse-shoe nails, that it would be easy to propose simply to repudiate the whole and end it! The northern sympathizing friends of the South had better look to their bonds; they had better look to the integrity of the republican party. Their interests are not to be thus ignored. There are some brains in the republican party, and I hope there is some patriotism. When all these facts are taken together, I am sure it will be seen that a great responsibility is placed upon our northern friends. They must act; and, as has been evidenced here in the opening of this discussion by the North and by the great West, when they come up side by side, the republican party must succeed. I hope in God it may.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment of the Senator from New York, [Mr. CONKLING.]

Mr. SARGENT. I move that the Senate adjourn.

Mr. HAMILTON, of Maryland. I should like to submit some remarks.

Mr. SARGENT. I understand the Senator from Maryland takes the floor to speak on this matter; and he yields to me, that I may make a motion to adjourn, which I now make.

The PRESIDING OFFICER. Before putting the question on that motion, the Chair asks permission to present some bills from the House of Representatives for the purpose of reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 4162) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States, from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon—to the Committee on Public Lands;

The bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army—to the Committee on Military Affairs; and

The bill (H. R. No. 4126) authorizing the Citizens' National Bank of Sanbornton, New Hampshire, to change its name—to the Committee on Finance.

The PRESIDING OFFICER. The Senator from California moves that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 6, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

REPORT OF COMMISSIONERS OF CLAIMS.

Mr. DONNAN, from the Committee on Printing, reported back with an amendment the following resolution:

Resolved, That there be printed for the use of the Committee on War Claims of this House and the commissioners of claims four thousand copies of the fourth annual report of the commissioners of claims.

The amendment was read as follows:

Strike out "four thousand" and insert "one thousand," so as to read "one thousand copies."

The amendment was agreed to.

The resolution, as amended, was adopted.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDINGS AT SAINT LOUIS, MISSOURI.

Mr. WELLS, by unanimous consent, introduced a bill (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

AFFAIRS IN ARKANSAS.

Mr. LAMAR, by unanimous consent, presented a petition of sundry citizens of Arkansas; which was ordered to be printed, and was referred to the special committee in relation to affairs in Arkansas.

CHANGE OF NAME OF A NATIONAL BANK.

Mr. MAYNARD, by unanimous consent, reported back, with an amendment from the Committee on Banking and Currency, the bill (H. R. No. 4126) authorizing the Citizens' National Bank of Sanbornton, New Hampshire, to change its name.

The bill was read.

The first section provides that the name of the Citizens' National Bank of Sanbornton, New Hampshire, shall be changed to the Citizens' National Bank of Tilton, New Hampshire, whenever the board of directors of said bank shall accept the new name by resolution of the board, and cause a copy of such action, duly authenticated, to be filed with the Comptroller of the Currency. Such acceptance is to be made within six months after the passage of this act; and all expenses incident to the proposed change, including engraving, are to be borne and paid by the bank.

The second section provides that all the debts, demands, liabilities, rights, privileges, and powers of the Citizens' National Bank of Sanbornton shall devolve upon and inure to the Citizens' National Bank of Tilton, New Hampshire, whenever such change of name is effected.

The amendment was read, as follows:

In the first section, after the words "resolution of the board," insert "and confirmed by a vote of two-thirds of the stockholders."

Mr. MAYNARD. As we understand the facts, this bank was originally established in the town of Sanbornton, New Hampshire. The Legislature of that State has divided the town into two parts, the new part called by the name of Tilton, and it is in that new part the bank is in fact situated. It is not a change of place, but a change of name, to correspond with the action of the Legislature.

Mr. HOLMAN. It is not a change of location?

Mr. MAYNARD. It does not change the location. The amendment we propose is to make this conform to each of the other bills already reported.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LABORING MEN OF GEORGETOWN, DISTRICT OF COLUMBIA.

Mr. NEGLEY, by unanimous consent, presented the petition of certain laboring men of the city of Georgetown, District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

OKLAHOMA.

Mr. COBB, of Kansas, by unanimous consent, introduced a bill (H. R. No. 4164) to provide a temporary government for the Territory of Oklahoma; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

Mr. BECK. The understanding is that the bill is not to be brought back by a motion to reconsider.

The SPEAKER. That cannot be done.

ADJUTANT-GENERAL'S DEPARTMENT.

Mr. MACDOUGALL. I call up a motion to reconsider the vote by which House bill No. 3912 was recommitted to the Committee on Military Affairs.

The SPEAKER. Was that done yesterday?

Mr. MACDOUGALL. No, but on the 22d of last December. I wish to bring the bill before the House for consideration.

The SPEAKER. What is the bill?

Mr. MACDOUGALL. It is the bill (H. R. No. 3912) reducing the force in the Adjutant-General's Department of the Army. It was recommitted and the motion entered to reconsider, which motion I now call up for consideration.

The bill provides that the Adjutant-General's Department of the Army shall hereafter consist of one Adjutant-General, with the rank, pay, and emoluments of a brigadier-general: two assistant adjutants-general, with the rank, pay, and emoluments of colonels; four assistant adjutants-general, with the rank, pay, and emoluments of lieutenant-colonels; and ten assistant adjutants-general, with the rank, pay, and emoluments of majors.

The second section repeals so much of section 6 of the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," approved March 3, 1869, as applies to the Adjutant-General's Department.

Mr. HOLMAN. I trust there will be some explanation of the effect of the bill—whether it increases the number of officers in that Department of the Army or not.

Mr. MACDOUGALL. In reply I will say it reduces the number three majors, while it increases the lieutenant-colonels one. In other words, it reduces the number of majors from thirteen to ten, and increases the lieutenant-colonels one; or rather, fills a vacancy by promoting a major to be lieutenant-colonel. With that exception there is no change of rank. It will save to the Government $10,500 a year.

Mr. GARFIELD. When this bill was up before I made some criticism of it; not so much criticism of the bill itself as criticism of the general legislation touching the Army, and then asked for its postponement, so as to have time to look more carefully into its provisions. I then called attention to the fact that in 1869 promotion had been stopped in the staff corps of the Army for the sake of reducing them to a size more compatible with the size of the new Army, or rather more in proportion to a peace establishment. That reduction of course has gone on by the natural process of absorption from casualties; but of course some time or other promotion ought to be restored to the staff corps. I regret I did not at that time know more about the legislation of last June. I think the act then passed was uneven in its operation. It opened up all of the staff corps except three—the Adjutant-General's, the Pay Department, and the Medical Corps. One thing was then done which I deeply regret. It was my belief, and has been for years, that we ought not to have in time of peace, under a peace establishment, brigadier-generals at the head of staff corps; but I find on looking over the legislation of last spring all these staff corps, save perhaps two, have had a brigadier-general allowed as head of the corps. If we have gone so far to break up the old plan, I see no reason why we should make this exception, and therefore I do not believe this bill in reference to the Adjutant-General's Department is an improper one—certainly not improper taken in connection with the legislation already had. It is doing no more for the Adjutant-General's Department than has been done for almost all the other corps; and so far as I am personally concerned I withdraw any objection to the bill. I only think the legislation ought to have been about all the staff corps rather than by piecemeal, as we are having it now and as it has been in the past.

Mr. DONNAN. I desire to say a word in addition to what has already been said in regard to this bill. I have examined it with some care, and I do not believe there is any valid objection to it. Under the law of 1862 we had in all thirty regiments. The staff corps of the Adjutant-General's Department then consisted of one brigadier-general, two colonels, four lieutenant-colonels, and thirteen majors. As this bill now proposes, with forty regiments as a military organization, we will have the same brigadier-general, the same number of colonels, and the same number of lieutenant-colonels, and three fewer majors.

Mr. HOLMAN. I understood the gentleman from New York [Mr. MACDOUGALL] to say that the number of lieutenant-colonels is increased by one.

Mr. MACDOUGALL. One vacancy is to be filled.

Mr. DONNAN. The bill does not increase the number of lieuten-

ant-colonels. There will be a vacancy which will be filled by promotion. Now, the opening up for promotion has been recommended by the War Department. The House acted upon the recommendation last June and opened this staff corps to promotion; but the law as it came back amended by the Senate defeated that object so far as this staff corps is concerned. I believe there is no serious objection to the bill. It is economical, and ought to become a law.

Mr. MACDOUGALL. I call the previous question on the bill.

The previous question was seconded and the main question ordered, and under the operation thereof the House agreed to reconsider the vote by which the bill was recommitted.

Mr. MACDOUGALL. I now withdraw the motion to recommit, and ask that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDOUGALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIRST NATIONAL BANK OF SAINT ALBANS.

Mr. WILLARD, of Vermont, by unanimous consent, introduced a bill (H. R. No. 4165) for the relief of the First National Bank of Saint Albans, Vermont, and other persons; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

He also, by unanimous consent, introduced a bill (H. R. No. 4166) for the relief of the First National Bank of Saint Albans, Vermont; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REIMBURSEMENT OF THE CITY AND COUNTY OF SAN FRANCISCO.

Mr. CLAYTON, by unanimous consent, introduced a bill (H. R. No. 4167) making an appropriation to reimburse the city and county of San Francisco for certain expenditures; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ADDITIONAL PAY TO CALIFORNIA TROOPS.

Mr. CLAYTON also, by unanimous consent, introduced a bill (H. R. No. 4168) allowing additional pay to the troops known as the California Hundred and the California Cavalry Battalion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LORENZO D. LATIMER.

Mr. CLAYTON also, by unanimous consent, introduced a bill (H. R. No. 4169) for the relief of Lorenzo D. Latimer, late United States district attorney for the district of California; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JUDICIARY COURTS OF THE UNITED STATES.

Mr. ELLIS H. ROBERTS, by unanimous consent, introduced a bill (H. R. No. 4170) to amend the fourteenth section of the act to establish the judiciary courts of the United States, approved September 24, 1789; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNAL-REVENUE TAXES.

Mr. HOSKINS, by unanimous consent, introduced a bill (H. R. No. 4171) to reduce internal-revenue taxes, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

T. J. AND F. A. WHARTON.

Mr. McKEE, by unanimous consent, introduced a bill (H. R. No. 4172) for the relief of T. J. and F. A. Wharton; which was read a first and second time.

Mr. McKEE. I ask that this bill be referred to the Committee on Appropriations.

Mr. GARFIELD. A bill for relief should not go to the Committee on Appropriations.

Mr. McKEE. It provides for payment out of an appropriation.

Mr. RANDALL. Let the bill be read.

The Clerk read as follows:

Be it enacted, &c., That out of the appropriations made for the Department of Justice there shall be paid to T. J. and F. A. Wharton the sum of $250 for legal services rendered to the United States in the prosecution of H. B. McClure, late collector of internal revenue second collection district Mississippi, and J. W. Robbins, deputy of the said McClure.

Mr. RANDALL. That is a claim, and should not go to the Committee on Appropriations.

Mr. GARFIELD. The bill is liable to the point of order under the new rule of last session. It relates to an appropriation out of an appropriation, and should go to the Judiciary Committee. I move that it be so referred.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

MASONIC MUTUAL RELIEF ASSOCIATION.

Mr. WOOD, by unanimous consent, introduced a bill (H. R. No. 4173) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES H. HAMILTON.

Mr. SAYLER, of Ohio, by unanimous consent, introduced a bill (H. R. No. 4174) for the relief of James H. Hamilton; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BINGER HERMANN.

Mr. NESMITH, by unanimous consent, introduced a bill (H. R. No. 4175) for the relief of Binger Hermann; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JUDICIAL PROCEEDINGS.

Mr. FARWELL, by unanimous consent, introduced a bill (H. R. No. 4176) for an act concerning judicial proceedings in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN H. RUSSELL.

Mr. WALDRON, by unanimous consent, introduced a bill (H. R. No. 4177) for the relief of John H. Russell, of Adrian, Michigan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GAINES LAWSON.

Mr. BUTLER, of Tennessee, by unanimous consent, introduced a bill (H. R. No. 4178) for the relief of Gaines Lawson, late captain Fourth Tennessee Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN L. BRADLEY.

Mr. BUTLER, of Tennessee, also, by unanimous consent, introduced a bill (H. R. No. 4179) granting a pension to John L. Bradley, late corporal second North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL WILHOIT.

Mr. BUTLER, of Tennessee, also, by unanimous consent, introduced a bill (H. R. No. 4180) granting a pension to Daniel Wilhoit, late sergeant of Company L, Eighth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POTOMAC AND MOUNT PLEASANT RAILROAD COMPANY.

Mr. FRYE, by unanimous consent, introduced a bill (H. R. No. 4181) to incorporate the Potomac and Mount Pleasant Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CAROLINE SHEWARD.

Mr. BANNING, by unanimous consent, introduced a bill (H. R. No. 4182) granting a pension to Caroline Sheward, widow of Nimrod D. Sheward, late a teamster in the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF RED-FISH BAR.

Mr. GIDDINGS, by unanimous consent, introduced a bill (H. R. No. 4183) to provide for continuing the improvement of Red-fish Bar, in Galveston Bay, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. LOUGHRIDGE, by unanimous consent, introduced a bill (H. R. No. 4184) to equalize bounties to soldiers who served in the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at thirty-two minutes past twelve o'clock, and reports are in order from the Committee on Indian Affairs.

Mr. AVERILL. The Committee on Indian Affairs has had some business submitted to it which it has been unable to perfect and which is very important, and while there are some little matters which they might report to-day, I ask in their behalf unanimous consent that the committee may reserve its right under the call until some other day.

Mr. BUTLER, of Massachusetts. I have no objection to that, provided it does not require some other committee to report to-day.

The SPEAKER. It is the duty of the Chair, unless otherwise ordered by the House, to call the committees in their order.

Mr. SHANKS. There are other committees ready to report.

Mr. BUTLER, of Massachusetts. Very well; then I will not object.

The SPEAKER. If there be no objection, the two hours belonging to the Committee on Indian Affairs will be reserved for some other day. The Chair hears no objection. Reports are now in order from the Committee on Military Affairs.

MEMPHIS AND VICKSBURGH RAILROAD COMPANY.

Mr. DONNAN, from the Committee on Military Affairs, reported back, with an amendment, the bill (H. R. No. 103) granting to the Memphis and Vicksburgh Railroad Company the right of way along the river bank at the national cemetery at Vicksburgh, Mississippi.

The bill, which was read, grants the Memphis and Vicksburgh Railroad Company, a corporation organized under an act of the Legislature of the State of Mississippi, the right to construct their line of railroad through the grounds of the national cemetery at Vicksburgh; said line to run within two hundred feet of the bank of the Mississippi River, not to interfere with the improved grounds of said cemetery, except at a point below the terraces where there is a plat wherein a few regular soldiers are buried, said point to be spanned by an iron bridge of handsome style; the whole of said line through the cemetery to be constructed under the supervision of the United States officer in charge of said cemetery.

The amendment was to strike out all after the words "is hereby granted the right," and to insert in lieu thereof the following:

Of way through the grounds of the national cemetery at Vicksburgh, Mississippi, one hundred feet in width, and not more than two hundred feet distant from the Mississippi River; provided, in case said right of way shall include within its limits the graves of any deceased soldiers, their remains shall be removed and reinterred within said cemetery under the direction of the United States officer in charge, and at the expense of said railroad company.

The question was upon the amendment reported from the committee.

Mr. HOLMAN. This bill makes an appropriation of public land. It seems to me that nothing but an extreme case would justify such a bill. I will reserve my point of order until some explanation is made.

Mr. DONNAN. I will make a statement, and then I think the gentleman will hardly deem it necessary to insist upon his point of order. This railroad crosses a small portion, about forty or fifty rods in length, of the national cemetery near the bank of the Mississippi River at Vicksburgh. It is nearly impossible to cut a way through the bluffs, and unless this railroad can cross the bank of the Mississippi River at this point—the value of the property is not much, being only four rods in length——

Mr. HOLMAN. I do not attach any importance to the value of the property. My objection is to the appropriation of the ground dedicated to the burial of the soldiers of the late war for the use of corporations. That should not be done unless imperatively necessary and no other course can be adopted.

Mr. DONNAN. It will not damage the cemetery at all. The War Department says there is no objection to the passage of this bill, and I apprehend the value of the property is so small that it is hardly worth while for the gentleman to maintain his point of order.

Mr. HOLMAN. I have said that I do not attach any importance to the question of the value of the property, none at all. I object to a railroad company being allowed to construct its road through a cemetery of the soldiers of the late war unless there is an imperative necessity for it. The idea seems to be that railroads should be allowed to run their roads wherever they please. If in this instance this road cannot be constructed so as to run around this cemetery, then there may be no objection to the bill.

Mr. DONNAN. I will yield to the gentleman from Mississippi, [Mr. McKEE.]

Mr. McKEE. The situation of this road is very peculiar. There are a great many here who are familiar with the hills around Vicksburgh. They all know that there is a high, narrow range of hills, and the only outlet for a railroad from the city of Vicksburgh is over these hills or right along the bank of the Mississippi River. The hills are too high to grade the road up and down them, and you cannot burrow two miles through them. This cemetery lies right in the path, and if we cannot go across it, we cannot have a railroad at all. This is the most important railroad that comes to Vicksburgh; it runs through all our rich Yazoo and Mississippi River bottoms. We cannot get out in any other way; we have tried every way we can to engineer out, and the only route is along the bank of the Mississippi River, upon the shelving *débris* of the bluffs.

Mr. HOLMAN. With this explanation, and with the statement that the War Department do not object to this road, I will not insist upon my point of order.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL B. S. ROBERTS.

Mr. DONNAN, from the Committee on Military Affairs, reported a bill (H. R. No. 4185) for the relief of Brevet Brigadier-General B. S. Roberts; which was read a first and second time.

The bill authorizes and requests the President to convene a board, to consist of not less than five officers, at least two of whom shall be medical officers of the Army, whose duty it shall be to examine and report whether B. S. Roberts, lieutenant-colonel United States Army retired, was, as of date December 15, 1870, entitled to be retired in accordance with the provisions of section 32 of an act to increase and fix the military peace establishment of the United States, approved July 28, 1866; and if said board shall find that said Roberts was entitled to be retired under the provisions of said act, then in that case it shall be the duty of the Secretary of War to correct the record of said Roberts, and to retire him, in accordance with the provisions of section 32 of said act, as of date December 15, 1870, the date of his actual retirement.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH B. EATON.

Mr. DONNAN, from the Committee on Military Affairs, reported a bill (H. R. No. 4186) for the relief of Joseph B. Eaton; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY JACKSON.

Mr. DONNAN also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 3860) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL W. HAMILTON.

Mr. DONNAN also, from the same committee, reported back the memorial, statement, and evidence relating to the claim of Samuel W. Hamilton to a portion of the Fort Gratiot military reservation, Michigan; moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Private Land Claims.

The motion was agreed to.

CHARLES A. LUKE.

Mr. DONNAN also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 1340) for the relief of Charles A. Luke; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM B. HAZEN.

Mr. DONNAN also, from the same committee, reported back adversely the memorial of General William B. Hazen, on the subject of creating a soldiers' savings deposit; which was laid on the table, and the accompanying report ordered to be printed.

REMOVAL OF DESERTERS' DISABILITIES.

Mr. DONNAN also, from the same committee, reported back adversely the bill (H. R. No. 2142) to relieve all persons engaged in the volunteer military service of the United States at the close of the war of the rebellion from the disability of desertion on account of absenting themselves afterward from their respective regiments and companies without leave.

Mr. HOLMAN. I ask that this bill be read.

The bill was read. It provides that all persons who were in the volunteer military service of the United States on the 18th day of April, 1865, and who after that time absented themselves without leave from their respective regiments and companies, and who were on that account entered as deserters on their respective rolls, be relieved of the sentence of desertion; and that all claims for back-pay and bounty be audited and paid to them as though no disability of desertion had ever been incurred by them.

Mr. HOLMAN. Do the Committee on Military Affairs consider this an improper measure?

Mr. DONNAN. Let the report be read.

Mr. HOLMAN. Many of the States have memorialized Congress on this subject.

Mr. WILLARD, of Vermont. Before any further proceedings be taken on this bill, if it is to be considered, I desire to make a point of order on it.

The SPEAKER. The Chair will hold that point in reserve. Does the gentleman from Indiana [Mr. HOLMAN] object to laying the bill on the table?

Mr. HOLMAN. I trust the report will be read before any point is made on the bill.

Mr. DONNAN. Perhaps after the report is read the gentleman from Indiana will be satisfied that the bill should be laid on the table.

The SPEAKER. The point of order will be considered as reserved.

The report was read. It states that the bill proposes to relieve from the charge of desertion all persons engaged in the military service of the United States at the close of the late war who subsequent to the 18th day of April, 1865, absented themselves from their respective regiments without leave, and to give to all such their full pay and bounty as though no such charge had been entered against them. Among the number of soldiers who so absented themselves,

the committee state, there are undoubtedly cases of peculiar hardship, which have received or will receive favorable consideration by Congress; but to restore the entire list to an unblemished record would be unjust to the many thousands of their faithful comrades who served without breach of military discipline until honorably mustered out of the service. Desertion from military duty is a grave crime; and to restore a large number of persons guilty of the offense, without very cogent reasons for their relief, will have a most demoralizing effect upon the existing Army, in which organization "desertion" is now an offense of too frequent occurrence.

Mr. HOLMAN. I think this bill ought to go to the Committee of the Whole on the Private Calendar.

Mr. DONNAN. We have no objection to that if the gentleman wants to debate it.

Mr. BUTLER, of Massachusetts. This measure would take about ten million dollars from the Treasury.

The SPEAKER. It will be referred to the Committee of the Whole on the Private Calendar.

Mr. G. F. HOAR. I raise the point that it is a public bill and cannot go to the Committee of the Whole on the Private Calendar.

The SPEAKER, (after examining the bill.) The bill will be referred to the Committee of the Whole on the state of the Union.

ADVERSE REPORTS.

Mr. DONNAN also, from the same committee, reported back adversely the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1485) directing the Secretary of War to detail an officer of the Army to go to Freestone County, Texas, to investigate the burning of the store-house and goods of L. R. Worthom, of said county, alleged to have been done by Federal soldiers since the war;

Petition of Joseph H. Chadwick and others, incorporators of the Joseph Warren Monument Association, asking for a donation of brass cannon;

A bill (H. R. No. 2970) to govern the transportation of supplies for the Army;

Memorial of the Legislature of Florida, asking that the barracks at Saint Augustine be transferred to that State to be used as a State lunatic asylum;

A bill (S. No. 305) for the relief of Albert Von Steinhousen, late major Sixty-eighth Regiment New York Volunteer Infantry;

A bill (H. R. No. 3212) for the relief of Rachel Frisbee, widow of Elzy Frisbee;

A bill (H. R. No. 3416) for the relief of Jacob Dice, Fountain County, Indiana;

The memorial of G. H. Graham, late captain Company I, Eighth Tennessee Infantry;

The petition of Robert Miney;

The memorial of Charles Young; and

A bill (H. R. No. 419) for the relief of Francisco V. C. De Coster, of Litchfield, Meeker County, Minnesota.

EXTRA HOUR FOR REPORTS OF MILITARY COMMITTEE.

Mr. DONNAN. In the absence of the chairman of the Committee on Military Affairs [Mr. COBURN] and of the gentleman from Pennsylvania, [Mr. ALBRIGHT,] another member of the same committee, who are away from the city under order of the House attending to special business, I ask unanimous consent they may have the opportunity to report such business as they may have in their hands immediately after the Committee on Indian Affairs.

The SPEAKER. The proper way would be to give the committee an additional hour. It is entitled to two hours under the rule to make reports.

Mr. DONNAN. The committee may occupy its two hours, but I now ask unanimous consent that the chairman of the committee and the gentleman from Pennsylvania may have opportunity to report such business now in their hands after the Committee on Indian Affairs has concluded its reports.

Mr. BUTLER, of Massachusetts. Not to exceed one hour.

Mr. DONNAN. That is all I ask.

The SPEAKER. In order that there may be no misapprehension, the Chair will state the request of the gentleman from Iowa. It is that after the Committee on Indian Affairs has concluded its report, the gentleman from Indiana, [Mr. COBURN,] chairman of the Committee on Military Affairs, and the gentleman from Pennsylvania, [Mr. ALBRIGHT,] also a member of the committee, shall have one hour to report such business as they may have in charge on the part of that committee.

There was no objection, and it was ordered accordingly.

SOLDIERS' ORPHANS' HOME OF THE STATE OF ILLINOIS.

Mr. HAWLEY, of Connecticut, from the Committee on Military Affairs, reported a bill (H. R. No. 4187) to donate certain heavy artillery to the trustees of the Soldiers' Orphans' Home of the State of Illinois; which was read a first and second time.

The bill directs the Secretary of War to furnish to the trustees of the Soldiers' Orphans' Home of the State of Illinois six heavy guns, with carriages, to be permanently located for ornamentation, two at said home and four near by at the Bloomington soldiers' monument; all of said guns to be taken from those captured, or such as may be at any time in the Ordnance Department, and not needed by the Army.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Connecticut, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. GUNCKEL, from the same committee, reported adversely in the following cases; which were laid on the table:

A bill (H. R. No. 2582) granting to the city of Baton Rouge, Louisiana, certain portions of the United States garrison grounds in that city for the purpose of a public park; and

A memorial of the State board of education of the State of Indiana.

FORT BUTLER RESERVATION, NEW MEXICO.

Mr. GUNCKEL also, from the same committee, reported a bill (H. R. No. 4188) to release Fort Butler military reservation; which was read a first and second time.

The bill authorizes the Secretary of War to rescind all action heretofore taken by the War Department for the establishment of a military reservation at Fort Butler, in the Territory of New Mexico, and to declare said reservation released from any appropriation for military purposes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GUNCKEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES M. SEEDS.

Mr. GUNCKEL also, from the same committee, reported back a bill (H. R. No. 2938) for the relief of James M. Seeds, of Cincinnati, Ohio, with the recommendation that it do pass; which was referred to the Committee of the Whole House on the Private Calendar.

ADVERSE REPORTS.

Mr. GUNCKEL also, from the same committee, reported adversely in the following cases; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1794) for the relief of Henry C. Hirst;

A bill (H. R. No. 1299) to correct an error in the date of enlistment of John H. Franklin, late a soldier of Company K, Seventh Regiment Iowa Volunteer Infantry, as appears on the muster-roll of said company now in the War Department; and

A bill (H. R. No. 2971) for the relief of certain soldiers of the Indian Home Guard Regiment.

CITY OF PETERSBURGH, VIRGINIA.

Mr. GUNCKEL also, from the same committee, reported back a bill (H. R. No. 2375) for the relief of the city of Petersburgh, and moved that the same be referred to the Committee on War Claims; which motion was agreed to.

POST-QUARTERMASTER-SERGEANTS.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 6178) to provide for post-quartermaster-sergeants.

The bill was read. It authorizes and empowers the Secretary of War to select from the sergeants of the line of the Army who shall have faithfully served therein five years, three years of which in the grade of non-commissioned officer, as many post-quartermaster-sergeants as the service may require, not exceeding one for each military post or place of deposit of quartermaster supplies, whose duty it shall be to receive and preserve the quartermaster supplies at the posts, under the direction of the proper officers of the Quartermaster's Department, and under such regulations as shall be prescribed by the Secretary of War. The post-quartermaster-sergeants hereby authorized shall be subject to the Rules and Articles of War, and shall receive for their services the same pay and allowances as ordnance-sergeants.

Mr. BUTLER, of Massachusetts. I hope the gentleman who reports this bill will give some explanation of what will be its effect. It provides for the appointment of two hundred and fifty new officers of the Army; or it empowers the selection of these sergeants, and it will be necessary to supply their places in the line by new enlistments.

Mr. MACDOUGALL. The bill provides that the sergeants shall be taken from the line of the Army; and it will not be necessary to supply their places as the gentleman from Massachusetts has suggested. Companies under the new organization having only forty or fifty men in them can get along with three or four sergeants. The bill simply transfers these sergeants and gives them the extra pay which they are entitled to as extra-duty men.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDOUGALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALMERON E. CALKINS.

Mr. MACDOUGALL also, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 2401) for the relief of Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry.

The bill was read. It authorizes the Paymaster-General of the United States Army to pay Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry, the pay and allowances of a second lieutenant, from the 19th day of March, 1864, to the 23d day of July, 1864, the date of his muster as such second lieutenant.

Mr. BUTLER, of Massachusetts. I make the point of order that this bill must have its first consideration in Committee of the Whole.

The SPEAKER. The bill goes to the Committee of the Whole on the Private Calendar.

ADVERSE REPORTS.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported adversely on the following bills, &c.; and the same were severally laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 1428) for the relief of Anson B. Lains;

The petition of Edward Black, late major Eleventh Tennessee Cavalry Volunteers; and

The petition of Mrs. B. Brown.

Mr. THORNBURGH, from the Committee on Military Affairs, reported adversely on the following bills and petitions; and the same were severally laid on the table, and the accompanying reports ordered to be printed:

The petition of Louisa Scheckels;

The bill (H. R. No. 431) to construct a military wagon-road in Washington Territory; and

The bill (H. R. No. 2921) for the relief of George T. Cochrane, late captain Eighth Indiana Battery.

Mr. YOUNG, of Georgia, from the Committee on Military Affairs, reported adversely on the bill (H. R. No. 1121) for the relief of the State of Missouri, on account of ordnance and ordnance stores issued to the said State by the United States during the late war of the rebellion; and the same was laid on the table, and the accompanying report ordered to be printed.

ORDNANCE STORES ISSUED DURING THE LATE CIVIL WAR.

Mr. YOUNG, of Georgia, also, from the Committee on Military Affairs, reported back, with amendments, the bill (H. R. No. 2724) for the relief of certain States and Territories, on account of ordnance stores issued to them during the late civil war.

The bill was read. It provides that all issues of arms and other ordnance stores which were made by the War Department to the States and Territories between the 1st day of January, 1861, and the 9th day of April, 1865, under the act of April 23, 1808, and charged to the States and Territories, having been made for the maintenance and preservation of the Union, and properly chargeable to the United States, the Secretary of War is hereby authorized to credit the several States and Territories with the sum charged to them respectively for arms and other ordnance stores which were issued to them between the aforementioned dates, and charged against their quotas under the law for arming and equipping the militia.

The amendments reported by the committee were read, as follows:

In line 11, after the word "authorized," insert "upon a proper showing by such States and Territories of the faithful disposition of said arms and ordnance stores."

And add the following proviso:

Provided, That it shall be the duty of the Secretary of War, before making a credit to any of said States and Territories, to investigate and ascertain so nearly as he can the disposition made by each of said States and Territories of said arms and ordnance stores; and if he shall find that any of said arms or ordnance stores have been sold or otherwise misapplied, to refuse a credit to such State or Territory for so much of said arms and ordnance stores as have been sold or misapplied; and the amount thereof shall remain a charge against said State or Territory the same as if this act had not been passed.

The amendments were agreed to.

Mr. BUTLER, of Massachusetts. I desire to ask the gentleman from Georgia a question. Does this bill affect those States which have settled up? Does it give them any drawback? If I understand the bill rightly, it relieves those States which have overdrawn their accounts. Now, suppose a State has not overdrawn its account, does the bill allow it anything?

Mr. YOUNG, of Georgia. No, sir; it does not allow any drawback. The bill devolves it upon the Secretary of War to inquire whether the arms and stores issued to the various States were used in the late war, and, if so, to credit those States with the sums charged to them for such arms and stores. Some of the States—among whom is Vermont—have sold the arms, and by this bill they are made to account to the United States for such sale.

Mr. GUNCKEL. This bill is intended to settle up this whole matter, and places all the States on an equal footing. It is simply to correct a matter of book-keeping in the War Department.

Mr. YOUNG, of Georgia. I now move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIEUTENANT R. H. CHADBORN.

Mr. HUNTON, from the same committee, reported a bill (H. R. No. 4189) for the relief of Lieutenant R. H. Chadborn, late of Company B, Eighty-fourth Regiment United States Colored Infantry; which was read a first and second time.

The bill provides that so much of General Order No. 167, dated headquarters of the Department of the Gulf, November 22, 1864, as approves of the proceedings, finding, and sentence of First Lieutenant R. H. Chadborn, Eighty-fourth Regiment United States Colored Infantry, by court-martial convened on the 1st day of September, 1864, be annulled, and it authorizes and instructs the Secretary of War to give to the said R. H. Chadborn an honorable discharge as of the date of his dismissal by the sentence of said court-martial.

Mr. BUTLER, of Massachusetts. Is there a report accompanying that bill?

The SPEAKER. There is.

Mr. BUTLER, of Massachusetts. I would like to hear the report read.

The Clerk proceeded to read the report.

Mr. BUTLER, of Massachusetts. I withdraw the call for the reading.

Mr. HOLMAN. I suppose that should go to the Committee of the Whole on the Private Calendar. I make the point of order upon it.

The SPEAKER. The bill is referred to the Committee of the Whole on the Private Calendar.

Mr. HUNTON. I understand that there is no objection, and I ask that the bill be put upon its passage.

The SPEAKER. The Chair understands the gentleman from Indiana [Mr. HOLMAN] to insist on the point of order on the bill.

Mr. HOLMAN. I suppose the point of order is proper, but if gentlemen of the committee who have examined the subject think the bill ought to pass, I will not insist upon it.

Mr. BUTLER, of Massachusetts. I renew the point of order.

The SPEAKER. Then the bill is referred to the Committee of the Whole on the Private Calendar.

PROTECTION OF THE BANKS OF COLORADO RIVER.

Mr. HUNTON also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3768) to provide for the protection of the banks of the Colorado River at Yuma military depot, Arizona.

The bill appropriates $40,000 to be used under the direction of the Secretary of War in the construction of such walls or other works as may be necessary for the protection of the banks of the Colorado River at the Yuma military reservation, Arizona.

Mr. BUTLER, of Massachusetts. Is there a report accompanying that bill?

Mr. HUNTON. There are accompanying papers, and I ask for the reading of them.

The Clerk read as follows:

WAR DEPARTMENT, *February* 20, 1874.

The Secretary of War has the honor to transmit to the House of Representatives copy of letter of chief quartermaster Department of Arizona, relative to a project for the protection of the banks of the Colorado River at Yuma depot from the action of the current, which has heretofore threatened its destruction during annual freshets.

By reference to the indorsement of the Quartermaster-General it will be seen that the total cost of the work will probably be not less than $40,000.

The large store-houses and the great amount of public property usually at the Yuma depot render it important that a special appropriation should be made to protect the banks of the river at this point against the action of floods.

WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS DEPARTMENT OF ARIZONA,
CHIEF QUARTERMASTER'S OFFICE,
Prescott, Arizona, August 23, 1873.

CAPTAIN: I have the honor to submit a project for the protection of the banks of the Colorado River at Yuma depot from the action of the current, which has heretofore threatened its destruction during annual freshets. * * * * The direction of the current of the Colorado, from the mouth of the Gila, is toward the rocky bluff on which Fort Yuma is situated; deflected thence, it strikes the left bank of the river directly in front of the depot store-house, where, and also at a point about 250 feet further down stream, the river banks have been washed away by the counter current to a serious extent.

About a year since temporary protection was attempted by use of stone and brush, which have now nearly disappeared.

With a view to determining a method for permanent protection, I have caused measurements and soundings to be taken, under the direction of Captain A. F. Rockwell, assistant quartermaster.

From the profile sketch it appears that the upper stratum of the river-bed, immediately in front of the Government reservation and near the southern shore, is composed of sand, with occasional layers of indurated clay, to an average depth of about 14 feet, underlying which is a compact hard material, apparently clay, difficult to penetrate with the sounding-rod.

The most effective and least costly method of protection is, in my opinion, briefly as follows: (A revetment wall of stone would be more costly.)

Commencing at the projecting point above the steamboat landing, let a continuous row of piles (12 inches diameter at butt) be driven as closely together as possible, and near to the shore, conforming to its general direction to a point about 600 feet below the landing.

These piles to be sufficiently long to be driven through the upper stratum of sand, and penetrate sufficiently far into the underlying compact clay to insure stability. This will require piles of an average length of 22 feet.

The heads of the piles to be sawed off at the line of low-water mark. On the

top of the piles, and securely pinned to each pile-head, let a continuous timber-cap of 12 inches square be placed.

At intervals of 12 feet, and 12 feet in rear of the front row of piles, let anchor-piles be driven, and the cap or lower course of timber be securely connected therewith, at intervals of 12 feet, by a land-tie 12 by 12 inches square.

Upon the cap-timber of the front row of piles let a vertical revetment of timber of the same dimensions be raised, each course secured to that next below it by 12-inch wooden pins, 22 inches long, 6 feet apart.

The timber revetment to be secured to the anchor-piles, at intervals of 12 feet, by two land-ties, one about half the height from the cap-piece to the top of the work, the other 1 foot below the top. The space between the timber revetment and the bank of the river to be filled with stone, brush, and earth, carefully laid, to advance *pari passu* with the timber construction.

This timber revetment to be carried up sufficiently high to be above the highest recorded water, which would require a height of about 18 feet from top of piles when ready for capping.

The back-filling to be done by labor of troops and depot laborers.

I estimate the cost of this work as follows:

715 piles, (12 inches at butt,) 22 feet long, 15,730 linear feet, at 75 cents..	$11,797 50
150,000 feet (board measure) timber, 12 inches by 12 inches, at $100 per M.	15,000 00
Driving piles	3,000 00
Carpenters' labor	3,000 00
Labor, as back-filling and contingencies	2,202 50
Total estimated cost	35,000 00

In view of the great value of public property liable to destruction at Yuma depot, I respectfully recommend such action as may secure the completion of this work, by the foregoing or any other effective plan, before the high water of the summer of 1874.

Very respectfully, your obedient servant,

J. J. DANA,
Major and Quartermaster, U. S. A.,
Chief Quartermaster Department of Arizona.

The ACTING ASSISTANT ADJUTANT-GENERAL,
Department of Arizona, Prescott, Arizona.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF ARIZONA,
Prescott, August 25, 1873.

Respectfully forwarded, approved, and earnestly recommending that this matter receive that prompt attention the subject demands.

GEORGE CROOK,
Lieutenant-Colonel Twenty-third Infantry,
Brevet Major-General, Commanding Department.

[Second indorsement.]

HEADQUARTERS MILITARY DIVISION PACIFIC,
San Francisco, September 5, 1873.

Respectfully referred to the chief quartermaster Military Division Pacific for remark.

By order of Major-General Schofield:

D. C. KELTON,
Lieutenant-Colonel, A. A. G.

[Third indorsement.]

HEADQUARTERS MILITARY DIVISION PACIFIC,
OFFICE OF CHIEF QUARTERMASTER,
San Francisco, California, September 6, 1873.

Respectfully returned to the assistant adjutant-general, headquarters Military Division Pacific, with request that these papers, &c., be submitted to the Quartermaster-General.

R. H. ALLEN,
Assistant Quartermaster-General.

[Fourth indorsement.]

HEADQUARTERS MILITARY DIVISION PACIFIC,
San Francisco, September 6, 1873.

Respectfully forwarded to the Adjutant-General.

J. M. SCHOFIELD,
Major-General.

[Fifth indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, September 18, 1873.

Respectfully referred to the Quartermaster-General.

E. D. TOWNSEND,
Adjutant-General.

[Sixth indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
September 26, 1873.

Respectfully returned to the Adjutant-General of the Army.

The project is defective in not providing a row of sheet-piling, to prevent the whole construction being undermined by the washing out of the loose sand of the bed of the river below low water.

Estimating that this would add $5,000 to the cost, the total cost of the work will probably be not below $40,000.

I recommend that Congress be asked to make appropriation for the work, which is very necessary to save the buildings already erected from destruction.

These buildings are of adobe, well built, and among the best buildings in Arizona. All building is very costly in that country, and they should be saved, if possible.

The condition of the appropriation for barracks and quarters for the year 1873–'74 does not allow me to recommend that the expenditure for this work, or for Fort Brown, be taken from that appropriation.

M. C. MEIGS,
Quartermaster-General, Brevet Major-General, U. S. A.

[Seventh indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 1, 1873.

Respectfully submitted to the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

[Eighth indorsement.]

OCTOBER 4, 1873.

The Secretary of War concurs with the Quartermaster-General that no expenditure can be made at present, and directs that the matter be brought before Congress at its next session, and appropriations asked for.

H. T. CROSBY,
Chief Clerk.

[Ninth indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., October 8, 1873.

Respectfully returned to the Quartermaster-General, inviting attention to the action of the Secretary of War indorsed hereon.

E. D. TOWNSEND,
Adjutant-General.

[Tenth indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
February 5, 1874.

Respectfully returned to the honorable Secretary of War, inviting attention to first, sixth, and eighth indorsements. The total cost of the work will probably be not below $40,000.

I renew my recommendation of September 26 last, "that Congress be asked to make appropriation for the work, which is very necessary to save the buildings already erected from destruction," as the funds at the command of this Department will not justify the expenditure.

M. C. MEIGS,
Brevet Major-General, United States Army.

INSPECTOR-GENERAL'S OFFICE,
February 20, 1874.

Respectfully returned to the Secretary of War.

The following is an extract from Inspector-General Sacket's report of May 12, 1873:

"I would respectfully call attention to the river bank in front of this depot. The danger from high water is very great. The different officers of the Quartermaster's Department stationed here for the past five or six years have done all that lay in their power, by the use of fascines, piles, (such as they can get,) rubbish stones, &c., to protect the bank from washing away. Last season the buildings were in great danger, and, in case of very high water this season, may again be placed in jeopardy. I think an appropriation should be asked for, for the special purpose of piling and filling in along the entire front of the depot buildings. The piles should be large and long to reach the solid ground below the quicksand. Unless some action is taken for the protection of the bank, the public buildings and property will always be in danger during the season of freshets. The building occupied by Lieutenant Eskridge was very near being washed in last season during the high water. He had his furniture all packed ready for a move at any moment. The banks disappear very rapidly when they begin to cut away.

"These public buildings at this depot are too valuable and have cost too large an amount of money in their construction to risk their destruction, when a small appropriation would render them perfectly safe."

The foregoing representations of Colonel Sacket seem to render it highly important that the work called for should be executed; and as the available residues of the existing appropriations for barracks and quarters and for transportation are insufficient to meet the expenditure, I very respectfully recommend that a special appropriation be asked for from Congress at an early date, and that the design and execution of the work be intrusted to an engineer officer.

I also recommend that Congress be asked at the same time to appropriate the estimated amount for the protection of the public buildings at Fort Brown, Texas.

R. B. MARCY,
Inspector-General United States Army.

WAR DEPARTMENT, *May 28, 1874.*

The Secretary of War has the honor to transmit to the House of Representatives, for the information of the Committee on Military Affairs, as requested by the chairman of said committee in letter of the 21st instant, letter of the Quartermaster-General of the Army, dated the 25th instant, showing the number and dimensions of Government buildings at Yuma depot liable to damage from freshets in the Colorado River.

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., May 25, 1874.

SIR: I have the honor to return the letter of Hon. JOHN COBURN, M. C., chairman of the Committee on Military Affairs, House of Representatives, referring to the letter from the Secretary of War in relation to a project for the protection of the banks of the Colorado River at Yuma depot, and calling for information as to the number and value of the Government buildings in danger of destruction, and as to the expediency of removing said buildings to a place of safety.

The buildings at Yuma depot, located on the bank of the river, and subject to be undermined and washed away, are—

Quarters for the officer in charge, 45 by 32 feet; walls 3 feet thick, 14 feet high. Kitchen, detached, 30 by 16 feet; walls 3 feet thick, 12 feet high; roofs shingle, and in good condition.

Store-houses: One building 121 by 103 feet; walls 14 feet high; divided into three rooms; shingle roofs; in good condition.

Corral, 246 by 216 feet.

An engine-house, containing a steam-engine and pump for supply of the depot with water through an elevated stone tank or cistern.

All these buildings are of sun-dried bricks, (*adobes,*) and to remove them is impossible.

If the walls were demolished and rebuilt, a great part of the material would be destroyed in the process.

Labor, in the intensely hot and dry climate of Yuma, which lies on the bank of the Colorado River, but in the midst of the great Colorado Desert, is very costly; therefore, to abandon these buildings and rebuild farther back from the river bank would be very expensive. The country produces nothing, and food for the laborers and teams employed must be brought from San Francisco.

A description of the depot is to be found in Outline Descriptions of United States Military Posts and Stations, published by the War Department (Quartermaster-General's Office) in 1872.

The post is a most important one, and I recommend that the appropriation to protect the banks of the river be made, as already recommended by the Secretary of War, (Executive Document No. 154, Forty-third Congress, first session.)

These buildings have been erected at intervals during many years. They are in excellent condition, convenient, and suitable for their purposes.

I am not able to report their present value, but it is much greater than the amount asked to protect the site; and the cost of rebuilding them would, in all probability, much exceed the sum estimated for their preservation, besides interrupting work of depot.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General, United States Army.

The Hon. SECRETARY OF WAR,
Washington, D. C.

Mr. WILLARD, of Vermont. I suppose that bill must have its first consideration in Committee of the Whole, as it contains an appropriation?

The SPEAKER. Yes; if the gentleman raises the point of order,

it must be referred to the Committee of the Whole on the state of the Union.

Mr. WILLARD, of Vermont. I make the point of order.

The bill was referred to the Committee of the Whole on the state of the Union.

WILLIAM H. CARMEN.

Mr. DONNAN, from the same committee, reported a bill (H. R. No. 4190) for the relief of William H. Carmen, Company E, Thirty-second Illinois Volunteers; which was read a first and second time.

The bill authorizes and directs the Secretary of War to cause to be paid, out of any money theretofore appropriated or that may hereafter be appropriated for the support of the Army, to William H. Carmen, late a private in Company E, Thirty-second Regiment Illinois Volunteer Infantry, the pay of a private soldier from the 24th day of December, 1863, to the 14th day of March, 1865.

Mr. DONNAN. If the House will hear me for a moment I think no objection will be made to this bill.

Mr. HOLMAN. I reserve the point of order upon it, and ask that the report be read.

The Clerk proceeded to read the report.

Mr. HOLMAN. I withdraw the call for the reading of the report. I am satisfied that the bill ought to pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. YOUNG, of Georgia. Has not the morning hour expired?

The SPEAKER. The morning hour will only expire when something of higher privilege intervenes.

Mr. STARKWEATHER. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the fortification appropriation bill. Pending that motion, I also move that all general debate upon that bill be limited to five minutes.

CHANGE OF REFERENCES.

Mr. GARFIELD. Before the question is taken on the motion of the gentleman from Connecticut, [Mr. STARKWEATHER,] I desire to report back from the Committee on Appropriations certain bills, and have them referred to other committees.

There being no objection, the Committee on Appropriations were discharged from the further consideration of the following bills; which were referred as indicated:

A bill (H. R. No. 3829) for the relief of Joseph J. Brown, of Augusta, Georgia—to the Committee on War Claims;

A bill (H. R. No. 3848) providing for the erection of a penitentiary in the Territory of Arizona—to the Committee on Public Buildings and Grounds; and

A bill (H. R. No. 4020) appropriating money out of certain revenues in the Territory of Dakota—to the Committee on Public Buildings and Grounds.

E. D. FRANZ.

Mr. ELKINS, by unanimous consent, introduced a bill (H. R. No. 4191) for the relief of E. D. Franz; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

S. K. THOMPSON.

Mr. PHILLIPS, by unanimous consent, introduced a bill (H. R. No. 4192) for the relief of S. K. Thompson, late second lieutenant Twenty-fifth United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CUSTOMS REVENUE.

Mr. KASSON, by unanimous consent, introduced a joint resolution (H. R. No. 134) declaratory of an act to amend custom-revenue laws and to repeal moieties, passed June 22, 1874; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AFFAIRS IN LOUISIANA.

Mr. HALE, of Maine. I send to the desk a resolution upon a subject-matter which I know must be dwelling upon the minds of all, and ask the Clerk to read it.

The Clerk read as follows:

Whereas the disturbed and revolutionary condition of affairs in Louisiana threatens the destruction of law, order, and civil rule in that State; and whereas by section 4, article 5, of the Constitution it is made the imperative duty of Congress to guarantee to every State in this Union a republican form of government; and whereas in the judgment of this House the most practicable mode of rendering this guarantee effectual in the case of Louisiana is to remove all sense of wrong and oppression from the minds of its people by a new, fair, and well-guarded election of their civil officers; Therefore,

Resolved, That the Committee on the Judiciary be instructed to prepare and report without delay a bill providing for a new election of State officers and Representatives in Congress in Louisiana, under such guards, restrictions, and guarantees as will insure the fullest liberty to every citizen to exercise the right of suffrage without fear and without restraint, and as will provide for such a count and declaration of the result as will insure to the majority their constitutional and legal rights.

The SPEAKER. That requires unanimous consent.

Mr. WILLARD, of Vermont. Before the right to object is parted with, I desire to say that I shall object to the consideration of this resolution in its present form. I have no objection to its being referred to the Committee on the Judiciary, but I do object to a declaration by this House that Congress can order a new election in Louisiana or in any other State.

Mr. HALE, of Maine. I introduced this only for the purpose of getting an expression of the sentiment of the House upon this most solemn matter. I do not care particularly where it goes, whether to the Judiciary Committee or the Committee on Louisiana Affairs. But I hope the gentleman will not object to an expression of the sentiment of the House, so that we may at once begin to grapple with this most important matter. All that is asked is that the House shall take a vote upon the proposition contained in this resolution. It is not a new thing with me. I have no doubt that the solution of this matter is in accordance with what is embodied in this resolution. I have believed it for two years, and that conviction has strengthened every day during that time.

Mr. KASSON. I desire to interpose an objection now in order to prevent debate in anticipation of the return of our committee.

Mr. COX. Is debate on this resolution to be general?

The SPEAKER. Debate can proceed only by unanimous consent.

Mr. KASSON. I object to it.

Mr. WILSON, of Indiana. I would suggest to the gentleman from Maine to add to his resolution these words:

And that said committee shall have leave to report at any time.

Mr. HALE, of Maine. I believe that is not necessary; the resolution provides that the committee "shall report without delay."

The SPEAKER. That would give the committee the right to report at any time.

Mr. WILLARD, of Vermont. I do not object because I think there is nothing to be remedied, not by any means. I do not by any means approve of the course that has been taken in Louisiana for the last two years. But I do object to having this House or any other legislative body of the United States brought at once, without any previous consideration, to a vote on so important a proposition as the right of Congress to order and conduct an election for State officers in any State of the Union.

Mr. HALE, of Maine. Let me say——

Mr. ELDREDGE. I hope the gentleman will allow me one word. It seems to me——

Mr. KASSON. I must insist on my objection to debate.

Mr. ELDREDGE. I hope not.

Mr. KASSON. If we undertake to go into this question, we shall precipitate a general debate.

Mr. ELDREDGE. Let me say to the gentleman from Iowa [Mr. KASSON] that there can be no more pressing question for the consideration of Congress than the condition of Louisiana at this time.

Mr. KASSON. It is for that reason I insist upon my objection to debating the question now. I do not desire to precipitate a general debate in advance of the report of the special committee.

Mr. RANDALL. We had better precipitate a debate than precipitate civil war.

Mr. HALE, of Maine. Then I give notice that at the first opportunity, on Monday next if not before, I will move to suspend the rules in order to put this resolution on its passage.

Several MEMBERS. That is fair.

Mr. HALE, of Maine. I will say further that I do not desire to take this question from the committee that has been appointed to investigate Louisiana affairs if the House should see fit to send it there; but the impotency of any committee getting information down there that shall solve this question is already shown by the fact that the most high-handed proceedings have taken place while the committee has been sitting there.

Mr. RANDALL. Who has been guilty of those high-handed proceedings?

Mr. HALE, of Maine. I want the action of the House on this question; and on Monday next I shall seek to obtain such action by a motion to suspend the rules.

Mr. ELDREDGE. The proceedings down there are now being managed by the same individual who lorded it over that people when those States were being reconstructed—the same tyrant. [Cries of "order," and loud rapping of the Speaker's gavel.]

Mr. COX. I raise a point of order. The gentleman from Maine has given notice of a resolution he proposes to offer on next Monday. I give notice of another resolution on the same subject.

Mr. HALE, of Maine. I presume there will be a dozen.

Mr. COX. My resolution will comprehend the idea of the withdrawal of military force as a means of settling this matter. I hope the line will be drawn on that.

Mr. HALE, of Maine. The substance of my resolution is no new idea with me.

Mr. ELDREDGE. I object to further debate. If I have to run a race with the Speaker's gavel, the other side must do the same.

Mr. NEGLEY. I think that before we settle this question we shall have to send more military force down there.

Mr. RANDALL. You will if you want to defeat the will of the people.

Several members objected to further debate.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Connecticut [Mr. STARKWEATHER] has moved to go into the Committee of the Whole on the fortification bill, pending which he has moved that all general debate on the bill be limited to five minutes.

The question being taken on the motion to limit debate, it was agreed to; there being ayes 102, noes not counted.

The motion to go into Committee of the Whole was then agreed to.

FORTIFICATION APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. ELDREDGE in the chair,) and proceeded to the consideration of the bill (H. R. No. 3823) making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876.

Mr. STARKWEATHER. I ask that the first reading of the bill be dispensed with.

Mr. HOLMAN. This is a short bill; and I think it had better be read through.

The bill was read.

Mr. STARKWEATHER. As general debate on this bill has been limited to five minutes, I desire merely to state that the amount which the bill appropriates—$850,000—is the smallest amount that has ever been appropriated in a bill of this kind. The annual appropriations for these purposes for about five years preceding last year were in the neighborhood of $1,600,000—nearly double the amount recommended to be appropriated in this bill. Last year the amount recommended by the Committee on Appropriations to be appropriated was substantially the same as in the present bill—a trifle more. The amount originally recommendad this year by the Engineer Department was $2,168,700; but upon a careful revision of the estimates, and on consultation with the board of engineers, we have recommended an aggregate appropriation of $850,000—about one-third the amount originally recommended by the board of engineers, and about one-half the amount appropriated for a number of years preceding last year, when, as I have said, the appropriation for this purpose was a trifle more than that proposed in the present bill. The committee have in every case recommended as small an appropriation as they thought the exigencies of the service would allow. I have nothing further to say in regard to the general merits of the bill.

The Clerk, proceeding to read the bill by clauses for amendment, read the following:

For Fort Wadsworth, Staten Island, New York Harbor, $5,000.

Mr. WILLARD, of Vermont. If I recollect aright, there was no appropriation in the fortification bill last year for this fort. The bill was at that time considered quite carefully with reference to the testimony taken before the Committee on Military Affairs and the Committee on Appropriations as to the value of these fortifications. I had supposed that the policy adopted last year was to be pursued hereafter. In pursuance of that policy it was considered at that time that there were certain fortifications upon which it was not worth while to spend any more money, and so they were dropped out of the appropriation bill. I see, however, that the committee have restored a portion of those fortifications; this is one of them; and we have already passed one or two that have been restored. I am not aware that the gentleman from Connecticut [Mr. STARKWEATHER] in his preliminary statement called attention to this point; if he did, his remarks escaped my attention. I would be glad if he would state the reasons of the committee for including in the bill of this year fortifications which were left out last year.

Mr. STARKWEATHER. I will state that this appropriation for Fort Wadsworth is made necessary by reason of the experiments in torpedo practice recently set in operation with reference to harbor defense. This appropriation is not for any general work, but simply for the modification of one of the casemates.

The Clerk read as follows:

For Fort Mifflin, Pennsylvania, $25,000.

Mr. WILLARD, of Vermont. I move to strike out that item for the purpose of inquiring of the gentleman from Connecticut, who has charge of this fortification bill, whether this is not a new appropriation, as well as the appropriation for Fort McHenry, Baltimore Harbor, $20,000? Why should they be included in the bill this year? They were not, I think, in the bill last year.

Mr. STARKWEATHER. Fort Mifflin was not included in the bill last year.

Mr. WILLARD, of Vermont. Nor I think was Fort McHenry.

Mr. STARKWEATHER. An appropriation was recommended for each of these works last year, but they were omitted by the committee. Certain contingent appropriation was provided so far as some of these fortifications are concerned, but it has been exhausted. As my colleague on the committee [Mr. O'NEILL] knows, Fort Mifflin is now in a condition requiring more work to be put upon it. The Engineer Department last year as well as this pressed strongly for the continuance of that important work. Last year only those works which were more pressing than others were included. In reference to this as well as other works, the appropriation having been cut off, they have nothing to fall back upon. It is deemed essentially important this appropriation should be obtained for the completion of the work at Fort Mifflin. It is not to lay out any new work, but to complete what has been already begun.

Mr. WILLARD, of Vermont. I understood in the course of the discussion last year, upon examination of the testimony then taken, Army officers agreed that, with the exception of perhaps a few points, it was hardly worth while to expend money for fortifications, as it was so easy and so much better on the whole to throw up earth-works. The experience of the last war of the rebellion proved it was better, more readily done, and much more effectual in the end to throw up earth-works, and it was hardly worth while to expend money, $50,000 and $100,000 at a time, year after year, to continue work upon these fortifications. The explanation last year was so entirely satisfactory to the House, I thought the policy was regarded as settled, and there was to be cessation of work in the main on these fortifications. Of course if an appropriation should become necessary, as in the case cited a moment ago for changing a casemate, which really is only a provision for repair of an existing work, it ought to be made. But this item seems to contemplate the continuance of this work—a continuation in other words of this expenditure of money, which has been proved to be practically a useless expenditure. So, Mr. Chairman, I am inclined to insist on my motion to strike out the paragraph and take the sense of the committee on it.

Mr. O'NEILL. I believe, Mr. Chairman, the committee will be content to follow the recommendation of the Committee on Appropriations in this bill, especially after the explanation made by my colleague on the committee, the gentleman from Connecticut, [Mr. STARKWEATHER,] who has charge of this particular appropriation bill. The action of that committee last year and its action this year is in perfect harmony. Last year certain works were omitted upon the suggestion of the Bureau of Engineers and this year certain other works have been omitted. The Committee on Appropriations has recommended going on with some fortifications not appropriated for last year. As we understood in that committee, from the reports submitted to us, the necessity for this appropriation for Fort Mifflin at this time is paramount. We have cut off every unnecessary appropriation everywhere and recommended nothing not essentially necessary, so as to be as economical as possible. The gentleman from Connecticut will state that this appropriation for Fort Mifflin is recommended as absolutely necessary by the Engineer Department. If the gentleman from Vermont will examine the Engineer's report of this year and that of last year and compare them with the appropriation bills for this as well as for last year, he will discover that all the works appropriated for last year have not been included in this bill. Some have been left out of the bill entirely, and others have been much reduced below the amounts asked, although recommendations have been made in their behalf by the engineers, as the Committee on Appropriations still desires to follow out the economical plan heretofore adopted.

Mr. WILLARD, of Vermont. I am not complaining of the action of the Committee on Appropriations.

Mr. HOLMAN. I move to strike out the last word. I think, Mr. Chairman, the investigation before the Committee on Military Affairs at the last session of Congress satisfied the House that appropriations made for the continuance of these fortifications are substantially a waste of just that amount of money. Not only that investigation, but experience for many years, if not throughout our whole history, has demonstrated in my judgment the inutility of constructing these expensive works of defense, because when a real emergency has arrived our experience has shown that works have to be constructed for defense at other points than those selected for these expensive fortifications, and then earth-works are thrown up which have been found to be the most efficient. I think all these appropriations should be stricken out and barely a sufficient sum appropriated to preserve the public property as it now stands.

I shall seek the floor to submit at the proper moment a motion to strike out the entire appropriation, and invest the War Department with the power to spend $50,000 during the next fiscal year to preserve, as far as may be necessary, the more important of these public works and the public property connected with them. I believe our experience shows that we have expended millions of dollars from time to time on these works, without any benefit accruing, and without any possibility of benefit accruing to the country from the expenditure.

Mr. STARKWEATHER. I oppose the amendment. I wish to say to the gentleman from Indiana that even if he allows nothing but earth-works there is something to be done under this appropriation. Upon this work during the past fiscal year repairs have been made to the mastic covering of the magazines, a sand traverse formed over each, a temporary drain dug, the flooring and door of the north magazine placed, and a door fixed on the south magazine. All that has been done in the last year, and is entirely in harmony with the gentleman's theory about sand-works and earth-works. Nothing more is proposed than to complete what is necessary in order to make available the work already done. But little was done there last year—just enough to keep the work from going to decay; and now this appropriation of $25,000 is proposed to complete and render available what has already been done.

The amount appropriated in this bill is considerably less than one-half what the gentleman from Indiana has voted for year after year until last year. It is less than one-half what was voted in 1836.

But $1,800,000 was voted then in a single year for this purpose. The appropriation in this bill is less than one-half that amount. We have exercised the greatest economy. The engineers have reduced the amounts very largely, and the committee, after consultation with them, have reduced the aggregate to the low figure at which it now stands; and we have not placed in the bill an item which we believed could be omitted with a due regard to economy. To omit this would be to let these works go to waste, and would require more money hereafter to supply their place.

Mr. HOLMAN. I withdraw the amendment.

Mr. GARFIELD. I renew it. I admit that this appropriation for fortifications is one about which I have more doubt than almost any other. I wish, therefore, to state the grounds on which, so far as I am personally concerned, I think we ought to support this bill.

We are the custodians of the general public safety, so far as our frontier is concerned. If at any time there should come a foreign war, a contingency against which no man can feel we are always safe, the Congress of the United States would never be reproached enough if it had totally neglected our frontier defenses. The whole theory of fortifications, from the beginning of the Government until now, has been that we ought to keep a system of defenses at the chief strategic points around our frontier, so that if sudden war comes upon us from any quarter we shall have a resting-place for our feet, something for the heel of the giant to press against when the strain comes. And to say that because there is no immediate prospect of war, and because the money that was appropriated during forty years on fortifications was on a system which is now in the main exploded, and that possibly the very system on which we are now appropriating money will prove to be outworn and out of date in a few years—to use that argument is to say that we ought not to do anything in behalf of fortifications until the imminent danger comes. Now, I to some extent sympathize with the views of the gentleman from Indiana [Mr. HOLMAN] in regard to this bill, and that sympathy I know is felt by the Committee on Appropriations to this extent, at least, that we have cut down this bill lower than we have cut it down before in any year that I have ever been in Congress. It is lower than it was last year even by about fifty-four or fifty-five thousand dollars.

I wish also to call the attention of the gentleman to another fact which I think ought to be remembered in connection with this bill. We appropriate $230,000, out of a total of $850,000, not for the building of forts, but for preparing a system of torpedoes, which is certainly one of the most effective methods now known for defending the coast, and also for contingencies for fortifications and for surveys, which are constantly necessary that we may know what are the points on the coast requiring defense. Those three items together make $230,000 of this bill, which is considerably more than a quarter of the whole amount appropriated. If we are to do anything at all to keep up our fortified points, I think we have done the least in this bill that is consistent with sound policy, with what has been the policy of this Government since its foundation. Of course every dollar we appropriate here may be uselessly appropriated. I hope and trust it may be. It ought to be our hope that every dollar laid out in fortifications may be forever thrown away—that is, that we may never have need to use it; but we never should get over the reproach that would be justly thrown on this Congress if, in case of a sudden war visiting us, it should be said that we had done nothing to keep alive these methods of defense along our coast.

I had some doubt in my own mind whether we ought not to give about one-half of the money appropriated for the making of guns of heavy caliber so that we might not be always merely fortifying without arming. It perhaps is right to keep our arming *pari passu* with our building of fortifications; and if that proposition were made to authorize the Secretary of War to use one-half the sum appropriated for the making of guns of heavy caliber fit for mounting on the seacoast defenses, I for one would vote for it. I am disposed to think it would be a wise thing to do; but I do not think any man who looks at the general condition of our works in the past and the general condition of our fortifications now, will think that if we do anything at all we ought to appropriate less than the amount in this bill.

Mr. WILLARD, of Vermont. The fact that this bill appropriates a small amount is a gratifying fact of course of itself; but it is no reason why that amount should not be reduced, unless the amount is actually necessary. I suppose the gentleman from Ohio, [Mr. GARFIELD,] the chairman of the Committee on Appropriations, would not claim with any seriousness that our coast defenses are of such a nature now or are likely to be of such a nature that we should be thoroughly protected from foreign invasion. I apprehend that for the future we have a better protection than that from foreign invasion. We have protection from it in the fact that the civilization of the race of men to which we belong has got by the point where they settle their international disputes by war; in fact it has been one of the boasts of the republican party that it has through the President and Senate inaugurated that grand and peaceful measure of settling international disputes by arbitration; that we shall have no more need of guns or forts or armies for the purpose of defending the country against foreigners.

We have had use for our military undoubtedly at home. The principal use that has been found for them in the last few years has been at home on the frontier and in the Southern States, but these fortifications are expressly defended, if defended at all, on the ground that they are necessary to protect us against foreign invasion and foreign wars.

Now, sir, it is true enough that this money is spent year after year on these works without any appreciable advantage. It is an expenditure like the expenditure upon many of our public buildings, because those in charge of them see where they can expend ten or fifteen or twenty or thirty thousand dollars during the year and keep up the appearance of work on these fortifications. They are never finished. This appropriation is not for the purpose, as I understand it, at all of simply preserving these works from decay. It is for continuing the work upon these fortifications upon some scale or plan such as has been adopted and which contemplates still further appropriations.

I am therefore, Mr. Chairman, not able to see how these appropriations are to be sustained except upon the general theory that we are to appropriate year after year a certain amount of money anyway, this year to one class of fortifications, next year to another, and so on. It does not seem to me to be a wise policy or a necessary policy for the defense of the country.

Mr. GARFIELD. I withdraw the amendment.

Mr. HAWLEY, of Connecticut. I renew it. I think we shall after all be obliged to adopt that proposition which the gentleman from Vermont [Mr. WILLARD] thinks unworthy, and that is that a certain sum of money must annually be expended on fortifications. I suggest that and I adopt it. It is inevitable; it is inevitable so long as we have important works incomplete. It is inevitable even if the works upon the whole coast be finished in accordance with the plans of the engineers. I hope my friend from Vermont lives in a house at home worth $50,000.

Mr. WILLARD, of Vermont. I do not; I wish I did.

Mr. HAWLEY, of Connecticut. If he does he cannot get along without a reasonable sum for repairs for his house and grounds every year—for grading, for new nails, and new paint, and a thousand other things with which householders are familiar. And so it is with a system of fortifications which has cost $10,000,000: a considerable sum is needed annually to keep it in order. So much for the general proposition. I hold that the appropriation of a considerable sum every year is inevitable.

But the gentleman says that these works are not of such a character as to be a thorough protection. Why, sir, there is no fortification known to the ingenuity of man that is a thorough protection. It is an established axiom that nothing can be made that cannot be destroyed. There is not a Gibralter, and never will be one, that cannot be taken by an engineer if he is given money and time enough. But the question is how much for protection does each one of these works need. There is too much of a disposition to exaggerate the weakness of these fortifications and the extreme power of iron-clads and of heavy guns.

I know that there is no one of these fortifications that cannot be destroyed; I have seen some of them destroyed. Nevertheless they will for a long time check the efforts of the most skillful engineers and the most powerful artillery. Fort Pulaski is by no means the most powerful of our works. It is built of brick, with walls six feet in thickness. But in the late war the Federal Army set down before that place for three or four months preparing its batteries before it was ready to open fire upon Pulaski. During that time there was not a gun-boat in the Federal Navy that was ready to go up the river to Savannah until Fort Pulaski was reduced. Yet after our preparations had been completed we knocked Pulaski down so in thirty-one hours that they were compelled to surrender. But it took us two or three months to get ready to do it. Fort Pulaski then retarded the capture of Savannah for three or four months. It was very valuable to the defense of that place.

So in regard to Sumter and the other forts in Charleston Harbor. Sumter was supposed to be of no particular consequence to those defending the harbor of Charleston, yet that place was not taken until Sherman cut off the approaches in the rear. Yet these works are of the very class which the gentleman sneers at. Sumter was not one of our most important works, but practically it was reduced to a great sand heap before we were done with it; it was made practically an earth-work.

Mr. WILLARD, of Vermont. And stronger then than it was before.

Mr. HAWLEY, of Connecticut. That may be very true. But what headway would the people of Charleston have made in throwing up earth-works upon that little place? I am not sure there was any land there before Sumter was built; if any, it was only a little sand-spit. Five or six feet extra of tide will sweep over the whole of Cockspur Island. It was necessary, therefore, to carry something to Cockspur Island of which to build a fort.

The gentleman says that it is well enough to build earth-works. Gentlemen object just as much to the experiments with heavy guns. They say that we have not the best kind of heavy guns, and would let other nations experiment upon them to determine which are the best. But if we wait for their experiments the time of war may come upon us, when we would have to get ready, and it would take many months to cast the guns which we would need. So it would to carry sand upon Cockspur Island to build an earth-work there. The course recommended by these gentlemen is an invitation to other nations to make war upon us upon short provocation. If history means anything, it is that it is the part of wisdom in time of peace to prepare

for war. I rejoice in peace just as much as the gentleman does. But I must recollect that when all Europe was congratulating itself upon the time of peace, upon the millennium that was reigning there, like lightning from a clear sky the German-French war was precipitated, with the cost of thousands of lives and millions of treasure. If history is good for anything, there is no use in counting at any time upon six weeks of peace. There are men now who want Spain and the United States to go to war. I do not; I hope they will not. But I can imagine circumstances that would bring on a bloody fight in two weeks' time. And I tell you that the navy of Spain is better to-day than is ours. And, if you go on as you have done for years and years, I believe her navy can whip ours to-day.

Mr. HALE, of Maine. They cannot.

Mr. HAWLEY, of Connecticut. I do not say that her men can whip our men. Our men can whip any other men on the globe. But one man is good for nothing against ten or fifteen inches of iron. Brag will not do there. But no matter about that; you are not in a state of preparation either in coastwise defense or in other respects. By the course we have been pursuing, although we may defy them to come into our country, within our borders, on general principles, yet our sea-coast cities are not in a condition to resist a sudden attack on the part of an enemy,

[Here the hammer fell.]

Mr. HOLMAN. The difficulty in approaching any question of public expenditures seems to be this: That the argument on all the line of expenditures is founded upon what is claimed to be necessity. Any proposition intended to resist the tendency of extravagance in a government like ours always seems to be objectionable. We have had for three-quarters of a century experience upon the subject we are now considering.

We are all aware that the prestige and martial character of any great national power is a greater guarantee of safety than any fortification that can be erected. We are aware that the progress of civilization in our age renders it practically impossible that war should be precipitated upon us in an hour. The work of diplomacy always precedes the deadly conflict of arms. Judging from the events of the last half century, we can rely with absolute confidence—that kind of confidence upon which men responsible for the safety of a nation may well act—that months of negotiation would precede an appeal to arms. We have learned from the experience of Europe in the Crimean struggle that the whole maritime power of Europe can move but a small army comparatively from one portion of the world to another. On the west we are absolutely protected against anything like an invasion. Upon our eastern shore we have the intervention of thousands of miles of ocean. Three quarters of a century have demonstrated the absolute absence of value in the works of fortification which we are erecting from year to year at heavy expense. Foreign warfare has demonstrated the absence of necessity for these expenditures. In our own recent war, even wooden ships passed with entire safety between the fortifications raised at the mouth of the Mississippi River—two of the strongest fortifications erected by this Government, and erected at the heaviest expense. If even wooden vessels passed with safety between those fortifications, much more readily could this be done by the iron vessels which modern warfare has brought into play.

No, sir; every consideration which should determine a question of this kind shows the absence of any such danger as has been referred to—the danger that by failure to "prepare for war in time of peace" a fearful responsibility may fall upon Congress. There is no such responsibility. We are absolutely secure against an invasion of our territory, not only on account of our geographical position, but by reason of the martial spirit of our people, which of itself is a fortification stronger and more effective than all the fortifications that could be erected.

The nations contiguous to us on the south have no fortifications. The Rio Grande does not bristle with fortified works of defense; nor does the northern coast of this continent. All that can be said is that these fortifications may be needed to protect us against an armed force that may be thrown upon our borders from countries three thousand miles away after diplomacy has exhausted its resources. But, sir, the martial spirit of forty million people already experienced in war is an absolute guarantee that we shall be able to command the respect of the nations of the earth.

The torpedo system, for which this bill appropriates $125,000, is, as the gentleman from Connecticut knows, the only defense that can be relied on for the protection of our harbors. The torpedo system is the great protection in modern warfare against the invasion of a naval power. Hence I say let that appropriation of $125,000 stand; let the appropriation of $75,000 for contingencies stand, if the gentleman insists upon it; let the appropriation of $30,000 for the surveys of our coasts for military defenses be retained, and then if we appropriate the additional sum of $50,000 to be applied to protecting these works and the property of the Government in connection with them, making the entire appropriation $280,000, we shall have accomplished fully what even the most apprehensive gentleman can demand as necessary to defend this nation in any possible contingency.

Several members addressed the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio, or rather the gentleman from New York [Mr. COX] but formerly from Ohio.

Mr. COX. Mr. Chairman, on this bill I prefer to come from New York, as the bill especially concerns fortifications on the sea-board. Perhaps the Chair is aware that Ohio, like Wisconsin, is situated inland; and—

> Though inland far you be,
> Your soul has sight of that eternal sea.

I hope the Chairman will have a good voyage! But, sir, the gentleman from Vermont, [Mr. WILLARD,] who is also inland, has given us beautiful prospects of the millennium. He is an optimist. I love to hear him talk. He thinks that all these expenditures for fortifications are unnecessary. Why? Because the arbitration system inaugurated by the President ought to relieve us from such large expenditures.

Now, I believe in giving credit where credit is due; and the Committee on Appropriations deserve credit on this bill, because last year they reduced these appropriations $1,000,000, and this year they have cut down the appropriations of last year to the extent of $54,000. Hence they are entitled to credit for this, if for nothing else.

Now, the gentleman from Vermont undertook to tell us that wars would cease, had ceased, or at least were infrequent; that the progress of civilization would thus render such fortifications and their cost unnecessary. Where did the gentleman read his history? There never were such wars as during the last quarter of a century. First we had the Crimean war between three great powers; then the Italian war between the French and Italians and Austrians; then the Prussian and Austrian war; then the great French and Prussian war; and then our own great war, which destroyed $7,000,000,000 worth of values and a million of lives. Why does the gentleman thus ignore all history? Have wars ceased because of the progress of civilization led by this wonderful and peaceful Administration? He says we shall not need troops or fortifications, because we never make wars now-a-days in this land except on our own people! What irony is this! What a commentary on the past ten years or five days! For several years, he said, the Army had only been used at home. He might have said that within the last few days it has been abused at home.

But I do not propose to argue the Louisiana question now. Of course he did not mean that the Army has been used to carry elections. O, no. Nor to destroy States, nor to strike down personal and public liberty. O, no.

Mr. NEGLEY. And put down rebellion.

Mr. COX. And to claim before the whole nation, as one of your generals does this morning in a dispatch which is no doubt a "lie of the Associated Press," that a whole State is made up of banditti, to be tried by such gentlemen as the gentleman from Pennsylvania, [Mr. NEGLEY,] sitting as a drum-head court-martial. What a picture is this of the progress of civism and order!

And you call such dispatches a refinement of civilization! You call that progress! You call it answering me, like the gentleman from Pennsylvania, [Mr. NEGLEY,] by sitting in your seat and grumbling. Why not rise and defend such outrages! Who dares to do it?

Mr. Chairman, never was there such a fiasco as the arbitration system of this Administration commended by my friend from Vermont. You settled the Spanish question, you settled the Virginius question, did you? Why, it is not settled yet. You are following like a little jolly-boat behind the British steamer on that question. What have you done to enlarge the domain of arbitration—of civilization? We always had more or less of claims commissions, of treaties of peace, of accommodation and comity between nations for a century past; but it was reserved for this nation to hold up the white banner of all the nations of the earth, and then make war upon our own people while in profound peace.

But, sir, I did not mean to be drawn into the Louisiana matter until next Monday. All I have to say is these expenditures as to fortifications are still necessary. As my friend from Indiana has said, most of the protection of our harbors will be through the torpedo system. All our fighting hereafter will be submarine. Torpedoes will best protect our harbors; because, as was demonstrated last year, there is scarcely an English man-of-war which cannot cross the channel at New York as well as other channels of our harbors, blow the city up, and destroy it utterly if they choose, were it not for the fact that recent investigations, improvements, and experiments in torpedoes have demonstrated we can thus, if in any way, protect our coast cities. I therefore am glad $125,000 is fixed in this bill for that specified object, which will protect us when we are not protected otherwise.

Mr. STARKWEATHER. I hope we will now have a vote.

Mr. COX. I think I have satisfied everybody. Yes, let us vote.

Mr. GARFIELD. I do not wish to continue this general discussion except to make one suggestion which I think ought to be in the minds of gentlemen when they are discussing the Army or Navy or any bill which relates to our military arm. I have been greatly surprised lately, in reflecting on the mass of our public debt that nobody, either in the newspaper press, so far as I know, nor any statistician who is studying political questions, has ever undertaken to figure out how large a part of all the tremendous cost of our war was due to the ignorance with which we entered upon that great struggle. I have

had occasion lately to study that with a view to make something of an approximate estimate. And the problem rose in great proportions in my mind as I studied it. For instance, we entered upon a war which, with the most careful and economical management, was of stupendous cost, and we entered upon it knowing almost nothing as a people about the methods of managing a war. The whole vast detail of quartermaster and commissary expenses, the details of making guns and all the accouterments of war were something that had to be learned and experimented upon. It was worse than the crudest possible forms of ordinary experiment in the common business of life. I recollect the story of a great oculist, who, when asked how he learned so great skill in manipulating and managing the human eye, said he had to spoil several hatfuls of eyes before he was acquainted with the business so he could trust himself to operate on an eye with success. Now we had to spoil not merely a million, but hundreds of millions of treasure and a vast number of lives by the sheer ignorance of our people in reference to all military matters. The simple form of knowledge of military accounts brought into the latter days of the war was unknown when we began it. There was waste, far more from ignorance than from a lack of honesty, in the early part of the war; and any man who will go through the old appropriation bills, which appropriated in vast lumps, when we appropriated one or two hundred million dollars in a lump—and then see the orders for transportation and the various methods of paying out money, all of which found their ultimate expression in our bonded debt, but will see I cannot be very far wrong when I express my deliberate belief that 40 per cent. of the vast cost of our war may be set down to the result of the ignorance of the American people about the methods of transacting the great business of such a war. I believe if there had been kept alive in active and ready preparation the knowledge of the methods of war and the methods of keeping accounts for carrying on the various functions of war, we could have saved over 40 per cent. of the expense.

[Here the hammer fell.]

Mr. STARKWEATHER. I hope we will have a vote now.

Mr. WILLARD, of Vermont. I desire to say just a single word.

Mr. COX. I withdraw the amendment.

Mr. WILLARD, of Vermont. I rise to say that the remarks of the gentleman from New York, [Mr. COX,] who refers no doubt to the democracy who are soon to come into power, makes me inclined to think that we should be prepared for a more belligerent condition of affairs. I therefore withdraw my amendment.

Mr. COX. Will the Chair allow me to say, in response to the gentleman from Vermont——

The CHAIRMAN. Does the gentleman from New York offer an amendment?

Mr. COX. Yes, three or four of them.

The CHAIRMAN. What is the gentleman's amendment?

Mr. COX. I renew the amendment to strike out the last word, in order to say one word in reply to the gentleman from Vermont. I always notice that he keeps a safe distance from anything like belligerency, either as to Cuba or otherwise. I mean the gentleman's State, not the gentleman himself. It was so remote that I believe it did not come into the Union until after the Constitution was made.

Mr. GARFIELD. The Saint Albans raid, for which a bill was introduced making an appropriation to-day, was in Vermont.

Mr. COX. No doubt the gentleman will get every appropriation he can for his district. Most of us do that. But one remark of the gentleman had significance, although it appeared as if he was treating this matter in a frivolous way. Perhaps he does not know that the people of this country were never before so aroused and earnest about the condition of things in several of the States South. Perhaps he does not know that the people of this country spoke something about that condition in the last election. It is a part of the inner thought of that revolution. Perhaps he or his party would like to vote a little more in the shape of arms or fortifications, not for the purpose of preserving the Union and conserving public or personal liberty, but for the purpose of striking down those rights. But I warn gentlemen on the other side, and particularly my late lamented friends who became defunct last fall, that when they cheer certain spiteful sentiments on this floor, as they did yesterday, when they exult over the destruction of State rights and State Legislatures, they are giving cheers not exactly in accordance with public sentiment, and not so cheerful to the common weal.

Moreover, I will say to the gentlemen that if there ever was anything that shook and shocked the public sense, it was the unprecedented order, promulgated by General Sheridan, published this morning. It outraged every sentiment of parliamentary decorum and privilege. No insolent Tudor or Stuart did more or worse. It scorns every regard for public law or public organisms of any kind. It is a satire on public order and safety. The people of this country will not be patient or forbearing toward those who thus use force for such iniquitous purposes. The people of Louisiana have been forbearing. God knows they are still patient. They are warned to be so by the terrible predicament in which they are placed; they are warned by their friends here to continue to be so; and while they fight with suffrage and moral forces against thieves, while they fight despotism with the spirit of freemen, they do not, they have not, they will not raise their hand against our flag. What need, therefore, for the remark of the gentleman from Vermont, that he will vote more money for the purpose of crushing States? I believe that is what he meant by his remark. If he did not mean that, what did he mean? I ask the question, for he is generally so just.

Mr. WILLARD, of Vermont. I oppose the amendment.

The gentleman from New York [Mr. COX] does me a great injustice, and really owes me an apology. I have had some knowledge of that gentleman during the short time I have served in Congress, and I have had occasion to know that in our foreign relations he was full of belligerent spirit. I do not say an improper belligerent spirit. I do not say that it was anything out of character that he should be so. But he has been ready at any time, so far as I have been able to judge, to precipitate this country into a war with Spain for the acquisition of Cuba. It was wholly—so far as it might be thought I had any malicious purpose, but I had no malicious purpose—it was wholly in reference to the attitude of that gentleman in respect to our foreign relations that I made the suggestion that possibly we might require coast defenses after the democratic party came into power more than we require now.

Now, sir, let me say further that, whatever the gentleman may choose to say as to the general position of the republican party in this House in respect to southern affairs, he has no right to direct remarks of that character to me. He knows, and every gentleman in this House who cares anything about it knows, that I have stood as firmly here as I have had ability to stand, at all times, for the rights of American citizens—at home certainly—whether they were white or whether they were black. I deprecate as far as any gentleman, no matter what may be his politics, can deprecate, any Federal interference that places in jeopardy the rights of American citizens anywhere. I do not recognize American citizenship as a question of color, but I consider that when a black man is shot down for expressing a political opinion, it is just as much an outrage upon the American flag, and just as loudly calls for redress at the hands of the American Government as when a white man is shot for expressing a political opinion, or is moved away in an attempt to control a legislature. The right does not depend in the smallest degree upon any other question than the question of citizenship, and one citizen is as good as another citizen.

Now, sir, it has not been my custom to rise here and complain whether a black citizen or a white citizen was put in jeopardy or in peril; but it has been my practice, wherever I had occasion to vote or have been called upon to say anything on that question, to say that I believe in equal rights. And I do not care to have the Army strengthened because the democracy are coming into power; I do not care to have our forts strengthened because of any apprehension of a change of administration; for the people of this country are able to take care of themselves without a standing army; they are able to preserve their liberties against all comers without any standing army for their defense. And the republican party will not ask, Mr. Chairman, that the Army be strengthened for the purpose of defending themselves against any anticipated usurpation or tyranny on the part of the democrats if they are so lucky as to get into power.

Mr. COX. Does the gentleman from Vermont approve of the conduct of the Army in Louisiana and of the bulletin issued by General Sheridan?

Mr. WILLARD, of Vermont. I had the honor to say this morning that I did not approve of the course taken in Louisiana for the past two years, and I am willing that that remark shall cover the last two days.

Mr. COX. Then I make an ample apology to you, and I have to say about Cuba that where you represent my position as in favor of the independence of Cuba and the recognition of belligerent rights, it does not follow that we must make war; that is a *non sequitur*.

Mr. STARKWEATHER. If we can have discussion of the bill, I hope we shall have it; but for an hour past the discussion has been entirely of a political nature.

Mr. COX. I withdraw the amendment.

Mr. BECK. I renew the amendment for the purpose of saying a word. I will not take long. A good deal has been said about civil liberty and human rights. I desire in view of those remarks to read the following dispatch:

HEADQUARTERS MILITARY DIVISION MISSOURI,
New Orleans, Louisiana, January 5, 1875.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed white leagues. If Congress would pass a bill declaring them banditti they could be tried by military commission. This banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburgh, Mississippi, should, in justice to law and order and peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

The city is very quiet to-day. No unusual demonstrations in any quarter. The military still occupy the State-house.

In this connection I want to call attention, in the face of that dispatch, to what the Supreme Court, in 4 Wallace, page 124, decided:

It is claimed that martial law covers with its broad mantle the proceedings of this military commission. The proposition is this: that in the time of war the commander of an armed force (if in his opinion the exigencies of the country demand it, and of which he is to judge) has the power, within the lines of his mili-

tary district, to suspend all civil rights and their remedies, and subject citizens as well as soldiers to the rule of his will; and in the exercise of his lawful authority cannot be restrained, except by his superior officer or the President of the United States.

If this position is sound to the extent claimed, then when war exists, foreign or domestic, and the country is subdivided into military departments for mere convenience, the commander of one of them can, if he chooses, within his limits, on the plea of necessity, with the approval of the Executive, substitute military force for and to the exclusion of the laws, and punish all persons, as he thinks right and proper, without fixed or certain rules.

The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty regulated by law. Martial law, established on such a basis, destroys every guarantee of the Constitution, and effectually renders the "military independent of and superior to the civil power;" the attempt to do which by the King of Great Britain was deemed by our fathers such an offense that they assigned it to the world as one of the causes which impelled them to declare their independence. Civil liberty and this kind of martial law cannot endure together; the antagonism is irreconcilable, and in the conflict one or the other must perish.

I have called attention to the law of the land, as decided by the Supreme Court of the country, in view of this proclamation or telegram to the Secretary of War by the commanding general in Louisiana, demanding that these people shall be treated as banditti and turned over to him to be tried by military commission or to be treated as he may think fit, and I do it for the purpose of saying to Congress and the country that the President of the United States will come short of his duty if, in view of such a dispatch, he does not remove that commander and put a man there who has some regard to the rights of the people.

Mr. STARKWEATHER. I believe there is no amendment pending.

The CHAIRMAN. There is an amendment pending, and the gentleman can oppose it.

Mr. STARKWEATHER. I ask for a vote. We have had no talking on the bill for some time, and I want a vote.

Mr. TREMAIN. I rise to oppose the amendment.

Mr. STARKWEATHER. I give notice that hereafter I shall oppose the withdrawal of any amendment the object of which is to keep up this political discussion.

Mr. TREMAIN. The amendment can be renewed in another form. I move to strike out the last word.

The CHAIRMAN. That amendment is already pending.

Mr. TREMAIN. Mr. Chairman, I have observed during my short experience in this House that the discussion of an appropriation bill seems to be like a sort of safety-valve, to allow gentlemen of the opposition to discharge surplus steam, and thus probably save themselves from an explosion. Now, I do not know that I ought to complain of the practice that seems to have been resorted to here on the part of the opposition of taking occasion in the discussion of every appropriation bill to attack the Administration and everybody connected with it, because I have observed that it amounts to nothing; in all the harangues and all the complaints and the groaning and howling I have heard here, I have not discovered that a single dollar has been stricken out of an appropriation bill or an amendment of any kind carried; indeed, it does not seem to be desired that such a result should be attained. It allows gentlemen to select their own point of attack. It allows them, too, without reports and without testimony, to present their own statement of the case. It allows them to build up a man of straw in order to show with what facility they can knock it down. They are not under the necessity of confining themselves to any issue, to any report, to any facts. Consequently they have the broadest latitude, and we see how liberally they have availed themselves of it.

They have another advantage. If they have brilliant imaginations, they can draw upon their imaginations for their facts. If they are men of genius, as they are, if they are men of invention, and they are rich in that quality, all they have to do is from their imagination to build up a state of facts and then show how adroitly they can knock down what they have built up. They may take as evidence the reports that come up to us from an associated press under the control of Ku-Klux in the form of white-leaguers; they may take testimony coming from men covered all over with crime, and say they will act upon that.

And then, when an officer of the United States, who is now on the spot, educated in the Army, and bound by all the traditions of his profession to adhere to the truth, sends, as he did yesterday, a communication like this—

NEW ORLEANS, *January* 4, 1875.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority, and an insecurity of life which is hardly realized by the General Government or country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people, all security usually afforded by law will be overridden. Defiance to laws and murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest. I have to-night assumed control of the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General.

Dispatches of this character are hooted down as of no consequence. Reports that hundreds and thousands of men have been murdered in cold blood simply because they chose to exercise the rights that belong to them as freemen are whistled down the wind. Unquestioned facts are before the country and the world showing that hundreds, yes, thousands of men have been ruthlessly slaughtered in cold blood because they dared to have political opinions, and no man in the South has been brought to punishment for it. All that evidence goes for naught. And why? Because the testimony of Ku-Klux men, the testimony of white-leaguers, the testimony of rebels in disguise is that all this is false.

Mr. DURHAM. Will the gentleman allow me to ask him a question?

Mr. TREMAIN. I have no time. The gentleman can take time after I am through. All I ask is time, and I will answer any question. My colleague [Mr. COX] speaks of the republican party as a dying party.

Mr. DURHAM. I propose to ask the gentleman a legal question.

Mr. TREMAIN. If I can have the time I will yield to any interruption and answer any question.

Many MEMBERS. Take the time.

Mr. TREMAIN. Very good; I will yield to the gentleman.

Mr. DURHAM. I want to ask the gentleman, who is a distinguished lawyer, whether he indorses the telegram of General Sheridan which my colleague [Mr. BECK] read here?

Mr. TREMAIN. That question is wholly impertinent. But if I can have time I will tell what I think about that. But I was speaking of what was said by the gentleman from New York, [Mr. COX.] He says that these movements on our side are the throes of a dying party. And I think he said during the debate upon the finance bill that that was the groan of a dying party. My colleague [Mr. COX] knows how it is himself. A party can be dying for fourteen years and yet exhibit some considerable signs of life, when the occasion calls for it. It may be that the republican party is a dying party. If it is prepared now, because of one single unfortunate campaign during a brilliant career of fourteen years, to go back upon those great principles to which it stands pledged before the country; if the republican party refuses to learn from the precedents set for it of pluck and resolution by the democratic party of this country; if the republican party are ready to say that by reason of one single disastrous campaign during fourteen years they are ready to abandon the great principle that every man within the jurisdiction of the United States, be he black or white, shall be protected in the enjoyment and expression of his constitutional rights, including the right of the elective franchise, then indeed is it a dying party.

[Here the hammer fell.]

Mr. BECK. I withdraw my amendment to the amendment.

Mr. STARKWEATHER. I object to the withdrawal.

Mr. DURHAM. I want to give the distinguished gentleman from New York [Mr. TREMAIN] an opportunity to answer my question; and if the Chair will give me the floor for five minutes, I will yield the whole of the time for that purpose.

The CHAIRMAN. Debate is exhausted on the amendment, and the amendment to the amendment.

Mr. ARCHER. I move to amend the amendment.

The CHAIRMAN What amendment does the gentleman propose?

Mr. ARCHER. I move to strike out the last two words.

The CHAIRMAN. That is not in order. An amendment to an amendment is already pending.

Mr. MYERS. I understood when the gentleman from New York [Mr. TREMAIN] was interrupted by the gentleman from Kentucky [Mr. DURHAM] that there was a distinct understanding that further time would be allowed him.

The CHAIRMAN. The gentleman has had nearly ten minutes already.

Mr. RANDALL. Then I think this side ought to have two minutes.

The CHAIRMAN. The committee will determine that question.

Mr. RANDALL. I should like to have about two minutes in reply to the gentleman from New York, [Mr. TREMAIN.]

The question being taken on the amendment of Mr. BECK to strike out the last word, it was not agreed to.

Mr. ARCHER. I move to amend by striking out the two last words.

The gentleman from New York [Mr. TREMAIN] has seen fit to lecture this side of the House. We might well return the lecture to the republican party, of which my friend is an honorable member. Sir, it is an undeniable and undisguised fact that fraud, corruption, tyranny, and misrule have existed in Louisiana, and this with the republican party holding control of every branch of the Government. For all the long years since the termination of the war, the republican party has controlled the various departments of the Government; yet no peace, no good government has come to the oppressed people of Louisiana. Whose fault? Does the fault rest with the democratic party? No, sir; the fault lies with those who have had the power. The people of Louisiana have cried for peace and good government; they have been willing to accept a government of almost any form which the Congress of the United States or the President would give them. But, sir, this has been refused. Although the President himself more than a year ago called upon this Congress to enact some law upon this question, yet no action has been taken by Congress to give peace and quiet to that people. They cry aloud for it, and they are willing, I venture to assert, to have that peace under either republican or democratic rule; but the only government you have given them is the government of the bayonet, and that most miserably administered.

Mr. DURHAM. I rise to oppose the amendment. Mr. Chairman

I should not have said a word upon this question but for the extraordinary exhortation of the distinguished gentleman from New York, [Mr. TREMAIN.] I certainly do not desire by any means to treat this question in a partisan light. But my colleague [Mr. BECK] announced a simple legal proposition. He read a decision of the Supreme Court of the United States, and threw out the suggestion that as General Sheridan had outraged law and propriety, it was the bounden duty of the President to remove him. I understood the Representative from New York [Mr. TREMAIN] to justify everything that the Administration has done, either in person or through General Sheridan, who is now there in command. The simple inquiry which I put to the distinguished gentleman from New York, and which I now repeat, was, does he, as a legal gentleman, indorse the telegram issued and published by General Sheridan. I yield to him the remainder of my five minutes that he may answer this question.

Mr. TREMAIN. I say to the gentleman that if the question comes to be whether unoffending and peaceable white and black men are to be cut down without the forms of law or whether officers of the Army of the United States shall use their power to cut down their murderers, I justify the Army of the United States. But, sir, the question, as I have said before, is impertinent.

[Here the hammer fell.]

Mr. DURHAM. I did not yield to the gentleman to deliver a lecture. I put to him a categorical question—does he indorse that telegram? And I do not intend that he shall dodge that question.

Mr. TREMAIN rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. ARCHER. I withdraw the amendment.

Mr. STARKWEATHER. I object to its withdrawal.

The question being taken on the amendment of Mr. ARCHER, to strike out the two last words, it was not agreed to.

Mr. STARKWEATHER. If we can have five minutes more of this discussion on each side and then go on with business, I shall be satisfied. I hope that may be agreed to.

Mr. RANDALL. I move to amend by striking out the last three words. The gentleman from New York, [Mr. TREMAIN,] who has just taken his seat, has read a telegram received here yesterday from General Sheridan, and he has alluded to that officer in words of high praise, characterizing him as possessing, as one of the qualities of a good soldier, truthfulness. Now, I assert that this officer has forgotten the first duty of a man and a soldier; he has forgotten his love of truth. Not one word of fact accompaning this telegram of yesterday justifies its assertions; and I am glad to see here to-day that when this military despot attempts to advise that Congress shall by law authorize him to execute his whim and caprice in that sovereign State, and when he tells us that if we fail to do this all he needs is the proclamation of the President of the United States, under which he will finish the matter by trying these citizens—white citizens they may be—by drum-head court-martial. I am glad to see that no Representative of the people here to-day has courage to justify or approve such a proposition. As the gentleman from Kentucky [Mr. BECK] has suggested, if the President of the United States wants to clear his skirts of such a man, he has but one way to do it; and that is to remove him from the trust he is abusing.

Mr. E. R. HOAR. I rise to oppose the amendment. I wish to suggest to the House that an officer of the Army should not in my judgment be removed until he does something that is illegal or unpatriotic, and that if we were to adopt the principle that every man who gives bad advice is to be removed from his place, I am afraid we should clear this House of the democratic party.

Mr. TREMAIN. I rise to oppose the amendment.

The CHAIRMAN. Debate is exhausted on the pending amendment.

The amendment to the amendment was disagreed to.

Mr. TREMAIN. I move to strike out the last word. Mr. Chairman, the question put to me by the gentleman from Kentucky [Mr. DURHAM] simply is a carrying out of the most extraordinary position assumed by the gentlemen on the other side of the Chamber, which is that men are to be punished for opinion's sake. No verdict is necessary, for if they dare to think as others do not think they are to be sacrificed. White men are ruthlessly slaughtered by a band of bandits who seem to make murder a part of the political institutions of the day, and they are to be sheltered and not a word of condemnation is to be uttered against them. Where have you heard one single word of complaint from gentlemen on the other side, who are assailing the Administration and the officers of the Administration in regard to those unjustifiable assassinations, murders, and crimes with which the escutcheons of the Southern States have been so shamefully disgraced?

The gentleman says there is no authority for the telegram which came up yesterday. Is there any dispute about the fact that a returning board, clothed with full power to give *prima facie* evidence of election, had given certificates of election, and in advance of those certificates an armed body of men took possession of the State-house, and by force resolved there should be no fair trial of the merits of these contesting claims, but they should become *prima facie* clothed with all power? Is there any dispute about the fact that the State of Louisiana has been engaged for years in a revolutionary attempt on the part of a minority to obtain possession of power by force?

The gentleman says that in certain cities there is peace. Yes, there is peace wherever the democracy have power, but where the democracy have not power there is no peace. And what is the reason for it? Because they are determined to overcome all fair and possible expression of the will of the people, in the forms prescribed by law, by armed force and by violence; and if the officers of the Army or the President of the United States thinks proper to put forth the power of the Government to protect and defend peaceable and unoffending citizens they are to be assailed, while not one word of complaint is uttered here against the men who have rendered this intervention necessary.

Mr. RANDALL. Will the gentleman from New York permit me to ask him a question?

Mr. TREMAIN. I have not the time, but will not object if it is not taken out of my five minutes.

Mr. RANDALL. So far as I am concerned, I will give you part of my time for answering you.

Mr. TREMAIN. Mr. Chairman, I was about to answer my colleague from New York, [Mr. COX,] but was interrupted, when he said this party is dying. I had proceeded so far as to say if the republican party was now prepared to abandon the black man of the South, prepared to go back upon its pledges and upon its platform, prepared to destroy its reputation for consistency and integrity——

[Here the hammer fell.]

Mr. NIBLACK. What is the state of the question?

Mr. RANDALL. I should like to ask the gentleman from New York a question.

Mr. NIBLACK. I rise, Mr. Chairman, to oppose the amendment. The gentleman from New York [Mr. TREMAIN] will persist in wandering away from the real question in this case. I know it is interesting to discuss the birth, growth, and death of political parties, but that was not the question addressed to him by the gentleman from Kentucky. The question was whether in the State of Louisiana the alleged lawlessness does exist. That crimes are committed there everybody knows, and we upon this side of the House are just as conscious of that fact as the gentleman from New York or anybody else on the other side. The question, however, is whether that lawlessness, if it does exist, shall be punished under civil or military law; whether proceedings shall take their usual course in the civil courts of the country, or punishment shall be meted out by martial law.

General Sheridan, now in command of the district of Louisiana, has sent a telegram, to which allusion has been made, asking that martial law shall be proclaimed, and the people of Louisiana turned over to be tried by him under the authority conferred upon him, as he claims he has the right to exercise it under martial law, as these men are, as he claims, banditti and therefore out of the pale of civil law. Now the gentleman from New York could have told us, if he saw proper and desired to be candid, as to whether he is in favor of punishing these people by martial or civil law; and whether if he is in favor of punishing them by martial law, how then we shall get rid of the State government of Louisiana. How shall we get rid of that responsibility which devolves upon the courts of the State of Louisiana first, and on the courts of the United States next, which have to enforce the law if the courts of Louisiana fail in their duty in this respect? How shall we get quit of that constitutional provision that these people shall be punished under indictment preferred under well-recognized forms of law, which is found in the Constitution not only of the United States but of every State in the Union of which I know anything? It is all very well to talk about free speech——

Mr. TREMAIN. Does the gentleman desire me to answer his question?

Mr. NIBLACK. Yes, sir; I should like the gentleman to say whether he is in favor of civil law or of martial law.

Mr. TREMAIN. I am entirely in favor of enforcing the civil law when the civil law can be enforced. But if murder after murder is committed and State courts refuse to interfere, then I am in favor of declaring martial law, and would bring the whole power of this Government to bear in order that peace and order may be preserved.

Mr. NIBLACK. We have in Louisiana a State government in harmony with the Administration, in harmony with the party which has power in the United States; and if the General Government, assisting Governor Kellogg who is recognized by it as governor of the State of Louisiana, cannot maintain peace and order by civil law, it is not a republican government that prevails in the State of Louisiana. That is my answer to the practical question now before the House.

Mr. TREMAIN. I withdraw the amendment.

Mr. HARRIS, of Virginia. I renew it.

Mr. Chairman, I would not have uttered a word on this occasion but for the wholesale and unjust accusation of the gentleman from New York [Mr. TREMAIN] that crime and murder were committed in the South and that the courts and governments there were found inadequate or unwilling to punish the offenders. Sir, I cannot permit such charges to be made, so unjust, so untrue, without a flat denial of them.

Pardon the digression when I state that I think party politics ought not to be introduced when the important questions involved in the orders of General Sheridan are being discussed. Those questions rise above party and strike at the very foundation of constitutional government and civil liberty. They raise the question whether this is a government of prescribed limits, whose powers are clearly defined by

organic law, a government republican in fact as well as in form, or whether it is but a military despotism in which the Legislatures of the States are to be made and unmade by a military commander at his will and pleasure, and the lives of the people to be intrusted to his keeping and by him to be tried and executed without the forms of law or trial by jury. Yet, as the gentleman from New York, [Mr. TREMAIN,] instead of dealing with the great legal principles involved, goes out of his way to inject a stump speech into the discussion, I will be pardoned for saying a word in reply.

I want the country and this House, especially the gentlemen on the other side, to know that law, order, and good government prevail in every State South where the conservative or democratic party has control, and that there has been no material disturbance or any crime committed there which was not promptly punished by the courts of the country. There freedom of speech, of franchise, of every right guaranteed by the Constitution, is enjoyed to the fullest extent by all classes and colors, without exception, with none to complain, because there is no cause for complaint. Look at old Virginia, snatched from the hands of carpet-baggers just as they had begun to suck the last drop of blood, and see how good order and good government prevail there. See, too, Tennessee, North Carolina, Georgia, and Texas, where the conservative party have control, how in peace they progress.

Now, Mr. Chairman, I ask the gentlemen on the other side to look to Mississippi, Arkansas, and Louisiana, where these disturbances do exist, and see who has control of the governments of those States, and it will be seen, sir, they are all under the control of republicans or carpet-baggers. Look to Louisiana. Where began your troubles there? Between two Illinois carpet-baggers, Warmoth and Kellogg, who went to promote their own interest and not to protect the people, who went to enrich their pockets at the expense of the State. Like thieves falling out about the plunder, they fall out about their power in the State, raise a disturbance which is kept up for two or more years, and then, when the people in the majesty of their strength rise above them all, and by popular will in legal form take control of the legislative branch of the government, the military, with the usurper's sword, deprives the people of their just representation, and again hands the government over to those who have despoiled it. Of this the people complain, and for this they are to be declared bandits and to be shot down as outlaws and highwaymen.

How with Mississippi? That State is in the hands of the republicans, from the sheriff who collects the people's money without security up to the governor. Yes, in every branch and department the native republican and carpet-bagger have unlimited control. If they do not keep the peace, it is the result of their own bad conduct, and proves what good men have said, that they are not fit for the positions they occupy. Look to Arkansas. What is the result there? Again we find republican office-holders quarreling with each other like dogs over a bone; they fight for the loaves and fishes; and when they become alarmed at the storm which they themselves have raised, one side or the other cries help; telegraphs for the military. The Attorney-General converts himself into the Commander-in-Chief of the Army of the United States, gives military orders, disposes of the Army, the effect of which is to raise a row generally, and then the republicans on this floor exclaim, The spirit of the rebellion still extant! Men are butchered and no one punished. Thus seeking again to inflame the public mind of the North and to hold the democratic party responsible for the result of their own bad acts.

I call upon the country to bear witness that good order and good government prevail in all the States under the control of the democratic party, because it is just to all; and that disorder and bloodshed, if they exist at all, are in republican States, because their rulers are just to none.

[Here the hammer fell.]

Mr. McKEE rose.

Mr. STARKWEATHER. This political discussion has continued for some two hours. I wish to have the debate confined to the paragraph of this bill now pending. I think both sides have now been fully heard.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. McKEE. What is the pending amendment?

The CHAIRMAN. It is to strike out the last word.

Mr. McKEE. Then I move to strike out the last two words.

Mr. STARKWEATHER. I rise to a question of order. The amendments on which this discussion has taken place are the same amendments offered over and over again. I object to any gentleman continuing this political discussion on the pending bill.

Mr. TREMAIN. You cannot stop it.

Mr. STARKWEATHER. We have had twelve speeches and more than twelve men have been heard on each side.

The CHAIRMAN. What is the gentleman's point of order?

Mr. STARKWEATHER. I object to the amendment that it is the same amendment which has already been voted upon, no other amendment having intervened.

The CHAIRMAN. If the gentleman objects to the amendment because it is simply formal, it would be the duty of the Chair to declare that it is out of order.

Mr. McKEE. Then I move to strike out the paragraph.

The CHAIRMAN. That amendment is already pending.

Mr. WILLARD, of Vermont. I withdraw it.

Mr. McKEE. I renew it. The gentleman from Virginia, [Mr. HARRIS,] as usual, misstates the question in the South.

Mr. STARKWEATHER. I must object to the continuance of this discussion as not pertinent to the bill.

The CHAIRMAN. The gentleman's point of order will be good when the occasion for it arises. The gentleman from Mississippi will proceed in order.

Mr. McKEE. I speak on striking out the paragraph, of course.

Mr. BURROWS. Would it be proper to inquire what the amendment is?

The CHAIRMAN. It is to strike out the paragraph making an appropriation for Fort Mifflin.

Mr. BURROWS. I would be glad to hear it read.

Mr. McKEE. I decline to be interrupted.

The CHAIRMAN. The gentleman from Mississippi is entitled to the floor and will proceed.

Mr. McKEE. We have heard enough to-day of democratic lecturing, and I have been ashamed for one of the cowardly conduct of my republican friends. They stand here beneath the lash of the democracy, who make all manner of assertions, false as every one knows them to be, and gentlemen of the republican party get up and apologize for Phil Sheridan, and almost apologize for their republican faith. I do not blame the gentleman from Virginia [Mr. HARRIS] for not liking Phil Sheridan; that is natural in a democrat, and especially a Virginia democrat.

Mr. STARKWEATHER. I submit that this discussion is not in order.

Mr. McKEE. The gentleman will allow me. He must wait until I come to the question.

The CHAIRMAN. The point of order is well taken, and the gentleman from Mississippi must confine himself to the subject-matter of the paragraph.

Mr. McKEE. Other gentlemen have not been confined to the question, and I want the same latitude of debate. I am especially after the gentleman from Virginia, who states that in Warren County, in my State, the trouble arose because a sheriff of the county had stolen the taxes.

The CHAIRMAN. The gentleman from Mississippi is out of order. The gentleman from Connecticut [Mr. STARKWEATHER] objects to any discussion of anything but the paragraph, and the gentleman must confine his remarks to that.

Mr. McKEE. Well, I am coming to that.

The CHAIRMAN. The gentleman had better come to it at once.

Mr. McKEE. I have a right to speak in my own way. How does the Chair know how I am going to come out?

The CHAIRMAN. The gentleman will strike in where he intends to come out.

Mr. McKEE. The gentleman from Connecticut had better not get up any more. Now, in the case of Warren County, to which reference was made, not one dollar of taxes has been stolen by that sheriff. He has collected and accounted for them all. I do not wish to discuss the Mississippi case further than to say this much, for I prefer to wait until we hear the report of the special committee that has been sent down to investigate these occurrences, but I am not going to have it said that a republican sheriff stole the taxes when it is not true.

The CHAIRMAN. The gentleman is out of order. It is apparent now that he does not get to the paragraph.

Mr. McKEE. Why, Mr. Chairman, I might say that it is necessary that these taxes should be collected and accounted for if we are to build Fort Mifflin; there can be no doubt about that being pertinent.

Then again, Mr. Chairman, comes the charge here that order reigns in the South wherever the democratic or conservative party holds sway. Now, I know better than that, and I believe they do. They say that wherever the democracy have been supreme, there law and order have reigned supreme. God save the country from white-league "law and order." They say that law is enforced; that crime is always punished. I say I do not believe you can find ten instances in all the South where a white man has been hung for killing a colored republican, and everybody knows that thousands of them have been killed since the war. In my State I cannot find a single instance where a white man has been hung for killing a colored man, and hundreds of colored men have been killed since reconstruction commenced. You search the records of our courts in vain for such an instance; and our State is the best one in the South. When democrats come here talking about law and order in the South, and telling us about the troubles and outrages in Louisiana, I ask them who murdered the men at Coushatta? Who killed the hundreds in Grant parish? Who slaughtered men in Saint Landry? Who murdered republicans at Mechanics' Institute, and sprinkled the streets of New Orleans with loyal blood? Every one of the parties engaged in those outrages belonged to the democratic party, attending the democratic caucuses, and voting the democratic ticket. Their platform is red with the blood of slaughtered men, and if, in order to stop these outrages, it is necessary to declare martial law to protect the citizens, I would proclaim it and welcome it. They say that in Louisiana the republicans have committed robbery; that they have stolen money. Even if true they are not so bad as the democrats, for if the bad republicans are thieves, the vicious democrats there are assassins. The history of Louisiana reconstruction is written on a bloody page. It is red all

over with the blood of republicans, and no man has been punished for these slaughters. If Phil Sheridan will punish murderers who will otherwise escape, I bid him God-speed. Gentlemen need not tell me that law and order reign there.

[Here the hammer fell.]

Mr. McKEE. I withdraw the amendment.

Mr. STARKWEATHER. I hope now we shall proceed with the bill.

The Clerk resumed and completed the reading of the bill.

Mr. STARKWEATHER. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ELDREDGE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3823) making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876, and had directed him to report the same to the House without amendment.

Mr. STARKWEATHER. I move the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STARKWEATHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTUMACIOUS WITNESS—RICHARD B. IRWIN.

Mr. DAWES. In pursuance of the order of the House, the Sergeant-at-Arms has at the bar of the House Richard B. Irwin.

The Sergeant-at-Arms appeared at the bar of the House, having in custody Richard B. Irwin, alleged to be in contempt of the House.

The SPEAKER. The Sergeant-at-Arms brings to the bar of the House Richard B. Irwin, alleged to be in contempt of the privileges of the House in that he has refused to answer questions addressed to him by a committee authorized to examine him. It is the duty of the Chair, under the order of the House, to address to the witness this question: Are you now ready to answer the questions which have been addressed to you by the committee, and which you have heretofore refused to make answer to?

RICHARD B. IRWIN. I am not, Mr. Speaker.

The SPEAKER. The witness who is alleged to be in contempt of the House is at liberty to make a statement if he desires. It is a liberty always accorded to one at the bar of the House.

RICHARD B. IRWIN. Mr. Speaker, I am not in contempt of the House of Representatives; I am not in contempt of its authority. The House of Representatives has never ordered this investigation. I have not refused to answer any questions which this House has authorized the Committee on Ways and Means to ask.

After requesting the Committee on Ways and Means daily, for five days, to furnish me with copies of the resolutions under which they were, or professed to be, acting, there were handed me, on the fifth day, five documents purporting to be the resolutions or orders. Two of these documents were resolutions passed by the House of Representatives in the Forty-second Congress; the third, was a resolution offered on the 3d April, 1874, and referred to the Committee on Ways and Means, but not passed by the House, and upon which no further or other order has been taken. This resolution, if it had been passed by the House, would undoubtedly have authorized so much of the present inquiry as was necessary to substantiate the statement of Legrand Lockwood, that a large sum of money was appropriated and used by the Pacific Mail Steamship Company to procure this subsidy. But that resolution, even if it had been passed, would have directed no inquiry beyond the substantiation of Mr. Lockwood's statement; and it was never passed.

The fourth document refers the testimony taken during the Forty-second Congress to the Committee on Ways and Means, but without any order whatever by this House.

The fifth paper authorizes the Committee on Ways and Means to send for persons and papers, and administer oaths in matters from time to time pending and under examination before said committee. I am advised that "pending" means properly pending, duly pending, pending under the standing rules or orders of this House, or under the special order of the House.

The inquiry into the Pacific Mail Steamship subsidy forms no part of the duty of the Committee on Ways and Means under the standing orders of the House, the functions of that committee being confined to the raising of revenue, and I do not find among the papers handed to me by the committee, or anywhere else, any special order of this House directing that committee to undertake this investigation. I therefore most respectfully submit, Mr. Speaker, that in declining to answer a question which this House has never authorized or directed to be put, I am not and cannot be in contempt of the authority of this House.

I have stated to the committee, under oath, that I did not employ any member or officer of this House who was also an officer or member of the last House. In other words, that I did not employ any person subject to the jurisdiction of this House to the extent of these inquiries; that I did not pay any money to any such person; that I had no understanding that any money was to be paid to any such person, and that I have no knowledge that any money was paid to any such person.

There is not a shadow of evidence to oppose my statement; and in my judgment there never will be, and never can be.

I most respectfully submit to you, Mr. Speaker, that this House has no jurisdiction; certainly that the Committee on Ways and Means, without the order of this House, has no jurisdiction, to the extent of this inquiry over my transactions with other citizens who are not under control of this House.

So far as I myself am concerned, the committee will bear me witness that I have answered frankly and fairly and truly every question that was put to me, including even some questions which neither this committee nor other human power had any right to ask: such, for example, as "what was my salary as agent of the Pacific Mail Steamship Company at San Francisco," and the inquiry into my bank account with a firm of private bankers in the city of New York, which I myself voluntarily exhibited to the committee, showing and stating that it had nothing to do with this inquiry, and which the committee returned to me as irrelevant to this inquiry, but which they afterward proceeded to examine during my absence in the city of New York.

These things, Mr. Speaker, this committee had no more right to examine than they had to examine my underclothing.

While therefore, as far as I have gone, I have told the committee the truth and nothing but the truth, I am prepared to tell the committee the whole truth as far as relates to myself, but when it comes to revealing matters which exist in confidence between myself and other citizens beyond the jurisdiction of this committee and of this House to the extent of the inquiries put to me, I stand upon my duty as a man, upon my honor as a gentleman, and upon my rights as an American citizen, and most respectfully decline to answer these inquiries, and in doing so I disclaim any intentional disrespect for the authority of this House.

In the second place, I submit that neither the House of Representatives nor any other power in this land has any right to deprive an American citizen of his life, of his liberty, or of his property without due process of law; and, as the authority for this opinion, I refer to the Constitution of the United States. I refer, Mr. Speaker, to the Constitution framed in 1789 by the Convention of which George Washington was President. I refer to the clauses framed by Thomas Jefferson, without which Virginia refused to ratify that Constitution. I am advised by my counsel, and do myself firmly believe, that there is no power in this country to punish any citizen for anything, either in his person or his property, without due process of law.

It is the prerogative of Congress to make laws for the Government of the people, and to hang them up where every citizen can see them. Outside of these laws there can be no crime and no punishment.

I am told that this House can compel me to answer whether it has or has not the right to do so. I know that you can direct against me the whole physical power of this nation. It is deposited in your hands as a sacred trust, to be exercised by you not as partisans but as judges. Against that overwhelming power I should contend in vain. On no man in this land would that mighty hand rest more heavily. In all ages men have been forced to lie by every conceivable torture, but never on the earth has one man been compelled by physical force to tell the truth against the dictations of his honor or of his conscience.

Finally, I appeal to the common sense of this House to consider the practical effect of insisting upon a reply, which in the course of events has become unnecessary, to a question which I consider the committee had no right to put and which this House has never directed them to put.

The committee and the House must by this time perceive that substantially all the information that could possibly be obtained from me by an answer to the questions at issue is now being elicited from other sources; that the truth of my answer is confirmed by every line of evidence, and that it has become of small consequence particularly whether I reply or do not reply to the questions of the committee.

Under these circumstances the only practical effect of any action the House may take in insisting upon an answer to the questions in dispute will be to suppress a mass of valuable and interesting testimony for the most part not available from other sources, which I am and always have been ready to place at the disposal of the committee, either voluntarily or in reply to their questions; and I can imagine no one that will be gratified at this result except those who are interested in the suppression of that testimony.

If my testimony be true, as it is in every word and every line, allowing for the imperfections of the human memory at this distance of time, it must be evident to every impartial member of this House that the House of Representatives not only has no right to insist upon an answer to these questions which it has never authorized to be put, but that no practical good can result from such persistence. And, Mr. Speaker, I have told the truth, and that truth will stand to all eternity like a rock, against which all the forces of nature and all the powers of man will hurl themselves in vain.

Mr. DAWES. I offer the following; upon which I call the previous question:

Ordered, That the Speaker propose to the witness at the bar the following questions:

First. Give the names of the persons whom you employed to aid you in procuring the subsidy from Congress in 1872 for the Pacific Mail Steamship Company.

Second. What was the largest sum paid by you to any one person to aid you in procuring that subsidy?

The previous question was seconded and the main question ordered; and under the operation thereof the order was agreed to.

Mr. DAWES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Mr. Richard B. Irwin, I am directed by the House to propound to you the following question:

Will you give the names of the persons whom you employed to aid you in procuring the subsidy from Congress in 1872 for the Pacific Mail Steamship Company?

RICHARD B. IRWIN. I am compelled, Mr. Speaker, to decline doing so, for the reasons I have already stated.

The SPEAKER. I am also directed to propound to you the following question:

What was the largest sum paid by you to any one person to aid you in procuring that subsidy?

RICHARD B. IRWIN. Two hundred and seventy-five thousand dollars.

Mr. DAWES. I offer the following resolution; upon which I call the previous question:

Resolved, That Richard B. Irwin, having been heard by the House, pursuant to the order heretofore made requiring him to show cause why he should not answer the questions propounded to him by the committee and by the Speaker of this House in pursuance of its order, has failed to show sufficient cause why he should not answer the same; and that said Richard B. Irwin be considered in contempt of the House for failure to make answer thereto.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ELLIS H. ROBERTS. I am directed by the Committee on Ways and Means to submit the following resolution:

Resolved, That in purging himself of the contempt for which Richard B. Irwin is now in custody, the said Irwin shall be required to state to the House forthwith, or as soon as the House shall be ready to hear him, whether he is now willing to appear before the committee of this House to whom he has hitherto declined to make answer, and make answer to the questions for the refusal to answer which he has been ordered into custody; and if he answers he is ready to appear before said committee and make answer, then the witness shall have the privilege to so appear and answer forthwith, or so soon as said committee can be convened; and that in the mean time the witness remain in custody; and in the event that said witness shall answer that he is not ready to so appear before said committee and make answer to said questions so refused to be answered, then that said witness be recommitted to the said custody for the continuance of such contempt; and that such custody shall continue until the said witness shall communicate to this House through said committee that he is ready to appear before the said committee and make such answer; and that in executing this order the Sergeant-at-Arms shall cause said Irwin to be kept in his custody in the common jail of the District of Columbia.

Mr. G. F. HOAR. I desire to call the attention of this House to the fact that the commitment which it is asked to order is made contingent upon a certain event; that is, that in the event that said Irwin shall hereafter refuse to answer, then he shall be committed. It seems to me the proper course would be to have the House affirm the fact that he has refused to answer; otherwise the Sergeant-at-Arms, in committing a person to the common jail, is to judge whether that certain event has or has not happened. If the witness comes before the House and refuses to answer, then there should be an affirmation of the fact that he has so refused.

Mr. DAWES. That was the design of the committee.

Mr. G. F. HOAR. My colleague will permit me to observe that if any recusant witness should apply to the court for a writ of *habeas corpus*, this point which I suggest would be a very grave one in upsetting the whole proceeding.

Mr. DAWES. The first resolution adopted was for the very purpose of having the judgment of this House that this witness is in contempt for not answering. The second resolution offered by my colleague on the committee [Mr. ELLIS H. ROBERTS] proposes that the witness may at any time appear before the committee and relieve himself of this contempt. It provides a way for him at any time to appear before the committee if he desires. And I will say that this resolution is copied word for word from the resolution adopted by my colleague's committee in the case of Stewart.

Mr. G. F. HOAR. I did not approve of that.

Mr. DAWES. What my colleague says is true in point of law. I agree with him; but I think it is provided for by the resolution.

Mr. GARFIELD. I desire to ask the gentleman whether the commitment to jail, as provided for in this resolution, is not new to this class of proceedings—whether commitment to jail is not the thing provided for in the act of 1857 as the result of a trial by jury?

Mr. DAWES. I will say, in answer to the gentleman, that this is not a commitment to jail; it is a commitment to the custody of the Sergeant-at-Arms, who is directed how he shall keep him. That is all.

Mr. MAYNARD. Upon that point, I would like to ask the gentleman a question. I do not propose to antagonize him; but——

Mr. DAWES. One word more as to the question of precedents. This resolution is taken word for word from the proceedings in Stewart's case.

Mr. GARFIELD. But Stewart was not committed to jail.

Mr. DAWES. The Sergeant-at-Arms was ordered by the House to keep Stewart in his custody in the common jail of the District of Columbia.

Mr. GARFIELD. I think not.

Mr. MAYNARD. Stewart, as a matter of clemency, was confined in an apartment in this wing of the Capitol.

Mr. DAWES. In the Simonton case and in the Wolcott case the contumacious witness was actually confined in the common jail.

Mr. GARFIELD. I desire that we shall consider carefully whether in the action here proposed we are or are not proceeding to execute a statute. If we are merely holding a witness in the custody of the House, that is one thing; but if we are administering a punishment, which the law regards as the end of a trial before a jury, we ought to be careful how we proceed.

Mr. MAYNARD. I am informed by officers of the House that in neither of the cases mentioned was the party put in jail. There is, I understand, an apartment in this wing of the Capitol that has been used for the confinement of contumacious witnesses. While I know nothing about the merits of this particular case, I hope, if there is to be an exception made, there will be good grounds for it.

Mr. DAWES. In point of fact, as the Journal of this House will show, the order of the House in the cases of Simonton and Wolcott was that they be confined and kept in the custody of the Sergeant-at-Arms in the common jail. I know that Wolcott was so confined; for I visited him in jail many times; and I take the liberty of adding that, as the record of the House will show, the gentleman from Georgia, [Mr. STEPHENS,] who has expressed some doubts to the power of the House in this matter, voted for the resolution to commit Simonton to jail.

Mr. ELLIS H. ROBERTS. The form of this resolution, with the exception of the closing clause, is copied from the resolution in Stewart's case; and it is in accordance with all the precedents. It is true, as the chairman of the committee has stated, that in at least two cases the recusant witness has been placed in the common jail. In other cases the place where he should be kept has been left to the discretion of the Sergeant-at-Arms. The committee in this case have thought it wiser for the House to name the place in which the witness shall be confined, rather than leave it to the discretion of the Sergeant-at-Arms.

It seems to me that the point raised by the gentleman from Ohio [Mr. GARFIELD] does not properly arise. The House does not assume to punish any more in keeping this witness in one place than in keeping him in another. But the place where he is to be confined should be named by the House and not left to the discretion of the officer.

Mr. GARFIELD. In matters of this kind we ought to be careful about the precedents we make as well as those we follow. The common jail—the jail of the District of Columbia—is named, not by the House of Representatives but by Congress, by a law of the United States as the place where a contumacious witness shall be kept as a punishment after a trial by a jury. The jail is understood to be a place of punishment, not merely a place of detention.

Mr. TREMAIN. I wish to put a question to the gentleman from Ohio, [Mr. GARFIELD.] If a witness should refuse to testify before a court in this District, could not the court confine him in the common jail? Is not the jail of this District the property of the Government of the United States, and cannot Congress exercise the same power over a contumacious witness as could be exercised by a court of this District?

Mr. GARFIELD. But has the House of Representatives the custody of the jail of this District? It is of no possible consequence where this witness may be confined, except that we should be careful to tread upon safe ground—ground that we have the right to tread upon. The House of Representatives has the custody of the rooms and apartments of this Capitol.

Mr. LAWRENCE. By what law?

Mr. GARFIELD. Because they are the rooms of the House of Representatives. But I want to pursue the inquiry still another step.

Mr. ELDREDGE. Will the gentleman allow me to ask him a question in reference to this matter?

Mr. GARFIELD. Certainly.

Mr. ELDREDGE. I could not hear all that the gentleman said; but I understood him to suggest what seems to me very apparent, that the jail of this District is not under the control of one branch of Congress.

Mr. GARFIELD. That is what I said.

Mr. ELDREDGE. It seems to me that must be apparent to every lawyer. Now, supposing that the person in charge of that jail should decline to receive this man, as he well might do, because he might be subjecting himself to legal responsibility if he should take any person to be kept as a prisoner without lawful authority; supposing the jailer should refuse to receive this man, what can the House do about it? The jail, it seems to me, is under the control of Congress, and no man can be committed to jail, the jailer cannot be required to receive any person whatever, unless under authority of a law passed by the House and the Senate and approved by the Executive.

Mr. GARFIELD. I wish to make a further inquiry of the Committee on Ways and Means, as they have undoubtedly considered this question more fully than I have.

Mr. ELDREDGE. I wish to say the only instance I am aware of, certainly the only instance since I have been in Congress, where anybody has been committed to jail was the case of Pat Woods; and I do not suppose there is a man in all this land who does not look upon that as one of the grossest acts of tyranny and as a case where there

was an entire lack of power on the part of this House to order any such commitment.

Mr. MAYNARD. I think there have been several cases.

Mr. GARFIELD. I wish to make this further inquiry and suggestion to the gentlemen of the Committee on Ways and Means. The jail of the District of Columbia is under the control of an officer whose power is given by law. I do not suppose the House of Representatives—at least I raise the question whether the House of Representatives has any power as a sole House to give an order to the marshal of the District of Columbia or to the keeper of that jail. Of course the House of Representatives may respectfully request him to lock a man up in the jail, but have they any right as a matter of law to order the keeper of that jail to put him in confinement? Could he not raise the question of custody; whereas if we put this witness in the hands of the Sergeant-at-Arms, in the usual place of custody in the special room in this building which is under our control, I do not see but we should have a safer custody of him and have him more fully under our control.

Mr. KASSON. Mr. Speaker, I desire to state as briefly as possible what I understand to be the views of the committee under which this order is asked to be adopted. And first as to the precedents. If any gentleman will turn to his copy of the Rules, he will find on page 231 that the failure or refusal of a witness to appear or refusal to testify is a breach of the privileges of the House, and has been punished by commitment to the custody of the Sergeant-at-Arms, by expulsion from the floor as a reporter, and by commitment to the common jail of the District of Columbia.

Now, it will be observed we have a right to punish, and not merely to keep in custody, for an ascertained and adjudicated contempt—adjudicated by the House. So far, then, as the question of punishment is concerned, this is proper and legitimate under the practice and rules of the House and under parliamentary law.

Then the question recurs as to the place of punishment. No gentleman can fail to remember the process by which persons in contempt have been confined in a room of this building where they have lived like princes and enjoyed a higher order of existence, perhaps, in some respects than they could anywhere else. The Committee on Ways and Means therefore desired, in a matter so serious as this, to provide a place of confinement which would give assurance to the country of the earnestness of the committee to get at the truth of such facts as are alleged to the disgrace and dishonor of the House of Representatives. For that reason, and in accordance with the precedents, they have recommended the custody of this witness shall not be in a room in this building where he will be fed and entertained in the best manner, but in a place known as a place of punishment for the alleged misdemeanor committed by him. And in doing that they have avoided the difficulty suggested the other day, and not by directing commitment to the jail, but commitment to the Sergeant-at-Arms, telling the Sergeant at the same time in this instrument where the prisoner is to be kept until he has purged himself of contempt.

One step further. Now suppose, as gentlemen say, he goes to jail and the jailer says he has not authority, or he will not receive him, then the question comes again before the House, reported by the Sergeant-at-Arms, and the House will provide another place for his custody; but if he is received at the jail as in former cases, then the order of the House will be carried literally into effect. I do not see any difficulty in executing the order suggested by the resolution.

Mr. KELLOGG. Let me ask a single question of the gentleman from Iowa, whether it would not be better for Congress to pass a law providing for the incarceration of such recusant witnesses under the Sergeant-at-Arms in the jail of this District before we undertake to commit this man to the jail when there is no law upon the statute-book for it. Would it not be better before acting in violation of the law to pass a law authorizing the keeping of such witnesses in the jail of this District?

Mr. KASSON. I have only to answer, that to the committee the law seems now to authorize it; and unless objection comes from another quarter, they do not see the propriety of any legislation other than now exists on this subject.

Mr. MAYNARD. I desire to call the attention of the House to the proceedings in the case of Joseph B. Stewart, a contumacious witness in connection with the Credit Mobilier investigation. I ask the Clerk to read the portion of the Journal of the proceedings of January 30, 1873, which I have marked.

The Clerk read as follows:

Mr. DAWES submitted the following resolution; which was read, considered, and agreed to, namely:

Resolved, That Joseph B. Stewart, having been heard by the House pursuant to the order heretofore made requiring him to show cause why he should not answer the questions propounded to him by the committee, has failed to show sufficient cause why he should not answer the same, and that said Joseph B. Stewart be considered in contempt of the House for failure to make answer thereto.

Mr. JEREMIAH M. WILSON submitted the following resolution, namely:

Resolved, That, in purging himself of the contempt for which Joseph B. Stewart is now in custody, the said Stewart shall be required to state forthwith, or as soon as the House shall be ready to hear him, whether he is now willing to appear before the committee of this House to whom he has hitherto declined to make answers, and make answers to the questions for the refusal to answer which he has been ordered into custody, and if he answers that he is ready to appear before the said committee and make answer, then the witness shall have the privilege to so appear and answer forthwith or so soon as the said committee can be convened, and that in the mean time the witness remain in custody; and in the event that said witness shall answer that he is not ready to so appear before said committee and make answer to the said questions so refused to be answered, then that said witness be remanded to the said custody for the continuance of such contempt, and that such custody shall continue until the said witness shall communicate to this House, through the Speaker, that he is ready to appear before the said committee and make such answers, or until the further order of the House in the premises.

The same having been read,

Mr. JEREMIAH M. WILSON demanded the previous question.

When

The House refused to second the same.

Mr. HOAR submitted the following amendment in the nature of a substitute for the resolution, namely:

Resolved, That Joseph B. Stewart be remanded to the custody of the Sergeant-at-Arms, to abide the further order of the House, and that while in such custody he be permitted to be taken before the committee of which the honorable Mr. WILSON is chairman, if he sees fit, to answer such questions as may be lawfully put to him.

The same having been read,

Mr. SARGENT moved to amend the amendment as follows, namely: Strike out all after the word "resolved" and insert the following, namely:

"That J. B. Stewart, now in custody of the Sergeant-at-Arms, be, and hereby is, committed to the jail of the District of Columbia, there to be held in close confinement until he be released by further order of the House, upon his own application, saying he has purged himself from all contempt by answering truly all questions that have been or may be propounded to him by order of the House through its committee."

And the question being put,

It was decided in the affirmative.

So the amendment to the amendment was agreed to.

The question then recurring on the amendment as amended,

It was put,

And decided in the negative—yeas 56, nays 139, not voting 45.

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Messrs. Ephraim L. Acker, Stevenson Archer, John Beatty, Austin Blair, Thomas Boles, Benjamin F. Butler, Aylett R. Cotton, John M. Crebs, Edward Crossland, John J. Davis, Ozro J. Dodds, Peter M. Dox, R. Holland Duell, Smith Ely, jr., Charles Foster, Samuel Hambleton, James C. Harper, John W. Hazelton, William S. Holman, William H. Lamport, William E. Lansing, James M. Leach, Joseph H. Lewis, Mahlon D. Manson, Samuel S. Marshall, T. W. McNeely, Clinton L. Merriam, William M. Merrick, Alexander Mitchell, James Monroe, George W. Morgan, Silas L. Niblack, John B. Packer, James H. Platt, jr., Luke P. Poland, Charles H. Porter, William B. Read, John M. Rice, John Ritchie, Sion H. Rogers, Jeremiah M. Rusk, Aaron A. Sargent, Henry W. Slocum, Henry Snapp, William P. Sprague, H. H. Starkweather, Bradford N. Stevens, Jabez G. Sutherland, Thomas Swann, John Taffe, William Terry, P. Van Trump, Alfred M. Waddell, Madison M. Walder, Boyd Winchester.

Those who voted in the negative are—

Messrs. George M. Adams, William E. Arthur, John T. Averill, Nathaniel P. Banks, J. Allen Barber, William H. Barnum, Henry W. Barry, Erasmus W. Beck, James B. Beck, Benjamin T. Biggs, John A. Bingham, Aleck Boarman, Elliott M. Braxton, John M. Bright, Charles W. Buckley, James Buffinton, Horatio C. Burchard, Samuel S. Burdett, Roderick R. Butler, John M. Carroll, Clinton L. Cobb, John Coburn, Omar D. Conger, Samuel S. Cox, John Critcher, Chester B. Darrall, Henry L. Dawes, William G. Donnan, Dudley M. Du Bose, Richard T. W. Duke, Mark H. Dunnell, Benjamin T. Eames, Charles A. Eldredge, Robert B. Elliott, C. C. Esty, John F. Farnsworth, Charles B. Farwell, G. A. Finkelnburg, Samuel C. Forker, Henry D. Foster, Wilder D. Foster, William P. Frye, James A. Garfield, Abraham E. Garrett, J. Lawrence Getz, D. C. Giddings, Edward J. Golladay, Samuel Griffith, George A. Halsey, John Hancock, William A. Handley, Alfred C. Harmer, George E. Harris, Harrison E. Havens, John B. Hawley, Joseph R. Hawley, John B. Hay, Charles Hays, Gerry W. Hazelton, Frank Hereford, William S. Herndon, Ellery A. Hibbard, George F. Hoar, William D. Kelley, Stephen W. Kellogg, Charles W. Kendall, Michael C. Kerr, John H. Ketcham, Andrew King, Charles N. Lamison, John Lynch, Horace Maynard, James R. McCormick, George W. McCrary, James C. McGrew, Henry D. McHenry, A. T. McIntyre, Ebenezer McJunkin, George C. McKee, John F. McKinney, Benjamin F. Meyers, Jesse H. Moore, Frank Morey, Joseph L. Morphis, Leonard Myers, William E. Niblack, Jasper Packard, Frank W. Palmer, Isaac C. Parker, Erasmus D. Peck, James M. Pendleton, Legrand W. Perce, Eli Perry, John A. Peters, Clarkson N. Potter, William P. Price, Joseph H. Rainey, Samuel J. Randall, Edward Y. Rice, Ellis H. Roberts, William R. Roberts, John Rogers, Robert B. Roosevelt, Philetus Sawyer, Walter L. Sessions, John P. C. Shanks, Lionel A. Sheldon, Samuel Shellabarger, Francis E. Shober, Lazarus D. Shoemaker, James H. Slater, Joseph H. Sloss, H. Boardman Smith, John A. Smith, Worthington C. Smith, Oliver P. Snyder, R. Milton Speer, Job E. Stevenson, John B. Storm, William L. Stoughton, William H. H. Stowell, Charles St. John, J. Hale Sypher, Benjamin S. Turner, Joseph H. Tuthill, James N. Tyner, William H. Upson, Seth Wakeman, Henry Waldron, Alexander S. Wallace, Joseph M. Warren, Erastus Wells, William A. Wheeler, Richard H. Whiteley, W. C. Whitthorne, William Williams of Indiana, Jeremiah M. Wilson, John T. Wilson, Pierce M. B. Young.

Those not voting are—

Messrs. Jacob A. Ambler, Oakes Ames, Samuel N. Bell, John S. Bigby, John T. Bird, James Brooks, Frank C. Bunnell, Robert P. Caldwell, Lewis D. Campbell, Freeman Clarke, John M. Coghlan, Abram Comingo, John C. Conner, John V. Creely, Alvah Crocker, Oliver J. Dickey, Milo Goodrich, Richard J. Haldeman, Eugene Hale, James M. Hanks, John T. Harris, John Hill, Samuel Hooper, Sherman O. Houghton, John W. Killinger, Thomas Kinsella, David P. Lowe, William McClelland, James S. Negley, Jackson Orr, Hosea W. Parker, Elizur H. Prindle, James C. Robinson, Glenni W. Scofield, John E. Seeley, Henry Sherwood, Charles R. Thomas, Dwight Townsend, Washington Townsend, Ginery Twitchell, William W. Vaughan, Daniel W. Voorhees, Charles W. Willard, William Williams of New York, Fernando Wood.

So the amendment as amended was disagreed to.

Mr. MAYNARD. The gentleman from New York [Mr. ELLIS H. ROBERTS] was one of the gentlemen who voted with me against the amendment proposed by Mr. SARGENT, of California, to send the witness to jail. I submit that unless there be something to this case out of the ordinary rule we had better follow the precedent and adopt the resolution we then adopted.

Mr. ELLIS H. ROBERTS. I think there are cases that justify the course which the committee have taken. It will be in the recollection of gentlemen upon this floor that the witness who was then confined in the Capitol became the lion of the Capitol. Our object is not to make a hero of any one. Our object is not to punish any one unjustly. We desire to obtain necessary testimony; or, failing, to render emphatic our condemnation of the refusal to testify. It has been suggested that we have not the control of the common jail; that is, that one branch of Congress has not the control of it. So it might be equally claimed that one branch of Congress has not the control of any por-

tion of this Capitol except that portion which is occupied by that branch of Congress or its committees. The witness will not be refused a place in the jail, in the custody of our Sergeant-at-Arms.

I yield to my colleague, the chairman of the Committee, Mr. DAWES.

Mr. G. F. HOAR. Before the chairman of the committee proceeds, I desire to ask the gentleman from New York [Mr. ELLIS H. ROBERTS] this question: Whether under this resolution, which is to be a precedent for all like cases, if the witness says to the Sergeant-at-Arms, "I am now ready to answer the question," whether that does not *ipso facto* discharge the witness from custody, so that he will escape and the whole proceedings will then have to be gone over again?

Mr. ELLIS H. ROBERTS. I think not.

Mr. G. F. HOAR. I think if the gentleman will read the resolution he will see that that is the effect of it.

Mr. ELLIS H. ROBERTS. I have read it in connection with the preceding resolution, and I think there can be no doubt about its effect.

Mr. MAYNARD. Before the gentleman from Massachusetts [Mr. DAWES] proceeds, I wish to say that I hope he will be good enough to state to the House what, in his judgment, is the condition of this gentleman's health. This of course is to be taken into account as a matter of common humanity.

Mr. DAWES. I was about to say that the Committee on Ways and Means have no desire to invoke any action of this House upon this witness that shall be harsh, unreasonable, or unnecessary. They are aware that the witness is not in good health. They believe, and they have presented to the House the reasons for that belief, and the House has passed upon them as sufficient, that he has in his possession testimony of vital importance to an investigation which this House has ordered—an investigation touching the purity of legislation in Congress and the character of the members of both Houses of Congress. Their investigation has gone so far as to satisfy them that he holds in his hand the key to unlock any door that this House may shut upon him. He has that power consistently with his duty as a man and a citizen; for no duty as a man or citizen can rest upon him or any other person that conflicts with just and proper measures for the purification of legislation and of the character of the House of Representatives; and he who sets up the idea that he can himself, under the pretense that what belongs to him as a man or a citizen is in conflict with that larger duty which every man and every citizen owes to the country to bring to light every scheme of corruption, every measure that tends to sap the purity of legislation in this or the other Hall of Congress, sets up that which if this House recognizes they throw away not only all their power but their character too.

Therefore, sir, though I am willing to answer in the affirmative the question of the gentleman from Tennessee, that this man is in poor health, I say to him that if this House shall order the Sergeant-at-Arms to confine him in the parlor of the Arlington House or in any other room that the Sergeant-at-Arms can procure for him which this House shall think is a proper place in which to keep a man who says he holds in his possession evidence that shall tend to elucidate the question whether money has been improperly spent to procure legislation in this Hall, they ought to do so. He says to us here at the bar of this House, that while he has that evidence in his possession, he has some idea that it is inconsistent with his duty as a man and a citizen to come up to the aid of this House in ferreting out the improper use of that money; if we do that, I say, sir, that he has at any moment an opportunity to relieve himself from any such burden.

And now, Mr. Speaker, I wish to call the attention of the House to a precedent in the Thirty-fifth Congress, when I was here in a minority, and when a man was brought here from my own State as a witness to testify to facts exactly analogous to these, having confessed that he brought here, instead of three-quarters of a million dollars, $79,000 to use in securing the passage of a bill through Congress. When he was asked what he did with that money he refused to answer that question, and the House of Representatives passed the following resolution:

Whereas John W. Wolcott has failed satisfactorily to answer the questions propounded to him by order of this House and has not purged himself of the contempt with which he stands charged: Therefore be it

Resolved, That the said John W. Wolcott be committed by the Sergeant-at-Arms to the common jail of the District of Columbia, to be kept in close custody until he shall signify his willingness to answer the questions propounded to him by the select committee of this House and all other legal and proper questions that may be propounded to him by said committee; and for the commitment and detention of the said John W. Wolcott this resolution shall be a sufficient warrant.

Resolved, That whenever the officer having the said John W. Wolcott in custody shall be informed by said Wolcott that he is ready and willing to answer the questions heretofore propounded and all proper and legal questions that may hereafter be propounded to him by said committee, it shall be the duty of such officer to deliver the said John W. Wolcott over to the Sergeant-at-Arms of this House, whose duty it shall be to take the said Wolcott immediately before the committee before whom he was summoned to appear for examination, and to hold him in custody, subject to the further order of the House.

Now, I want to call the attention of the House to the difference between these resolutions and the resolution before the House. Under these resolutions, by a very large majority, I think of more than two to one, this man Wolcott was taken and put into the custody of the jailer, out of the custody of the Sergeant-at-Arms, and there, according to my recollection, he staid six weeks, resorting to every method known to the law to relieve himself of that custody, and failing in that, he came to this House and asked this House to discharge him, and they discharged him.

Here we propose that the House shall order the Sergeant-at-Arms to hold this witness in custody, and the only question is where shall he keep him. This House has no control over any room, whether it be in the Arlington, in this Capitol, or in the jail. The House can instruct their Sergeant-at-Arms to keep this man in some room in this Capitol, but it takes something besides this House to control the rooms of this Capitol.

Mr. MAYNARD. Not in this wing of the Capitol.

Mr. DAWES. There may be some rooms in this Capitol that this House has by joint rule committed to its custody, I know, but outside of this Capitol, that there may be no cavil upon the question, you cannot control any rooms. Now, suppose we order the Sergeant-at-Arms to keep this man in custody, and while keeping him in custody to keep him in a room at the jail, and he finds that the jailer will not permit him to keep him there, he has but to come back to the House and say that he cannot execute its order in that particular, and take further instructions from the House.

Unless this House desire to make a farce of this investigation, unless they desire that the Committee on Ways and Means shall stop the investigation here or be subjected to the indignities that have been attempted to be cast upon them this day by other witnesses, who say that until you make Richard B. Irwin answer this question they will decline to answer, you must take some such action as this. Since this House has assembled to-day we have been told in our committee room that until we make Richard B. Irwin answer this question other witnesses before us under oath shall decline to answer. Let us not, therefore, deal with this matter as if we did not care whether these questions were answered or not, by merely telling our Sergeant-at-Arms to take Mr. Irwin into his custody and keep him as others are kept when constructively in his custody until the end of this session; but let your committee know whether you intend to exert the power of this House for the discovery of the truth.

Now, I would not have this man kept one hour in the common jail, not one hour, as a punishment. I do not believe that in this case we have the power to punish him by an hour's confinement, but I believe that we have the power to hold him until he will answer; and it is for us to say whether we shall put him upon a bed of down and make assistant sergeants-at-arms take him, like the Sultan of Turkey, out upon their shoulders into the air night and morning to enjoy the luxuries and the refreshing breezes of this city, or whether we shall say to him, "We are in earnest; we believe that we ought to have these facts;" and, so believing, whatever power this House can exert, consistently with proper treatment to him in the condition of his health, they should and will exert to compel him to so answer; or else they should say to the committee, what the committee would welcome most heartily, "Stop your investigation where it is."

But, until you order your committee to cease its labors in that direction, do not tie their hands by telling witnesses, through the treatment you propose to exercise toward this witness, that it matters not whether they answer or not.

Mr. ELLIS H. ROBERTS obtained the floor.

Mr. BECK. Allow me to say a word.

Mr. ELLIS H. ROBERTS. I will yield for that purpose.

Mr. BECK. There seems to be some difficulty about the power of the House over this question. I desire at some time or other, before the subject is exhausted, to offer the following resolution, for the purpose of endeavoring to perfect the present law by further legislation of Congress:

Resolved, That the Committee on the Judiciary be instructed to report a bill to this House, as soon as possible, so far amending the law punishing contempts as to authorize imprisonment of the person or persons guilty of contempt, under the control of the Sergeant-at-Arms, in the common jail, for any period not exceeding twelve months from the date of the judgment, unless the person or persons shall be sooner excused or released by the same or the subsequent Congress.

Some time before this question is exhausted I desire to offer that resolution for reference to the Committee on the Judiciary.

Mr. TREMAIN. I desire to say that when this question was up before I endeavored to obtain the floor of the House for the purpose of saying that in my judgment it would be found that the whole of this question has been deliberately settled by the Supreme Court of the United States in an action for false imprisonment brought against Mr. Clay, as Speaker of the House, for enforcing the order of the House against a party adjudged guilty of contempt for attempting to bribe a member of the House, not in the presence of the House, but outside. In that case the whole question of the power of Congress to punish for contempt was considered and adjudicated in a most elaborate opinion, and determined by the Supreme Court of the United States. In that opinion two propositions were determined; first, that this power is an implied power belonging to this House, growing out of the general power to legislate and the other general powers. In the second place, that the House had a right to imprison for contempt in any manner that in its discretion it thought proper, provided the term of imprisonment did not extend beyond the session of the House.

I had before me the whole subject in Story's Commentaries, where the matter was fully discussed and where the questions discussed the other day were deliberately disposed of and settled. But I was not able then to obtain the floor. The gentleman who promised me ten minutes refused to give it to me when he found out that I was going to talk against him. The case is the case of Anderson against Dunn, and is reported in 6 Wheaton, page 229, in a long, elaborate opinion, covering the entire ground in this case.

Mr. LAWRENCE. If the marshal of the District refuses to allow the Sergeant-at-Arms to imprison this man in the jail——

Mr. TREMAIN. We can find another place.

Mr. LAWRENCE. Would not the marshal himself be in contempt of the House?

Mr. TREMAIN. I do not say that; but we could find another place.

Mr. LAWRENCE. Do we not have as much control over the jail of the county as we do over this Hall?

Mr. ELLIS H. ROBERTS. There are no reasons why the witness now before the House should appeal to the sympathy of the House. According to his own evidence he comes here laying down $750,000 at the door of this House to control legislation. He does not excuse himself from testifying on the ground that the answer which he might give would criminate himself. He has gone so far as to testify that he has brought the money hither. No answer that he can give can criminate himself more. It is not on any plea on his own behalf that he can ask for sympathy.

Nor does he plead, nor can he plead, that his employers object to his making answer. It is not in the interest of his employers that he refuses; it is not in the interest of his employers, from whom he testifies that he received this immense sum, that he can ask for sympathy. Certainly not in the interest of pure legislation can he appeal to any man upon this floor. Either he has brought this money here to corrupt legislation or he stands here libeling this body. Not in the interest of the people can he ask for sympathy, because the people are interested that this body shall act not only without being bribed, but without suspicion or charge of bribery. This House is called upon in the interest of pure legislation to see to it that no witness shall come to its doors testifying that he has brought money hither to control legislation and then refuse to declare how he has used that money.

No point has been raised to-day that Congress has not the right to commit this witness. My colleague [Mr. TREMAIN] has cited a case which I had intended to cite, the famous case of Anderson against Dunn, decided by the Supreme Court of the United States, where the court decided that as a matter of self-preservation and self-defense this House has the right to punish for contempt. In that case, reported in Wheaton's Reports, volume 6, page 230, Justice Johnson says:

> The present question is what is the extent of the punishing power which the deliberative assemblies of the Union may assume and exercise on the principle of self-preservation? Analogy and the nature of the case furnish the answer: "the least possible power adequate to the end proposed;" which is the power of imprisonment. It may at first view and from the history of the practice of our legislative bodies be thought to extend to other inflictions. But every other will be found to be mere commutation for confinement. Such commitment alone is the alternative where the individual proves contumacious. And even to the duration of imprisonment a period is imposed by the nature of things, since the existence of the power that imprisons is indispensable to its continuance. And although the legislative power continues perpetual, the legislative body ceases to exist on the moment of its adjournment or periodical dissolution. It follows that imprisonment must terminate with that adjournment.

The Supreme Court has placed the rights of the House in such cases on this simple ground of self-preservation. The case arose out of an offer of a bribe of $500 to the chairman of the Committee on Claims in 1818. In the House a long and interesting debate arose. My own eminent predecessor, Hon. Henry R. Storrs, urged the rights of the House to punish for contempt, as based on the supreme power of Congress in the District and as included in the power to legislate. He said:

> Since gentlemen had, in the course of the argument, resorted to the authority of names and to the dogmas of civilians, he would ask their attention to an opinion of the late Executive of the Union, to be found in a work justly considered the text-book of construction. In that part of the Federalist which was from the pen of Mr. Madison, when considering that clause to which he had referred, the language is so emphatic and peculiarly applicable to the question now before the House, that he would read the extract: "The indispensable necessity of complete authority at the seat of government carries its own evidence with it. It is a power exercised by every Legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it not only the public authority might be insulted, but its proceedings interrupted with impunity." Can a more palpable exposition of the futility of the assumption on which these distinctions are founded be offered? Will the effect of these observations be evaded by referring them to the power of self-preservation? The whole scope of them assumes, as an axiom, that the supremacy of Congress, at least within this District, is clothed with all the attributes of sovereignty which are vested in the State governments. The offense committed by John Anderson against the privileges of the House has therefore been perpetrated in our exclusive territorial jurisdiction.
>
> Mr. S. said that the power of Congress, as well as of every other legislative body, to punish for contempt or breach of privilege, (he cared not by which name it was called,) was inseparably annexed to and included in the power itself to legislate.

Mr. Tallmadge, of New York, stated the ground afterward assumed by the Supreme Court. His words were:

> I do maintain that this House *possesses the power, as incidental to its existence, and an inseparable attendant upon its formation.* The Constitution created this House and gave it existence. The power of *self-defense* and *self-preservation* follows as an incident, an inseparable attendant, and a necessary consequence. The functions of the Constitution terminated with the formation of this House; and we ask not to deduce this right of self-defense and self-protection from any construction of the Constitution, while we claim this right to the House as inherent and self-evident to its existence. Our opponents have denied this power to the House; they have said we have no common law, and it is not delegated by the Constitution; and have therefore called on us to show the authority for the power which we claim. Let me, in return, ask any one of those gentlemen to show their individual right to use any means of self-defense. The right is not given in the Constitution; there is no statute, and they say there is no common law. But yet no man doubts that each individual has the right of self-defense and self-preservation; and that this right is incidental to his existence, and that he possesses it as a right derived from nature. In like manner does every corporate body, formed for judicial or legislative purposes, possess the right of self-defense and self-protection as an inseparable attendant upon its formation. This, said Mr. Tallmadge, is the extent of the power which we claim. And this power has been claimed and exercised by every legislative body or judicial tribunal recorded in history. This power was claimed and exercised by all courts in our own as well as in every other country. The gentlemen could not show by what right courts of law possessed this power. It was not given by the Constitution, nor by any statute; and yet it was claimed by them and daily exercised.

But to-day the power of Congress is not denied.

Nor does the fact that an indictment may lie against an individual for the same offense exclude the House from the exercise of this power, because the offense of contempt is a separate and distinct offense from refusing to answer. This House has the right to punish for contempt independently of the other offense of a refusal to answer. This point is distinctly stated in a letter of Attorney-General B. F. Butler, in 1834, in the case of General Houston, as follows:

> ATTORNEY-GENERAL'S OFFICE, *June* 25, 1834.
>
> SIR: In answer to the question submitted to me on the memorial of General Houston, who appears to have been indicted, convicted, and fined in the criminal court of this District for an assault on the person of a member from the House of Representatives, after having been previously punished by that House for the same act, as a contempt and breach of privilege, I have the honor to state that, in my opinion, the proceedings of the House constituted no bar to the subsequent indictment and conviction. The fifth amendment to the Constitution of the United States, which provides that no person "shall be subject for the same offense to be twice put in jeopardy of life or limb," does not apply to cases of this sort. Courts and other bodies which have the power of punishing for contempts are invested with that power, and are supposed to employ it for the purpose of protecting themselves in the due exercise of their appropriate functions, and not for the purpose of vindicating the general law of the land, which may also have been violated by the same act. Technically, therefore, General Houston has not been twice tried for the same offense. The act committed by him was one and the same, and it constituted but one indictable offense; and he was, therefore, liable to only one conviction on indictment. But if this act was also a breach of the privileges of the House of Representatives, and a contempt of the House, they had a right to punish him for the contempt independently of the action of the criminal court; and *so vice versa*.
>
> I am, sir, &c.,
>
> B. F. BUTLER.
>
> To the PRESIDENT OF THE UNITED STATES.

Thus the power of the House cannot be denied, nor in this case can the necessity for action be denied. Therefore the passage of a resolution substantially such as the committee has reported is absolutely required by the circumstances. I am directed, however, by the Committee on Ways and Means to withdraw the particular form of resolution which has been reported, and to submit that which I now send to the Clerk's desk; and upon it I call the previous question.

The Clerk read as follows:

Resolved, That Richard B. Irwin be remanded to the custody of the Sergeant-at-Arms to abide the further order of this House; and that while in such custody he be permitted to be taken by the said Sergeant-at-Arms before the Committee on Ways and Means, if he shall declare himself ready to answer such questions as may be lawfully put to him, including those asked of him by order of this House; and while he shall so remain in custody the Sergeant-at-Arms shall keep the witness in his custody in the common jail of the District of Columbia.

Mr. MAYNARD. I hope the gentleman will allow me to move to amend by striking out the words "in the common jail of the District of Columbia."

Mr. ELLIS H. ROBERTS. I cannot yield for that purpose.

Mr. MAYNARD. Then I will ask the Chair whether, if the previous question should not be seconded, the amendment I suggest would be in order?

The SPEAKER. Of course it would be.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution of Mr. Ellis H. ROBERTS was adopted.

Mr. ELLIS H. ROBERTS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The SPEAKER. The Chair desires to call the attention of the House to a point which affects his own duty in this matter. The Clerk will read the third section of the act relating to cases of this kind.

The Clerk read as follows:

SEC. 3. *And be it further enacted*, That when a witness shall fail to testify as provided in the previous sections of this act, and the fact shall be reported to the House, it shall be the duty of the Speaker of the House or the President of the Senate to certify the fact, under the seal of the House or Senate, to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

The SPEAKER. The question in the mind of the Chair is whether this witness having refused to testify and having been brought before the House, the time has arrived for the action of the Chair under this statute, which seems to be mandatory. On this point the Chair will follow the instructions of the House.

Mr. DAWES. I suggest, Mr. Speaker, that possibly something may occur which will obviate the necessity for that step; and as it is not peremptory that it shall be done forthwith, the Speaker might wait a little while to see whether such action will be necessary.

Mr. LAWRENCE. The act imposes the duty on the Speaker; there is no doubt about that.

Mr. DAWES. Certainly; it is a duty under the law.

Mr. LAWRENCE. And there is no escape from it.

The SPEAKER. The statute appears to be mandatory in imposing this duty. In the case of Joseph B. Stewart, two years ago, it was not performed, and there was some criticism in consequence. The attention of the Chair was not called to the precise language of the statute in that case until some time afterward.

Mr. DAWES. I suppose, Mr. Speaker, the meaning of the statute is that this certification shall be made if there should be a final refusal. But we have provided a further opportunity for this witness to answer. Therefore I suggest to the Chair that though when the proceedings are complete the duty provided by law will be incumbent upon the Chair if the refusal be persisted in, yet it does not seem to me necessary that this action be taken by the Speaker forthwith—to-day.

Mr. GARFIELD. Will the Chair allow me to make a remark? If the suggestion of the gentleman from Massachusetts [Mr. DAWES] should prevail, the Chair will have to wait until the 4th of March, at noon, to determine whether the proceedings will be finished or not, so as to require the performance of this duty; and when the gavel comes down at that time, you, sir, will cease to be Speaker, and cannot possibly perform this magisterial duty which the statute imposes; so that the suggestion of the gentleman from Massachusetts would make the statute null so far as the duty of the Speaker is concerned. Having committed the offender to jail, it seems to me we ought now to proceed to determine by some process whether we have any right to put him there.

Mr. G. F. HOAR. As I understand, a witness who refuses to testify, in answer to a lawful question put to him by authority of this House, is in precisely the same position as a man who should come within these doors and strike a blow at the Speaker or any member of this House during its session. First, he commits a contempt of the House; but besides he commits a penal offense under a statute of the United States. Under the statute, when that penal offense has been reported to the House, it becomes the duty of the Speaker to certify the fact to the district attorney. That offense has been reported to the House in this case by the committee, and it has been found as a fact by the resolution adopted by the House that such an offense has been committed. Now, whatever the witness may do hereafter to purge himself of contempt or to mitigate the punishment which should be inflicted upon him by the House, his offense in disobeying this statute was complete when he refused to answer lawful questions; and when that fact has been reported to the House and affirmed by the House to exist, the duty of the Speaker has become imperative.

Mr. KASSON. Allow me a single additional suggestion. This case under the statute, as I understand, must go before a grand jury in the District of Columbia. There may be such a body in session at the moment the offense is committed. But if we postpone action, then before any process could be issued upon which the party could be arrested he might be out of the reach of such process; he might be in Europe. Consequently, I apprehend the intention of the law to be that as soon as the offense is committed this communication is to be sent to the officer having charge of such prosecutions in the District of Columbia, that proceedings may be instituted at the earliest possible moment; and then it may be reported to the House that process for him has been issued; and he may be discharged or not by the House. At the conclusion of our authority on the 4th of March, he is still subject to that process wherever it may find him.

Mr. LAWRENCE. The grand jury is now in session.

Mr. HAWLEY, of Illinois. I agree in the main with all that has been said by the gentleman from Massachusetts, [Mr. G. F. HOAR.] I think, however, he has overlooked one point. The House has already taken action with reference to this question. It has determined that this witness shall be held in custody until he shall purge himself of this contempt. Now it has become the duty of the Speaker under the statute to certify this case to the district attorney. Now the district attorney will find it to be his duty to proceed at once and have the case presented to the grand jury. But the court cannot get control of this case, or at least the body of this witness as a defendant, until the House is through with him. He is all the time in the charge and custody of the House; and although the Speaker does the duty which is required of him by the law, that does not in any sense take the case away from the House of Representatives. This is a distinct offense, and he is to be punished by the law of the land as any man is to be punished who commits a crime. Therefore I differ from the gentleman from Massachusetts, [Mr. G. F. HOAR,] who, when the duty of the Speaker to certify the case to the courts has been carried out, would then seem to imply the case would be taken away from the control of the House of Representatives.

Mr. G. F. HOAR. Not in the least.

Mr. HAWLEY, of Illinois. The gentleman from Iowa said so then.

Mr. KASSON. Not at all; but, on the contrary, the 4th of March, if not before.

Mr. HAWLEY, of Illinois. Now, then, the grand jury cannot act on this case for a considerable time—cannot act on it until after that time; but it is the duty of the district attorney to bring it promptly before the grand jury, so he may be indicted and turned over to the courts when Congress is compelled to give him up, if before that time he has not purged himself of the contempt committed against the House of Representatives. Therefore I say there is nothing inconsistent at all in the Speaker certifying this case up to the district attorney—nothing inconsistent with the action of the House to-day. They are not in conflict at all.

Mr. MAYNARD. It seems to me this law is as plain as one can make it. It provides that any witness who shall fail to testify as provided in previous sections of the act and that fact is reported to the House, it shall be the duty of the Speaker of the House to certify, &c. Here the facts have not only been certified to the House, but it appears in the presence of the House itself that this witness does refuse to answer; and therefore the case contemplated in the third section of the act is made out, and the duty of the Speaker under the law is beyond his discretion and is mandatory.

The SPEAKER. The Chair has brought the matter to the attention of the House simply for the reason that in previous cases it may have been overlooked or neglected. As he reads the statute, the duty seems to be mandatory upon him officially; and unless otherwise instructed by the House, he will perform it.

Mr. GARFIELD. I move the House adjourn.

Mr. ELLIS H. ROBERTS. Before the motion to adjourn is put let me say that the duty of the Speaker cannot be such as to interfere with the bringing of this man before the Committee on Ways and Means as a witness.

The SPEAKER. The Chair does not so understand it.

Mr. HAWLEY, of Illinois. The point I made a while ago was that the performance of that duty by the Speaker can in no way interfere with the action of the House hereafter. Although the witness may be indicted in a court in the District of Columbia, there would be no power on the part of any such court to take him out of the custody and control of the House of Representatives.

The SPEAKER. The Chair merely desires to repeat that according to his reading of the statute his duty is plain. Should the House think otherwise, he would of course be governed by the expression of the House, if they made any such expression; but in absence of any such expression, the Chair will feel it to be his duty to certify the case up.

And then, on motion of Mr. GARFIELD, (at four o'clock and fifty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BANNING: Paper relating to the application of Sarah Taylor for a pension, to the Committee on Invalid Pensions.

By Mr. BUTLER, of Massachusetts: The petition of Joseph Carter, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. CALDWELL: The petition of citizens of Alabama, for the establishment of a mail-route from Red Sand, Cherokee County, Alabama, to Rock Mills, Randolph County, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Georgia and Alabama, for the establishment of a mail-route from Bowden, Carroll County, Georgia, to Red Sand, Cherokee County, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. CHITTENDEN: The petition of Moses Taylor & Co. and others, of New York, in respect to their just claims upon the so-called Geneva award for losses by confederate cruisers during the rebellion, to the Committee on the Judiciary.

By Mr. GARFIELD: The petition of soldiers and sailors of the late war, for the equalization of bounties, to the Committee on Military Affairs.

By Mr. HAGANS: The petition of John A. Thompson and others, of Jefferson County, West Virginia, for the passage of a law to authorize the issue of paper currency which shall be legal tender for all debts, public and private, and exchangeable for 3.65 bonds, and for the abolition of the national banking system, to the Committee on Banking and Currency.

By Mr. HARRIS, of Virginia: Papers relating to the claim of John Heater, of Loudon County, Virginia, to the Committee on War Claims.

By Mr. G. F. HOAR: The petition of the Methodist Episcopal church of Winchester, Massachusetts, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. LAWRENCE: The petition of Charles C. Hill, of Urbana, Ohio, to be reimbursed expenses incurred as paymaster's clerk, to the Committee on Military Affairs.

By Mr. LOUGHRIDGE: Numerous remonstrances from citizens of Iowa, against the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. LOWNDES: Memorial of the county commissioners of Frederick County, Maryland, asking an appropriation to rebuild bridges over the Monocacy River destroyed by Major-General Lewis Wallace, to the Committee on Claims.

By Mr. McCRARY: The remonstrance of several thousand citizens of the southern division of the district of Iowa, against the removal of the United States court from Keokuk to Burlington, to the Committee on the Judiciary.

Also, the remonstrance of citizens of Van Buren County, Iowa, of similar import, to the Committee on the Judiciary.

By Mr. McDILL, of Wisconsin: Petitions of F. D. Demers and 28 others, and Oliver Demers and 27 others, of Barron County, Wisconsin, for reservation of lands to actual settlers within the limits of the Saint Croix land grant, to the Committee on the Public Lands.

By Mr. MONROE: The petition of colored citizens of Oberlin, Ohio, for the passage of the civil-rights bill, to the Committee on the Judiciary.

By Mr. SENER: The petition of William Tobb, of Spottsylvania County, Virginia, for indemnity for losses in the late war, to the Committee on War Claims.

By Mr. STEPHENS: The petition of Mrs. Lucy R. Speer, widow of Thomas J. Speer, deceased, member of the Forty-second Congress, for relief, to the Committee on Accounts.

IN SENATE.

THURSDAY, *January* 7, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of workingmen, citizens of Huntingdon County, Pennsylvania, praying that the Texas and Pacific Railway Company's application for the guarantee by the Government of interest upon its bonds be granted; which was referred to the Committee on Railroads.

Mr. SCOTT. I present a petition of Pennsylvania soldiers, in the late rebellion, setting forth that their applications heretofore made to former sessions of Congress for a portion of the public lands to be set apart for their benefit and relief on such equal terms as were granted to soldiers and sailors of other wars, have failed to receive favorable response; that they are now in want of immediate aid, and asking the Government to grant unto each of them one hundred and sixty acres of the public lands, without restrictions or reservations. I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

Mr. LOGAN. I ask leave to present the petition of Jearum Atkins, asking a rehearing of a case before the Committee on Claims with reference to his patent for rakes for harvesters, and I move its reference to the Committee on Claims.

Mr. SCOTT. As I recollect, that is a case in which there was an adverse report; and I would inquire of the Senator from Illinois whether this petition sets out new and additional evidence?

Mr. LOGAN. I think so; but I will not say that it does positively. I did not draught the petition. It was brought to me, and I introduce it for this old gentleman, he being a constituent of mine. He states in the body of the petition that he has new and additional evidence which will change the features of the case as it appeared before the committee; but what that evidence is, I do not know. He told me he would present the evidence to the chairman of the committee.

Mr. SCOTT. I do not desire to deprive the petitioner of the right to be heard; but I call the attention of the Senator for his constituent to the forty-ninth rule of the Senate, so that, upon examining that, unless this petition is brought within it, it will not be considered by the committee.

Mr. LOGAN. That rule requires that new evidence shall have been discovered.

Mr. SCOTT. And that the petition shall state specifically what the new evidence is. I only call the Senator's attention to it for the benefit of his constituent.

Mr. LOGAN. Very well.

The VICE-PRESIDENT. The petition will be referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3707) granting a pension to Louisa Thomas, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2680) granting a pension to Mrs. Jane Dulaney, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3427) granting an increase of pension to Mary W. Shirk, widow of James W. Shirk, deceased, late commander in the United States Navy, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. INGALLS. The Committee on Indian Affairs, to whom was referred a letter of the Secretary of the Interior, transmitting a copy of a letter of the Commissioner of Indian Affairs in relation to the sale of certain Indian lands in the State of Kansas, have had the same under consideration, and instruct me to report that as a bill upon this subject was passed at the last session of Congress they ask to be discharged from the further consideration of the subject.

The VICE-PRESIDENT. The committee will be discharged, if there be no objection.

BILLS INTRODUCED.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1092) for the relief of Maria V. Brown, assignee of T. F. Brown; which was read twice by its title, and referred to the Committee on Claims.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1093) for the relief of Reuben Goodrich; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1094) for the relief of Francis M. King and Thomas Ross; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. McCREERY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1095) for the relief of Lafayette Elder; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1096) amendatory of the act in relation to the Hot Springs reservation in the State of Arkansas; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

GOLD BANKING ASSOCIATIONS.

Mr. SARGENT. I move that the Senate proceed to consider Senate bill 1068, which was reported from the Committee on Finance with some verbal amendments.

The motion was agreed to; and the bill (S. No. 1068) to remove the limitation restricting the circulation of banking associations issuing notes payable in gold was considered as in Committee of the Whole.

The bill repeals so much of section 5185 of the Revised Statutes of the United States as limits the circulation of banking associations, organized for the purpose of issuing notes payable in gold, severally to $1,000,000, and provides that each existing banking association may increase its circulating notes, and new banking associations may be organized in accordance with existing law, without respect to such limitation.

The amendments reported by the Committee on Finance were in line 7 after the word "million" to strike out the word "of," and after the word "each" in line 8 to insert the words "of such."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARKANSAS JUDICIAL DISTRICTS.

Mr. WRIGHT. I move that the Senate proceed to the consideration of the bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

Mr. WRIGHT. I am authorized by the Committee on the Judiciary to offer a substitute for the bill, and when it is read I will explain the difference between the bill and the substitute.

The Chief Clerk read the proposed substitute, as follows:

That the judge of the district court for the eastern district of Arkansas shall hold the terms of the district court now provided by law in the western as well as in the eastern district of said State; and all judicial powers now exercised by or conferred upon the judge of said western district are hereby conferred upon and shall be exercised by the judge of the said eastern district of Arkansas; and all acts and parts of acts providing for the appointment of a district judge for said western district of Arkansas are hereby repealed.

SEC. 2. That section 2153 of the Revised Statutes of the United States is hereby amended so as to read as follows:

In executing process in the Indian country, the marshal may call to his aid to assist in executing process by arresting and bringing in prisoners from the Indian country one person when necessary, or two when the judge of his district shall certify in writing that two are necessary, and they shall each be allowed for their services, in lieu of all expenses, three dollars per day. When two are deemed insufficient, the marshal shall apply for aid to the nearest commanding officer of the Army, whose duty it shall be to furnish the men.

Mr. THURMAN. I suggest to the Senator from Iowa to let this bill go over until to-morrow, in order that the substitute may be printed, that we may have an opportunity to examine it.

Mr. WRIGHT. I have no objection to that, with the understanding that the Senator will call it up in the morning or allow me to do so in the morning hour to-morrow.

Mr. THURMAN. Certainly; it ought to be acted upon.

Mr. WRIGHT. It is important the bill should be disposed of at as early a day as possible. Let that be the unanimous understanding.

The VICE-PRESIDENT. The bill will lie over until to-morrow.

Mr. THURMAN. I understand it will be called up in the morning hour to-morrow.

Mr. WRIGHT. I move that the substitute offered by me be printed.

The motion was agreed to.

GENERAL SAMUEL W. CRAWFORD.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army, which was reported by the Military Committee, to which I ask the attention of the chairman.

Mr. LOGAN. Does the Senator desire to call that bill up this morning?

Mr. SCOTT. I wanted to call the attention of the chairman to it.

Mr. LOGAN. I have an amendment to offer to it, which I left at my room, and I should like to submit it to the Senator before the bill is considered.

Mr. SCOTT. Very well; if it is not agreeable to the Senator to proceed with the bill this morning, I withdraw the motion. I am anxious to have it disposed of.

Mr. LOGAN. Very well.

PUBLIC BUILDING AT PORTLAND, OREGON.

Mr. MITCHELL. I move to proceed to the consideration of the bill (S. No. 46) for the construction of a custom-house and bonded warehouse at Portland, Oregon.

Mr. BOUTWELL. Allow me to ask whether there is any communication from the Treasury Department in regard to it?

Mr. MITCHELL. Yes, sir, there is; or at least I have it at my desk.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon to take up the bill.

Mr. SHERMAN. I certainly am opposed to taking up any bill for the construction of new public buildings or incurring new items of expenditure, until the policy of the Government is determined as to whether or not new taxes are to be imposed. It is patent to every Senator that the Government of the United States is now running in debt. During the last month our deficiency was between three and four million dollars. We cannot enter into new sources of expenditure until we determine either to impose new taxes or to reduce the existing expenditures. It is perfectly idle for us to authorize the Secretary of the Treasury to erect a new public building, even if the wants of the country be ever so great, until the main question is settled whether or not we are to leave open a deficiency of revenue, instead of providing new sources of revenue. I consider it my duty, therefore, to object to any proposition looking to new sources of expenditure, until the question is determined by the only authority in this Government—that is, the House of Representatives—whether new revenues shall be imposed on the people. I hope, therefore, the bill will not be taken up now.

Mr. MITCHELL. This matter was fully considered by the Committee on Public Buildings and Grounds at the last session, and the bill was unanimously reported. A recommendation has been made in very strong terms by the Treasury Department in favor of the construction of this very modest building at Portland, Oregon, a port where two hundred vessels were cleared last year. It is not a building for show, but simply a building which is absolutely demanded by the necessities of the Government at that place.

Mr. BOUTWELL. I concur with the Senator from Ohio, that the time has come when we must stop every expenditure that is not absolutely necessary, until by a diminution of our current expenses or an increase of revenue we shall get means by which these expenses are to be met.

Mr. MORRILL, of Vermont. Mr. President, we seem to be somewhat unfortunate with our buildings in Oregon. A court-house, custom-house, and post-office, has been built at Portland, but it is so far from the steamboat landing, being more than a mile away, that it subjects the commerce in that city, which has increased very considerably within the last few years and is still further expected to increase, to great inconvenience. But we have a building at the Dalles still more inconvenient, costing over a hundred thousand dollars and nearly though not quite completed, which the Government has already abandoned. Now, the matter has come to us at the present session and been referred to the Committee on Finance on a proposition for an assay office at Portland; and there is no sort of doubt but what an assay office at Portland is more required than it is at Boise City, or at the Dalles. We have this building on hand at the Dalles, and I have proposed to some of the members that we should make a sort of Yankee trade and swap and give them that building, provided they furnish a store-house at Portland, but as yet I believe the terms have not been accepted. There is no question but what they need further accommodations at Portland, and there is still less question that we have been particularly unfortunate in locating some of our public buildings in Oregon and at Boise City.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon to take up the bill.

Mr. SHERMAN. I should like the sense of the Senate as to whether we shall embark in any new source of expenditure unless the occasion is of an extraordinary character, such as the use of a public building which may be rented is not. I ask whether the Senate are willing to take up new sources of expenditure until some provision is made to pay the expenditures already provided for by law. I think it would be bad policy for us to embark now in the building of public buildings of any kind whatever, indeed in any kind of expenditure that does not involve the actual public safety or the supreme public good, unless provision is made for new taxes or unless a very large reduction is made in the existing expenditures. It is a matter for the Committee on Appropriations to consider.

Now, it may be said that it is the duty of Congress to levy new taxes. Well, it is the duty of Congress to levy new taxes, but we are not the power to judge of that. The Senate of the United States cannot institute or originate a bill to tax the people of the United States. That is the constitutional privilege of the House of Representatives. They may in their own good time exercise that power and submit to us some proposition for increasing taxes. They have not done it yet; and until they do it, we have no right to extend the expenditures of the Government beyond the means now provided by the revenue laws; and we must unquestionably reduce our expenditures to the amount of revenue provided by law, or else we must in a time of profound peace increase our public debt for current expenditures. Under these circumstances certainly it is not wise for us to embark in the erection of any more public buildings or any new items of expenditures.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon.

The question being put, there were on a division—ayes 17, noes 18; no quorum voting.

Mr. MORRILL, of Vermont. I suggest to my friend from Oregon that he postpone this bill to a later period of the session, and then it can be judged better of by him, as well as by the Senate, whether it ought to pass or not. We have a custom-house at Portland, but it is too far off from the commerce of the place. It was thought at the Treasury Department that there ought to be better accommodations there; but I suggest to my friend that he will stand a much better chance for his bill if he postpones it until a later period of the session.

Mr. MITCHELL. I am disposed to listen to the suggestion of older Senators; but I know what it means perfectly. I understand what the postponement of the consideration of this bill to a later period of the session means. I call for the yeas and nays on the motion which I made.

Mr. EDMUNDS. Let us try it again by a count. We can save time in that way.

Mr. MITCHELL. I withdraw the call for the yeas and nays.

The VICE-PRESIDENT. The Chair will again divide the Senate on the motion to proceed to the consideration of the bill indicated by the Senator from Oregon.

The question being put, there were on a division—ayes 22, noes 18.

So the motion was agreed to; and the bill (S. No. 46) for the construction of a custom-house and bonded warehouse at Portland, Oregon, was considered as in Committee of the Whole.

An amendment was reported by the Committee on Public Buildings and Grounds to strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable brick building, with a fire-proof vault extending to each story, at Portland, Oregon, for the accommodation of the United States custom-house and other Government offices; and the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose aforesaid; and the Secretary of the Treasury shall cause proper plans and estimates to be made so that no expenditure shall be made or authorized for the full completion of said building beyond the sum herein appropriated: *Provided*, That no money hereby appropriated shall be used or expended until a valid title to the land for a site, independent and unexposed to danger from fire in adjacent buildings, shall be vested in the United States, nor until the State of Oregon shall cede its jurisdiction over the same and also duly release and relinquish to the United States the right to tax or in any way assess said site or the property of the United States that may be thereon during the time that the United States shall be or remain the owner thereof.

Mr. SHERMAN. I ask if there is a report accompanying the bill?

The VICE-PRESIDENT. There is no report.

Mr. SHERMAN. Is there a letter from the Secretary of the Treasury recommending the bill?

Mr. MITCHELL. I send to the desk to be read a letter from the Secretary of the Treasury.

The Chief Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., May 29, 1874.

SIR: Inclosed please find a communication from Hon. J. H. MITCHELL, United States Senator, recommending an appropriation for the construction of a plain and substantial brick warehouse in Portland, Oregon, for the use of the custom-house department in that city, the building being intended to be used as an appraisers' store and United States warehouse, and also to provide accommodations for the various officers of the custom-house.

I also inclose a report of the Supervising Architect on the subject, which fully sets forth the facts in the case, and have to say that the Department is satisfied that the interests of Government would be promoted by the erection of a plain, substantial brick building, to be used for the purpose indicated above.

The Department is fully satisfied that it is inexpedient to remove the custom-house to the new building, and also that the building is needed for the other branches of the Government service.

The Department has not felt during the present session of Congress authorized in recommending the erection of any new buildings. The present application, however, stands on a somewhat different footing, the building being intended for revenue purposes only, and not for the convenience of the citizens or for the ornamentation of the city of Portland. I therefore feel justified in commending the application to your most favorable consideration.

Very respectfully,

WM. A. RICHARDSON,
Secretary.

Hon. JUSTIN S. MORRILL,
Chairman Committee on Public Buildings and Grounds, United States Senate.

Mr. SHERMAN. Where is the report of the Supervising Architect?

Mr. MITCHELL. I send that report to the desk to be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT, *May 29, 1874.*

SIR: I have to acknowledge the receipt of a communication from Hon. J. H. MITCHELL, recommending the erection of a plain, substantial brick building in Portland, Oregon, in which to provide accommodations for the custom-house and appraisers' department and for the storage of bonded goods in that city; and have the honor to report the following as being the facts in the case:

The act approved July 20, 1868, authorized the erection of a custom-house, court-house, and post-office building at Portland, Oregon, in accordance with the authority contained in which the Department purchased, on the recommendation of Hon. H. S. Corbett, United States Senate, a block in the city of Portland for the sum of

$15,000, and proceeded to erect a building thereon, which is now very nearly completed.

I visited Portland last summer for the first time, and found that the building was at least a mile and a half from the steamship landing, and that as a consequence the removal of the custom-house to the new building would compel shippers and officers of vessels to make a journey of at least three miles each time they had business with the custom-house. I also found that Portland was increasing rapidly in importance, and that the building was not larger than would be required by the post-office, United States courts, and the Internal-Revenue Department, in addition to which the Director of the Mint has notified me that it will be necessary to provide a room in the building for the assayer, should Congress decide to establish an assay office at that point, which the Director believes will be done, and which he strongly recommends. In this case it will be impossible to provide accommodations for the custom-house building. I have therefore to recommend that the custom-house be continued in the rented building where it is now situated, and that the plan suggested by Mr. MITCHELL be carried out at as early a day as the finances of the country will warrant.

I have been informed that the leading shipping merchants and shipping companies would be willing to give the Government a suitable site, provided authority can be obtained for the erection of a building. I am also of the opinion that it is for the interests of the Government to provide storage for the better class of bonded goods, and that a large revenue could be derived from such a building. My knowledge of the amount of business transacted at Portland is not sufficient to enable me to determine the size and consequently the cost of a suitable building, and I would suggest that authority be obtained to investigate the subject and determine the character and size of the building required.

Very respectfully,

A. B. MULLETT,
Supervising Architect.

Hon. WM. A. RICHARDSON,
Secretary of the Treasury.

Mr. SHERMAN. The purpose, it seems, is to erect a temporary building to cure a mistake made in the erection of the custom-house. A custom-house has already been built in Portland, Oregon, as in most of the capitals of the States, and is now there intact, in good order, but badly located, it seems, for the transaction of the business. Now it is proposed to erect a store-house for the purpose of supplying this defect. In New York City, and in most of the cities of the Union, the Government of the United States rents store-houses. There does not appear to be any difficulty in renting for a store-house a convenient building in Oregon. These recommendations are entirely based on the natural desire of our colleague, the Senator from Oregon, to get a new building in Portland in his State. There is no recommendation by any officer of the Government that this building should be commenced now. All these officers expressly say that this building ought to be erected as soon as the financial condition of the country shall authorize it. These letters were written at the last session. Congress at that time did not see proper to act upon them. Now the head of the Treasury Department tells us distinctly in his annual report to us that it would be improvident to commence any public buildings whatever in the present condition of the finances. We have this last statement of the Treasury Department against this or any similar appropriation of the kind; and what is proposed is a mere temporary provision at best, because if a new custom-house must be erected in Portland at some time, it ought to be erected in accordance with the general plan of the custom-houses throughout the country.

I appeal to the Senate whether, in the changed condition of our finances—because they stand much worse than they did six months ago when these letters were written—in view of the fact that at the last session of Congress no action was taken upon the subject, it not being deemed necessary to put it upon a regular appropriation bill or on a special bill, in view of the fact that during the last month the deficiency in revenue is $3,800,000, in view of the fact that our customs receipts have fallen off rapidly, amazingly, growing I think out of the habit of economy that has sprung up among the people and perhaps out of other causes—I ask whether it is wise for the Senate of the United States now to start new public buildings against the advice of the Secretary of the Treasury, and without any prospect of any increase in the public revenue?

I know it is very hard, and it is unpleasant for me and for any Senator to oppose the wishes of any of our body. Here in a small body of men, and when two Senators from the State of Oregon come here and say, "This is only $100,000; we can get along with this," it is hard to resist; but if we cannot resist their appeals, how can we resist the appeals that will be made from other quarters? How can we refuse to start other public buildings that have been recommended ten times as strongly as this by the former Secretary of the Treasury and the former Supervising Architect? How can we resist them? How could my colleague and I vote to resist any demand that may be made from our own State, as we have such demands from Cleveland and other places? We must do it as Senators of the United States. In view of the general condition of public affairs, in view of the condition of our finances, we must suspend and put a stop to all expenditures that are not really demanded by the present public exigency; and this is not such a case. It is the mere erection of a fire-proof warehouse which no doubt could be rented in Portland. Merchants no doubt could be found willing to build it on a reasonable contract to rent it and supply the defect really in the location of the custom-house. Under the circumstances, it does seem to me we should not make this an entering wedge even when we have two Senators who desire it as the two highly honorable Senators from the State of Oregon do. We must make a stand, and I appeal to the Committee on Appropriations whether they are prepared now to provide further appropriations when they know that the actual wants of the Government absorb every dollar of revenue that we can reasonably hope to come in under our existing laws; and I ask whether they see in the present condition of matters any prospect ahead for increased taxation or increased revenue from any source whatever. If not, it is their duty, not mine specially, to resist all propositions like this. I simply say, as the chairman of the Committee on Finance, that we have no power to impose new taxes, because we cannot act upon this question until the House of Representatives shall have acted, and I see no probability of their acting in that direction. Therefore we must confine ourselves within the present limits and revenues of the Government, and must cut our coat according to our cloth, or else run in debt, and I take it that nobody in this country desires at this time to run in debt beyond the ordinary revenues of the Government.

Mr. KELLY. I need hardly add anything to what has already been put before the Senate by the letters which have been presented from the Secretary of the Treasury and the Supervising Architect. They show the absolute necessity of some building of this kind for the accommodation of the custom-house at Portland. At present there are no accommodations of this kind. The building that was erected some time ago for that purpose is, as has already been shown, quite unsuitable for the purpose; it is situated a mile and a quarter or a mile and a half from the commercial point of the city of Portland. It is true that building was erected for a custom-house, court-house, and post-office, and it could hardly be expected, in the erection of one building for these three purposes, that the location could accommodate all. It is suitably located for the people of the city of Portland for a post-office, and so it is for a court-house; but the commercial interests of the city are at an entirely different place. While I admit that the financial condition of the country is such that we should consult economy, yet it is necessary that we should have some public building for the accommodation of the commercial interests of that city; we cannot get along conveniently without it. Oregon has asked very little; and let me say that it is better to economize in some other respects, say in the fortification bill. In that and in other appropriation bills that will be before us we can certainly lessen the expenditures $100,000 for the purpose of facilitating the commercial intercourse of the country. I hope, therefore, the recommendation of the Secretary of the Treasury will be adhered to, and that this bill will pass.

Mr. CONKLING. Mr. President, this bill comes so near, in one regard, being a local measure, that I feel a reluctance, shared, I know, by other Senators, in interposing any objection to the wish of the Senators from the State to which it applies; but, in addition to the objections made by the Senator from Ohio, I submit that there is as utter an absence of justification for this bill on the case presented to us as could well occur in any instance of a proposal for a public building. Not only is there no recommendation from the Secretary of the Treasury, not only is there no recommendation from the Supervising Architect of this bill as proposed, but the facts, as they appear from all sources, teach me that this bill ought not to pass.

It is said that the custom-house in Portland, Oregon, is a mile and a quarter or a mile and a half from the floating place of commerce. I should not have been surprised at that statement, if the Senator from Vermont had not said that the building, for that reason, was deemed inconvenient. The custom-house in the city of Philadelphia, my honorable friend on my left [Mr. SCOTT] tells me, is at least two miles from the great center of commerce where it floats and lands; and, when you take into account the crowded and obstructed streets of a city so large as Philadelphia, inasmuch as time measures distance now, it is a great deal farther. The custom-house in the city of New York, in every practical sense, is farther from the place where merchandise floats and merchandise lands than it is in the city of Portland. I want to call the attention of the Senate to a fact, which I think is the prominent one presented here, in a moment. Store-houses, in the city of New York and elsewhere, are rented and located where convenience suggests. Such has been the case in Oregon; and now there comes from the Secretary of the Treasury and the Supervising Architect a suggestion that a store-house near to the landing-place of merchandise in Oregon would be a convenience; and the original bill referred to the committee proposed such a building for such a purpose. What have we now? A substitute from the committee, striking out everything after the enacting clause, in which I read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable brick building, with a fire-proof vault extending to each story, at Portland, Oregon—

For what? Now I ask the attention of Senators—

for the accommodation of the United States custom-house and other Government offices.

It is to be not only a warehouse but a custom-house; not only a custom-house but a building for the accommodation of all the United States offices.

There is another thing that I observe about this, Mr. President. The original bill contained these words:

A building suitable for the accommodation of the custom-house, bonded warehouse, and other Government offices in said city not now provided for.

There the Senate will see was a distinction. This building was to contain nothing except accommodation in respect of offices not provided for in the building already erected. Here comes a substitute which provides, *ab initio*, to set up a public building for all manner of purposes. Can the Senators from Oregon justify that at this time,

and justify it upon the ground that the custom-house stands a mile and a quarter from the wharves at which vessels unload?

Mr. EDMUNDS. The custom-house in New York is farther than that from Jersey City.

Mr. CONKLING. My honorable friend from Vermont was not in a moment ago, I observe, by the suggestion he makes to me. He reminds me that the New York custom-house is practically farther off. So I said; so I said of the Philadelphia custom-house; and my honorable friend, more familiar with the location in Boston than I am, will bear me out in saying that a large part of the merchandise coming to the port of Boston is landed at a place farther from the custom-house than the landing-place in the city of Portland. The Presiding Officer of this body knows whether I am right in that regard or not.

Now, I submit, Mr. President, that if the Treasury was overrunning, if this was the accepted time for such a work, all that can be fairly said upon this evidence is that a warehouse near the sea is a convenience in Oregon, and under guise of that, having built a custom-house, and I am told an expensive custom-house, unobjectionable, except that it is a mile and a half from the water, we propose to go on and build another custom-house, another court-house, another post-office, a complete outfit of public buildings, according to the unmistakable language of this substitute.

Mr. MITCHELL. Will the Senator from New York allow me to interrupt him?

Mr. CONKLING. Certainly.

Mr. MITCHELL. The Senator said there was no recommendation of this proposed building. I understand there has been a recommendation in the case by the Secretary of the Treasury and the Supervising Architect, and the proper construction, and the only construction that can be placed upon the language is that this recommendation is not based upon the fact that the custom-house is a long distance from the shipping, which is not so material, but it is based upon the other more material and important fact that in the building that was erected not solely for a custom-house, bear in mind, but as a custom-house, post-office, and court-house, there is no room for the custom-house. There is no room there, and it is inexpedient and improper, in the judgment of the Treasury Department, to remove the custom-house.

Mr. CONKLING. Does the Secretary of the Treasury say that?

Mr. MITCHELL. He does.

Mr. CONKLING. Not in the communication to which we listened.

Mr. MITCHELL. Here is what he says:

The Department is fully satisfied that it is inexpedient to remove the custom-house to the new building, and also—

Bear this in mind—

that the building is needed for the other branches of the Government service.

What are the other branches of the Government service for which accommodation is needed?

Mr. CONKLING. If the Senator will pardon me at this moment, I challenged that the Secretary of the Treasury said the present building was not large enough. Under that allegation the Senator reads from the Secretary that he deems it inexpedient to remove the custom-house to the new building. The Secretary nowhere says that it is not large enough.

Mr. MITCHELL. He does say that the building "is needed for the other branches of the Government service," in so many words.

Mr. SHERMAN. That it is needed for an assay office which has never been established by law.

Mr. MITCHELL. I beg pardon.

The VICE-PRESIDENT. The Senator from New York is entitled to the floor.

Mr. CONKLING. I yield with pleasure to the Senator from Oregon.

Mr. MITCHELL. I do not know that there is any reference in any communication of the Treasury Department to any assay office.

Mr. CONKLING. If the Senator will allow me to interrupt him, I beg to read the strongest suggestion coming from anybody in this behalf, and that is from the Supervising Architect of the Treasury:

I also found that Portland was increasing rapidly in importance, and that the building was not larger than would be required by the post-office, United States courts, and the Internal-Revenue Department, in addition to which the Director of the Mint has notified me that it will be necessary to provide a room in the building for the assayer, should Congress decide to establish an assay office at that point.

Nobody will doubt that the Supervising Architect of the Treasury, speaking as he did, honestly, in my belief always, speaking notwithstanding with something of the pride of a man who was constructing most creditable public buildings, visiting Oregon, said, of the future, that it was growing in importance and that this building would be—when? At some time in the future, which he thought he could safely make a remark about—no larger than would be necessary for all these various purposes, including the internal-revenue office. How long is the internal revenue in this country to need offices? Very likely had the architect thought of that, it might have occurred to him that the necessity for internal-revenue accommodations would subside just about the time when they ultimately get ready for this room of the assayer, or when Portland has flourished until she has grown up beyond the capacity of this building.

Mr. President, it is an utter fallacy, I undertake to say, to suppose, in the language of one of the Senators, that shippers, thereby meaning either the owners of merchandise or the masters of vessels, go to and fro on these errands to the custom-house. It is not so. Owners go to warehouses; clerks and agents go to the custom-house. The business is formulated and understood, and as to its being a part of its necessity that all the men engaged as owners and otherwise pass to and fro between the wharf at which merchandise lands and the office where some manifest is exhibited, no such thing exists. On the contrary, the warehousing of the goods is the point which convenience requires to be somewhat proximate to the landing-place; and beyond that I undertake to say that nothing is shown in this case which cannot be demonstrated in the case of every large seaport city in the way of inconvenient distance between the ship and the custom-house.

The VICE-PRESIDENT. The morning hour having expired, the Chair will call up the unfinished business of yesterday, which is the resolution introduced by the Senator from Ohio, [Mr. THURMAN.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 103) granting the Memphis and Vicksburgh Railroad Company the right of way along the river bank at the national cemetery at Vicksburgh, Mississippi;

A bill (H. R. No. 1678) to provide for post-quartermaster-sergeants;

A bill (H. R. No. 2724) for the relief of certain States and Territories on account of ordnance stores issued to them during the late civil war;

A bill (H. R. No. 3823) making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876;

A bill (H. R. No. 4187) to donate certain artillery equipments, &c., to the trustees of the Soldiers' Orphans' Home of the State of Illinois;

A bill (H. R. No. 4188) to release the Fort Butler military reservation;

A bill (H. R. No. 4185) for the relief of Brevet Brigadier-General B. S. Roberts; and

A bill (H. R. No. 4190) for the relief of William H. Carmen.

The message also announced that the House had passed the bill (S. No. 1044) to provide for the resumption of specie payments.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 2032) to amend section 2324 of the Revised Statutes, relating to the development of the mining resources of the United States; and

A bill (H. R. No. 3745) to remove the political disabilities of James Howard, of Baltimore, Maryland.

BILLS RECOMMITTED.

Mr. OGLESBY. I ask permission for one moment to make a motion. I ask the Senate to reconsider the vote to indefinitely postpone a bill at the last session, being the bill (S. No. 578) granting a pension to Elizabeth Loebrick. It was indefinitely postponed, and we can only get it back before the committee by the unanimous consent of the Senate to its reconsideration. I ask that it may go back, for the reason that I made the report in the case myself without having all the papers before me as I now find out; and in justice to the petitioner I think the bill ought to go back again to the committee for re-examination with the papers that were overlooked at the time. I ask unanimous consent to the reconsideration of the vote postponing the bill indefinitely, and that it be recommitted to the Committee on Pensions, with all the papers in the case.

The VICE-PRESIDENT. Is there objection to the reconsideration proposed? The Chair hears none, and it is now moved that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

JEFFERSON W. DAVIS.

On motion of Mr. FENTON, it was

Ordered, That the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth Regiment New York Volunteers, reported from the Committee on Pensions with an amendment on the 9th of June last, be recommitted to the Committee on Pensions.

LAFAYETTE ELDER.

Mr. McCREERY. I ask for the adoption of the following order:

Ordered, That the Quartermaster-General be directed to transmit all papers in the case of Lafayette Elder to the Senate.

Mr. EDMUNDS. "Copies" it ought to be.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. SCOTT. I would suggest to the Senator from Kentucky that I do not know that that order is necessary or that it is customary, or even proper that the Senate should order the Quartermaster-General to send papers here; but I will say to him that the practice of the Committee on Claims has been, whenever papers of that kind are required, to request the Quartermaster-General to send them. I never before heard of the Senate making such an order on the Quartermaster-General. I will say to the Senator that the committee will send to the Quartermaster-General to get such papers as are necessary in the examination of the case.

Mr. McCREERY. The papers are necessary and the Quartermaster-General has them. I withdraw the order, however, at the suggestion of Senators.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARVEY, it was

Ordered, That the memorial of Michael Hennessy, praying to be allowed a pension on account of services in the Mexican war, be withdrawn from the files and referred to the Committee on Pensions.

USE OF THE ARMY IN LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. THURMAN on the 5th instant:

Resolved, That the President of the United States is hereby requested to inform the Senate whether any portion of the Army of the United States, or any officer or officers, soldier or soldiers of such Army, did in any manner interfere or intermeddle with, control or seek to control, the organization of the General Assembly of the State of Louisiana or either branch thereof on the 4th instant; and especially whether any person or persons claiming seats in either branch of said Legislature have been deprived thereof, or prevented from taking the same, by any such military force, officer, or soldier; and if such has been the case, then that the President inform the Senate by what authority such military intervention and interference have taken place.

The pending question being on the amendment of Mr. CONKLING to insert the words "if in his judgment not incompatible with the public interests," after the word "requested."

The VICE-PRESIDENT. The Senator from Maryland [Mr. HAMILTON] is entitled to the floor.

Mr. HAMILTON, of Maryland. I yield to the Senator from Georgia, [Mr. GORDON,] who desires to have a few minutes for a personal purpose.

Mr. GORDON. Mr. President, I rise to make a personal explanation, and I ask the attention of the Senator from Vermont, [Mr. EDMUNDS.] During the debate of yesterday, in reply to some harsh words addressed by the Senator from Vermont to me personally, I allowed myself to be betrayed by the use of the phrase "irresponsibility" into an injustice to that Senator. I desire to say that the responsibilities of the Senator, as a statesman, as a jurist, and as a member of society—and I referred to no other—are in my opinion of the highest order and most honorable character. Having under the impulse of the moment done injustice to his character, to my own estimate of that character, as well as to my personal feelings for the Senator, I wish now, in the presence of the Senate, to express to him personally my sincere regrets for not taking leave, as I might under the usages of the Senate have done, to erase anything of a personal character in the revision of my remarks, and I now make the only reparation left me.

Mr. EDMUNDS. Mr. President, I certainly express my obligations to the honorable Senator from Georgia for the very handsome way in which he has spoken touching what I felt yesterday he would believe, on reflection, was an injustice to me; and I can say with great sincerity in reply that I did not intend yesterday to address to him any harsh remark, or to reflect upon his personal conduct or character in any manner whatever. If he so understood me, I am very sorry for it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York, [Mr. CONKLING.]

Mr. HAMILTON, of Maryland. Mr. President, the country was startled a few mornings since by the intelligence that the State-house of the State of Louisiana was in possession of soldiers of the United States, interfering with the organization of the Legislature of that State. Necessarily this gave rise to great excitement and comment; and from the almost unprecedented—I may say with but one exception in this country the entirely unprecedented seizure of the State-house by the Federal troops, the people of the country might well take alarm, and every friend of free institutions and constitutional liberty should feel himself called upon to do something to promote the expression of a proper sentiment touching such a condition of things. It was felt, I do not doubt, as well upon the other side of the Chamber as upon this. We have not been accustomed to such scenes in this land of constitutional liberty, however usual it may have been in other countries and under all forms of government, whether monarchical, aristocratical, or republican. Therefore, the Senate of the United States being in session, every member—I take it for granted—on this floor, as well on the other side of the Chamber as on this, desired to know the reasons why such an extraordinary spectacle was presented to the American people. That gave rise to the resolution introduced by the honorable Senator from Ohio, [Mr. THURMAN,] and that resolution has been the cause of this debate.

It is always becoming in this body to be respectful to the Chief Magistrate. That is a part of our public duty. No one understands this better than the honorable Senator from Ohio, and no one is more disposed than he to observe all rules of decorum. The resolution he offered was drawn in respectful terms, requesting the Chief Magistrate to communicate to Congress the reasons why soldiers of the United States were in the State-house of Louisiana interfering with the organization of the Legislature of that sovereign State.

Senators on the other side of the Chamber felt the force of that resolution; nay I do not question but that they felt the propriety of it; and addressed to another President of the United States, not in such close relations with them, I feel that it would have passed without a single word of comment. However, exceptions were taken to the language of the resolution, or rather not to the language itself but to the omission of certain words in the resolution. It was thought by the honorable Senator from New York [Mr. CONKLING] that it was not sufficiently courtly in its phraseology. I do not question that had that honorable Senator drawn the resolution himself, under any administration of the Government, whether inimical to him in its political opinions or not, he would have drawn it just as he desired this one should have been drawn; but other Senators, not quite so courtly in their language, not quite so polite probably in their intercourse with men generally or with officers of the Government as that Senator, though as respectful as even he could wish to be, thought proper to use the language of the Senator from Ohio, as incorporated in the resolution submitted by him, and which the honorable Senator from New York would seem to think too curt to be considered in parliamentary language a simple request instead of a specific demand.

I am not here to contend over terms or words. The resolution in either aspect would answer all the purposes. The resolution is sufficiently respectful, and trenches upon no executive right. It requests the President of the United States to communicate certain information to this honorable body, a co-ordinate department of this Government, equal in dignity and authority, and entitled to as much consideration as that department which the President represents. Surely so, sir, and I believe, furthermore, that the President will be satisfied, nay, in view of the responsibility of the proceeding, be only too glad to respond to the resolution in the belief that he has the means of justification. Indiscriminately, and under all administrations, offered by friend and foe, resolutions similar to this one have been passed. But I am not here, I repeat, to dispute about words or forms or phrases. The resolution is right, and it answers the purpose; whether it is polished by one phrase or another, is perfectly immaterial. I shall not vote for the amendment offered by the honorable Senator from New York, for it amounts to nothing that is material or substantial. I consider the resolution as worded appropriate and respectful, but in either form it will accomplish all the objects desired.

But in that very amendment offered to the resolution by the Senator from New York was manifested a sensibility on that side of the Chamber which one could not fail to observe. Feeling was touched; anxiety betrayed, hesitancy for a time as to what course to pursue, but finally it seemed to settle down to a support of the resolution, whether amended or not.

But in the debate on the resolution, as to the effect particularly of its language, the honorable Senator from Wisconsin, [Mr. HOWE,] noted for the logical characteristics which would have given him eminence among even the most disputative philosophers of the old Greek schools, undertook to demonstrate these two propositions: First, that the President was Commander-in-Chief of the Army; and, second, that the President would answer if he chose. I admit the truth of both propositions.

As to the first, as President he is Commander-in-Chief of the Army of the United States; and the honorable Senator very significantly said, for he feels possessed of power in this capital and in every State of the Union, that the President could use that Army as well in the capital of the State of Ohio as he did in the capital of the State of Louisiana. Upon that point I am not willing to enter into any dispute. That is the opinion of the honorable Senator; but I want that honorable Senator to understand that the President of the United States is Commander-in-Chief of our Army, of the Army of the people of the United States, created by them, sustained by them, fed by them, not, I trust, that its bayonets should be pointed against the people who themselves give life and being to it, as in this case has been done by a portion of it.

Mr. HOWE. My friend, of course, in replying to what I said, wants to understand what I did say.

Mr. HAMILTON, of Maryland. Certainly, sir.

Mr. HOWE. He evidently, if he apprehended my language, did not apprehend the point of it. I think my language was that I was in hopes it would turn out, when the information called for was communicated, that the President had done nothing with the Army in Louisiana that he could not and would not be required to do with equal promptitude in Columbus, Ohio, or any other capital.

Mr. HAMILTON, of Maryland. I understood the significance of the language of the honorable Senator. It was that, having this power, the President commanding the Army would exert it just as he thought proper, as in his judgment the exigency should require, whatever that might be. I understand the point very well. But I was saying that it is our Army, organized by the people, the instrument of the people, and not of the President of the United States or of any governor of any State, and especially not of any mere party.

As to the second, the honorable Senator says that the President may or may not respond to our request. True; but a respectful message like this, from one of the co-ordinate branches of this Government to the Executive, I trust will be replied to and without hesitation; but if in his judgment the public interests require that he should not respond, he can so communicate to this body and give the reasons why he declines. I take it for granted he would do so. If he should communicate the information which is requested by the resolution, then we are prepared to act with knowledge; but if he should refuse, then we can take means to derive the desired information from other sources.

If the President refuses to tell us why he had soldiers of the United States in the capital of the State of Louisiana upon that day sur-

rounding the State-house and upon the very floor of the legislative halls, we as representatives of the States ought to be able to find some means by which we should arrive at the real facts of the case. And we will do it. We have the remedy in our hands and can apply it; and whatever the Executive may do with the soldiers of the United States, we have them still within our own control.

If the President should refuse to give to this body and to the House of Representatives the information requested by either as to the disposition of troops that he was then making, and which disposition might be arousing the fears and apprehensions of the country, either branch of Congress could refuse to vote supplies for the support of that Army; or the united action of both could disband that Army and leave no Federal soldier to tell the tale of its organization. Congress can strip the Executive of every armed soldier in the land, take from him every vessel of war, and all the cannon, now pointed upon the defenseless city of New Orleans.

These are some of the resources of our power when we are called upon to exercise it, and they are our great security. If the Executive undertakes to put itself above the people and above Congress, and undertakes to use the Army of the United States for improper and unlawful purposes, we can arrest not only the march of that Army, but we can arrest it by even a majority vote, nay by non-action itself. It requires no articles of impeachment; it requires no trial in this Chamber where two-thirds are needed to convict. No; a simple majority of the representatives of the American people can stay the march of that Army by refusing to vote it supplies. Here is a remedy against an Executive who would treat this body and the House of Representatives and the people of this country in any such manner. Honorable Senators on the other side of the Chamber will understand that I do not undertake to say that the Executive will refuse to answer this request for information and give to us what has occurred in the city of New Orleans and in that State-house, although of course it will be done in his own mode and manner. We cannot write the communication for him or direct how the facts shall be communicated. He will have a defense, no doubt, and that defense is to be passed upon by this body, by the House of Representatives, by the American people, and he is to stand or fall upon that defense. Therefore the importance of deliberation, for it is a grave matter; it does thrill the American heart; it does affect the American mind that in this land of liberty, of law, of order, and of constitutional forms of government, we should see Federal soldiery—not the soldiery of a State, not the citizens of a State, but hired soldiery, as alien almost to the people of the State as the soldiery of a foreign power, march into the capitol of a sovereign State and disperse the representatives of a free people. It is a thought that ought to thrill the American heart and the American mind, and it will tell upon the American people. They have their modes and means of redress and we have ours as their Representatives; and if we should fail to disband an army employed in any such unlawful and unholy act, not being able in any other way to arrest the Executive arm in thus striking down the liberties of any portion of our people, we should be false to our duty. This is not revolutionary, nor in my judgment ill-timed. We have been taught by our liberty-loving ancestors that the great hold that the English Parliament had upon the King and upon all his kingly prerogatives was the control of the army in granting supplies. It was their charter of liberty by which the Parliament held possession of that army and restrained the power of its kings.

The act of Congress of 1795 providing for the suppression of insurrection and of domestic violence in all proper cases and when it could be lawfully done under the Constitution and its limitations, and to that end authorizing the President to call out the militia, did not authorize the employment of the regular Army, and it was not until 1807, and by the act passed that year, that the President could use the regular soldiery at all for such purpose.

There must have been a reason for the omission in the act of 1795, and it may have been the fear of putting down such violence by the mere soldier, who, from his employment and discipline, had nothing in common with the citizen, but rather that the people themselves should, when called on, suppress it.

Therefore, Mr. President, so far as that is concerned, we want this information in order that we may take the proper means of redress if anything should be wrong. I am not here to misjudge or misstate facts. I admit that in the discussion of this resolution we have been thrown upon a wide sea of fact and of conjecture, and that we should not come to conclusions, or hasty action, without a full knowledge of all the circumstances surrounding this most extraordinary case; but we have enough upon the appearance of things, we have enough shadowed forth; we have the simple, glaring, prominent fact, that in the State-house of the State of Louisiana Federal soldiers marched upon the day of the organization of the Legislature of that State and interfered in that organization to put the Administration—to put the Executive upon his defense and to show good cause why this was done, if any cause under any circumstances could justify such a proceeding.

Mr. President, the discussion has taken a wide range. We have gone far beyond the simple terms of the resolution and its construction. We are now debating upon facts which we expect to get officially under this very resolution; and what we do not know absolutely as facts, as gathered from the dispatches or current news in the papers, we supplement with conjecture. In order to justify this interference of the Executive, imaginary facts are pressed into service. It goes to show how delicate this subject must be to our friends on the other side of the Chamber. Unable on the first blush of this case to justify any such action, they put their wits to work to imagine a state of facts by which Federal troops might be intruded into the State-house of that State upon that occasion and their action justified. The honorable Senator from Wisconsin, [Mr. HOWE,] to whom I shall now address myself in some comments upon the position he took upon one of his own supposed statements of facts that might have justified this interference of the Executive, put this proposition to this body for your consideration and for the consideration of his own constituents and of the American people:

I want to say also—

Says that honorable Senator—

before I sit down, that if it should turn out, after all, that the Army was not employed yesterday in New Orleans to prevent the organization of a Legislature, but simply *to aid* the organization of a Legislature—

The Army of the United States, the hired soldiery of the United States, to aid in the organization of the legislative body of a sovereign State!

Mr. HOWE. Will the Senator be kind enough to read a little further?

Mr. HAMILTON, of Maryland. Yes, sir.

and that it was put in motion upon the direct call of the executive of that State, the Legislature not being in session.

Does my honorable friend mean to say that? By what authority, I would ask that Senator, was the governor to aid in the organization of the Legislature any more than that soldiery he called upon and who did it? What, sir, has it come to this, I again ask that honorable Senator, that the governor of a State has a right to organize a Legislature, or to aid in the organization of a Legislature? His duties are prescribed by law, and that is not one of them. The Legislature has its appropriate functions; and one of them, and that which exclusively belongs to it, is to organize itself. Who constitutes the Legislature and who are the judges of its members? By the constitution of Louisiana, the respective houses of the Legislature are the sole judges of the elections, returns, and qualifications of their own members, and not the governor of the State of Louisiana; and this I would wish to impress upon the mind and conscience of that Senator. That Legislature must organize itself, and that should be done without any other human interference, for all other interference is unlawful. If the organic law, which is supreme, prescribes a mode, that mode must be observed, but nothing beside; all else may be directory, as that passed by a preceding Legislature, for illustration, but not authorized or warranted by the organic law. It is not binding and cannot be in the nature of things upon the succeeding Legislature.

The presumption in law is that Legislatures will organize, and do so properly. The fact is that they generally so do without disorder. Just here, having in my eye the honorable Senator from Louisiana, [Mr. WEST,] who stated that if there was a legislative enactment prescribing how a future Legislature should be organized, it could not be legally organized unless it followed the forms thus prescribed. I deny the legal conclusion that the Senator would attribute to any such legislative enactment. Such enactments for precaution's sake may be passed as tending to preserve order, but they can have no legal binding power upon an incoming Legislature. The Constitution may do it; or if the constitution of the State authorizes it to be done, that is another question; but that a Legislature preceding the one that is coming into power has upon its own mere motion, and without any warrant in the constitution, the power to declare how it shall be organized, and that that incoming Legislature is bound by such declaration I deny. It cannot be done. There is nothing that can justify any such encroachment of one Legislature upon the rights and powers of any future one. The Legislature elected by the people in conformity to the constitution, and duly returned as required, is that body which has supreme control over its own organization, and only qualified by the limitations of the constitution of the State and the laws authorized by it to be passed in relation to the organization. The organization is a fact; it is an entity; and whether that organization is effected by a clerk of the past house who may hold over, either by courtesy or by some statute, or by any other power or in any other way—the organization, in fact, settles all controversy; for then instead of being only members holding general relations to each other by virtue of their elections, it is a body, a Legislature into which individuality is absorbed.

Mr. WEST. Will the Senator permit me a question?

Mr. HAMILTON, of Maryland. Certainly.

Mr. WEST. The Senator contends that the Legislature of Louisiana cannot prescribe the form of the organization of its successors.

Mr. HAMILTON, of Maryland. Unless it is provided for in the constitution.

Mr. WEST. Allow me to call the Senator's attention to the fact that the words of the Constitution of the United States and the words of the constitution of Louisiana are precisely similar; and that the House of Representatives here prescribes the manner of the organization of its successor.

Mr. HAMILTON, of Maryland. There is nothing in that or in what the law of Congress says. The House of Representatives, when it meets, is authorized to organize by virtue of its election, and not by

the authority of any law passed by any preceding Congress. It is required to meet, and it alone is to judge of the elections, returns, and qualifications of its members. No other power or person on earth can do this for it. For if otherwise, in great partisan extremity and where some advantage might be taken in having precedent legislation of the kind to control or direct the organization of an incoming legislative body, the very worst species of legislation could be inaugurated for the studied purpose of preventing the organization or of involving in trouble a legally-elected Legislature. Such legislation is in itself an infringement on the rights conferred by the constitution of the State upon those men who are elected as the Legislature, and also upon the inherent and natural rights belonging to it for its own existence and independence. And so careful in language is the Constitution of the United States, as well as of all the States, in this respect, and, as stated by the Senator from Louisiana, the language of the constitution of Louisiana, that the independence of one branch of the Legislature cannot in any way be violated by the action of the other, or by the joint action of both, under the ordinary forms of legislation.

I give the section in point—the fifth section of article 1, Constitution of the United States—

Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of *each* shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as *each* House may provide.

Mark the language—each House! Each House shall act for itself. Each House is independent, as it should be, from any control by the other in this respect, and surely independent of any other power. Each House has in its own keeping its own existence, its own integrity as a House, and no one besides has the rightful power to interfere.

By virtue of that constitution as soon as the people have cast their votes and the proper returns are made and it is ascertained who are elected as prescribed by law, that concludes the subject, and those who are thus elected are members of the Legislature, entitled to act in that capacity, and no one besides; and no antecedent prescription of any preceding Legislature can make it otherwise, nor can it by any pretense of establishing rules to govern organization, generally, qualify or in any way restrain or impinge upon the absolute rights of such elected members to organize themselves into a legislative body as they shall for themselves determine. I know that there are laws passed directing the mode and manner of organization, and I suppose generally observed; but upon great occasions either of sentiment or of interest, in times of great party excitement, when passion is inflamed, when the blood is hot under the idea of incoming or of departing power, then are the times when our institutions are put to the test, and then too we are obliged, if at any time, to go back to elementary principles and rely upon the rights and powers secured by the organic law which gave them being.

Will the Senator from Wisconsin say that these regular soldiers were justified in organizing or, taking his own language, aiding to organize this body, because the governor of that State directed them to do it? I ask that honorable Senator whether there is any precedent for any such thing as that in the history of this country? Shall I demand from him the law under which it could be done? Did any governor, anywhere, ever before call upon the soldiers of the United States to enter the State-house of a State, and there, distinguishing between individuals on the floor of the legislative chamber, put out certain ones and allow others to remain? Did any governor ever before dream of possessing such power by virtue of any law, and particularly under the clause of the Constitution which authorizes him upon a proper occasion to call upon the Executive of the United States to suppress domestic violence or insurrection?

Mr. HOWE. Did the Senator put that question to be answered?

Mr. HAMILTON, of Maryland. Yes, sir; if the Senator chooses.

Mr. HOWE. I am not so familiar with the history of this country as I ought to be. I am not prepared to say, at this moment, that there has ever been an instance of the kind. I am very much in hopes that, if we ransack the history of the country, it will turn out that there has never been a precedent of the kind, and I pray my God most earnestly that there may be no other instance of the kind; but I shall take occasion by and by to tell the Senator from Maryland that, if the President of the United States did what I assumed the other day in the absence of information he did do, he did no more than what the laws of the country charge upon every President in such a case.

Mr. HAMILTON, of Maryland. That the governor of a State can require the President of the United States to command soldiers to march into the State-house, into the halls dedicated to the purposes of legislation, to aid in organizing a Legislature! Think of it! That the governor of a State can call upon soldiers of the United States to aid in organizing a Legislature! That is the Senator's language—"to aid in organizing the Legislature!" That is American statesmanship belonging to the period in which we now live—none other.

My honorable friend says that he does not wish that there should be any more such precedents. Neither do I. But there have been occasions when just such things might have been done on the same theory now advanced by the Senator. There was one memorable occasion in the State of Ohio when you had tumult and disorder, if there can be tumult and disorder in having two presiding officers sitting near by one another in the same hall and presiding over two distinct and separate bodies, each claiming to be the rightful Legislature and each attempting to legislate for the same State. This continued for three weeks or thereabout before any adjustment was had by which the regular order of things was once more established. Here in the case of Louisiana, if the facts alleged be true, we do not see any such exhibition as that—two houses and two speakers for three weeks in the same room amid tumult and disorder undertaking to legislate for a State and doing this without interruption or attempted interruption by any officer or person. With a knowledge of constitutional law like that of the Senator from Wisconsin the governor with the aid of soldiers of the United States could have soon solved the trouble! He could have proclaimed one or the other illegal, and have called upon the President to have dispersed either as a lawless mob.

In the case before us how different? The members of the body assembled in the proper chamber and organized; whether in some respects hasty or irregular in their action, they nevertheless organized. Five men peaceably sitting there among the recognized members of the body, who were candidates before the people in different parishes of the State of Louisiana, and as against whom and as against whose undoubted election the turpidity of the returning board could not find itself mean enough and reckless enough to give certificates of election to their opponents; but having by its dishonest action given certificates of election so as to secure a republican majority in the House, referred then those gentlemen to its tender mercies; and those five gentlemen, sitting quietly in seats in that body, it is claimed, created the domestic violence in that house which it was the duty of the governor to suppress, and to be assisted by United States troops! What a caricature upon domestic violence! What a folly are written constitutions if all this be real! All the other persons upon the floor were acknowledged to be members of the body, and these five were unquestionably elected as members of the body, and whose cases were expressly referred to the body by the returning board to be passed upon by it, and which were in fact, if reports be true, passed upon by the body and admitted to seats as members. The governor, the usurping governor—I call him governor, but he is not governor any more than I am, of the State of Louisiana, fairly chosen by the people to that position—that governor determines that it would not do that these five gentlemen should be seated as members, and accordingly directs United States troops to arrest them, those five gentlemen who were sitting quietly in their seats in that body, where they had the equitable right to be, nay the legal right to be, until they were turned out by the body itself. And you call that disorder! You call that tumult! You call that domestic violence requiring the aid of the Army of the United States to suppress!

No, Mr. President. Let us not be deluded by any such folly. It was simply an arrest of quiet citizens disturbing no one and without any warrant of law. Nay, it was graver than that, as grave in itself as that could be to any American who cherishes the personal liberty of the citizen; it was an invasion, a ruthless, reckless, wanton invasion of the sacred halls of legislation where the sovereignty of the people dwells as in the very temple of Liberty itself, and from whence should always emanate their will in the laws which are to govern society, independent of any other power and free from all restraint other than that imposed by the Constitution which gives to its expression the force of law.

Mr. President, there are other instances where the Executive might have interfered on the same principle. You remember the tumult and violence that occurred in the State of Pennsylvania, I think in 1838, in the organization of the Legislature of that State. We all remember it. Why did not the governor interfere then? Why did he not call upon the President then? The idea of interfering in the tumult of a legislative body just attempting to organize had not then been originated. The sovereignty of the people as represented in its highest character, functions, and attributes in the halls of legislation was then regarded with a veneration approaching awe. There was then no sacrilegious hand to assail its independence or corrupt its integrity.

There may be tumult in a legislative body; there may be disorder and violence; but we must remember with all that when any one interposes to put it down he is approaching the very sanctuary of all political power and of all social order. If the persons elected by the people cannot meet together quietly in order to take upon themselves the great trust committed to them as they should, and as they did when legislative bodies first were organized, and whence we have a regular succession, there is an end to republican government, there is an end to regular representative government, there is an end to free institutions; and we might be obliged, in order to have peace at any price, to turn to that condition of things when the executive, with the soldiery of the country, is to initiate legislative assemblies, see to their organization, and, as a consequence of all, concentrate upon himself all the powers of government.

Mr. President, there is another instance, that of the contested seats of the New Jersey delegation in the other House of Congress. The members sat for days without any one presiding. There was tumult and there was disorder at times among the members. Those who claimed seats by virtue of certificates, and those who were really elected, but had no certificates, were present. The political power of the House was supposed to depend upon that delegation. After a fearful excitement wise and temperate counsels prevailed, and there

was a temporary organization by consent. It might have been so here; but it was not. Suppose it had been otherwise in that case; suppose the members of that House would not have agreed; suppose they would not have organized; would that have justified the President of the United States, though it was in the District of Columbia, to have marched his soldiery into the Hall of the House of Representatives and to have arrested and excluded five or any number of either those who held or those who did not hold certificates of election? No, sir. They might have remained there in that condition until the law of necessity proved stronger than faction, until a sense of propriety, patriotism, love of order, their sense of duty, should have rebuked their conduct, and should have directed different action; but in the absence of all that, and until this spirit began to prevail, I ask you again whether the President of the United States could have marched his soldiery into that House of Representatives, arrested persons upon the floor claiming to be members and not excluded by the body in session, and thus, in the language of the honorable Senator from Wisconsin, "could have aided that House of Representatives to organize?"

Nay, more, within my own personal experience the House of Representatives sat for three weeks balloting for Speaker. I remember—it was just in the initiative days of political freesoilism and abolitionism, when it was first acquiring political significance in the organization of a political party, and I remember well the men who represented that spirit or sentiment in that House then, and how they moved amid the disturbed elements which the condition of parties in the country had sent into that House. We remained for weeks without a Speaker, voting day after day, and varied at times with tumult and disorder; but at length the sense of propriety, the love of order, the fear of anarchy, and the sense of duty prevailed, and the House finally organized. The members of that body met daily, proceeded in the regular discharge of duty in the election of a Speaker, daily failed for three weeks or more to organize, finally organized, and without any power to compel them to do it, save their simple duty.

Suppose that it had been otherwise; that amid the hot blood growing out of the exciting questions of the day and of the condition of parties, by which on that floor neither had an absolute majority, the members could not and would not agree to an organization and had kept on voting, and thus had put a stop to all legislation, or not being able to agree upon an organization the members should have dispersed and gone to their homes, would that have justified the President of the United States in marching his soldiery into the House of Representatives to organize that body, or to aid in organizing that body, either by the arrest and exclusion, or by the admission of any particular members? Or in case the members should have dispersed, could he have arrested them, brought them back, and compelled an organization? No one conceives any such thing.

When our American governments get to that point, when the representatives of the people fail to meet, or fail to organize, and refuse to proceed with regular legislation, then there is anarchy, then there is revolution, then the people must act for themselves, and just as the exigencies may require; but that gives no power to the President nor to any governor to organize legislative bodies and compel legislation; nor can either direct how such bodies shall be organized. Mr. President, I have noticed instances where this power of executive interference might have been used with just as much propriety as it has been in Louisiana. It was used in Maryland. True it was not used to organize a Legislature there, but to control legislation by arresting nearly all the members of a Legislature, imprisoning some of them; in fact breaking it up; but that was in times of war, say the apologists of this outrage; and I am willing if they are to get by the war if I can.

Mr. SCOTT. McClellan did that.

Mr. HAMILTON, of Maryland. I do not care if it was done by McClellan. That does not make it right. I do not care any more for General McClellan than for President Grant. I never did consider it the duty of officers and soldiers to be arresting legislators in the discharge of their constitutional duties; and one doing it does not make it any more commendable to me than if done by another.

I have shown instances where there was just such an opportunity for executive interference. Now, let me come for a moment to the facts in this case, and see whether there is any material fact already ascertained, from the telegraphic communications and newspaper reports in relation to the conduct of Mr. Kellogg. I have before me a portion of the examination and evidence of Mr. Kellogg, as given in the newspapers, in regard to this very matter; and if you agree with me that, though recognized by the President, the governor has no power to direct a soldiery to aid in the organization of the Legislature, it is precisely what he has done and nothing else. He declared the body organized by the election of Mr. Wiltz as speaker to be an illegal assembly, and directed the soldiery to exclude from the hall all persons not returned by the returning board. They marched into that hall for that purpose, not to control a tumult, not to quiet disorder, not to suppress domestic violence, but to arrest and take five men from that body. They were there. Their respective cases, by this very returning board, were referred to the body. They were admitted as members, and they were sitting in their seats in that chamber when these United States troops entered the chamber, as they were ordered, not, I again repeat, to put down disorder, not to quell any tumult, not to suppress any violence; but that these five members might be pointed out and arrested and marched out of that hall by the soldiery.

Mr. President, is that a case of domestic violence or of insurrection? Does that come within the letter or the spirit of the Constitution which allows the governor of a State to call for soldiers of the United States? The governor told them that he wanted a number of men put out of that body then in session, who were not only allowed to remain there, but were admitted as legally elected by the members. If they were allowed to remain there by the other members, why interfere? If they were not members it was time for every acknowledged member of that body to do its own fighting through its own officers or otherwise and to put them out. It was the redress they possessed, and had that body been so outraged they would have used the necessary force to do it. It was for them themselves to purge their own body. But there they remained, and would have remained in quiet; and yet, forsooth, these soldiers were sent in to suppress disorder! No, sir; they were sent there for the purposes of arrest and for nothing besides; and, if the details that we see be true, they went there and demanded the speaker then presiding over that body, organized as it was, to point out these men whom they were sent to exclude from that body. They were in peace; there was no tumult; there was no disorder; and when no one sitting in that body could be got to point out these men, the officer in charge of the soldiers was obliged to get some one upon the outside who knew them to point them out individual by individual, and then they were marched out of the hall at the point of the bayonet—five men of the one hundred or more present, who were recognized members.

Think of a condition of things like this! Might not one naturally suppose that these five men, if they were really disturbing the peace, were in arms with a revolver in each hand, and girded around with bowie-knives? No; these soldiers of the United States who were sent into the chamber were obliged to take with them some one to point out these men, who in their demeanor were as the others sitting in their seats, in order to exclude them from that body, and thus to aid in organizing the Legislature of the State of Louisiana! That is Kellogg's substantial statement of the case.

Now, sir, if these be the facts or anything near them, can it be possible that there is any justification on earth for this extraordinary exercise of executive power?

Mr. CLAYTON. Will the Senator allow me to ask him a question?

Mr. HAMILTON, of Maryland. Yes, sir.

Mr. CLAYTON. If I do not annoy the Senator or interfere with the line of his remarks, I would like to ask him a question. He says the governor of Louisiana had no right to use United States troops in any way in the organization of the Legislature. Suppose he had used State troops, not to eject persons from the legislative halls, but had surrounded the State-house with them with instructions to let no one in who had not a pass from the militia commander; would the Senator consider him under any circumstances authorized to do that?

Mr. HAMILTON, of Maryland. Certainly not. What has the governor to do with the organization of the Legislature?

Mr. CLAYTON. I am glad to hear the Senator say so, because hereafter there will be a question coming before this body in relation to the late organization in Arkansas under democratic control where that proceeding was adopted.

Mr. HAMILTON, of Maryland. We shall see about that when it comes before us; but I say the governor has no power to organize a Legislature or to interfere in its organization. The Legislature organizes itself by virtue of the powers given to it by the people, as laid down in the organic law. I want to see democrats rebuked when they act badly. I would sooner punish them for bad conduct than my friends on the other side, because they ought to know better and behave better, being democrats. [Laughter.]

I stop here for the present on this branch of the subject, and I desire to direct a remark or two to the speech of the honorable Senator from Indiana, [Mr. MORTON.] Distinguished as he is for ability and for force in argument, and not afraid to take any responsibility, especially when party exigencies may require, he has upon this question manifested a spirit from the beginning in its origin two years ago, that knows no compromise, no peace, to the white people of the South. In that spirit he is for their subjugation, to an element there, that may control under the lead of bad men, carpet-baggers or scalawags, or whatever you choose to call them—I call them simply bad men. In his speech the other day there was an iteration of the old scenes which we have witnessed in this body and in the country many times before. I looked casually over the speech as published this morning in the RECORD, and I listened to it the other day with great attention, as I always do to what falls from that honorable Senator, knowing his position on this floor and before the country, and that speech as I heard it and as I read it is filled with "lies"—not in the offensive sense of that term, I beg the honorable Senator to understand—but filled with the word "lies." From the beginning of that speech to the end of it, it is falsehood, it is "lie" after "lie;" and not satisfied with single lies or even double lies, he throws them in by thousands upon thousands. When I say that the speech is filled with this, I speak a literal truth, and yet not call in question the sincerity of the honorable Senator. As to the rest of the speech, though not clothed in the same rugged language, it is not the less rigorous. I attribute all to mistakes in fact, to bad logic, to false statesman-

ship, and to party zeal; but it all exhibits a temper upon this extraordinary occasion which ought to influence no Senator on this floor. And that I may not seem to exaggerate, I give the following as one of the sample portions of the Senator's speech.

In commenting upon some remarks made by Senator THURMAN, the honorable Senator continues:

He says "the outrage business" did not pay last fall. Well, these statements were published, and then there came ten thousand times ten thousand lies, denying them, or excusing them, or justifying them, until the public mind in many places was confused and confounded by the innumerable lies that were told. What was the remark of Talleyrand? "The same lie never wins a second victory;" and a victory won by these innumerable falsehoods cannot be held by the same instrumentalities.

The whole southern people are branded, and some of our colored people too are branded, because the truth about the matter is that many of the sensible class of that portion of the people, those who are willing there should be peace, that there should be thrift and prosperity once more among all classes, do not accord in sentiment any more with the honorable Senator, and would escape from the rule that that Senator and his colleagues would impose upon the whole people.

The Senator flaunts again the bloody shirt before the people; I will not dignify it by calling it a flag. Once more the public mind is to be agitated and excited and frenzied. I would admonish the honorable Senator that there is not an election on hand, unless it be the elections in Connecticut and New Hampshire, to which he could refer; but then it may be considered that the session of Congress is short and there is but little probability that the Executive will call together the next Congress before the time appointed by law; so it must be done now or not at all, at least for some time. The honorable Senator knows the value of that kind of stock in political trade. It only goes to show the peculiarity of mind, the direction of thought, and what is required to influence an ignorant or an excited people to vote against the democratic party. I ask him whether he knows a gentleman by the name of Thomas J. Brady, who represents himself to be chairman of the republican central committee of the State of Indiana, and whether this be authentic, for, being an Indiana production, it shows to be so much in keeping with what has influenced the Senator in the past and is influencing him to-day and with what he still expects to influence others in the future:

ROOMS OF THE REPUBLICAN CENTRAL EXECUTIVE COMMITTEE,
Indianapolis, September 3, 1874.

EDITOR OF UNION,
Rensselaer, Indiana:

I desire to call your attention to the horrible scenes of violence and bloodshed transpiring throughout the South, and suggest to you to give them as great prominence as possible in your paper from this time—until after the election.

THOMAS J. BRADY.
Chairman.

[Laughter and applause in the galleries, at which the Presiding Officer used his gavel.]

Mr. HAMILTON, of Maryland. Whether that be true or whether it be false, the honorable Senator can answer. I do not know; I saw it in the current newspapers of the day. It bears upon its face the evidence of truth, and what was done in order to influence the plain people of the State of Indiana against the people of the South. "The bloody outrages" that were being daily perpetrated—at least in the newspapers and upon the hustings—were to be kept before the people of the North until after the election, so that the party in power could still continue to hold it, and still keep in its possession the Government it is so much abusing. Then there may be rest from this selfish and cruel clamor until the elections again come round. The speech of the honorable Senator must impress the members of this body living in other portions of the country with what is done among the people of the North just before the elections, and how that public mind is kept on fire, prejudices inflamed, hate engendered, untold evils let loose, and all done for the benefit of party and in the interests of men who live upon party, and not with a single thought for country nor with a single sentiment of humanity.

Mr. LOGAN. If the Senator will allow me, right there in his speech, I wish to say a word. I happened incidentally the other day to allude to the outrages in the South myself, and inasmuch as he treats these as mere electioneering stories, I ask him is he candid before the country when he states that these outrages were heralded before the country merely for campaign purposes? Does he mean that?

Mr. HAMILTON, of Maryland. Do you ask the question?

Mr. LOGAN. I do.

Mr. HAMILTON, of Maryland. I have no question about the fact that outrages have been committed, and I am as much shocked at them as the honorable Senator could possibly be; but that all this was intended for an electioneering campaign purpose and to inflame the public mind against the democratic party is beyond all doubt.

Mr. LOGAN. I ask the Senator if the statement was true that these outrages were going on, was it not proper that the country should know it? If the Senator says that these statements were not true in reference to the outrages there, I should like to have him allow me to read now during his speech the testimony of the murder of one hundred negroes at one place, most of them shot in the back when they were lying on their faces. If he thinks there is no such thing, I can produce the evidence.

Mr. HAMILTON, of Maryland. No, I thank you; I will attend to that myself.

Mr. LOGAN. I merely refer to this to say to the gentleman that it will not do before the country to treat these statements as electioneering stories. If that is the programme, I am prepared right here with reports sworn to before committees to show that every statement made in reference to these outrages is true; and it will not do to say to the country that they are electioneering stories; it will not do to say that republicans make these statements, being false, for electioneering purposes. When "murder!" was ringing through the ears of every man in this land, and the charge known to be true—not the murder of one man or two, but of the dozen, and the score, and the hundred—men who jeer at the talk about murders, and say it is merely for electioneering purposes, are seared with iron and have no sympathy for human life. [Applause in the galleries.]

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Chair will observe here that the Sergeant-at-Arms will see that the rules are enforced in the galleries. It is contrary to the rules of the Senate to applaud. I trust citizens will observe the rules of the Senate.

Mr. HAMILTON, of Maryland. Mr. President, I am not here the apologist for murders and outrages. I condemn them as much as the honorable Senator from Illinois or as much as the honorable Senator from Indiana, and no one will go further than I for the punishment of such crimes. I live in a State where peace and order prevail; and among this very population there is none to complain of the administration of justice there. Not only are the rights of all protected, but all the common courtesies of life are generally observed. I live among a people who understand that class of our population, realize their true condition, and who, I believe, never will fail in charity and mercy and justice toward them; who will punish crime whenever it raises its hand to strike, whether it be by white or black. I must state that I do not know the occasion to which the honorable Senator refers in which hundreds were shot. I know there has been trouble in the Southern States, and there must be trouble until they have settled forms of government. You will not allay that trouble by sending soldiers there, you will not allay that trouble by exciting those people to frenzied acts of vengeance and retaliation; but when you allow them to institute legitimate forms of government, regularly established, controlled, and directed by the people, you will have peace and order, wherever such a condition of things prevail. In no place on earth, whether in the State of Louisiana, or in the Kingdom of Great Britain, or France, or anywhere else, will you have forms of government observed or laws executed and crime punished where the government itself is not derived from some lawful authority. In Maryland, in Virginia, in Missouri, in Alabama now, in Tennessee, in Georgia, in Texas—yes, I dare to say in the presence of my venerable friend from Texas, [Mr. FLANAGAN,] in Texas now—in these States where you have governments instituted by the people and supported by the people you have peace. Criminals themselves are not the ones to suppress crime or exalt virtue.

Mr. FLANAGAN. Will the Senator yield to me? I will say to him that to-day the existing government in Texas is in direct violation of the law as decided by the supreme court of the State.

Mr. HAMILTON, of Maryland. I do not know anything about the supreme court of that State or what its decisions may have been. That is a matter of opinion. But whether it was legally or constitutionally established according to the opinion of my friend, it was nevertheless established by the people of that State; and the people of that State are in power by their regularly-elected officers under it. My honorable friend will not deny that. A majority of the people of Texas are now under this government, regulating and controlling their own domestic affairs; and, doing that, there is peace in the State. Allow the same poor boon to the unfortunate and unhappy people of the State of Louisiana; allow them to be governed by their own laws, allow them to make their own laws and elect their own officers, and as sure as one sun succeeds another upon the morrow, so sure will there be peace, law, order, in the State of Louisiana, and prosperity and thrift will once more return to that impoverished people. But with men at the head of the government who are not recognized as officers elected by the people, with no Legislature even, with men alien to their feelings and interests, and without the virtue of an honest election to regulate their domestic concerns and all that is dear to them in person and property, a free people never will be contented nor will the laws be executed; they cannot be. In the doubtful authority that must exist between officers elected who are not in power and those in power without an election, there is no respect for the law itself. They compromise the dignity of the office they are not entitled to hold, and with it compromise the power that should make or enforce the laws.

My honorable friend from Indiana [Mr. MORTON]—and this brings us to this very point—has said that the fact that there are violence and bloodshed in Louisiana and in Mississippi grows out of this; that, peace prevailing wherever the democratic party in the South controls, therefore it is a self-evident proposition that the democratic party kill and slay and murder and destroy in those States in order to bring them also under their control.

Mr. MORTON. The Senator does not mean to say that I said there were peace and order where the democratic party reigns. I said no such thing. That was a statement made by the Senator from Ohio, [Mr. THURMAN,] to which I was replying.

Mr. HAMILTON, of Maryland. I am speaking of the Senator's

proposition, and that is sufficient for my purpose; that, having no power in the State of Louisiana, democrats are determined to get it, if necessary, by intimidation, by threats, by violence, by murder. Can it be possible that my honorable friend can be sincere in the utterance of such a sentiment as that? As I said before, until you have regular government you cannot have peace. You must have in this country free government; you must have fair and just laws, executed in good faith; you must have wise and sound legislation for all classes of people. Until you have regular, settled government—that is, a government having the consent of the governed—you cannot have any of those accompaniments of government indispensable to the security and prosperity of the people. Can it be in the heart of that honorable Senator, knowing as he does that the outrages that are perpetrated are heralded to the people of the North for political purposes, to charge that as any part of the policy of the men whom he denounces and stigmatizes upon this floor? No, Mr. President; common wisdom would impress upon every conservative man in the South the necessity of peace now as a matter of policy. Peace is as important to the conservative party of the South as a policy as it is to the people of the North as a sentiment. To take these "outrages" from the North is to take from them the very aliment, the very nourishment upon which our friends upon the other side of the Chamber live.

In the argument of the honorable Senator from Georgia, [Mr. GORDON,] he stated what was true, that it is in the interest of the dominant party to manufacture "outrages" upon the eve of an election or any other important event likely to be affected by it to fire the northern heart against the people of the South. It is, on the contrary, the highest interest of all true southern men to keep the peace, enforce the laws against crime, and suppress disorder and violence, that the northern people may be able to judge and determine freely and fairly, uninfluenced by passion or resentment. Is it not reasonable and natural that our southern people should act according to their interests? Their instincts are right. Their interests and instincts alike must lead them to proper conclusions. They are not savages, nor assassins, nor barbarians; they are men like yourselves; intellectual men, high-minded men, wise men, men of cultivation, industrious men, business men, men once of property, now with ruined fortunes. Can it be possible that the motives of such men should impel them to do those very things upon which my honorable friend feeds; to do those things which my honorable friend holds up before a mixed audience in the State of Indiana to fire his people against the democratic party and against our people in the South? The very reverse of that proposition is necessarily true; and while it is true that there are disturbances, while there are wrongs growing out of the unsettled condition of things, and it cannot be well avoided, irritation and wrong producing them on the one hand and revenge or ignorance upon the other, those things cannot be well helped in unsettled communities like those. But let me assure that honorable Senator that if he gives to those people a government of their own choice—that is, a government of the people—let them have fair and free elections; let them participate and let their voice be fairly heard in the count by those conducting elections; let justice be administered impartially and the laws executed without favor; satisfy them in these respects, and a more obedient people to the supremacy of such a government will not live on earth. Peace and order will once more prevail; and if they are still obliged to suffer through mistaken policies or by unwise laws, they will endure all with the patience of freemen, depending upon the change of opinion likely to take place where the interests of all are alike in the end affected.

Intimidation and threats! I suppose here and there such things are occurring in the South as they are occurring everywhere. We know what appliances are used everywhere to influence the votes of men not only in the South but in the North. In New York, in Maryland, in Louisiana, appeals are made to the interests of men as well as to their passions and fears. Is my honorable friend fair? A colored man may be discharged because he will not vote the conservative ticket; or a colored man may be mobbed because he votes the democratic ticket. Is there anything more unfair in this respect than the appeal made to the common mind of the North by which they are inflamed in their judgment to do a wrong to the people of the South? One is just as bad as another. One may threaten that he will not employ him if he does not vote with him; another may threaten that he will discharge him unless he votes to suit him; another will, as the honorable Senator does here and elsewhere, tell "how the colored people in the South have been murdered and outraged," and then charge the democratic party with being responsible for it all, and then with an appeal, that is passion itself, ask how they could act with such a party, and especially how the colored man could do it without the danger of being himself murdered or outraged in some way. The last is the worst of all. The former appeals to the interests of the voter, the latter to his fears, passions, and interests. It is not fair anywhere; it is wrong everywhere; but happily it failed in the last election. The people are growing tired of the subject. The northern mind is beginning to look at it more calmly and to take a more comprehensive view of it, and while, as my honorable friend admits, the "outrage business" was largely used during the last election and daily reports made and heralded of hundreds slain here and hundreds there, one here and another there presented to the fairer minds of the North, it seems to have amounted to nothing.

But I gather from what my honorable friend says that all the statements of "murders and outrages" as gotten up, of course by the very saints of purity and truth in the republican party, were overwhelmed with a torrent of "lies." His friends in the North, though hitherto able to stand much, became so confused under the overwhelming torrent of "ten thousand upon ten thousand lies" that they did fail him; but the Senator flatters himself, in the language of Talleyrand, that "the same lie never gains a victory twice." I do not know that Talleyrand ever said so. The honorable Senator may know better than I; but he should begin to understand that the "outrage business" is in about the same condition with Talleyrand's "lie;" that whatever it has done in the past, it will win no longer in the future.

Mr. MORTON. Will my friend allow me to ask him a question? Does the outrage consist in committing the murders or in telling about them?

Mr. HAMILTON, of Maryland. In both.

Mr. MORTON. In both, is it?

Mr. HAMILTON, of Maryland. In both. The outrage is in committing murders, and the outrage is also in telling them for the purpose of inflaming the people of the North against well-disposed and honest men.

The idea that the honorable Senator should undertake to put the good people of the State of Louisiana, the sensitive, high-minded, and honorable men of that State, who are as cultivated as the people whom the honorable Senator so ably represents on this floor, as intelligent, as patriotic, and though differing with them upon one great question, who yet are patriotic, always true to the free institutions of their country, and never failing once, or, if you please, but once in their lives, under absolute negro control by the use of such instrumentalities as those used by the Senator upon this floor, because some ruffian in their midst may have outraged or murdered an unprotected colored man, or because in the midst of excitement, it may be an accidental collision or fray, some persons were injured or killed, to charge the whole of that people with these outrages and endeavor to put them under such a rule, is beyond all my comprehension of charity and of justice and of common right. Yes, I say it is wrong, and the people of the North understand it to be wrong. You may desire to find excuse for the late action of the people of the North by asserting that they were confused by the falsehoods that were sent abroad by the Associated Press of the South, by the newspapers North and South, by democratic speakers North and South, but the people begin to understand this "outrage business," and they want peace; for their experience teaches them now that wherever there is a lawful, regular government, wherever within the broad limits of this land a government of the people exists, there is peace and order; and liberty and property and life are safe; that all are safe in Maryland; that all are safe in Virginia; that all are safe in Georgia. Wherever the people are left to the unobstructed enjoyment of regulating their own domestic concerns, there you will find peace. The people have learned this—true, from a sad experience—and they judge from it much better than they could from what the honorable Senator would inspire them to believe of the tales of horror and of crime which he can so eloquently and passionately depict.

Mr. LOGAN. Will the Senator allow me to ask him a question right there?

Mr. HAMILTON, of Maryland. Yes, sir.

Mr. LOGAN. The Senator is not directing his remarks to me, but at the same time I would like to ask him a question. He speaks of the intelligence, the cultivation—and he does not use the word "chivalry," but I will for him, for that is what he meant—of the white people of Louisiana, the people of property, as he mentioned——

Mr. HAMILTON, of Maryland. Not people of property. No one has property there.

Mr. LOGAN. I will take that part of it out then. The Senator has told us of their universal patriotism, their good demeanor and deportment, and their law-abiding inclinations. Now, I ask him as a Senator, does he indorse the action of Penn and his ten thousand men as patriots who overturned the State Government on the 14th of September?

Mr. HAMILTON, of Maryland. I will answer that question. I will answer it, however, in my own way. I will ask the honorable Senator a question. I would ask my honorable friend whether he believes that Mr. McEnery and Mr. Penn were elected governor and lieutenant-governor of that State in 1872?

Mr. LOGAN. The Senator evades my question.

Mr. HAMILTON, of Maryland. No, sir. I just want to ask the Senator that.

Mr. LOGAN. He evades it by playing the Yankee, and answering my question by asking another.

Mr. HAMILTON, of Maryland. No; I beg your pardon.

Mr. LOGAN. Whenever the Senator answers my question I will then answer his, inasmuch as mine was propounded first.

Mr. HAMILTON, of Maryland. I will answer the Senator. We have different stand-points. Upon the affairs of the State of Louisiana that honorable Senator reported to this body, or rather united in a report, two years ago, when Kellogg had assumed authority as governor and by the aid of United States troops, that there was no State government in Louisiana. Did not the honorable Senator so report?

Mr. LOGAN. I reported that the frauds were of such a character, on both sides and that you could not determine whether either one

was elected, and that I did not believe there was any election on account of the frauds. I reported that; but that is not the question.

Mr. HAMILTON, of Maryland. Yes, sir, it is the question; it is the very point.

Mr. LOGAN. No, sir; my question is this: After Mr. Kellogg had been installed as governor, recognized by the President, recognized by Congress, recognized by the supreme court of the State, I ask the Senator, does he indorse Penn's revolution in overthrowing the State government, call it revolutionary or not?

Mr. HAMILTON, of Maryland. There was no State government to overturn; so the honorable Senator has reported. [Applause in the galleries.]

The PRESIDING OFFICER rapped with his gavel.

Mr. SARGENT. I give notice that in case there is further applause or disapprobation in the galleries, no matter who may receive it, I shall move that the galleries be cleared.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Chair has already observed to the citizens occupying the galleries that it is against the rules of the Senate to express themselves either for or against sentiments uttered in the Senate, and I hope citizens will aid the Chair in maintaining order.

Mr. LOGAN. So far as this matter of cheering in the galleries is concerned, I have nothing to say about it. I will only remark that the cheering of sentiments sustaining a rebellion is nothing more than that which I heard some years ago in the same galleries, and in the same category. Now I ask the Senator my question which I hope he will answer, because if he asks me a question I will answer it fairly.

Mr. HAMILTON, of Maryland. I must be allowed to answer in my own way. I will answer.

Mr. LOGAN. Of course, you have a right to answer it in your own way; but when we are talking about revolutions, and when we are talking about justice and about patriotism, we ought at least to deal fairly with one another. The Senator spoke of the patriotism of the people of Louisiana as evidenced, he did not say but I might say, by their murders and their revolutions. Now I ask him the question again, whether he indorses the Penn revolution? I say to him that I indorse what the President did in putting it down. Will he be as frank with me and say whether he indorses the revolution?

Mr. HAMILTON, of Maryland. I will answer that question. I am very glad that the honorable Senator from California called attention to this improper practice of disturbing the deliberations of this body by applause in the galleries, either for one side or the other. It is right that it should be stopped. Our deliberations here should be carried on among ourselves without interruption of any kind by spectators.

But, Mr. President, the honorable Senator from Illinois again most significantly referred to the late rebellion. I must protest that I think it is out of place in this Chamber, where we are gathered together from all parts of the country to deliberate upon all, to pass upon all, to legislate for all, whatever may have been the opinions and actions of gentlemen now Senators upon this floor upon that question. It was a civil war, and such a civil war the world never witnessed. It settled questions that were agitated politically for a half century, that divided our people everywhere, and settled them forever. The initiative questions of that civil war are settled, I trust, forever; and as they are settled, will our honorable friends on the other side of this Chamber, as we now all meet together for a common interest and for a common good, allow that war to be settled also? I do not think that it ought to be referred to in any such spirit. Let it be buried out of sight as that which gave it bitterness and strength is buried out of sight, and let us attend to our duties which concern us all and are of the present and future and not of the past. But my honorable friend seems to have a prodigious horror of rebellion. One hundred years ago, I take it from his American instincts, from his nature, from his common humanity, from his patriotism, he would not have uttered that word in the tone and spirit that he does to-day. Whatever may be said as to the late war, let me tell that honorable Senator that American freedom was born in revolution and rebellion, as all freedom has been, and it is one of the very elements of free thought and of a noble nature to justify the rising of an oppressed people against their oppressors. [Applause in the galleries.]

Mr. SARGENT. With the consent of the Senator from Maryland, I move that the galleries be cleared.

The PRESIDING OFFICER put the question on the motion and declared that the ayes appeared to have it.

Mr. DAVIS. I call for a division.

Mr. CONKLING. I appeal to the Senator from California, if he will give me his attention, to so vary his motion as to aim it at that portion of the galleries in which repeated disrespect and defiance to the admonition of the Chair has been shown. I think it would be very unjust to clear the galleries, so far as they are occupied by persons who are willing to observe the decencies of life and the privileges of the Senate; but so far as those persons are concerned whom I heard in 1860 and 1861 by their predecessors, and afterward, before the commencement of the war and somewhat later, practicing this same invasion upon the dignity and the rights of the Senate, I have no objection to interpose to the motion; but I suggest to my friend that it ought to be adapted to the evil that exists.

Mr. TIPTON. I simply rise to finish the speech of the honorable Senator from New York. When he predicts that all this applause in the galleries of the Senate was from persons who sympathized specially with the remarks of the Senator from Maryland, I wish him to recollect that yesterday there was as much applause on his side of the question as there is to-day on the side of the Senator from Maryland. That finishes the speech which the Senator from New York neglected to conclude.

Mr. CONKLING. In reply to the very calm and appropriate suggestion made by the Senator from Nebraska, I beg to remind him and the Senate that yesterday time after time when applause occurred, regardless of the side on which it was, the Chair admonished and requested the galleries to desist. I wish also to remind the Senator that a moment ago when my friend from Illinois [Mr. LOGAN] made some observation in reply to the Senator from Maryland, there was applause in the galleries. Then it was, and not when the Senator from Maryland had been applauded, that the present occupant of the chair first repeated this admonition. Applause had been bestowed upon the Senator from Maryland, the Chair on that occasion observing silence. The next time applause occurred, it was when the Senator from Illinois was upon his feet. Then the admonition of the Chair fell upon the ears of the galleries, and persisting notwithstanding, this manifestation is made. It does not concern me; I have not been happy enough to enjoy the applause of the galleries; it does not personally incommode me to hear it bestowed upon others; but I submit to all members of this body that it does concern the character of the Senate, it does concern decent and orderly proceeding, that the spectators of the doings of a court, of a senate, of a legislative body, should not conduct as if they were in a theater, in a playhouse, or in a circus.

Mr. HOWE. I rise to make a suggestion to the Senator from California. It is that instead of pressing the motion he has already submitted, or even the modified motion suggested by the Senator from New York, he submit a motion which will increase the police force in the galleries with instructions that whoever is found applauding hereafter shall be removed from the galleries.

Mr. THURMAN and Mr. SPRAGUE. That is right.

Mr. HOWE. I make this suggestion because I am extremely unwilling personally that any step shall be taken which shall prevent the public from hearing this debate to the end.

Mr. SCOTT. Especially the well-behaved public.

Mr. HOWE. Yes. The rule of course must stand upon the book and must be enforced, but we have a choice of ways in enforcing it. I make the suggestion.

Mr. CONKLING. I think that is a good suggestion.

Mr. SARGENT. I suppose it will be impossible for the officers of the Senate in a crowded gallery to observe and pick out those who applaud and those who do not. The only method by which we can effectually preserve the dignity of the Senate and its right to free debate, its right not to be interrupted in its deliberations by expressions from outside either of applause or disapprobation, is by clearing that portion of the galleries at least from which such interruptions come.

Some short time since—and I forget whether it was when my friend from Maryland was speaking or my friend from Illinois—I rose and deliberately gave notice that if such demonstrations were repeated, I should move to clear the galleries. I have made that motion, but I will modify it so far as to move that the galleries of the men on the west side be cleared; and I think that one example of the intention of the Senate to preserve its dignity will save us during the remainder of this session, and perhaps thereafter, from such encroachments on the dignity of the body.

Mr. TIPTON. I move, as an amendment, that only persons violating the rules of the Senate shall be removed from the galleries.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska.

Mr. STEVENSON. I hope the Senator from California will accept the suggestion of the Senator from Wisconsin. I do not think innocent men ought to be punished because there are some persons in the galleries who have violated the rules. This is an interesting debate; it has its advocates on both sides. There have been violations on both sides of the house.

To err is human; to forgive, divine.

Let us excuse it now, and confine our order to those who shall violate the rules, and do not let the American Senate drive from its presence ladies and gentlemen who have a right to be here, and who have a natural interest in what is now going on. I hope the Senator from California will modify his motion as suggested by the Senator from Wisconsin.

Mr. THURMAN. I rise to second the suggestion of my friend from Kentucky and of the Senator from Wisconsin. Here are hundreds of American citizens in the galleries of the Senate conducting themselves with the utmost decorum and propriety, and there is no justice nor any excuse in anything that has occurred for turning those well-behaved citizens out of their seats. If there are persons in the galleries who are violating the privileges that are accorded them, who are manifesting applause in a way that is forbidden by the rules of the Senate, let them be dealt with. But while I am upon this subject I wish to say that I do not think it wise in Senators to heap upon these people, erring though they are, epithets full of, I was going to say rancor, but I will not say that—epithets that are extremely

severe in what they express and still more in what they imply. It will not tend or conduce to quiet, orderly proceedings in this body to charge any portion of the people who are listening to these debates with being traitors or sympathizing with treason. This is not the way in which order can best be preserved. Those persons who have interrupted the debates of the Senate by their applause have done very wrong indeed, and no one will censure them more than I. There have been these interruptions on both sides; and this is not by any means the first time in the history of this country when there have been such interruptions. My memory goes back a long way to the time when in the old Senate Chamber from day to day during that remarkable session of Congress of 1833–'34 the galleries seemed to be packed with men sent there to cheer the speakers on one side of the question and to hiss down the speakers on the other. And, sir, I can recollect since I have held a seat in this body, when a certain Ku-Klux bill was before the Senate, that more than one Senator who was advocating that bill had the cheers of not a small portion of the gallery but of a large portion of it, and a portion of it that seemed to have come there to cheer all those who advocated that measure and to frown upon all who opposed it.

Sir, all these things are wrong; no one condemns them more than I do, and I will vote with any Senator here to expel from the gallery any man who violates the rule of the Senate. The spectators are here not simply by our permission, but, I may say, as matter of right when we hold an open session, at least in accordance with the spirit of our institutions; but they are here to be listeners, not to be applauders; they are here to behave with decorum and not to behave in a manner calculated to interfere with the orderly discussion before the body.

It seems to me that the solution of this trouble is precisely what the Senator from Wisconsin has suggested. Let the Sergeant-at-Arms station enough men in the gallery to see who the offenders are. That course has been pursued before, and it has seldom failed of having its proper effect. If that shall fail, then I shall vote for clearing any portion of the gallery that shall thus violate the privileges of the Senate.

Mr. SARGENT. Mr. President, the examples which the Senator from Ohio has given, of disorders in the gallery of the Senate heretofore, certainly should be a warning to the Senate to take efficient measures to prevent their recurrence rather than a precedent for our neglecting them and thereby encouraging them. Why, sir, when it shall happen in the Senate of the United States that we are in the condition of the old French Convention, when the populace of the city of Paris invaded the chamber and holding forth their hands with threats compelled legislation by their intervening in that manner, by showing popular passions and overawing the judgment and better disposition of the French legislators, then indeed all except the mere form of free government is gone. If we cannot here without intervention by those in the galleries pursue our own course of deliberation, pass our measures without being overawed or being encouraged by these methods, then we had better adjourn the session and resolve these questions not by a Senate of the United States but by a popular assembly.

Now, sir, I believe that it is better to make an example in this matter, better to show that the Senate is determined from this time out to the end of this session that it will not have these scenes of indecorum in the galleries around us. If this is done once, I believe it will be effectual for all time. If there was any possibility of singling out those persons who have been warned over and over again to-day, who have been distinctly notified both from the Chair and from the floor of the Senate that such conduct would result in clearing the galleries and was in violation of the rules, and who were thus warned yesterday when these scenes of disorder commenced, then I should be perfectly willing that the amendment of the Senator from Nebraska should be adopted. I certainly do not desire to drive the public from the opportunity to hear our deliberations. I am perfectly willing that the galleries shall be filled and to any number, and that any one shall come who will behave with decorum and listen to our debates; but when our debates are interrupted and we are forced into the very discussion of measures by which we can protect ourselves from such unseemly proceedings, it seems to me things have come to such a pass that the Senate ought to take effectual action to vindicate its dignity.

Mr. BAYARD. Mr. President, the Senate of the United States is a deliberative body, at least in theory, and it certainly should be so in its invariable practice. We here, the representatives of sovereign States, should meet for the purpose of deliberating upon the general good. It is perfectly plain in the first place that we are the controllers of our own mode of deliberation, and that if the method of speech and public address in this Chamber is suited to the grave duties which we have to perform there will be but little found to awaken mere popular applause or popular condemnation—I mean the manifestations by cheers or by noise of any kind of approval or disapproval by the American public of what we may say. But our responsibilities for what we say or how we may say it are to the country, and we are not to be interfered with in this our Chamber of deliberation. I will go as far as any man within the body in insisting upon the rules of order that shall apply to the galleries as well as to the floor of the Senate, and that nothing shall be allowed either on the floor or in the galleries that shall interfere with proper deliberation upon public subjects.

But, Mr. President, there have been interruptions that are not to be justified; and whether the applause or the disapproval were for or against my own views or wishes or sympathies at what was being said, I should not hesitate in any case promptly to arrest it. The remarks of the Chair were moderate and just and proper, and would have found immediate obedience in any person who was not disposed to abuse the privileges of an American citizen present on the occasion of public debate. Sir, I do not consider that the innocent should suffer for the guilty. A few men can have produced this disturbance. The great majority had nothing whatever to do with it.

The Senator from California has done, I think, wisely to accept the modification of some gentleman on the other side, and confine his order for removal to a portion of the Senate galleries. I hope he will still, upon reflection, deem it wiser to restrict his order for removal to those who have actually occasioned the noise and the interference with that quiet dignity of debate which ought to mark the proceedings of this body. I trust the amendment offered by the Senator from Nebraska may be accepted, and that the Sergeant-at-Arms may station in the galleries persons, employés of the Senate, who will quickly oust from the Hall those who abuse the privilege of an American citizen to be present at the public debates of Congress.

In the early history of this body, the sessions of the Senate, I believe, were in secret. That has been long since discontinued, with the exception of the consideration of executive appointments and the sessions devoted to the consideration of treaty stipulations. Otherwise our debates are in public; and I esteem it of essence to the liberties of this country that our deliberations should be as public as possible. But to make them deliberations, they must be peaceful and undisturbed; and the individual who abuses the privilege of the American citizen to be present at the public debates upon the legislation to affect his country has no right to complain if he is expelled from the Chamber where these debates are held.

I ask for information whether the amendment is in form before us, providing that the order asked for by the Senator from California be so modified as to place in the galleries a proper number of employés of the Senate who shall see that any one who interferes with the order of debate, either by approval or disapproval of whatever may be said or done upon this floor, shall be instantly expelled? I cannot believe that any American citizen who is not totally lost to his own self-respect and a sense of what is due to the dignity of citizenship will expose himself to such public ignominy as that would involve.

Furthermore, let me ask, is there precedent for the actual carrying into effect of an order of this kind? Have we thus far in the history of our country found it necessary actually to empty the galleries of the Senate because of similar indiscretions and improprieties? There are gentlemen here of long service—none longer than the Vice-President who ordinarily occupies the chair. Unless I am misinformed, (and of course I do not speak from my short experience,) an order of the kind indicated has never actually been carried into effect. If I am right as to that, I had rather postpone the day when the Senate shall exercise that power which I think it is perfectly competent for it to exercise to preserve peace and order in the deliberations of this body, whether the disturbance come from the galleries or from the floor or from any other quarter. I would ask whether there is any precedent for the carrying into effect of an order such as is proposed?

The PRESIDING OFFICER. The Chair understands that the gallery has been cleared heretofore by the order of the Senate.

Mr. BAYARD. I was not aware of it, Mr. President. I need not say further that I heartily concur, and I trust that my mode of speech here and my action will show how far I heartily contribute to preserve the decorum and the dignity of this body on the floor, and how much I shall seek to impose upon the public the same law that I impose upon myself.

Mr. THURMAN. I have drawn up according to my recollection, and I think in very nearly the words that were used on a very memorable occasion, an order which I suggest to the Senator from California that he shall accept instead of his motion. There was an occasion when there was much greater disturbance of the proceedings of the Senate from applause in the galleries than has occurred to-day, when after discussion by the Senate an order was made precisely in substance like that which I have drawn up, and under it certain offenders were arrested and brought to the bar of the Senate. I send up this order to be read, and ask the Senator from California to accept it. If he does not accept it, I move it as a substitute for his resolution.

The PRESIDING OFFICER. The proposition will be reported.

The Chief Clerk read as follows:

Ordered, That the Sergeant-at-Arms be directed to place in the galleries a sufficient police force to arrest any person or persons who may disturb the proceedings of the Senate by marks of approbation or disapprobation, and report such arrests to the Senate.

Mr. THURMAN. That is the order that was made on the very memorable occasion to which I have alluded; it sufficed then, and I think it will suffice now.

Mr. CONKLING. What was the occasion?

Mr. THURMAN. The occasion was the debate on the removal of the deposits.

Mr. SARGENT. I have a very strong hope that after the marked disapprobation by both sides of the Chamber of the undignified conduct which has been committed by some persons in the galleries during this morning's session and on yesterday, this will be sufficient

to prevent its recurrence. So hoping, I am willing that the resolution just offered shall be adopted; but I now give notice that in case this resolution does not prove effectual and we are interrupted by these unseemly proceedings from any part of the galleries hereafter, I shall renew the original motion which I made that the galleries be cleared.

Mr. MORRILL, of Maine. I hardly think it is necessary to pass this resolution. The resolution must necessarily lead to providing an additional force, which I should hope at this day was not necessary to the Senate of the United States.

The PRESIDING OFFICER. The Chair will say to the Senator that the Sergeant-at-Arms states that there is sufficient force now employed.

Mr. MORRILL, of Maine. Then I certainly think there is no necessity for the resolution, because it is the duty of the Sergeant-at-Arms to do this very thing without a resolution. Is the idea that we are legislating here to keep the galleries quiet? If gentlemen going into the galleries cannot observe the decorum and propriety of this place, they should not be allowed to enter the galleries at all. Nobody knows better than the Sergeant-at-Arms that this is his duty, and nobody is more faithful in the performance of it; but the idea that we are to be interrupted in our debates and spread upon the record an admonition by resolution to gentlemen and ladies who come here as to the proprieties and decorum of the galleries, seems to me quite absurd. I hope the resolution will not pass.

Mr. TIPTON. I heartily concur in the order offered by the Senator from Ohio, and rejoice at its acceptance on the part of the Senator from California, and I have no hesitancy in saying that if the Sergeant-at-Arms is not able to keep order in this Chamber, we have the Army of the United States very near. [Laughter.]

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the substitute proposed by the Senator from Ohio, which the Chair understands is accepted by the Senator from California. Before the question is put, however, the Chair will state, in justice to the uniform fairness of the occupants of the Chair, that he can confirm the recollection expressed by the Senator from New York, that the present occupant of the Chair withheld correction of disorder in the Senate at the applause expressed upon remarks made by the Senator from Maryland, and it was not until the Senator from Illinois expressed his views, and applause followed, that the Chair interposed admonition to the occupants of the galleries, deeming it perhaps wise lest the Chair should be criticised in his intended impartiality. The question is upon the order proposed by the Senator from Ohio.

Mr. BAYARD. May I be permitted to say that had the Chair arrested the applause in the galleries that followed the remarks of the Senator from Maryland, he would have been sustained by every gentleman on this side of the Chamber, and by nobody more promptly than by the gentleman whose remarks were improperly applauded. No one on this side of the Chamber would have suspected you, sir, of anything like unfairness in the place that you occupy, for all our experience of you has been that you have always been fair and just. You need not, sir, have waited until applause should follow on the other side, I may say the other political side of this Chamber, because we consider that when you do your duty, although it may be to rebuke some democratic partisan, the whole democratic party of the country will stand by you in it.

The PRESIDING OFFICER. The question is on the resolution proposed by the Senator from Ohio.

The resolution was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will enforce the order of the Senate. The Senator from Maryland will proceed with his remarks.

Mr. HAMILTON, of Maryland. Mr. President, when interrupted by the question of order, I was about to reply to the question propounded to me by the honorable Senator from Illinois, [Mr. LOGAN.] In reply to that question, I would briefly state in a very few words the condition surrounding the people of Louisiana and the position taken by the honorable Senator from Illinois in relation to that condition. He united in a report made in January, 1873, that there was no State government existing in the State of Louisiana. If there was no State government existing in the State of Louisiana, then there was opportunity for violence, for disorder, for every species of crime. Those people were then, according to the opinion of that honorable Senator, without any State government, in fact in a condition of anarchy. Allow me for one moment to remark here that people being in that condition without a State government, we must behold with admiration and applause their conduct in maintaining among themselves the peace and order that they did.

But he said there was no State government. What was there then if there was no State government? We on this side of the Chamber said that there was a State government elected by the people, but prevented from exercising the authority belonging to it by the military interference of this Government; that Mr. Kellogg usurped the office of governor, exercised its power, and was held in that position against the popular will and without the forms of law by the Government of the United States, by the armed soldiery of the United States. While the honorable Senator admits that he did unite in the report that there was no State government in Louisiana, he asserts and bases his action to-day upon the fact that Kellogg was recognized by the President as the executive of that State and also by the supreme court of that State. About all that I care nothing. I did not believe in the force of any such recognition. We believed then, as we believe now, that Kellogg is there acting as governor without a tittle of authority, usurping the rights of the legally-elected governor of that State; that he is there without the forms of law and in defiance of all law; that he was put there under the order of a Federal judge denounced by the honorable Senator from Illinois and by the honorable Senator from Indiana as illegal, unconstitutional, and as a gross usurpation of authority. Being under such an order put there by force, and, too, by the military power of this Government, I hold that he has no more right in the executive chair of Louisiana than I have to-day.

Unless a wrong done and repeated in every stage of its progress toward the consummation of its objects will in the end constitute a right, an indefeasible and perfect right, then the honorable Senator may be correct in the position he has taken; but with a full knowledge of the facts of the whole question as we possess them, and with a knowledge, too, that at no time did Kellogg's government receive the acquiescence of the people of Louisiana, but from the day of its inauguration there has been one continued protest against it up to the present time, any fair-minded man must be impressed with its utter hollowness, its utter want of authority, and of its disgraceful imbecility.

Mr. President, I come to the particular question: In that condition of things what were those people to do? They believed that they had fairly secured political power in that State. We had the official returns, made regularly, of that election before a committee of this body. They showed the election of McEnery and Penn and of a Legislature in sympathy with them. They believed that mere usurpers were ruling them and legislating for them against the expressed will of the people. Believing that, they rose against that government, or rather against the intruders in their own government. I ask the honorable Senator whether they raised their hand against the United States? They defied no Federal authority, they violated no Federal law; but, on the contrary, when called upon, though improperly called upon as I hold, upon the part of the President, they obeyed every requisition, peaceably yielded their own rightful authority so suddenly acquired, and quietly dispersed. I believe they were only asserting those rights of self-government in attaining that power in the State to which an election had entitled them, and from the just exercise of which they have been so fraudulently and forcibly deprived; and if I know my honorable friend rightly, [Mr. LOGAN,] his martial courage, that he belonged to the old democratic party in its best days—that party that never failed to condemn usurpation and wrong and dared to advocate always the duty of a free people to assert their rights—I feel justified in saying that he ought not to denounce that demonstration of the people of Louisiana as revolutionary. Believing that they were to be deprived of their sacred right to local self-government by intruders, not coming in conflict with Federal authority, obedient to all Federal laws, it being exclusively a matter concerning their own local government and their own domestic affairs, it was a question with that people solely and purely, and it is not for us to condemn, or, if you please, to approve. It was their own domestic broil. They asserted their right in maintaining what they were entitled to have at the hands of the people—the control of their own domestic government. They violated no Federal law in undertaking to assert that right. That government—the Kellogg government—disappeared as the morning mist before the effulgence of a rising sun. It showed a pitiable weakness. It disclosed to the people of this country what a sham and fraud it was, and the people of this country responded; and I would here state to the honorable Senator that there was no question before the American people that gave so much direction and momentum to the popular thought and action last fall as that simple demonstration of the people of New Orleans and the dispersion and annihilation of that farce of a government. Having done it, the highest legal minds in the country—Mr. O'Conor, for illustration—said it was wrong for the President to reopen the question and reinstate Kellogg; that there was a government established upon that occasion by the people and through the people, and with which we had nothing whatever to do—not, at all events, until it should come in conflict with Federal authority. That is the only time when we are permitted to speak to it in this Hall. But with the domestic broils, political troubles and changes, and the making of constitutions in States, we have no more to do than the Emperor of Russia until it comes in its relations within the prescribed terms of the Constitution, where we can exercise Federal authority.

Mr. LOGAN. Now, if the Senator will allow me, I presume he has no disposition to evade the question, nor has he a disposition to place any other Senator in a false position. He has answered my question. It has taken him a good while to do it; but yet his meaning is very easily understood. The position he attempts to place me in is this: That inasmuch as the committee of the Senate reported that the frauds were so glaring in Louisiana that we could not recognize the election of either party, therefore, on account of my being on that committee, I must admit that no government was established in Louisiana, the overthrowing of which would be revolution. He is too good a lawyer (and he is on that committee himself) to make such a statement as this as a legal proposition. The question does not go to the election of Kellogg or McEnery; it goes merely to the fact whether the ten thousand armed men under the lead of Penn were engaged in a revolutionary movement. That is the only question.

I will put a case. He knows as a lawyer that, (whether there was any election in the State or not,) Kellogg occupying the seat as governor, recognized by the President, recognized by the supreme court of his own State, and by the authorities of the National Government, if not governor *de jure* was governor *de facto*. He knows that as a legal proposition. That, then, being the basis of my question, without reference to whether he was elected or not, he being governor there *de facto* whether *de jure* or not, could a revolution take place against that authority? As a lawyer he understood my question, and as a lawyer he has very sagaciously evaded it. If he had not been a lawyer he would not have known so well how to get around the question. It was a question clearly put by one lawyer to another, a simple plain proposition, whether or not the movement of ten thousand armed men to overthrow the government of Louisiana (whether a government *de jure* or *de facto* is immaterial) was revolution. The Senator knows it. My question was, did he indorse that revolution.

Now, in order to show him the position he puts himself in, I will put another case. It seems strange that if in the course of argument any Senator shall allude to the past history of this country he is censured for it. If an allusion is made here to our recent unpleasantness, as some writers call it, we are told that that ought to cease in this Chamber. I hope I may be pardoned, however, for making this reference. I recollect some time ago that there was a person named Jefferson Davis, claiming to be president of a number of States confederated together against the Government of the United States. They were so confederated without authority of law; and yet, I will not say the Senator now but other Senators believing as he does, recognized him as president *de facto* of a government. Governments even recognized him as president *de facto* of a government. We exchanged prisoners with him, and thereby recognized his as a government *de facto*. The Senator cannot escape a proposition that was so well understood by lawyers and statesmen by dodging it, and saying that if the liberties of the people are invaded they are justified when they assert them. He cannot evade the proposition by saying that no election had taken place there, and that therefore there was no government to be overturned.

Mr. HAMILTON, of Maryland. The honorable Senator must excuse me, but I have the floor. I always listen to him with great pleasure, but I would prefer to go on myself.

Mr. LOGAN. We are both a good deal alike; we are like steam-engines, that when started do not like to stop. [Laughter.] I beg the Senator's pardon.

Mr. HAMILTON, of Maryland. I see that the State of Louisiana has given trouble to the honorable Senator from Illinois; and as the transaction to which he refers occurred prior to the Illinois election, I have no doubt that the honorable Senator had a fair opportunity of discussing all these grave questions before the people of his State in relation to governments *de jure* and *de facto*. With that we have nothing to do on this occasion.

One thing we do know, that when this Government interposed, whether rightfully or wrongfully is another matter, the people quietly submitted to whatever was demanded. They were peaceable, quiet, obedient citizens, and not one single act was committed inconsistent with that submission to Federal authority from that time to this moment. They are to be commended for their prudent course. This was the conduct of a people who could in the demonstration of a single hour dissipate a whole government! the chief of it fleeing to the custom-house, and amid acclamations of the people install in power the one of their choice. I say to the honorable Senator from Illinois that I shall not dignify this movement with the name of revolution, nor should he. Revolutions lie deeper and broader than this. It was simply an uprising of the people against wrong and crime, and the guilty fled!

Mr. President, I shall detain the Senate for a few moments in calling the attention of this body to the condition of things in Louisiana at the present time, and seeing in what, where, and how this Administration can be justified in organizing the Legislature. One fact we do know, and that is that Kellogg's fate depended upon the organization of this Legislature. If organized as they were elected by the people, we know, and you know, and he knew that he would not have remained in his position as governor of the State of Louisiana a single hour. He was too wise not to know it; his friends in office were too wise not to know it; those men who are living upon the substance of that people without their consent were too wise not to know it; and therefore all the appliances of party machinery, of political power, of every means they possessed, were brought to bear to carry the election. It was in their interest to do it. It was their only hope. Everything depended upon the Legislature. And then see the interest that must necessarily inspire Kellogg and his dependents to secure results. Do you not believe he did it? Do you not believe he put all the appliances he could to work to do it? The colored people in one parish were told of murders and outrages in another parish, and were in every way alarmed. United States officers, Merrill included, were traversing the State making affidavits and arresting citizens. On the eve of the election hundreds of the best citizens of Louisiana were arrested and taken from their homes. All kinds of intimidation were practiced, not by the people, but by officers and soldiers of the United States.

Kellogg knew the stake for which he was playing. He had the appointment of the registrars and of the supervisors of election in every parish, and the returning board was, with I believe one exception, in sympathy with him, if not his mere creatures. I am not advised, but if the board was organized under the law of 1870 he was a member of it, together with the secretary of state, the lieutenant governor, and two others. If organized under the act approved by Warmoth on the 20th of November, 1872, then the senate, a body of his own friends, selected the returning board.

Mr. President, the conspiracy was complete to retain Kellogg in power, just as complete as when Attorney-General Williams telegraphed to the general commanding in New Orleans to carry out any mandate that might be made by the courts there in order to put Kellogg in power. The conspiracy was complete to secure the Legislature. He knew that without it he could not live. When I say live, I mean politically; nobody has hurt him. Whatever he may have done to others there, he is undisturbed, unmolested physically, and can live there for all time, I do not doubt, in his proper position—that of a citizen obedient to the law. Then that returning board, so constituted, and in fact having control of all elections in that State, sat for sixty days upon the returns; and of course, as it was ordered and expected, returned a majority of republicans, rejecting or amending returns of parish upon parish to do so. So palpable, however, were the cases of five parishes, where while they would not give certificates to the men elected, they did not give certificates to their political friends who were not elected, but referred their cases to the Legislature, but were certain enough to give certificates to a sufficient number for the organization of the house in the interests of Kellogg. The board, having secured a majority in the house, was then willing to throw some responsibility upon it in deciding upon the membership from these five parishes, whose members that board thought at least were practically excluded from the body.

You can see precisely the condition of things. Was there hope for any patriot; was there hope for any lover of law and order; was there hope of escape from such a government? None upon earth. It was to be perpetuated; and therefore, when the 4th day of January came, the day of the meeting of the Legislature, necessarily, naturally there must have been a feeling of the deepest intensity pervading all classes of that people; for it came directly home to them whether they were perpetually to be under this domination, never to be rid of it. With such a returning board, both houses in the condition we find them on that day, with Kellogg and his creatures in power, the question was whether, ever, and if so how were they to be relieved from this usurpation, from this misgovernment. The question with Kellogg, on the other hand, was whether he was to be any longer governor if the organization of that Legislature was democratic, and how such a thing could be avoided.

You may well imagine the feelings, the hopes, and fears of all. Arrangements were made for the return of a majority of republican members. Arrangements were made as early as December 26 to provide that soldiers of the United States be on hand; arrangements were made as early as December 26 to have General Sheridan there in order that responsibility might be taken in what was required to be done to keep in power the usurpers who were still determined to control the destinies of the people of that State. There was as deep-seated a conspiracy then as there was when Durell was to pass the order and the Federal troops were to be at the State-house to enforce it before it was passed. Sheridan was to do the work. Kellogg was to call on him to do it. When the conspirators found that there were weak republicans in that body, when by tact or energy or courage Wiltz was made speaker of and organized the house; when they found that this organization would stand and that soon their own fate might be determined, they were ready for the emergency, the Army was ready at hand to do their bidding, the Army did it, and we behold the consequences—a Legislature of a sovereign State disorganized, disbanded as to all useful purposes, and the conspirators masters of the situation.

Why, sir, can it be possible that we are to look upon this thing with any degree of patience? What do we behold to-day with all this before our eyes? I see before me the honorable Senator from Vermont [Mr. EDMUNDS] who read with unction the other day a telegraphic communication from General Sheridan to the Secretary of War, and I desire for one minute to call the attention of the honorable Senator to that communication and to a subsequent one which I would desire that honorable Senator to read. He called attention to this communication for the purpose of impressing the mind of the Senate with the views entertained by Sheridan, an officer in whose truth and in whose capacity to attain a knowledge of things in that State he had entire confidence, and he put it before the Senate for that purpose.

I know that honorable Senator. I know that he has a mind broad enough to comprehend the relations of a people to him as a Senator. He knows what it is to get information upon the relations of the people of Louisiana to the subjects now agitating the public mind, and yet he would seem to rely upon that given by one who just got there three days before this information was communicated. That honorable Senator, feeling the sensibility that must necessarily attach to an administration standing upon ground so unstable as the present, felt the importance of depending upon some one that had a name and that had a fame in order to strengthen still further wrong impressions as against those unhappy people. He did it, but I appeal to the honorable Senator whether that statement of Sheridan's can possibly and

naturally be true. Take the time he was there, with the number of facts connected with the whole matter, with his general want of knowledge of political complications and particularly of the relations of that people to this Government and of their own rights, besides the fact that not a single act of violence or defiance had been committed while he has been there! He must have come to his knowledge by intuition. With charges more comprehensive than Burke's against Hastings, he maligns a whole people with crime.

I give the communication of Sheridan made to the Secretary of War, which was read by the honorable Senator, at length:

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
New Orleans, Louisiana, January 4, 1875.

Hon. W. W. BELKNAP,
Secretary of War, Washington, District of Columbia:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people all security usually afforded by law will be overridden. Defiance to the laws, and the murder of individuals, seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest.

I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General.

He regrets to state that there is a spirit of defiance to all lawful authority, and insecurity of life, which is hardly realized by the General Government or the country at large!

How did he ascertain that fact? What does the honorable Senator consider "lawful authority" in the city of New Orleans? The Legislature in session! Kellogg installed by Federal bayonets. "Lawful authority" in the city of New Orleans! I assert here to-day, I assert it as a fact which the honorable Senator from Louisiana [Mr. WEST] will not deny, that peace and order prevailed that day, the 4th of January, in the city of New Orleans, that there was no man slain, that there was no man molested or disturbed in any way by the people—if so, name him; that there was no man murdered—if so, name him—on that day, or days preceding or days subsequent.

Mr. WEST. O, yes.

Mr. HAMILTON, of Maryland. There may have been one; who was he?

Mr. WEST. There was an officer of the United States Government, an assistant appraiser in the custom-house at New Orleans, walking peaceably along the street, who was mistaken, it is supposed, for a member of the Legislature and was shot down; and nobody discovered who did it, and nobody was arrested for the crime.

Mr. HAMILTON, of Maryland. There was one man shot. Any other? Let us understand it.

Mr. WEST. I do not know that that particular bullet hit anybody else; but I will tell him that the most prominent judge of a criminal court in the city of New Orleans has been missing for five days, and that nobody has been able to discover his whereabouts. He is a republican also.

Mr. HAMILTON, of Maryland. I will tell you one man that is not missing, and has not been missed since the first day of trouble in Louisiana, that is Kellogg. Durell is not missing—not in that sense. Packard is not missing. It is an important matter that Kellogg should be there; and he is there, and nobody disturbs him. Where are the assassins in New Orleans? Why do they not strike at Cæsar, instead of an humble colored man or individuals so humble whose names cannot be given? Your legislators are there; are any of them slain or in anywise disturbed? You, sir, live there, are with these people, denounce them on this floor, and you appear here session after session. You are not disturbed nor do you fear that you will be. I know of no man prominent in the politics of that State who has been molested in any way. If there has been one, name him. Dibble is there, Durell is there, Kellogg is there, Pinchback is there, Packard is there, Casey is there; yes, amid all the blood and murder in the State of Louisiana and in the city of New Orleans, these men, these Cæsars in political power stand out in prominent view before the public unharmed and untouched; but the honorable Senator will get up here and, for the purpose of sustaining the "outrage business," tell us of one man slain, of another shot at by mistake, and of some judge of some criminal court missing, not heard from for five days, and a republican—not an unusual thing these days for men to be missing and republicans too; and yet no one believes they have been murdered.

Mr. WEST. Will the Senator from Maryland pardon me if I will furnish him another instance? Does he desire me to do it? I do not want to interrupt him.

Mr. HAMILTON, of Maryland. I have no objection. It is not very hard, I suppose, for the honorable Senator to find another instance. They are so plenty down there, there are so many assassins and murderers there, that there ought not to be much trouble in finding any number; but let us hear it.

Mr. WEST. I think the Senator has called upon me to cite some instances. I will cite him another. An ex-governor of that State, because he was striving to defend the rights of the colored men in the city of New Orleans, was brutally stricken down by the editor of a democratic paper and had to protect his own life by taking that of his assailant.

Mr. HAMILTON, of Maryland. I think the Senator is referring to his friend Warmoth. [Laughter.] But I do wonder that the honorable Senator gets up to defend Warmoth at this day. I remember well the time when we heard eulogies from that honorable Senator upon Warmoth. But I was under the impression that all that belonged to the past, and was not prepared to hear the Senator defend him to-day. It shows what we are able to do when we are willing. The Senator is now speaking about a street fight between Warmoth and some editor. Remarkable instance, indeed, to which I am referred for murder and assassination! This is an occurrence not confined alone to New Orleans, I would say to the Senator; not at all! Even editors at times fight one another.

But let us see what the Senator did say of Warmoth at one time:

By his statesmanship he has evolved order out of chaos; by his determination he has subdued the spirit of misrule; by his conciliation and magnanimity he has disarmed political enmity of much of its rancor; and by his fidelity to the high duties of his office he has set a noble example to the chief magistrates of other States which it would be well for the peace and welfare of our country should be followed. He is himself the impersonation of the success of the reconstruction measures of Congress and republican principles when faithfully and ably administered.

That is Governor Warmoth as drawn by the honorable Senator from Louisiana three years ago. Drawn, too, with all the emphasis I judge the Senator could command.

Mr. WEST. O, yes, three years ago.

Mr. HAMILTON, of Maryland. You have not changed your opinion about him, have you?

Mr. WEST. Not about his actions at that time.

Mr. HAMILTON, of Maryland. But since?

Mr. WEST. Since then, most assuredly.

Mr. HAMILTON, of Maryland. Just see the evasions, the subterfuges of honorable Senators on the other side when they undertake to put assassination and murder upon the good people of New Orleans; and, when called upon to be specific, the Senator from Louisiana, himself living in New Orleans, did mention but one instance, and did not give the name of the murdered man at that! True, he gave us a man shot at and missed, another missing, and a street fight between an editor and a politician. I refer the Senator to New York and all other cities in the country for a far better exhibit in the murder and assassination business than New Orleans can furnish. But one is named, and that an unsatisfactory one; to name but one amid all this bloody work! I would call the attention of my honorable friend from Indiana to that impressive fact.

Mr. MORTON. Of what is the Senator speaking?

Mr. HAMILTON, of Maryland. I am speaking of the condition of things since the Penn troubles in the city of New Orleans. I am referring to the times when you undertake to say there was tumult and disorder, murder and assassination and violence, in the city of New Orleans.

Mr. MORTON. Will the Senator state how many were murdered on the 14th of September?

Mr. HAMILTON, of Maryland. O, we understand that. The 14th of September was an open conflict between citizens and citizens—a movement of masses of people.

I am talking about murders and assassinations. I am talking about that which is held up with so much passion to the indignation of the American people to move the honest hearts of that people against their brethren of the South. We know what murder—what assassination is. We must not mix them up with a conflict of masses of people. Greater motives impel them, greater reasons are behind them than can inspire the hand of the assassin and of the murderer. I am speaking as to that which honorable Senators on this floor have charged upon the people of New Orleans and Louisiana, and not as to the struggles of an oppressed people to rid themselves of their oppressors.

But I have been led away from the course of my remarks by interruptions, but to which I do not object. Now allow me to call the attention of my honorable friend from Vermont to another fact in regard to General Sheridan. He read, as I have already said, from General Sheridan to show you the condition of the people of Louisiana, their spirit and conduct. Having relied upon Sheridan for a statement of facts, I would ask my honorable friend whether he relies equally upon him for his law? I am sorry that that honorable Senator is not now present, but if he relies upon Sheridan, who, by his intuitive sagacity, can apprehend facts unknown to others, and by his all-wise comprehension and broad intellect solve their relations at once, can in four days measure the conduct and motives and spirit of the people of New Orleans and of Louisiana, I would like to know whether he would be disposed to attach that same sagacity and comprehension to his knowledge of the law. Here is Sheridan on law. Let me give it at length, and then a few comments:

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
New Orleans, Louisiana, January 5, 1875.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair-dealing established by the arrest and trial of the ringleaders of the armed white-leaguers. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. This banditti who murdered men here on the 14th of last September, also more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti that no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

Says Sheridan:

I think the terrorism now existing in Louisiana, Mississippi, and Arkansas—

He has not been in either Mississippi or Arkansas—

could be entirely removed and confidence and fair-dealing established—

Fair-dealing between such men as Kellogg and those under and around him in the State of Louisiana!—

established by the arrest and trial of the ringleaders of the armed white-leagures.

"By the arrest and trial of the ringleaders of the armed white-leaguers!" Who are they?

If Congress would pass a bill declaring them banditti, they could be tried by military commission.

A military commission, Mr. President, do I read? Let me pause. A military commission was one of the appliances, the horrid appliances—I will not speak of the civil war; it is gone, it is to be hoped, forever. Its use will forever remain a blot upon the fair fame of American liberty. It will not out. Our birthright, coming to us from our English ancestors, an institution wrought out by wisdom and experience and maintained by their valor—the trial by jury; and as history is written, and as it goes down the tide of time, every lover of liberty in all time to come will be referred by it to the black night that closed over for the time American liberty, free institutions, and constitutional forms of government. A military commission! My honorable friend upon the other side has great confidence in Sheridan's intuitive knowledge of what occurred in the State of Louisiana in four days. He is a lawyer, and a profound lawyer, and particularly apt in drawing statutes; will he draw for his friend Sheridan a statute that shall comprehend these banditti, and put them in the safe-keeping and tender mercies of a military commission? But, not that alone. This general who has been sent down by the President, in view of the organization of this Legislature, to deal with the rights and liberties of a free people, does not stop there. He goes a little further. If my honorable friend should fail, with all his conceded ability in framing statutes, to meet Sheridan's views, and Congress should do nothing of the kind, then says the soldier and lawyer:

It is possible that if the President would issue a proclamation declaring them banditti, that no further action need be taken except that which would devolve upon me.

Republican Senators may smile themselves at this. All that is wanted now under our form of government is for the President to declare them banditti! Here is an officer high in military fame, high in the ranks of the Army, sent upon a special mission. Suppose the President should be capable of declaring these people banditti, and let the balance devolve upon him; think of it. Has it come to this? I suppose he would have those people left to him as were the defenseless Piegans. Has it come to this, that the President of the United States is thought able to declare citizens of the United States banditti and that a military officer of the United States has then the power to do the balance of the work? It is shocking to the sense of a common humanity; it is shocking to the sense of every American citizen, and every lover of liberty throughout the world; and shall nothing be done? Shall we, the guardians of constitutional government, sit supinely by? Shall there be no movement on our part, on the part of the American people, to arrest the progress of military arrogance and of military despotism and of military power? Are we to sit here and see a military officer high in the Army in flaunting words advise the President to declare a class of men banditti, and to leave to him the execution of the balance?

Mr. President, I do not mistake the condition of things which surround us with such a feeling and such a sentiment. With that same sentiment to-day, do you believe it, the President at the other end of the avenue could order that same general into your Chamber and disperse this Senate? Do you believe it? He would do it, if ordered to do it. That general is capable of doing it to-day, and I say now, notwithstanding the States, their governors, and their people and their power of resistance, to-day the President of the United States, defenseless as we are here in this Capitol, could have Sheridan march a file of soldiers into this body and into the House of Representatives and disperse them at the point of the bayonet. I am talking not about what is to be done—I am talking about what could be done to-day with this body and with the House in view of the powers claimed by soldiers of the country. President Grant may not be a Cæsar, he may not be a Cromwell, he may not be a Napoleon; but he possesses to-day the power of all three. He possesses the regular Army of the United States, taught, educated as part of their discipline, to obey him. He can direct that Army against any man or class of men or against anybody in this country, and he will be obeyed. I tell you that an officer of the Army of the United States who under the order of the President would enter into the legislative halls of a sovereign State and arrest or disperse its members is equally capable of entering into these halls and driving the Senate and House from this Capitol. I tell you that this body is not higher in responsibility, is not greater in degree, than the Legislature of a sovereign State, and the regular soldier that enters there under the order of the President of the United States either to organize or disperse that legislature is competent to march into either body here, and the day may come, unless the pure spirit of American liberty still survives, when amid troubles and disorder and violence some aspiring Cæsar, Cromwell, or Napoleon at the other end of the avenue may require the arrest of some or the dispersion of all the members in both Houses of Congress, and the regular Army, taught as it is now, will do it if ordered.

Here lies our great trouble and our greatest danger. I am not opposed to the regular soldier as a soldier in the discharge of his duties. But we know that he is in sympathy entirely with the Federal Government and entirely obedient to Executive authority. At West Point, in this respect, they are taught simply obedience to the President as their Commander-in-Chief; never taught reverence for the Constitution and the laws as supreme over all. They obey, they will execute any order coming from superior officers. Were the President but to declare these people banditti, with Sheridan willing to execute in the spirit he wrote, his orders would be obeyed whatever they might be, however barbarous, however repugnant to liberty and law they might be, rather than as honorable men first and soldiers afterward lay down their swords. Notwithstanding the education of the day and the training at West Point, I hold it to be the first duty of a true American soldier, whether he be of the regular Army or of the militia, when his commanding officer would undertake to command him to strike down American liberty, the Constitution and laws of the land, that he should rather suffer degradation than obey it. He is to be the judge, true. And he does it upon the grave responsibility whether he be right or wrong; but no one that is fit to be an American soldier can fail to know that to refuse to obey an order to disperse the Congress or any one of the Legislatures of the States is to discharge the highest duty he owes to his country.

I depend upon the militia of the States and the people of the States, who are in sympathy with our forms of government and are willing to discharge all the rightful duties required upon the part of the Executive, in the execution of the laws.

Now, Mr. President, a little longer, and then I am done. I wish to call the attention of the Senate to another dispatch from General Sheridan, and which does not appear to have attracted the notice of Senators upon the other side of the Chamber. You may think I am alarmed about soldiers. I do not care for them generally. I prefer people in the other pursuits of life. Physical courage is a very common thing; everybody has it in a greater or less degree. You may say that man is a brave man; you may say that of many—of millions in the United States. All men will fight; there are very few that will not. There is hardly any man anywhere who will not fight on a proper occasion or when pressed to it. History, from its earliest dawn to the present, is but little more than an uninterrupted fight among men of all nations, tongues, and color upon the face of the earth; its pages from remotest antiquity are but repetitions of battles, sieges, victories, slaughter, carnage, pillage, suffering. So that men who are brave, and who are not afraid, have been found everywhere, are found to-day, and will be found in all time to come.

Mr. President, I suppose there is no doubt about the authenticity of these dispatches. They appear to come through the Secretary of War. The truth is, when I first read these dispatches of General Sheridan I could hardly believe them to be genuine. I thought they were manufactured—got up for the occasion. I could not believe them to be true, and was disposed not to give credence to them; but then I did not know Sheridan. It appears our friends did on the other side believe them to be genuine, and used one—only one—to help them. I read it as it is:

NEW ORLEANS, *January* 6, 1875.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

The city is very quiet to-day. Some of the banditti made idle threats last night that they would assassinate me because I dared to tell the truth. I am not afraid, and will not be stopped from informing the Government that there are localities in this department where the very air has been impregnated with assassination for some years.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

A fit dispatch, indeed, to follow the others! Yes, sir.

The city is very quiet to-day.

When was it otherwise? The 14th of September, says my friend from Indiana—

Some of the banditti made idle threats last night that they would assassinate me because I dared to tell the truth.

Because I dared!

I am not afraid—

Who ever said he was? Nobody ever supposed, nobody ever charged, that General Sheridan was "afraid;" afraid, too, at that, "of idle threats." He felt it to be his duty to announce to the Secretary of War that there were "idle threats" made "by some" whom he describes "banditti." He does not name them. Did he hear these "some" himself, or does he get this information as he got that contained in his first dispatch read by the Senator from Vermont? They made "idle threats" to assassinate him. If he knows them to be "idle," where is the trouble? But, forsooth, "I am not afraid!" Further the general says:

Will not be stopped from informing the Government that there are localities in this department where the very air has been impregnated with assassination for some years.

Indeed! The very "air has been impregnated with assassination for some years!" How does General Sheridan know that the air is impregnated with assassination, and for so long a time? He is not

"afraid" of anything on earth, especially "idle threats." He then takes wings for the air, and finds there what is far worse than "idle threats;" that it is impregnated "with assassination," and has been for some two years. Think of it, that he should be the commander of that important department of the country to take care of the interests of the people! Unfit as a military man, unfit as a man simply to take care of any people, much less a people situated as they are. Afraid! I would ask my honorable friend from Louisiana [Mr. WEST] why afraid? Though my honorable friend does denounce those people, he does it in a political sense and for political purposes, and I know and he knows that he is not "afraid" to be among them any more than Sheridan. There is no one there to assassinate the honorable Senator from Louisiana, who, when he returns from his home in New Orleans to this Chamber, is always looking better than when he left at the close of the session for his home in New Orleans, where all this blood and murder and assassination is going on. If this were all true as depicted in this Chamber, I would look for some of its effects upon the nervous sensibilities of the Senator. I see none; but cool and calm, his own looks tell us that he is not afraid. Kellogg is not afraid, Dibble is not afraid, Packard is not afraid, Casey is not afraid, and why should Sheridan be afraid? All these people live there, nobody is assassinated, and nobody is disturbed, nobody is molested in their lawful pursuits.

Can it be conceived that we are living in such times that we have generals at the head of our armies announcing such sentiments of ill-will and of hatred against those people? I know that republican Senators on the other side of the Chamber are not any more in favor of military rule or of mere soldiers being at the head of the Government than I am; but when the time comes, with the weakness of human nature they think that they are able to use a soldier for the accomplishment of a political object, and there end it. The prize is the control of over $400,000,000 a year, besides the countless offices, and having place and position here for themselves is something; and if they can secure the aid of a military chieftain who may possess personal popularity in obtaining all this for them, while he has for his share the other end of the avenue, it is something for all; but the republican masses do not want the rule of men like Sheridan over them any more than do the people of Louisiana, and our republican friends upon the other side of the Chamber will soon discover that.

If Senators were in the situation of those poor people and saw a government put over them against their will and put under the absolute control of the colored element, under the lead of carpet-baggers and other bad men, their property squandered, their little ones suffering, their estates gone, without law, without order, and without judgment in the land, I am sure my honorable friend from Indiana would himself be among the first to complain too, and he would resist. I know his spirit too well. He would not tamely submit to the usurpations, wrongs, and crimes that prevail now in the State of Louisiana. No; his heart would beat as the heart of a free man, his nerves would be strong against oppressions of that kind, and he would use all the means in his power to get rid of such a condition of things. My honorable friend from Louisiana has agreed, it is admitted on all hands, that there is poverty and wretchedness among all classes in the State of Louisiana; that the people are poor; that their estates are gone and business is gone; that now the city of New Orleans is almost a waste; no business, no energy, no enterprise.

What shall be done to lift up this poor people? They are proud, patriotic, and good men. They fought you on a principle, but since they have laid down their arms they have been obedient to all law, State and Federal. They may have troubles among themselves, and quarrels, and disturbances forced upon them—with that we have nothing whatever to do—but in their relations to the Federal Government they have been true and faithful to every obligation they took when they laid down their arms. They fought you gallantly in the field, and they now desire to be friends in peace; and will you not give them peace? Lift up their prostrate hands. Allow them to control their own domestic affairs. Let them rid themselves of the men who now thrust themselves upon them, and with our aid, and once more there will be peace throughout the land, not only in the State of Louisiana, but peace within our whole borders; and leaving localities and States to attend to their domestic and internal concerns and thus having our noble democratic institutions in full working order, we can meet here as brethren of one nation, to attend to the common interests of a common and a glorious country; and why should we not do it without oppressing a portion? The oppression of one is the oppression of all, and the disorders to-day in Louisiana, Mississippi, and South Carolina are felt throughout the entire land. Our whole people suffer when they suffer; and why should not we as a homogeneous people, as a people consecrating our lives, our fortunes, and our sacred honor to the maintenance of free institutions and of our Constitution and form of government, be just to all classes of our people and to all portions of our country, and leave them free in their various localities to pursue the paths of life as to them it shall be deemed best and most judicious? I feel that with such a policy the heritage of our fathers will be transmitted to our children, a blessing to generation upon generation of a free, powerful, and happy people.

Mr. BAYARD. Mr. President, I desire to submit some remarks to the Senate on the pending resolution, but understanding that there is a desire for a short executive session, I will yield the floor to that motion.

Mr. PATTERSON. I was going to make a motion that the Senate adjourn.

Mr. BAYARD. If that is the desire of the Senate, I will submit a motion to adjourn, leaving this the unfinished business, so that I shall have the floor to-morrow. Therefore I move that the Senate do now adjourn.

The VICE-PRESIDENT. Will the Senator withdraw the motion for a few moments, that the Chair may lay before the Senate certain House bills for reference?

Mr. BAYARD. Certainly.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

The bill (H. R. No. 103) granting the Memphis and Vicksburgh Railroad Company the right of way along the river bank at the national cemetery at Vicksburgh, Mississippi;

The bill (H. R. No. 1678) to provide for post-quartermaster-sergeants;

The bill (H. R. No. 2724) for the relief of certain States and Territories, on account of ordnance stores issued to them during the late civil war;

The bill (H. R. No. 4187) to donate certain artillery equipments, &c., to the trustees of the Soldiers' Orphans' Home of the State of Illinois;

The bill (H. R. No. 4188) to release the Fort Butler military reservation;

The bill (H. R. No. 4185) for the relief of Brevet Brigadier-General B. S. Roberts; and

The bill (H. R. No. 4190) for the relief of William H. Carmen.

The bill (H. R. No. 3823) making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876; was read twice by its title, and referred to the Committee on Appropriations.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. No. 1044) to provide for the resumption of specie payments; and it was thereupon signed by the Vice-President.

EXECUTIVE SESSION.

Mr. SARGENT. The Senator from Delaware gives way in order that we may have a short executive session. I ask the Senate to proceed to the consideration of executive business.

Mr. BAYARD. I withdraw the motion to adjourn that the Senator from California may make that motion.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 7, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

KLAMATH INDIAN RESERVATION.

Mr. NESMITH, by unanimous consent, introduced a bill (H. R. No. 4193) to adjust the claim of the owners of lands within the limits of the Klamath Indian reservation, in the State of Oregon; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TROUBLES IN LOUISIANA.

Mr. WHITE. I ask unanimous consent to introduce the following resolution:

The Clerk read as follows:

Resolved, It is the sense of this House that the President is entitled to the grateful confidence and cordial support of the country for the prompt and efficient measures for the prevention of violence and wrong and the maintenance of law and order in the State of Louisiana, and we pledge him our hearty co-operation in sustaining his efforts in that behalf.

Mr. BROMBERG. I object.

Mr. BECK. Let us have the yeas and nays on it.

Mr. BROMBERG. I withdraw my objection.

Mr. CALDWELL. I object.

Mr. BROMBERG. I feel it to be my duty also to insist on my objection to the resolution.

LAWRENCE WILLIAMS.

Mr. SMART, by unanimous consent, introduced a bill (H. R. No

4194) to restore Lawrence Williams to the rolls of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPTAIN WILLIAM MAYNADIER, UNITED STATES ARMY.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 4195) to authorize the President to appoint Captain William Maynadier to his former rank in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID M'CLELLAND AND OTHERS.

Mr. DUELL, by unanimous consent, introduced a bill (H. R. No. 4196) for the relief of David McClelland and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEW HAVEN HARBOR.

Mr. KELLOGG, by unanimous consent, submitted the following resolution.

The Clerk read as follows:

Resolved, That the Secretary of War be requested to make report to this House of surveys already made in regard to the expediency of widening and deepening the main channel of New Haven Harbor, Connecticut, to a depth not exceeding twenty feet; and also the expediency and estimate of the expense of a breakwater between the eastern shore of the entrance of said harbor and the Southwest Ledge, so called, or such part of said distance as may be found most convenient or necessary for the protection of said harbor.

Mr. HOLMAN. I must object unless the resolution is referred to the Committee on Commerce.

Mr. KELLOGG. I agree to its reference, although it only refers to surveys already made.

The resolution was referred to the Committee on Commerce.

CURRENCY.

Mr. BECK, by unanimous consent, introduced a bill (H. R. No. 4197) to provide a uniform currency, for the retiring of national-bank notes, for the resumption of specie payment, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

RECUSANT WITNESS—RICHARD B. IRWIN.

The SPEAKER. The Chair has received from the hands of an attorney the petition of Richard B. Irwin, now in confinement by order of the House. He has glanced over it, and seeing nothing disrespectful in it, lays it before the House for consideration.

The Clerk read as follows:

WASHINGTON, D. C., *January* 7, 1875.

To the House of Representatives of the United States:

The undersigned, your petitioner, begs leave respectfully to represent that his confinement in the common jail of the District of Columbia, as ordered by the resolution of the House yesterday, will operate with peculiar severity and hardship on his physical health, already so greatly enfeebled as to render punishment of that kind closely akin to torture.

He understands from the debate that accompanied the resolution, that the imprisonment is not intended by the House of Representatives to be punitive, but merely as a safeguard for reappearance when wanted before the Committee of Ways and Means or by the United States district attorney, to whom his case is to be duly certified according to law.

Whether intended or not as a punishment, it will be readily seen that confinement of this character necessarily operates as a punishment in advance of the judicial trial which is to determine whether your petitioner has committed any offense against the law

Your enlightened body would never conceive of applying the rack, the thumbscrew, the boot, or red-hot pincers as a means of extorting an answer to questions, and yet it will readily occur to you that a witness in the physically prostrated condition of the undersigned, must find in a damp, cold, ill-ventilated prison, and in the unnecessary indignity connected therewith, a torture differing only in degree from the cruel modes referred to.

It has been said that this punishment cannot be cruel, because the witness can terminate it at will. That is equally true of the thumb screw and the rack.

The undersigned begs leave further to represent as informed, by counsel and as he fully believes himself, that the course adopted in this case is unusual and exceptional.

No witness in contempt of either branch of Congress since the passage of the act of 1857 has been thus treated.

The cases are quite numerous where the alleged contempt has certainly been of as grave a character as that with which your petitioner is charged. And yet in no other case has the common jail been specified as the place of confinement, but in every instance the witness has been left simply to the responsible custody of the Sergeant-at-Arms.

It was stated yesterday in debate that Simonton was sent to jail. Your petitioner is informed that not only is this statement not exact, but that in fact the House refused to name the jail as the place of custody. In Stewart's case, in the last Congress, the motion to send him to jail was voted down by a very large majority; yet these were witnesses in the flower of health, whose testimony on the questions they refused to answer was so essential to the prosecution of the inquiry, that the proceedings were virtually arrested by such refusal; whereas your petitioner is in feeble health, and his answers to the inquiries at issue are no longer necessary to the prosecution of the investigation, which has not been arrested for a single day by his refusal, and all of the evidence is being elicited from other sources.

Wherefore your petitioner most respectfully and earnestly asks that the order for his confinement may be changed so far as to conform to the uniform usage in like cases, and so as not to inflict a severe and possibly dangerous, and certainly unnecessary, punishment in advance of his being found guilty of any offense under the law.

And, as in duty bound, your petitioner will ever pray.

RICHARD B. IRWIN.

The SPEAKER. If there be no objection, the petition will be referred to the Committee on Ways and Means.

Mr. DAWES. Mr. Speaker, is the matter debatable?

The SPEAKER. If the gentleman from Massachusetts proposes any action it will be debatable.

Mr. DAWES. For the purpose of saying a few words I will move that the petition be printed. I shall withdraw that motion when I have finished my remarks.

I desire to say, as representing the Committee on Ways and Means, that they have no desire to renew the discussion of yesterday before the House. The witness has appealed from that committee to the House, and after having taken the judgment of the House yesterday has come in here this morning and criticises the action of the House. The committee do not believe that they have any further responsibility in the matter. If the House desires to sit patiently and have its judgment criticised in the manner in which it is criticised in that paper, and desires to reverse it under those circumstances, the Committee on Ways and Means have no occasion to complain. They have brought all their action from time to time before the House, and have in every step of it received the support of the House. They yesterday submitted this whole matter to the House, and by a very decided vote the House took the action which this witness sees fit this morning to criticise in the terms that he has used. If the House deem it proper to now reverse that action, I do not feel called upon, as representing the Committee on Ways and Means, to say one word further. The committee will take it as instructions on the part of the House to the committee to abandon any further investigation. I withdraw the motion to print.

Mr. MAYNARD. Before the gentleman withdraws his motion will he yield a moment to me?

Mr. DAWES. I yield to the gentleman.

Mr. MAYNARD. Gentlemen will recollect that yesterday I sought to amend the resolution which was introduced by changing the place of confinement from the jail of the District of Columbia to the usual receptable for such persons in the crypt in this wing of the Capitol. I was clearly of opinion that every necessary purpose would be accomplished by making that change. I made the best presentation of the matter that I was capable of doing, and submitted to the House a precedent that occurred in the last Congress. The reasons that I urged were not deemed by the House to be sufficient. On what we must assume to be full consideration, certainly after considerable discussion, the House decided upon the action which was finally adopted. That presents the question, Mr. Speaker, in an entirely different aspect; whether, having deliberately come to the judgment, we shall adhere to it, or shall present the appearance of fluctuation, inconstancy, want of knowledge of the effects of our own action, and generally whether we are sincere and earnest, and really mean the action we take. In that view of the case, Mr. Speaker, I should be wholly unwilling to seek any modification of the action of yesterday.

Mr. TREMAIN. This witness holds the key to the door of the jail in his own pocket, and I move to lay the communication on the table.

Mr. ELDREDGE. Mr. Speaker, it seems to me that this question is not precisely as the chairman of the Committee on Ways and Means has endeavored to represent it to the House. I do not look upon the petition of the prisoner as a criticism upon the action of the House. It is the mere exercise of the American right of petition.

It may have been known to the House that this man was in feeble health. I am not aware, however, that that fact was communicated to it in connection with the consideration of this subject so that we were officially informed of it. And this is the burden of his petition, representing the condition of his health, and showing, I think, in proper words that imprisonment may endanger not his health alone but his life. Is that right to be denied to a man situated as he is, and must it be looked upon as an imputation on the judgment of the House that he comes here and in respectful terms presents his case to the House and asks its consideration? And shall we from some unnecessary sensitiveness, as I think, undertake to make it appear that that is a criticism of the judgment of the House? Is there anything in the language of that petition that is not entirely respectful and proper? I was unable to observe a word in it that was not in proper terms, that was not respectful to the House, that was not a proper presentation of his case, asking the House to consider it. And shall we turn him away with contempt because perchance in presenting his case, there may be some terms that would seem to be criticisms of the action of the House? I trust not. Let us, at all events, give him a fair and candid hearing, and see whether we shall apply imprisonment in the county jail, or, as he suggests, any other unusual punishment to him, when, if he has committed a crime against the laws of his country, the time will come when upon the judgment of the proper court, having been tried by his peers and according to law, he may receive proper punishment.

Mr. DAWES. I did not mean in using the word "criticism" to say that he had used any words disrespectful to the House of Representatives, for I do not think he has done so.

The SPEAKER. The Chair, in laying the petition before the House stated that as in all such cases he had looked over it to see if it contained any language disrespectful to the House; and had there been in the petition any language in his judgment disrespectful to the House, he would not have submitted it.

Mr. DAWES. I did not intend in the slightest degree to intimate that the witness had used any language disrespectful to the House. I meant by the word "criticism" to mean simply that he argued against the decision of the House and criticised the justice of its decision. I am willing to admit and am glad to admit that he has done it in respectful language; but still it is a criticism on the judgment of

the House. In speaking for the Committee on Ways and Means, I desire simply to have the judgment of the House; and if the gentleman from New York [Mr. TREMAIN] renews his motion, I will be obliged to the House if they will have a yea and nay vote on it, so that we may understand if the House desires to discharge this witness. If so, we have not the slightest desire to interfere. I yield for a moment to my colleague on the committee from New York, [Mr. ELLIS H. ROBERTS.]

Mr. ELLIS H. ROBERTS. Mr. Speaker, if the witness had submitted in his petition any reason why the House should retrace its steps of yesterday, I for one would be glad to consider the reasons which he submits. He pleads that his health is poor, and for that reason confinement in the common jail would be in the nature of torture; but that common jail, Mr. Speaker, is the place where persons are confined who are not charged so seriously as this witness is charged before this House. There is no close confinement required by the resolution of the House. He is simply to be placed in the common jail, and already the papers are eloquent on the provisions that are to be made for his comfort at that place. I am not here to ask that he shall be denied the comforts which his health may require in the common jail, but I for one feel that there is in his petition no reason why the House should retrace its steps, and I for one desire that the House shall take the responsibility of saying whether or not a witness testifying what he has done shall be permitted to stop just there and then to dictate to the House what course the House shall take with reference to him.

Mr. DAWES. I yield for a moment to my colleague from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I was unfortunately absent last night, or fortunately perhaps for myself, when this debate took place and when the action of the House was had. I have read that debate in the RECORD of this morning, and I now find that a new reason has been put forward by the witness which I think appeals to the justice and humanity of the House. He says that he is conscientiously in the belief that this House has not jurisdiction over him under the laws of his country, and that the House has appealed to those laws to try him for his offense, and he says that he, following what he believes to be his right, thinks that we ought not to treat him any worse than a murderer would be treated before a court of justice. If a man accused by a grand jury of his country or by a coroner's jury of murder comes before any court in the United States and shows that his health will be prejudiced and injured by close confinement, there is not a State in this Union where the highest court will not allow him to be bailed.

Mr. DAWES. The gentleman is mistaken, I think. It cannot be done in the State of Massachusetts.

Mr. BUTLER, of Massachusetts. Pardon me; my colleague says that it cannot be done in the State of Massachusetts. Let me tell him that the supreme court of Massachusetts, in the case of William Gray in the year 1832, he being a man of full habit and being accustomed to out-door exercise, and making affidavit, supported by his physician, that he would be injured in health by close confinement, admitted him to bail. He was on trial for abortion, which, at that time was a capital offense. And the same thing has been done to my certain knowledge in two other cases. It was done in the case of Simons, where the party had been twice tried and the jury had failed to agree. He was discharged on his own recognizance. That I say is the rule, and the rule in every State in the Union and in the courts of the United States.

This man comes here and says, "Owing to an unfortunate fall, being thrown from my carriage in California, I have been in a condition so that my health is easily impaired either by excitement or other physical causes." That fact he made known to the House before. There is no accusation against him, and to this I challenge reply, and let us here it if there is any, that he ever intended to avoid process or has avoided process. No process was ever issued until the 10th of December, so far as I can learn, against him, and upon that he was immediately found sick at his home, and he came at such time as he could to attend the sessions of the Committee on Ways and Means. That committee reported to the House of Representatives that they were satisfied he acted in good faith. He came here, and there is no man yet who has undertaken to show, so far as I know, that so far as he has answered he has not answered the precise truth; on the contrary, I think that it will be agreed that he has answered the precise truth. Now then he says, "I do not believe I am called upon to answer further; that is a right I want to contest."

What is the answer of the House of Representatives? "Sir, if you attempt to contest that right in court, you shall do it at the peril of your health by being confined in the common jail." That is the answer. "You shall be put where your health will be in peril." Now, is that an answer fitting the House of Representatives of the United States? Pause and reflect.

Mr. Irwin to me is nothing more than the x, y, and z of an algebraic equation, to be wrought out fully and properly in the problem. I have neither fear of his disclosures, nor love for him. He was an officer in the Army, not serving under me. He is now doing what he claims he has a right to do. The courts will punish him under the law of the land for what he has done, if he has done anything wrong. Under these circumstances he comes and in respectful language, as you yourself say, Mr. Speaker, and as it is admitted here, and says to the House of Representatives, "I am in such a condition of health"—and that is a fact that can be ascertained—"that imprisonment is torture." Yet the proposition is here made to torture him. To that I for one cannot agree; to that I for one will not consent.

I know that at times where there is great occasion all bad precedents have been set. I look upon this as a bad precedent, that without examination, without calling a physician, without ascertaining whether we shall have murder added to our other good qualities in this House, if the man dies in jail—without any examination, we are told that we cannot even for a moment re-examine this question of personal liberty. The whole world was convulsed by the order of Bismarck subjecting Van Arnim to imprisonment. We were told, "Look at the operation of German institutions with her emperor." Yet here in America, in the United States, in this Capitol, under the statue of Liberty, we propose to put a sick man to torture in order to force testimony from him. The Inquisition, the Neroes of the Old World, never have done anything worse. A republican majority in the House of Representatives are setting an example to those who will occupy these seats hereafter in the majority, in which I trust in God there will be too much of the democratic love of liberty which I inherit for them to follow. I hope they never will follow it, although we give them great provocation.

Let me suggest this: This man is now in the custody of the Sergeant-at-Arms. Instead of laying this respectful petition on the table—and we all remember when under the lead of John Quincy Adams this House spent three mortal weeks in discussion as to whether the petition of a slave should be laid upon the table without debate, and it was decided in the negative—I say that instead of so treating the petition of this man we should refer it to a committee, and that committee should ascertain through a proper physician whether his health will be harmed by this confinement. And if his health will be harmed I cannot doubt that there is no committee of this House that will refuse to then say that he shall not be imprisoned where his life may be sacrificed. But if that committee shall find that this is a delusion and a cheat on the part of this man, and that he is trying to play the sick man, then send him to the common jail or elsewhere. And although I doubt the power, yet for one I will not interpose.

Therefore, if I am permitted by the gentleman from New York, [Mr. TREMAIN,] who has indicated his purpose to move to lay this petition on the table, I will move to refer it to the Committee on Ways and Means, with instructions to ascertain if the health of this man will be injured by this confinement, whether it will be substantially and materially injured, and to report to this House what action should be taken thereon.

One single other word. I was sorry to hear my friend and colleague, the chairman of the Committee on Ways and Means, [Mr. DAWES,] say, in the nature of a threat, what was much worse than anything I have seen from this witness in the nature of a criticism; that unless we put this sick man in jail, the Committee on Ways and Means would take it as instructions to them to stop this investigation. Why can we not legislate without being threatened? I cannot conceive what the chairman meant by that.

Mr. DAWES. Will my colleague allow me to state——

Mr. BUTLER, of Massachusetts. Certainly.

Mr. DAWES. I will tell my colleague, who was unfortunately absent yesterday, what I meant. I argued to the House on yesterday that it would tie our hands, so that we could not get on with the investigation; that is what I meant.

Mr. BUTLER, of Massachusetts. Pardon me; let us examine that for a moment. That is, if Irwin is in jail they can investigate; if he is anywhere else they cannot investigate. Now, the logic of that is a little mysterious. It is a sort of magnetic connection they desire to establish with him. If they cannot have a man in jail, they cannot investigate!

I find in reading the debate of yesterday that the chairman of the committee said that a number of witnesses had refused to answer. Of course, as I am not admitted to the committee-room, I do not know how that may be; but if there has been such refusal of a large number of witnesses I would like to know it. I have heard outside of one Mr. Abert, who, in refusing to answer, is acting under the advice of Reverdy Johnson. How that may be I cannot say. But is this sick man to be sent to jail as a matter of threat to the next witness who may believe he has rights here? Have we come to that? I would rather have all the men in Louisiana under the hand of a military officer to administer the law—an officer who can be held personally responsible—than have men subjected to the mere will of a body like the House of Representatives, where you cannot hold anybody responsible, where there is an utter want of responsibility. Any one man who commits a wrong in a matter of this kind can be held responsible in the courts. If De Trobriand, for instance, in Louisiana has committed any wrong under the law in doing what he did, then whoever he laid his hand upon has, thank God, a remedy through the courts of justice of the United States. But when we lay hands upon this man and thrust him into jail, doing this to save our reputation, we are not responsible; what we do cannot be questioned in any other place.

I pray the House of Representatives therefore to pause and consider, that in wielding this great power, exercised without any responsibility elsewhere, we should be extremely careful lest we interfere with the

rights of the citizen where there is no redress. It is easy for us to say, "Turn the key on this man;" but there is not one of you who dares say that outside, because the moment you do so you are responsible in the courts of justice for all your acts. For anything done inside these halls you are not responsible in that way. Therefore I pray you to pause.

Mr. E. R. HOAR. My colleague [Mr. BUTLER, of Massachusetts] tells this House that this man brought to our bar does not believe that we have authority to restrain him in such custody and in such place as we think a fitting custody and place, and that he wants to have a trial upon it. He has had his trial, Mr. Speaker. This House, representing the entire American people, has, in the exercise of its constitutional functions, passed upon his case; and it is a question adjudged—lawfully, constitutionally adjudged. So far, therefore, as this House and its action are concerned, this man is undertaking to set up his opinion and his will against that of the American people, speaking through their constituted representatives. He wants an imprisonment that shall not be inconvenient; and he wants to be distinguished from other violators of the law, when we have left a door wide open through which, by submitting himself to the law, he can at any time be free and discharged. There is always a great deal of this delicacy, it seems to me, when there is a great deal of money at issue. When it is charged that an attempt has been made to corrupt members of the House of Representatives, that legislation has been procured by bribery, it cannot, in my view, be seriously questioned that it is proper for this House to investigate the matter, and to take the proper means, by sending for persons and papers, to compel testimony, using an authority which every court of justice, which every tribunal within the sphere of its appropriate action, always uses.

My colleague wants this House, after voting as it did yesterday, to suspend this proceeding and treat it as not a question settled until some inferior court, some justice of the peace or some tribunal of this District, has passed upon it. I heard once, a great many years ago, a story of a judge in Alabama who was told by a man in open court that he was a fool, with an accompanying epithet which I will not repeat. The judge undertook to sentence him to imprisonment for contempt; but a counselor interposed, and calling his attention to the constitution of the State, said that it could not be done without a trial by jury. The judge thereupon proceeded to impanel a jury, who returned a verdict that he was a fool! The judge thereupon discharged the man, saying that he might go for this time, but that on reflection he thought he would not submit that question again to a jury. I do not suppose this House proposes that its careful judgment on a matter of its constitutional authority, or the proceedings taking place under it, shall be reviewed in the manner proposed; that when an imprisonment ordered by this House shall reach the point that it is shown to be inconvenient or painful, any desired relaxation of such imprisonment will be granted.

I desire to say, in conclusion, Mr. Speaker, that I fully agree with my colleague that a better disposition of this petition would be to refer it to the Committee on Ways and Means, because it certainly presents a subject on which this man has a right to petition this House.

Mr. BUTLER, of Massachusetts. Mr. Speaker, one word, if you please. My colleague, [Mr. E. R. HOAR,] who has just addressed the House, has entirely ignored the only point that I made. My proposition was not now to raise the question whether this House, after having passed a law to punish this offense, can punish it again. I accepted the judgment of the House on that. I have too much respect for the House to ask that it be revised; but the point I made, and which even the witty anecdote of my colleague does not meet, is that here is a sick man coming to us and saying, "Your judgment, if you execute it, will be the means of my death, or may be;" and representing that to the House, I am simply asking the Committee on Ways and Means should consider the case, and, if they find it to be so, to report it before we execute the sentence. I am certain if I went to my colleague, sitting on any bench I ever saw him upon, and made the representation to him that that would be the effect of an immediate imprisonment of a witness, I should get the adjudication from him to have that fact ascertained. I do not propose to murder the witness, but simply to hold, to punish, to imprison him, because punishment has passed out of our hands by law; and the whole debate of yesterday was on the ground, not that we could punish him, but we could hold him for the purpose of having him testify. Now, it does not become the House of Representatives to do that indirectly which they cannot do directly, and, under the pretense of holding a witness, hold a sick man in jail. The jail will do for a well man; but any man who goes to jail for opinion's sake, rightful or wrongful, is entitled to respect, as it shows the earnestness of his conviction. But for a sick man the jail is no place. Upon that I ground myself. I appeal again to the judgment and fair sense of the House whether they will not refer this petition to the Committee on Ways and Means, with instructions to ascertain the truth of the allegation as to the danger to his health. I hope, therefore, the motion to lay on the table will be voted down, because that is an entire denial of the right of petition.

Mr. TREMAIN rose.

The SPEAKER. The gentleman from Massachusetts will state to whom he yields.

Mr. DAWES. I will yield to my colleague on the committee for a few moments and then to the gentleman from New York.

Mr. KELLEY. I wish to call the attention of the House to the distinction between the case now under consideration and those brought to its attention by the gentleman from Massachusetts. [Mr. BUTLER.] The recusant witness whose case we are considering holds the key to whatever place of confinement he may be confided. All he has to do is to comply with the law, tell what he knows, and he may walk forth as free as any of us. The cases referred to by the gentleman from Massachusetts depended on trial by and the finding of a jury, and therefore it required the intervention of a court to save a life. Here the utterance of a word by the imprisoned will save him.

I desire also to invite attention to the coincidence between the action of the House and the law as maintained by the courts of the United States and the supreme court of my own State. I invite the attention of the House to a case which probably no gentleman on this floor has forgotten, that of Passmore Williamson. When the United States court committed him for contempt, appeals were made because of his health, and for what proved to be the failing health, rapidly failing unto death, of members of his family. The court said, Let him unlock the doors of his own cell by purging himself of contempt. The question was carried by *habeas corpus* before the supreme court of Pennsylvania, and he was remanded——

Mr. BUTLER, of Massachusetts. He had to be.

Mr. KELLEY. Ay, had to be, because the law required it; and so to-day the law of the land and the honor of this House require us to maintain the order we have made, until the prisoner who is under contempt shall turn the key of his own cell-door.

Mr. TREMAIN. Mr. Speaker, the motion I made was prompted by a sincere and conscientious belief that it was demanded by a proper regard for the honor, the dignity, and the authority of this House. Nothing has transpired in the course of this debate to shake in the slightest degree my firm and unalterable conviction. There seems to be an entire misapprehension prevailing in regard to the nature and character of the proceeding to punish a recusant witness for contempt. I differ entirely with the distinguished gentleman from Massachusetts, when he says no authority in any State can be found to justify the proceedings which have been taken here. Sir, in the State of New York we have a statute which in terms confers upon a court the power to punish by fine and imprisonment for a refusal to answer proper questions, and it also declares in terms that such punishment shall be no bar to indictment for the same offense. And, sir, when I left the capital city of New York there was a man then in prison under an order pronounced by the supreme court. During the last autumn, where a witness had been confined and imprisoned for a period of ninety days for a contempt of the court, that same prisoner, before he had escaped from the jail or his time of imprisonment had expired, was indicted by the grand jury for the same offense.

My distinguished colleague from New York of the Ways and Means Committee [Mr. ELLIS H. ROBERTS] cited yesterday the letter of an Attorney-General of the United States by the name of B. F. Butler—not that man, but that other man—not the Butler of Massachusetts, but the Butler of New York who was Attorney-General. He, in very plain and clear and concise language, while maintaining the authority of this House to punish for contempt, clearly proved that it was an entirely distinct and independent offense from that for which the recusant witness was called upon to answer when he stood indicted by a grand jury of his country. One is an offense against the dignity and the authority of this House; one is an attempt by the witness to balk and thwart a necessary investigation; the other is an offense against the people at large.

What is this case? Why, sir, to discharge this man now, or to enter upon these ameliorating proceedings upon the mere statement contained in the petition which I hold in my hand, I submit to this House, would be to leave this House with a taint resting upon it. Public virtue, sir, stands at the foundation of our republican institutions, and he who assails the integrity of this House strikes a blow at the very foundation of public liberty. This man admits that he came here with three-quarters of a million dollars, the property of a corporation asking for favors at the hands of Congress. He admitted yesterday in the hearing of this House that he handed over in one sum $275,000 of that amount, and then he refuses to go a step further; he refuses to tell us to whom this money had been distributed by him. He comes here for the purpose of corrupting this House by procuring a subsidy, with three-quarters of a million in his hands to distribute at his pleasure, and after having gone just as far as it suits him to go, he puts down his foot and says I will give you no further information.

And we are to be told that he is to be dealt with tenderly! That this House must be careful, and see to it that, when he is imprisoned, he is imprisoned in such manner as not to render it inconvenient for him! If this question is to be referred to the Committee on Ways and Means, you ought to have an amendment to it, that they be authorized to furnish him during the balance of his term of imprisonment with quail on toast and the other luxuries that may be procured by the money which was intrusted to him by this corporation.

Sir, this House is entirely dwarfed and paralyzed in the exercise of its necessary constitutional powers if a witness may thus set its authority at defiance. It is the same as if you were investigating a murder and a man who is supposed to have something to do with it says that he took money for the purpose of hiring that murder to be committed and gave it out for that purpose, but refuses to tell to whom he gave it. He has of course put it beyond his power in this case to claim that he is privileged because his answer will tend to

criminate himself, for he states that the money went to no member of Congress. Yet he proposes to deny to this House the power of tracing out the men to whom he did pay the money, and, if necessary, of vindicating the character and integrity of the members of this House. We have the power to expel any member of this House for any act of bribery or corruption; and yet, if this doctrine is to prevail, there is no power by which you can ascertain who has received the money and what use has been made of that money thus unlawfully and improperly employed.

But what does this man say? Does he bring us any certificates of physicians showing that his health will be impaired or his life endangered by this imprisonment? Not at all. His language conveys no new fact to this House. It was stated yesterday by the chairman of the Committee on Ways and Means that he understood this man to be in delicate health. This House acted therefore with the full knowledge of that fact before it. And now what does he say in this petition. He says:

> The undersigned, your petitioner, begs leave respectfully to represent that his confinement in the county jail in the District of Columbia, as ordered by the resolution of the House yesterday, will operate with peculiar severity and hardship on his physical health, already so enfeebled as to render punishment of that kind closely akin to torture.

Any man could say that. There is nothing in it that is new. It is "too thin;" "it will not wash," to use common language more expressive perhaps than polite. No physician testifies here over his official signature or otherwise that this man's life is to be jeopardized by his being kept in that jail. But a morbid sympathy is to be created for a man who comes here with three-quarters of a million of dollars, and that at a time when public suspicion is aroused by rumors of corruption and bribery in Congress, and you are to be asked next morning, with no new fact before you, to reconsider your solemn and deliberate judgment and say whether it is not something akin to torture to keep this man in jail. If the House chooses to do that, I for one wash my hands of it; and I renew my motion to lay the petition on the table. It will not interfere with any subsequent action if the House should be advised that the health of the witness is such as to require further interference.

Now, sir, it seems to me frivolous and in continuation of that contumacy which has led this House to treat him as in the exercise of our power and dignity we ought to treat him. I move to lay the petition on the table.

Mr. BUTLER, of Massachusetts. Which motion comes first? I have made a motion that the petition be referred to the Committee on Ways and Means.

Mr. DAWES. I believe that none of these motions are in order, as I have the floor.

Mr. TREMAIN. I made my motion to lay on the table some time ago.

Mr. MAYNARD. I shall have to call for the regular order, if this matter is to take up any more time.

Mr. DAWES. I desire to say that I do not wish to interpose any objection to the reference. It is fair, however, that I should say to the House that the Committee on Ways and Means had already considered this matter before they reported their resolution, and they were unanimous in the conclusion to which they came. It is fair that that fact should be stated to the House. I have already stated that I do not desire to indicate any action to the House, but to take its action as instruction to the committee. If the House desires to refer this matter to the committee, they will do so with the full understanding that the committee have already considered the subject. I now withdraw my motion to print the petition, and any gentleman may make such motion as he pleases.

Mr. TREMAIN. I have already moved to lay the petition on the table.

Mr. BUTLER, of Massachusetts. And I move that it be referred to the Committee on Ways and Means.

The SPEAKER. The motion of the gentleman from New York [Mr. TREMAIN] takes precedence. If the House should negative the motion to lay the petition on the table, the motion to refer it would then come up.

The question was taken on the motion of Mr. TREMAIN; and on a division there were—ayes 91, noes 54; no quorum voting.

Mr. BUTLER, of Massachusetts. As I observe that a great many members have not voted, I call for tellers on the motion.

Tellers were ordered; and Mr. TREMAIN, and Mr. BUTLER of Massachusetts, were appointed.

The House divided; and the tellers reported—ayes 101, noes 61.

So the petition was laid on the table.

Mr. TREMAIN moved to reconsider the vote by which the petition was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHTS OF AMERICAN CITIZENS.

Mr. E. R. HOAR, by unanimous consent, from the Committee on Foreign Affairs, reported a bill (H. R. No. 4198) (as a substitute for the bill H. R. No. 2199) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes; which was read a first and second time, recommitted to the committee, and ordered to be printed, not to be brought back by a motion to reconsider.

SEATTLE AND WALLA-WALLA RAILROAD COMPANY.

Mr. McFADDEN, by unanimous consent, introduced a bill (H. R. No. 4199) granting the right of way to the Seattle and Walla-Walla Railroad and Transportation Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUYALLUP VALLEY COAL COMPANY.

Mr. McFADDEN also, by unanimous consent, introduced a bill (H. R. No. 4200) granting the right of way for a railroad and telegraph line to the Puyallup Valley Coal Company, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

F. M. FLETCHER.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4201) for the relief of F. M. Fletcher, late gauger of the seventh district of Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. MAYNARD. I now call up the special order.

The House proceeded, as the special order, to the consideration of the bill (S. No. 1044) to provide for the resumption of specie payments; which was read a first and second time.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and required, as rapidly as practicable, to cause to be coined, at the mints of the United States, silver coins of the denominations of ten, twenty-five, and fifty cents, of standard value, and to issue them in redemption of an equal number and amount of fractional currency of similar denominations, or, at his discretion, he may issue such silver coins through the mints, the sub-treasuries, public depositaries, and post-offices of the United States; and, upon such issue, he is hereby authorized and required to redeem an equal amount of such fractional currency, until the whole amount of such fractional currency outstanding shall be redeemed.

SEC. 2. That so much of section 3524 of the Revised Statutes of the United States as provides for a charge of one-fifth of 1 per centum for converting standard gold bullion into coin is hereby repealed; and hereafter no charge shall be made for that service.

SEC. 3. That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national-bank currency among the several States and Territories are hereby repealed. And whenever, and so often, as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent. of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of $300,000,000 of such legal-tender United States notes, and no more. And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding on their presentation for redemption, at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than fifty dollars. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

Mr. MAYNARD. Mr. Speaker, it will be recollected that on the last day of the session previous to the recess, on the 23d of December, an effort was made in the House to go to the Speaker's table with a view of taking up and acting on Senate bill No. 1044, to provide for the resumption of specie payments; such is the title of the bill. Objections were interposed of a character that we all recollect and which it is not necessary to recapitulate. It was however, by unanimous consent, agreed that the bill should be the special order for to-day at one o'clock, to the exclusion of all other orders. It was also ordered that the bill should be printed in the RECORD of the proceedings of that day, and also printed in the usual form for the information of members and of the country. The bill has thus been printed and has been before us. It is very brief in its text. Its propositions are not numerous—free banking, free coinage, silver change for fractional currency, the resumption of specie payments in 1879, coupled with free banking, and the additional provision that upon the issue of one hundred dollars to national banks eighty dollars of legal-tender notes shall be retired from circulation until the amount shall be reduced to $300,000,000. These are the provisions that are submitted to us from the Senate, at the close of a Congress which has witnessed one of the most protracted, one of the most animated, one of the most instructive and exhaustive debates on the subject of the currency and the financial questions incidentally connected with it, which I venture to say the Congress of the United States has ever produced from the beginning of the Government. These questions are now submitted to a fully instructed and a thoroughly informed House of Representatives.

I am urged by a large number of gentlemen to submit the proposition directly to the House, for its consideration and determination, whether it will accept this Senate bill as it stands. Several gentlemen have expressed a desire to offer amendments of different kinds; others, a desire to address the House upon the subject. I have agreed, and in compliance with that agreement I ask, that should the House sustain the previous question and order the main question, every gentleman who has an amendment to suggest or remarks to submit may be allowed to present them and have them printed in the RECORD of to-day's proceedings. Upon that statement I now call the previous question upon the third reading and passage of the bill.

Mr. DAWES. I desire to make an inquiry of my friend. I understand him to suggest to the House that if the House will sustain the previous question, he will permit any amendments to be printed in the RECORD that anybody desires to offer. Is that the proposition?

Mr. MAYNARD. That is the proposition.

Mr. DAWES. Well, I hope the House will understand it. I understand my friend, the chairman of the Committee on Banking and Currency, [Mr. MAYNARD,] to say that if the House will sustain the call for the previous question, so that no amendments can be made to the bill, any gentleman may have the privilege of having his proposed amendment printed in the RECORD.

Mr. RANDALL. That is a very empty privilege.

Mr. DAWES. I hope no gentleman will be misled by that remark. I hope members will understand the opportunity which will be afforded them to go down to posterity without having accomplished anything.

Mr. MAYNARD. The gentleman need not indulge in any remarks of that character.

Mr. BUTLER, of Massachusetts. I desire to say——

Mr. MAYNARD. I do not yield to anybody now.

Mr. BUTLER, of Massachusetts. I do not ask the gentleman to yield.

Mr. MAYNARD. What I say is this: If the House will sustain the demand for the previous question, I hope gentlemen will be allowed to put their peculiar views upon record in that form and in that way.

Mr. BUTLER, of Massachusetts. Allow me to make a suggestion as to the order of business. I ask the gentleman to set a time when the previous question may be considered as ordered and the vote shall be taken, say at four o'clock to-day, so that we can finish the bill to-day; otherwise we may get to filibustering, I am afraid.

Mr. KELLEY. Say at four o'clock to-morrow.

Mr. BUTLER, of Massachusetts. Very well; four o'clock to-day or to-morrow.

Mr. KELLOGG. Does the gentleman from Tennessee [Mr. MAYNARD] propose that no one shall have an opportunity to vote upon any amendment?

Mr. BUTLER, of Massachusetts. If we choose, thirty of us can keep the House here until to-morrow morning.

Mr. RANDALL. I would like to say to the gentleman from Tennessee [Mr. MAYNARD] that his proposition is not in accordance with the understanding of the Committee on Banking and Currency. That committee by a large majority—I think there was but one dissentient—decided that an opportunity should be given to vote upon two amendments; that is, to vote upon the proposition to strike out the first and second sections of this bill, and also to insert the word "canceled" in the proper place, in reference to the withdrawal of greenbacks from circulation. Now, I ask the chairman of the committee, its proper exponent, to adhere to that understanding in this case.

Mr. KELLOGG. I suggest to my friend from Pennsylvania [Mr. RANDALL] that the words to be inserted were "canceled and destroyed."

Mr. MAYNARD. I have as great respect for the Committee on Banking and Currency as any gentleman can have; perhaps I ought to have a little more. This bill has not been before that committee. Any opinions they may entertain upon it are but the opinions of so many respectable gentlemen, with whom my personal relations are exceedingly kind, and for whom I would do more than for any others. But the question now is whether the House will accept the proposition as it now stands.

Mr. RANDALL. Whether we are more than individual citizens or not, simply members of this House or not, I submit that the chairman of that committee himself submitted that question to the committee.

Mr. MAYNARD. The gentleman is perfectly aware that this bill has not been before our committee.

Mr. RANDALL. And you are perfectly aware that you put the motion to the Committee on Banking and Currency whether those two amendments should be allowed to be voted on or not. Do I mistake the fact?

Mr. MAYNARD. I do not state any fact.

Mr. RANDALL. O, that is a miserable escape.

Mr. G. F. HOAR, I rise to a question of order.

The SPEAKER. The gentleman will state his point of order.

Mr. G. F. HOAR. It is that the gentleman from Pennsylvania [Mr. RANDALL] is out of order in addressing his remarks to another member of the House instead of to the Chair, and also in stating what transpired in the committee.

The SPEAKER. The gentleman is out of order in both respects.

Mr. MAYNARD. I now call for a vote in seconding the previous question.

The SPEAKER. As there seems to be a division of sentiment, the Chair will appoint tellers.

Tellers were ordered; and Mr. RANDALL and Mr. MAYNARD were appointed.

The House divided; and the tellers reported that there were—ayes 100, noes 91.

So the previous question was seconded.

Mr. RANDALL. I call for the yeas and nays on ordering the main question.

The yeas and nays were ordered.

The SPEAKER. The question is upon ordering the main question, which is, Shall the bill be read a third time?

Mr. MAYNARD. As this is necessarily a test question on the bill, I hope gentlemen will vote with that understanding.

The SPEAKER. Before the Clerk proceeds to call the roll, the Chair gives notice that if some gentlemen find themselves wrongly recorded to-morrow morning it will not be the fault of the Clerk, but of the noise and confusion on the floor.

Mr. MAYNARD. Before the call of the yeas and nays begins, I wish to say a single word in regard to the proposition I made as to submitting amendments and remarks to be printed in the RECORD. I wish to say that——

Mr. DAWES. I call the gentleman to order.

Mr. RANDALL and others objected to debate

The SPEAKER. Objection being made, debate is not in order. Nothing is in order but the call of the roll.

The question was taken; and there were—yeas 125, nays 106, not voting 57; as follows:

YEAS—Messrs. Albert, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Clayton, Clements, Stephen A. Cobb, Corwin, Cotton, Crooke, Crounse, Curtis, Danford, Donnan, Duell, Farwell, Fort, Freeman, Frye, Garfield, Gunckel, Eugene Hale, Harmer, Harrison, Hathorn, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hooper, Houghton, Howe, Hunter, Hynes, Kasson, Killinger, Lamport, Lansing, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Monroe, Negley, O'Neill, Orr, Orth, Packard, Packer, Page, Parsons, Pelham, Pendleton, Pike, Thomas C. Platt, Poland, Pratt, Purman, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, St. John, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, and James Wilson—125.

NAYS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Caldwell, Chittenden, John B. Clark, jr., Freeman Clarke, Clymer, Conger, Comingo, Cook, Cox, Crittenden, Crossland, Crutchfield, Dawes, DeWitt, Eames, Eldredge, Field, Fink, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Havens, Joseph R. Hawley, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hunton, Kelley, Kellogg, Knapp, Lamar, Lamison, Lawrence, Lawson, Leach, Lowndes, Magee, Marshall, McLean, Merriam, Milliken, Mills, Morrison, Myers, Neal, Nesmith, Niblack, Niles, Hosea W. Parker, Isaac C. Parker, Perry, Pierce, Randall, Read, Robbins, Milton Sayler, Schell, Henry J. Scudder, Sherwood, Sloss, William A. Smith, Southard, Starkweather, Stephens, Stone, Storm, Swann, Townsend, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—106.

NOT VOTING—Messrs. Adams, Albright, Barnum, Bland, Buckner, Bundy, Benjamin F. Butler, Cannon, Amos Clark, jr., Clinton L. Cobb, Coburn, Conger, Creamer, Darrall, Davis, Dobbins, Dunnell, Durham, Eden, Foster, Robert S. Hale, Hersey, Hubbell, Hurlbut, Hyde, Kendall, Lewis, Lofland, Luttrell, McKee, Mitchell, Moore, Morey, Nunn, O'Brien, Phelps, Phillips, James H. Platt, jr., Potter, Rainey, Ransier, Rapier, William R. Roberts, James C. Robinson, Ross, John G. Schumaker, Sheldon, Sloan, George L. Smith, Speer, Standiford, Stowell, Strait, Waddell, Walls, Charles G. Williams, and Jeremiah M. Wilson—57.

So the main question was ordered.

During the roll-call the following announcements were made:

Mr. HAGANS. My colleague, Mr. DAVIS, is absent on account of illness.

Mr. DURHAM. My colleague on the Committee on Banking and Currency, Mr. HUBBELL, was unexpectedly called home, and I agreed to pair with him. If he were here he would vote "ay," and I should vote "no."

Mr. SCOFIELD. My colleague, Mr. ROSS, who has been detained by a railroad accident, is paired with the gentleman from Massachusetts, Mr. BUTLER. My colleague is in favor of this bill, and if here would vote "ay," while the gentleman from Massachusetts would vote "no."

Mr. HAZELTON, of New Jersey. My colleague, Mr. CLARK, is unavoidably detained by indisposition. If here, he would vote "ay."

Mr. THOMAS, of North Carolina. My colleague, Mr. COBB, requested me to state that he is detained from the House in consequence of sickness.

Mr. RANDALL. My colleague, Mr. SPEER, is absent at Vicksburgh under the order of the House.

Mr. ARCHER. My colleague, Mr. O'BRIEN, is absent by order of the House upon committee duty. If here, he would vote "no."

Mr. HAZELTON, of Wisconsin. My colleague, Mr. WILLIAMS, is absent under the order of the House.

Mr. COX. My friend from California, Mr. LUTTRELL, is absent in Alabama on business of the House.

Mr. SAYLER, of Indiana. My colleague, Mr. COBURN, is absent under the order of the House.

Mr. FORT. My colleague, Mr. CANNON, of Illinois, is absent serving on a committee.

Mr. BURROWS. My colleague, Mr. CONGER, is absent in the performance of duty upon a select committee.

Mr. BIERY. My colleague, Mr. ALBRIGHT, is absent serving upon a special committee.

The result of the vote was announced as above stated.

Mr. MAYNARD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 1068) to remove the limitation restricting the circulation of banking associations issuing notes payable in gold.

RESUMPTION OF SPECIE PAYMENTS.

The House resumed the consideration of the bill (S. No. 1044) to provide for the resumption of specie payments.

The SPEAKER. The main question having been ordered, the question is now on ordering the bill to be read a third time.

The bill was ordered to a third reading.

The question being on the passage of the bill,

Mr. MERRIAM called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 136, nays 98, not voting 54; as follows:

YEAS—Messrs. Albert, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Clayton, Clements, Stephen A. Cobb, Corwin, Cotton, Crooke, Crounse, Curtis, Danford, Dobbins, Donnan, Duell, Eames, Farwell, Freeman, Frye, Garfield, Gunckel, Eugene Hale, Harmer, Harrison, Hathorn, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hodges, Hooper, Hoskins, Houghton, Howe, Hunter, Hynes, Kasson, Kellogg, Killinger, Lamport, Lansing, Lawrence, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Page, Parsons, Pelham, Pendleton, Pike, Thomas C. Platt, Poland, Pratt, Purman, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Stanard, Starkweather, St. John, Strawbridge, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—136.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Caldwell, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Crutchfield, Dawes, DeWitt, Eldredge, Field, Finck, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Havens, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hunton, Kelley, Knapp, Lamar, Lamison, Lawson, Leach, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, Niles, Hosea W. Parker, Isaac C. Parker, Perry, Pierce, Randall, Read, Robbins, Milton Sayler, Schell, Henry J. Scudder, Sherwood, Sloss, William A. Smith, Southard, Stephens, Stone, Storm, Swann, Townsend, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—98.

NOT VOTING—Messrs. Albright, Barnum, Bland, Buckner, Bundy, Benjamin F. Butler, Cannon, Amos Clark, jr., Clinton L. Cobb, Coburn, Conger, Creamer, Darrall, Davis, Dunnell, Durham, Eden, Fort, Foster, Robert S. Hale, Hersey, Hubbell, Hurlbut, Hyde, Kendall, Lewis, Lofland, Luttrell, Mitchell, Morey, Nunn, O'Brien, Phelps, Phillips, James H. Platt, jr., Potter, Rainey, Ransier, Rapier, William R. Roberts, James C. Robinson, Ross, John G. Schumaker, Sheldon, Sloan, George L. Smith, Snyder, Speer, Standiford, Stowell, Strait, Sypher, Walls, and Charles G. Williams—54.

So the bill was passed.

During the roll-call Mr. DURHAM stated that he was paired with Mr. HUBBELL, who was absent from the city, and that he would vote "no," while Mr. HUBBELL would vote "ay."

Mr. HAZELTON, of New Jersey, stated that his colleague, Mr. CLARK, who was unavoidably absent, would, if present, vote in the affirmative.

The vote was then announced as above recorded.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MAYNARD. I move the previous question on the adoption of the title of the bill.

The SPEAKER. There being no objection, the title of the bill will stand.

There was no objection, and it was ordered accordingly.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2032) to amend section 2324 of the Revised Statutes, relating to the development of the mining resources of the United States; and

An act (H. R. No. 3745) to remove the disabilities of James Howard, of Baltimore, Maryland.

RESUMPTION OF SPECIE PAYMENT.

Mr. MAYNARD. Mr. Speaker, I renew the proposition I made a while ago, that gentlemen may have an opportunity to have printed in the RECORD amendments which they desired to offer to the bill just passed, and also to have printed in the RECORD remarks which they have prepared on the subject.

Mr. HAZELTON, of Wisconsin. I object.

Mr. RANDALL. I do not object to gentlemen having their remarks printed in the RECORD, but I do object to the printing of amendments.

Mr. STORM. I object.

Mr. NEGLEY. Then I ask unanimous consent that I myself may have the right to submit some remarks on this question to be printed in the RECORD.

Mr. ROBBINS. I object.

Mr. RANDALL. I hope, Mr. Speaker, that the unanimous consent of the House will be given to gentlemen to have any remarks they may desire to make on the bill printed in the RECORD. That is a request which has never yet been denied so far as my recollection extends.

Mr. NIBLACK. I do not object to gentlemen submitting remarks for publication in the CONGRESSIONAL RECORD, but I do object to the farce of printing amendments when no opportunity was given to offer them to a vote of the House.

Mr. NEGLEY. I do not ask to submit any amendment, but merely to submit some remarks to be printed in the CONGRESSIONAL RECORD.

Mr. MAYNARD. That is one form in which gentlemen have presented their request to me, and I hope there will be no objection to the printing of amendments as well as remarks in the RECORD.

Mr. RANDALL. The gentleman from Tennessee cannot escape the responsibility of his position by allowing amendments to be printed in the RECORD when he refused to allow them to be voted on.

Mr. MAYNARD. Mr. Speaker, I do not mean to escape the responsibility of any position which I may take on this floor. I concede my responsibility here or elsewhere, and the gentleman from Pennsylvania or any other gentleman cannot deter me. I am not to be frightened by any such appeal here or in any other place.

Mr. RANDALL. One word in reply to the gentleman from Tennessee. I do not mean he shall escape the responsibility of having acted in bad faith, in such a way, in my judgment, as not to become a representative of the people.

Mr. MAYNARD. I will not bandy words with the gentleman from Pennsylvania. I trust my position in this House or out of it does not depend on that kind of discussion. I acted upon the high responsibility of a Representative in my place in the House, and I am not to be deterred from what I consider to be a high public duty by any consideration of responsibility, by talk about bad faith, or any of that sort of discussion here or elsewhere. The House, with a full knowledge of the fact, has passed on that question, and I conceive it is not in very good taste to renew it.

Mr. RANDALL. I speak of the gentleman's acts, and as a Representative here I characterize them as unfair. He himself, in the Committee on Banking and Currency, put the question to that committee——

Mr. G. F. HOAR. I rise to the point of order that the rule prohibits any reference in debate on this floor to what has occurred in committee. The enforcement of that rule is necessary to the protection of every member in the transaction of the business of committees.

The SPEAKER. The gentleman from Massachusetts renews the point of order and the Chair sustains it. There is no rule which permits gentlemen to refer to what has taken place in committee.

Mr. RANDALL. The conduct of the gentlemen in that committee is known so far as this bill is concerned.

Several members called for the regular order.

Mr. NEGLEY. I have asked the House for the courtesy of unanimous consent to print some remarks on this bill.

Mr. KELLEY. I object to printing any funeral orations on the bill.

Mr. NEGLEY. I do not ask my colleague to pay the funeral expenses; and he has no right to insult me on the floor in this way.

Mr. KELLEY. Debate has been suppressed, and I oppose the printing of any remarks not made on the floor which shall convey to the country the impression that discussion was permitted on this important bill.

Mr. NEGLEY. It is unworthy of the gentleman to make that accusation.

Mr. CHITTENDEN. I desire to say that I voted "ay" on the bill under a positive pledge that I should have an opportunity to explain to my constituents why I voted "ay."

Mr. STORM. I am sorry you were so green.

Mr. CHITTENDEN. If I had not had that pledge, I should have voted "no."

IMPEACHMENT OF JUDGE EDWARD H. DURELL.

Mr. WILSON, of Indiana. I rise for the purpose of presenting a privileged report from the Committee on the Judiciary. I send it to the desk to be read.

The Clerk read as follows:

The Committee on the Judiciary, to whom was recommitted the following resolutions, to wit—

Resolved, That Edward H. Durell, judge of the district court of the United States for the district of Louisiana, be impeached of high crimes and misdemeanors in office;

2. *Resolved*, That a committee of two be appointed to go to the Senate, and at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Edward H. Durell, judge of the district court of the United States for the district of Louisiana, of high crimes and misdemeanors in

office, and acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment and make good the same, and that the committee do demand that the Senate take order for the appearance of said Edward H. Durell to answer to said impeachment;

3. *Resolved*, That a committee of seven be appointed to prepare and report articles of impeachment against Edward H. Durell, judge of the district court of the United States for the district of Louisiana, with power to send for persons, papers, and records, and to take testimony under oath—

having received official information that the said Edward H. Durell has resigned his office, and that his resignation has been accepted, report the resolutions back to the House, and recommend that they do lie upon the table.

Mr. WILSON, of Indiana. I yield to the gentleman from Massachusetts, [Mr. BUTLER,] the chairman of the Judiciary Committee.

Mr. BUTLER, of Massachusetts. I desire, before the resolution is put, to say a single word upon the matter. This is the usual disposition of cases of impeachment under the circumstances. It is fully justified by the precedents. But before I sit down I desire to say, if the House will permit me, that during this unpleasant investigation almost every member of the Judiciary Committee has been attacked by the newspapers, and especially the one now addressing the Chair, upon the ground that we endeavored to shield Judge Durell. It is due to him to say that the committee did not find any of the charges of corruption proved, but they did find that his order, and the action he took as judge, was wholly unauthorized; that it was beyond his jurisdiction, and clearly beyond it; and that the committee concluded that he did not conduct himself well in his office, so as to be liable to impeachment; but the necessity of trying him upon it has been avoided by his resignation, and the appointment, I believe, of another in his place.

Mr. NIBLACK. I understand it to be a settled rule—the gentleman from Massachusetts, [Mr. BUTLER,] however, has investigated that subject more than I have done or have been required to do—that an officer cannot escape impeachment by reason of resignation. I beg therefore to inquire of the gentleman from Massachusetts if the committee have considered that question; whether they might not impeach him still, if they think that the circumstances sufficiently justify it.

Mr. BUTLER, of Massachusetts. In answer to the question of the gentleman from Indiana, I will say that as the Constitution imposes the punishment of disability from holding office hereafter, it is entirely competent for the House to go on with the impeachment; and it has been so ruled over and over again. But Judge Durell is an old man, and there will be no practical benefit in going on with the impeachment.

Mr. RANDALL. There might be, as an example.

Mr. BUTLER, of Massachusetts. And besides that, as the committee did not find actual corruption, except that which is inferential because of his exceeding his jurisdiction, the committee, I believe unanimously, have come to the conclusion that this is the best disposition that can be made of the case in view of the time necessary for the public business and in view of the effect upon the country. It is a warning to the judge to look well hereafter to his jurisdiction before he acts. For within his jurisdiction, unless corruption is proved, he is perfectly safe; and if he acts outside his jurisdiction, then he is amenable in the judgment of the committee, and I have no doubt of the House, to be impeached and deprived of office.

Mr. NIBLACK. My object in making the inquiry was to ascertain whether the committee had considered this question in connection with the case of Judge Durell. If there were real grounds for his impeachment, I am inclined to think his resignation should not allow him to escape. It has happened, I believe, within the last few years in this country, that some of these acts of official gentlemen which were regarded as great outrages by the people generally have been used as a passport to official favor; and if Judge Durell has been guilty of that sort of misconduct which would justify the House of Representatives in presenting articles of impeachment against him, I think he should not be permitted to escape by resignation; and therefore I think we ought not to act hastily on the question, unless the Committee on the Judiciary have fully considered this matter and resolved that the impeachment ought not to be pressed.

Mr. BUTLER, of Massachusetts. To that I answer that Judge Durell claims, and the whole testimony was, that he acted upon his own motion, without any motion or argument before him, and that is what makes the *gravamen* of the offense charged against him; for without motion of the counsel for the complainant on this bill of equity, he, upon his own consideration and judgment, acted, and without any moving cause except in his own mind.

Mr. NIBLACK. Is it not true as a matter of history and fact that to Judge Durell, more than to any other man, is due the present revolutionary condition of the State of Louisiana?

Mr. BUTLER, of Massachusetts. That may be true in this: that he made an order which brought collision between the Federal and State authorities, but it was an order proceeding from himself, so far as appears to your committee.

Mr. NIBLACK. Is it not so much the worse for Judge Durell if he made the order without any motion or argument, but at his own instance?

Mr. BUTLER, of Massachusetts. It was on that ground, I can say for one, without speaking of the secrets of the committee, though I suppose I have a right to say how I voted myself—it was on that ground that I voted for his impeachment.

Mr. COX. Will the gentleman from Massachusetts [Mr. BUTLER] allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. COX. Was any matter of a political or quasi-political character before the committee with reference to the impeachment of Judge Durell? What were the charges against him? I do not remember.

Mr. BUTLER, of Massachusetts. The first charge was immoral conduct; the second charge improper conduct in relation to bankruptcy proceedings; and the third charge was the issuance of this midnight order, as it is called.

Mr. COX. Will the gentleman state whether the committee passed on those charges *seriatim*, all of them?

Mr. BUTLER, of Massachusetts. They did, and the only one sustained by a vote of the committee was the charge of improper conduct in regard to the midnight order.

Mr. WILSON, of Indiana. I hope my colleague, the chairman of the committee, will allow me to correct him with regard to a matter of fact. By referring to the report made by the Committee on the Judiciary, the chairman will find that he is mistaken with reference to one of his statements. There were three charges against Judge Durell; one for drunkenness, the second charge was in regard to the management of affairs in bankruptcy in his court, and the third was the celebrated midnight order. Now, with reference to the bankruptcy proceedings, the committee made this report. After referring to the orders made by Durell that were spread upon his record and stating the testimony which had been taken by the subcommittee in New Orleans, the committee say this:

> These facts, so notorious, in regard to the management of so important trusts as those of the bankrupt estates, when taken in connection with the order hereinbefore referred to, lead to the inevitable conclusion by your committee that Judge Durell must have been cognizant of them and therefore a corrupt party thereto, or that he was grossly negligent in the discharge of his official duties, so that, *quacumque via data*, he comes under a like condemnation.

I think the chairman will find that he was mistaken in his statement.

Mr. ELDREDGE. The gentleman from Indiana will remember, as I do, that the midnight order was not the only ground on which the committee agreed to report in favor of the impeachment of Judge Durell.

Mr. WILSON, of Indiana. If I were allowed to go into the secrets of our prison-house, I could answer that suggestion.

Mr. COX. Was the midnight order voted on in the committee? Was it a part of the substantive charges on which the report was made?

Mr. WILSON, of Indiana. If it is proper for me to state the action of the committee, I am prepared to state it.

Mr. BUTLER, of Massachusetts. The report shows that.

Mr. RANDALL. I am quite willing to hear all this, but a moment ago I was stopped from telling what had occurred in a committee, although the public ought to know what I would have liked to have stated.

Mr. WILSON, of Indiana. If it is proper to state it, I have not the slightest objection to stating what was in the report and the conclusions upon which the committee authorized these resolutions to be reported. The resolutions do not set forth the charges upon which the articles of impeachment were to be preferred, but that was a matter which was passed upon by the committee, and it was perfectly understood as to what the charges would embrace. If it is proper for me to state what they would have embraced, I am prepared to do it, and as silence seems to give consent, I will state that it was voted by the Committee on the Judiciary that he was to be impeached for the management of the affairs of bankruptcy in his court and for the issuance of the midnight order.

Mr. CESSNA. I appeal to my colleague on the committee to state that those resolutions were carried by a bare majority of the committee in reference to either of those propositions.

Mr. COX. Then you impeach the judge for the "midnight order," while the Administration has acted and the State government of Louisiana has been continued upon that impeachable high crime and misdemeanor.

Mr. WILSON, of Indiana. So far as I am concerned, I was simply discharging what I believed to be my duty, without regard to any political consideration. And the majority of the committee, as is stated by my colleague on the committee from Pennsylvania, [Mr. CESSNA,] voted in that way; the minority of the committee voted the other way. I now yield to my colleague on the committee, the gentleman from New York, [Mr. TREMAIN.]

Mr. TREMAIN. As a member of the Judiciary Committee, I have examined with some care the question which was propounded to the chairman of the committee [Mr. BUTLER of Massachusetts] in regard to the constitutional power of this House now to institute a proceeding in the nature of an impeachment against Judge Durell, and also the power of the Senate to try it. And although the subject was not particularly discussed in the committee, it being assumed that the question ought to be disposed of in accordance with the pending motion made by the gentleman from Indiana, [Mr. WILSON,] yet upon examination I find the authorities to be such, that in my judgment it is evident that a very serious doubt exists whether the House has any constitutional power whatever to proceed by impeachment after the officer has resigned, his resignation has been accepted, and his successor has been appointed.

The power to impeach rests entirely upon the Constitution of the

United States. The whole system of English parliamentary impeachment, with the tremendous powers possessed by Parliament, has been superseded by our Constitution. This whole subject is most thoroughly discussed by that learned and eminent jurist, Judge Story, in his Commentaries. And the extract which I hold in my hand I think is so entirely broad, comprehensive, and satisfactory as to cover the entire gound. I will therefore content myself with simply reading what he says, reminding the House in the first instance that the language of the Constitution is, that upon the trial of an impeachment the officer may be removed, and then he may be disqualified from holding office. Upon that Judge Story says:

As it is declared in one clause of the Constitution that judgment in cases of impeachment shall not extend further than a removal from office, and disqualified to hold any office of honor, trust, or profit under the United States, and in another clause that the President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes or misdemeanors, it would seem to follow that the Senate were bound in all cases to enter a judgment of removal from office, though it has a discretion as to inflicting the punishment of disqualification. If there, then, must be a judgment of removal from office, it would seem to follow that the Constitution contemplated that the party was still in office at the time of impeachment. If he was not, his offense was still liable to be tried and punished in the ordinary tribunals of justice.

And it might be argued with some force that it would be a vain exercise of authority to try a delinquent for an impeachable offense when the most important object for which the remedy was given was no longer necessary or attainable. There is also much force in the remark that an impeachment is a proceeding purely of a political nature. It is not so much designed to punish an offender as to secure the State against gross official misdemeanors. It touches neither his person nor his property, but simply divests him of his political capacity. (Story's Commentaries, 803.)

I therefore submit that if the absence of power to impeach in such a case is not entirely clear, yet at least there is so much doubt about the power to proceed by impeachment under such circumstances, that it seems to me it would be a very improper exercise of our prerogative, as the grand inquest of the nation, for us to go any further with the case under existing circumstances.

As I now have the floor, I desire to say a word or two in regard to the merits of this case, from the fact that I united with four other members of the committee in a report dissenting from the report of the majority, without giving any reason for our action. By way of explanation on that subject, I desire to say that the testimony taken by the committee, a copy of which I hold in my hand, extending over five hundred and fifty-nine pages of printed matter, was brought in at the close of the last session. It was understood that there would be no other action taken than the presentation of the resolutions of the committee. Supposing that I should have a full opportunity during the vacation of examining this subject with the care that its importance demanded, and judging only from the general impression I had derived from the case, desirous of extending that charity and protection which I think a judge should always receive in the exercise of our jurisdiction over him, I united with the minority of the committee.

During the vacation, however, and for the purpose of acting intelligently upon these resolutions whenever they should be called up for consideration, I have studied most carefully this entire mass of testimony, and in justice to myself I feel bound to say, although it may seem to put me in an inconsistent attitude, that upon one point the examination which I have been able to give, and which I was not before able to give, has in some manner changed the impressions under which I acted.

As questions have been asked here, and as the answers to them may perhaps be important in guiding the action of this House as to what were the nature of the charges, I will in a very few moments state all of them and the general conclusions which I have drawn from the evidence in regard to them. There was no specific charge made against Judge Durell. The sub-committee proceeded to New Orleans, and with a great degree of thoroughness has investigated all the matters about which complaints were made to them. These seemed to be some five or six in number, all of which, however, were dismissed by the committee, except the two mentioned in the report of the majority, and which were referred to by the gentleman from Indiana, [Mr. WILSON.] The charge of intoxication, the charge of rudeness on the bench and want of courtesy and ungentlemanly conduct in his treatment of the members of the bar, were dismissed as untrue. The charge of appointing one Norton an additional assignee in all bankruptcy cases has also not received the sanction of the committee. And I desire to say that I consider his action under the standing order in appointing an additional assignee as irregular; yet he had the power in each case to appoint an additional assignee under section 13 of the bankruptcy law, which is in these words:

All elections or appointments of assignees shall be subject to the approval of the judge; and when in his judgment it is for any cause needful or expedient, he may appoint an additional assignee or order a new election.

Another charge against him was that he had made an order requiring a deposit of fifty dollars wherever the account of the assignee was challenged or investigated, to be returned if the exception was found to be well taken. It seems to me that this was not a high crime or misdemeanor, and that it was only a proper precautionary measure to guard against frivolous proceedings.

Another charge was his complicity in the alleged maladministration of Norton, the assignee in bankruptcy, in the administration of bankrupt estates. I think it appears that large sums were charged in cases of settlement and compromise; but one great difficulty about this is, that, as the law then stood, no publicity was required in such proceedings. Under the law as it now stands, by the amended bankrupt act of last session, the parties interested would have been protected against such charges. It further appears that, so far as Judge Durell is concerned, he has never participated at all in any corrupt fund. All the testimony shows that he was regarded as a gentleman of integrity and learning in his profession. The bankers with whom he had for years kept his accounts testified that he never had more than three or four hundred dollars on deposit at any one time, and the proof showed that he had no means whatever except those derived from his salary; that he had no property except his law library and the furniture of a suite of rooms that he occupied in New Orleans. Therefore it seemed to me that upon all these questions there was nothing that rose to the dignity of a high crime or misdemeanor.

The only remaining charge was that based upon the alleged midnight order, dated December 5, 1872, which will be found on page 559 of this document. Now, the general impressions under which I acted in uniting with the minority in regard to that were these: I considered that there was a state of turbulence, amounting almost to revolution, existing when that order was made; that the judge was acting under a statute of the United States which was new, and he had no old, beaten, tried paths to guide his footsteps; that there was a conspiracy on the part of Warmoth and others, by fraud, force, and violence, to take possession of the political power in the State against the will of the actual majority of the people of that State; and without very carefully examining the question, I was willing in charity to give to Judge Durell the benefit of the doubt that I entertained in regard to it, especially when the order itself recites the fact that Warmoth was one of the defendants in that suit, and had been restrained by an interlocutory or preliminary order that had been issued, and had, as it was claimed, in violation of that order, proceeded to issue a proclamation declaring certain officers elected. This order recited that he had been guilty of disobedience of the previous order of the court.

I differed from the majority of the committee in the report which they presented to the House, and in which they say that Warmoth had not violated any restraining order. It appeared that after the order was issued Warmoth had signed a bill which had been passed by the previous Legislature, and was resting in his safe, authorizing the creation of a new board of canvassers or returning-board, and therefore he claimed that he had a right to proclaim the result of the canvass by the new board without violating the restraining order. But upon looking at the terms of that order, I think the majority of the committee will find that it is so broad and sweeping as to prevent any canvass whatever or any proclamation of the result of any canvass whatever until the determination of that case. Therefore, if the simple question were whether Warmoth had violated that order, I should say that the judge had sufficient ground before him to hold Warmoth guilty of a contempt. But, unfortunately, upon looking at the order of Judge Durell more carefully, it appears to be not such an order as its recitals would seem to indicate. It was intended to be an order based upon a preliminary proceeding for a contempt and taking action accordingly. On the contrary, after reciting the preliminary order and the proclamation of Warmoth which is set out *in hæc verba*, instead of proceeding to say that Warmoth is cited to come before the judge and show cause why he should not be punished for contempt, or in any other form such as, according to the ordinary course of judicial proceeding, ought to have been instituted, it winds up by saying—

Now therefore, in order to prevent the further obstruction of the proceedings in this cause, and further to prevent a violation of the orders of this court, to the imminent danger of disturbing the public peace, it is hereby ordered that the marshal of the United States for the district of Louisiana shall forthwith take possession of the building known as the Mechanics' Institute and occupy it as a State-house for the assembling of the Legislature therein, in the city of New Orleans, and hold the same subject to the further order of this court, and meanwhile to prevent all unlawful assemblage therein, under the guise or pretext of authority claimed by virtue of pretended canvass and returns made by said pretended returning-officers in contempt and violation of said restraining order; but the marshal is directed to allow the ingress and egress to and from the public offices of said building of persons entitled to the same.

Instead of being a judicial order, it seems to me to be a military order; an order which it seems was afterward upheld and supported by the troops of the United States, and which it may therefore be fairly assumed was contemplated and intended to be so used. I find also that the marshal testifies that the judge gave him discretionary power by an oral direction to determine what persons should be admitted to the State-house and what persons should be excluded; thus deputing, not in writing, this vast discretionary power, and clothing the marshal with it. I cannot believe that such an order as that can be justified by any consideration of charity. While I would extend to Judge Durell every proper protection, yet inasmuch as this relates to a question of jurisdiction between the States and the Federal Government in regard to which the States and the people are justly jealous, and inasmuch as it was followed up by the use of Government troops, as perhaps it was intended it should be, I had concluded that if compelled to vote I should call upon Judge Durell to explain why he issued that order, and that he could not complain if he was compelled to make such explanation by his written answer or by arguments of counsel, which the committee are not permitted to receive.

Considering the general character of this order to be so extraordinary, and fearing that unless condemned it might grow into a dangerous precedent, I freely acknowledge that I had resolved, if compelled to vote upon these resolutions, to vote for them so far as it was proposed to impeach him upon that case, while ignoring the other part of the charge contained in the report of the majority of the committee and every other charge embraced within the range of this investigation.

I deem it a mere matter of justice to myself to explain my position and views upon this case; but, as I said before, for the reason if we should order an impeachment it would only authorize a very expensive and dilatory proceeding which would result in nothing, I agree entirely to the resolution presented by the gentleman from Indiana that the whole subject be laid upon the table.

Mr. POLAND. It has not occurred to me, Mr. Speaker, there is either very great interest or profit in having a long debate on this matter in its present condition, and I would not say a word were it not that I wish to say something in the nature of a personal explanation. My studies for a few weeks have been somewhat in relation to the relative rights, duties, and obligations of the States and General Government with and to each other. In the course of them I had occasion to look at an article in the International Magazine, published in Philadelphia, written by Judge Cooley, of Michigan, a gentleman who I have known by reputation for some years as a judge of the supreme court of that State, but who is more widely known as the author of a very good book on the subject of the Constitution. In that article, written by Judge Cooley, published in that magazine for January, reference is made by him to this action of Judge Durell in the Louisiana case, and to the fact that the Judiciary Committee of the House had reported articles of impeachment against him for his conduct in reference to that matter. In a note to that article, the author says there was one gentleman, a member of the Judiciary Committee, (and he uses some words which made it apparent to me I was the member alluded to, although not called by name,) who dissented from the conclusions of the majority or the other members of the committee, and upon the ground that, in his judgment, Judge Durell was a Christian gentleman. And he went on to give his own views in reference to the wisdom of the gentleman who gave such a reason for his conduct, from which I have no particular inclination to dissent. But I took the liberty, although Judge Cooley is a gentleman with whom I have no acquaintance, to address a note to him, asking if I was the member of the Judiciary Committee referred to, and, if so, where he obtained his information I dissented from the majority on the ground that Judge Durell was a Christian gentleman.

I went on further to say I had no personal acquaintance with Judge Durell; I had never even heard he was a Christian gentleman; and, indeed, from the information I had in reference to him, I thought probably he was not a Christian gentleman. In answer, I received a letter from Judge Cooley, saying I was the gentleman alluded to, but instead of getting his information from the CONGRESSIONAL RECORD in reference to the matter of my action, he obtained it, he said, from some letter written by some correspondent to some newspaper, and the judge very greatly regretted, as I thought he had a right to, that he had so unjustly put me in a position so ridiculous, and upon information that proved so unreliable, in writing a serious article on the Constitution, to be published in one of the staid monthlies of the country. It would, I thought, have been wiser for him to have looked a little deeper into the subject before he appended that note which so utterly misrepresented me, especially when exact and accurate information was so easily accessible. I trust that not only the learned judge and author but many other people may learn to exercise a little caution on the subject of taking everything as true that is stated by newspaper correspondents.

Now, Mr. Speaker, it is true I stood somewhat alone in my views of the case of Judge Durell. I understood the four members of the committee who made the minority report to justify the conduct of Judge Durell in reference to what was termed the "midnight order;" that he acted entirely within his jurisdiction, and acted rightly. I did not agree with them in reference to that. I agree with the majority of the committee that Judge Durell did make an order which was beyond his legal jurisdiction, and therefore I could not justify it upon the ground that it was a legal order. But it often happens, Mr. Speaker, that whether a judge has or has not jurisdiction is one of the most nice and difficult things to determine; and merely because a judge had taken jurisdiction of a case or made an order not within the strict law, or it turns out he has exceeded his jurisdiction, it by no means follows he is amenable to impeachment any more than if he had made an order or gave judgment erroneous in any other particular. Why, I have in mind, Mr. Speaker, a case determined by the unanimous judgment of the Supreme Court of the United States, where they reversed a decision of the late Mr. Justice Nelson, upon the ground the court had no jurisdiction. He had ordered a case removed from the State court of Vermont into the circuit court of the United States, and the Supreme Court determined he had no right to make such order, and the court thereby obtained no jurisdiction. A more upright judge never lived in the land or in the world than Judge Nelson. So I say because this judge made an order he had no legal jurisdiction to make, it by no means follows he is amenable to impeachment, unless it can be established that order was made corruptly or made with a knowledge on his part—with the belief that he was exceeding his legal jurisdiction.

In my judgment the case was entirely bare of evidence to make it appear that Judge Durell, in making that order, was actuated by any corrupt motive, or that he acted in any belief that he was exceeding his legal jurisdiction.

And, Mr. Speaker, as this report which I made, a minority report, signed only by myself, is very short, I would like that it should be read by the Clerk. It states in fewer words than I can state it now precisely my idea in reference to the proper action in this case.

The Clerk read as follows:

The undersigned, member of the Judiciary Committee, for himself desires to say—

First. In relation to the *midnight order*, although he believes the judge had no proper legal jurisdiction to make it, still, he is not able to find that the judge acted corruptly, or with any belief that he was going beyond his jurisdiction in making it. The law under which he acted was new, and no rules or precedents had been established under it. The whole people were excited, the times were violent and turbulent, and judicial calmness or correctness could hardly be expected.

Secondly. The evidence seems to establish that some of the officers of Judge Durell's court were guilty of very corrupt practices and that he was not watchful to scrutinize their conduct; but there is no claim that he ever shared in any of the proceeds of their gains, and no direct evidence that he knowingly sanctioned or approved their action.

Thirdly. Where the evidence obtained by substantially an *ex-parte* examination only secures a bare majority of the committee, it does not appear to me that the public interest will be furthered by presenting articles of impeachment to the Senate for trial.

LUKE P. POLAND.

Mr. LAWRENCE. I wish to inquire of the gentleman from Vermont whether he assents to the proposition of the gentleman from New York, [Mr. TREMAIN,] that the power of impeachment does not exist after the officer resigns? I maintain most assuredly that the power still continues. It is not a power derived from the Constitution, but it is a power simply existing as a necessary power in every government, and which is recognized as an existing power by the Constitution.

Mr. POLAND. It would be with a good deal of hesitation that I should express any view in reference to that in opposition to the one expressed by so eminent a lawyer as the gentleman from New York, who says he has examined and considered the question. But I must say, without having examined and considered it, that my impression was very decidedly the other way; that the resignation did not avail as a legal obstacle to our proceeding with this impeachment against the judge, and that whether we would or would not was a matter of discretion, to be determined by the House according to the circumstances of the case.

Mr. ELDREDGE. Before the gentleman from Vermont sits down, I wish to make a suggestion to him, in case the House may be misled by the report which he has caused to be read at the Clerk's desk, and the statement which he has made, that there was nothing to show that Judge Durell acted corruptly in exceeding, as it is conceded he did, the jurisdiction of his court in making that order. The gentleman from Vermont will remember very well, I suppose, when I call his attention to the fact, that the order was a voluntary one; that this suit in which the proceedings purported to have been taken was *inter partes*, and that Judge Durell on his own motion, without any application of the attorneys—sending for the attorneys, in fact—directed the order to be prepared, and that the attorneys themselves at the time suggested to the judge that possibly he was exceeding his jurisdiction, and asked him if he had considered that fact. Without considering it any further, and without any application on behalf of any one, he directed what my friend from New York terms a military order to issue, and gave verbal instructions at the same time to the marshal, which were carried out, for his employment of the militia or of the soldiery, taking charge of them himself and carrying into effect what he understood to be the order of the judge.

Mr. POLAND. The gentleman from Wisconsin having been one of the sub-committee who took this testimony, of course is very much more familiar with its details than I am. Indeed, I have not looked at it since the last session of Congress at all. But I believe it is substantially shown by the testimony, as he says, that this action of the judge was pretty much upon his own hook, if I may use the expression. It was hardly called for by anybody or party, or by the counsel in that proceeding. And it rather occurred to me, Mr. Speaker, that it was an evidence of the judge's honesty. What a man does himself, uninfluenced and unsought by anybody, is a little more apt, I think, to be honest and conscientious than what he is overpersuaded by some other party and procured to do; so that, instead of drawing the inference from it that it must have been corrupt and that the judge must have acted with the knowledge that he was acting beyond his jurisdiction in making that order, I drew precisely the opposite inference. I came rather to the conclusion that the judge was entirely honest in his action, although I thought he was mistaken.

Mr. ELDREDGE. Then the gentleman from Vermont must ignore the fact that the judge took a very deep interest in the question, as appears from the proof, and that it was a matter in which the party of which the judge was supposed to be one took a very deep interest, and that there is some proof that he was moved to that action by other influences than those which appeared before him at the time when he issued the order.

Mr. POLAND. I think, Mr. Speaker, it was quite apparent that the judge was actuated in what he did simply by his own notions in relation to what he regarded as the public good.

Mr. ELDREDGE. Then I say to the gentleman from Vermont that when the judge acts voluntarily, and in a matter of such importance

as this order, I cannot for one agree with the gentleman that that is evidence of good motive.

Mr. STORM. I wish to ask the gentleman from Vermont to state his opinion as a lawyer, whether Judge Durell could not have justified his conduct in the issuance of that order by the enforcement acts of 1870 and 1871?

Mr. POLAND. Several members of the Committee on the Judiciary thought he was legally justified. I thought he was not. But I think these gentlemen on the other side had better hold their colloquy with some of my colleagues on the committee who believed that he was entirely right, rather than with me, who thought he was entirely wrong.

Mr. STORM. But you voted the other way.

Mr. TREMAIN. I wish to ask the gentleman from Vermont a question suggested by the remark of the gentleman from Ohio, [Mr. LAWRENCE.] I understand that gentleman to claim that there is an implied power of impeachment such as existed at common law. Now, we know that in England, under the impeachment power, the Parliament could not only remove men from office, but condemn them to death or to various other punishments or arbitrary fines. If that power does not exist, then the power of impeachment must be under the Constitution.

The question I put to my friend from Vermont is whether he supposes there is any power to impeach at all except in the Constitution of the United States; and, if so, then we can all judge for ourselves whether that does not require that the man impeached shall be in office at the time?

Mr. POLAND. With reference to the inquiry made by the gentleman from New York, I am very much in the same position that I was in relation to that made by the gentleman from Wisconsin. He is combating the theory of the gentleman from Ohio [Mr. LAWRENCE] with me. I should agree with the gentleman from New York that the power of Congress to impeach grows out of the Constitution; but I still think that its legal effect and consequences are to be determined by the general laws applicable to the subject of impeachment which existed when the Constitution was formed.

Mr. TREMAIN. There is nothing in the Constitution prescribing the laws applicable to the subject.

Mr. POLAND. That is what I said before. I have not studied the subject with reference to the question whether a man's going out of office ends impeachment proceedings or not. My impression is with the gentleman from Ohio that it does not.

Mr. TREMAIN. Story evidently thinks the other way, but there is a little doubt.

Mr. WILSON, of Indiana. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has ten minutes.

Mr. WILSON, of Indiana. Then I yield three minutes to the gentleman from Illinois, [Mr. WARD.]

Mr. WARD, of Illinois. Mr. Speaker, except for some remarks which have been made by the gentleman from Vermont, [Mr. POLAND,] with whom I differed and yet at the same time agreed, I should not have felt called upon to say a word upon this occasion, and except also for the fact that almost every other member of the committee has asked permission to say a word. Sir, I did not and I do not approve of the order issued by Judge Durell, known as "the midnight order." If I had been Judge Durell, very likely I would not have issued it; but I did not approve of the proceedings instituted here, and I based my action on the grounds substantially stated, very clearly, by the gentleman from Vermont. I have seen, sir, many judgments and orders of courts of which I did not approve; I have known many instances where courts and judges exceeded their authority; but to attempt to reverse and review those proceedings under the process of impeachment seems an unusual and unwarranted proceeding, and I was against it. It was upon that ground that I was one of those who resisted the proceedings to impeach Judge Durell.

With reference to the bankruptcy matters I may be permitted to state, as but adding a word to this little epitaph which is being written, that the men who are most noisy and determined in bringing charges of corruption against Judge Durell—the lawyers who were the most vigorous in their proceedings and in their charges—were those who for all the years of his administration of the court had taken its largest fees and managed most of the cases and had been the loudest in praise of Judge Durell down to the time of the issue of this order. Then, that being a matter which affected them politically, they changed front, and commenced howling down the man against whom up to the issue of that order there had been no breath of suspicion. They accused him of drinking, and failed to prove it; they said he was corrupt in proceedings in bankruptcy, and record proof shows that if he was corrupt the men who charge it on him were the men who received the benefit, which it did not appear was ever brought to the knowledge of Judge Durell.

Mr. Speaker, I have no word to say in defense of Judge Durell, but I do say that he acted there as judge for a long time, and that up to the time of the issuance of this order his character and reputation were never assailed by anybody. There were no charges against him until the issuance of this order of a political character, and in the issuance of that order I deem that there is no proof to show that he acted corruptly. He may have acted mistakenly. The order may have been wrong, and probably was, but there are tribunals and modes of proceeding under the laws of the land by which it could be examined and inquired into. It may be that, in consequence of his action, wrong was done, but that does not matter. I will not here convict any man in the highest court on earth, or on this continent at least, of high crimes and misdemeanors in the way it was proposed to convict this man here, unless I am satisfied that he acted corruptly; and it is not claimed by even his most earnest and ardent prosecutors that he acted corruptly in this order.

Mr. WILSON, of Indiana. I yield now for a few minutes to the chairman of the committee, [Mr. BUTLER, of Massachusetts.]

Mr. BUTLER, of Massachusetts. I only want to state the grounds upon which the majority of the committee acted in reference to the midnight order. I did not think, and I do not think now, that a majority of the committee acted on the question of corruption in the bankruptcy matters, nor does the journal of the committee show it; but, in reference to the other matter, there was under the enforcement acts a bill in equity brought to perpetuate testimony between A and B and C. On that bill to perpetuate testimony, alone, this order was issued to restrain and prevent the whole Legislature, E, F, G, and so on through the whole alphabet, from going on with their legislative business. Now, that seemed to me not within the enforcement act. There was no bill under the enforcement act to put that order in action, but simply a proceeding to perpetuate testimony. It seemed to me so gross an exercise of power that if the judge did not know he was exceeding his powers he ought to have known it. And, in either case, if he did know, of course he was wrong; and if he did not know, he ought to have known, and therefore he did not conduct himself well in office. And upon that ground I voted as I did.

There was no proof that after that order, after that restraining was done, after the whole mischief had been accomplished, there ever has been from that day to this, so far as I can learn, a motion in court by plaintiff or defendant, by judge, juror, or clerk, in reference to that case. And there never has been any return of what was done under that order. All the world knows what was done without a return.

Now, while I will not hold a judge to be impeachable where he simply makes a mistake, yet if a judge, clearly outside of all possible jurisdiction, interferes with the liberty of a single citizen, I will hold him impeachable. How much more so when he sets a great State and a great country by the ears, and produces anarchy and murder and all their attendant results. In my judgment it must be understood in this country that the courts must let politics alone. And I voted to serve a notice on all judges that they must attend to cases between party and party, and let politics alone; not allow the judicial ermine to be dragged in the filth of partisan discussion.

Mr. WILSON, of Indiana. I do not know that the matters that have been talked about here are really before us now for discussion. So far as I am personally concerned, I do not propose to say anything with reference to the propriety or impropriety of the issuing of the so-called "midnight order." I am of the majority in making this report, and that sufficiently indicates my views upon the conduct of Judge Durell in reference to conducting the affairs of his court, and in reference to the issuing of the "midnight order."

My colleague on the committee from New York, Mr. POTTER, now absent under the direction of this House, desired to say a word in reference to this matter when it came up. It has come up in his absence. I hope that upon his return he may be permitted to say what he desires to say upon this subject. I now move that these resolutions lie upon the table, and upon that motion I call the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The question is upon discharging the Committee on the Judiciary from the further consideration of the case of Judge Durell, and laying their report upon the table.

Mr. HOLMAN. What will be the effect of a negative vote upon that proposition?

The SPEAKER. It will leave the question pending before the House.

Mr. RANDALL. Is the question divisible, so as to have a vote upon discharging the committee and yet not lay the resolution on the table?

The SPEAKER. The Chair thinks not. The Chair stated the question in that form for this reason: If the motion was simply to lay upon the table, it would not be debatable. But a motion to discharge the committee and lay upon the table is debatable. Discharging the committee would lay the report upon the table.

Mr. RANDALL. The question is not divisible?

The SPEAKER. The Chair thinks not.

The question was then taken upon the motion of Mr. WILSON, of Indiana; and upon a division there were ayes 93.

Before the noes were counted,

Mr. COX called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 69, not voting 91; as follows:

YEAS—Messrs. Albert, Averill, Barber, Barry, Bass, Begole, Biery, Bradley, Buffinton, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Clayton, Clements, Stephen A. Cobb, Corwin, Cotton, Crooke, Crutchfield, Danford, Dawes, Dobbins, Donnan, Duell, Eames, Field, Garfield, Gooch, Gunckel, Hagans, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton,

Hendee, Herndon, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hunter, Kasson, Kelley, Lansing, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Pike, Thomas C. Platt, Poland, Pratt, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sener, Sessions, Shanks, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Stanard, St. John, Sypher, Taylor, Charles R. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waddell, Wallace, Jasper D. Ward, Wheeler, White, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—128.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Crossland, DeWitt, Durham, Finck, Frye, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Holman, Hunton, Lamar, Lamison, Leach, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Niblack, Hosea W. Parker, Pierce, Randall, Read, Robbins, Milton Sayler, Schell, Small, William A. Smith, Southard, Standiford, Stone, Swann, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—69.

NOT VOTING—Messrs. Albright, Archer, Barnum, Barrere, Bland, Buckner, Bundy, Burleigh, Cannon, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Coburn, Comingo, Conger, Creamer, Crounse, Curtis, Darrall, Davis, Dunnell, Eden, Eldredge, Farwell, Fort, Foster, Freeman, Eugene Hale, Robert S. Hale, Harmer, Hersey, George F. Hoar, Hubbell, Hurlbut, Hyde, Hynes, Kellogg, Kendall, Killinger, Knapp, Lamport, Lofland, Loughridge, Luttrell, McCrary, Mitchell, Morey, Nesmith, Niles, Nunn, O'Brien, O'Neill, Pelham, Perry, Phelps, James H. Platt, jr., Potter, Purman, Rainey, Ransier, Rapier, William R. Roberts, James C. Robinson, Ross, John G. Schumaker, Scofield, Henry J. Scudder, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, George L. Smith, J. Ambler Smith, Snyder, Speer, Sprague, Starkweather, Stephens, Storm, Stowell, Strait, Strawbridge, Christopher Y. Thomas, Waldron, Walls, Marcus L. Ward, Whiteley, Charles G. Williams, John M. S. Williams, and Ephraim K. Wilson—91.

So the motion of Mr. WILSON, of Indiana, was agreed to.

During the call of the roll,

Mr. PERRY said: Upon this question I am paired with Mr. SMITH, of Virginia; if present he would vote "ay," and I should vote "no."

ENROLLED BILL SIGNED.

Mr. PENDELTON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 1044) to provide for the resumption of specie payments.

IMPEACHMENT OF JUDGE BUSTEED.

Mr. WILSON, of Indiana, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom was recommitted the following resolutions, to wit:

Resolved, That the honorable Richard Busteed, judge of the district court of the United States for the southern, middle, and northern districts of Alabama, be impeached for misdemeanors in office;

Resolved, That a committee of two be appointed to go to the Senate and at the bar thereof, in the name of the House of Representatives and of the people of the United States, to impeach Richard Busteed, judge of the district court of the United States for the southern, middle, and northern districts of Alabama, of misdemeanors in office, and acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him, and make good the same; and that the committee do demand that the Senate take order for the appearance of said Richard Busteed to answer to said impeachment;

Resolved, That a committee of seven be appointed to prepare and report articles of impeachment against Richard Busteed, judge of the district court of the United States for the southern, middle, and northern districts of Alabama, with power to send for persons, papers, and records, and to take testimony under oath—

report the same back to the House; and, inasmuch as the said Richard Busteed has resigned his office and his resignation has been accepted, recommend that said resolutions do lie upon the table, and that the committee be discharged from further consideration of the subject.

Mr. WILSON, of Indiana. I yield to the gentleman from Massachusetts, [Mr. BUTLER,] the chairman of our committee.

Mr. BUTLER, of Massachusetts. Mr. Speaker, it is due to Judge Busteed to state exactly the ground upon which this impeachment stands, so that it may go upon the record. I believe I am correct in saying that the only charge which was sustained against him in the committee arose in this way: By the act of 1818 a district judge is required to reside within his district, and his failure to do so is made a high misdemeanor. The Committee on the Judiciary believed the true construction of that statute to be that the district judge should be always within reasonable limits within his district, so as to be at all times accessible to the call of suitors in his court. It appeared before the committee that Judge Busteed had been absent for years from his district. The only question of contest was whether he had a legal domicile there, which appeared doubtful. But it was very clear to us that he did not reside in his district within the meaning of that statute; and as the statute made non-residence a high misdemeanor, we reported the resolution, upon which further action becomes unnecessary because of his resignation.

I desire to add but a word. I cannot permit to pass unchallenged what seems to me so grave a legal heresy, if my friend from New York [Mr. TREMAIN] will pardon the expression, as the idea that the House of Representatives cannot impeach an officer who has resigned; that an officer of the United States always has it within his power to stop an impeachment by simply resigning his office. The fourth section of the first article of the Constitution provides—

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

Now, it is well known that at the time of the formation of our Constitution the English Parliament, by impeachment, could not only remove a person from office, but might inflict fines and punishments even unto death. Our Constitution treats the power of impeachment as one that ought to be exercised for the safety of the Government; but in order to prevent the wrong and outrage which, as we know so well, parliamentary bodies may commit when they get excited over their reputations or something else, our Constitution put a wise limit upon the power of parliamentary impeachment in this country.

Mr. LAWRENCE. A limitation upon the power of punishment; that is all.

Mr. BUTLER, of Massachusetts. A limitation upon the power of punishment in cases of impeachment. Our Constitution has provided that the punishment in such cases shall not extend further than to removal from office and disqualification for holding office. Now, though a man may escape the judgment of removal from office by removing himself, he cannot escape the punishment of disqualification to hold office. It is entirely within the power of the House and the Senate to go on and inflict that disqualification.

The *dictum* of Judge Story upon this question was, I am afraid, like some other *dicta* in his voluminous works, written by some law-school student; but whether that be so or not, the opinion is prefaced by an "it would seem;" the idea being that if we cannot enter a judgment of removal from office, we cannot enter the other judgment. I entirely dissent from that doctrine. The contrary was held by the Senate of the United States in the case of Judge Pickering, (although it did not necessarily arise there,) and also in the case of Judge Humphries, of East Tennessee, who at the beginning of the rebellion went over to the other side; who removed himself from office as fully as any man ever could; who took the oath of allegiance to the Confederate States, and went into their service. Yet the House of Representatives impeached that judge; he was tried before the Senate, and convicted.

Mr. LAWRENCE. That settled the rule against the theory of Judge Story.

Mr. BUTLER, of Massachusetts. I was about to say that that settled the rule against Judge Story's *dictum*, and shows how much weight was attached to that authority.

Mr. TREMAIN. Did Judge Humphreys resign his office?

Mr. BUTLER, of Massachusetts. He vacated it; he ran away. He swore allegiance to the confederacy; he became a confederate judge. If ever a man got out of office he did; yet he was impeached and convicted. Without arguing the question further at this time of day, I only call attention to the point, because the great weight of the authority of my friend from New York may hereafter bring the matter in question when it will be vital. Think a moment. A President of the United States may have committed the highest possible crime; we are about impeaching him; and, as in both these cases, just after we get the resolution for impeachment through the House, and are about to begin proceedings in the Senate for his trial, he resigns. Why, is it possible he can do that and escape the consequences of his acts? Or suppose, while the Senate are calling the roll on the question of guilty or not guilty, he finds more than two-thirds are against him and he sends in his resignation—resigns his office and escapes. I do not think that can be done, and therefore it is my desire as far as I may to put myself upon the record against it.

Mr. WILSON, of Indiana. Mr. Speaker, I do not assent to the doctrine announced here to-day that by resignation a party can escape impeachment or trial for impeachment. One of the penalties imposed by impeachment is disqualification to hold office. I am not willing to have it understood, so far as I am concerned, that by my silence I agree to the doctrine a party can retain for himself the power afterward to hold office by simply running away from impeachment by resignation. But I do not care to discuss that now.

There is one matter in this case in reference to which I desire to express my dissent from what has been said by the chairman of the committee. If I understand him, he stated the ground and the sole ground upon which the committee proposed to impeach Judge Busteed was, that he did not reside in the district for which he was appointed. I do not understand that to be the fact in the case. That was one of the grounds upon which the committee proposed to impeach him, but there was another proposition involved in this case. The auditor of that State had been brought before that court for an alleged contempt of the court, and he was fined a thousand dollars and sent to jail for five days. On account of the opinion given by Judge Busteed in that case, and which he afterward gave to a newspaper in the State of Alabama, that auditor brought an action against Judge Busteed for libel. Judge Busteed took a change of venue from the county in which the case was originally brought, and it was sent to another county for trial. After the lapse of some months the case was settled between Judge Busteed and his counsel and the counsel for the plaintiff in that action, and the agreement upon which it was settled was, that this party was to give up his action of libel against Judge Busteed, and Judge Busteed was to have the money which had been paid by this party on account of the fine assessed against him returned to that party.

Mr. ELDREDGE. In settlement of the libel suit?

Mr. WILSON, of Indiana. In settlement of this civil action for libel brought by this party against Judge Busteed. That money, pursuant to that arrangement, was taken out of the Treasury of the United States, for it was virtually in the Treasury of the United States, and used by Judge Busteed for the purpose of settling his pri-

vate litigation or his litigation with this party on this libel suit. That was one of the grounds before the committee on which the committee resolved it would impeach him; and with that statement of the case I leave it to the House.

Mr. TREMAIN. Mr. Speaker, allusion having been made to the remarks submitted in relation to the power of Congress over this subject, I desire simply to say that the proposition which I intended to advance was, that there were, to say the least of it, very grave constitutional doubts existing as to the power to impeach and try before the Senate an officer who was not holding office at the time the impeachment was instituted. I had the authority of Judge Story on that subject, which was based on the language of the Constitution to this effect:

> Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

And also upon section 4 of article 2—

> The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Now, I freely concede there is great room for argument on this question on both sides of it. There are authorities, not judicial, I think, which look to a contrary conclusion. A very able opinion has been prepared by one of our colleagues in this House, Judge LAWRENCE, in which he assumes that the power does not flow from the constitutional power to impeach so far as punishment is concerned. I do not venture to give an absolute and positive opinion on that disputed point. It was sufficient for the purpose of my argument that there were grave doubts upon it as well as high authorities against proceeding after an officer had resigned. There seems to be no great danger that any evil is likely to flow from that interpretation, for if an impeachable offense has been committed, the party is liable to be proceeded against by indictment. It did not seem to me to be wise to incur the large expense of impeachment so long as this question was pending, and especially as there was no immediate necessity or pressing emergency for bringing the question to final determination.

Nor do I think that the case of Judge Humphreys is at all important as bearing upon this question. He had not resigned his office. There was no way to get rid of him except by impeachment. True, he had gone into the confederate army; but we had no statute in the United States, as in some of the States, declaring that such a removal from his jurisdiction vacated his office. He was still in office, and thus the Senate had undoubtedly the right to proceed, as they did, to try him by impeachment, and remove him from office.

In the case of Judge Busteed I have examined the testimony. I had very grave doubts, and still have, whether any impeachable offense was made out against him. So far as relates to his non-residence, I think there is a very serious question whether that has been or can be considered a high crime and misdemeanor within the meaning of the Constitution. Judge Story, whose authority has been somewhat underrated here to-day, says that the Constitution means such offenses as are high crimes and misdemeanors as they existed at common law when this Constitution was adopted. By a subsequent statute it was declared that a judge should reside within his district, and that his non-residence should be a high crime and misdemeanor. It is a matter of very grave doubt in my mind whether refusal to reside would be considered a high crime and misdemeanor, because it was not such at the time the Constitution was adopted.

Mr. PELHAM. I would ask the gentleman whether by one of the statutes of the United States it is not made a high crime.

Mr. TREMAIN. Undoubtedly it is. And that presents the question whether that statute is or is not unconstitutional. If it required for impeachment a high crime and misdemeanor as the law then stood, of course it would not be competent for Congress to say that a man should be held guilty of a high crime or misdemeanor because he was not a democrat or because he was not a republican or because he did not wear his coat after a particular fashion.

But I do not propose to discuss that question, because I do not think that this case calls for it. I think there is some room for doubt about it. I am entirely satisfied with the disposition proposed to be made of this case by the gentleman from Indiana, [Mr. WILSON.]

Mr. WILSON, of Indiana. I wish to ask the gentleman from New York whether he thinks the issuing of the midnight order by Judge Durell was a high crime and misdemeanor at common law.

Mr. TREMAIN. Corruption and a willful and intentional abuse of official power are offenses indictable at common law. And there are undoubtedly grave official delinquencies of a moral character which are not attributable to mere non-residence, which I believe may be impeachable, or were so in England; although it may be very questionable whether it should not be an indictable offense, to be an impeachable offense under the Constitution. But on that question my friend from Ohio [Mr. LAWRENCE] has prepared an elaborate argument to show that it is not necessary to an impeachment that the offense should be an indictable offense at common law. But I do not deem it necessary to take up more time at present on that question, because there is great room for doubt upon the evidence in this case as to the question of fact where Judge Busteed did reside; and if he had any residence anywhere whatever, whether it was not in Alabama. He had taken a lease in Alabama for three years, and left because the house was not in a tenantable condition, and he had acquired no residence elsewhere. He had been shot at, and carries one or two bullets in his body to-day. I do not suppose any one would say that he should have stayed there during the hot weather of summer in order to be a resident. If he had not a residence there, I do not think he had a residence anywhere. But the gentleman from Pennsylvania on the sub-committee [Mr. CESSNA] has examined and is familiar with the evidence bearing upon that subject fully, and is better prepared than I am to speak upon it.

As to the other question of his using the fund realized by the imposition of a fine, everybody agrees that he had the right to remit the fine during the same term of court. He had prepared an order during the term of court to remit it, but was then sued for the libel, and was advised then that it would be unwise, and therefore he did not make that order. Subsequently, on application being made to remit the fine, he undertook to remit it; but I doubt very much whether he had the power strictly to do it, the term of court having expired.

Mr. WHITE. I wish to ask the gentleman from New York whether, in connection with the remission of that fine, the testimony does not show the fact that it was done in order to compromise an action for damages against Judge Busteed.

Mr. TREMAIN. An action of damages growing out of an expression in an official opinion that he had pronounced in court while deciding that question of the fine, and which a reporter took and published in a newspaper; and he was sued for libel by the very party who had been fined. Afterward, on application to purge from contempt, he undertook to remit the fine; but I do not know that he had any right to do so.

Mr. CESSNA. I wish to ask the gentleman from New York if he has not official knowledge of the fact that it appeared in the evidence beyond all contradiction that, on the very morning after that fine was imposed, Judge Busteed had written an opinion remitting the fine, and was on his way to deliver that opinion when the writ was served upon him in the suit which has been referred to. I would also ask him if it is not true that this same question was before the House on two former occasions, was referred to the Judiciary Committee, considered by that committee, and unanimously reported against as insufficient ground for impeachment.

Mr. TREMAIN. I have already referred to the fact——

Mr. HAZELTON, of Wisconsin. What is the question before the House?

Mr. WILSON, of Indiana. I yield to my colleague on the committee from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. I do not want to occupy the time of the House more than a moment.

Mr. TREMAIN. Allow me a word. I have already answered the first part of the interrogatory of the gentleman from Pennsylvania. In regard to the latter point, I do not know anything about it, and of course if he does he can state it to the House.

Mr. PELHAM. Let me ask one question. Was there any evidence before the committee that Judge Busteed intended to remit that fine the next day after?

Mr. TREMAIN. Yes, sir.

Mr. PELHAM. Whose testimony?

Mr. TREMAIN. I am not familiar with the names of the witnesses, but doubtless the gentleman from Pennsylvania, [Mr. CESSNA,] who was a member of the sub-committee, can inform the gentleman.

Mr. PELHAM. Was it not the testimony of his son-in-law?

Mr. CESSNA. There was evidence that he had prepared to do it on the day following.

Mr. PELHAM. Well, I have read the evidence very carefully, and I cannot find anything of the kind.

Mr. HAZELTON, of Wisconsin. What is the question before the House, and who is entitled to the floor?

The SPEAKER. The Chair understood the gentleman from Indiana [Mr. WILSON] to yield to his colleague, [Mr. ELDREDGE.]

Mr. WILSON, of Indiana. I have yielded to him for five minutes.

Mr. PELHAM. The gentleman from New York [Mr. TREMAIN] allows me to ask him a single question. The gentleman states that this fine was attempted to be remitted in the settlement of a suit that was brought against Judge Busteed for an alleged libel, and which was groundless. Now, I want to ask the gentleman if it is not a greater outrage to take $1,000 of the Government money after it has been paid into a depository to compromise a suit which has no foundation than to compromise one that had foundation? The point is made that there was no foundation for the suit. I ask if it was not a greater crime to take $1,000 of the public money to compromise such a suit than it would have been to take it to compromise a suit which had some foundation?

Mr. TREMAIN. The question is whether Judge Busteed was corrupt in using the money. Now, if he had exercised this power during the term of the court, he would have had an unquestionable right to do so.

Mr. PELHAM. The case was compromised after the court adjourned.

Mr. HAZELTON, of Wisconsin. What is the question before the House?

The SPEAKER. The gentleman's colleague [Mr. ELDREDGE] is entitled to the floor.

Mr. ELDREDGE. I do not desire to occupy the attention of the House for but a few moments. I entirely agree with the gentleman who makes this report to the House in regard to the grounds upon which the committee reported in favor of the impeachment of Judge Busteed. There were two grounds, as stated by the gentleman from Indiana. I can understand very well how the gentleman from Massachusetts [Mr. BUTLER] fell into the error into which he seems to have fallen, and it was in consequence probably of his own vote; and I state by his permission that he did vote for the proposition to impeach Judge Busteed for his non-residence in the district, but not upon the other ground which the committee reported in favor of impeachment on.

Now, sir, one word in regard to the power of impeachment in cases of resignation. That question did not arise in the committee and was not considered at all, because it was deemed most expedient to let the matter drop, since we had got rid of the judge. I did not suppose that the question would be raised, or that it could be supposed by any one that a party could resign after having committed high crimes, and escape trial and punishment for those crimes. I cannot, sir, myself, give my assent to any such doctrine. I do not believe that that is the proper legal construction of the Constitution, nor do I believe it would be policy to allow it to be done. There may be many cases where it would be the duty of Congress to proceed to put the party on trial and have the penalty administered of disqualification to hold any office thereafter. I think that is as much one of the objects of impeachment as to remove an improper person from the office itself. I do not wish to be committed to the contrary doctrine; and since gentlemen have seen fit to state their positions, lest they might be supposed to have given their assent to the doctrine that resignation would relieve the party from trial and condemnation, I wish to enter my dissent from that doctrine.

Mr. WILSON, of Indiana. I now yield for a few moments to the gentleman from Alabama, [Mr. PELHAM.]

Mr. PELHAM. Mr. Speaker, it was not my intention to have said anything about this case. I intended to have allowed the resolution of the Committee on the Judiciary to be adopted without any comment from me whatever. But when the attempt is made here by the members of that committee to make it appear that there was really no crime or misdemeanor committed by Judge Busteed in Alabama, it is necessary for me to state briefly my reasons for not insisting upon his impeachment now.

It is well known that the late President Lincoln indulged frequently in practical jokes. The appointment of Judge Busteed, in the first instance, was a cruel practical joke on the people of Alabama, the cruelest one Mr. Lincoln ever indulged in or that ever was indulged in upon any people. Articles of impeachment were prepared against Judge Busteed, and he has resigned his office. The time of this House and the time of the Senate can be more profitably employed than in considering articles of impeachment preferred by this House. For that reason, and inasmuch as he never lived in Alabama, does not live there now, and in all probability we never will see him any more, I do not care to do anything further except to give this reason why I vote for the resolution introduced by the gentleman from Indiana, [Mr. WILSON.] It is simply because he has resigned, and we will have no more trouble with him in Alabama, in all probability, that I agree to this resolution.

Mr. ELDREDGE. Does the gentleman have any apprehension that there is any possibility of Judge Busteed being appointed to some other office hereafter; that some practical joke will be practiced upon some other State?

Mr. PELHAM. Well, if the next elections go the way the last did, I do not know but what he will. At any rate there will be a good chance for it, for he has joined your party.

Mr. ELDREDGE. He will have to reform, then.

Mr. PELHAM. He has gone back on us.

The motion of Mr. WILSON was agreed to.

Mr. WILSON, of Indiana, moved to reconsider the vote by which the motion was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

BANKS ISSUING GOLD NOTES.

Mr. HOUGHTON. I ask unanimous consent to have taken from the Speaker's table, and referred to the Committee on Banking and Currency, Senate bill No. 1068, to remove the limitations restricting the circulation of banking institutions issuing notes payable in gold.

Mr. HOLMAN. Not to be brought back on a motion to reconsider?

Mr. HOUGHTON. Certainly.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Banking and Currency.

CLAIMS OF CONSTRUCTORS OF IRON-CLADS.

Mr. HAZELTON, of Wisconsin. I submit the following resolution for reference to the Committee on Printing:

Resolved, That two hundred and fifty copies of House report No. 269 be printed for the use of the House.

Mr. DAWES. What is that report?

Mr. HAZELTON, of Wisconsin. It is in relation to claims of constructors of iron-clads.

The SPEAKER. The gentleman can ask for a reprint of the report; that will give the usual number of fifteen hundred copies.

Mr. LAWRENCE. Will that include the views of the minority?

Mr. HAZELTON, of Wisconsin. Of course.

Mr. RANDALL. I think we have spent money enough in that way.

The SPEAKER. Does the gentleman object?

Mr. RANDALL. I do.

POWELL'S EXPEDITION.

Mr. DONNAN, from the Committee on Printing, reported the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, (the Senate concurring,) That the Congressional Printer be, and he is hereby, authorized to print the report of Major Powell's expedition in quarto form.

E. W. BLAIR.

Mr. LAWRENCE, from the Committee on War Claims, reported back the petition of E. W. Blair, of Nicholas County, Kentucky, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

CHRISTIANA L. WILLIAMS.

Mr. ST. JOHN, by unanimous consent, introduced a bill (H. R. No. 4202) to enable Mrs. Christiana L. Williams, administratrix of the estate of C. W. Williams, deceased, to make application to the Commissioner of Patents for an extension of letters-patent for improvement in canal locks and gates; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CIVIL-RIGHTS BILL.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I desire to give notice that on Monday next, or as soon thereafter as possible, I propose to offer a resolution, to provide that in the consideration of the bill and amendments thereto relating known as the "civil-rights bill" no dilatory motions shall be entertained save motions to adjourn.

Mr. RANDALL. That does not amount to the time it takes to state it.

Mr. BUTLER, of Massachusetts. That is very good; I am glad of it.

LEAVE OF ABSENCE.

Mr. HUBBELL was granted leave of absence for two weeks.

Mr. PURMAN was granted leave of absence for twenty days.

Mr. HOLMAN. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BEGOLE: The petition of Asa F. Chalker, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Gersham Bartlett, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. BUFFINTON: The petition of the Massachusetts Medical Society, in behalf of the Medical Corps of the United States Army, to the Committee on Military Affairs.

By Mr. CESSNA: The petition of workingmen, citizens of Huntingdon County, Pennsylvania, praying that the interest on the bonds of the Texas and Pacific Railroad Company be guaranteed by Government, to the Committee on the Pacific Railroad.

By Mr. CLAYTON: Resolutions of the board of supervisors of the city and county of San Francisco, California, praying to be refunded moneys expended in improving streets in front of United States property, to the Committee on Appropriations.

Also, the petition of L. D. Latimer, of San Francisco, California, to be paid for legal services rendered to the United States, to the Committee on Claims.

Also, the petition of members of the California Hundred and the California Cavalry Battalion, to be allowed additional travel-pay from places of discharge to places of enlistment, to the Committee on Military Affairs.

By Mr. COTTON: The petition of citizens of Davenport, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

Also, the petition of citizens of Cedar County, Iowa, of similar import, to the Committee on the Judiciary.

By Mr. COX: The petition of Michael I. Conlan, for correction of his military record, to the Committee on Military Affairs.

By Mr. CURTIS: The petition of citizens of Jefferson County, Pennsylvania, for a post-route from Panxatawney, via Frostburgh and Ringgold, to Mayville, in Clarion County, to the Committee on the Post-Office and Post-Roads.

By Mr. FRYE: The petition of David De Haven, to be compensated

for steamer Alonzo Childs, taken by the United States Navy, to the Committee on Naval Affairs.

By Mr. HARMER: The petition of S. Gleason, W. K. Hoover, and others, for leave to build a market to be known as Corcoran Square Market, to the Committee on the District of Columbia.

By Mr. HARRIS, of Georgia: Petitions of citizens of Georgia, for mail-routes from Senoia to Greenville, and from White Sulphur Springs to Wisdom's Store, to the Committee on the Post-Office and Post-Roads.

By Mr. E. R. HOAR: The petition of Mrs. Sarah Whiting, of Lowell, Massachusetts, for a pension, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of citizens of Schuylkill County, Pennsylvania, for the restoration of the 10 per cent. duty taken off leading products in 1872, and for the passage of the currency bill submitted by Hon. W. D. KELLEY for the issue of 3.65 convertible bonds, to the Committee on Ways and Means.

By Mr. KELLOGG: The petition of the harbor commissioners and the committees of the Chamber of Commerce and of the common council of the city of New Haven, Connecticut, for further improvements of New Haven Harbor.

Also, the petition of Frank G. Otis, of Meriden, Connecticut, and other officers and soldiers in the late war against the rebellion, for an amendment of the homestead law.

Also, the petition of Harriet E. Edwards, widow of David S. Edwards, late surgeon United States Navy, for a pension.

By Mr. LANSING: The petition of soldiers and sailors, for an amendment of the homestead law, to the Committee on the Public Lands.

By Mr. LEWIS: The petition of Mrs. M. Janet Burleson, for relief, to the Committee on War Claims.

By Mr. LOUGHRIDGE: Petitions of citizens of Monroe, Wapello, and Davis Counties, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. McCRARY: Petitions of citizens of Washington, Jefferson, Henry, Louisa, Van Buren, Lee, and Des Moines Counties, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. PIERCE: The petition of Marie Louise Perrin and Trautmann Perrin, for compensation for destruction of their property by the bombardment of Greytown, Central America, to the Committee on Foreign Affairs.

By Mr. PLATT, of Virginia: The petition of B. W. Hunter, of Virginia, for permission to file a claim before the southern claims commission, to the Committee on War Claims.

By Mr. ROBBINS: Resolutions of the Legislature of North Carolina, asking an appropriation to deepen the harbor at Edenton, North Carolina, to the Committee on Commerce.

Also, resolutions of the Legislature of North Carolina, asking an appropriation to open Neuse River, to the Committee on Commerce.

Also, resolutions of the Legislature of North Carolina, in relation to the Freedman's Savings and Trust Company, to the Committee on Banking and Currency.

Also, resolutions of the Legislature of North Carolina, concerning Federal tax on spirits of turpentine since the late war, to the Committee on Ways and Means.

Also, the petition of citizens of Alexander County, North Carolina, for a mail-route from Wittenberg, Alexander County, to Furches Mills, in Caldwell County, North Carolina, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Hugh Cockerham, for relief, to the Committee on War Claims.

By Mr. SAWYER: The petition of Theodore Conkey and 86 others, of Appleton, Wisconsin, for a sufficient appropriation to complete the improvement of the Fox and Wisconsin Rivers within four years, to the Committee on Commerce.

Also, the petition of R. Hurlbut and 62 others, of Waukan, Winnebago County, Wisconsin, for an amendment of the United States Constitution to prohibit the manufacture and sale of intoxicating liquors within the United States, to the Committee on the Judiciary.

By Mr. SMITH, of Virginia: The petition of physicians of Virginia, in behalf of the Medical Corps of the United States Army, to the Committee on Military Affairs.

By Mr. SWANN: Numerous petitions of medical associations and practitioners of Maryland, in behalf of the Medical Corps of the United States Army, to the Committee on Military Affairs.

By Mr. VANCE: The petition of citizens of Cleveland and Rutherford Counties, North Carolina, for a post-route from Shelby to Marion, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. WILLARD, of Vermont: The petition of Sally Emerson, of Berlin, Vermont, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Moody Johnson, for a pension, to the Committee on Invalid Pensions.

By Mr. ——: The petition of Victor Jourdan, of Hancock County, Mississippi, for relief, to the Committee on War Claims.

IN SENATE.

FRIDAY, *January* 8, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, submitting an estimate of funds required for the military prison at Fort Leavenworth, Kansas, for the year ending June 30, 1876; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter of the Acting Secretary of the Interior, transmitting, in obedience to law, reports of the surveyor-general of New Mexico on private land claims in that Territory; which was referred to the Committee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented the petition of J. L. Jones, asking compensation for the use by the Government of his patented compound defensive armor during the late war; which was referred to the Committee on Patents.

Mr. DAVIS presented the petition of George R. Murphy, of Piedmont, West Virginia, grandson of Isaac Murphy, deceased, praying indemnification for spoliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

Mr. FENTON presented the petition of Thomas McGeehan, of the Soldiers' Home, Hampton, Virginia, asking for an increase of pension; which was referred to the Committee on Pensions.

Mr. FERRY, of Michigan, presented the petition of A. T. McReynolds, of Muskegon, Michigan, a pensioner of the Mexican war, praying the passage of an act which will enable him to draw pension for three years and two months, being the time he served in the late rebellion, and during which time his pension was stopped; which was referred to the Committee on Pensions.

Mr. HAMILTON, of Maryland, presented the petition of Edmund Slifer, of Maryland, praying that a pension be allowed to the children of Joseph Butts, deceased, for services rendered by him while in the Army of the United States; which was referred to the Committee on Pensions.

Mr. CONKLING presented a petition of a large number of soldiers of the late war, residing at College Point, Long Island, praying for an amendment to the homestead bill for the benefit of those who served in the late war; which was referred to the Committee on Public Lands.

He also presented a petition of citizens of the city of Elmira, Chemung County, New York, praying an amendment of the fourteenth section of the act of September 24, 1789, to establish the judicial courts of the United States, so as to authorize the levying of a tax to pay judgments rendered by courts of the United States; which was referred to the Committee on the Judiciary.

Mr. LEWIS presented a memorial of the members of the fire department of the District of Columbia, protesting against a decrease of their present salaries, as proposed by Senate bill No. 963, and praying that they may be increased; which was referred to the Committee on the District of Columbia.

Mr. MORTON presented the petition of Rees B. Edmondson, praying the passage of the bill (S. No. 1002) declaring the effect of permits to purchase products of the insurrectionary States in certain cases granted by the President during the war of the rebellion; which was referred to the Committee on Military Affairs.

The VICE-PRESIDENT presented a memorial of the Legislative Assembly of the Territory of Dakota, in favor of the opening up of the Black Hills country to actual settlers on the extinguishment of the Indian title thereto; which was referred to the Committee on Territories.

He also presented a memorial of the Legislative Assembly of the Territory of Dakota, in favor of a grant of land to aid in the construction of a railroad in Yankton, in that Territory, to the Great National Park, by the way of the Black Hills; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislative Assembly of the Territory of Dakota, in favor of an appropriation in aid of the construction of a wagon-road from some point on the table-lands, in Union County, in Dakota, across the marsh lands to Ponca landing on the Missouri River; which was referred to the Committee on Military Affairs.

ROBERT TANSILL.

Mr. EDMUNDS. I believe there is on the table House bill No. 3780, removing the political disabilities of a gentleman in Virginia, which has been read and passed to a second reading. I move that the bill be taken up, so that it may be referred to the Committee on the Judiciary to be considered and reported.

The motion was agreed to; and the bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia, was read the second time and referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 870) to place the name of Mrs. Mary E. Murphy on the pension-roll, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1183) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 366) granting a pension to Hugh Wallace, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3700) granting a pension to Teter Wolfyoung, reported it with amendments, and submitted a report; which was ordered to be printed.

Mr. KELLY. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 4162) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States, from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon, to report it without amendment; and as it is a bill in the common form, only granting the right of way, I ask that it be put upon its passage now.

Mr. WRIGHT. I trust the Senator from Oregon will not press that bill at this time. I want the morning business to get through, so that I can get up the bill abolishing the western judicial district of Arkansas, which is the order this morning in the morning hour; and so soon as that is disposed of after the morning business, the Senator can call up his bill, or he may withdraw his report now and then present it.

Mr. KELLY. I shall endeavor to call up the bill some time this morning.

Mr. WRIGHT. Very well.

The VICE-PRESIDENT. The motion for present action on the bill is withdrawn.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2677) granting a pension to Mrs. Mary G. Harris, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3031) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1943) granting a pension to Helen M. Stansbury, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 836) granting a pension to William Ira Mayfield, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mary Randolph, of Iowa, praying for the enactment of a law extending the time for applying for pensions, reported adversely thereon, and asked to he discharged from its further consideration; which was agreed to.

Mr. INGALLS. I am also directed by the same committee, to whom was referred the bill (S. No. 749) to repeal a part of the act therein named in relation to the compensation of pension agents, to submit an adverse report, which I ask shall be printed. I call the attention of the Senator from Iowa [Mr. WRIGHT] who introduced this bill to the fact, because he may desire it to go on the Calendar.

Mr. WRIGHT. Let it be placed on the Calendar.

Mr. INGALLS. The bill will go on the Calendar with the adverse report of the committee.

The VICE-PRESIDENT. That course will be taken, and the report will be printed.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred a memorial of the Legislature of Oregon asking a donation of the unfinished mint building at Dalles City, reported a bill (S. No. 1097) to donate to the State of Oregon a public building, lot, and material, situated at the Dalles, Oregon; which was read, and passed to a second reading.

BILL INTRODUCED.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1098) to aid the Washington and Ohio Railroad Company in the construction of their road to the Ohio River; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SARGENT. I move that the Senate proceed to the consideration of House bill No. 3819, being the regular appropriation bill for the naval service for the next fiscal year.

Mr. WRIGHT. The Senator from California will remember that the bill to abolish the western judicial district of Arkansas was laid over until to-day in the morning hour. I trust he will allow that bill to be taken up. It will take but a moment, and I think there will be no discussion on it. I understand the Senator from Ohio who desired to look into it [Mr. THURMAN] is satisfied.

Mr. SARGENT. If the Senator's bill will take but a moment and will not provoke discussion, I will give way for that. Otherwise, I must insist on my motion.

Mr. CLAYTON. I desire to say to the Senator from Iowa that I should be glad if he would allow that bill to go over until to-morrow morning. I desire to offer an amendment to it, which is in relation to the territorial boundaries of the two districts. I desire to restore the territory of the western district of Arkansas as it existed before the act of 1871 was passed. I think probably the Senator will unite with me in that.

Mr. WRIGHT. I trust my friend will allow this bill to be put on its passage now and disposed of, and the matter of which he speaks he can regulate otherwise than in this bill. I want to have this bill out of the way.

Mr. CLAYTON. I think it had better be made perfect before it is passed, and I am sure I shall be able to convince the Senator from Iowa that the territorial boundaries of the district are very imperfect as provided for in his bill.

Mr. SARGENT. As I see there is a difference among the Senators as to the provisions of the bill, and it evidently cannot be passed soon, I insist on my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from California.

Mr. WRIGHT. I trust that the Senator will not insist upon that. This bill was passed over yesterday until to-day with the understanding that it should be the order during the morning hour to-day.

Mr. SARGENT. It is obvious from the statement made by the Senator from Arkansas that the bill will lead to considerable discussion now. By postponing it a single morning no harm can be done. As the Senator from Arkansas is confident he can convince the Senator from Iowa of the reasonableness of his amendment, that can be done off the floor and save the time of the Senate. There are now only eight weeks left of the session, and there are fourteen appropriation bills to be passed. I should like to inquire of the Senate when the Committee on Appropriations can get these bills passed unless we take opportunities like this? It would do no particular harm to postpone the bill the Senator refers to for a single day, to harmonize a difference that may take up the whole morning hour to discuss and then not come to a conclusion. I should think differently; and it seems to me, as it is now plain that we can probably pass in the three-quarters of an hour we have before one o'clock the naval appropriation bill, or at any rate make large progress with it, the Senate should allow the Committee on Appropriations to go on, and to-morrow the Senator from Iowa can take up his bill according to the suggestion of the Senator from Arkansas.

The VICE-PRESIDENT. The question is on taking up the naval appropriation bill.

Mr. WRIGHT. I wish to say to the Senator from California that this bill was reported at the last session of Congress, and if the appropriation bills are to come in and displace it, there is so much the greater necessity for disposing of it this morning. In the western district of Arkansas they are without a judge; and the question is to be settled, and we must settle it, whether the western district shall or shall not be abolished; and I am sure this can be done in five minutes, if the Senate will allow the bill to be taken up.

Mr. CLAYTON. I had sat down to draught the amendment which I desire to offer just before the Senator from Iowa called up the bill. I am satisfied that I cannot draught that amendment during the short time that is left to me if the bill is taken up now. I have no disposition whatever to delay the bill one day except to perfect it. The amendment reported by the committee——

The VICE-PRESIDENT. The question is on taking up another bill, not on the Arkansas bill.

Mr. CLAYTON. Let me say one more word. The amendment reported by the Committee on the Judiciary has been laid on our tables this morning. It is the first time I have had an opportunity to examine the printed amendment. I merely want to offer an amendment to it. If it has not merit, let it fall to the ground. There will be no necessity for discussing it long, I apprehend; but I want time to prepare an amendment.

Mr. WRIGHT. I shall not insist on considering this bill now; but I notify Senators that to-morrow morning I shall insist upon taking it up, and I trust there will then be no objection to taking it up; and I am not certain but that I shall then insist on the original bill without the amendment.

Mr. CLAYTON. We shall see about that.

The VICE-PRESIDENT. The question is on the motion of the Senator from California to take up the naval appropriation bill.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Accordingly the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes.

The Chief Clerk proceeded to read the bill. The first amendment reported by the Committee on Appropriations was in line 15, at the

end of the clause providing for the pay of commissioned and warrant officers, &c., to add the following proviso:

Provided, That no allowance shall be made in the settlement of any account for traveling expenses unless the same be incurred on the order of the Secretary of the Navy, or the allowance be approved by him.

The amendment was agreed to.

The reading of the bill was continued to line 93.

Mr. SARGENT. The Committee on Appropriations instructed me to move an amendment to strike out "$18,000" and insert "$20,000" in line 93, which is necessary for the service. That will make the clause read:

For pay of computers and clerk for compiling and preparing for publication the American Ephemeris and Nautical Almanac, $20,000.

The amendment was agreed to.

Mr. SARGENT. The committee instruct me also to move on line 95 to strike out "two" and insert "three," so as to make the appropriation $3,000 for the continuance of work on new planets discovered by American astronomers.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment reported by the Committee on Appropriations was in line 197 to increase the appropriation from $5,000 to $20,000 for necessary repairs of naval laboratory, hospitals, and appendages, including roads, wharves, out-houses, steam-heating apparatus, sidewalks, fences, gardens, and farms, under the head of "Bureau of Medicine and Surgery."

The amendment was agreed to.

The reading of the bill was continued to the next amendment of the Committee on Appropriations, which was on line 209, to reduce the appropriation "for provisions for officers, seamen, and marines" from $1,300,000 to $1,244,000.

The amendment was agreed to.

The next amendment was in lines 241 and 242, to strike out the following proviso to the appropriations for the Bureau of Steam-engineering:

Provided, That the work be done in the shops of the navy-yard when practicable.

The amendment was agreed to.

Mr. SARGENT. I am instructed by the Committee on Appropriations to offer the following amendment:

Strike out in line 244, after the word "others," down to and including the word "four," on line 246, and insert:

For two professors, (heads of departments,) namely, one of drawing, and one of English studies, history, and law, $2,500 each; three.

So as to make the clause read:

For pay of professors and others: For two professors, (heads of departments,) namely, one of drawing, and one of English studies, history, and law, $2,500 each; three professors namely, one of mathematics, &c.

The amendment was agreed to.

Mr. SARGENT. I am also instructed by the committee to move to strike out on line 247 all after the word "Chemistry," down to and including the word "law," in line 248. The words stricken out are "one of English studies, history, and law."

The amendment was agreed to.

The reading of the bill was continued to line 321.

Mr. SARGENT. I am instructed by the committee to move to strike out in line 321 "$10,000" and insert "$15,000," $10,000 being entirely inadequate for the purpose. The clause will then read:

For fuel and for heating and lighting the academy and school-ships, $15,000.

The amendment was agreed to.

The next amendment reported by the Committee on Appropriations was in lines 322 and 323, to increase the appropriation for the contingent expenses of the Naval Academy from $36,600 to $41,600.

The amendment was agreed to.

Mr. SARGENT. I move to strike out the words "contingent expenses," in line 322, and insert "general maintenance."

The amendment was agreed to.

The reading of the bill was continued. The next amendment reported by the Committee on Appropriations was in line 341, under the heading "Marine Corps," after the word "troops," to insert "and for expenses of recruiting;" so as to make the item read:

For transportation of troops and for expenses of recruiting, $5,000.

The amendment was agreed to.

The next amendment was to insert after line 342 the following clause:

For transportation of officers traveling without troops, $5,000.

The amendment was agreed to.

The next amendment was in line 346, to increase from $5,000 to $10,000 the appropriation "for repairs of barracks and rent of offices where there are no public buildings."

The amendment was agreed to.

The next amendment was in line 347, after the word "for," to insert "public horses and;" and in line 348 to strike out "three" and insert "five;" so as to make the clause read:

For forage for public horses and horses belonging to field and staff officers, $5,000.

The amendment was agreed to.

The next amendment was to insert after line 348 the following clause:

For payment of discharged soldiers for clothing not drawn, $20,000.

The amendment was agreed to.

The next amendment was in line 351, to strike out the word "offices" and insert "officers."

Mr. SARGENT. That is merely a verbal amendment.

The amendment was agreed to.

Mr. SARGENT. I am instructed by the committee to move to strike out "ten" and insert "sixteen" in line 352, so as to make the clause read—

For hire of quarters for officers where there are no public quarters, $16,000.

The amendment was agreed to.

The next amendment reported by the Committee on Appropriations was in line 367, to increase the appropriation for contingencies of the Marine Corps from $15,000 to $20,000.

The amendment was agreed to.

Mr. BOUTWELL. May I ask the Senator from California what amount is appropriated by this bill?

Mr. SARGENT. A little over sixteen millions—about the same sum that was appropriated last year. The principal item of increase is for coal for ships' use, which was cut down to too small a sum last year, and is restored to nearly the amount appropriated the year before. That makes the principal item of increase. We have increased over the House bill in one or two of the smaller items in reference to the Marine Corps, which were cut down too close last year; and some items which are part of the pay of officers were cut down. These are on the last page, which we have just passed upon. For instance, there is one item of undrawn clothing which was omitted last year under some misapprehension. The undrawn clothing is that which is saved by economical marines from their allowance of clothing, which is tolerably liberal, by the Government, and, when their term of service expires, is reckoned up and is paid to them by money, by a species of commutation; that is put in this bill, amounting to twenty thousand dollars. But, by nearly all the amendments which we have made in the Senate, we have reduced the items of the House bill except in two or three cases, which I have moved this morning, on further information, amounting to fifteen or twenty thousand dollars. The rest of the amendments have been reductions on the bill, so that it goes back to the other House substantially as it came from it.

The bill was reported to the Senate, as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILL RECOMMITTED.

Mr. HARVEY. I move that the bill (H. R. No. 2997) for the relief of George A. Schreiner, reported June 1, 1874, adversely from the Committee on Claims, and placed upon the Calendar, notwithstanding the adverse report, be now recommitted to the Committee on Claims, for the reason that new evidence is to be presented by the claimant.

The motion was agreed to.

USE OF THE ARMY IN LOUISIANA.

The VICE-PRESIDENT. If there be no further morning business, the Chair will call up the resolution introduced by the Senator from Ohio, [Mr. THURMAN,] the question being on the amendment of the Senator from New York, [Mr. CONKLING,] and the Senator from Delaware [Mr. BAYARD] is entitled to the floor.

Mr. BAYARD. Mr. President, I call for the reading of the resolution now before the Senate, and of the amendment of the Senator from New York.

The CHIEF CLERK. The resolution is as follows:

Resolved, That the President of the United States is hereby requested to inform the Senate whether any portion of the Army of the United States, or any officer or officers, soldier or soldiers of such Army, did in any manner interfere or intermeddle with, control or seek to control, the organization of the General Assembly of the State of Louisiana, or either branch thereof, on the 4th instant; and especially whether any person or persons claiming seats in either branch of said Legislature have been deprived thereof, or prevented from taking the same, by any such military force, officer, or soldier; and if such has been the case, then that the President inform the Senate by what authority such military intervention and interference have taken place.

The amendment is to insert after the word "Senate" the words "if in his judgment not incompatible with the public interests."

Mr. BAYARD. Mr. President, in my judgment the amendment proposed by the honorable Senator from New York to this resolution is quite out of place and unnecessary. The resolution itself, we all know as a public fact, was a mere formal preliminary to congressional action. It was an orderly and respectful call upon a co-ordinate branch of the Government to account for his apparent exercise of unlawful power. I do not now propose to debate the question raised by the amendment of the Senator from New York, not because it is not important in itself, and touches an interesting, grave, and substantial question, but because it is overshadowed by the main subject upon which it is now sought to be ingrafted. Nor, since I have been personally referred to by that Senator as an authority to sustain the invariability of the amended form which he proposes, shall I do more than say that about two years ago I was endeavoring to save the depleted treasury of the State of South Carolina from further and gross peculation and robbery, and sought by a resolution of inquiry to draw the attention of the country and of the President of the United States

and his subordinates to the case so that the scheme of plunder might be arrested, if there was a disposition to do so.

In this attempt, however, I was, as usual in this body, unsuccessful, for the resolution, although it was adopted early in the month of March, 1873, and was sent to the President, was treated by him and his Secretary of War with contemptuous silence, and the wrong-doer was not only permitted to consummate his wrong, but he has been encouraged to repeat it, and to-day we find him sent to "fresh fields and pastures new" in the State of Louisiana, to repeat there the operations that made his name so notorious in the State of South Carolina. I refer to one Major Lewis Merrill, of the United States Cavalry, who has added to his notoriety by his late congenial operations in the State of Louisiana, for which he has been specially detailed by the Secretary of War with a full knowledge of the facts that preceded his conduct in South Carolina.

The amendment to the resolution originated not with me but with the Senator from New York, who now offers it in the same phrase to the present resolution. I was at that time compelled to accept it or virtually lose the possibility of having my resolution adopted. I offered it as soon as the facts were made known to me. There were but two working days left of the session, and the objection which was made upon the first day would have continued it over, and I was glad to have it accepted in any form, even with the entirely superfluous, and, as I thought then, improper addition which was put upon it. I made no objection to it. In that way alone the resolution, as amended by the Senator from New York, came before the Senate.

But, Mr. President, that is a very small matter compared to the gravity of the crisis in which I believe the people of the United States find themselves this day. If I overrate it, it is because the deep solicitude which I feel in everything touching my public duty and the welfare of my countrymen must account for the error in judgment. I do not believe that since the American colonies separated themselves from the rule of Great Britain by revolutionary action the people of this country were ever brought face to face with graver questions, needing braver, calmer, more deliberate consideration, than confront them to-day. It is not simply the question of the existence of that republican form of government which by the Constitution it is made the duty of the United States to guarantee to every State of this Union, and without which Louisiana stands to-day. It is even graver, if it be possible, more important than even that, for there are governments, of laws not republican in form, in which the objects of good government are secured and peace and safety given to the inhabitants. But the issue now to be raised between the people of the United States and those whom they have elected as their rulers is whether this Union of States shall be governed by law or by the mere personal will of the official; whether we shall have a civil government or a military dictatorship; whether we shall have a free government or a despotism. The issue is, if I mistake it not, not less grave than this. In the venerable Commonwealth of Massachusetts I find well stated the object for which, the spirit with which, these limited governments were created, and their charters reduced to writing, so that they should not depend upon the feebleness of men's memories, but should be fixed in written characters for all time. Said the people of Massachusetts in their Declaration of Rights, in the fourth section:

> The people of this Commonwealth shall have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and they shall forever hereafter exercise and enjoy every power, jurisdiction, and right which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled.

And in the closing section of their declaration of rights:

> In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them, TO THE END THAT IT MAY BE A GOVERNMENT OF LAWS, AND NOT OF MEN.

There is the soul of the declaration of rights upon which the government of the ancient Commonwealth of Massachusetts stood in 1779, and under and subject to which her people have lived to this day.

Mr. President, absolute, unlimited power is unknown to the American system of government, or to any other system of government pretending to be called free. The people of the States and the States as integral parts of the Federal Union have delegated certain enumerated powers to their rulers, and reserved all others expressly in their written charter to the States and to the people. To omit the execution of just power is clearly a breach of duty of the Executive, and to assume power not delegated is a usurpation quite as dangerous as rebellion and just as promptly to be checked.

Now, sir, in what spirit should an American Senator approach the consideration of a question like this? Should it not be gravely, moderately, restrainedly, and without excitement, discussed? How unlike should it be to the remarks which we have here printed in the records of the proceedings of this body, which fell from the honorable Senator from Indiana, [Mr. MORTON,] and from his associates from Vermont and from Illinois, [Messrs. EDMUNDS and LOGAN,] in which every line seems to breathe hatred, to blaze with excitement, to be filled with violent epithets, with general arraignment and indictment of the whole white population of a sister State, so that it seems to me their speeches must have been intended to obscure the real point at issue and to envelop the subject in a cloud of excitement, to awaken anew the bitterness of sectional animosity; and, by sounding the trumpet of mere party, to draw their hearers away from that standard of sworn patriotic duty to support and defend the Constitution of their Government. I shall not imitate them. My sense of indignation is strong, but it is to be silenced by my sense of sorrowful apprehension of evil to my country.

Sir, in the course of the late dreadful war between the States of this Union, I heard of a widowed mother, bereft of husband, of child, of property, sitting in the midst of her desolation, with a bleeding heart, who was asked whether she did not hate those who had thus wronged her; and her answer was, "My heart is too full of sorrow, to have any room for anger."

Now, sir, what are the facts of this case? An election on November the 3d was held in Louisiana, as in the other States. It was conducted with earnestness and some excitement, and yet peaceably—certainly orderly. The entire machinery for conducting and supervising that election was in the hands of the acting governor of the State and his political adherents. The forms of election were maintained and they were generally exercised, and the returns were wholly in the hands of "Governor" Kellogg, as he is called, and his adherents. He committed them to a returning board who kept them in the face of the country, under a pretense of tabulation and counting, for nearly two months, lacking I think but two days. Other States nearly five or six times as populous found their returns tabulated and correctly counted within less than a week. In most of the great cities of the country, containing far more population than the whole State of Louisiana, forty-eight hours had not elapsed before there was a tabulation and count of the votes. But this tabulation and counting were retarded and delayed by the returning board, the appointees of Kellogg, for the foul and wicked purpose declared and proven by their opponents, forgery proven, the substitution of false returns for real returns, the arbitrary rejection of clear testimony in regard to the election; even a public holiday, the Thanksgiving Day, violated for the purpose of breaking open the envelopes and replacing the true returns by forged ones. All these things are not only alleged, but proven, and are known to the country. The delay had its object, and the object was fraud, and the fraud was perpetrated, and in every case where fraud was perpetrated it was a fraud against the conservative party of the State and in favor of that party known as the Kellogg party. To that there is no exception; it stands the invariable rule of these fraudulent alterations.

The conservatives were vigilant, they were constant, they were courageous; but their apprehensions were but too sadly to be verified, and the overwhelming majority of the conservatives in the Legislature of the State of Louisiana was nullified, and a small majority—I believe of two votes—given to the Kellogg party in the house of representatives by the garbled, false, partial returns of this board. This was done in the presence of the whole country. Day by day the charge was made and proven. The coun try knew it. No one denied it. The President of the United States was advised of it; he was kept well informed of it, and his semi-official utterances, made known to the people, were that, no matter what frauds should be accomplished by this board, they should be maintained at every cost, or that "somebody should be hurt" in case interference was attempted with their nefarious proceedings; that is to say, if any resistance to a clear, plain wrong was made by an outraged community.

On the 4th of January the Legislature of Louisiana, under the constitution of that State, were to assemble in the State-house in the city of New Orleans; they were to organize their respective bodies. The constitution of the State of Louisiana provides in article 34, entitled "Of the legislative department," first—

> That the number of representatives shall never exceed one hundred and twenty nor be less than ninety.
>
> ART. 34. That each house of the General Assembly shall judge of the qualifications, election, and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.
>
> ART. 35. Each house of the General Assembly may determine the rules of its proceedings, punish a member for disorderly conduct, and, with a concurrence of two-thirds, expel a member; but not a second time for the same offense.
>
> ART. 37. Each house may punish by imprisonment any person not a member for disrespect and disorderly behavior in its presence, or for obstructing any of its proceedings; such imprisonment shall not exceed ten days for any one offense.

Such is the language of the constitution of Louisiana. Now, let us consider for one instant the value of this right given exclusively to each House to determine the rules for its own proceedings and to pass upon the elections, qualifications, and returns of its own members. Like all things that are of value, it was not reached in a day, but its path was a path of difficulty to those who achieved it. The history of this right, this English-born right of self-government by the representatives of the people, is well related in The Law and Practice of Legislative Assemblies by Cushing, at section 146:

> The present constitution of the House of Commons is, to a considerable extent, the result of a series of struggles between it, on the one hand, and the sovereign, or the lords, or both, on the other. One of the earliest of these conflicts, and one of the most interesting, is that which terminated in the establishment of the right of the Commons to be the exclusive judges of the returns, elections, and qualifications of their own members. This right, after having been claimed and exercised at one time by the king and council, at another by the House of Lords, and, again, by the lord chancellor, was declared by a resolution of the Commons, in 1624, and has ever since been admitted to belong exclusively to the house itself, as "its ancient, natural, and undoubted privilege."

This power is so essential to the free election and independent existence of a legislative assembly that it may be regarded as a necessary incident to every body of that description which emanates directly from the people; it is also, out of abundant caution, conferred upon or guaranteed to most of the legislative assemblies of the United States by express constitutional provisions.

In accordance with this inherent right, incidental to the very nature of the body, was the constitutional guarantee which, as the writer has said, out of plenary caution was introduced into the constitution of the State of Louisiana. There was a voluntary and orderly attendance of 101 or 102 elected and persons claiming to be members-elect of the house of representatives of the Legislature of the State of Louisiana on the 4th day of January instant, more than a quorum under the constitution of the State. But under what circumstances did these representatives of the will of the people of Louisiana assemble? In the State-house, not the custom-house or any other United States building, but in the house of the State of Louisiana. And in whose hands did they find it? On the evening previous it had been garrisoned with what were called the Metropolitan police, the adherents and partisans and sole appointees of Kellogg, the acting governor. Around the house, controlling access to it upon two sides, were armed troops of the United States acting in force under the command of an officer of the United States under delegated authority from the President of the United States. The lawful citizens of the State of Louisiana were forbidden to approach their State-house. They who alone were privileged spectators were forbidden to exercise the high, the inherent, the essential privilege of witnessing the convention of their own State Legislature. There was a member of Congress, well known and esteemed by all—I refer to Mr. POTTER, of New York, at present a member of the investigating committee there—who sought in vain as a private citizen of a sister State to approach and witness the form of inauguration of the assembly, and was forbidden by armed force.

I consider his rejection an outrage, and unlawful; but I consider that the poorest and the meanest citizen of Louisiana had a precedent right even over my respected friend to enter the hall and to witness the inauguration of the Legislature in whose election he had cast his vote and who were to be the makers of laws under which he should live. But until the House committee appointed to make this investigation shall return, I will not attempt to recite any disputed or disputable fact. I shall take facts which are admitted and established, and refer to them alone.

There was an organization of that house. There was a speaker elected and placed in his chair. There was a clerk also chosen, and this was done in the presence of a quorum of the house of representatives constitutionally convened, and by the votes of a constitutional majority of those present, quietly, regularly, and peacefully cast. I will not now argue the regularity or the irregularity of the initiation of this organization. The Kellogg party may have been deceived as to their numbers, and outwitted by the defection in their own ranks, or by the superior parliamentary skill and knowledge of their opponents; the organization may have been perfectly regular, or it may have been in some degree irregular and open to criticism; but it is certain that it was quiet, that it was peaceful, and unaccompanied by any threat or act of violence on the part of any conservative member. When I say that I mean that it was unaccompanied by any show of that "domestic violence" which is spoken of in the Constitution, which gives the President of the United States the right to interfere, and there was no pretext for the existence of anything capable of being termed "violence" on the part of the one hundred and one members of the Legislature so convened. On the contrary, Mr. President, there was a dignity far removed from violence; there was a courage far different from bluster, which would have become a Roman senate even in the presence of some barbarian horde. It is said that even a rude Goth at the head of his forces was impelled to yield involuntary respect to the aged and unarmed men of the Roman senate who witnessed in their placid dignity the invasion of their council chamber; but it seems that an officer of the Army of the United States is untouched by any such restraining influences, and knows no law of restraint but the will of his superior officer, no matter what may be the outrage upon the rights of his fellow-citizens, or the laws and the Constitution of his country, which he may have been ruthlessly ordered to commit.

The house of representatives of Louisiana was on the 4th of this present month purged of five members who were in their official seats, quietly and peaceably filling their places in that body, having been admitted and sworn into office by the only competent body to admit them or pass upon their qualifications. They were purged just as in 1648 one Colonel Pride, with his two regiments, purged the house of Parliament at the order of a Cromwell: seized forty-one members, displaced them by force, excluded one hundred and sixty others, and thus he constituted that fag-end of a government that has come down hissed by posterity as the "rump" of a parliament, and which lived its wretched and disgraceful career five short years, until the hand of the master that had constituted it drove it with shame from the place where his power alone had placed it. Sir, does not history repeat itself, and will men be forever deaf to its lessons until they burn themselves in by painful experience?

Mr. President, I ask the Senate, I ask the American people, had President Grant the legal warrant for interference by troops at that time, in that manner, at that place? Had Governor Kellogg the power himself to do it? Had he the lawful power to call upon the President or any other person to interfere as was done on that day? Where is the law, where is the constitutional provision from which such right can be implied, however remotely or indirectly? There has been none yet cited, and I make bold here to-day to say that this debate will begin and it will close, and there will be no lawyer, as I believe, of this body who will be able to produce the statute or even attempt to twist or force the construction of words that will give any warrant for this act.

There stands the constitution of the State of Louisiana, the provisions of which I have read. There stands the Constitution of the United States, containing its enumerated and delegated powers to the President as to all other departments of this Government. Where do we see them now? Overthrown and cast down by the furious lawlessness, by the unlawful ambition, of these two officials whom I have named, the creature and the creator. Look at it, Senators! Look at it, people of the United States! Contemplate the picture of that dispersed Assembly; read the protest of the peaceable and orderly men ejected by brute force from their lawful places in that Assembly, and then say whether party passion or sectional prejudice can constrain you to approve it, or prevent you from grave and deliberate condemnation of the act, and of those who have committed it.

But, Mr. President, such conduct is, I am sorry to say, not new in Louisiana. It is but a leaf out of the book of the sad story of that State. Two years ago it was under pretended forms of law, that only made the fact more loathsome, by mingling more fraud with force. The act to-day is more bare-faced, and in that I think there may be some security to my fellow-countrymen.

I will take leave, not in egotism but in justification of what I say to-day, to read some remarks which I made in the Senate on the 27th of February, 1873, at the hour of six o'clock in the morning, when I and others had been kept here in weary and fruitless debate upon some bill relating to the State of Louisiana unauthorized, as I believe utterly unauthorized, by the Federal Constitution. I said then:

I believe it is never wise to blink the truth. I believe it is never wise in governing a people in any way to deceive them, or to rule them by false promises. And here I state to the Senate and the country that I believe these governments "so called" in the Southern States are but thin veils for actual military power in the hands of the Federal Administration. Those governments are permitted to exist so long as they please "the powers that be." So long as they pronounce the shibboleth of your party, so long and no longer those who represent the governments will be protected, but it is intended to overshadow them from time to time by the hand of Federal power, so that they may be taught that unless they do conduct themselves according to the will of their real masters, not even the forms of republican government shall exist. It matters not whether the end is reached by Durell and his pretended "judicial" orders, or Casey with his Gatlin guns or revenue-cutters, or Attorney-General Williams with his "fusion" suggestions, or swarms of United States marshals and their deputies to enforce congressional election laws—all are part and parcel of the scheme and system of that coercive power which is the real government of this country.

Sir, if the President of the United States shall proclaim martial law in Louisiana, if he shall take possession of that State, he will only be doing openly what his party in fact have been doing for the last six or seven years under the thin veil and flimsy disguise of legal forms. There has not been a time when troops have not either actually gone there or have been threatened to be sent there. No one can doubt that Judge Durell would never have dared to issue this order, nor would any one have thought of obeying it, if there had not been an intimation to him that the power of the Federal Army would back him up and would sustain the faction that he was creating under the name of a government. I do not doubt it. I do not think the people of this country can doubt it; at any rate, I say here in my place to them I believe it to be true, and I think the facts warrant the belief.

Therefore, sir, believing at any time that I would rather know my fate, and I trust I will never be afraid to look my fate in the face, I do feel that our Government is passing away from us because we are losing the disposition and the means of enforcing those limitations upon the powers of those who rule us, and they are disregarding them. That which is the law for Louisiana to-day may be made the law for Pennsylvania or New York to-morrow. It has been threatened in New York; it has been carried almost to the same point in New York; her peaceful streets have been filled with Federal troops on the occasion of popular election; her waters and her docks have held armed vessels ready to hail destruction upon her citizens and their property. Those things have been witnessed by the American people, but their meaning seems to have been but faintly understood; and now I would say to the people of every other State, "Read in the fate of Louisiana to-day what well may be your own when the necessities of party shall call upon those in power to make it so."

I know that I say this at the commencement of a new lease of power of the republican party, when we are to have four more years of government probably by the same Executive, possibly by the same Congress as heretofore; and yet, nevertheless, the time must come when the people of this country shall again express their will, and all that I can do is to tell them the truth as I see it, and then if it be my fate to stand in the minority, that will not the least silence my voice; that will not the least change my ardent aspirations to serve my fellow-men, and I shall warn them, as I warn them now, of the dangers I apprehend, and indicate the proper modes of meeting them.

Such, sir, were my views expressed here in open debate, nearly two years ago. Again, when this subject was up on the 20th of April, 1874, I stated the fact that—

Under the thin veil of a pretended republican form of government, the real government of Louisiana to-day is military force. It is a sham to call it anything else. You lift the gown of the judge, and you find the saber of the dragoon; you enter the executive chamber, and the power there is the power of the sword and not of the law. The government of Louisiana to-day is nothing but military power, protecting dishonest men who wear the sham robes of State office.

Mr. President, has this policy on the part of the President been changed? Reading by the events of to-day this ineffectual debate of mine nearly two years old, who shall challenge the truth of those utterances? They were sincerely made; they have been confirmed by time, the irrefutable register of truth. What has been the policy of the President of the United States? Has it been moderated or modified? Nay, sir, it has only been doggedly intensified. There is not in that State one case of abuse of power, of peculation, robbery, and

filthy dishonesty, with which the history of its government is filled in the last two years, in which his displeasure has ever been signified by the removal of an improper official, not one word of rebuke. On the contrary, there has been personal and official encouragement of men who stand before the nation branded as dishonest and unworthy, and whom no man would trust with his private affairs or give power to in matters affecting himself in any way.

In the midst of this excitement, in the midst of this blow at the very heart of popular government, who has he selected to preside over the affairs of that State? Lieutenant-General Philip Sheridan, sent by him to New Orleans secretly, not by public order known to the people. He is sent down to dragoon the people of Louisiana into slavish, fearful, cringing, un-American obedience to his will and pleasure. He arrives there only three days before the assembling of the Legislature. He sees none of those who have the welfare of the community at heart. From Kellogg and his adherents, the men who have brought this trouble and sorrow upon the State by their own corrupt and selfish ambition, he takes his account. They inform him, they inspire him, and from the recesses of his pocket he suddenly produces the authority and "assumes the command of that military district," over which there was already a competent commander regularly and publicly assigned. Instantly, without other public order, that commander is superseded, other officers both higher and lower in rank than General Sheridan are passed by, and he is personally selected to undertake the task of unlawful interference with the free government of a sovereign State of this Union.

Now, it is not my purpose in any degree to detract from whatever of renown may have rested upon the brow of this officer. I would be incompetent to criticise his military career, and that is all I believe that he has. It is a career of force, a career of vigor, a career of rough war, of which I know but little, and therefore am incompetent to criticise him as to that respect. But, sir, I also know that he is an officer of the Army of the United States, that he is fed and clothed by the people of the United States, and that he is the servant of those people, and not in any just sense their master; that he received the military education that has enabled him to become so eminent at the national academy and at public cost. The Constitution of the United States is still a text-book of that institution. It was a text-book when this officer received his graduation; and yet it seems to me that while he must have read it, while he must have known that his commission as an Army officer took its roots in the principles of civil liberty which that Constitution was intened to secure, yet he has forgotten almost its first and most necessary instructions. Sir, has he not forgotten that, "a well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed?" Has he not forgotten that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated?" That "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger?" Nor that any person shall be "deprived of life, liberty, or property without due process of law?" That "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense?"

Sir, if these things were read by that officer, surely he must have forgotten them, or else has the more guilty audacity to ride roughshod over them. If he has forgotten, let him now be taught anew. Let us see who is the stronger. The issue cannot come too soon. If this cavalry officer, with whatever renown he may have gained with his bloody sword, shall be stronger than these guarantees of personal liberty which we supposed were secured to us, let us know it now. We cannot have the issue raised too soon or too distinctly decided.

Now, sir, I ask the Senate and the country to listen to the tone of this officer and see, when you have read his dispatches to the Administration here, who shall say he is even fit to breathe the air of a republican government. I believe this officer reached New Orleans about the 1st of January, and on the 4th of January he telegraphed to the Secretary of War, Hon. W. W. Belknap, as follows:

HEADQUARTERS MILITARY DIVISION OF MISSOURI,
New Orleans, January 4.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people all security usually afforded by law will be overridden. Defiance to laws and murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either; and the civil government appears powerless to punish, or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General.

"Assumed control over the Department of the Gulf!" Here is then from the hand of this mere soldier, military in instinct and in education, and ignorant of civil right or law, the cool complacence of ignorance, that he could do that of which even the great mind of the most philosophic statesman and lawyer of modern times declared himself incapable. Burke declared he could not draw an indictment against a whole people; but it seems that—

Fools rush in where angels fear to tread.

Mr. Sheridan can indict an entire community and declare this wholesale destruction of their moral character upon three nights' acquaintance in one city of a large State. Mr. President, there have been replies to this, made upon the instant these telegrams were published.

At a meeting of the Merchants' Exchange, largely attended, the following series of resolutions were unanimously adopted:

Be it resolved, That we condemn as a positive untruth and as a libel upon the community the statement of General Sheridan, contained in the above; that we deny herewith that the spirit of defiance against lawful authority exists and that the lives of citizens have become jeopardized thereby.

Resolved, That we emphatically condemn, as law-abiding citizens, and do most solemnly and earnestly protest against the military interference with and the disorganization of the Legislature of Louisiana, which was duly elected by ourselves and the citizens of the State.

The board of underwriters met and passed similar resolutions, denouncing as utterly untrue and unwarranted these assertions of the Lieutenant-General. The Cotton Exchange, on the same day, had a full meeting, and adopted the following unanimously:

Whereas General P. H. Sheridan, commanding the Military Division of Missouri, has seen fit to address to the honorable Secretary of War a letter, dated January 4, and published in our papers of this date, in which he has given utterance to statements reflecting upon the people of this State, and particularly of such as reside in this city, singularly at variance with the condition of things now and heretofore existing in this city and State, and well calculated not only to detract from our good name as law-loving and law-abiding citizens, but also to seriously injure the commercial interests of our city, the Cotton Exchange, an organization totally disconnected from political affairs, and instituted solely for the promotion of commercial interests, feels called upon to enter a solemn protest against the allegations contained in said letter.

The members of this exchange give solemn assurance to the people of the United States and to the friends of truth and justice wherever found, that the allegations of General Sheridan are not only false in point of fact, but evince the spirit of a mere partisan rather than the nobility of a soul which should characterize the utterances of an officer commanding the army of a great nation. It is painfully evident that, coming among us an almost entire stranger, General Sheridan has limited his inquiries into the condition of affairs here to those whose interests it is not only to falsify facts but to promote that spirit of lawlessness with which we are falsely charged. It would not indeed be a matter of surprise if crimes in our midst were more frequent, when it is borne in mind that the police force, for the maintenance of which we are heavily taxed, is now, and has been, diverted from its legitimate duties to such an extent that large districts of our city are entirely without protection, and many of our citizens are compelled to employ private watchmen for protection against thieves and burglars.

Then came an address from the committee of seventy citizens of New Orleans, gentlemen of standing and character, the meanest man among them the peer in all respects of this officer of the United States Army who has slandered them, in which they protest against his calumnious statements, and call upon the people of their State to exercise more of heroism and patience and forbearance, which will arouse the sympathies of the entire country in their behalf; and God grant it may.

Then comes an appeal of the clergy of New Orleans to the American people.

To the American people:

Whereas General Sheridan, now in command of the Division of the Missouri, under the date of the 4th instant, has addressed a communication to Hon. W. W. Belknap, Secretary of War, in which he represents the people of Louisiana at large as breathing vengeance to all lawful authority and approving of murders and crimes: We, the undersigned, believe it our duty to proclaim to the whole American people that these charges are unmerited, unfounded, and erroneous, and can have no other effect than that of serving the interests of corrupt politicians, who are at this moment making the most extreme efforts to perpetuate their power over the State of Louisiana.

N. J. PERCHE,
Archbishop of New Orleans.
J. P. B. WILMER,
Bishop of Louisiana.
JAMES K. GUTHERIM,
Pastor Temple of Sinai.
J. C. KEENER,
Bishop M. E. Church South.
C. DOLL,
Rector St. Joseph's Church. (And many others.)

Then again in to-day's paper there is a protest from other divines, the Bishop of Little Rock and others. In another dispatch of General Sheridan, which I have not yet read, he goes further and arraigns not only the people of New Orleans, Louisiana, but the entire communities of three States, in none of which does it appear he has been except for the period of three days at the city of New Orleans.

Let me now read further. On the 5th of January he telegraphs the Secretary of War at Washington:

HEADQUARTERS OF THE MILITARY DIVISION OF MISSOURI,
New Orleans, Louisiana, January 5, 1875.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. This banditti, who murdered men here on the 14th of last September, also more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

Ah, Mr. President, if there was the tone that under other administrations animated the Executive of this country, he would never sign his name again as Lieutenant-General of the United States Army. Is this the language of an American officer toward his fellow-countrymen? Why, sir, if he were in a hostile country among the sick and wretched Piegan Indians, had he been in the service of Mexico, there could not have been a more ruthless, a darker, or more bloody threat than is contained in the closing lines of this dispatch to the Secretary of War. This is language relating to the citizens of three States of this Union. Is it the language that is due from an officer of the Army of the United States, wearing that honorable uniform, the protector, the guard, the glory of his people, without destinction of party; or is it not the language of some captain of a band of janizaries, asking orders from an oriental despot in regard to his ruthless extermination of those whom he may deem the foes of power? This man, educated with one of his text-books the Constitution of his country, asks that Congress shall pass an *ex post facto* law, making that a crime which was not a crime at the time of the commission of the alleged offense, and creating new punishments to make the penalty still more severe. He asks for military commissions, in these times of peace, to try men neither in the land nor naval service of the United States. He asks for drum-head court-martials to try citizens over whom there is no pretense that the authority of the Army or of the Navy is extended. What is the dark and bloody threat at the close of his dispatch, for Senators? What did he mean when he asked the President to issue a proclamation declaring these citizens banditti, and that then no further action need be taken *except that which would devolve upon him?*

I confess to you as I read this dispatch my blood curdled in my veins. If it had been sent in the midst of strife by a man heated by the excitement of combat, there might have been palliation for it, because a cooling time would have come when his better reason would operate, when "Philip sober" would have answered this "Philip drunk." But this dispatch was penned in safety; it was penned in quiet; it was penned where there was nothing that threatened him, and without anything to cause him excitement except the apprehended loss of political power to the chief whom he was sent there to represent.

What character does this officer seek to assume? There was Tristan l'Hermite, the provost-marshal of the royal household, whom the genius of Scott has painted until he is familiar in every household. It seems to me that this officer has modeled himself much upon the morals and conduct of this hangman of royalty of days gone by.

Sir, I say that in a proper condition of sentiment with those in power he would not have been suffered to remain for five minutes in command at New Orleans. He has no one quality that fits him properly for the duties of command there now. His first requisite should be good-will and kindness to the people, strict impartiality; no threats of force, careful obedience to civil rule. This was the example he should have set as a high official, honored by his country, and invested with high discretionary powers; and, as this example does not seem to originate with him, I want it now taught him, and taught so that not alone he will not forget, but that every other officer of the Army and Navy of the United States will learn and know that it is in the affections, in the respect of their fellow-countrymen, and not in their fears, that they are to find their place of honor and of safety.

Sir, I said he has cruelly maligned these populations among whom he has gone, and I have allowed them in their own way to answer him, not beginning to recite the numerous protests that have followed his false and calumnious charges against them. Sir, it is perfectly shocking, and I think a civilized world everywhere must be deeply shocked when such dispatches are read. We have talked about the Russian rule in Poland and have held it up as an abhorrent example of cruelty; but what dispatch ever sent to a Russian Czar exceeded in remorseless savagery the closing lines of the dispatch of General Sheridan on the 5th of January to Belknap, Secretary of War? I wish it ended there, I wish it ended with him; but alas! alas! here we find on the 7th of January the Secretary of War answering in the following phrase:

> Your telegrams all received. The President and all of us have full confidence and thoroughly approve your course.

I know not how fitly to designate such a communication, except to say that every expression of disgust, of horror, of antagonism that I have expressed toward the action of General Sheridan in his dispatches is rather increased toward those who could pen or concur in such an answer as that. The American people must answer it. They must answer it from their hearts, and I believe there is after all in the human heart such a response to kindness, such a natural love of justice, that they will repudiate Mr. Belknap "and all of us" to whom he so loosely and generally refers, should they undertake to indorse the action of General Sheridan in New Orleans and his dispatches to the Department of War.

Mr. President, in 1866 the Supreme Court of the United States found it necessary to pass upon the questions now raised by General Sheridan and proposed to be applied, not one year after the close of an excited, a dreadful, and extensive civil war, but ten long years after the war has gone by, and the hearts and hands of the American people have come once more together—are proposed to be applied by him not even as a law, but under the simple, arbitrary fiat of the President of the United States. Said this court in considering the case of Milligan, who had been tried, who had been condemned and all but executed by a military commission in the State of Indiana:

> The controlling question in the case is this: Upon the facts stated in Milligan's petition and the exhibits filed, had the military commission mentioned power in its jurisdiction legally to try and sentence him? Milligan, not a resident of one of the rebellious States or a prisoner of war, but a citizen of Indiana for twenty years past, and never in the military or naval service, is, while at his home, arrested by the military power of the United States, imprisoned, and, on certain criminal charges preferred against him, tried, convicted, and sentenced to be hanged by a military commission organized under the direction of the military commander of the military district of Indiana. Had this tribunal the legal power and authority to try and punish this man?
>
> No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people, for it is the birthright of every American citizen when charged with crime to be tried and punished according to law. The power of punishment is alone through the means which the laws have provided for that purpose; and if they are ineffectual, there is an immunity from punishment, no matter how great an offender the individual may be, or how much his crimes may have shocked the sense of justice of the country or endangered its safety. By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers or the clamor of an excited people. If there was law to justify this military trial, it is not our province to interfere; if there was not, it is our duty to declare the nullity of the whole proceedings. The decision of this question does not depend on argument or judicial precedents, numerous and highly illustrative as they are. These precedents inform us of the extent of the struggle to preserve liberty and to relieve those in civil life from military trials. The founders of our government were familiar with the history of that struggle, and secured in a written Constitution every right which the people had wrested from power during a contest of ages. By that Constitution and the laws authorized by it this question must be determined. The provisions of that instrument on the administration of criminal justice are too plain and direct to leave room for misconstruction or doubt of their true meaning. Those applicable to this case are found in that clause of the original Constitution which says "that the trial of all crimes, except in case of impeachment, shall be by jury;" and in the fourth, fifth, and sixth articles of the amendments. The fourth proclaims the right to be secure in person and effects against unreasonable search and seizure, and directs that a judicial warrant shall not issue "without proof of probable cause, supported by oath or affirmation." The fifth declares "that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment by a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger, nor be deprived of life, liberty, or property without due process of law."

The court proceed to recite the amendments, which I have read in full before, to secure the personal liberty of the citizen:

> These securities for personal liberty thus embodied were such as wisdom and experience have demonstrated to be necessary for the protection of those accused of crime. And so strong was the sense of the country of their importance, and so jealous were the people that these rights, highly prized, might be denied them by implication, that when the original Constitution was proposed for adoption it encountered severe opposition; and but for the belief that it would be so amended as to embrace them, it would never have been ratified.
>
> Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than seventy years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper, and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future.
>
> * * * * * * *
>
> No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism; but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

On the following page—

> It is claimed that martial law covers with its broad mantle the proceedings of this military commission.

That is what this officer desires the President of the United States to proclaim, thinking that a proclamation by the President will be a *carte blanche* to him to steep his hands in the blood of his fellow-citizens in that city.

> It is claimed that martial law covers with its broad mantle the proceedings of this military commission. The proposition is this: That in a time of war the commander of an armed force, (if in his opinion the exigencies of the country demand it, and of which he is to judge,) has the power, within the lines of his military district, to suspend all civil rights and their remedies, and subject citizens as well as soldiers to the rule of *his will;* and in the exercise of his lawful authority cannot be restrained, except by his superior officer or the President of the United States.
>
> If this position is sound to the extent claimed, then, when war exists, foreign or domestic, and the country is subdivided into military departments for mere convenience, the commander of one of them can, if he chooses, within his limits, on the plea of necessity, with the approval of the Executive, substitute military force for and to the exclusion of the laws, and punish all persons as he thinks right and proper, without fixed or certain rules.
>
> The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty regulated by law. (4 Wallace's Reports.)

I will not apologize for the length of the extract I have read, because these truths are of cardinal importance at this crisis of affairs, and, being gravely enunciated by this high tribunal, should have influence upon every man within this Chamber, as well as every citizen in the United States.

It was my duty three years ago, as a member of a committee of this body, to investigate the condition of affairs in the State of North Carolina, to spend with my associates two or three months in taking testimony, and then we submitted reports upon it. Unable to concur in the report of the majority, the minority, consisting of myself and one of the most gallant soldiers of the late war, (Senator F. P. Blair, of Missouri,) presented their views. At the time this minority report was made we closed it with a quotation from an eminent statesman, to which exception was taken under a misunderstanding

by my friend from Pennsylvania, [Mr. SCOTT,] and I remember his reading it as though under an idea that it was meant to be descriptive of himself in any degree. The proposition was abstract and most true, in regard to the effect upon men's character and nature of continued acts of violence and oppression. I read this extract from our former report, because its truth has been vindicated by what has since occurred, and is vindicated still more to-day by the example which this correspondence of a lieutenant-general of the Army and the War Department has afforded to us and to the American people. We there stated in regard to the case of North Carolina—

This is the truth in a nutshell; that Holden and his official supporters have failed to maintain themselves by any means, foul as well as fair, in their State. They have appealed to popular election, and have been rejected with something near unanimity by every tax-payer in the State; and now Congress is asked to step in and force North Carolina down again under the feet of her radical masters; and we fear that Congress will attempt to do this unwise and wicked thing. Will the people of the North (free as yet) see this thing done and sustain its promoters? We hope not; we pray not. When will the men now in power learn the truth of what the great statesman of the last century said so wisely and well, when similar attempts were made to govern British India?

"It is the nature of tyranny and rapacity never to learn moderation from the ill success of first oppressions. On the contrary, all men thinking highly of the methods dictated by their nature attribute the frustration of their desires to the want of sufficient rigor. Then they redouble the efforts of their impotent cruelty, which producing, as they must produce, new disappointments, they grow irritated against the objects of their rapacity; and their rage, fury, and malice (implacable because unprovoked) recruiting and re-enforcing their avarice, their vices are no longer human. From cruel men they are transformed into savage beasts, with no other vestiges of reason left but what serves to furnish the inventions and refinements of ferocious subtlety for purposes of which beasts are incapable and at which fiends would blush."

Sir, is it not true that the legislation of Congress was cruel and severe; and in what did it result, and what have we to-day in Louisiana? The Senator from Indiana [Mr. MORTON] to-day has rather improved upon his well-known powers of denunciation in regard to those communities. There is even more often repeated the savage and relentless epithets of murder, and of blood, and of assassins with which he has sought to stain the names of those people. He has progressed and intensified it; and no such ruthless instrument has apparently yet responded as he who has responded last. General Sheridan is more cruel than those who have preceded him; he is more ruthless, and he holds out to his fellow-countrymen murderous threats which are disgraceful to the cloth he wears and to the country of which he is a citizen.

Mr. President, I desire to say to the people of this country and to the Senate that the proposition is now here presented for the first time that the President of the United States can, of his own motion and in his own discretion, adjudge the fact that such "domestic violence" at any time exists within a State as to authorize him, either by his powers as President or by power delegated to him by the governor of that State, to interfere in the organization of a State Legislature. This is the proposition. The power is as secure under the constitution of the State to the Legislature to judge of the qualifications, returns, and election of its own members as it is to either House of the Congress of the United States. One is as equally essential to the continuance of our form of government as the other. The Legislature of Louisiana have as much rightful power to pass upon the qualifications of members of this body or of the other House of Congress as have both these Houses of Congress to pass upon the qualifications of members of that Legislature. The same frame of words is used to secure the separate rights and powers of each. If one cannot protect itself by the respect due to established law, neither can the other. If lawless physical force shall be permitted to overthrow the rights of one, it can also overthrow the other. In either case it is a question of degree alone.

I do not embark upon any sea of defense of the southern people against these widespread vague calumnies. I only wish to bring the American people to consider this point: If you admit such a power as this to be exercised in the discretion of the President, then pursue it plainly to its ultimate and logical results. It is Louisiana to-day; it may be New York to-morrow; it may be Massachusetts the day following; it may be in the Congress of the United States on the 4th day of March next. Why did General Grant send his troops and exercise their lawless power within the Legislature of Louisiana by compelling members as old, as grave, as learned, as respectable as him who occupies the chair of the Senate to-day to leave their places? Pretense of "domestic violence" by five elderly and respectable gentlemen, unarmed, in the midst of Kellogg's myrmidons and a brigade of United States troops! It is a farce to say that those five men were creating "domestic violence" which authorized armed intervention by the President. Did the constitution of Louisiana give Kellogg a right to interfere in the organization of the Legislature? Just such as it gave to President Grant, and no more. Either was a lawless intruder, and nothing but the helplessness of the Legislature prevented them from lawfully imprisoning every officer and soldier who interfered with their proceedings. It was not the absence of right, but the sheer want of physical power to enforce it.

Mr. President, if the President can do this with two regiments of troops, then a single brigade will suffice to accomplish the same thing in this Capitol on the 4th of next March. There is no physical power in Congress successfully to resist such physical force. There are some seventy-four members in this body, and less than three hundred members of the other house. The same proportion of troops would be required, and a single brigade can take charge of this Capitol, shut off the entrance of the people, let in those whom they see fit, and give certificates to the Clerk of the present House of Representatives, who shall exclude all others. All that can be done, provided the physical power of the Congress of the United States is all that stands in the way. But, Mr. President, that is not all that stands in the way. The American people stand in the way, and so they should, and so I believe they will overwhelmingly, when they come to comprehend this case of Louisiana, freed from the clamor of partisans, stand in the way of this outrage upon the rights of a single State, in which you have but to change the name and you can apply the doctrine to every one of the remaining thirty-six.

We have had the question here before now as to whether, even when we come to pass upon election returns and qualifications of members of this body, we can undertake to determine the qualifications of the constituent bodies which elected them. It has always been denied; and yet here we have decided, even where the Constitution gives to each House of Congress the right to examine into those returns, that you must pause upon the threshold of a State Legislature and not venture to pursue your inquiry as to the election and qualifications of its members. The violation of principles, in my opinion, will always return to plague those who invented it; and I here to-day in my place most solemnly warn my countrymen against permitting such a precedent as this to escape without instant and most emphatic condemnation of the act, and of all who have been concerned in its perpetration.

The Supreme Court of the United States in 1870 delivered an opinion which led them to consider the relation of the States and the General Government, with a single dissent, and that a partial one, being rather to the application than to the doctrine enunciated. It will not fall with less weight upon the ear of the American people when I say that it was from the lips of the late Judge Nelson, of New York—*clarum et venerabile nomen*—that these views of the relations of State and Federal Government came.

The court say:

That the sovereign powers vested in the State governments by their respective constitutions remained unaltered and unimpaired, except so far as they were granted to the Government of the United States. That the intention of the framers of the Constitution in this respect might not be misunderstood, this rule of interpretation is expressly declared in the tenth article of the amendments, namely: "The powers not delegated to the United States are reserved to the States respectively or to the people." The Government of the United States, therefore, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given or given by necessary implication.

The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. The former in its appropriate sphere is supreme; but the States, within the limits of their powers not granted, or, in the language of the tenth amendment "reserved," are as independent of the General Government as that Government within its sphere is independent of the States.

* * * * * * *

Such being the separate and independent condition of the States in our complex system, as recognized by the Constitution, and the existence of which is so indispensable, *that without them the General Government itself would disappear from the family of nations*, it would seem to follow, as a reasonable, if not a necessary consequence, that the means and instrumentalities employed for carrying on the operations of their governments, for preserving their existence, and fulfilling the high and responsible duties assigned to them in the Constitution, should be left free and unimpaired, should not be liable to be crippled, much less defeated by the * * * power of another government, which power acknowledges no limits but the will of the legislative body. * * * * *

Without this power, and the exercise of it, we risk nothing in saying that no one of the States under the form of government guaranteed by the Constitution could long preserve its existence. A despotic government might. (11 Wallace's Report, 124-126.)

So, sir, we have here from the calm, serene height of judicial eminence such a description and history of the true relations of the States to the General Government that we can more clearly appreciate the utter ruin and confusion which would come from admitting the rightful attempt of such power as has been attempted by the President of the United States within the State of Louisiana. This interference at all, under the guise of "recognition," has proceeded to a most dangerous and threatening extent. In 1844, when this doctrine was first broached in the case of the State of Rhode Island, the power was there adjudged to be vested in the political branch of the Government, and not to the judicial, to decide as to the rightfulness of two governments claiming each to represent a State. A message was sent by the then President of the United States which, it strikes me, ought to avail much with those who desire to come at a clear and proper understanding of our present crisis.

I resist—

Said he—

the idea that it falls within the executive competency to decide in controversies of the nature of that which existed in Rhode Island, on which side is the majority of the people, or as to the extent of the rights of a mere numerical majority. For the Executive to assume such a power would be to assume a power of the most dangerous character. Under such assumptions the States of this Union would have no security for peace or tranquillity, but might be converted into the mere instruments of Executive will. Actuated by selfish purposes, he might become the great agitator, fomenting assaults upon the State constitutions, and declaring the majority of to-day to be the minority of to-morrow; and the minority, in its turn, the majority, before whose decrees the established order of things in the State should be subverted. Revolution, civil commotion, and bloodshed would be the inevitable consequences. The provision in the Constitution intended for the security of the States would thus be turned into the instrument of their destruction. The President would become in fact the great constitution maker for the States, and all power would be vested in his hands.—*House Journal, First Session Twenty-eighth Congress, pages* 765, 766.

This is a fair picture of what would necessarily be the result if such power is admitted to exist lawfully in the hands of the President as he and his subordinates have attempted to exercise in Louisiana.

Sir, it is now presented, feebly I admit, but presented I believe fairly by me to the judgment of this Senate and to the American people. They can answer now whether the qualifications of members who are to be summoned either to a State Legislature or to a Federal Legislature—for both are governed by the same language; the one found in the Federal Constitution, the other found in the constitutions of the States—shall be passed upon by the Executive. The power given in Louisiana to her Legislature to judge each house of the election, return, and qualification of its members is just as sacred, just as clearly given as that which enables the members of this body or the other House of Congress to judge of the qualifications of its membership. If language, if clear constitutional law and provisions cannot have the effect to protect one, then they will not have the effect to protect the other, and it seems to me to be a mere feeling of the popular pulse on this subject to see how far this attempt of power can be extended without resistance. If it shall be accepted, if my fellow-countrymen shall forget what constitutes liberty and the vigilance necessary to protect that which was gained by so much toil and suffering by their ancestors, and if they shall disregard it in respect of a portion of their fellow-countrymen and one of the members of this Union of States, then depend upon it they will shortly be called upon to meet it on a broader scale, protected by no other right than the nominal sacredness of law as superior to official will.

I said, sir, that I was glad that this last act in Louisiana was but a barefaced exercise of brute force, unaccompanied by any veil or cover of false decision by corrupt courts. I believe that, in what I must think the utterly disingenuous statement of the President in 1872 that he meant simply to obey the orders of the courts, there was the suggestion that he was acting in subordination of the military to the civil power, that he was bowing his head, backed by the Army and Navy, before the decree of some feeble but just-minded magistrate; and there was in that something that recommended his action to that portion of the American people who would not or who could not comprehend the real history of his action. But that poor veil is now fortunately thrown aside. All men agree that Durell's action in 1872 was fraudulent and absolutely void. He himself has resigned, hoping to escape trial, thus confessing his guilt in open court; and no man in this body, however heated by partisanship, has ventured to say that there was justification of law for the orders of Judge Durell by which a Legislature in 1873 was dispossessed of its rightful power, a State-house seized and garrisoned with United States troops, a defeated minority placed in legislative power, and the usurper, Kellogg, tossed into the governor's chair and kept there by the armed forces of the United States.

But now there is no Durell, there are no alleged "orders of a court" to be respected, there is no pretense of bowing the power of the military before the civil law; but it is the mailed hand of the soldier that stands to-day the sole emblem of power in the State of Louisiana, plainly, unmistakably. I do not propose to go over the tangled story of falsehood, fraud, and wrong which marked the Louisiana case from 1872 to this day; but to-day my countrymen cannot doubt, for "he that runs may read" the history of what is to-day, and of what I fear, if it is not checked, it will be from this time on.

Sir, this story of Louisiana and her wrongs is as old as the story of the human heart. If men are not comfortable and are not happy, they will be turbulent and they will be discontented. And what people, I ask, ever were happy under the rule of strangers and of aliens? It need not be that the stranger or the alien is necessarily corrupt, wicked, or unjust. Grant even that he were not; he is not their choice; he is not of their kith and their kin; he has not that blood which is thicker than water, and which we all feel binds us to those among whom we were born and have lived; a feeling that causes even the quiet earth itself to seem sweeter if it is our birth-place, and is implanted in our very instincts. And are human laws to be made without reference to human instincts? Are you to eviscerate from the men, women, and children you propose to govern their natures and those habits which have become nature? And if you do, can you expect the natural effects not to follow? You disregard their happiness. Can they consider yours? If you render them unhappy and insecure in regard to themselves and to their affairs, will they care to promote your happiness and your security? But no, sir; the rule is a plain and clear one; and would to God this Congress for an instant would listen to the common dictate of humanity and respond to it. Give these people a government they can love; let men rule over them whom they can respect; but do not give them these shams of free government, and not expect the results of tyranny to flow and form it. It will not work, gentlemen. The machinery of this country's government was not intended for a despotism, and you cannot reach its results without radically changing that machinery, and at last in Louisiana it has been openly sought to be radically changed.

Where the people of the Southern States have been permitted to elect their own rulers and make laws which produce content, peace and quiet have followed, and this you all know, because there is not a man in this body or out of it who cannot with perfect safety and welcome go to any part of the Southern States, if he only goes there as a friend and well-wisher of the people; and if he be not, why should he go there? No, sir; turbulence and unhappiness are inseparable companions in human breasts, and peace and pleasantness are associated and have been for all time. Give these people content, treat them with justice, and you shall have the fruit of such treatment, peace and good order and strength and happiness for our entire country. Disregard these plain results, and the fruits will be borne that have been borne so plentifully, and which now are sought to be stopped only by a perpetuation and intensification of the very methods that have produced them.

Mr. President, I have not forgotten that this is the anniversary of a day of glory to the American arms, and the illustration of that glory and valor was in this same city of New Orleans. We all were proud of it; not in Louisiana more than Delaware—it was generally celebrated in every State; and to-day patriotic associations are meeting to keep alive the memories of the glory of our common country.

Mr. President, shall the glory of 1815 be altogether clouded and dimmed by the shame of 1875? Shall it be that those brave men who, against greatly disproportionate odds, defended the city of New Orleans against superior numbers of a foreign foe—shall those men have fought in vain? Shall the glory of New Orleans and the fact that she was the scene of honor to American arms be now clouded by being the scene of disgrace to the American arms? Sir, I trust not. I hope not. Ambition, misjudgment, and ignorance of civil rule, high partisan feeling, all may have combined to carry the executive branch of this Government and his soldiers thus far; but I believe that when his action is understood the American people will give him a command which he shall hear and obey, and that he shall be forced to recede from the position he has taken, and to take his armed hand from the throat of that prostrate people, and let her people once more know, in the language of the bill of rights of the State of Massachusetts, that they live under "a government of laws and not of men."

Mr. SCHURZ. I desired to take part in this debate to-day, but I am prevented from doing so by a very severe headache which may not only disable me from speaking but oblige me to leave the Hall soon. Of course I do not want to obstruct the passage of this resolution, which I consider a necessary one, but I would ask permission to offer another one, merely to have it laid upon the table and printed.

The VICE-PRESIDENT. The resolution of the Senator from Missouri will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. BOUTWELL. Let us pass that at once.

Mr. SCHURZ. I do not want to have it acted on now. I understand there is a disposition to pass the resolution of inquiry to-day and then adjourn over until Monday. While I was anxious to speak in this debate, I will not obstruct that, because I think it very proper that the resolution of inquiry should be passed very soon; but I give notice that on Monday next at the expiration of the morning hour I shall take occasion to call up this resolution of mine for action and ask the kind permission of the Senate to make some remarks upon it.

MASSACRE AT TRENTON, TENNESSEE.

Mr. CLAYTON. I ask the consent of the Senate to introduce a resolution for which I would ask present consideration:

Resolved, That the Attorney-General be requested, if not incompatible with the public interest, to furnish the Senate with a copy of the report of the United States district attorney for the district of West Tennessee relating to the late massacre at Trenton in the State of Tennessee.

Mr. COOPER. I have no objection to the resolution being offered if it be subject to amendment.

The VICE-PRESIDENT. Does the Senator from Arkansas ask for the present consideration of the resolution?

Mr. CLAYTON. Yes, sir.

The VICE-PRESIDENT. It requires unanimous consent. Is there objection? The Chair hears none, and the resolution is before the Senate.

Mr. COOPER. I wish to amend the resolution by inserting "together with all information in his department relating to the arrest and trial of the alleged offenders in said transaction by the Federal court in and for West Tennessee, or the State courts of said State; and also all correspondence which may have occurred between the executive department of the State of Tennessee and the General Government, upon the same subject."

Mr. CLAYTON. I accept that amendment.

Mr. COOPER. With that amendment, I have no objection to the resolution.

The VICE-PRESIDENT. The resolution will be so modified. The question is on the resolution as modified.

The resolution, as modified, was agreed to.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, communicating, in obedience to law, a statement exhibiting the expenditures of the Springfield Armory and its operations during the year ending June 30, 1874; which was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed a concurrent resolution authorizing the Congressional Printer to print the report of Major Powell's expedition in quarto form; in which the concurrence of the Senate was requested.

USE OF THE ARMY IN LOUISIANA.

Mr. CLAYTON. I will trespass upon the Senate a moment longer, if I can have permission. I ask unanimous consent to take up for consideration the resolution offered by myself on the 23d of December. I think it will lead to no objection.

The VICE-PRESIDENT. There is a question before the Senate on the resolution of the Senator from Ohio, [Mr. THURMAN,] to which an amendment is pending proposed by the Senator from New York, [Mr. CONKLING.]

Mr. CLAYTON. I ask unanimous consent of the Senate to allow this business to be temporarily laid aside for the purpose of taking up that resolution.

Mr. THURMAN. I object.

Mr. CLAYTON. Very well.

The VICE-PRESIDENT. The resolution of the Senator from Ohio is before the Senate, and the question is on the amendment proposed by the Senator from New York.

Mr. THURMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. WRIGHT, (when his name was called.) Upon this question I am paired with the Senator from Georgia, [Mr. GORDON.] If he were present he would vote "nay," and I should vote "yea."

The result was announced—yeas 32, nays 21; as follows:

YEAS—Messrs. Allison, Boreman, Boutwell, Cameron, Clayton, Conkling, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Harvey, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Sargent, Scott, Sherman, Spencer, Wadleigh, West, and Windom—32.

NAYS—Messrs. Bayard, Bogy, Cooper, Davis, Dennis, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Ransom, Saulsbury, Schurz, Stevenson, Thurman, and Tipton—21.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Buckingham, Carpenter, Chandler, Conover, Cragin, Gilbert, Hamlin, Jones, Lewis, Norwood, Ramsey, Robertson, Sprague, Stewart, Stockton, Washburn, and Wright—20.

So the amendment was agreed to.

The VICE-PRESIDENT. The question is on the resolution as amended.

Mr. MORTON. I thought I had an amendment pending which I offered as an addition to the resolution.

Mr. THURMAN. If there is any Senator who desires to speak on this resolution now——

The VICE-PRESIDENT. The Senator from Indiana presents an amendment. Will the Senator from Ohio yield that it may be read?

The CHIEF CLERK. The proposed amendment is at the end of the resolution to insert the following words:

And whether he has any information in regard to the existence of armed organizations in the State of Louisiana hostile to the government of the State and intent on overturning such government by force.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Indiana, [Mr. MORTON.]

Mr. THURMAN. Mr. President, if there is any Senator who desires to address the Senate on this resolution or on the amendment offered by the Senator from Indiana, I shall be very glad to hear him. According to the usage of the Senate and parliamentary usage, I believe I am entitled to close the debate on this resolution; but I am too unwell to do so to-day.

Mr. FRELINGHUYSEN. I had proposed, Mr. President, to speak very briefly on this subject; I had not supposed the debate would come to so speedy a determination. I will proceed now or let the subject pass over, which will be quite as agreeable to me.

Mr. THURMAN. I shall be very glad to hear the Senator from New Jersey at any time when it shall be convenient for him to proceed. I rose to move, in case no other Senator was ready to occupy the floor, that the further consideration of the resolution be postponed until one o'clock on Monday; but if the Senator from New Jersey is prepared to go on I shall be very happy to hear him, and no doubt we all shall be.

The VICE-PRESIDENT. Does the Senator make a motion?

Mr. THURMAN. I will be governed by the wishes of the Senator from New Jersey as to that.

Mr. EDMUNDS. Touching what the Senator from Ohio has said, while I have no present purpose whatever to speak upon this resolution, I should not wish to have him understand that I engage to be silent after he shall have spoken, because it might happen that he would say something which would justify and require a reply from somebody; I do not mean necessarily from me. I should not want to have any understanding by which everybody's mouth shall be positively sealed after the Senator from Ohio shall have made his speech, and for one I must disclaim any such engagement.

Mr. THURMAN. I only ask for what is the usage of the Senate, and what is parliamentary law, or at least parliamentary usage, that the mover of a resolution may close the debate upon it. Nevertheless I do not say that he has any right to cut off anybody else; and, if after the remarks I may submit the Senator from Vermont shall feel that he ought to say anything, I shall listen to him with the greatest pleasure.

Mr. EDMUNDS. I can assure the Senator that I have no purpose of that kind. I only say that for general fairness on questions of this kind I do not know a usage which absolutely binds gentlemen to remain silent after a speech shall have been made, except where it is agreed by unanimous consent that a vote shall be taken at a certain hour.

Mr. THURMAN. I do not, either, know of a usage that stops the mouth or puts a gag into the mouth of any Senator. The common usage is that the mover of a resolution may close the debate upon it, and I suppose that if I submit the few remarks which I shall submit—I do not think they will be very long—if any one thinks that he ought to speak further on the question he will have a perfect right to do so, and then parliamentary usage will allow me to close the debate.

Mr. EDMUNDS. You will have a chance for a reply, of course.

Mr. THURMAN. I wish to be governed entirely now by the wishes of the Senator from New Jersey. If he prefers it, I will move that the further consideration of the resolution be postponed until Monday, and he can have the floor at one o'clock on that day.

Mr. FRELINGHUYSEN. That would be agreeable to me.

The VICE-PRESIDENT. The Senator from Ohio moves that the further consideration of the resolution be postponed until Monday, at one o'clock.

Mr. MORTON. I hope not.

Mr. MERRIMON. Before the motion is put, I ask leave to offer an amendment to the amendment, to be printed with it.

The VICE-PRESIDENT. The amendment to the amendment will be received.

Mr. SARGENT. I also desire to offer an amendment to the original resolution, to be called up at the appropriate time.

The VICE-PRESIDENT. Notice can be given of the amendment.

Mr. SARGENT. I give notice of the amendment now, that it may be printed in the RECORD.

The VICE-PRESIDENT. It is moved to postpone the consideration of the resolution to Monday next, at one o'clock.

Mr. CONKLING. May I inquire of the Chair who made this motion?

The VICE-PRESIDENT. The Senator from Ohio.

Mr. CONKLING. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMERON. The motion was made by the Senator from Ohio, I think, for the purpose of giving time to the Senator from New Jersey. It is now late on Friday afternoon, and I think the motion should be adopted.

Mr. FRELINGHUYSEN. I simply wish to say that I hope the Senate will not put itself to any inconvenience or lose any time on my account, for I can proceed now or I can waive speaking altogether, and let the Senate take a vote on the question.

Mr. CONKLING. I beg to say that if any matter of courtesy or convenience to the Senator from New Jersey enters into this motion, I have been thus far proceeding under a misapprehension. I understood that this resolution having been offered some days ago, every republican in this Chamber, as I believe, standing ready then and ever since to vote for its passage, the mover of the resolution has moved to postpone it not only for to-day, but for to-morrow and until Monday at one o'clock. Unless the convenience personally of some Senator requires that, I see no reason why it should be done, and I would like an opportunity to record myself against that motion, inasmuch as I want this information for the Senate and for the country, did want it when the resolution was offered, have wanted it ever since, and think it desirable, whenever the time shall come when in the opinion of Senators an appropriate discussion has been had, that the resolution should go in order that it may be answered. Now, why we should postpone it over to-morrow and until Monday and during the residue of this day, unless some Senator has a convenience of his own which courtesy would regard, I know not. If there be such a convenience, of course it might supersede the considerations which would otherwise control.

Mr. THURMAN. The Senator from New York surely could not have heard what I said before.

Mr. CONKLING. I did not.

Mr. THURMAN. I said that I wished the resolution postponed until Monday, because I am too unwell to speak in the close of the debate to-day. I am as anxious for the speedy passage of the resolution as the Senator is or as any one can be. If I had not been anxious for the information, I should not have introduced the resolution. But, as I have said before, I believe I am entitled to speak upon this resolution in the close of the debate, but I am too unwell to do so now with any justice to myself or the subject, and therefore I suggested that it be laid over until Monday, unless the Senator from New Jersey was prepared to go on to-day. He preferred that it be laid over until Monday, and therefore I made the motion. Now, in respect to to-morrow, the Senator from New York knows that it is desirable that there should be some committee work done to-morrow, which can only be done in case the Senate adjourns over until Monday.

Those were my sole reasons for the motion. If the Senate see fit

to force a vote on the resolution to-day, all I can say is that I may have, in the state of my health, to forego the privilege that I would wish to exercise of addressing the Senate upon it.

Mr. CONKLING. I did not hear the observation made by the Senator from Ohio which he has just repeated. I did hear him insist, more or less strenuously, upon his right to do what he denominates as closing the debate. Although I have at present no intention to interfere with the exercise of such a right, or rather such a privilege, I wish for one to disclaim any such understanding of the rule of parliamentary law and propriety, and to say to the honorable Senator from Ohio that if, on the conclusion of the remarks which he shall term "closing the debate," I should feel moved to make any observations upon this resolution, I should feel quite as free to do it at that time as at any preceding moment.

Turning from that, this proceeding thus far has seemed to me a very anomalous one. A resolution is offered in the nature of a call for information; and pending that resolution, nothing else having occurred except a motion for a formal amendment, many Senators have proceeded to discuss in their ultimate effect and relations the supposed facts. I have listened to-day, for example, to the honorable Senator from Delaware making remarks based as I believe upon understandings and assumptions unfounded and unjust, based as I believe upon an understanding of facts which, shall we be permitted to live until this resolution is answered, that Senator will himself say was erroneous. This is my opinion; but I will say I know nothing about it, because the resolution has not been answered, and no opportunity has been afforded to answer the resolution.

The honorable Senator from Delaware, as I see he is attracted to what I am saying, may wish to know somewhat further the occasion of my making these remarks. I understand him to have leveled many of his observations at General Sheridan, apparently upon the theory that General Sheridan was in command when the particular transaction took place of which he has complained. I have no such understanding. On the contrary, my information is that General Sheridan was not in command, had not assumed command, was not even a spectator, was not an actor, was not in any way responsible for the occurrence against which most loudly the honorable Senator has declaimed. He may know more about it than I do; we are both speaking prematurely and both speaking in the dark in that regard. So the honorable Senator observed that the President of the United States was, if I may use a legal phrase for brevity, constructively present; that he had some privity with, some knowledge of, that he he was in some way an actor in, this transaction, so that it was justly chargeable, be it for good or for evil, upon him. Now, my information is that the President of the United States had no knowledge whatever of this occurrence, except as we all had it, when the telegraph brought as matter of history—not as matter of prophecy, but as matter of statement after the event—tidings of it.

I could illustrate further, if it were well to do so, what seems to me the anomaly of this proceeding—calling for information and then, upon conjecture of a version of the facts, proceeding day after day to debate and to assign to all the supposed actors in this complicated transaction the measure of glory or of guilt due to them. But now, added to the somewhat peculiar mode, as it seems to me, of proceeding to which I advert, the Senator from Ohio at once says that he wishes to close the debate, and that he proposes to postpone the further debate until Monday at one o'clock. If other Senators wish to participate, as I judge they do, unless they have a wish that a postponement shall take place till Monday, the honorable Senator will see that I in no respect allude to his convenience when I say I think the time should be occupied. If on the contrary no other Senator is to speak or no other Senator is ready to speak, and the Senator from Ohio says that he wishes to speak and is unable to proceed to-day and unable to proceed before Monday, then I admit that we should accost the Senator upon a point of courtesy toward him, and I should be among the last, except on a matter of very grave public consideration, to interpose anything on that head. But it seems to me that if we are to have this resolution, or rather the information which the resolution seeks, debated, and debated at length, and debated to the injury and aspersion not only of citizens but of public officers, we had better make haste as far as we are ready thus to proceed, to the end that we may bring nearer to us the time when we shall be able to correct our preconceived impressions.

I have no information about this matter superior to that of any other Senator; very likely I shall find myself with greater occasion to correct my own understanding than any other member of the body; but now we are all in the dark, and if discussion is to go on in advance of an answer, I submit that that discussion should proceed and that no postponement should take place unless the health or the convenience—something at least as weighty as that—of some Senators stands in the way. If the Senator from Ohio is going to reserve himself until the end of the debate and other Senators are ready to go on to-day or to go on to-morrow, why should they not go on?

Mr. THURMAN. Will the Senator allow me a word?

Mr. CONKLING. Certainly.

Mr. THURMAN. I said distinctly that if any other Senators were ready to proceed and desired to do so, I would not make any motion to postpone but would listen to them with great pleasure and hoped they would proceed, and I only made the motion upon the hypothesis that no other Senator was ready to proceed now; and then I submitted to the Senator from New Jersey, who had indicated his purpose to speak, that I would make the motion or refrain from making it according to his own wishes. He intimated that it would be agreeable to him that the further discussion should be postponed until Monday at one o'clock, and then I made the motion. But I do not want to insist on the motion if there is any Senator prepared to speak now. I would a great deal rather that the debate should go on to-day and to-morrow if necessary.

Mr. EDMUNDS. May I ask the Senator whether he himself feels able to speak to-day?

Mr. THURMAN. I do not.

Mr. EDMUNDS. If he wishes to speak now, but is ill and unable to go on, I should be, for his accommodation, disposed to accede to his wishes.

Mr. THURMAN. I would rather close the debate at once, or say what I have to say to-day, than Monday, if I were able to go on.

Mr. CONKLING. The Senator has no reason to suppose he will not be able to speak to-morrow?

Mr. THURMAN. I do not know how that will be; I cannot tell. But there may be others who wish to speak besides myself.

Mr. TIPTON. Mr. President, I desire to see this subject postponed until next Monday, and the discussion consequently arrested for the present. I desire it in order that we may hear from the people whom we boastingly say that we represent. They are now being educated in regard to law and constitution. The duty of the citizen, the privileges and the prerogative of the State, and the proper jurisdiction of the United States, are all questions now passing before them. They have never known as much upon these important questions to American citizens as they know at this individual hour. They will know more by next Monday at one o'clock. I wish to hear from the people and be instructed by the people; and I have been very much gratified in the instruction that I have already received from the principal commercial centers of the country. I have been gratified that the Times, the representative of republicanism in the city of New York, unites with the Tribune and with the World and the Post in one denunciation of what I think to be a terrible military usurpation in my country domineering to-day over the State of Louisiana. Therefore I desire to hear from our common constituency from other points, and I am willing to hear from them from all points. Before this question goes to a final vote, I wish to stand up here and say one word in regard to an humble constituency that is not able to-day to cope with the arms of the United States. If any of you represent States that can turn out a military that can protect the rights of the people against the Army of the United States, perhaps it is a matter of indifference to you how soon this question comes to a determination in this body. But I represent a frontier State; a State weak in population; a State which has had a terrible visitation of the grasshoppers the last year; and therefore in God's name do not let them be visited now with that other worse curse, the unlimited and unlicensed Army of the United States; and I will claim the privilege, in behalf of that constituency, of raising my voice before this discussion comes to a close. I wish, therefore, to vote for the postponement until Monday.

Mr. SHERMAN. Mr. President, I would be the last person in the Senate to deny to my colleague a courtesy, or to deny to any member of this body the courtesy of speaking at a time most favorable to him; but the circumstances that engage us now are peculiar. The question under debate is a resolution that every member of the Senate will vote for. There never has been, from the beginning of this discussion to the present hour, a doubt about the passage of the resolution. The only question that has been before us in a parliamentary way during this whole discussion is whether we will address our message to the President in the usual form of courtesy instead of in the abrupt form of a demand or peremptory request. It has now been decided by the Senate that the ordinary form shall be adopted in addressing the President of the United States in a call for information. The resolution of my colleague will be adopted without objection.

Why postpone the matter? Is the Louisiana question now under debate? Are we now debating whether the military were authorized to intervene in the organization of the Legislature of Louisiana? Are we called upon to debate whether Governor Kellogg is governor, or somebody else? Not at all. The only question is whether we shall call upon the President of the United States for information, and upon that the whole Senate is agreed. Now, I for one will never vote to postpone that question a single hour. If my colleague had desired this information in the usual form from the President of the United States, he could have had it at any moment; but what was the extraordinary spectacle presented on the very day my colleague offered this resolution? Not a single objection was made, not a single moment's delay was demanded, because every member of the Senate felt that the circumstances were so imperative, the circumstances were so peculiar, that it was our duty to call on the President of the United States for this information, and the resolution would have been adopted unanimously; and if the resolution had been in the usual form, in the form in which we have almost uniformly approached the President of the United States, in the form of courtesy due to the head of a co-ordinate department from another department of the Government, there would not have been a moment's delay, and long before this time the information would have been upon our tables, and we should have known the precise facts upon which we

were called to decide. Probably had it not been for this inexcusable debate and delay, the Senate of the United States might by this time, in their organized capacity, have decided this question, and have determined what ought to be done in view of the peculiar circumstances in Louisiana.

Now, sir, to continue a debate of this kind to excite the public mind, to call for the indignation of any class of our people, it seems to me, is not only premature but it is cruel, cruel to the interests of the whole people of the United States. Sir, there is wisdom enough in this body to deal with this question. When we have the facts before us and know precisely to what extent the military has gone, precisely to what extent any officer of the United States has gone, this Senate and this Congress will be able to deal with it in a spirit of enlightened wisdom. There never has been a more causeless debate, a more causeless excitement, than has been created by a resolution that would have been adopted at any moment when the mover of the resolution would allow us to take a vote upon it. It has seemed to me, from the beginning to this moment, that all this discussion is injurious to the public peace and to the public interests, whether we regard it in a partisan light or in a patriotic light. On a mere formal resolution of this kind, a discussion of matters affecting the conduct of high officers of the Government, affecting the peace and dignity of the whole nation, is premature, and it ought to be put a stop to at once; and I therefore am prepared to vote at any time on this resolution and against all postponements of it.

If my colleague desires to address the Senate upon this question, he can do it any day or any hour that he chooses. He may at any time introduce a resolution, or call up a pending resolution at any moment and make his speech on Louisiana, and denounce, as he has a right to do, the officers of the Government. But, sir, I appeal for justice to the Senate of the United States; I appeal for common justice, due to the meanest person accused of crime, that you should not make an arraignment against these officers until you have the facts that you propose to call for. Let those facts come here; and I say to you, and I say to the people of the United States, if my voice is heard by them, that this Senate is prepared to deal with this case in the spirit of law and of liberty. If any officer has done wrong, we are prepared to rectify it and make the proper correction. But I appeal to justice, to the sense of fair play, of common honor among men, that, until we have the facts before us, these officers should not be arraigned until we can measure the extent of any fault they have committed, and deal out the proper punishment.

Sir, let this resolution be passed; let it be passed to-day. I trust in God that no man who professes faith in the party to which I have the honor to belong will hesitate for a moment, or has hesitated from the beginning, to vote for this resolution. Call out every fact, and then like Senators let us take up the facts upon some affirmative proposition presented by my colleague, or any one else, and let us deal with the facts as law, and justice, and the Constitution of our country, and our oaths, demand.

But I again say that this discussion is premature. While I will yield to my colleague anything for courtesy, I do not think we are called upon to yield any further delay in this matter. Let us have this information, and then on Monday next, if my colleague chooses, whether the information is then communicated to us or not—and I have no doubt it will be communicated by Monday morning—my colleague may call up any other resolution, new or old, and he may discuss the whole question and give us the light of his great experience and his superior wisdom, and I will listen to him with pleasure. But I appeal to the Senate now to arrest a debate which has as yet no foundation except the published statements in the newspapers, with some of the most material facts at issue in the controversy excluded and doubted, and which we cannot settle until we have the full information before us. I want to vote for this resolution, and I would have voted for it the very moment my colleague offered it, but I thought with the majority of the Senate that the request ought to be made in the usual courteous language prescribed by custom when a request is presented to the President of the United States, and that we ought not to assume guilt on his part, or on the part of any other officer of the Government, by sending a peremptory request, departing from our own accustomed usages and forms. When this information comes in then we shall have to deal with the Louisiana question, and I am prepared to sit here and hear it debated as long as is necessary; but until then, it seems to me my colleague having already secured, as he no doubt knows, the unanimous vote of the Senate in favor of the resolution, why discuss a question that is no longer pending before us, and that is not a question in dispute? When we have the facts, we can then meet him or not as the facts will justify us.

Sir, this is the only reason why I would resist even for a moment the postponement of a resolution about which there is no courtesy, or deny my colleague a request made on his statement that he is not in very good health. I say now—and I have no doubt every member of the Senate will agree to it—that if my colleague desires on Monday morning, when we shall probably have this information before us, to speak on the Louisiana question in any phases that it may be presented, I have no question that opportunity will be given him by the unanimous and cordial assent of every member of the Senate.

Mr. STEVENSON. Mr. President, I hope it will suit the convenience of the honorable Senator from Ohio [Mr. THURMAN] to allow this resolution now to be voted upon. I desire to hear him; I am sure the Senate desire to hear him, and more, the country at large desires to hear him. It is his right to close the debate, but I suggest to him that that same right will pertain to him when this information comes in. It is the information that the country wants. It is the information that we want. I desire to speak, but not on this resolution, and I concur most cordially in a good deal that has fallen from the Senator from Ohio before me, Mr. SHERMAN. Mr. President, this is a question above any party, unless there be a party of monarchists in this country. It is a question which addresses itself to the heart of every Senator and of every American freeman throughout the length and breadth of this land. I do not desire to do injustice to the President of the United States or to any official in Louisiana. I desire to speak, and I hope to speak when I get this information.

I cannot concur, though, in one single remark that the honorable Senator from Ohio before me [Mr. SHERMAN] uttered when he said that no debate should have been precipitated upon the introduction of the resolution. Sir, in the whole history of this nation I venture to say no such official dispatches have been flashed upon the country as in the last two weeks. I do not say what the justification was, but I say now in advance (and I hope the sentiment that I utter will find no rebuke in any heart in this Chamber) that no state of case can authorize an officer of the Federal Army to recommend to the President of the United States, after having proclaimed the citizens of Louisiana "banditti," to deprive them of the guarantees of the Constitution and to try them by drum-head court-martial and authorize him to arrest them and try them; and make that public recommendation to the President of the United States! I ask Senators on both sides of the Chamber what state of fact will authorize it? I shall not now say one word against it; I only say it astounded me, and it must have astounded everybody, and I only want the information upon which so extraordinary a recommendation rested. I have no party feeling in the matter. I hope my honorable friend from Ohio by my side [Mr. THURMAN] will let this resolution pass now so that we may have the information, and then when it comes in I propose to offer what I shall have to say, dictated entirely by the character of the information which shall be laid before the Senate.

Mr. SCOTT. Mr. President, the gravity of the questions which are very likely to follow the information we are now seeking should of itself prevent everything like heat or passion in the approach to that discussion. I have purposely refrained from saying one word in this debate, often as I have been tempted to do so, for the reason that I am unwilling to trust myself in the discussion of this question until we get the authentic information upon which we may speak and characterize these proceedings as we shall find the truth requires us to do so. If there were nothing else to admonish us as to the propriety of making haste slowly in this business, this day itself ought to admonish us. It will be remembered that the Congress of the United States, after a long and animated and learned discussion, reversed even the action of a judicial tribunal in the city of New Orleans in the year 1815, condemning what a military chieftain did in that city in what he believed to be his duty to the country. Just sixty years ago, Mr. President, a man clothed with the responsibility of the command of armies, deemed it his duty not simply to suspend the writ of *habeas corpus*, but he sent for the judge that issued it and kept him where he could not issue any more. This action interfered with the liberty of the press and the liberty of speech, if I recollect aright, and a judge sitting in solemn judgment fined him $1,000 for doing that which he believed to be the discharge of his duty. We might have condemned him if we had been sitting here in 1815, acting upon telegraphic dispatches from New Orleans, if there had been a telegraph then to send them; and I hope to-day the American Congress, and especially the American Senate, will not be driven by any heat of partisan debate into any action of which we may be ashamed hereafter.

I want this information. I want to know whether it was by authority of his superior that the second in command in New Orleans went into that Legislature. I want to know whether it was by authority of the Commander-in-Chief that the principal in command sent the second in command into that Legislature; whether it was at the request of the presiding officer or of the governor of the State. I want to know that; and, as I have said, I have been unwilling to interpose one word between this minute and the time when we can get that information, much as I have been tempted upon several occasions to do it.

Now, can we not act upon the suggestion which has been made, pass this resolution at once, and if debate is necessary, if the education of the public is necessary, if it is necessary to discuss the Louisiana question, here is a resolution introduced by the Senator from Indiana a few days ago. The Senator from Ohio or the Senator from Delaware can introduce any resolution which will bring up the same question; and if the life of the Republic is in danger for want of debate, let us pass this resolution and get this information, and let the debate go on upon anything at all.

Mr. THURMAN. Mr. President, it is a matter of entire indifference to me, so far as my personal feelings are concerned, whether I say one word on this resolution. If I know myself, I never have occupied the time of the Senate for any purpose of personal ambition, to be admired or applauded for what I might say. I have spoken and spoken frequently, and, as I think the Senate will bear me witness, spoken always directly to the point under consideration.

and, as I know, with an earnest and sincere desire to be of some service to the Senate, however humble in its consideration, of whatever subject might be under discussion. I had thought that there was some obligation, if only of self-respect, resting on me that would make it proper for me, before the close of the debate, to explain my views on this resolution, which I have not yet done. It may be that what a Senator considers due to his own character, what he considers due to the usage of the Senate, what he considers due to parliamentary law, ought not to have any effect whatsoever in a case like this. That may be so; I do not say whether it is or not. I have no desire to thrust my wishes upon an unwilling Senate, or to ask an unwilling Senate to grant me any favor whatsoever; but I have this to say, that my colleague was never more mistaken in his life than when he says that this whole debate has been premature. I am not responsible for the debate. I offered the resolution; I said not a word upon it when I offered it; I spoke not a word until others had spoken. It was not until two elaborate speeches had been made that I said anything that could be called a speech. I had merely made a few observations, a mere paragraph not as long as your finger; certainly it was not a speech. I am not responsible, therefore, for this debate; but I do say here that never was there a debate more properly timed, or more appropriate, or more called for than that debate which has taken place. I say to my colleague that the Federal Army cannot enter the halls of a State Legislature and assume, whether of its own motion or at the dictation of any man, be he governor of a State or President of the United States, to determine who are members of that body, without debate being proper on that fact, and at the speediest moment possible. And who is there to deny that that has taken place? I say that such a telegram as Philip Sheridan has sent, proposing that the President of the United States shall proclaim citizens of the United States to be banditti and then leave them to be dealt with by him, cannot be debated too soon in the Senate of the United States. And therefore let me say to my colleague that whenever an occurrence of this kind shall take place in this Republic, so long as even the name of freedom is respected in this land, so long debate will take place, and that at the earliest moment.

But, Mr. President, enough of this. I wanted to speak on this resolution, to speak on it with judicial calmness, as much as I can be calm on such a subject, for it is a subject to make a man's blood run fast; it is a subject to make the nerves thrill in the body of any man who ever loved liberty or had the least idea of constitutional law. I had a desire to speak upon it, and to speak upon it with as much calmness as possible; but there is an unwilling Senate to hear me, and I ask leave to withdraw my motion.

The VICE-PRESIDENT. The motion to postpone is withdrawn; and the question now is on the amendment of the Senator from North Carolina [Mr. MERRIMON] to the amendment proposed by the Senator from Indiana, [Mr. MORTON.] The Secretary will read the proposed amendment to the amendment.

The Secretary read the amendment to the amendment.

Mr. SARGENT. Mr. President, I had thought it was so necessary that this information should be furnished to the Senate at the earliest possible day and go forth to the country, that up to this moment I have not said a word in this debate, and I do not propose now to detain the Senate for any length of time in discussing this matter. But it seems to me that there are some solecisms in this debate, and that consistency should be worth something. I commend this fact, which is as clearly apparent from the dispatches we have received from Louisiana as any other which has come by telegraph, that the very first intervention of the armed forces of the United States in the affairs of the Legislature of Louisiana was invited by a committee appointed by Wiltz, the usurping democratic chairman of the house of that body—a usurper in defiance of all law, and of the laws of Louisiana especially; and that after that force had been employed to override the republican members, and to control their movements, even their right of exit from the hall, a vote of thanks was passed by this democratic body—the remainder, or "rump," of the body which had assembled there. Yet is this not ignored by our democratic friends? Is it not ignored by those men who for the sake of being conspicuous in the public eye, or to get on a wave of popular opinion, or to fish in troubled waters, or for party capital, or for any other motive, are parading at public meetings in different parts of the country to shout about military interference, and to decry the President for the employment of military force? This democratic precedent, just fifteen minutes antedating the military interference so much decried, is, in the exigency of partisanship, entirely ignored. Is it not worth consideration on both sides of this Chamber? If it was wrong for the United States troops to expel men who had no right there, I ask if it was not more wrong for those troops to be invoked to override and control men who undoubtedly had a right there—that is, the whole republican portion of that assembly? Democratic Senators are eager to know if the President approves of the military being used to expel men who had no right there by the laws of the State. I desire to know if they approve of the military interference procured by their partisans whose conduct in seizing the Legislature by revolutionary proceedings they sanction? If armed soldiers intruded into a legislative body are an object of horror, where is the condemnation of it by our friends when democrats obtrude them there and thank them for coming?

There is criticism further made upon the expression of a military man. A man of illustrious service upon the fields of his country, and a man ordinarily of good judgment, happens to use the word "outlaws" or "banditti," applying to men who have covered the South with blood, who have ruthlessly shot down men by scores and hundreds, who have murdered men at their homes, called them to their doors at night and shot them fresh from their beds, who have burned their school-houses and their churches, who have committed outrages of every kind for the very purpose of compelling a large portion of the defenseless people of the South—unfortunately for themselves black or republican—to follow the lead of a certain political party. I call especial attention to one of these occurrences, which perhaps was in the mind of General Sheridan when he used the word "banditti," which men can sit here coolly and criticise. I take the case of Coushatta, to which I referred by a question the other day, and of which the Senator who was then speaking simply remarked, "I do not know anything about that case." We all know about that case, or certainly all except him.

Mr. THURMAN. Will the Senator allow me to ask him a question?

Mr. SARGENT. Certainly.

Mr. THURMAN. Suppose the facts to be as gross as the Senator assumes them to be, suppose them to be a thousand times worse than the Senator supposes them to be, does he say that under the Constitution of the United States the citizens alleged to be guilty could be tried by military commission?

Mr. SARGENT. If the Senator will allow me I will come to that. I say look as a simple specimen illustration in a series of democratic tactics, having for their purpose the securing of a majority in the next electoral college, as a party electioneering measure—to the affair of Coushatta, where there were men, white men, men of business there, men I understand starting manufactories there, who had redeemed the place from a wilderness—for before they went there it was nearly uninhabited—settling there with their families, who for the want of anybody to fill the offices took certain parish offices to fill them. A demand was made on them to resign. To this they demurred. Finally threats were made that if they did not resign and leave the State they would be murdered. They consented under those threats to leave the State if they could have a safe escort. The escort was furnished of Louisiana citizens, and these started with the republicans toward the State line, and returned afterward without their victims, stating that they had been stopped by a company of armed men from Texas, who murdered those in their charge in cold blood. Were these men from Texas banditti? When we stigmatize things like that in the South do we pass beyond any bounds of moderation when we say they were banditti, murderers, assassins, guilty of the highest crimes condemned by the laws of God and man? Is this the "outrage business?" Are these things to be jovial over, to nickname and belittle? Will you thrive on deeds like these? I tell you these atrocities will revolt the sense of this nation, the moral sense of the world, when they are understood. You may raise party clamor in this Chamber, in your subsidized presses or your deceived presses, whatever you please; you may get superannuated politicians from our party or your own to exhibit their seared consciences, and stickle for forms when life is being trampled out; but when the people get information in spite of you of these matters, and understand that the "outrage business," as you call it with a sneer, means a system of murder, of spoliation, of destruction of the rights and lives of hundreds of men, the usurpation of State governments, and all nefarious operations, for the purpose of carrying out mere party ends, I tell you public opinion will condemn you; and that light will come! Now, sir, that that light may come at the earliest moment, I do not desire to prolong this debate.

Am I in favor of trying these men by a military commission? I am not in favor of it. I speak as a lawyer, and in my sphere here. I am not speaking as a soldier accustomed to camps and dangers. Speaking in my own sphere and not in that of another, I say I am not in favor of trying these banditti by military commission; although I might think that if it were constitutional it would be effective. That something effective should be done is most certain.

Why, sir, we have been holding for years past a wolf by the ears in the South; we have been trying to hold men still who were in armed rebellion against the Government, with their passions and hatreds excited against us; and we have pursued a course of peaceable reconstruction measures, hoping that we might have results in peace to the country and prosperity to those communities. Never was a rebellion closed and so few men punished for participation in it. The purpose of the republican party all the way through was that of mercy and humanity. It is shown in every line of our statute-books; it is shown in the bills that pass here day by day removing disabilities from men who were most prominent in their efforts to stab at the life of the nation. Sir, the republican party and the Administration have been humane and kind in all these proceedings; but we have been continually confronted by men acting with nefarious purposes, who would not extend to others the mercy which we so willingly extended to them; and I say with Sheridan, and repeat, that they are banditti. I do not by so doing stigmatize the southern people, for I believe that there is in their midst very much of reprobation of these things. I believe there are hundreds and thousands—I hope I might say hundreds of thousands—of people in the South, white men, too, whose souls revolt at these deeds of iniquity which

are here whistled down the wind as "the outrage business." If I did not believe it to be so, I should think that the traditional hell was located in that part of our country. I have too much hope for the future of our country to believe this. I am not yet convinced that such terrible depravity exists in the South that the mass of its people can encourage, excuse, or desire to make party capital by means of such nefarious things. But there are many men who are engaged in this business in the South. Who can deny it? A few years ago they frequented the highways in masks, and sociably massacred innocent and helpless men, burned cabins by night, and sought to strike terror by masqueradings. But the mask business got played out. Government prosecutions impeded it, and it was too dramatic. It excited the attention of the country, and midnight murder will not bear notice. Then the White League was organized to take its place and do its work more quietly, of which we have had so much experience of late.

These things are of tremendous national importance, and it is well the country should look at them. But let us begin at the right end; let us have the information that the President has. He is the one to speak. He is the one who is accused by this resolution, if it is an accusation. He is the one accused of responsibility in this matter. Has he not a right to plead before he is tried and before judgment is pronounced? Let the President of the United States speak, as I would say, be he of my party or be he not. This resolution gives him the opportunity.

Mr. WEST. Mr. President, it may be that in consequence of the very great interest that I take in events which are transpiring in my State my attention is more particularly given to certain circumstances that I have occasionally to present here to this Chamber. I want now to remind the Senate briefly of the events of the 14th of September. There was an armed collision in the streets of New Orleans between some of the inhabitants and the legally constituted authorities of sufficient magnitude and sufficient gravity to invite the attention of the Executive. I wish to call the attention of the Senate to the fact that the Executive on that occasion thought that the disorders and the tumults and the violence there were sufficient to require at his hands the issuance of a proclamation requiring the peace to be observed. I can not now put my finger on the proclamation of the President, but we all know its terms. He required that insurrectionary body to lay down its arms and return to its home. Has that proclamation been complied with up to the present hour? And was it not against these very men that the Lieutenant-General of the Army directed the epithet of "banditti?" Was it not against these turbulent white-leaguers who, regardless of the proclamation of the President, still maintain that organization in my State, that that language was used? I state it now as a fact in connection with the State, that that banditti have never laid down their arms, never have complied with the proclamation of the President; that they are there in full organization to-day, and in possession of the arms of the State of Louisiana captured from her on that occasion. Are they not in rebellion? If not against the State of Louisiana, are they not in rebellion against the executive authority of the United States, and was it not proper that they should be classified as "banditti?" If not banditti, they are rebels. That is one of the facts which probably will be elicited on the passage of this resolution, and it is well to bear in mind that such is the case when we are discussing it here in the Senate.

Mr. CONKLING. Has the Senator a list of the arms that have not been returned?

Mr. WEST. I have.

Mr. CONKLING. I should like to know what are the arms to which the Senator refers which have not been returned under the proclamation.

Mr. WEST. The State arms taken possession of by white-leaguers and not yet returned are 2 mountain howitzers, 624 Springfield breech-loading rifles, 301 Winchester rifles, 664 Enfield rifles, 93 Spencer carbines, and 1,590 bayonets. They are State arms, and those men carry them to-day, and are in rebellion against the executive proclamation to lay them down.

Mr. HOWE. Mr. President, there seems to be a general desire for a present vote upon this resolution, and I propose to acquiesce in that disposition of it. I want to say, however, before I consent to let the resolution go from the consideration of the Senate, that it calls for the exercise of considerable forbearance and considerable magnanimity on the part of this side of the House to consent to that arrangement.

The simplest resolution of inquiry in the world was introduced here on Tuesday last, by a Senator not distinguished for his attachment to the present Administration. Over and over again it has been said that there was no sort of objection to asking for the information that resolution called for. Over and over again the Senate and the country have been assured that everybody desired to get that information. An inquiry was made by the Senator from New York, a simple inquiry, whether that resolution was in the form usually adopted by the Senate; and the answer, somewhat excited, made to that inquiry by the Senator from Ohio has precipitated the Senate upon the debate which we have listened to since that time; and it has turned out that while the only question pending before the Senate was whether a resolution of inquiry should be made to harmonize with the precedents of the Senate, the opposition in this Chamber has framed and urged an indictment against the republican party, and for three days they have occupied the attention of the Senate and the attention of the country exclusively in prosecuting that indictment. Now I understand they are ready to let the debate be closed and to let that resolution, which might have gone last Tuesday without a word, go to the President, and I understand they are particularly desirous of this.

The Senator from Nebraska [Mr. TIPTON] wants to hear from the people. He thinks he knows what the people will say. Well, I am content to wait and hear from the people. I had a very strong desire that the people should hear from us, and early. The republican party has been arraigned here, as I say, for three days and it has been charged with every crime which I ever heard discussed in politics. I did want to hear some rejoinder to these charges. I happen to know that there are those sitting about me who have carried the republican flag to victory through stormier times than these, who were not absolutely dumb in the presence of these charges, who were ready to plead to them, and plead the general issue, and go to the country upon that issue. I would have been glad to have that plea interposed, and to have heard something said in support of it, before the resolution went out of the Chamber; but Senators think it is best not to do so. Republicans in whose judgment I have great confidence think it is best not to do so; democrats in whose judgment I have not unlimited confidence, but in whose tact I have sufficient confidence, are very unanimous, I think, in that conclusion, that it is best to have the debate close as it is. Well, let it be closed. I have nothing to say against closing the debate now.

I want, however, before it closes to say three things. The first is that if the democratic party expect to regain the confidence of this country, they will attempt it by some mode not quite so desperate and so reckless as that which has been persisted in for the last week, to wit, that of making the country believe that the republican party is the one political party which is hostile to the Constitution of this country. That is not quite practicable, if I understand the intelligence of the people of this country. That is one indictment that I think cannot be maintained.

Secondly, I want to say to my honorable friend from Nebraska who seems, if he will permit me to say so, unduly excited about the use to which the Army of the United States may be put, that his constituents—and I am glad to see that he is so jealous of their interests and of their welfare—are in no sort of danger from that Army. If they can contend successfully with the grasshoppers, the Army will let them alone.

And the last thing I want to say is this: To make a clean breast of it, I do understand that a very small detachment of the Army of the United States—I do not learn it from the Executive, I have not seen the President; I have gathered it from the newspapers—I do understand that a very small detachment of the Army of the United States on Monday last, with or without authority, led out of the house of representatives for the State of Louisiana five men who had forced themselves into seats there and thus held the Legislature of a State by the throat. I understand that to be so. The five men, I say, who were led out were men who had no business there, and I think there is not a Senator on this floor who will say they had, but they held that Legislature by the throat and thus strangled for the time being the voice of Louisiana. Those five men were led out of the State-house by a detachment of the Army of the United States. There was not a drop of blood spilled; there was not a wound given, so far as I am informed. That was the thing done, and this Senate Chamber and this country have rung with declamation from Tuesday morning to this hour against the infamy of that act. The whole democratic party of the Senate have arrayed themselves against it; and yet, from no one of them have I heard one single word of rebuke to the miscreants who thus, without any authority in the world, took the Legislature of Louisiana by the throat, and held it there. From all which, I am led to infer that, according to the understanding of our friends on the other side of the Chamber, it is a greater outrage to prevent a State from being strangled without the due warrant of law than it is to strangle a State without any authority of law whatever.

That is the issue before us. I am on the other side of that question. I very seldom prefigure purposes, but I thought I was resolved not to let this question go out of the consideration of the Senate without saying why I take the other side of that issue. I am overruled, however, by the judgment of Senators. I think it better, as the feeling is, to let this inquiry go out to the White House. I should like to know, as I have said often before, whether this thing was done without authority or not. I think I am very well advised as to what was done; but I think there will come an occasion, here or elsewhere, when I can speak to every count in the indictment which has been presented here during these three days; and I think I know of one constituency in this country, not much lacking in intelligence, in virtue, or in patriotism, to which I shall be able to plead satisfactorily; and so, if it be the pleasure of the Senate, I will let this resolution go to the White House.

Mr. MERRIMON. Mr. President, I feel so deep an interest in the subject before the Senate, the people whom I represent are so deeply interested in it, that I was anxious to submit some remarks before the debate closed, but I am too hoarse to do it to-day. I avail myself, however, of this occasion to enter my solemn protest against the unjust, outrageous, and insulting manner in which the people of the

South have been aspersed and reviled since this debate began, and to say that the imputations made against them, when they are tried by the touchstone of fact, cannot be sustained. I trust that I shall be in better condition on another occasion to say many things by way of reply to what has been said. I am too hoarse to-day to make such defense as the honor of the people of the South demands.

The amendment I have just offered to the amendment of the Senator from Indiana is intended to get the whole truth, so far as it will appear by any communication from the President of the United States. I am opposed to his amendment, because it is not germane to the resolution offered by the Senator from Ohio. The object of the Senator from Ohio is one thing; that is, to get information from the President touching what was done in New Orleans on Monday last; but the amendment of the Senator from Indiana is to gather information touching all the various troubles that have transpired in the State of Louisiana for the last two or three years, and it may be very voluminous, and it may throw very little light upon the point we are now driving at. But if the Senate shall adopt that amendment, then I insist that my amendment ought to become a part of the resolution as it shall pass eventually; for it is well known that there are two persons claiming to be the governor of the State of Louisiana; that there are two sets of officers, each claiming to represent the State. It is well known, furthermore, that both these classes of officers have been in communication with the President. What I want to get at is what each class of officers have said to him, what communications they have made to him, and what communications he has made to them. I want the whole truth. In the language used by a Senator the other day, "I want the whole truth, and nothing more."

My friend from Georgia has suggested an amendment which, with the permission of the Senate, I will accept. It comes in after the word "State," in the line before the last.

The VICE-PRESIDENT. The modification will be made if there be no objection.

[Mr. MORTON addressed the Senate. His remarks will appear in the Appendix.]

Mr. GORDON. Mr. President, I take the occasion now, which was denied me a few moments ago, of stating the facts in reference to this Troup County affair introduced by the Senator from Indiana. I give as authority for my statement the gentlemen whom I saw upon the very day of the occurrence, and for whose veracity I vouch. The facts, as nearly as I can remember, were these: The negroes to whom the Senator refers came into the town of La Grange, the county seat of Troup, in a body, as is their custom in certain portions of Georgia, marching as soldiers to the polls. On arriving at the court-house door, where the polls were kept, this body of negroes demanded additional representation upon the board of managers of the election. A discussion arose. While the discussion lasted the leader of this band beckoned and called them away. An immediate effort was made by the democratic white people to recall them, proposing either that they should name their managers or at any rate offering to give them every guarantee that their votes should be fairly counted. They, however, declined to vote, and assembled outside of the town, and there, upon the very day, within one hour after the effort was made to satisfy them and induce them to vote, with the same freedom from intimidation as any citizen of that county, they proceeded to raise money to send their messenger to the Chattanooga outrage convention. I have not a shadow of doubt—and I am as much entitled to my opinion as the Senator from Indiana is entitled to his—that the whole programme was prearranged and perfected before they ever entered the city on that morning. This I believe to be an unbiased statement of the facts in this case, which the Senator has introduced upon the authority of a man whose name he declines to give to the Senate.

The Senator refers to the election for governor in Georgia in the year 1868. It was my fortune to be the democratic candidate at that election. The Senator says the republicans carried the State. I will remind him that a republican, a very prominent one in that election, who had much to do with what was claimed as a republican success, is reported and very generally believed to have stated on the streets of Atlanta that unless he was elected to the United States Senate by that republican Legislature or else made superintendent of the State railroad—the property of the State—he would expose the programme by which republicans were counted in and show that the democrats had really carried the State by six thousand or seven thousand majority. I repeat, I cannot vouch for the truth of the rumor; but the fact is he was both made United States Senator and superintendent of the road, and no exposures were ever made.

Let me go further in reference to that election in Georgia.

Mr. MORTON. Will the Senator permit me to ask him a question?

Mr. GORDON. Yes, sir.

Mr. MORTON. Who was the person referred to?

Mr. GORDON. Yes, sir; I will not imitate the example of the Senator and refuse to give names. That man was Foster Blodgett.

Another matter to which I wish to refer in regard to this election in Georgia is this: I was appealed to by the democrats of Georgia to see General Meade, who was the military commander of the State, as to the manner in which returns were being made by the election managers, all of whom were republicans. In one county, the county of Madison, the election was according to law, the votes counted by the republican managers, the returns made in due form, signed and sealed according to law, and sent to the State capital; all under the seals and signatures of republican managers. These returns showed that democrats in that county were elected. Affidavits were afterward obtained in the county to the effect, not that the negroes were intimidated, nor that any irregularities had occurred, but that certain colored voters who had intended to vote the republican ticket had been deceived by democrats into voting democratic tickets; that they had put into the boxes democratic tickets, supposing them to be republican tickets. Upon those affidavits the general commanding authorized the chief of the bureau of registration to open the returns and change them. Is there any difficulty in obtaining majorities by such means in any State of this Union, Mr. President? I went myself in person to the commanding general, and said to him, "General, do you think this is the proper way to manage elections?" The general, who I am glad to believe intended no injustice, but who, unfortunately for Georgia, did not appreciate the illegality of such proceedings, said that it was his opinion that, if these men were actually cheated out of their votes or into voting a ticket which they did not intend to vote, the correction ought to be made. I then proposed that if he would allow the right to both parties to procure affidavits and change returns accordingly I would guarantee to carry the State of Georgia by 50,000 majority. Of course the privilege was denied.

The Senator boasts that the republicans carried the State at that election by 10,000. Why, sir, it was just as easy to carry it by 100,000 majority. But the honorable Senator says the registration in Georgia at that time showed a majority of colored voters, or very nearly a divided vote, I think, between the two parties.

Mr. MORTON. About six hundred less than the white vote.

Mr. GORDON. Does not the Senator know—if he does not, allow me to inform him—that the registration in Georgia was conducted by registrars appointed by authority derived from Federal authority, and that not one of them were other than supporters of the Federal administration then in power? Moreover, they acted under a law which authorized these registrars to strike from the list the name of any man for cause by the board deemed sufficient. With such surety nothing else was needed to carry the election by any majority.

But an additional fact is that the examination of the returns and the final count were made by republican appointees. No democrat was allowed to be present. Is not this privilege alone sufficient to account for the republican majority?

But the Senator complains that the republican vote has since fallen off in Georgia. Majorities obtained by the means I have mentioned, I apprehend, would fall off in any State upon a return to legal elections.

But even upon the impossible supposition that that election was a fair one, it is not very difficult to account for the decrease of the republican vote in Georgia upon many other grounds. My predecessor in this Chamber was a republican, a man who bears as unblemished a character as any Senator upon this floor. For causes satisfactory to himself, he refuses to vote the republican ticket in Georgia. That is one change, and a quite prominent one; and the same reasons, whatever they were, which influenced him to abandon an organization, the record of whose acts in Georgia is enough to blacken the reputation of any citizen who sustains it, carried doubtless many of his followers with him.

I come now to the charge of intimidation. It is true that numbers of colored men vote the democratic ticket in Georgia, and without any intimidation. The Senator does not seem to understand this. If he had been in Georgia during the rule of the carpet-baggers in that State he would have very readily understood it. He would have seen that negroes who have property to protect, and upon which taxes are to be paid, might very well prefer that laws should be made and taxes collected and disbursed by those who themselves had some permanent interest in the good government. My own carriage-driver desired in 1868 to vote the democratic ticket, but was afraid of being murdered by his own people if he deserted his color. A number of colored people in Georgia have declared their willingness to vote with the democrats, and in some instances, I believe, riots have grown out of the effort on the part of republican negroes to prevent it.

Mr. CLAYTON. Will the Senator allow me to ask him a question?

Mr. GORDON. Certainly.

Mr. CLAYTON. Does the Senator know of a single instance where a colored man has been murdered for voting the democratic ticket?

Mr. GORDON. I am not answerable for the courage of my carriage-driver.

Mr. CLAYTON. That is not the question.

Mr. GORDON. That is not pertinent, I think, to this discussion. As to whether there was reason for apprehension or not, I am not prepared to answer. I only give the Senator the facts.

Mr. MERRIMON. I will state to the Senator from Arkansas that I know of one.

Mr. CLAYTON. In Georgia?

Mr. MERRIMON. No; in my State, North Carolina, in the city of Raleigh.

A colored man was murdered on the day of election for voting the democratic ticket, and it was a matter of public notoriety.

Mr. CLAYTON. If the Senator from Georgia will permit me, I gathered from his remarks that he intended to give the idea—although he disavows it now—that the colored men would vote the demo-

cratic ticket if it were not for fear of being interfered with by their colored brethren.

Mr. GORDON. I certainly did intend to convey the idea that in some instances such was the case.

Mr. CLAYTON. And I ask the Senator if he knows a single instance in the State of Georgia where a colored man has suffered for having voted the democratic ticket?

Mr. GORDON. I neither know of an instance where a democratic colored man has suffered for voting that ticket, nor do I know of a case where a republican colored man has suffered for voting his way. I only give the fact, that colored men have apprehension of danger from their own color. But as the Senator presses for a single instance of republican intimidation of colored democrats, I beg to refer him to the testimony quoted from the investigation made at Opelika, Alabama, in my speech of yesterday. He will there see that colored democrats swore that they were not only threatened but actually beaten and turned out of the church for voting the democratic ticket. If the Senator discredits the testimony given by the colored brethren, I certainly do not feel called upon to attempt their defense.

The Senator from Indiana asks how it is we have since carried Georgia so largely for the democrats, unless it is done by intimidation. Before I answer that, I beg that the honorable Senator will tell me how the republican State of Indiana has been carried for the democrats? Were he and his party beaten in his own State by intimidation?

How was the great State of Ohio, which but a few years ago gave from 40,000 to 60,000 republican majority, carried for the democrats? How were New York and Massachusetts and Pennsylvania carried? Was the political revolution of these great Commonwealths by intimidation? If not, with what justice, I ask, can the honorable Senator charge the democrats of Georgia with unlawful acts of intimidation? Upon what plea can the Senator justify the charge which he has made, that I could stem the tide of lawlessness in Georgia, as evidenced he thinks by our heavy democratic majorities, while he makes no such charge against these our allies and confederates in the great States North to which I have referred?

I do not know how the Senator will consider himself as answered, but I apprehend that all honest men, those not biased by political prejudices, as I am afraid the Senator from Indiana is—all men who seek the truth for the good of their country—will be satisfied that the Senator is answered, and fully answered.

But let me go a little further. The Senator says that the colored people do not vote in Georgia. That is true of a great many of them; many do not want to vote. If the Senator will come to Georgia, I will show him colored men who do not vote the republican ticket, but who do vote the democratic ticket, notwithstanding the terror in which they stand of their own color.

Intimidation! During this last campaign, Mr. President, I made a number of speeches in Georgia. I spoke in what is known as the "Black Belt." On my first visit to that section of the State during this campaign, in traveling through the county of Mitchell, I was met by gentlemen who came excitedly upon the cars and desired to see me. I inquired what the matter was; and they related very briefly the facts of the arrest that morning of I think ten or twelve boys, some of them not more than fifteen or sixteen years old, by the United States marshal on the charge of having intimidated a republican meeting. The meeting consisted of a large number of men, fully grown, white and black republicans. I saw these beardless youths, harmless, without any arms. I asked for the facts. The statement I received was that at the meeting, to which these boys had been formally invited, a colored man made a speech. One of these boys asked if he had not promised to vote the democratic ticket. The colored man denied it; when the boy denounced him as a liar. Without any other threat, as I understand, without any other disturbance, the whole number of youths were arrested at the instance of the United States Government. No; I recall that remark. Let me say, for the honor of the Government, that it was only the act of a petty tyrant, who styled himself a marshal of this Government. I will not, for the honor of my countryman, suppose that the Government was guilty of such petty tyranny as this. They were arrested by the United States marshal. And after having suffered the costs of the arrest, and lawyer's fees, they were turned loose upon a bond. If the facts are doubted, I will add that substantially I vouch for their truth upon the honor of a Senator and a man.

In another place in that State, a gentleman who bears the title of honorable was serenaded with tin pans. The United States marshal was called for, and the whole community threatened, on the charge of intimidation. That Senator does not seem to understand how the colored people decrease in Georgia. It is easy to explain. They are leaving Georgia for Mississippi. They want lands. Lands happen to be higher, however, in the State of Georgia, in democratic hands, than they are in Mississippi, which is in republican hands; and at a recent convention of colored people in Georgia to discuss the question of emigration the announcement was made by a missionary from Mississippi that the lands of Mississippi could be bought at five cents an acre. He succeeded in inducing some from Georgia. But there is another reason for this exodus, which it may be proper for me to state. They desire *social* equality, which they hope to get in Mississippi, but which they cannot get in Georgia. All their political rights, however, are secure in Georgia. If the United States Government were to withdraw its judges, and all the appointments of its power from Georgia to-day, the colored man would still be protected; but we do not propose to make them our *social* equals.

Mr. President, as I said yesterday, nothing was further from my intention than to participate in this debate—especially to ask to be heard a second time. But the Senator has forced me to my feet. Now, as he has been pleased to say that in Georgia we could not stem the tide of blood and of murder which there existed, I want to challenge him, here in the presence of the Senate and of the American people, to a comparison of the records of the courts in Indiana with the records of the courts in Georgia since that State passed into democratic hands; and by the records of all the murders, all the trials and convictions, my people will stand or fall before the judgment of an unbiased public. There is a challenge, and I ask the Senator to accept it.

I have thus endeavored to make an open, frank, and full declaration of all matters concerning which the Senator from Indiana has seen fit to arraign me and my State before the bar of public opinion.

Mr. CARPENTER. I move that the Senate do now adjourn.

Mr. SHERMAN. O, no; let us take the vote. I hope the Senator will withdraw the motion.

Mr. CARPENTER. I will withdraw the motion if anybody thinks we shall get a vote to-night.

Mr. SAULSBURY. Mr. President, I did intend to participate in the discussion upon this resolution. The evident desire of the Senate, however, to reach a vote on the resolution this evening has induced me to forego my determination to discuss the question. I do so the more readily because I apprehend that other occasions will arise when I may express my views on this whole subject. Still I cannot consent that a vote shall be taken on this resolution without first entering a disclaimer to the attempt that evidently has been made to throw upon the democratic side of this Chamber the responsibility for this discussion. The Senator from Wisconsin [Mr. HOWE] attempted to make the impression that there had been a misuse of the time of the Senate in the discussion of this question, when upon the other side of the Chamber they were ready to have voted at any moment. If there had been objection in no form interposed to the resolution, there would have been not one word of debate upon it. The resolution of the Senator from Ohio [Mr. THURMAN] was dignified in its language. It was demanded by the circumstances under which we found ourselves placed on the morning of the 5th instant. It was courteous in its bearing toward the President of the United States; it did not charge any offense against the President, or against any of his subordinates whether civil or military. But an amendment was offered the effect of which must necessarily have been to delay the answer of the President to the resolution. I will not say that the Senator from New York, [Mr. CONKLING,] in offering that amendment, proposed to cause any delay whatever; but it might very justly have been apprehended when it was proposed that it would provoke discussion; and therefore I think, if there was a desire to reach any immediate conclusion on this subject, no amendment to the resolution ought to have been proposed. While I disclaim any intention of saying that the Senator from New York intended that such should be its effect, yet I know that that is the judgment of many persons in the country, and I have here an extract from a newspaper which states that the obvious intent and purpose of the amendment was to prevent reaching the information required. I do not say so myself, but I say that is the impression which has been made on the country. But apart from his amendment there was an amendment proposed or notice given of an amendment to be proposed by the Senator from Indiana which necessarily must lead to a discussion of this whole question. Therefore I disclaim for this side of the Chamber all responsibility for the discussion which has taken place.

But, sir, I am not sorry that this discussion has been had. I believe that discussion was eminently proper under all the circumstances, and I have no doubt that the effect of it will be good upon the country. It has served to call the attention of the people of this country to an act which I am satisfied their judgment will condemn. It has served to call the attention of the people of this country to the fact that a military chieftain, paid by the Government of the United States, entered the halls of legislation in one of the sister States of this Republic and expelled at the point of the bayonet five of the members of that body against the protests of the speaker, against the protests of the members themselves, in violation of law, without any warrant or authority of law, and in contravention of every practice that has ever existed under this Government from its foundation to the present time. We had the information. We had the information through the press; we had it through the telegrams; and let me say that in my opinion the telegraph never conveyed a sadder message to the people of this country than it conveyed on the evening of the 4th of this month. It had heretofore told of the demise of men distinguished and honored by their country; it had told of battles lost and of disaster by flood and fire; but on the 4th it told a sadder tale still. It told of liberty stricken down in one of the States of this Union; and all over the land, wherever we can hear any expression of opinion on the part of the people, there is one universal expression of condemnation against the acts of the military power of this country that could invade the halls of legislation and expel members who were entitled to seats on the floor.

Sir, I am glad that the resolution of the Senator from Ohio was

offered, and I am not sorry that it has provoked this debate. He could have done nothing less as a Senator than to inquire if the facts as reported by the telegraph were true, and to inquire where was the authority in law for such an act on the part of the military power. He had greater experience than some of the rest of us, but I apprehend that the youngest member of this body would have been derelict in duty to himself, derelict in duty to his State, derelict in duty to the common liberties of the people of this country, if he had not interposed an inquiry to the President of the United States to know whether the facts as stated were true, and if so the grounds upon which this was done. Therefore, sir, while we are not responsible for this debate, I assert in my place that I am not sorry it has taken place; and when this question comes up again I shall take occasion to say something more about it.

I say to the Senator from Indiana that none of these tales of horror, of bloodshed, and of murder, which are iterated and reiterated so eloquently by that Senator and by others on this floor, will have the effect which they are designed to have. This "outrage business" is about "played out." The people have heard that song so often that it fails to be music to their ears. In the last campaign a regular outrage convention—I believe the Senator from Ohio the other day called it an outrage mill—was convened in one of the Southern States. It sent forth its messages. Every man in the country knew that it was a part of the political machinery put in operation to carry the republican ticket in the late election. The wings of every wind bore out intelligence of these outrages. They were gathered from the four winds of heaven; they were put in volumes and distributed as public documents, published in party newspapers; but what was their effect? They passed as idle wind passes over the American people. And if the Senator from Indiana wants to renew that story, if he wants to sing the old song, if he wants again to deal with murders, with assassinations, with outrages, we shall welcome him whenever he chooses to touch that string. But I intended simply to apologize for not making a speech on this occasion.

Mr. LOGAN and others. Go on.

Mr. SAULSBURY. The time is too far spent now; it is near six o'clock in the evening, and the Senate is anxious to go home. I do not desire to trespass longer on its attention; but in yielding my own intentions to what I believe to be the wish of the Senate, in not discussing this question, I want to say that it is not because I do not feel that it is one of vast importance and one that is calculated to stir the feelings of every man who is a true lover of liberty, but I only forego the pleasure which it would afford me to participate in this discussion because I know it is the desire of the Senate to reach a vote on this resolution this afternoon.

The VICE-PRESIDENT. The question is on the amendment of the Senator from North Carolina [Mr. MERRIMON] to the amendment of the Senator from Indiana, [Mr. MORTON.]

Mr. WEST and Mr. SARGENT. Let it be reported.

The CHIEF CLERK. The amendment of the Senator from Indiana is to add to the resolution the following words:

> And whether he has any information in regard to the existence of armed organizations in the State of Louisiana hostile to the government of the State and intent on overturning such government by force.

It is proposed to amend that by adding thereto the following:

> And particularly whether the persons whom he has recognized as the official authorities of said State of Louisiana were elected according to the constitution and laws of that State; and if so, how and by what means he ascertained such facts; and whether other persons than those recognized by him as such authorities claimed, and claim, to be the lawful authorities of said State, and upon what grounds the last-mentioned persons claimed to be such lawful authorities, with all the evidence furnished the executive department by said persons to sustain said claim, and all communications between the executive department and said persons in reference to said claim, and what, and all, information he had, or has, to that effect.

Mr. SHERMAN. I have not the slightest objection to calling for the information, but I suggest to the Senator from North Carolina that that clause calls on the President to send in whole documents relating to the McEnery and Kellogg conflict, all of which have been sent to us and are printed. If the Senator proposes to call for any new information, I would be very willing to vote for it, but if he calls for the whole amount of matter involved it would take about a month to copy it.

Mr. MERRIMON. I should object to such a delay as strongly as the Senator from Ohio; but I say that the amendment proposed by the Senator from Indiana is not broad enough and by that we can only get one side.

Mr. SHERMAN. The mistake of the gentleman is that the amendment of the Senator from Indiana calls for a simple fact as to whether any organization exists called the White League, a matter which I suppose has sprung up since the last adjournment, which is perfectly proper and entirely in harmony with the resolution of my colleague.

Mr. MERRIMON. It is manifest that under the amendment offered by the Senator from Indiana the Senate will be put in possession of all communications between the President and the so-called Governor Kellogg. We know that there are two persons there claiming to represent the State government, and I say that it is not fair or just to the people of Louisiana or to the people of the United States or to the Senate that we should have a one-sided, garbled representation, and not have the other side. All I want is the whole of it. I am content to let the resolution pass as it was offered by the Senator from Ohio; but if we have the amendment of the Senator from Indiana put on, it is fair and just that we should have the whole information.

Mr. LOGAN. Will the Senator allow me to make a suggestion to him in reference to calling on the President of the United States as to the election? The Senator well knows that there is a report here, printed by the Senate, containing all the testimony that was taken on that subject—a report of the Committee on Privileges and Elections, which is certainly much more full and complete and reliable than anything that could possibly be obtained by this amendment. It strikes me that this amendment merely embarrasses the information that we desire to obtain. It is impossible to get any information under the amendment that the Senator offers which he has not now at his desk or cannot get in five minutes.

Mr. MERRIMON. I am content to accept the suggestion of the Senator from Illinois, so as to embrace all information not heretofore sent to the Senate.

Mr. HAMILTON, of Maryland. "Not heretofore communicated."

Mr. CONKLING. The Senator does not mean that.

Mr. LOGAN. The document that I refer to is not a communication from the President; he has not charge of that. It is the report of a committee, a full and complete report, with all the testimony relating to everything connected with that election.

Mr. MERRIMON. We know, Mr. President, that many communications have been made to the President of the United States, or at all events the newspapers say so, from McEnery and the McEnery government. What I want is that information.

Mr. CONKLING. Will the Senator allow me to make a suggestion to him?

Mr. MERRIMON. Certainly.

Mr. CONKLING. It seems to me that the suggestion he made a moment ago was exactly right. Say all that has been received since a certain date. If he changes it, as the Senator from Maryland suggested, and makes it all not heretofore communicated, that, I suggest to my friend, will have practically no sense, because the report of the committee was never communicated by the President, and therefore the Senator will see the words would not be opportune; but let him simply say all the communications received from those whom the Senator describes since a day fixed, or since the report was made. That will answer his purpose.

Mr. HAMILTON, of Maryland. Since this report.

Mr. MERRIMON. I am content with that, and will say "all communications made or received since the report made by the Committee on Privileges and Elections."

The VICE-PRESIDENT. The amendment to the amendment will be so modified.

Mr. WEST. I should like to have it read as it is modified, because this amendment calls for information from the President of the United States that he certainly cannot by any possibility give. It is not for the President of the United States to judge whether a man is legally elected. No returns are made to the President of the United States. The Senator requires the President to state whether the governor of that State now acting has been legally elected. The Senator will remember that the President has on various occasions, quite as numerous as three, I believe, communicated to Congress his action in connection with the Louisiana case; and every particle of information the Senator calls for here, as far as it can be given by the President of the United States, is now available to him in various documents.

Mr. MORTON. I will say to the Senator from North Carolina that the President a few weeks ago said that he believed Kellogg was elected governor.

Mr. MERRIMON. It becomes the duty of the President to exercise his quasi-judicial power in applications to him such as that made by Kellogg and McEnery. It is his duty, when an application is made, particularly if Congress be not in session, to determine who represent the State government; and in doing that he must ascertain simply who were ascertained to represent the State government according to the constitution and laws of Louisiana. When Congress shall convene, Congress may overrule that judgment, as Congress may do now. Congress may pass a joint resolution recognizing the McEnery government as the true government, in which case it would be the duty of the President to recognize it. He had certain data before him, or he ought to have had, which would enable him to decide who represented truly and lawfully the government of the State of Louisiana. That is the information I want.

Mr. PEASE. Will the gentleman allow me to ask him a question?

Mr. MERRIMON. Yes, sir.

Mr. PEASE. Is it not true that the President has indicated to the Congress of the United States his course in relation to the Louisiana government and the reasons why he has recognized Kellogg? It was embodied, I think, in the last message.

Mr. MERRIMON. O, he has mentioned the fact that he recognized the Kellogg government and asked Congress to take action, but he did not lay before Congress the data on which he acted, and that is what I want.

Mr. CRAGIN. I suggest to the Senator to so word his amendment that the President be requested to communicate to the Senate any information that he has not already communicated, and which is not in the possession of the Senate.

Mr. SHERMAN. Or in the possession of the House?

Mr. CRAGIN. Yes.

Mr. MERRIMON. That is substantially the amendment I accepted a while ago. I ask the Clerk to report my amendment as modified.

Mr. SHERMAN. I think that on the whole, unless the Senator modifies that, it should be voted down. I want this information; the Senator wants it; and he ought not to load it down with a lot of cumbersome matter. The President will obey your instructions, of course.

Mr. MERRIMON. My amendment is not captious at all. I want both sides.

Mr. SHERMAN. But your amendment will load down the resolution.

Mr. MERRIMON. I am content to withdraw my amendment if the Senator from Indiana will withdraw his.

Mr. SHERMAN. I think the amendment of the Senator from Indiana is perfectly legitimate.

Mr. MERRIMON. Then I insist on mine. Let us have a vote.

Mr. SHERMAN. Very well, then; let us have a vote.

Mr. THURMAN. I shall not detain the Senate with a speech; but I wish before the vote is taken to say a word about the amendment offered by the Senator from Indiana. The resolution submitted by me simply called on the President to know whether a portion of the Army of the United States, or any officer or soldier thereof, had intermeddled with the organization of the Legislature of the State of Louisiana, and especially whether by such military intervention any persons claiming seats in that body had been prevented from taking them or expelled from them after they had taken them, and, if the facts were so, then to state by what authority of law such military interference took place.

Now, these are questions that are as independent of the existence of a White League down there as they are of the transit of Venus across the sun's disk. Were the facts so? Did that armed intervention take place? Whether there was a White League or whether there was not a White League cannot change the matter of fact, did that armed intervention take place? The President is asked to answer. If it did take place, then comes the question, by what authority of law did it take place? And that is a question to be determined by the Constitution and the statutes of Congress made in pursuance of the Constitution. It is wholly independent of any question of murder; it is wholly independent of any question of outrage; wholly independent of any question of white league or not. It is a simple, naked question of law. Supposing this armed interference to have taken place, was there authority in the Constitution and laws of the United States that warranted such military interference? That is all of it, sir; and everything contained in the amendment of the Senator from Indiana, and every word that has been uttered upon this floor about southern outrages and murders, and that long tirade of exaggeration which we have heard here so often and have heard repeated now, is simply to hide the real question whether or no the Army of the United States, in violation of the Constitution and without any authority of law, has undertaken to decide who are members of a State Legislature. Does the Senator from Indiana think the people of the United States are so besotted and stupid that they cannot see through this mist that he would throw around the question and get at the real point? Does he think that the men who will discuss this question next Monday night in the great city of New York—your late republican Attorney-General, one of the ablest and oldest of the republican editors in this country, and men of the same stamp—can have their vision obscured by your cry of outrages and white-leaguers down South so that they cannot see the real question? No, sir; they see. The only thing that is lamentable to consider is to behold that in this Senate of the United States, when a State Legislature has been violated, its hall entered, its members torn by military force from their seats, and that by a portion of the Federal Army, and when, after one week's debate, not one single line or word of the Constitution, not one single word or letter of a statute has been shown to justify such a thing, the effect of this is sought to be palliated or diverted or obscured by talking about homicides, murders, and white-leaguers in the South? Sir, there was a time when an American Senator would have hesitated before he would have thrown the least obstacle in the way of such an inquiry. How is it that the Federal Army has been used to overthrow the Legislature of a State or to decide who are members of a State Legislature? That is all the question before us; and all this talk of murder and southern outrages is merely throwing sand in our eyes to divert the public attention.

If the facts are as I believe them to be, that it is one of the most flagrant and outrageous violations of the Constitution and laws of the United States and the principles of free government that ever has taken place on this continent; and it cannot be hidden. Pass the resolution; and now I say to my friends who said here to-day, "Let us take the vote; let us get this report," when you get this report you will have only half the story. Mark it, when you get this report from the Executive Mansion, in answer to this resolution, you will have but half the story; but if it contains one thing, it will contain all that I care about knowing officially, for I know the rest already by sufficient testimony. If it contains the fact that this violation of the Constitution and of the law has the sanction of the President of the United States, I ask for no more information.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The question is on the amendment of the Senator from North Carolina to the amendment offered by the Senator from Indiana.

Mr. BOREMAN. Let it be reported as it has been modified.

The CHIEF CLERK. The amendment to the amendment is to insert at the end of the pending amendment the following:

And particularly whether the persons whom he has recognized as official authorities of said State of Louisiana were elected according to the constitution and laws of that State, and if so how and by what means he ascertained such fact, and whether other persons than those recognized by him as such authorities claimed, and claim, to be the lawful authorities of said State, and upon what grounds the last-mentioned persons claim to be such lawful authorities, with all the evidence furnished the executive department by said persons to sustain said claim, and all communications between the executive department and said persons in reference to said claim, and what, and all information he had, or has, to that effect that has come into his possession since the 20th of February, 1873.

Mr. MERRIMON. I hope the President will send the information on both sides, and I withdraw the amendment to the amendment.

The PRESIDING OFFICER, The amendment to the amendment being withdrawn, the question recurs on the amendment of the Senator from Indiana, [Mr. MORTON.]

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will be excused for asking the Clerk to read the amendment offered by the Senator from California, [Mr. SARGENT.]

The CHIEF CLERK. It is proposed to amend the resolution by inserting after the word "Senate," where it last occurs in the original resolution, the words "under what circumstances;" so that if amended it will read:

And if such has been the case, then that the President inform the Senate under what circumstances and by what authority such military intervention and interference have taken place.

Mr. MORTON. That is right.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the resolution as amended.

The resolution as amended was agreed to.

Mr. HAMILTON, of Maryland. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CONKLING. Let the resolution first pass.

Mr. HAMILTON, of Maryland. It has passed.

Mr. CONKLING. I think not. I think we ought to have the yeas and nays. The amendment as amended was passed.

The PRESIDING OFFICER. The Chair has already declared that the resolution as amended is adopted.

Mr. SHERMAN. We were all in favor of it anyhow, and the yeas and nays were not necessary.

Mr. CONKLING. I intended to ask for the yeas and nays on it.

The PRESIDING OFFICER. It is my impression that the Senator is too late. I am subject to correction, however.

Mr. CONKLING. I think we ought to have the yeas and nays.

The PRESIDING OFFICER. The amendments having been made, and the question put on the resolution as amended, the Chair thinks the Senator is too late.

Mr. BOREMAN. The Chair stated the amendment was adopted, but I did not hear the Chair state that the resolution as amended was adopted.

Mr. WEST. It was an inadvertence on the part of the Chair in putting the question; that was all.

The PRESIDING OFFICER. The Chair intended to state it. If he did not, it was a verbal inaccuracy; but the Chair was understood as having put the question on the resolution as amended, and such is the record; and he will therefore adhere to his decision until overruled. The question now is on the motion of the Senator from Maryland that when the Senate adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

Mr. SHERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 8, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CHARGES AGAINST HON. W. H. STOWELL.

Mr. SCOFIELD. I ask unanimous consent that the Committee on Naval Affairs, pursuing the investigation into the charges against the gentleman from Virginia, [Mr. STOWELL,] may have authority to sit during the sessions of the House, and also that the evidence taken in that case be printed for the use of the committee.

The SPEAKER. If there be no objection, the authority asked will be granted.

There was no objection.

REVENUE AND TAXATION.

Mr. COX, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to furnish this House with a statement of receipts from the revenue for the second quarter of the fiscal

year of 1874-'75; also to state whether the estimates of receipts furnished by him in his report on the 7th of December, 1874, for the remaining three-quarters of the current fiscal year have undergone any modification which may require additional taxation.

MRS. MARY ANN M'DONALD.

Mr. FINCK, by unanimous consent, introduced a bill (H. R. No. 4203) granting a pension to Mrs. Mary Ann McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL HOME FOR DISABLED SOLDIERS.

Mr. GUNCKEL, by unanimous consent, introduced a joint resolution (H. R. No. 135) appointing managers of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN M. DORSEY AND WILLIAM SHEPEARD.

On motion of Mr. PAGE, by unanimous consent, the Committee on Indian Affairs was discharged from the further consideration of the bill (H. R. No. 4158) for the relief of John M. Dorsey and William Shepeard; and the same was referred to the Committee on Claims.

J. A. YECKLEY.

Mr. LAMPORT, by unanimous consent, introduced a bill (H. R. No. 4204) for the relief of First Lieutenant J. A. Yeckley, of the Twentieth Infantry, United States Army, acting commissary of subsistence; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL WILLIAMSON.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4205) for the relief of Daniel Williamson, of Fairfax County, Virginia, late a guide for the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUCCESSORS IN DISSOLUTIONS OF PARTNERSHIPS.

Mr. BIERY, by unanimous consent, introduced a bill (H. R. No. 4206) to amend the act of July 13, 1866, so that no additional special tax shall be levied on the successor or successors in certain cases of the dissolution of partnerships; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at fifteen minutes past twelve o'clock; and this being Friday, the first business in order is the call of committees for reports of a private nature.

WILLIAM H. DE GROOT.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported back adversely the memoral and accompanying papers of William H. De Groot, praying the passage of a joint resolution directing the Secretary of the Treasury to pay with interest a certain award; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM JOSLIN.

Mr. HAWLEY, of Illinois, also, from the same committee, reported back adversely the petition of William Joslin, asking indemnity for loss of United States bonds; and moved that the same be laid on the table and the accompanying report ordered to be printed.

Mr. WILLARD, of Vermont. I ask that this may be sent to the Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois. There is no bill; nothing but a petition. I suppose it cannot go to the Private Calendar.

The SPEAKER. A petition cannot be put upon the Calendar.

The motion of Mr. HAWLEY, of Illinois, was agreed to.

JAMES B. WHITE.

Mr. SHOEMAKER, of Pennsylvania, from the same committee, reported adversely the bill (H. R. No. 647) for the relief of James B. White; which was laid on the table, and the accompanying report ordered to be printed.

RICHARD B. IRWIN.

Mr. DAWES. I hold in my hand a privileged communication, which is addressed to the Speaker of the House. I send it to the Clerk's desk.

The Clerk read as follows:

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives:

We, the undersigned, attending and consulting physicians in the case of Colonel R. B. Irwin, having been informed by telegram from his attending physician in the city of San Francisco, Dr V. J. Fourgeaud, that said patient was severely injured by a fall from his carriage in the city of San Francisco on or about the 28th of January, 1872, by striking his head against the iron rail of a street railway, resulting in a fracture of the malar bone, and concussion of the brain, from which he has suffered occasionally severe attacks of pain, with cerebral and gastric disturbances; and having personally, and in each other's presence, examined the above-named person, we do hereby certify, and most respectfully represent to the House of Representatives, that the said Colonel Richard B. Irwin is now in such a physical condition in consequence of the said injuries that the execution of the order of the House of Representatives dated January 6, 1875, in view of the surroundings and consequent physical discomforts, together with the moral effects on his morbidly sensitive and impressible nervous system resulting therefrom, would, in our judgment, be attended with results pernicious to his health, the extent of which we are not prepared to predict.

W. P. JOHNSTON, M. D.,
Attending Physician.
ALEX. Y. P. GARNETT, M. D.,
Consulting Physician.

WASHINGTON, D. C., *January 8*, 1875.

Mr. DAWES. I move that this paper be referred to the Committee on Ways and Means, and that, pending their consideration of it, the Sergeant-at-Arms be instructed to omit so much of the execution of the order as commits Mr. Irwin to jail. On that motion I call the previous question.

Mr. RANDALL. What would be the effect of this motion? The committee would have power to do what?

Mr. DAWES. They will have power to report upon the question; and pending their consideration of it the Sergeant-at-Arms will be at liberty not to send Mr. Irwin to jail. [A pause, during which Mr. DAWES conferred with several members.] Some of my colleagues on the committee desire that the House should dispose of this matter without the committee taking the responsibility. Therefore, while I make my motion, I will not call the previous question; and my colleagues on the committee, with whom I have had no opportunity to consult, can oppose the motion or submit different views if they desire to do so. My own idea is that it would be proper to refer the communication to the committee, and while they are examining into the question that the Sergeant-at-Arms keep this man as he has kept him. There are no physicians of higher standing in this city, in personal or professional character than those who signed that certificate; and I simply suggest their communication be referred to the Committee on Ways and Means, and in the mean time this man can remain in the custody of the Sergeant-at-Arms.

Mr. RANDALL. I judge the better course would be to refer this communication without any instructions or any expression of opinion from the House to the committee, allowing them to act as they may deem best.

Mr. LAWRENCE. I think that is the better way.

Mr. KASSON. I ask my colleague on the Committee on Ways and Means to confine his motion to the question of reference, in order that we may make the requisite examination, as the committee is anxious to do, and report to the House at once. I do not think the committee ought to take the responsibility proposed.

Mr. DAWES. At the suggestion of the gentleman from Iowa, a member of the Committee on Ways and Means, I modify my motion, simply confining it to the reference of this paper. Still I will call the attention of the gentleman from Iowa to the fact that the Sergeant-at-Arms would be left under a positive order unless the House shall in some way give him leave to retain the recusant witness in his custody instead of taking him under that order at once to the jail.

Mr. KASSON. I assume that the Sergeant-at-Arms will do to-day as he did yesterday. If the condition of the witness is such as stated, he will of course await further instruction from the House.

Mr. DAWES. If that be understood, then the Sergeant-at-Arms will be left free from responsibility, and my objection will be removed.

Mr. BUTLER, of Massachusetts. I move to add to the motion of my colleague for reference, that the Sergeant-at-Arms be instructed to await the report of the Committee on Ways and Means before executing the order of the House to take this witness to jail.

Mr. DAWES. That is what I suggested, but my colleague on the committee objected to it.

The SPEAKER. Does the gentleman from Massachusetts modify his motion as suggested by the gentleman from Iowa?

Mr. DAWES. My original proposition was as my colleague has suggested, but for some reason some of my colleagues on the committee think it ought to be referred without instructions. I think, however, the result will be the same either way.

Mr. BUTLER, of Massachusetts. The difference between my motion and that of my colleague is, that he proposes to refer his instructions to his committee, while I propose to refer with instructions to the Sergeant-at-Arms to await the action of the committee.

Mr. DAWES. Mine was precisely the same in effect. I do not believe the result of things will be any different. I do not think the Sergeant-at-Arms, pending this examination, will feel himself called upon to take this witness to jail.

Mr. BURCHARD. I hope the motion will be accompanied with the privilege to the Committee on Ways and Means to report at any time.

Mr. DAWES. Of course.

Mr. HAWLEY, of Connecticut. Mr. Speaker, I am not quite satisfied with that disposition of the matter. We have ordered the Sergeant-at-Arms to keep Irwin, and, if the jailer will permit it, to keep him in the jail of this District. The Sergeant-at-Arms has no discretion. Some gentlemen say it will kill the man if he is kept there. Now, I would not want that done by any means. But the Sergeant-at-Arms must keep him there if he has the order to do so, whether it kills him in an hour or not. If you want the Sergeant-at-Arms to exercise his discretion, if you want to shove the responsibility upon a subordinate officer of this House, then let it be distinctly understood that you do not wish to decide that question. You give him an order to hold the prisoner in jail, and if he is not held in jail the Sergeant-at-Arms is responsible. You propose to wink at his violation of the

order of the House. I am not satisfied with any such proceeding. Refer this question to the Committee on Ways and Means, and then let the order be modified by that committee as mercy shall dictate. Make a distinct order, and do not wink at any evasion of duty on the part of the Sergeant-at-Arms. He has no business to do otherwise than execute the positive order of this House to confine this man in jail.

I will say a word in addition. Some one has said you would treat this man as you would a murderer. Well, I would treat him precisely as I would one charged with murder. This prisoner freely testifies to being involved in a crime greater than murder; but there is no murderer whom I would kill by keeping him in a cell for twenty-four hours. I would treat this prisoner precisely as I would any other great criminal, holding him under the same ordinary rules of humanity.

Mr. DAWES. I adhere to the original form of my motion.

The SPEAKER. The gentleman from Massachusetts moves a reference of the communication read at the Clerk's desk to the Committee on Ways and Means, and pending their investigation and report thereon the Sergeant-at-Arms shall be directed to detain this recusant witness as at present.

Mr. HOLMAN. Is not that proposition divisible?

The SPEAKER. It is not divisible if the gentleman demands the previous question.

Mr. HOLMAN. But he has not called the previous question.

The SPEAKER. The gentleman has the right to make the motion compound or separate. A division has been called for.

Mr. LOWE. What is the motion?

Mr. DAWES. I move the reference of this paper to the Committee on Ways and Means, and pending their examination and report thereon that the Sergeant-at-Arms shall detain this man in his own personal custody.

Mr. HOLMAN. I call for a division of that question.

Mr. BUTLER, of Massachusetts. It is not a divisible question.

Mr. DAWES. I demand the previous question. I suppose it is capable of division after the previous question.

The SPEAKER. The question is on seconding the demand for the previous question.

Mr. DAWES. I wish to inquire whether, if the previous question be seconded, the motion will be open to a division?

Mr. BUTLER, of Massachusetts. It is not a divisible question.

Mr. DAWES. Would it not be divisible after the previous question is seconded as well as before?

The SPEAKER. The Chair thinks not; but there can be a separate vote by moving to strike out.

Mr. BURCHARD. I suggest to my colleague on the committee that he should allow an amendment striking out the latter part of his motion; and the House can vote on that.

The SPEAKER. The gentleman can himself divide the motion if he chooses.

Mr. RANDALL. Is not any resolution which is divisible before the previous question divisible after it?

Mr. G. F. HOAR. I suggest that the two questions are totally distinct, so that if the point of order were raised they could not be put together; one being a reference of the paper and the other an order to the Sergeant-at-Arms. It is not a case of a reference to a committee with instructions to the committee, but the reference of a paper to the committee, accompanied by instructions in a distinct matter to an officer of the House.

The SPEAKER. Yes; but the reference with instructions is voted on at the same time. Parliamentarily the question is precisely that of reference with instructions.

Mr. DAWES. I will relieve the House of any embarrassment on this subject by moving, first, that the paper be referred to the Committee on Ways and Means.

The question being taken on the motion of Mr. DAWES that the communication be referred to the Committee on Ways and Means, it was agreed to.

Mr. DAWES. Now, any gentleman may make such motion as he pleases in reference to the present custody of this man.

Mr. BUTLER, of Massachusetts. I move that, pending investigation and report by the Committee on Ways and Means——

Several members called for the regular order.

Mr. BUTLER, of Massachusetts. I have the floor, I believe, and this is the regular order. I move that, pending investigation and report by the Committee on Ways and Means, the Sergeant-at-Arms be instructed to retain this man in his personal custody without committing him to the common jail.

Mr. HOLMAN. Is that motion in order?

The SPEAKER. The Chair thinks that it is.

Mr. BURROWS. If in order, I move to lay the motion of the gentleman from Massachusetts [Mr. BUTLER] on the table.

The SPEAKER. The Chair would suggest that there is no use in complicating the question by the motion to lay on the table, because the question comes up directly and must be settled one way or the other on the motion itself.

Mr. BUTLER, of Massachusetts. I ask that the division on my motion be taken by tellers.

On the question of ordering tellers there were ayes 24; not one-fifth of a quorum.

So tellers were not ordered.

Mr. BUTLER, of Massachusetts. Then I ask that the division be taken by yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 34, nays 161, not voting 93; as follows:

YEAS—Messrs. Albert, Barnum, Berry, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Clayton, Crooke, Dobbins, Eldredge, Field, Frye, Hagans, John W. Hazelton, Hooper, Hoskins, Alexander S. McDill, Moore, Packard, Isaac C. Parker, Parsons, James H. Platt, jr., Poland, Schell, Isaac W. Scudder, Sherwood, William A. Smith, Snyder, Stephens, Todd, Wallace, Jasper D. Ward, Whiteley, and William Williams—34.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barber, Beck, Begole, Bell, Biery, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Bulfinton, Burchard, Burleigh, Burrows, Caldwell, Cason, Chittenden, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Cook, Cotton, Cox, Crittenden, Crossland, Crounse, Crutchfield, Danford, Donnan, Durham, Eames, Finck, Fort, Giddings, Glover, Gooch, Gunckel, Gunter, Hamilton, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hunton, Kasson, Kelley, Knapp, Lawrence, Lawson, Lynch, Magee, Marshall, Martin, McCrary, James W. McDill, MacDougall, McLean, McNulta, Merriam, Milliken, Mills, Mitchell, Monroe, Morrison, Neal, Nesmith, Niblack, Niles, Nunn, O'Neill, Orr, Packer, Page, Hosea W. Parker, Pendleton, Phillips, Pierce, Pike, Thomas C. Platt, Randall, Rapier, Ray, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Sloss, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Sprague, Stanard, Standiford, Starkweather, St. John, Stone, Storm, Swann, Sypher, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Tremain, Tyner, Vance, Waldron, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wood, Woodworth, John D. Young, and Pierce M. B. Young—161.

NOT VOTING—Messrs. Albright, Averill, Barrere, Barry, Bass, Bland, Buckner, Bundy, Cannon, Carpenter, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Coburn, Conger, Corwin, Creamer, Curtis, Darrall, Davis, Dawes, DeWitt, Duell, Dunnell, Eden, Farwell, Foster, Freeman, Garfield, Eugene Hale, Robert S. Hale, Hancock, Harmer, Hays, Hersey, Hodges, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kellogg, Kendall, Killinger, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Loughridge, Lowe, Lowndes, Luttrell, Maynard, McKee, Morey, Myers, Negley, O'Brien, Orth, Pelham, Perry, Phelps, Potter, Pratt, Purman, Rainey, Ransier, Richmond, William R. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Henry J. Scudder, Sheldon, Sloan, George L. Smith, J. Ambler Smith, Speer, Stowell, Strait, Strawbridge, Taylor, Charles R. Thomas, Waddell, Walls, Whitehouse, Charles G. Williams, Ephraim K. Wilson, and Wolfe—93.

So the motion was not agreed to.

PRIVATE LAND CLAIMS IN THE TERRITORY OF NEW MEXICO.

Mr. ELKINS, by unanimous consent, introduced a bill (H. R. No. 4207) to confirm certain private land claims in the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

THE ACCIDENT ON THE BALTIMORE AND POTOMAC RAILROAD.

The SPEAKER. The Clerk has sent to the Chair a telegram received from the Post-Office Department. As a matter of interest probably to members it will be read.

The Clerk read as follows:

POST-OFFICE, *Washington, January* 8, 1875.

To Clerk House of Representatives:

All the mail for the North that accumulated in this city yesterday was burned last night. The mails for the West and Northwest and Southwest went on Baltimore and Ohio Road at 6.10 and 11.40, are all right, and not included in the calamity.

GEORGE S. BANGS,
General Superintendent.

The SPEAKER. The mail-car was destroyed, as gentlemen may have seen.

ORDER OF BUSINESS.

The SPEAKER. The Chair will regard the morning hour as beginning at ten minutes before one o'clock. Reports are still in order from the Committee on Claims.

JOHN C. LEMMON.

Mr. HAMILTON, from the Committee on Claims, reported as a substitute for the bill (H. R. No. 294) a bill (H. R. No. 4208) for the relief of John C. Lemmon, late colonel of the Tenth New York Cavalry Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. W. VAN ANTWERP.

Mr. LAWRENCE, from the Committee on War Claims, reported as a substitute for the bill (H. R. No. 4160) a bill (H. R. No. 4209) for the relief of W. W. Van Antwerp, of Jackson, Michigan; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY Z. EATON.

Mr. LAWRENCE also, from the Committee on War Claims, reported as a substitute for the bill (H. R. No. 902) a bill (H. R. No. 4210) for the relief of Henry Z. Eaton, late lieutenant Company H, Seventh Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF CERTAIN CITIZENS OF PENNSYLVANIA.

Mr. LAWRENCE also, from the Committee on War Claims, reported adversely on the bill (H. R. No. 883) for the relief of certain citi-

zens of the State of Pennsylvania; and the same was laid on the table, and the accompanying report ordered to be printed.

MARY H. NOONAN.

Mr. LAWRENCE also, from the same committee, made an adverse report in the case of Mary H. Noonan; which was laid on the table, and ordered to be printed.

FOLKES, WINSTON, AND OTHERS.

Mr. LAWRENCE also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 3763) for the relief of Folkes, Winston, and others, citizens of Lynchburgh, Virginia; which was laid on the table, and the report ordered to be printed.

HIRAM W. LOVE.

Mr. LAWRENCE also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 4110) for the relief of Hiram W. Love; which was laid on the table, and the report ordered to be printed.

GEORGE F. SELLECK.

Mr. KELLOGG, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2434) for the relief of George F. Selleck, late a lieutenant in the Fifth Connecticut Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARVIN H. AMESBURY.

Mr. KELLOGG also, from the same committee, reported back, with a substitute and with the recommendation that it do pass, the bill (H. R. No. 2360) for the relief of Marvin H. Amesbury; which was referred to the Committee of the Whole on the Private Calendar, and the substitute and report ordered to be printed.

JOSEPH W. M'CLURG AND OTHERS.

Mr. MORRISON, from the same committee, reported back, with a substitute and with the recommendation that it do pass, the bill (H. R. No. 162) for the relief of Joseph W. McClurg and others, of Camden County, Missouri; which was referred to the Committee of the Whole on the Private Calendar, and the substitute and report ordered to be printed.

JOHN H. SOTHRON.

Mr. HAZELTON, of Wisconsin, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1975) for the relief of John H. Sothron, of Saint Mary's County, Maryland; which was laid on the table, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. HAZELTON, of Wisconsin, also, from the same committee, made adverse reports on the petitions of Charles H. Wiltberger, for loss of property taken for the use of the Army during the late war; and the petition of Ann G. Eaton, administratrix of the estate of Jacob F. Eaton, for loss of crops, damage to land, &c., on Long Island, Boston Harbor, Massachusetts; which were laid on the table, and the accompanying reports ordered to be printed.

Mr. BARBER, from the same committee, made adverse reports on the petitions of Valorous G. Austin, of Washington, District of Columbia, for property taken, used, and destroyed by the United States forces, and Mrs. Mary Geary, asking compensation for the use of dwelling-house, loss of stock, &c., at Chickasaw City, July 31, 1862; which were laid on the table, and the accompanying reports ordered to be printed.

JOSEPH DUNLAP.

Mr. LOWE, from the Committee on Indian Affairs, reported a bill (H. R. No. 4211) for the relief of Joseph Dunlap; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CREEK ORPHANS.

Mr. BUTLER, of Tennessee, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3610) for the relief of the Creek orphans, and to carry out the treaty made with the Creek nation of Indians March 24, 1832; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALVIS SMITH.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (S. No. 345) for the relief of Alvis Smith; which was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

WILLIAM BOWLIN.

Mr. MACDOUGALL also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 344) for the relief of William Bowlin; which was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

ADVERSE REPORTS.

Mr. MACDOUGALL, from the same committee, also reported back the following adversely; and the committee were discharged from their further consideration, and they were laid on the table:

The petition of S. C. Green, late commissary of subsistence of volunteers;

The petition of Jonathan Witler, late private Company H, One hundred and first Regiment Ohio Infantry Volunteers, for change of military record;

The petition of John T. Brown, for compensation for carrying dispatches and acting as spy in 1861;

The petition of J. H. Huntington and S. A. Nelson, for compensation for establishing a signal station on Mount Washington, New Hampshire; and

A bill (H. R. No. 2855) for the relief of Joseph R. Fisher.

JOSEPH M. M'CULLOUGH.

Mr. MACDOUGALL also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 3982) for the relief of Joseph M. McCullough, late captain of Company F, Seventy-seventh Regiment of Illinois Volunteer Infantry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADELBERT C. FASSETT.

Mr. MACDOUGALL also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 3058) for the relief of Adelbert C. Fassett; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ELIJA CRUDGINGTON.

Mr. NESMITH, from the same committee, reported adversely upon the petition of Elija Crudgington, for compensation for services as spy, scout, &c.; and the same was laid on the table.

J. W. NICHOLS.

Mr. NESMITH also, from the same committee, reported back, with a recommendation that the same do pass, the bill (S. No. 769) for the relief of J. W. Nichols, paymaster United States Army; which was referred to the Committee of the Whole on the Private Calendar.

WILLIAM M. MOORE.

Mr. YOUNG, of Georgia, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1259) for the relief of William M. Moore, late captain of Company G, Third North Carolina Mounted Infantry; which was referred to the Committee of the Whole on the Private Calendar.

ASHER R. EDDY AND RUFUS SAXTON.

Mr. YOUNG, of Georgia. I am instructed by the Committee on Military Affairs to report back favorably House bill No. 3893, to correct the date of commission of certain officers of the Army. I ask that the bill be now put upon its passage.

The bill authorizes the President to nominate and promote Asher R. Eddy and Rufus Saxton to be lieutenant-colonels and deputy quartermasters-general, to date from July 29, 1866, and to take places on the Army Register next below Colonel Stewart Van Vliet; but that no officer of said Department shall be reduced from his present rank, nor shall any additional pay or allowance be made to any officer, by virtue of this act.

Mr. BUTLER, of Massachusetts. While this bill does not reduce anybody from his present rank, will it not put two men over somebody else?

Mr. YOUNG, of Georgia. Yes; it does.

Mr. BUTLER, of Massachusetts. Will not that reduce them?

Mr. YOUNG, of Georgia. It does not reduce them from their present rank.

Mr. BUTLER, of Massachusetts. No; it only puts somebody over them, and they cannot have promotion until somebody else is promoted.

Mr. YOUNG, of Georgia. This case is analogous to the cases of Major Myers, of the Quartermaster's Department, and Major Baird, Inspector-General's Department, which were examined by the Military Committee and reported upon at the last session of Congress. Those men were overslaughed as these were. I have the opinion of the Attorney-General and the report of the Military Committee. Three different cases have been passed upon by this very Congress, and they are of the same nature.

Mr. GARFIELD. I always feel great reluctance to vote for any bill that reorganizes the grade of officers in the Army. I do not know enough about this case to speak intelligently upon it; but I want to ask the gentleman from Georgia [Mr. YOUNG] whether this is not a part of the old quartermaster question of rank which we have had before us for several Congresses, and whether this is not one of the contested questions in the Quartermaster-General's corps; whether one part of that corps would not feel itself aggrieved if this bill passes, and another part aggrieved if it does not pass? Have the committee heard both sides of this question? Have the parties been fully heard who would feel themselves aggrieved by the passage of this bill?

Mr. YOUNG, of Georgia. This is precisely similar to the case of Major Myers of the Quartermaster's Department. That case was thoroughly investigated by the committee, reported favorably by the

committee at the last session of Congress, and passed by the House and Senate, to restore Major Myers to his place over these same gentlemen. Both sides have had an opportunity to be heard before the committee and have had ever since the case was presented.

Mr. ELDREDGE. What are the reasons for this bill?

Mr. YOUNG, of Georgia. The reason is that the two persons over whom these men are now to be promoted were promoted contrary to law in 1865 by the Secretary of War.

Mr. GARFIELD. To be more explicit, I will ask the gentleman what effect this will have upon Quartermaster Ekin; whether it will not overslaugh him, and leave him in a much less favorable condition in regard to rank than he now is, and whether he has been heard before the committee either by himself or his friends?

Mr. YOUNG, of Georgia. I can say to the gentleman that General Ekin has not been before the committee. But this question has now been open for a year; and every time it has been brought before the committee in any case—in the Inspector-General's Department, in the Quartermaster-General's Department, and in any other Department where officers have been overslaughed and others promoted outside of the law—the committee have adopted measures to correct it. This is one of the few cases adjudicated by the committee.

Mr. BUTLER, of Massachusetts. I would like to put a few questions to the gentleman. In the first place, has not General Ekin been sent out to the plains and been far away during the pendency of all this matter? Has he had any notice of this proceeding? And is there not an order of the War Department that no officer shall apply to a committee of Congress unless he gets permission from his superior?

Mr. YOUNG, of Georgia. Yes, sir; and I think it is a very unjust order, and I hope the Secretary of War will revoke it.

Mr. BUTLER, of Massachusetts. Has General Ekin been heard at all? Could he be heard or could he apply for a hearing?

Mr. NESMITH. That question has been referred to the Committee on the Judiciary for a report, but never has been reported upon.

Mr. MACDOUGALL. Mr. Speaker, it seems to me that this is not a question concerning General Ekin or anybody else in his position. It does not make any difference how it affects him. I do not know what interest the gentleman from Massachusetts has in General Ekin.

Mr. BUTLER, of Massachusetts. I have no interest except to see that a valuable officer is not overslaughed without a hearing.

Mr. MACDOUGALL. Here were two valuable officers overslaughed.

Mr. BUTLER, of Massachusetts. Not by Congress.

Mr. MACDOUGALL. No sir, but by the Secretary of War. He promoted these men when he had no right to do so; the promotion was contrary to law.

Mr. BUTLER, of Massachusetts. When was that?

Mr. MACDOUGALL. At the time of this appointment of General Ekin.

Mr. NESMITH. Upon the reorganization of the Army.

Mr. YOUNG, of Georgia. It was done when the Army was reorganized. We have a decision of the Attorney-General upon this subject declaring that these promotions were made contrary to law.

Mr. MACDOUGALL. The Committee on Military Affairs now propose simply to do justice to these two officers.

Mr. YOUNG, of Georgia. This is the report of the committee.

Mr. MACDOUGALL. No matter whom it may affect, it is a matter of justice to these two officers that they should receive this promotion.

The question being taken on ordering the bill to be engrossed for a third reading, there were—ayes 70, noes 20; no quorum voting.

Mr. BUTLER, of Massachusetts. I must insist upon a further count; and I wish to inquire whether this does not provide for some new officer?

Mr. YOUNG, of Georgia. No, not at all. This officer has been in the Army twenty-five years.

Mr. HOLMAN. Is not this bill subject to the point of order that it must go to the Committee of the Whole on the Private Calendar?

Mr. HAWLEY, of Illinois. That point comes rather late.

The SPEAKER *pro tempore*, (Mr. WHEELER.) It is too late for that point to be made.

Mr. YOUNG, of Georgia. I ask that the opinion of the Attorney-General on this question be read.

Mr. BUTLER, of Massachusetts. The opinion of the Attorney-General has nothing to do with it.

Mr. SCOFIELD. If I understand this bill its object is to take two men out of the position in which their service according to the military law of the country places them, and to promote them over the heads of quite a number of others. In other words, it is proposed by special legislation to break in upon the established rule of the Army and Navy to promote by seniority except in certain cases.

Mr. YOUNG, of Georgia. I will say to the gentleman that that is the proposition we are trying to get at. These gentlemen have been wronged. Two men have been taken out of civil life and placed over the whole list of quartermasters, some of whom have been in the Army for twenty-five years. We are now trying to put these gentlemen back where they should stand. The bill does not change the rank of any officer, but simply the date of their commission.

Mr. SCOFIELD. I think I know better perhaps what I am trying to say than some of the gentlemen who are seeking to instruct me. I know that this bill does not change the rank of these gentlemen; but it changes their position upon the Register of the Army; it places them above men whom they are now below, so that when vacancies happen in the rank above, these men will step up to that higher grade before the men whom it is now proposed to place below them; so that although these men are kept in the same rank, and the men now in that rank are not placed in a lower grade, the latter are placed further from the day of promotion.

Now, the disturbing element is just what the gentleman from Georgia [Mr. YOUNG] has stated. When the war was over, and in fact during the war, we by special legislation broke in upon the old established principle of promotion by seniority in the Army and Navy. We did this in order to do what we thought justice to some men who had distinguished themselves during the war in the defense of their country.

Mr. MACDOUGALL. As quartermasters?

Mr. SCOFIELD. Yes, sir, as quartermasters; for the staff of the Army in many cases deserved as much from their country as the men placed in command. A man who as quartermaster distinguished himself as honest, faithful, resolute, energetic, deserved promotion as much as men who had been in command though they might have done nothing in actual war.

Mr. YOUNG, of Georgia. I now yield for five minutes to the gentleman from Iowa, [Mr. DONNAN.]

Mr. SCOFIELD. I have the floor at present. Now, ever since those changes were made by legislation, (whether wisely or not I am not now going to say, but it was what our predecessors thought best at the time,) there has been a struggle on the part of these men who were not so promoted by legislation to get to the place they would have had if the new element had not been brought in by act of Congress.

I would not interfere with the judgment of the Military Committee, because I am aware as a general thing they know much better about their own business than I do; and the only interest I take in this matter is because of the fact which I will state. I would not interfere here except that one effect of this bill is to place a man whom we esteem very much in our State, now on duty in Texas, I believe, below these men, or rather to place these men over him, which we who know him believe will be doing him great injustice. I state frankly to the House why I particularly interfere now with matters I never take much interest in, and it is because I take an interest in this case in common with my colleagues who are in favor of having this man to whom I have referred kept in the place which we think he deserves.

Mr. YOUNG, of Georgia. I now yield to the gentleman from Iowa who is a member of the Committee on Military Affairs.

Mr. DONNAN. Mr. Speaker, the only cause of disagreement on this bill, as I apprehend, on the part of the House is because it is not understood. This bill now sought to be passed is the fourth one of a precisely like character. The other three were passed, I believe, by unanimous consent of the House, and in this case division has arisen simply because gentlemen do not understand the facts of the case. The objection of my distinguished friend from Pennsylvania [Mr. SCOFIELD] has been explained by him. He is afraid some friend of his will be placed lower in grade by this act than would otherwise be the case. It is a sufficient answer to his argument to say that friend of his was placed by misconstruction of the law in rank over and higher than these two officers who have served their country faithfully in the Army of the United States for a quarter of a century. How so? Simply by the construction given to the act of July 28, 1866. There is in that law a provision of this character:

SEC. 13. *And be it further enacted*, That the Quartermaster's Department of the Army shall hereafter consist of one Quartermaster-General, with the rank, pay, and emoluments of a brigadier-general; six assistant quartermasters-general, with the rank, pay, and emoluments of colonels of cavalry; ten deputy quartermasters-general, with the rank, pay, and emoluments of lieutenant-colonels of cavalry; fifteen quartermasters, with the rank, pay, and emoluments of majors of cavalry; and forty-four assistant quartermasters, with the rank, pay, and emoluments of captains of cavalry.

Now mark what follows:

And the vacancies hereby created in the grade of assistant quartermaster—

Not of quartermaster—

shall be filled by selection from among the persons who have rendered meritorious services as assistant quartermasters of volunteers during two years of the war

Under that section there were four or five of these colonels of volunteers promoted, to the disgrading of these two men who served faithfully for a quarter of a century, and that, too, in violation of the Army regulation which is to be found in paragraph 19, Statutes at Large, page 618, that all promotion in the staff department and corps shall be made as in other corps of the Army, that is, by seniority. I say these officers were overslaughed in seniority in their proper rank by this action of the President. They were disgraded by the act to which I have referred, and they have asked one after another to be placed in the position they were entitled to by statute and by Army Regulations.

This question has been submitted to the Attorney-General of the United States, and he has distinctly decided they are entitled to that rank. What has Congress done? As these men appeared and asked to be placed in the legitimate rank to which they were entitled by the laws and regulations of the Army, have they been placed there? It has been done in the cases of Inspector-General Absalom Baird and Major William Myers. These two officers now ask the same rank

which you have given in each case heretofore without division. Why divide on this bill? Why deny the same right to these two officers which you have heretofore granted to others?

Mr. BUTLER, of Massachusetts. I desire to say a word.

Mr. SCOFIELD. Let me make a request. I understand my colleague, who is a member of the Committee on Military Affairs, [Mr. ALBRIGHT,] has been looking after this very bill, and expected to oppose it on the floor of the House when it came up. He is now absent from the city on special business under the order of the House, and I therefore ask whether the gentleman from Georgia will not agree to withhold his report in this case or let it stand over until my colleague shall return?

Mr. YOUNG, of Georgia. I should like to do that, but I am under the order of my committee.

Mr. DONNAN. There is no division in the committee on the subject.

Mr. SCOFIELD. I understand the chairman of the Committee on Military Affairs is opposed to the bill.

Mr. YOUNG, of Georgia. We never heard the chairman was opposed to the bill. He agreed to this bill in my charge, upon which I wrote a report. I considered the committee to be unanimous on the subject.

Mr. BUTLER, of Massachusetts. Was Mr. ALBRIGHT present?

Mr. YOUNG, of Georgia. At that time, but not on this bill. But he did not inform me of any objection to this bill. If I felt authorized to do so I would have no objection to postponing the consideration of this bill, but I am directed by the committee to report the bill, and I feel it my duty to press it to its passage.

Mr. SCOFIELD. Will the gentleman allow me to suggest that the bill be allowed to go over until next Friday without prejudice?

Mr. YOUNG, of Georgia. I cannot agree to that.

Mr. SCOFIELD. Will he not allow me to ask the unanimous consent of the House that it shall take its place on Friday next without prejudice?

Mr. YOUNG, of Georgia. I cannot allow that. I yield to my colleague, the gentleman from New York, [Mr. MACDOUGALL.]

Mr. MACDOUGALL. I wish to say that General ALBRIGHT was present in the committee when the cases of General Baird and General Myers were considered, which were exactly parallel to this. He favored both of them, and favored the passage of the bill relating to those officers. General ALBRIGHT will not oppose the passage of this bill. I know what I assert.

Mr. SCOFIELD. I have no knowledge of my own that he will.

Mr. YOUNG, of Georgia. I have no objection myself to let this bill stand over, but I am here by instruction of the committee to ask its passage. The committee is, and the Attorney-General is, in favor of the passage of the bill; the Secretary of War is in favor of it, and the President of the United States is in favor of it. It is right and proper, and ought to be done.

Mr. BUTLER, of Massachusetts. I rise to a question of order. Is it in order to tell us what the views of the President of the United States are in regard to any pending legislation?

The SPEAKER *pro tempore*, (Mr. WHEELER in the chair.) The Chair hardly thinks it proper.

Mr. BUTLER, of Massachusetts. Will the gentleman from Georgia now allow me one moment?

Mr. YOUNG, of Georgia. I yield to the gentleman five minutes.

Mr. BUTLER, of Massachusetts. This is the old struggle between the volunteers and the regulars; that is exactly what it is—nothing else. When we came out of the war there was an attempt to take certain volunteer officers and promote them for their efficiency, and that was done. Those that were thought to be especially efficient were promoted, and from that hour to this there have been attempts by legislation to put back the regulars over those volunteers. It has been done in four instances.

Mr. DONNAN. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. DONNAN. Were not those volunteers put over those regulars in violation to law, or rather with a want of law?

Mr. BUTLER, of Massachusetts. Pardon me, sir; it was done by the then President of the United States and the then Secretary of War of the United States, and done by them believing it to be right; and it has remained so done for something like nine years.

Mr. DONNAN. Will the gentleman allow me to correct him? We have rectified it in three other instances.

Mr. BUTLER, of Massachusetts. Pardon me; I have said that. That is not a correction. I know that the regulars have been pegging away at this. They are all here, attending all the parties and doing all the duties of social life and log-rolling, while the volunteers are out on the plains. Now, Colonel Ekin, who was one of these volunteer officers, and who I believe is a constituent of my friend from Pennsylvania, [Mr. ALBRIGHT,] was in the first place sent out upon the plains, so that he could not object. Having got him removed from Washington far enough off then they presented a bill. He had a friend on the Committee of Military Affairs, General ALBRIGHT, of whom he was a constituent, and then General ALBRIGHT was sent away to Mississippi or Louisiana, and while he is gone they get the bill through, and say it has the unanimous support of the committee. They make a desert and call it peace.

Mr. MACDOUGALL. The gentleman is mistaken in what he says about General ALBRIGHT.

Mr. BUTLER, of Massachusetts. Pardon me; he is gone and you will not agree to wait until he is back, and the chairman of the committee, the gentleman from Indiana, [Mr. COBURN,] is not here.

Mr. MACDOUGALL. I wish to ask the gentleman from Massachusetts what authority he has for stating that General ALBRIGHT would oppose this bill.

Mr. BUTLER, of Massachusetts. The gentleman from Pennsylvania [Mr. SCOFIELD] says that two of his colleagues had informed him that he is opposed to the bill. And General Ekin, a volunteer officer who earned his promotion in the field and not by sleeping in Washington, is to be overslaughed by this bill. It is an act of injustice to a volunteer officer.

Now, I agree there have been four other cases which were slipped through when no one of us knew anything about it. There was no division.

Mr. YOUNG, of Georgia. The gentleman is mistaken; there was a division, and we had a pretty hard contest.

Mr. NEGLEY. If the gentleman will allow me, there was this difference: the promotion of the gentlemen made by the previous legislation was deserving, owing to their meritorious conduct in the war; the retention of General Ekin is also required in consequence of his meritorious services.

Mr. BUTLER, of Massachusetts. I have only to say that this gentleman is the constituent of General ALBRIGHT; and if General ALBRIGHT, when he returns, agrees to this bill, I shall have nothing further to say. But I ask for fair play. I am always with the under dog in the fight. I always insist there shall be fair play, and do not care whom it hits.

Mr. YOUNG, of Georgia. These gentlemen are the constituents of every member in this House, and ought to be so considered; and with regard to the suggestion which has been made that this is a democratic trick, I beg to say that if there is an extreme radical in the Army, I know it is Rufus Saxton.

Mr. MACDOUGALL. He is the first man that armed the blacks.

Mr. YOUNG, of Georgia. Yes; the first man that armed the blacks; and if I could have prejudice in the matter, that would prejudice me against him; but this is a case of law and of right.

Mr. BUTLER, of Massachusetts. Let me understand. Do you say that Rufus Saxton was the first man who armed the blacks?

Mr. YOUNG, of Georgia. Yes, sir; I am so informed by my friend from New York, [Mr. MACDOUGALL.]

Mr. BUTLER, of Massachusetts. Is that the reason why all the democrats are voting for him?

Mr. YOUNG, of Georgia. It is not the reason why I vote for him; but I believe this is a matter of justice. The Committee on Military Affairs only desire to do justice. We do not know these men and do not care anything about it. We only follow the decision of the Attorney-General of the United States and the recommendation of the War Department.

Mr. BUTLER, of Massachusetts. Is that the reason why the gentleman from Oregon [Mr. NESMITH] is voting for it—because the Attorney-General has given a decision in favor of it?

Mr. YOUNG, of Georgia. I yield now to the gentleman from New York, [Mr. MACDOUGALL.]

Mr. MACDOUGALL. I have sat here to-day and heard the gentleman from Massachusetts sneer at the regular Army.

Mr. BUTLER, of Massachusetts. O, no; you have not.

Mr. MACDOUGALL. He says they hang around Washington.

Mr. BUTLER, of Massachusetts. Some of the officers do.

Mr. MACDOUGALL. And that they button-hole us.

Mr. BUTLER, of Massachusetts. Well; don't they?

Mr. MACDOUGALL. I want to ask the gentleman from Massachusetts where he learned his lessons at the beginning of the rebellion? Where did we all do it? Did we learn them from the regular Army, or did we send to Massachusetts for a head to lead us, or to New York, or any other State?

Now, I assert on the floor of this House, and I do it by authority and on the record, that no officer on either side in the great contest distinguished himself as anything greater than a division commander who was not a graduate of West Point.

Mr. BUTLER, of Massachusetts. I agree to that; they would not let him.

Mr. MACDOUGALL. They would not? Did not you get a chance?

Mr. BUTLER, of Massachusetts. No; I could not get officers of the regular Army to obey my orders, over and over again, lest a volunteer should come to something. I removed two, and it did not do any good, for I got worse ones in their places.

Mr. MACDOUGALL. I have the floor, and I presume I have the right to speak now. I was a volunteer officer myself, and I have great respect for the gentleman from Massachusetts, so far as he went and so far as he was capable of going; but, Mr. Speaker, could he command an army? He tried it. Did not the gentleman try to command an army?

Mr. BUTLER, of Massachusetts. Yes, sir; I did try to command an army; but because of the insubordination of these men, who hold their offices for life and live here in Washington, seeking places and nothing else, it was impossible to get things done. I ordered two corps commanders to move on Richmond on the 5th of May, when they had ten thousand men under their command, and they would not do it.

Mr. MACDOUGALL. You telegraphed that you had cut all the telegraph lines, and that all was safe.

Mr. BUTLER, of Massachusetts. Pardon me; I had used no telegraph, for there was no telegraph there.

Mr. MACDOUGALL. I remember reading your dispatch.

Mr. BUTLER, of Massachusetts. Pardon me; you could not have read that.

Mr. MACDOUGALL. Great injustice is done to the regular Army——

Mr. BUTLER, of Massachusetts. We volunteers went home. We did not require to be kept in the service lest we should starve.

Mr. MACDOUGALL. I went home, too.

Mr. BUTLER, of Massachusetts. I am glad you did.

Mr. GARFIELD. Will the gentleman from New York allow me to ask the gentleman from Massachusetts a question? I was amazed at one statement he made, and I am sure he would not be willing that it should go out in the broad way in which he made it. He stated as a general proposition that officers of the regular Army refused to obey his orders.

Mr. BUTLER, of Massachusetts. I said that two officers of the regular Army, two corps commanders, did so.

Mr. GARFIELD. But previous to that he made a general statement.

Mr. BUTLER, of Massachusetts. I had those two men in my mind when I made the statement.

Mr. GARFIELD. I know nothing about the specific instance to which the gentleman from Massachusetts refers; but I should be sorry to allow the statement to pass unchallenged that officers of the general Army refused to obey orders.

Mr. MACDOUGALL. There is no class of men to-day in this country whose integrity stands so high before the people of the world as the officers of the regular Army and of the Navy. Why? Simply because they hold their places for life. It is their profession and business. An officer of the Army simply certifies on his honor. He is not required to make an oath. Why? If he certifies incorrectly he is blasted for life and turned out of the Army in disgrace. And yet the gentleman from Massachusetts comes here and says that the officers of the regular Army hang around Washington and buttonhole members of Congress for promotion.

Mr. BUTLER, of Massachusetts. I say so.

Mr. MACDOUGALL. Did the gentleman from Massachusetts ever hang around Washington during the war?

Mr. BUTLER, of Massachusetts. No, sir.

Mr. MACDOUGALL. You never did ask promotion?

Mr. BUTLER, of Massachusetts. No, sir.

Mr. MACDOUGALL. It came fast enough. I will simply say this in relation to the regular Army: I wish to say that these men choose a profession and enter into it. Their rank is sacred to them; their honor is sacred to them—the dearest thing on earth to them. During the war we had some gallant volunteer officers; the gentleman from Massachusetts, for instance. Some of them were promoted rashly, impetuously, improperly, and not in accordance with law. Now the Committee on Military Affairs come here and report a bill to correct the record of two of the bravest officers who fought during the war.

Mr. BUTLER, of Massachusetts. Quartermasters!

Mr. MACDOUGALL. Was General Saxton a quartermaster in the war?

Mr. BUTLER, of Massachusetts. He is a quartermaster now.

Mr. MACDOUGALL. Now, yes; but was he a quartermaster during the war?

Mr. BUTLER, of Massachusetts. Yes.

Mr. MACDOUGALL. He commanded troops during the war.

Mr. BUTLER, of Massachusetts. He was quartermaster in South Carolina during the war.

Mr. MACDOUGALL. He commanded a division.

Mr. BUTLER, of Massachusetts. Afterward, yes.

Mr. MACDOUGALL. The gentleman says General Saxton was a quartermaster commanding a division; that shows what he knows about military affairs.

Mr. BUTLER, of Massachusetts. I did not say so.

Mr. MACDOUGALL. What did you say?

Mr. BUTLER, of Massachusetts. I said that he was a quartermaster and afterward commanded a division as major-general of volunteers.

Mr. MACDOUGALL. And was he not a brave officer?

Mr. BUTLER, of Massachusetts. Yes; though the most I know of him was that he was very efficient in carrying on the Freedmen's Bureau. I think he did well there.

Mr. KELLOGG. I am not in the habit of speaking upon military bills here, for I do not claim to be either a volunteer, like the distinguished gentleman from Massachusetts, or a regular. Yet from the year I first came here, now nearly six years ago, whenever these Army bills have come up, I have heard the same old unjust attacks on regular Army officers. Now I think it is time that that feeling should be wiped out, and peace and harmony restored between volunteer officers and regular Army officers, as much as I believe we should go for peace and harmony between all sections of the country; and the officers themselves are not in fault, but the men who stir up feeling here.

Mr. NEGLEY. In which branch did you serve?

Mr. KELLOGG. I did not serve in either, as I said. The gentleman cannot disturb me by saying that he served, or by any assumption of that sort. I think that it is but an act of justice to two worthy officers to pass this bill. I know Rufus Saxton well, who is a citizen of the State of the distinguished gentleman from Massachusetts. Rufus Saxton grew up in my own neighborhood. I knew him as a boy, and I have followed his course ever since. I say that he has been a true and faithful officer all his life, and has served long and faithfully, and a wrong was done him years ago, and there is no man in the Army who deserves this justice more than he does. I say that it is but a simple act of justice to put these two men where they would have been if a wrong had not been done them. I understand they are both in the same position, and this bill will simply place them where they belong, without any interference with or reduction in rank of any other officer. I think that we ought to do this. And I say also that when the gentleman from Massachusetts [Mr. BUTLER] and others who were in the volunteer service will cease making these attacks on regular Army officers they will do themselves and the country more credit than they do now.

Mr. YOUNG, of Georgia. I would like to yield for further discussion of this bill, but I will lose it if I do not call for a vote now. I hope the House will sustain the unanimous report of the Committee on Military Affairs.

Mr. SCOFIELD. I rise to a point of order.

Mr. YOUNG, of Georgia. I call for the previous question on the engrossment and third reading of the bill.

Mr. BUTLER, of Massachusetts. The morning hour has expired, and I move to go into Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. The gentleman has the right to call the previous question. The morning hour continues until superseded by some question of higher privilege.

Mr. BUTLER, of Massachusetts. I move to go into the Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. That motion is not in order.

Mr. SCOFIELD. I raised the point of order before the previous question was called.

The SPEAKER *pro tempore*. The Chair has ruled that unless some question of higher privilege intervenes, the morning hour does not expire at the end of sixty minutes. The question is upon seconding the call for the previous question.

The question was taken; and upon a division there were—ayes 78, noes 48; no quorum voting.

Mr. BUTLER, of Massachusetts. I rise to a privileged motion, and move to go into Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. That motion cannot be entertained during a division upon the call for the previous question. No quorum voted, and tellers will be ordered; and the gentleman from Massachusetts, Mr. BUTLER, and the gentleman from Georgia, Mr. YOUNG, will act as tellers.

The House again divided; and the tellers reported there were—ayes 89, noes 60.

So the previous question was seconded.

The main question was then ordered, which was upon ordering the bill to be engrossed and read a third time.

Mr. CESSNA. I rise to a parliamentary inquiry. Suppose that further proceedings upon this bill are suspended at this time, what will be its position on next Friday?

The SPEAKER *pro tempore*. That will depend upon the form in which it is suspended.

Mr. CESSNA. The previous question has been ordered.

The SPEAKER *pro tempore*. It has been, and the question now is, "Shall this bill be engrossed and read a third time?"

The question was taken; and upon a division there were—ayes 115, noes 66.

So the bill was ordered to be engrossed and read a third time.

Mr. CESSNA. I call for the reading of the engrossed copy of the bill.

Mr. YOUNG, of Georgia. Then I will call for the yeas and nays on the passage of the bill.

Mr. SCOFIELD. The bill has not yet been read a third time.

Mr. CESSNA. And I call for the reading of the engrossed copy of the bill.

Mr. YOUNG, of Georgia. Then, in order to give time to engross the bill, I will move that the House now adjourn; and on that motion I call for the yeas and nays.

Mr. GARFIELD. I ask the gentleman from Pennsylvania [Mr. CESSNA] to withdraw the demand for the reading of the engrossed bill, as the call of the yeas and nays will simply consume time.

Mr. CESSNA. We may as well spend time on this as on some other folly.

The yeas and nays were ordered.

The question was taken on the motion to adjourn; and there were—yeas 6, nays 189, not voting 93; as follows:

YEAS—Messrs. Eldredge, Hagans, Lamison, Southard, Todd, and Pierce M. B. Young—6.

NAYS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barrere, Bass, Beck, Begole, Bell, Berry, Biery, Blount, Bowen, Bradley, Bright, Bromberg, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cessna, John B. Clark, jr., Clayton, Clements, Clymer, Comingo, Corwin, Cotton, Crittenden, Crooke, Crossland, Crutchfield, Danford, Dawes, Dobbins, Donnan, Durham, Eames, Field, Finck, Frye, Garfield, Giddings, Glover, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Holman, Hooper, Houghton,

Howe, Hunter, Hunton, Hynes, Kasson, Kelley, Kellogg, Knapp, Lamar, Lansing, Lawrence, Lawson, Leach, Lewis, Lowe, Lowndes, Lynch, Magee, Marshall, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Milliken, Mills, Mitchell, Moore, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Randall, Ray, Read, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloss, Small, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Sprague, Stanard, Starkweather, St. John, Stone, Storm, Stowell, Strawbridge, Swann, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Tremain, Tyner, Vance, Waldron, Wallace, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, and John D. Young—189.

NOT VOTING—Messrs. Albright, Averill, Barnum, Barry, Bland, Brown, Buckner, Caldwell, Cannon, Cason, Chittenden, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cook, Cox, Creamer, Crounse, Curtis, Darrall, Davis, DeWitt, Duell, Dunnell, Eden, Farwell, Fort, Foster, Freeman, Gooch, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Havens, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Hubbell, Hurlbut, Hyde, Kendall, Killinger, Lamport, Lofland, Loughridge, Luttrell, Martin, Maynard, McCrary, McKee, McLean, Monroe, Morey, Niles, O'Brien, Hosea W. Parker, Phelps, Poland, Potter, Purman, Rainey, Ransier, Rapier, William R. Roberts, James C. Robinson, John G. Schumaker, Henry J. Scudder, Sener, Sheldon, Sloan, Smart, George L. Smith, Snyder, Speer, Standiford, Stephens, Strait, Sypher, Taylor, Waddell, Walls, Jasper D. Ward, White, Charles G. Williams, Ephraim K. Wilson, and Wood—93.

So the motion to adjourn was not agreed to.

The bill, having been engrossed, was then read the third time.

Mr. YOUNG, of Georgia. I call for the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered, and under the operation thereof the bill was passed.

Mr. YOUNG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. SCOFIELD. The Chair has just decided that that motion cannot be put. I suppose that the rulings of the Chair must be considered as continuous in their operation; that no matter who may occupy the Chair, the rulings of one Speaker must guide another. The gentleman occupying the Chair a few moments ago decided the motion to go into Committee of the Whole to be not in order.

Mr. WHEELER. I beg leave to differ with my friend from Pennsylvania, [Mr. SCOFIELD.] The late occupant of the Chair decided no such thing.

PERSONAL EXPLANATION.

Mr. RANDALL. There was yesterday some controversy in this House as to what were the proceedings of the Committee on Banking and Currency in reference to the finance bill. I am now at liberty, by a vote of the committee, to state the proceedings of the committee in regard to that bill. That bill was never before the Committee on Banking and Currency.

Mr. GARFIELD. I rise to a point of order, not because I have any objection to the gentleman's statement, but that we may have it determined whether——

Mr. RANDALL. I hope the gentleman will wait till he hears me before making his point.

Mr. GARFIELD. No, I want to make the point now. The point is whether a committee has any power to bring into the House a divulgement of the past action of the committee.

Mr. RANDALL. I suggest that this thing is entirely amicable; that there is no ill feeling about it. It is a mere question of settling a fact.

Mr. GARFIELD. I want the point decided merely for the sake of settling the question of parliamentary law, not to interrupt the gentleman. I submit that this is a question of the privilege of the House, not of a committee.

The SPEAKER. The gentleman is not correct in that. It is not in order under the rules to allude on the floor to anything that has taken place in committee, unless such action appear by a written report sanctioned by a majority of the committee. The committee have the right to disclose their own proceedings; or, in other words, to remove by their own vote the obligation of privacy or secrecy in regard to them. If a sharp point should be made, of course authority would be required in writing.

Mr. RANDALL. It is true, as stated yesterday by the gentleman from Tennessee, the bill was not in the possession of the Committee on Banking and Currency, but that committee did as many committees have done in this House often and again, informally considered that bill; and on motion of the gentleman from Connecticut, [Mr. HAWLEY,] it was voted to request the chairman when the bill was considered he should allow two amendments to be submitted to the House; the first amendment that the first and second sections of the bill should be stricken out; and the second, that the bill should be so amended as to insert the words "canceled and destroyed" in their appropriate place in the section relative to the retirement of greenbacks.

Mr. MAYNARD. Mr. Speaker, I wish to say that I did not wish myself to be understood yesterday, nor do I see myself reported in the RECORD as having on yesterday called in question any fact which the gentleman stated. I wish still further to say that my own actions, as those of any other gentleman in his place here, are open and liable to the fullest criticism, which, if made in a fair spirit and with good temper, is perfectly legitimate. I do not deprecate or wish to avert any criticism; but gentlemen here are aware that sometimes it is difficult to decide when one is acting as an organ of the committee and as the organ of the House with the supposed majority one way or the other. As has been stated, this bill was not before the Committee on Banking and Currency. It had been assigned to its order on my motion, the Chair having been pleased to assign me the floor to make it. I hold it to be the duty of any gentleman who takes charge of any measure, unless he is acting as an organ of a committee, and then he must carry out the action of the committee; then it is not a request but an instruction—but aside from that I hold it to be the duty of any one having charge of a general measure to endeavor if possible and bring the majority sentiment of the House to a result, so it shall not be defeated by any indirection or by any proceeding that does not affect the merits of the measure, whatever it may be. As to the limit of discussion and the question of amendment, he must necessarily be governed by his own judgment, and he must take the responsibility to act on it; and if he is not willing to do it he should never rise in this House and attempt to take charge of any measure, but should leave it to others who have more self-poise and more confidence in their own judgment.

Mr. RANDALL. The gentleman acquired the right to make that motion, as is customary in parliamentary practice, by reason of the fact that he was chairman of the Committee on Banking and Currency. Subsequently that subject was considered by his own consent, and the jurisdiction of the committee was not denied by him.

Mr. MAYNARD. I shall not pursue the subject any further.

Mr. RANDALL. I wish to say now it was not my intention yesterday to be in the least offensive to the gentleman from Tennessee.

Mr. MAYNARD. It is perhaps proper to say our personal relations have ever been of the kindest character.

Mr. NIBLACK. I should like to know what the gentleman from Tennessee meant yesterday by saying he was responsible here or elsewhere for his conduct. It terrified me somewhat at the time, and I should like to know now whether there was any cause for that terror.

Mr. MAYNARD. What I meant was that I was responsible to my associates upon this floor and to my constituents at home for my action, in this House.

Mr. NIBLACK. I thought it meant more than that. I thought the gentleman meant, when he used the words, something quite different and more belligerent.

Mr. RANDALL. I did not take it in that way.

Mr. NIBLACK. I was therefore curious to know what the gentleman did mean, but as he now says he only meant it in a Pickwickian sense, and not in a fighting way, I feel much relieved.

REPUBLICAN FORM OF GOVERNMENT FOR LOUISIANA.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 4212) to provide for a legal and fair election in the State of Louisiana, and to guarantee to said State a republican form of government; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. G. F. HOAR. Not to be brought back by a motion to reconsider.

The SPEAKER. That cannot be done.

TRANSIT OF VENUS.

Mr. GARFIELD. I am directed by the Committee on Appropriations to report a bill (H. R. No. 4213) to provide for compensating the officers of the Government in observing the transit of Venus; which was read a first and second time.

The bill, which was read, provides that the legal compensation and allowance due to the officers of the Government in the parties engaged in observing the transit of Venus shall be paid from the appropriations for the support of the branches of the public service to which such officers are severally attached.

Mr. GARFIELD. I ask for the reading of a letter from the Superintendent of the Coast Survey. It explains a decision of the First Comptroller of the Treasury which gentlemen ought to hear, as it is a new ruling, and will have to be provided for in our future legislation.

The Clerk read as follows:

UNITED STATES COAST SURVEY OFFICE,
Washington, December 17, 1874.

DEAR SIR: It has been the constant custom, and had come to have almost the force of law, as a matter of comity between the several Departments of the Government, that officers, specially qualified for the performance of certain exceptional duties, to be executed under a special law, have been temporarily transferred from the Department to which they are attached to another Department, in order to carry out the specific purpose named in the special law. And while officers so transferred were performing the special duty their legal compensations were paid from the appropriation for the support of the branch of public service to which such officers severally belonged.

A law of Congress (Sec. 3678 in the Revised Statutes) passed in 1868, requires that "all sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

Congress, by an act passed in June, 1872, authorized the observation of the transit of Venus, and appropriated a sum of money to be used for the purpose, un-

der the direction of the Navy Department. The amounts asked for were based upon the supposition that the astronomers not in the employ of the Government should receive no compensation; and that certain other officers of the Army, the Navy, and the Coast Survey should be detailed for the duty. Several officers of the Coast Survey, at the request of the honorable Secretary of the Navy and by direction of the honorable Secretary of the Treasury, were detailed for observing the transit. Subsequent to the departure of two of them, and on the eve of the departure of four others, it was decided by the First Comptroller, and his decision was approved by the honorable Secretary of the Treasury, that under the law above quoted the compensations of the six officers of the Coast Survey during their absence abroad could not be paid from the appropriation for the survey of the coast. It is therefore desirable that a law of Congress shall authorize the payment of the compensation of those officers from the appropriations for the branches of service to which they belong. No additional sum is required, the amount necessary being already appropriated. Authority merely is required to make the payments.

Very respectfully, yours,

C. P. PATTERSON,
Superintendent United States Coast Survey.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives, Washington, District of Columbia.

Mr. WILLARD, of Vermont. I would like to have the bill read again.

The bill was again read.

Mr. GARFIELD. I desire to say that the committee are unwilling to recommend a general law, changing what is now the statute on the subject. But it is clearly a case that ought to be taken out of the operation of the general law, and we thought it best to provide for it as it arose, rather than to attempt to make a general law.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CUSTOMS REVENUE.

Mr. KASSON, from the Committee on Ways and Means, reported a bill (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws and to repeal moieties," approved June 22, 1874; which was read a first and second time.

The bill was read. It declares that nothing in the nineteenth section of the act entitled "An act to amend the customs-revenue laws and to repeal moieties," passed June 22, 1874, shall be construed to affect any authority, power, or right which might theretofore have been legally exercised by any court, judge, or district attorney of the United States to obtain the testimony of an accomplice in any crime against or fraud upon the customs-revenue laws, or any trial or proceeding for a fine, penalty, or forfeiture under said laws, by the discontinuance or dismissal, or by an engagement to discontinue or dismiss any proceedings against such accomplice.

Mr. KASSON. A single word will explain the object of this bill. By the present law no officer or person who in any manner relieves or attempts to relieve from fine, penalty, or forfeiture shall be deemed guilty of a felony. It was not the intention of the Ways and Means Committee to deprive the proper officer of the means of exempting from prosecution for the purpose of obtaining the testimony of an accomplice. But three judges of United States courts regard the present law as preventing that. The Attorney-General does not think it prevents it. The Committee on Ways and Means did not so intend. And as an emergency will very soon arise requiring that the law shall be clear on the subject, the Committee on Ways and Means recommend the adoption of this clause to put the matter beyond doubt.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KASSON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COMMITTEE ON MILEAGE.

Mr. BUNDY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That there shall be paid out of the contingent fund of the House the sum of fifty dollars, for clerical services rendered the Committee on Mileage during the present session.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting ten reports of the surveyor-general of New Mexico on private land claims in said Territory; which was referred to the Committee on Private Land Claims.

FOULKES & WINSTON.

On motion of Mr. WHITEHEAD, by unanimous consent, the House reconsidered the vote by which the bill (H. R. No. 3763) for the relief of Foulkes & Winston was this day ordered to be laid on the table; and the same was referred to the Committee of the Whole on the Private Calendar.

ADJOURNMENT OVER.

Mr. GARFIELD. I move that when the House adjourns to-day, it be to meet on Monday next.

The question being taken, there were—ayes 97, noes 43.

So the motion was agreed to.

Mr. GARFIELD. I move to reconsider the vote by which the motion was agreed to; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE CALENDAR.

Mr. HAWLEY, of Illinois. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, (Mr. G. F. HOAR in the chair,) and proceeded to the consideration of business on the Private Calendar.

OFFICERS AND CREW OF WYOMING AND TA-KIANG.

The first business on the Private Calendar was the bill (H. R. No. 782) for the relief of the officers and crew of the United States ship Wyoming and the Ta-Kiang.

Mr. HOLMAN. I desire to raise the question of order as to the subjects that should first come before the committee for consideration at this time. I send to the desk to be read the rule of the House relating to this subject, as found on page 34 of the Digest. I ask the Clerk to read it.

The Clerk read as follows:

BUSINESS—UNFINISHED AT END OF A FIRST SESSION.

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place. And all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress as if no adjournment had taken place.

And by the twenty-first joint rule the resumption of all undisposed-of bills, resolutions, and reports, which originated in either house, is in like manner provided for. The word "resolutions" in the foregoing rule has been invariably held to apply to "joint resolutions" only.

Mr. HOLMAN. My point is that under the rule business is to be resumed as if no adjournment had taken place. A portion of this Calendar had been considered prior to the adjournment; and I submit that the committee should now proceed with it from the point where it left off at the last sitting of the Committee of the Whole on the Private Calendar, as if no adjournment had intervened.

Mr. MYERS. That is exactly what we are doing.

Mr. PLATT, of Virginia. We left off just at this bill, No. 782.

The CHAIRMAN. The Chair is informed by the Clerk that the Calendar is being proceeded with in the order in which it stood before the adjournment.

Mr. HOLMAN. I thought the committee had gone clear through the Calendar on objection-day.

Mr. HAWLEY, of Illinois. But this is not objection-day. Of course, if it were objection-day, we should have begun where we left off when it was objection-day. But this not being objection-day, we begin with the first case upon the Calendar.

Mr. HOLMAN. I do not understand that there is any difference as to the rule in taking up the Calendar, whether it be objection-day or not. In either case we have to proceed with the Calendar under the rules.

The CHAIRMAN. The validity of the opinion expressed by the gentleman from Indiana depends on a fact. The Chair is of opinion that on resuming the Calendar on any day which is objection-day, the Calendar is to be taken up from the point where it was left off on the previous objection-day, unless an adjournment has intervened and a new session commenced. In that case after the expiration of six days the rule will be applicable. If this were objection-day, the rule would require going back to the business as it stood on the last day of the preceding session; but unless the point of order were raised on the first day, not objection-day, on which the House took up the Private Calendar, it cannot be raised. It cannot be raised after the Committee of the Whole has gone on from day to day considering the Calendar.

Now, the Chair is informed by the Clerk that, as a matter of fact, the bill now called would be the first in order under the construction of the rule contended for by the gentleman from Indiana. Of course the present occupant of the chair cannot undertake to know for himself the order of business in the committee heretofore.

Mr. HOLMAN. My recollection is that this bill had been considered on a day which was not objection-day; at least I find bills further down on the list which I know have already been considered by the committee.

The CHAIRMAN. The Chair will overrule the point of order on the ground that if the fact be as reported to the Chair by the Clerk, the point of order does not apply. If the fact be otherwise, the point should have been taken on the first day after the expiration of the six days from the commencement of the session on which the House went into committee.

Mr. HOLMAN. This is, however, the first day the House has gone into Committee of the Whole on the Private Calendar since the adjournment.

The CHAIRMAN. This rule does not apply to the adjournment for the holidays, but for the session.

Mr. HOLMAN. Since the first adjournment of this Congress the House has not been into Committee of the Whole on the Private Calendar.

The CHAIRMAN. It is so far a question of fact, but the Chair is informed by the Clerk that at the last session before the adjourn-

ment, when the House was in Committee of the Whole on the Private Calendar, this bill was reached in order.

Mr. HOLMAN. If that is the fact, of course it is properly before the committee.

The CHAIRMAN. The Chair relies for his knowledge of the fact entirely upon the Clerk.

The bill was then read.

It authorizes and directs the Secretary of State to sell so many of the registered bonds of the United States, now under his control, belonging to the Japanese indemnity fund, as shall realize $125,000, and shall pay the proceeds of the same to the Secretary of the Navy, who shall cause the whole amount thereof to be distributed among the officers and crew of the United States ship Wyoming, and officers and crew who manned the Ta-Kiang on the 5th, 6th, 7th, and 8th days of September, 1864; the same to be distributed as sea-pay to the officers and crew attached to the Wyoming, according to the pay-roll of the ship on the 16th day of July, 1863, and to the officers and crew detached from the United States ship Jamestown, and who manned the Ta-Kiang, according to the pay-roll of the ship on the 5th, 6th, 7th, and 8th days of September, 1864: provided that the provisions of this act shall be held and taken to be in full satisfaction for all bounty or claim for bounty on the part of the officers and crews aforesaid, under any and all existing laws of the United States or regulations of the Navy Department, for the destruction of piratical vessels at Simonoseki on the 16th day July, 1863, and bombarding the forts erected at the straits of Simonoseki in September, 1864. And if any of the officers or crews aforesaid shall have received any bounty for the service aforesaid, the same shall be deducted from the amount to be paid such officer or seaman under the provisions of this act; and it provides further that no money shall be paid to any assignee of the mariner, but only to the mariner or his duly authorized attorney in fact, or, in case of his decease, to his legal representatives, excluding any assignee.

The Committee on Naval Affairs reported the bill with the following amendments:

In line 21 strike out the words "or claim for bounty," and insert in lieu thereof the words "ransom or prize-money, or claim therefor."

In line 30, after the word "bounty," insert the words "ransom or prize-money."

Add to the bill the following section:

SEC. 2. That the remainder of the Japanese indemnity fund is hereby covered into the Treasury of the United States, and the Secretary of the Treasury is hereby directed to cancel the bonds belonging to the said fund.

Mr. GARFIELD. I make the point of order on that last amendment that it is public legislation and is not in order in a private bill.

Mr. WILLARD, of Vermont. I make the point of order that it is not germane to the bill, and is in the nature of public legislation.

Mr. MYERS. I desire to offer an amendment before the point of order is made.

Mr. GARFIELD. Well; I reserve the right to make the point of order.

Mr. MYERS. I move to amend the proposed second section by inserting after the word "fund" in line 2 the words "now invested in registered bonds of the United States."

Mr. GARFIELD. I make my point of order to cover the whole of the second section as being public and not private legislation.

Mr. HOLMAN. I would like to submit a single remark on the subject of that point of order, and it is this: That the point is very different to what it would be if this were an amendment now offered to a private bill; that is to say, if a proposition looking to general legislation was sought to be incorporated in a private bill. In that case I admit that the point of order that the amendment is not germane would have to be sustained; but the committee of the House to whom this subject-matter has been referred reported a bill which contains not only provisions of a private nature but also of a public nature. Now, that is legislation that occurs every day. And the question cannot come up as to whether it is germane, because this is the subject-matter of the bill. It is a thing of constant occurrence that a bill not only embraces matters of private concern, but also of public concern, and the question, I submit, as now presented, is entirely different from what it would be if the point were raised upon an amendment now offered for the first time proposing legislation of a public character.

Mr. GARFIELD. On the point of order I desire to say this: We are now engaged on the Private Calendar under the rules. The rule is imperative that a private bill cannot be considered in this committee if it includes general public legislation. The Japanese indemnity fund is a matter of general concern. It has been temporarily placed in the hands of the Secretary of State as a yet undisposed of public fund. The proposition hitherto has been that we do not own it—that it is with us a trust fund. Several bills have at different times been introduced to restore that fund to the Japanese and Chinese governments respectively. In many ways that fund has been treated as a great and difficult public question.

There is a bill in this committee, on the Private Calendar, which proposes to dispose of that fund by turning it into the Treasury and treating it as the property of the United States. I hold that that is virtually inconsistent with the rule that private bills shall not contain public legislation. That point is good not only against the section as a part of the bill, but of course it is good as to the proposed amendment to the section.

Mr. MYERS. I ask to be heard, having reported the bill.

Mr. SCOFIELD. I would suggest to the Chair that if the point of order is good, it takes the whole bill with it. You cannot say that a portion of the bill is of a public character, and therefore that portion must be stricken out of the bill, for it will take a vote of the committee to strike out any portion of the bill. Therefore if the objection is good, it lies against the whole bill.

Mr. MYERS. I think I have yielded sufficiently for the discussion of a point of order which has been kindly permitted by the Chair. In reply to my friend from Ohio, [Mr. GARFIELD,] he takes it for granted that because the United States have received from Japan a certain sum of money, and somebody or various bodies have for years past been trying to return it to Japan, therefore the United States Government has nothing to do with it. The subject of the Wyoming claim was referred to the Committee on Naval Affairs. That committee in a previous Congress reported a bill to give the men who brought that money to the Government the equivalent of bounty, which under a mere technical view of the law they are deprived of. And this House in the last Congress passed as a private measure a bill giving them this identical sum out of this fund, $125,000. No such objection existed to the payment of $125,000; then no such objection would lie to the payment of $250,000.

Now, in order that the Chair may fully understand the question before he rules upon the point of order, let me say this: It is proper in the decision of this point of order that the Chair and the committee should understand exactly the question before them. We received from Japan, under the treaty of Simonoseki, what the Secretary of State reported to amount to $842,000 on March 5, 1874. At that time only half the amount had been received. In 1872 the House of Representatives, so far as it could, remitted the other half of the sum to Japan, to promote good feeling between the countries; but the Senate did not concur. The President now informs us that we have recovered another installment of the sum due.

This bill does not propose to marshal that fund into the Treasury, but it proposes to place there so much of the half first paid us not given to these seamen. If it is a private bill to pay these men $125,000 out of the fund, it is just as much germane to provide for the payment of the balance to them. And why cannot an amendment to place it in the Treasury be germane? This bill was properly sent to the Committee on Naval Affairs. It is a private bill; it is properly on the Private Calendar, because sent there by order of the House after it was reported by the Committee on Naval Affairs. Therefore the objection, if it originally existed, has no force now.

The CHAIRMAN. The Chair does not desire to hear the point of order further discussed. The Chair is of opinion that an amendment reported by a committee to a bill is liable to the same objection as if moved by a member on this floor. It is very clear, that a proposition to dispose in any particular way of a trust fund held in the Treasury of the United States is a matter of public legislation; that such a proposition is neither germane to a private bill nor upon a bill on the Private Calendar. The Chair therefore rules the amendment to be out of order.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HOLMAN. This bill having been referred to the Private Calendar, I desire to inquire if in the House points of order were reserved upon the bill? If not, then I submit that this point of order comes too late.

Mr. BUTLER, of Massachusetts. No point of order was reserved on the bill.

The CHAIRMAN. The Chair is of opinion that the point of order is not too late; that under the custom of the House and as a convenient rule it is unnecessary to reserve the point of order, when a bill is referred to the Committee of the Whole on the Private Calendar, that it contains matters of general legislation proposed by way of amendment. The Chair, therefore, holds that the point of order is not too late.

Mr. MYERS. This subject-matter was reported to the House, and was placed on the Calendar by order of the House.

Mr. GARFIELD. I do not know whether the decision of the Chair goes to the extent of reaching the first section; possibly not.

The CHAIRMAN. The decision of the Chair applies only to the second section.

Mr. GARFIELD. I submitted the point only in regard to the first section.

The CHAIRMAN. The decision of the Chair would be strictly appropriate when the second section had been reached and this amendment had been proposed.

Mr. GARFIELD. Now let us have the report read.

The Clerk read as follows:

This bill proposes to pay from the Japanese indemnity fund $125,000 to the officers and crew of the Wyoming, and the officers and crew detached from the United States ship Jamestown, who manned the Ta-Kiang. As this fund, amounting with interest to $842,226.33, is mainly the result of the services of these men in the naval engagements which took place in the straits of Simonoseki, in July, 1863, and September, 1864, your committee believe the appropriation to be an act of undoubted justice, and recommend it as in conformity with the practice and precedents heretofore established.

The history of these engagements, with the causes which brought them about and the excellent results attending them, will, it is believed, fully exhibit the propriety of passing this bill.

In 1863, when nearly all our available naval forces were actively engaged in the patriotic struggle for the maintenance and preservation of the Union, an edict was is-

sued by the Mikado of Japan excluding foreigners from the empire, excepting at certain ports. In pursuance of this edict, one of the daimios, the Prince of Nagato, erected shore batteries on his side of the narrow and dangerous strait of Simonoseki, and undertook to suppress all commerce and capture or destroy all merchant-vessels attempting to pass through this strait; through which, it must be remembered, nearly all the commerce between China and Japan is carried on.

Accordingly, in June, 1863, the Pembroke, an American steamer, bound from Yokohama to Shanghai, when passing through the strait of Simonoseki, was attacked by armed Japanese vessels bearing the ensign of the empire. At the same time the shore batteries opened fire on the Pembroke. The attack was made on the Pembroke in the night-time and while she was lying at anchor, with her guns lashed. Her topmast was cut away and she was otherwise damaged, and only escaped capture or total destruction by weighing anchor and steaming through "Bungo channel, a narrow and unfrequented strait."

Hon. Robert H. Pruyn, then United States minister resident in Japan, made known to the State Department the piratical outrage that had been committed upon the Pembroke by the Prince of Nagato, under the Japanese ensign, and in the execution of the anti-national edict of the Mikado, and asked for instructions.

Mr. Seward, evidently after a full consultation with President Linclon, in reply to the official dispatch of the resident minister, gave him large discretionary power, as the following extract will show:

"If, in your judgment, it should be necessary for the Wyoming to use her guns for the safety of the legation or of Americans residing in Japan, *then* her commander will employ all necessary force for that purpose.

"The Secretary of the Navy will give all necessary instructions to the commander of the Wyoming in harmony with the views of the President expressed in this dispatch. (See E. Doc., vol. 2, 1863-'64, No. 43, page 1127.)"

In pursuance of the foregoing authority and instructions, the minister resident issued the following orders:

LEGATION OF THE UNITED STATES,
Yokohama, July 15, 1863.

* * * * * * * *

I indulge the hope that by the time this reaches you their piratical vessels will have been destroyed or captured. If so, you may have been attacked by the batteries, and have doubtless demolished them. Should their ships unfortunately have taken the alarm and escaped, I would recommend that you do not return without vindicating our flag and taking full satisfaction for the outrages upon it.

And I beg you to co-operate with Admiral Juaris in the destruction of the batteries and forts in the territories of the prince, thus giving a lesson which will not soon be forgotten, and which will put a stop to the acts of lawless violence which the hostile daimios, encouraged by the humane forbearance of the treaty powers, are so ready to commit.

I am, very respectfully, your most obedient, humble servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Captain D. MCDOUGALL,
United States Steamer Wyoming, &c.

In obedience to the orders of the properly-constituted authorities of the United States Government, the Wyoming weighed anchor at Kanagawa on the 13th of July, 1863, and set out on her voyage to the strait of Simonoseki. She entered the bay of Simonoseki on the morning of the 16th of July. When she approached the entrance of the bay the fort next to her fired a signal gun, which was answered by all the forts and by the ships in harbor. At this time the Wyoming had no flag up, but upon the signals being fired she hoisted her flag and proceeded into the bay, keeping as close as she could to the northern shore, contrary to the expectations of the Japanese. The first fort immediately opened a heavy fire upon her, and so did all the others, as she moved slowly on, shelling the forts with such an effect as to silence such of them as received her fire. The men in the forts which received shells from the Wyoming were observed to rush off and to jump from the heights in such a precipitate manner as to lead to the belief that the shells must have told with greater effect and done more damage than the Japanese anticipated.

The bark and the brig Lanrick—the two vessels which fired on the Pembroke—were still there, and another vessel also, the steamer Lancefield. Those vessels lay close under the town, the bark being inside, the Lanrick next to her, and the Lancefield outside, with steam up, and a great number of men on board, apparently making preparations to approach and board the Wyoming. Captain McDougal ordered the Wyoming to be taken between the Lancefield and the Lanrick, and prepared to give each of them a broadside in passing. The Lanrick fired first, but immediately after the Wyoming delivered her broadside on the two Japanese vessels and sent a ball through the stern of the Lanrick in such a way as to leave her apparently sinking. The Wyoming moved on slowly, firing into the forts of the town as she went, and making a curve to enable her to return fire on the ships again; but, as she was turning, the Lancefield moved on across the track of the Wyoming further into the bay to escape at the western outlet, but the Wyoming, while curving, brought her great pivot gun to bear on the Lancefield in her new position, and sent a ball right through her boiler, causing her to blow up, and scattering destruction through every part of the vessel; steam, cinders, &c., were blown out in all directions, and such of the crew as were not immediately overwhelmed jumped overboard. The Wyoming returned under a slack fire from the forts, and, having done all that she deemed necessary for that time, she returned to Kanagawa to report what had taken place. She arrived here about 2 a. m. on the 20th of July. The engagement lasted an hour and ten minutes. The Wyoming received eleven shots, and had four men killed in action and seven wounded, one of whom died on the passage back.

This is substantially the description of the engagement as it appears in the Japan Commercial News of July 22, 1863.

For a time the punishment inflicted on the Prince of Nagato seemed to be all that could have been desired, but he rebuilt his forts, and fresh insults were offered to the flags of several nations. This conduct was evidently inspired from higher authority, the edict of the Mikado against foreigners being its main instigation, and Great Britain, France, and the Netherlands sent fleets to the bay of Simonoseki to open the passage of the straits, inviting the United States to give the moral force of their presence and to participate in the action. We had at Yokohama at the time but one ship, the Jamestown, a sailing-vessel; and as the current in the straits was very rapid, it was deemed best to charter a small steamer called the Ta-Kiang, which, with the vessels of the powers named, participated in the naval engagement against the shore batteries of the daimio on September 4, 5, 6, 7, and 8, 1864.

Lieutenant Frederick Pearson, of the Jamestown, was placed in command of the chartered steamer Ta-Kiang by Captain Price, commanding the Jamestown, under the following orders:

"UNITED STATES STEAMER JAMESTOWN,
"*Yokohama, Japan, August* 11, 1864.

"SIR: You are hereby appointed to the command of the chartered steamer Ta-Kiang, and will proceed in her to the straits of Simonoseki, to act in concert with the treaty powers, who will appear in large force at that place.

"The object of sending the Ta-Kiang is to show the American flag there, and to manifest to the Prince of Nagato that we are in accord with the other treaty powers, and equally demand with them the passage through the straits without let or hinderance.

"As the steamer under your command is not a man-of-war or prepared to attack the forts, you will render any and every other aid in your power to promote the common object—such as towing boats, landing men, and receiving the wounded on board of you, if required to do so. To this end you will consult the senior officer present, particularly the British admiral, who will be senior officer of the expedition, and who will have the largest force there."

Lieutenant Pearson, not satisfied with these orders, obtained permission to take the Ta-Kiang under fire. With three officers and fifteen men, armed with a Parrott gun, or howitzer, and Sharp's rifles for each man, the Ta-Kiang went into the battle.

The engagement continued five days, and ended in a victory to the fleets, the Japan prince making an unconditional surrender, and, according to Minister Pruyn, "agreed to pay such sum as the ministers of the treaty powers might demand for the expenses of the expedition." And Mr. Pruyn also says (Dip. Cor. 1864-'65, part 3, page 553) "Ensign Pearson, of the Jamestown, who was placed in command of the United States chartered steamer Ta-Kiang, I am happy to say, conducted himself so as to receive the special written thanks of Admiral Kuper, commanding the combined fleet, and a large bronze 32-pounder gun was assigned to said ship as a trophy. The 30-pounder gun of the Jamestown was used by him with such precision and efficiency as to command universal admiration." And the diplomatic correspondence of J. Hume Brumley to Mr. Seward (Dip. Cor. 1865-'66, part 2, page 17) shows the warm appreciation of the services of the Ta-Kiang by the lords commissioners for the ready co-operation which that gallant officer afforded to the British admiral during the whole of the operations in question.

The result was that the Tycoon, being forced to acknowledge and recognize the active hostilities of his subject prince as acts of piracy, was constrained to enter into a conventional treaty with the diplomatic authorities of the United States of America, Great Britain, France, and the Netherlands, which was concluded on the 22d day of October, A. D. 1864, and afterward accepted and ratified by all the aforementioned powers; the public proclamation of all which was formally made by the President of the United States on the 9th day of April, A. D. 1866.

Article I of said treaty stipulates and provides that the Japanese government shall pay to the other four powers the sum of $3,000,000 as indemnity for piratical depredations of "Movi Daizen, Prince of Nagato and Smoo." This sum was to be paid in quarterly installments of $500,000 each. Part of it was so paid, received, and accepted, and divided by and between the four powers mentioned, the United States Government receiving the sum of $586,125.87 in gold, which was afterward converted into United States Government bonds, that are still in the custody of the Secretary of State, under the designation of the "Japanese indemnity fund," and now, as above stated, amount to the sum of $842,226.33. The unpaid installments, of one-half, at the request of the Japanese minister, and in order still further to promote friendship between the United States and Japan, it has been proposed to remit, and a bill for that purpose passed the House of Representatives on May 29, 1872, was reported favorably by the Senate Committee on Foreign Affairs, and was pending at the adjournment of the last Congress.

The Japanese vessels in the engagement of 1863 were destroyed or sunk, and not taken as prizes. Again, as these ships were not, strictly speaking, "enemy's ships," the bounty of $200 allowed by the act of July 17, 1862, for each person on board of "any ship or vessel of war belonging to an enemy" sunk or otherwise destroyed in an engagement, if of equal or superior force, cannot be claimed as an absolute right.

These vessels were treated as piratical, and their hostile character not recognized by the Japanese government. Yet the Prince of Nagato was powerful enough to set that government at defiance, and had he not been finally subdued, there is little doubt that not only would the straits of Simonoseki have been closed to commerce, but several of the ports which had been opened under our treaties; and that the government of Japan would have openly assumed a hostile attitude toward foreigners.

The officers and crew of the Wyoming are entitled to no less credit for their brave and meritorious service than if they had sunk or brought in as prize the vessels of an enemy.

A letter of the United States consul at Yokohama at that time, Hon. George S. Fisher, to an officer of the Navy, thus speaks of the value of these ships:

"The vessels destroyed by the Wyoming were the British brig Alert, clipper-built, twelve guns, and a very superior sailing-vessel. She was sold to the Japanese government for $45,000, Mexican money.

"The British steamer (iron) Lancefield, sold but a few weeks previously ostensibly to the Japanese government, but really to or for the Prince of Nagato, for $160,000, Mexican money, and the American bark Daniel Webster, also sold to the Japanese government for $22,000, Mexican money.

"These vessels, with the batteries placed upon the Lancefield and Webster, and the other public property of the enemy upon the three destroyed, amounted in value to full $300,000 or $350,000 of our money."

The engagement in September, 1864, in which the Ta-Kiang took so gallant a part was entirely with shore batteries. It ended, however, not only in silencing them, and opening the straits to unimpeded commerce, but in the capture of the town of Simonoseki, part of the indemnity stipulated for in the treaty being for the "ransom" of that town, and the sum to include also all "past aggressions on the part of Nagato," which clearly covers the attack on the Pembroke and the fight with the Wyoming. While the facts stated in relation to these two ships, the Wyoming and Ta-Kiang, do not technically bring them within the principles of our prize-laws, yet the value of the vessels sunk by the Wyoming, two of which were afterward raised and sold by the Prince of Nagato, who was forced by the Tycoon to pay the indemnity subsequently received by us, and the very large ransom and indemnity which the actions of both these vessels were so instrumental in obtaining, fully entitle their officers and crews to the sum named in the bill reported, the passage of which your committee earnestly recommend.

As there are no other parties who have an equitable claim upon the Japanese indemnity fund, the committee recommend that it be transferred to the Treasury and the bonds canceled.

Mr. MYERS obtained the floor.

Mr. HOLMAN. If the gentleman from Pennsylvania [Mr. MYERS] will permit me a moment, I desire to ascertain exactly what portion of this bill is pending. The point raised by the gentleman from Pennsylvania [Mr. SCOFIELD] that the committee had lost jurisdiction of the whole bill because a portion had been struck out on a point of order, was not ruled upon, I think.

The CHAIRMAN. The Chair will state the attitude of the bill as he understands it. The bill was introduced originally by the gentleman from Massachusetts, [Mr. BUTLER.] It was thereupon referred by the House to the Committee on Naval Affairs. That committee did not report a new bill, which might have been within their province, they having jurisdiction over the general subject, but reported back this bill with a distinct amendment; so that if the bill had not been referred to the Committee of the Whole at all, but had been considered in the House, the question would have been on the amendments proposed by the committee separately. Thereupon the bill and the amendments were referred, by order of the House, to the Committee of the Whole on the Private Calendar; and if the amendments had been in order the Committee of the Whole would treat

these amendments proposed by a committee exactly as they would treat an amendment proposed by a member of the committee from his place on the floor.

Now, one of these propositions undertakes to amend the bill by adding to it matter of public legislation; and the Chair rules that the amendment is out of order, and that it is not too late to raise the objection that it is out of order after the reference of the bill and amendments by the House to the Committee of the Whole on the Private Calendar. The gentleman from Indiana, [Mr. HOLMAN,] the Chair presumes, will see that this ruling is not only in the direction of promoting the convenience of the House, but also of preventing improper legislation; for otherwise, whenever, as happens in such numerous instances, a bill is reported by a committee, and without any examination by the House is referred to the Committee of the Whole on the Private Calendar, it would be possible to bring the whole general legislation of the country on any subject whatever before the Committee of the Whole on the Private Calendar, and so before the House, out of order. The Chair therefore rules that this proposed amendment, adding to the bill the second section, is out of order, and that the remainder of the bill is properly before the Committee of the Whole.

Mr. SCOFIELD. Will the Chair allow me to state the point that I made, as I see the Chair has not replied to it, and perhaps did not fully understand it?

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania anew.

Mr. SCOFIELD. If the Chair will refer to the back of the bill he will find this:

March 17, 1874. Reported back with amendments; committed to a Committee of the Whole House, and ordered to be printed.

The gentleman from Massachusetts presented this bill to the House; the House sent it to the Committee on Naval Affairs, who reported it back with amendments. Now, if that had been all, then the decision of the Chair would, in my judgment, be correct. But that was not all. The House then took the bill up again as a new bill. The Committee on Naval Affairs——

The CHAIRMAN. The Chair will correct the gentleman. The House did not take it up as a new bill, but as a pending bill with pending amendments.

Mr. SCOFIELD. In the first place, the gentleman from Massachusetts presents this bill to the House; afterwards the Committee on Naval Affairs reports the bill with amendments; then the House acts on the report of the Naval Committee exactly as the House acted upon the bill when presented by the gentleman from Massachusetts. The House sends the bill as a whole to the Committee of the Whole House, just as in the first place it was sent to a standing Committee. Now, then, the House having sent the bill in the shape in which it came from the Naval Committee to the Committee of the Whole House, the, whole or more of the bill is referred to that committee for action; and if after the House sent it to that committee it is found that portions of it cannot be acted upon on this day, the whole bill must go over.

The CHAIRMAN. The Chair apprehended the proposition of the gentleman from Pennsylvania, and ruled that the reference by the House to the Committee of the Whole on the Private Calendar of a bill with a proposed amendment, which amendment is a matter of general public legislation, does not prevent the raising in that committee of the point of order that the proposed amendment is a matter of general public legislation and not in order before the Committee of the Whole.

Mr. LAWRENCE. May I be allowed to make an inquiry?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LAWRENCE. Suppose the House should refer a bill with a pending amendment to the Committee on the Judiciary, or the Committee on War Claims, or any other standing committee. Now, when a bill with a pending amendment is so referred, is it competent for that committee to say that the reference was wrong, and to refuse to consider the matter referred? Does not the Committee of the Whole House stand exactly in the same position with relation to the House that a standing committee does to the House?

The CHAIRMAN. The Chair is of opinion that the Committee of the Whole House does not stand in this particular in the same relation to the House as the others, the general standing committees of the House, do. The Committee of the Whole House is confined to a particular function.

Mr. GARFIELD. My colleague [Mr. LAWRENCE] will remember that a reference to the Committee of the Whole is a reference under the rules. The rules of the House operate here as they do in the House.

Mr. LAWRENCE. If objection had been made in the House, I should think that to be probably correct; but I do not see how this committee can determine that it will not consider anything that has been referred to it by the House.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MYERS] will proceed.

Mr. MYERS. The report of the committee just read at the Clerk's desk is a long one, and I hope it was attentively listened to by members of the House.

Mr. LAWRENCE. I hope the gentleman from Pennsylvania will give us some further explanation of this case.

Mr. MYERS. The object of the bill is to pay the equivalent of prize or bounty money to men equitably entitled who are deprived of it by the strict technicalities of the law, and to pay that money out of more than a million dollars which the Government of the United States possesses, the result of the bravery in battle of these very men. If I could feel that I was not tiring the committee, I would briefly recapitulate the facts in this case. The report so fully stated them, however, that I believe nothing more is needed. If therefore my friend, the gentleman from Ohio, [Mr. LAWRENCE,] the only one who demands further explanation, does not press me, I will no longer retain the floor.

Mr. LAWRENCE. Members of the House do need some further explanation, and I hope the gentleman from Pennsylvania will give it.

Mr. MYERS. A bill, as I have already stated, passed this House for a like amount of money during the last Congress, appropriating $125,000 to the men of the Wyoming. There have been four favorable reports in the Senate, two of them rewarding only the men of the Wyoming. By some inadvertence they failed to include the men of the Ta-Kiang. In 1872 a bill was reported by Senator STOCKTON, including the men of both vessels. Again, during the first session of the present Congress, Senator CRAGIN reported a bill to the same effect. I mention these facts to show the favorable disposition of Congress heretofore in the matter; and certainly the measure proposed is one of the simplest justice to men whose exploits reflected great credit upon our Navy, and brought a substantial benefit to the country far greater than the money we have received under the treaty.

Commodore Perry's treaty with Japan, the first between that country and any foreign power, opened the ports of Simoda and Hakodadi to American vessels. This was followed by similar advantages allowed to several of the European powers. In 1857 Perry, by convention, procured the opening of the port of Nagasaki, and in 1858 our minister, Townsend Harris, concluded a commercial treaty which gave us entry into Kanagawa and other ports and a residence for the United States minister at Yeddo. The Japanese, who for hundreds of years were forbidden all intercourse with other nations, were violently opposed to these liberal measures, and a large anti-foreign party, led by the Mikado, the then spiritual head of the empire, and many of the native princes, bid fair to annul the treaties. The Tycoon was completely overawed, one of the British legation officers was murdered, and several legation buildings were burned.

Matters in Japan were daily growing worse. An edict of the Mikado excluded foreigners from most of our treaty ports. Mr. Pruyn, our minister, wrote Mr. Seward that every offer was made to have the port of Kanagawa closed, and in June, 1863, the Japanese government announced to the Tycoon and Mikado that there was no foreigner in Yeddo.

It was just after this, in July, 1863, that Prince Nagato, who owned the territory at the entrance of the straits of Simonoseki, determined to close these straits against commerce. They form the chief passage between the islands of Japan through which the commerce from China floats, and are almost in a direct line between San Francisco and Shanghai by way of Nagasaki. In going from Yokohama through the inland sea, they avoid a rough outside passage of one hundred and fifty miles, which is frequently dangerous.

Under Nagato's orders a Dutch corvette was fired upon about this time, and also a French vessel, and finally the American steamer Pembroke, injuring her materially, and compelling her to take the outside passage in a severe storm of five days, during which she was nearly lost. The damage in all to the vessel was ascertained to be $10,000.

In view of the outrages upon our citizens in Japan, Mr. Seward, after consultation with Mr. Lincoln, had already given orders to Mr. Pruyn to send the Wyoming to punish them with force, if found necessary, and to keep the treaty ports open. Mr. Pruyn consulted with the United States consul at Kanagawa, and determined to take decisive measures. No minister ever acted with better judgment than Mr. Pruyn, as his actions and correspondence with the Government will show. He ordered Captain McDougal to proceed at once with the Wyoming and open the strait of Simonoseki at all hazards. On July 16, 1863, our vessels appeared at the entrance of this passage, and then followed the battle detailed fully in the report just read. She had to contend with seven batteries, masked, upon precipitous rocks seventy feet in height, with three forts, and the three vessels named—a bark, a brig, and a large iron steamer. The vessels were sunk, destroyed, or temporarily disabled, and the masked batteries and forts silenced. The Wyoming returned victorious, her victory being the theme of admiration. For a time the straits were freed; but in a few months Nagato rebuilt these forts. Then it was that the English, French, and Dutch powers determined to unite in putting an end to the rebellion in Japan, which had almost seized the reins of power in Japan and was breaking out into open war upon all foreigners. They asked assistance of the United States, not because of the guns we had there, for we had but one vessel near by at the time—the Jamestown, a sailing-vessel, unable to stem the rapid current of the straits. We had to charter what my friend from Massachusetts once called a little bum-boat there. No; they desired the presence of the power of the United States for the moral effect it would have, coming from the nation which had first opened Japan to the outer world and was most respected there.

Ensign Pearson, of the Jamestown, by order, took the Ta-Kiang to aid the fleet and care for the wounded, but insisted on going into

the battle, and used his Parrott gun with such effect as to win the praise of the fleet and the especial commendation of the British admiral, Kuper, for his services in the five days' conflict of September, 1864.

And now, Mr. Chairman, what did these battles result in? A treaty was made in 1864, in which these words occur:

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo, *which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties*, having been obliged to send their combined forces to the straits of Simonoseki in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade, and the government of the Tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of the treaty powers, as well as the expenses occasioned by the expedition, the undersigned, animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts, in June, 1863, against the flags of divers treaty powers, and at the same time to regulate definitively the questions *of indemnities of war*, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon articles in which $3,000,000 are guaranteed to the four powers, with the privilege, however, to Japan to avoid this payment by opening a port at Simonoseki or on the inland sea.

But, sir, the indemnity in our coffers fades into insignificance beside the fruits of those victories. If unsuccessful, there can be no doubt a bloody war would have been needed to open the ports of Japan. The treaty itself recites enough to prove this. Instead of losing all authority and power for mischief at that time, the Mikado would have become the ruler of the empire and the anti-foreign policy would have prevailed. Not only did these victories bring the indemnity out of which we propose to pay the gallant tars who won them; not only did they destroy the only naval power of Japan; not only did they open that country to an intercourse which is fast changing the views of its rulers as it advances the civilization of its people, but it has fostered our commerce to a wonderful degree, and enabled us to exchange our products with this great empire of the East, adding largely to our revenue.

In the six years which followed Perry's treaty with Japan our imports from there were but $17,000 in value. In the ten years between 1860 and 1870 they were twelve millions. Now they are ten millions a year!

What, then, shall be given to the men who rendered so great a service? They enlisted to fight the rebellion, and while their brethren were obtaining prize-money and bounty they were sent to a distant sea, where their bravery redounded to the glory of the nation and to its material wealth.

Nagato was to every intent an enemy. Mr. Pruyn's official dispatches charge that he was acting under authority of the Mikado, if not of the Tycoon. In May, 1863, as will be seen in the Executive Documents of that year, volume 2, pages 1106 and 1124, the Mikado had ordered the expulsion of all foreigners, and the Tycoon had submitted to his authority on this question. The treaty refers to this very fund as a "war indemnity." We should never have permitted these straits to be sealed even if our flag had been respected in the Japanese towns open to us. Yet, because war had not been actually declared, the men of the Wyoming were not, under the law, entitled to the bounty allowed for sinking an enemy's vessels. In equity their claim is too strong to be ignored. But suppose Nagato was, as claimed, a rebel against Japan, and we were invited by that nation to aid in crushing him; it seems strange to allow our seamen bounty and prize-money against the southern rebellion, but not as the allies of Japan in quelling one against their authority and their solemn treaties with us. Why should not the value of Nagato's vessels be awarded to the Wyoming and part of the ransom of Simonoseki to the Ta-Kiang? Yet we have not recommended nearly the value of those vessels in all; and remember this prince, it is said, was made to pay the indemnity and his possessions were imperialized or confiscated.

In the excitement of our own war this brilliant episode in Japan was scarcely noticed; but our naval history, full as it is of credit to our flag, contains very few conflicts more memorable and certainly very few more beneficial in their results. When this Japanese indemnity is all paid, it will amount to one-tenth of all the money paid under the treaty of Washington for the Alabama claims; and able as was the diplomacy which aided to secure it, but for the bravery of our men, the officers and crews of the Wyoming and Ta-Kiang, we should neither have this fund nor the other benefits I have mentioned without fresh fighting for them.

Some gentlemen here object to this bill and have made points of order against it because, they say, we received too much from Japan, and the fund is held in trust to be returned. Japan only asked a remission of the half which was unpaid in 1872, and in that year I joined in a report from the Foreign Affairs Committee, which was adopted by the House, to grant this request. If Congress shall determine on such a course yet, I shall not stand in the way. But in order to promote friendship between the countries, I will not take part in humiliating Japan by giving back what is not asked and is not due.

During the present Congress we gave as large a sum as that named in this bill to a vessel which did not participate in a fight, but being within signal distance was entitled by law to share in the prize-money. Yet a meritorious claim like this is first objected to because it ought not to be paid out of the very money obtained by the valor or the claimants, and if defeated now will be fought with double vigor should we propose to pay it out of the Treasury.

I earnestly appeal to the committee to give a proper reward to the men of the Wyoming and Ta-Kiang. The country will applaud the act. There are a number of precedents for it, and if there were none it is one which appeals warmly to our sense of justice.

I now yield to my colleague on the committee, the gentleman from Tennessee, [Mr. WHITTHORNE.]

Mr. LAWRENCE. I desire to ask the gentleman from Pennsylvania [Mr. MYERS] a question.

Mr. MYERS. Will the gentleman from Ohio for the present allow my colleague to proceed with his remarks?

Mr. LAWRENCE. Very well.

Mr. MYERS. I yield five minutes to my colleague.

Mr. WHITTHORNE. I desire now, if it be proper, to make the motion, or if not, when it is proper, that this bill be reported back to the House with the recommendation that it do pass, and that the balance of the Japanese indemnity fund be covered into the Treasury of the United States. Whenever that motion is proper I desire to make it. I wish that to be understood by the House.

Mr. WILLARD, of Vermont. I make the point of order on the latter part of that motion, if it is treated as being now made.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had passed the bill (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes, with amendments, in which he was directed to ask the concurrence of the House of Representatives.

The Committee of the Whole on the Private Calendar then resumed its session.

OFFICERS AND CREW OF WYOMING AND TA-KIANG.

Mr. WHITTHORNE. If the motion I have suggested be not proper, I will then move that the bill be reported back to the House, with the recommendation that it be referred to the Committee on Ways and Means with instructions to report such a bill as I have indicated.

Now a word or two, and I shall have done with this question. I regard the proposition in the first place to appropriate $125,000 to the officers and crew of the Wyoming and Ta-Kiang as a gratuity on the part of Congress, if so voted. Under the law as it existed then and as it exists now, looking to the facts, they are not entitled to one cent; but with the view that I have taken of the question as a member of the Committee on Naval Affairs, if I can get rid of the fund or know in what direction it is going, then I am willing if it is to be regarded as a fund belonging to the people of the United States, brought into our Treasury by the achievements and conduct of these officers and crews, to make this compensation or gratuity; but if the fund is to be returned to the Japanese government, or to be appropriated for educational purposes, then I am not willing to charge the fund with the payment of this gratuity or compensation. I repeat, that under the law as it existed in 1863, looking to the fact that we were not at war with the Japanese government, that we were at peace with it according to the law, and these captured vessels were not enemy's vessels, we were not according to international law really and justly entitled to any part of that indemnity. I question very much as an original proposition whether in justice and fairness and equity and good faith the United States had any right to demand or receive any portion of this fund from the Japanese government. Having done so and this money having been paid, and that treaty having been made with, so to speak, our colleagues of other governments, I shall not reflect upon their want of good faith or their conduct by favoring a proposition to return it. I will accept it, the Government having acted heretofore; I will not call in question the acts or conduct of our own Government. I will accept it and put it where it belongs, according to the theory of the treaty made with Japan, into the Treasury of the United States. I propose to diminish by doing so the obligations now resting by reason of the investment of this fund on the people of the United States in the payment of interest on these registered and other bonds. I would diminish so much of the public debt and so much, if you please, of the public burden under which the people are now complaining. These being my general views, I shall favor the proposition that I have indicated to the House.

Mr. MYERS. I resume the floor.

Mr. GARFIELD. I desire to be heard for three or four minutes.

The CHAIRMAN. To whom does the gentleman from Pennsylvania yield?

Mr. MYERS. My friend from Ohio [Mr. LAWRENCE] said he had a question to ask, and I suppose he will make it a long one.

Mr. LAWRENCE. I would rather make a little speech of not many minutes.

Mr. MYERS. I will yield to the gentleman for a few minutes.

The CHAIRMAN. The gentleman from Pennsylvania has thirty-five minutes of his hour remaining.

Mr. MYERS. Then I yield five minutes to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. Mr. Chairman, it seems to me that this fund ought to be covered into the Treasury if the Government has any right to keep it at all. It looks to me very much as though the disposition of the money proposed by this bill is a misappropriation or misapplication of the fund. Let us see the purpose for which our Government received it. By reference to the treaty of 1864, which

will be found on page 526 of the collection of treaties which I hold in my hand, it will be found that it is said in the treaty that—

The government of the Tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of the treaty powers as well as the expenses occasioned by the expedition—

Now, there are two things which this treaty contemplates—the payment of damages resulting to the interests of the treaty powers, among which powers were the United States, and the expenses occasioned by the expedition. Now, what were the expenses contemplated by this treaty? Why, evidently national expenses; those which the Government had already incurred; not those amounts which the Government might afterward choose to give as gratuities, but those expenses which the Government had already incurred. And now, to show that this was the plain object of this treaty, and the payment of this money by the government of Japan at the demand of the United States, let me read a little further on in this treaty. It says:

The Tycoon of Japan, animated with a desire to put an end to all reclamations concerning the acts of aggression and hostility committed by said Mori Daizen since the first of these acts in June, 1863, against the flags of divers treaty powers, and at the same time to regulate definitely the questions of indemnities of war, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following:

First. The amount payable to the four powers fixed at $3,000,000. This sum included—

Now what?

all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

Now, it seems to me to be perfectly plain that this treaty did not contemplate an appropriation of this money for any such purpose as that to which this bill proposes to devote a portion of this fund. It is a misapplication of the fund, which does injustice to the Government.

Mr. SCOFIELD. Does the gentleman suppose that any member of this House would agree to any such thing?

Mr. LAWRENCE. As this bill? I think not.

Mr. SCOFIELD. Then why make an argument against what nobody would agree to? Nobody alleges that any such thing was ever thought of.

Mr. LAWRENCE. The question is whether we should devote this money to a purpose which the treaty did not contemplate. If we do, if we obtain money for one purpose and devote it to another purpose, we either have obtained money under false pretenses or we devote it to a purpose which was not contemplated by either of the governments at the time the treaty was made.

I know it is the easiest thing in the world to vote money out of the Treasury. It is the most unpleasant duty that any member of this House has to perform to resist the appropriation of money.

[Here the hammer fell.]

Mr. MYERS. I yield for five minutes to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I wish to call the attention of the committee to two features of this bill. My first objection to it is that it comes to us the wrong end first. It comes to us as a private bill; it should come to us on the greater issue involved in it, the public question. I mean to say that there is a great public question so interwoven with this measure that you cannot settle this bill without incidentally settling a much greater question, the public and international question, whose money is this that we call "the Japanese indemnity fund?" Hitherto it has been treated not as our money, but as a trust fund.

Mr. MYERS. I beg the gentleman's pardon.

Mr. GARFIELD. A trust fund which we held, either to be sent back to Japan or, if we conclude it to be ours, to be put into the Treasury. Now, that public question has never yet been settled. In my judgment it is to be settled as the first step that Congress ought to take on the subject of this fund. If it is our money, then let us put it into the Treasury with the rest of our money. If it belongs to Japan, let us send it home where it belongs. If it is partly our money and partly the money of Japan, then let us divide it and put our share into our Treasury and send the rest of it to the Japanese government.

Now, while it is lying here in the hands of the Secretary of State, as it were, in trust, waiting to be settled, we are asked to settle a claim upon it, which claim has been rejected by the Department. There is no law of the United States that would give this money, or any portion of it, to the officers and crews of these vessels. The State Department says there was no war, no declaration of war, and therefore the law of prize does not apply, and there can be no prize-money. These officers and crews made no capture; they did sink a few junks which, if raised—would not be worth a dollar. They made no capture, there was no prize, and there was no war. Yet we are asked to give $125,000 as a gratuity to the officers and crews of these ships; and to make the giving easy we are told that we can take that amount out of this indemnity fund, and it will not really come out of the Treasury.

That is the reason I said this bill comes to us the wrong end first. It comes to us on the ground of a private claim, and we are asked incidentally to settle great public questions. Now, when the proper time comes, if I can obtain the floor for that purpose, I shall move to report this bill back to the House with the recommendation that it be referred to the Committee on Foreign Affairs, so that they may take cognizance of the great public question that underlies the bill, or at least report to the House a plan of settlement. And I hope the Committee of the Whole will stand by me in that motion.

Mr. MYERS. I now yield to my colleague from Maryland [Mr. ARCHER] for five minutes.

Mr. ARCHER. In a former Congress I had the honor to report a bill similar to this, and it was passed by the House. Under the law the officers and crews of these vessels are not entitled to draw money as prize-money, and hence they come to Congress; but under all the equities of prize law they are entitled to recover from this fund. The simple reason why they are not entitled under the law is that these acts of aggression against the United States were perpetrated, not by a nation, but by a portion of a nation, which portion was regarded as in rebellion against the government of that country. Had Japan been at war with the United States, there would be no question that the officers and crews of these vessels would have been entitled to the amount that is now asked under the name of head-money. They contended with vessels of superior force, and were entitled, not to the vessels after condemnation, but to what is denominated in prize law as head-money.

This Prince of Nagato having been a rebel to the Japanese government, and his acts being only the acts of a subject of Japan, which the government of Japan afterward assumed, these officers and the crews who were in these vessels are entitled in equity, but not in law, to have this money paid to them.

Mr. LAWRENCE. The existing law does not give them any claim to head-money.

Mr. ARCHER. The existing law would have given them a claim to this money, provided we had been at war with Japan, provided the Prince of Nagato had been a belligerent power. But as we were not at war with Japan and the Prince of Nagato was not a belligerent power, the officers and the crews of these vessels were not entitled to the money. Hence they address themselves to the Congress of the United States in its capacity as a court of equity.

Mr. LAWRENCE. Equity follows the law.

Mr. ARCHER. The sum of $125,000 was fixed by the committee upon the best proof that was before them as to the number of men and the size of the vessels that were engaged in this action. These American officers, under directions from the Navy Department, were to obey the orders of the American minister at that port. They were acting under those orders when they engaged these pirates and sunk their vessels, achieving a complete victory. It is in this way that they come before this Congress.

In reply to what the gentleman from Ohio [Mr. LAWRENCE] has said about the treaty question, I will say that the very proposition here is indemnity to the families of men who lost their lives in that fight, and partly also to others who constituted the officers and crew of that vessel.

Mr. LAWRENCE. Are they entitled to any indemnity which was not then authorized by law?

Mr. ARCHER. Under the law of nations this claim stands upon the same footing as the demand we have been making upon Spain for redress to the families of the officers of the Virginius who were executed. This is a claim that the families of those who were killed in that contest shall be rewarded; that compensation shall be made for the injury to these citizens.

Mr. LAWRENCE. Our demand on Spain was only with reference to those killed—four of them.

Mr. ARCHER. Very well; what compensation can be made for the death of the American citizens that fell in this contest?

Mr. LAWRENCE. And our demand upon Spain was for the act of a national ship, not a pirate.

Mr. ARCHER. Though in this case one of the belligerents was a pirate, yet the Government of the United States stepped in and made the parent nation father the acts of its citizens, because that nation had not exerted properly its authority to make its citizens preserve peace and amity toward a foreign nation.

Mr. MYERS. Six of our men were killed in that engagement. I yield to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. KELLOGG. I will not detain the committee long with anything I wish to say on this question. No man can read the report of this committee, and the documents furnished by the State Department, without being satisfied that the sailors of these two vessels in winning that victory over those pirates achieved one of the most brilliant victories during the late war.

A MEMBER. What war?

Mr. KELLOGG. I will tell you what war; and when any of my friends object to paying prize-money or head-money to these men, they should remember that our gallant sailors who in the lamentable war of the rebellion were fighting our own countrymen were paid prize-money for every battle when they achieved success in the capture of vessels or property. But these other sailors were engaged in a more hazardous undertaking—fighting pirates on the other side of the globe, and opening up to us the commerce of half the world; enabling this foreign power to conquer its own piratical prince who had rebelled against the imperial power, and continue that commerce to us and other nations from the hour of that victory. I say that if any of our sailors ought to be recognized as entitled to such money, these men deserve such recognition; for they fought their

vessels single-handed against odds that might have appalled any but American sailors, and the result of their victory has been a free and uninterrupted commercial intercourse with that empire from that hour to this.

My friend from Ohio [Mr. GARFIELD] says that this is a trust fund, because it is in the hands of the Secretary of State, and we have never determined whether we will pay it back to Japan or not. Does my friend say that the fund of ten and a half million dollars arising out of the Alabama claims is a trust fund? That we have not determined whether we will pay it back to Great Britain, and for that reason we cannot make any appropriation out of it? This fund stands precisely in the same position as that. Both of these funds are in the hands of the Department of State, and bonds have been issued for them; and they are on interest, for the benefit of such parties as we say ought to share in them.

Now, I am in favor of doing anything we can to cultivate commercial relations with Japan. I voted to give back to that country the other half of the money; almost all of us voted for it; but the bill failed in the Senate for some reason or other. We will vote for it again. But here is one-half of it, which has not been paid by Japan, but paid by that piratical prince who was setting at defiance the laws of his country and of all the world; and I say that with this half now here we ought to do justice to the sailors who won that victory and opened commerce for us through those straits at a time when our own energies were all concentrated here at home in the great struggle to preserve the Union. If you would do justice, pay them out of this or some other fund, precisely as you paid the gallant sailors who won the victories in our own waters against foes nearer home.

Mr. MYERS. I yield to my colleague, [Mr. SCOFIELD.]

Mr. SCOFIELD. Mr. Chairman, I believe that a legislator who makes bargains almost always gets cheated. On this bill I made a kind of a bargain; and I find that, in consequence of the ruling of the Chair, which cuts out of the bill everything that commended it to my support, I have been cheated, as perhaps I ought to have been. I thought it was very questionable whether Congress ought to appropriate $125,000 as prize or bounty-money to the officers and crew of these two vessels. We did make an appropriation of, I think, $200,000 for the officers and crew of the Kearsarge that sunk the Alabama.

Mr. MYERS. One hundred and ninety thousand dollars.

Mr. SCOFIELD. The officers and crew of another vessel which, under the command of Commodore Collins, took the Florida, which was afterward sunk, made application for similar reward; and that bill is now pending before the Naval Committee. The officers and crew of the Monitor that drove back the Merrimac in that celebrated contest have made application for similar recognition; and that is pending before the Naval Committee also. Quite a number of cases somewhat like these, originating in the late war, but which I do not recall just at this moment, are also pending before us.

Now, when those cases were before us, and we were hesitating whether we would make an appropriation in recognition of victories that marked great periods in our history and contributed very largely toward the preservation of the Union, I felt inclined to hesitate a good deal more as to whether we should go back to this little struggle with Japan.

Mr. MYERS. A great struggle.

Mr. SCOFIELD. Only middling, let me tell my friend; great in speeches here, but quite moderate in history.

Mr. KELLOGG. Great in the odds against the victor.

Mr. SCOFIELD. But still a little magnified in your speeches. But while I thought that, and hesitated about the propriety of asking the Government in these hard times, and when the Treasury was running behind—almost four millions last month—I saw, or thought I saw, a chance to save the balance of this fund, amounting now to more than a million dollars, which everybody was trying to get their hands upon. My friend the gentleman from the Committee on Foreign Affairs [Mr. ORTH] has been trying to give it back to the Japanese. Other parties are trying to get it to build a great college in Japan, where we can all send our boys to learn Japanese literature and oriental diplomacy. The Committee on Education, for aught I know, may bring in a bill for this purpose. One time it was sought to be used to build the State Department. In the mean time this fund was lying around loose; it was left in the State Department, and seemed to belong nowhere in particular. Hungry claimants and visionary schemers were after it. I believed when this bill came before the Naval Committee that if I could manage to get the balance of the fund away from my friends on the Foreign Affairs and Education Committees, and from all these different interests struggling to get it and put it safely in Uncle Sam's empty pocket, by giving something to the actors in this Japanese war, I would make a tolerably good bargain. Therefore I voted to report the bill with the proviso, that after this bonus to the sailors the balance should be placed in the Treasury. But the rule of the House cuts off the proviso. The $125,000 is sliced off, and the balance hung up to attract any crow that flies this way. I do not reflect upon your ruling, Mr. Chairman; I guess it is correct, that you are compelled to so rule; but it takes me by surprise, and cuts out of the bill pretty much all that induced me to support it.

Mr. MYERS. I will yield to the gentleman from Massachusetts, who desires however, I believe, to speak in his own right.

Mr. WILLARD, of Vermont. You cannot do that.

Mr. MYERS. How much time have I left?

The CHAIRMAN. The gentleman has twelve minutes remaining of his hour.

Mr. MYERS. It is too late to finish this bill to-day, and I therefore move the committee rise.

Mr. GARFIELD. I move to amend, so as to move the committee rise and report the bill to the House with the recommendation that it do not pass.

The CHAIRMAN. The motion is not amendable or debatable.

The House divided; and there were—yeas 110, noes 8.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. G. F. HOAR reported that the Committee of the Whole House on the Private Calendar had under consideration the bill (H. R. No. 782) for the relief of the officers and crew of the United State ship Wyoming and the Ta-Kiang, and had come to no resolution thereon.

SALT LAKE AND COLVILLE RAILROAD COMPANY.

Mr. NEGLEY, by unanimous consent, introduced a bill (H. R. No. 4215) granting to the Salt Lake and Colville Railroad Company the right of way through the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SALT LAKE AND BINGHAM CANYON RAILROAD COMPANY.

Mr. NEGLEY also, by unanimous consent, introduced a bill (H. R. No. 4216) to incorporate the Salt Lake and Bingham Canyon Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SOUTHERN PACIFIC RAILROAD COMPANY.

Mr. HOUGHTON, by unanimous consent, introduced a bill (H. R. No. 4217) to empower the Southern Pacific Railroad Company to change the line of their road, and to construct an additional branch; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REPEAL OF SECTIONS OF REVISED STATUTES.

Mr. SMITH, of Virginia, by unanimous consent, introduced a bill (H. R. No. 4218) to repeal sections 3823, 3824, 3825, and 3826 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PAY OF LETTER-CARRIERS.

Mr. SMITH, of Virginia, also, by unanimous consent, introduced a bill (H. R. No. 4219) to adjust the pay of the letter-carriers of the country, and providing that they shall rank with the clerks of the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BOUNDARY BETWEEN ARIZONA AND NEW MEXICO.

Mr. MCCORMICK introduced a bill (H. R. No. 4220) to authorize the survey of the boundary between Arizona and New Mexico; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SARAH MAYNARD.

Mr. ADAMS, by unanimous consent, introduced a bill (H. R. No. 4221) granting a pension to Sarah Maynard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN CAMPBELL.

Mr. WILLIAMS, of Indiana, by unanimous consent, introduced a bill (H. R. No. 4222) for the relief of John Campbell, late a clerk in the Pension Office, Department of the Interior; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BERTHOLD LOEWENTHOL.

Mr. BURCHARD, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 4223) for the relief of Berthold Loewenthol, of Chicago, Illinois; which was read a first and second time, referred to the Committee of the Whole House on the Private Calander, and ordered to be printed.

HIBBEN & CO., OF CHICAGO, ILLINOIS.

Mr. BURCHARD also, from the same committee, reported a bill (H. R. No. 4224) for the relief of Hibben & Co., of Chicago, Illinois; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

WILLIAM M. NANCE.

The SPEAKER laid before the House a commucication from the Secretary of War, transmitting papers relative to the claim of William M. Nance, of Nashville, Tennessee, for compensation for a barrel factory alleged to have been taken for the public service in 1864 by Major-General George H. Thomas; which was referred to the Committee on War Claims.

And then, on motion of Mr. GARFIELD (at four o'clock and twenty-five minutes p. m.) the House adjourned till Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers, were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARMSTRONG: The petition of sufferers from ravages by grasshoppers in Clay County, Dakota Territory, for relief, to the Committee on the Public Lands.

Also, memorial of the Legislature of Dakota Territory, for the establishment of a mail-route from Sioux Falls, Dakota, to Lake Benton, Minnesota, to the Committee on the Post-Office and Post-Roads.

By Mr. BUNDY: The petition of the Scioto County Medical Society, in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. BUTLER, of Massachusetts: The petition of Jeremiah Long, of Newburyport, Massachusetts, for a pension, to the Committee on Invalid Pensions.

By Mr. CHIPMAN: The petition of Charles James Gates, for relief, to the Committee on Invalid Pensions.

By Mr. COX: The petition of Christopher Remmey, for a pension, to the Committee on Invalid Pensions.

By Mr. DAWES: The petition of Rees B. Edmonson, in aid of bill H. R. No. 3835, to the Committee on Military Affairs.

Also, the petition of Henry L. James, of Williamsburgh, Massachusetts, for relief, to the Committee on Claims.

By Mr. DOBBINS: The petition of sundry citizens interested in the navigation of the Delaware River, for an appropriation to complete the improvement of the channel of the Delaware River between Trenton and Bordentown, to the Committee on Commerce.

By Mr. FINCK: The petition of T. Spencer Stillman and others, of Perry County, Ohio, that a pension be granted to Mrs. Mary Ann McDonald, to the Committee on Invalid Pensions.

By Mr. HAGANS: Memorial of the officers of the Industrial Home School of the District of Columbia, asking aid for that institution, to the Committee on the District of Columbia.

By Mr. HUNTON: Papers relating to the claim of Daniel Williamson, to the Committee on Military Affairs.

By Mr. LYNCH: The petition of Isabella McSwain, of Augusta, Mississippi, for relief, to the Committee on War Claims.

Also, the petition of Samuel West, of Augusta, Mississippi, for relief, to the Committee on War Claims.

By Mr. McCRARY: Remonstrances of citizens of Lee and other counties in Iowa, against the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

Also, the petition of Samuel McKee, for a pension, to the Committee on Invalid Pensions.

By Mr. McKEE: The petition of Harper P. Hunt, of Vicksburgh, Mississippi, for payment of rent for houses in Vicksburgh, to the Committee on War Claims.

By Mr. NIBLACK: The petition of Charles H. Mason, of Cannelton, Indiana, late deputy collector of internal revenue for third division of second collection district of Indiana, to be compensated for cigar-stamps alleged to have been stolen from him, to the Committee on Claims.

By Mr. PARSONS: The petition of Daniel P. Eels and others, of Cleveland, Ohio, for the passage of an act to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789, to the Committee on the Judiciary.

By Mr. PIERCE: The petition of C. W. Galloupe, to change the name of the yacht Dolly Varden to Clochette, to the Committee on Commerce.

Also, papers relating to the claim of James Thompson, late acting assistant quartermaster, to the Committee on War Claims.

By Mr. ELLIS H. ROBERTS: The petition of soldiers in the late war, for an amendment of the act increasing pensions, to the Committee on Invalid Pensions.

By Mr. SENER: The petition of William McDaniel, jr., for pay as special watchman at the Capitol, to the Committee on Claims.

By Mr. SHERWOOD: The petition of citizens of Toledo, Ohio, for a short-line narrow-gauge railroad from Toledo to Omaha, to the Committee on Railways and Canals.

By Mr. SMALL: Numerous petitions of medical societies and practitioners, in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. THOMAS, of North Carolina: The petition of W. T. Norwood, for payment of cotton claim, to the Committee on War Claims.

By Mr. THORNBURGH: The petition of John C. Nelson, of Roane County, Tennessee, for payment for a horse taken by United States troops, to the Committee on War Claims.

Also, the petition of the trustees of Holston College, Tennessee, to be paid for rent and for fuel and supplies furnished the Federal Army, to the Committee on War Claims.

By Mr. TYNER: The petition of Thomas J. Lindley, late second lieutenant Company G, One hundred and forty-seventh Indiana Volunteers, for relief, to the Committee on Military Affairs.

By Mr. VANCE: Resolutions of the Legislature of North Carolina, asking an appropriation to remove obstructions from the Neuse River, to the Committee on Commerce.

Also, resolutions of the Legislature of North Carolina, asking an appropriation to improve the harbor at Edenton, North Carolina, to the Committee on Commerce.

Also, resolutions of the Legislature of North Carolina, concerning the Freedman's Savings and Trust Company, to the Committee on Freedmen's Affairs.

Also, resolutions of the Legislature of North Carolina concerning the tax collected on spirits of turpentine after the late war, to the Committee on Ways and Means.

Also, the petition of Aaron Buchanan, of Mitchell County, North Carolina, for a pension, to the Committee on Invalid Pensions.

By Mr. WARD, of New Jersey: The petition of the medical profession of Newark, New Jersey, in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. WILSON, of Iowa: The petition of the physicians of Iowa in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

IN SENATE.

MONDAY, *January* 11, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

POWELL'S EXPEDITION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate, concurring,) That the Congressional Printer be, and he is hereby, authorized to print the report of Major Powell's expedition in quarto form.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3893) to correct the date of commission of certain officers of the Army;

A bill (H. R. No. 4213) to provide for compensating the officers of the Government in observing the transit of Venus; and

A bill (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws, and to repeal moieties," approved June 22, 1874.

PETITIONS AND MEMORIALS.

Mr. FERRY, of Michigan, presented a petition of J. F. Joy and others, citizens of Detroit, Michigan, praying the passage of the bill (H. R. No. 3830) to amend section 110 of the act of June 30, 1864, and section 9 of the act of July 13, 1866, imposing taxes upon the circulation of other than national banks; which was referred to the Committee on Finance.

He also presented a petition of citizens of Detroit, Michigan, asking the passage of a law defining a gross of matches; which was referred to the Committee on Finance.

Mr. PRATT presented a petition of citizens of Erie County, Pennsylvania, praying for the passage of the House bill granting pensions to all soldiers of the war of 1812; which was referred to the Committee on Pensions.

He also presented the petition of Robert Anderson, of Idaho Territory, praying the Senate to protect his right in the Oneida Road, Bridge, and Ferry Company, chartered by the Legislature of that Territory, against the infringement made by the treaty made by commissioners of the United States with the Bannock and other tribes of Indians at Fort Hall, on the 7th day of September, 1804; which was referred to the Committee on Indian Affairs.

He also presented an argument of certain attorneys of Saint Louis, Missouri, in favor of amending the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789; which was referred to the Committee on the Judiciary.

Mr. BOUTWELL presented the petition of Colonel A. B. Eddy and General Rufus Saxton, asking for the restoration of their proper rank in the Army; which was referred to the Committee on Military Affairs.

Mr. BOREMAN presented a petition of citizens of West Virginia, praying the establishment of a post-route from Winfield, in Putnam County, to Flat Fork, in Roane County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of James Dix, of West Virginia, praying compensation for services rendered by him in conveying the family of Washington Summers from the town of Buckhannon, Upshur County, West Virginia, to near Staunton, Virginia, under orders of General T. M. Harris, commanding the United States troops at Beverly, West Virginia, in 1862; which was referred to the Committee on Claims.

Mr. HITCHCOCK presented a petition of citizens of Butler County, Nebraska, praying the passage of House bill No. 3281, amending the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and for other purposes," approved July 2, 1864; which was referred to the Committee on Railroads.

Mr. LOGAN presented a petition of citizens of Chicago, Illinois, praying the passage of the bill defining a gross of matches; which was referred to the Committee on Finance.

Mr. LOGAN. I also present the petition of Jearum Atkins, asking a rehearing of his case before the Committee on Claims. I presented a petition of this citizen a few days ago, and the chairman of the Committee on Claims suggested that the newly-discovered evidence on which he desired a rehearing was not set forth in that petition. Hence I have had him draw a new petition setting forth the evidence so as to comply with the rule. I now present this petition, and move its reference to the Committee on Claims.

The motion was agreed to.

Mr. LOGAN presented a petition of soldiers of the late war residing in Biggsville, Henderson County, Illinois, asking for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of Samuel Vancil, of Jackson County, Illinois, asking pay for property taken from him for the use of the Army during the late war; which was referred to the Committee on Claims.

He also presented the petition of certain officers serving in California and Arizona, asking the passage of a bill for the protection of widows and orphans of officers of the Army; which was referred to the Committee on Military Affairs.

Mr. HAMLIN. I present a memorial of Jotham Johnson, a soldier of the war of 1812, aged eighty-seven years, in which he very earnestly asks the favorable consideration of the Senate that the bill from the House be passed granting a pension to all who served in the war of 1812. As that subject is before the Senate, I move that the memorial lie on the table.

The motion was agreed to.

Mr. KELLY. I present concurrent resolutions of the Legislative Assembly of Idaho Territory, in relation to the Portland, Dalles and Salt Lake Railroad. I ask that they be printed and laid on the table, as the bill has already been reported. And in this connection I will say that resolutions of a similar character have been passed by the Legislative Assembly of Washington, and I would also say that in 1872 the Legislature of Oregon instructed the Senators from that State to support a bill of the kind here indicated, and that at the last session in 1874 the Legislature instructed my colleague and myself to use all efforts to have the bill passed and become a law.

Inasmuch as we are instructed to act and the people expect us to do so, I desire that the bill shall be presented at an early day for consideration before the Senate, and I therefore ask that the Senate will allow us to take it up on Friday after the morning business is over; and if it be the pleasure of the Senate not to consider it finally at that time, I shall at least ask the privilege of one hour in presenting it for the consideration of the Senate, and then if it be the pleasure of the body to postpone its further consideration to a subsequent day, I shall make no serious objection. I do this because, as I said, my colleague and myself are instructed, and have been twice instructed, to act in this matter, and I deem it imperative upon me to be somewhat persistent until the Senate shall decide one way or the other. I therefore ask that I may have at least one hour after the morning business on Friday next to take up and present this case.

Mr. CLAYTON. I suppose that it is desirable that the Senate should receive all the information that is available bearing upon the condition of affairs in Louisiana. I introduced a resolution on the 23d of December looking toward the obtaining of certain information in relation to affairs there. I do not believe there is any Senator who will make objection to the procurement of that information. I therefore ask unanimous consent to allow that resolution to be taken up now. If it leads to debate, I will take occasion to allow it to pass over and bring it up at some other time; but I certainly do not see how it can lead to debate unless it is in relation to the phrascology of the resolution; and if that is objectionable, it can be amended.

The VICE-PRESIDENT. The Senator from Arkansas asks unanimous consent to take up a resolution relating to Louisiana.

Mr. DAVIS. Let the resolution be read for information.

Mr. PRATT. I ask the Senator from Arkansas to give way that we may present morning business.

The VICE-PRESIDENT. The reading of the resolution is called for. It will be read.

Mr. CLAYTON. The Senator from Oregon [Mr. KELLY] states that he had not finished his remarks. Of course I yield to him.

Mr. KELLY. I was asking the general consent of the Senate to take one hour after the morning business on Friday to consider the bill to which I have alluded.

The VICE-PRESIDENT. The Senator gives notice that he desires on Friday next to take up a bill and address the Senate upon it. The paper presented by him will be laid on the table and printed.

Mr. CLAYTON. Now I ask unanimous consent to consider the resolution to which I referred.

The VICE-PRESIDENT. The resolution will be read for information.

The Chief Clerk read as follows:

Resolved, That the Secretary of War be requested, if not incompatible with the interests of the public service, to lay before the Senate the official reports and communications of Major Lewis Merrill, United States Army, relating to certain disorders in Louisiana known as the Coushatta troubles.

Mr. MERRIMON. I object to the consideration of that resolution.

The VICE-PRESIDENT. Objection is made.

Mr. CLAYTON. Then I desire to give notice that immediately after the expiration of the morning business, if the morning hour should not be consumed, I will move to take up this resolution.

The VICE-PRESIDENT. Petitions and memorials are still in order.

Mr. SHERMAN presented the petition of J. M. Irwin, praying to be reimbursed for the amount of money paid for two pieces of property purchased by him near Memphis, Tennessee, and sold by the United States authorities for direct taxes; which was referred to the Committee on Military Affairs.

Mr. CONKLING presented the petition of Andrew Caisin, late a private in Company B, First Regiment United States Colored Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Mary Ann Daniel, mother of Major J. T. Daniel, asking an increase of his pension; which was referred to the Committee on Pensions.

Mr. MITCHELL presented the memorial of the Board of Trade of Portland, Oregon, relative to the plans of H. I. Chapman, civil engineer, for the improvement of the Willamette River; which was refered to the Select Committee on Transportation Routes to the Sea-board.

He also presented the petition of B. P. Patterson, postmaster at La Grande, Oregon, praying relief for moneys destroyed by fire April 9, 1874; which was referred to the Committee on Claims.

Mr. JOHNSTON presented a petition of citizens of Charlottesville, Virginia, praying the adoption of specific in place of *ad valorem* duties on wine; which was referred to the Committee on Finance.

Mr. DENNIS presented the petition of A. W. Wagman, H. H. Webb, J. H. Price, and others, being the advisory board on behalf of 3,600 depositors of the Baltimore branch of the Freedman's Saving and Trust Company, praying Congress to grant them such relief as it may deem fit in their loss in that bank; which was referred to the Committee on Finance.

Mr. WRIGHT presented eight memorials of citizens of the counties of Lee, Van Buren, Wapello, Mahaska, Washington, Appanoose, Decatur, and Henry, Iowa, remonstrating against the removal of the United States district court from Keokuk to Burlington, in that State; which were referred to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS.

Mr. WRIGHT. I desire that an order shall be entered allowing W. C. McCool, of Guthrie Centre, Iowa, to withdraw his discharge and other original papers filed with his claim for additional compensation. There has been an adverse report, and the order for the withdrawal can be made on condition of leaving copies as to these papers.

The VICE-PRESIDENT. That order will be made.

REPORTS OF COMMITTEES.

Mr. WRIGHT. The Committee on the Judiciary, to whom was referred the petition of Glover & Mather and others, praying that their claim for compensation for transporting the United States mail from Louisville to New Orleans, on route No. 5102 and way lines, may be restored to the docket of the Court of Claims, have had the same under consideration, and instruct me to report it back and ask to be discharged from its further consideration.

Mr. SARGENT. I do not wish to object to that, but I would like to remark that I have found in my experience, and I presume other Senators have in theirs, that motions for indefinite postponement have been put and carried relating to business of interest to myself, and I presume to others, which we have been compelled afterward to interrupt the proceedings of the Senate to ask shall be reconsidered and placed on the Calendar. It seems to me that the rule should be enforced that before any motion to postpone in the morning hour is taken the business shall be distinctly announced from the Clerk's desk. Then each Senator is put upon his notice.

Mr. WRIGHT. Following what has been my practice always, I stated distinctly what this petition was for and the parties and exactly the action of the committee, so that I supposed every Senator understood the report.

Mr. SARGENT. I have no doubt of the good faith of the Senator, but we cannot hear him always on this side of the Chamber.

The VICE-PRESIDENT. The question is on discharging the committee from the further consideration of the petition.

The motion was agreed to.

Mr. WRIGHT. I am also instructed by the same committee, to whom was referred the bill (S. No. 222) to extend the provisions of the act entitled "An act to provide compensation for the services of James Witherell, Ross Wilkins, and Solomon Sibley, in adjusting titles to land in Michigan," to report adversely thereon, and recommend its indefinite postponement. This bill was introduced by the Senator from Michigan, who is not in his seat, and I suppose it would be better, therefore, to let it go on the Calendar.

Mr. FERRY, of Michigan. In the absence of my colleague I hope the bill will take that direction.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. WRIGHT. I am also instructed by the same committee, to whom was referred the bill (S. No. 646) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, to report it back and recom-

mend its indefinite postponement. The bill was introduced by the Senator from Kansas nearest me, [Mr. INGALLS.] I remind him that the same object has been arrived at by the amendments to the general bankrupt act passed in June last. We recommend the indefinite postponement of the bill.

Mr. INGALLS. The bill may be indefinitely postponed.

The bill was postponed indefinitely.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 933) to provide for the holding of terms of the district court of the United States for the western district of Missouri, at Springfield, in said State, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor, reported it with amendments.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3687) granting a pension to Victoria L. Brewster, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Horace Clough, late of Company D, Sixth New Hampshire Volunteers, praying that he may be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the bill (H. R. No. 1844) for the relief of John Heberer, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. STEVENSON, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1012) for the relief of the district judge of Vermont, reported it without amendment.

BILLS INTRODUCED.

Mr. NORWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1099) for the relief of the Central Railroad and Banking Company of Georgia; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1100) chartering the Forty-first Parallel Railroad Company of the United States of America, from Lake Erie to the Missouri River, and to limit the rates of freight thereon; which was read twice by its title.

Mr. SHERMAN. I desire to say that I introduce this bill by request, and that I am very far from committing myself to any provisions of the bill. I do not know what committee should take charge of it. The Committee on Railroads, probably.

Mr. EDMUNDS. It ought to go to the Committee on Transportation Routes.

Mr. SHERMAN. That was discharged.

Mr. EDMUNDS. It was revived this session.

Mr. SHERMAN. I move that the bill be referred to the Committee on Transportation Routes, and printed.

The motion was agreed to.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1101) to amend the act entitled "An act to incorporate the National Union Insurance Company of Washington," approved February 14, 1865; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1102) to promote the efficiency of the light-house service of the United States; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1103) relating to the approval of bills in the Territory of Utah; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1104) authorizing the issue of patents to mining claims in certain cases; which was read twice by its title, referred to the Committee on Mines and Mining, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1105) to amend an act entitled "An act for the relief of savings institutions having no capital stock and doing business solely for the benefit of depositors," approved June 22, 1874; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1106) to provide for the appointment of a marshal for the district of Alabama; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1107) for the relief of C. H. Frederick, late a lieutenant-colonel in the Ninth Missouri Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1108) to provide for the sale of the Pawnee and Ottoe Indian lands; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1109) making an appropriation for the improvement of the Little Kanawha River, in the State of West Virginia; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1110) for the relief of Andrew J. Duncan, of Nashville, Tennessee; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1111) for the relief of the estate of Thomas Hord, deceased, of Rutherford County, Tennessee; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1112) for the relief of B. P. Patterson, postmaster at La Grande, Oregon; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1113) establishing a post-road in the State of Oregon; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1114) for the relief of Mark W. Delahay; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1115) for the relief of Joseph C. Irvin and William Phillips; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1116) for the relief of John S. Friend; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

THE COUSHATTA TROUBLES.

Mr. CLAYTON. I ask the Senate now to take up the resolution offered by myself on the 23d day of December. It is a resolution simply calling for information. I do not think that any Senator can afford to object to the receipt of this information.

The VICE-PRESIDENT. The Senator from Arkansas moves to take up the resolution submitted by him on the 23d of December.

Mr. DAVIS. I would like to ask the Senator, as I see this gentleman's name is Merrill, if he is the same man who behaved so outrageously in South Carolina, and afterward in Louisiana, by arresting and hand-cuffing civilians, and who is now under arrest by the military on that charge?

Mr. CLAYTON. I will answer the gentleman——

The VICE-PRESIDENT. The question is on taking up the resolution for consideration.

Mr. SHERMAN, (to Mr. CLAYTON.) Let it be taken up first.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas to take up the resolution indicated by him.

The motion was agreed to, and the Senate proceeded to the consideration of the following resolution:

Resolved, That the Secretary of War be requested, if not incompatible with the interests of the public service, to lay before the Senate the official reports and communications of Major Lewis Merrill, United States Army, relating to certain disorders in Louisiana known as the Coushatta troubles.

Mr. CLAYTON. Now, I will say that the person mentioned in this resolution, Major Lewis Merrill, is an officer of the United States Army. I have no knowledge of any improper conduct of his, and if the Senator from West Virginia has any knowledge of it, it seems to me it would be well enough for him to call that fact to the attention of the military authorities, so that the officer may be brought to punishment. All I know about Major Merrill—and I have known him for years, both before the war and since—leads me to believe that he is an honorable man and a true soldier, and one of those soldiers who dare to do their duty even in the face of the volume of vituperation and abuse that is always hurled at every soldier and every officer of this Government who dares to do his duty in the Southern States. I know not what popular rumor may attribute to this officer. If the Senator from West Virginia knows, let him give the source of his knowledge, if he thinks that affects this resolution. I have simply asked for this report. It may weigh just as lightly or heavily on the Senator from West Virginia, when he receives it, as he sees proper. He may discard it as meaning nothing. Other men may think that it means something. I have asked for the report of this officer bearing on alleged outrages in Louisiana. I have had difficulty in getting up the resolution. Every time I have moved to take it up, some one from the other side has objected. Now, I say, let us have this information, and afterward you may give such weight to it as you may see fit. I ask now to amend the resolution by striking out the words "known as the Coushatta troubles," so as to make it more general.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution.

Mr. CLAYTON. I move to strike out the words "known as the Coushatta troubles," so as to call for all the information relating to the disorders in Louisiana that that officer's report may contain.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. DAVIS. The question has not yet been answered whether Major Lewis Merrill, as he is here called, is now under arrest for offenses committed upon inoffensive people in Louisiana. I supposed the Senator would have answered the question, but he has thought best to avoid it.

Mr. CLAYTON. I did not think best to avoid it. I did not understand the Senator to ask whether he was under arrest or not, but whether he was the same Lewis Merrill who had committed some offense in South Carolina, of which he seemed to have some knowledge and of which I have no knowledge. So far as the question of his arrest is concerned, I presume if the Senator goes to the War Department he can ascertain that fact for himself and get an answer to that question if he desires it.

Mr. DAVIS. What is the question?

The VICE-PRESIDENT. On the adoption of the resolution.

Mr. DAVIS. I understand that this is the same Major Merrill, as he is termed, who is now under arrest, if he has not been tried—and I presume he has not been—for committing outrages upon inoffensive people, hand-cuffing citizens, cutting telegraph wires, and sundry other charges in Louisiana. Now, I should like to have this resolution amended, so as to call upon the Secretary of War, not only for Major Merrill's report, but also for General Emory's report upon the conduct of this same individual.

Mr. MERRIMON. I have a substitute for the resolution, which covers the proposition of the Senator from West Virginia.

Mr. DAVIS. I will hear it read.

Mr. MERRIMON. I offer the following as a substitute for the resolution:

That the Secretary of War lay before the Senate the official letters, communications, and reports of General Emory, of the Army, in reference to any suggested disorders in any way connected with the late election in Louisiana.

Mr. CLAYTON. Is that offered as a substitute?

The VICE-PRESIDENT. An amendment in the nature of a substitute.

Mr. WEST. Mr. President——

The VICE-PRESIDENT. The Senator from West Virginia is entitled to the floor.

Mr. DAVIS. I yield for a moment.

Mr. MERRIMON. Major Merrill was a subordinate under the command of General Emory, and at the time he made the report to which the Senator from Arkansas refers he was then acting, or purporting to act, in pursuance of orders issued by General Emory. It was his duty, according to law and the Army Regulations, to make his reports to General Emory, and through General Emory his reports would come to the office of the Secretary of War. For one, I am perfectly willing to have submitted to us all the reports which were made; but I want no garbled reports; I want no partial information; I want all that was done, all the reports that were made, and if the information is communicated to the Senate which is required by my substitute we shall get every report that Major Merrill legitimately made.

Mr. CLAYTON. May I ask the Senator a question?

Mr. MERRIMON. Yes, sir.

Mr. CLAYTON. Do you think that if your substitute is adopted to this resolution, the information I have asked for will be obtained?

Mr. MERRIMON. I do, most assuredly.

Mr. CLAYTON. You say it was the duty of Major Merrill to transmit his reports through General Emory?

Mr. MERRIMON. Yes, sir.

Mr. CLAYTON. And of General Emory to transmit them to the Secretary of War?

Mr. MERRIMON. Yes, sir.

Mr. CLAYTON. If that was his duty, it was not the duty of General Emory to retain copies of those reports; and if you call for the reports of General Emory, you may not get this. We know that if we call upon the Secretary of War for this information, he can get it. Now, if it is the intention of the Senator from North Carolina to suppress by his ingenious substitute the information that I have called for, let the responsibility rest upon him and his friends for the suppression of that information. I am perfectly willing that it shall rest there.

Mr. MERRIMON. So am I.

Mr. CLAYTON. I am prepared to vote here for every resolution properly worded calling for information in relation to the troubled condition of affairs in the South. I want it from every source, from the highest to the lowest, and I will never stand in my place offering any objection in any shape to any information coming from official sources touching on the questions which are now before the Senate and before the country; and if the Senator from North Carolina is willing to take the responsibility of preventing the information asked for being sent here, then let him take it.

Mr. MERRIMON. Mr. President, I do not care to engage in any empty declamation as to what I desire. I have always said in plain words that I am willing to have all the information that the Senate can be put in possession of. I repeat what I said a moment ago, that this official is a subordinate; he acted, if he acted at all, under the orders of General Emory. It is alleged in the newspapers—I do not know whether it is true or false—that he acted in flagrant violation of those orders, and was in contempt of his superior officer. How that fact is I do not know; but all reports that he was authorized by law and the Army Regulations to make were to be made through General Emory, and it was the duty of General Emory to send those reports to the Secretary of War. If, therefore, the Senator shall ask the Secretary of War to furnish General Emory's reports touching these transactions, we shall get all the orders General Emory made and all the reports made by Major Merrill and every other officer to General Emory touching any transaction with which such officers were charged.

I repeat, I do not want a partial report. If Major Merrill's reports come to the Senate, I want them to come along with the orders issued by General Emory, so that we may see what he was charged to do and how he executed his orders; and if General Emory put him under arrest for any contempt of his superior officer, I want to know that fact. I want the whole truth, and I do not suppose that I shall add anything to the prospect of getting it by engaging in any sort of empty declamation about it here.

Mr. WEST. Mr. President, when the Senator from Arkansas offered his resolution prior to the adjournment of Congress for the holiday recess, it was deemed advisable by gentlemen on the other side of the Chamber to have an opportunity to examine the particular text of that resolution and its particular bearing. They have had that opportunity; and now that it is about to be pressed to its passage, a substitute is offered by the Senator from North Carolina, which we scarcely have had an opportunity of hearing or understanding the bearings of or the limits or extent of. It may be that I would cheerfully vote for that substitute resolution, and yet at the same time the Senator knows that if he will let the question be taken on the resolution of the Senator from Arkansas, no one in this Chamber will object to any resolution requiring at the hands of the executive department of the Government full information of all transactions that are occurring or have occurred in the Southern States.

But while we turn our attention to what may be occurring there, we should not be forgetful or unmindful of what is occurring at home. We should not forget that yesterday in the city of Washington a direct recommendation and suggestion was made that the President of the United States should be assassinated. Sir, I should like the Clerk to read from a Washington journal what was said about assassination, and let us see whether the atmosphere of assassination has not extended beyond Louisiana and permeated the halls of the capital.

Mr. THURMAN. Which capital, Don Piatt's Capital or this Capitol? [Laughter.]

Mr. WEST. This capital. We shall hear the Senator from Ohio on the question directly.

The CHIEF CLERK. This article is taken from the Washington Capital of January 10, 1875.

Mr. THURMAN. Piatt's Capital!

The CHIEF CLERK. The article is headed "Assassination."

The humble followers of His Excellency complain that both Grant and Sheridan have received anonymous letters threatening assassination. We can tell these gentlemen that this danger does not come through the post. We fear that it is in the air, and yet more in the hearts of many people. The man who in these trying times spends his wrath in anonymous letters is not to be dreaded, but rather the man who gives no sign in advance of his act.

They should remember that the Government that inaugurates assassination is not in a reasonable condition to complain of violence, and that we have been taught through all ages to regard the death of tyrants as the cause of God. With Charlotte Corday a saint and Brutus a hero in popular estimation, it is not always easy to draw distinctions when deadly passions are aroused. These gentlemen, "all of us," who are urging on oppression and violence should know that the danger is not on one side. It was hoped that Sheridan's infamous conduct would fetch on civil war in Louisiana; it might be that the courted war would break out nearer home, and the men who, sitting safely in their arm-chairs, instigated a civil war, where ignorant negroes and oppressed whites would seize at each other's throats, might find it necessary to protect their own worthless lives in Washington. Of course such a result would be deplorable; but lawless violence is a dangerous game and sometimes ends in the destruction of its instigators.

Mr. WEST. Now, will the Clerk be kind enough also to read an extract from the New York Tribune of Saturday.

The CHIEF CLERK. This is headed "Bayonets and legislation," addressed to the editor of the Tribune:

SIR: Now that Kellogg proposes to decide who shall belong to the Louisiana Legislature, and is backed by the United States Army, might not President Grant better decide who shall belong to the next Congress, and enforce his decisions by five or six regiments of United States troops, commanded by that truthful and just man General Sheridan, and remove all regularly-elected members to make place for the Caseys or Dents? If he insists on fighting it out on this line, some one will play Brutus to his Cæsar without fail, which, by the way, would be a great blessing to the country.

Mr. WEST. Well, Mr. President, if the Senator from Ohio can afford to be facetious on such publications as these, I congratulate him upon his ready humor. Not only in Washington, but in one of the leading journals of the country, in one of the leading journals of the great metropolis of the country, we find a recommendation for assassination, and the assertion that it would be a blessing to this country—published by that journal without one word of condemnation. Where is the atmosphere of assassination now? Is it in the capital of Washington alone? Is it not in the metropolis of your country? Does the Senator from Ohio sanction such publications? I should like him to tell me. He does not reply, Mr. President; but I know he will condemn them. I know he will rise in his seat, perhaps, and say that he denounces such publications and he does not

sanction them in the least. Therefore, knowing what he will do, let it go to the country that one of the foremost Senators in this Chamber, one of the Senators standing high in the estimation of the people of the country, denounces any recommendation of assassination. I know he will. Ah! but when a soldier in Louisiana, as well known for his services to the country as the Senator is known, denounces it, all the world rises in arms against the calumny; the bishops of the Catholic Church, the bishops of the Episcopal Church, and all the clergy denounce the thing! Now, let all the clergy in New York and elsewhere rise and say that the Senator from Ohio has denounced assassination all over the country.

Sir, I do not think that such publications as these should be passed by in silence. I do not think that they should be left to the mere circulation of the record that may be perpetuated through the instrumentality of their publication. Let them go to the country upon the record of Congress. Let it be understood that now again the hideous fiend of assassination that raised its head in this capital ten years ago once more comes to the front; that no laws in this country are to be respected unless they are in the interest of a certain class; that those who execute those laws in sacred compliance with their oaths of office are to be stricken down by the hand of assassination! Sir, I think it proper that this notice should be taken, and I think it proper to have brought the attention of the Senate to it.

Now, with respect to this resolution we can get all that we want, and I should like to give notice to my friends over the way that they are making another military mistake. As for the assertion that this Major Lewis Merrill has so disreputably and so dishonorably behaved, that is a matter of history, and it is before the country with respect to his dealings in South Carolina. But they make a mistake, I think, when they say that he is under arrest for any misconduct. His conduct has been the subject of investigation, but so far as I can learn, although the Senator may be better informed than I am, there has been no reprobation visited upon him, because they have not had an opportunity of hearing his defense. His defense will come in good time. It is in bad taste for Senators to rise here, unless they know the fact, to assert that he is under arrest. I ask any Senator if he does know that that officer is under arrest? I ask the Senator from West Virginia does he know it?

Mr. DAVIS. I am specially addressed as to my knowledge whether or not Major Merrill is under arrest. I do not know the fact. I know the papers have stated it a dozen times. Now, I would ask the Senator does he know that Major Merrill is not? He lives in Louisiana, and ought to know better than I.

Mr. WEST. I ought not to know anything better than the Senator from West Virginia; but he stated that the officer was under arrest, and I asked what was his authority for the statement.

Mr. DAVIS. Do you know that he is not?

Mr. WEST. No, sir; I do not know anything about it.

Mr. DAVIS. Then I take it he is.

Mr. WEST. But I asked did you know; that was the question. So far as I know with respect to Major Merrill's course it has been investigated, but there has been no condemnation yet visited upon him. He may be subject to it—I do not know it; but I submit whether it is exactly candid to state that an officer is under arrest unless the Senator who makes the statement knows that it is so.

Mr. THURMAN. Mr. President, I ask the indulgence of the Senate for a moment. I am of the opinion, although no man is a safe judge in his own case, that the Lord never made me for an actor, and if He did, I must say I am not in the dramatic mood this morning, and therefore not at all disposed to be one of the *dramatis personæ* in the little comedy that the Senator from Louisiana has seen fit to present upon the stage this morning.

The Senator wants to know how I can be facetious when assassination is in the air. Well, sir, I never saw Bombastes Furioso performed that I did not laugh, and I probably never shall; and as to facetiousness, if the "Capital," not this Capitol but the "Capital," which has been read from, shall not be facetious next Sunday when the editor has read and considered the speech of the Senator from Louisiana, then Donn Piatt has lost the wit that he has had the reputation of for thirty years. [Laughter.]

As to the New York Tribune, I never saw the article in it. I do not know whether it is a communication or whether it is an editorial, and I do not care. That paper is able to take care of itself. It does not need my assistance; it does not need my advocacy; and I turn over the Senator from Louisiana to that paper itself. But when the Senator asks here, with gravity, whether there is any Senator in this Chamber who justifies assassination, he simply asks a question that is impertinent and an insult. No Senator has a right to ask any such question, and it is impertinence and an insult to ask it. Sir, this is not a country that favors assassination. Assassinations have taken place under high political excitement, or prompted by fanaticism, in every country in the world; but there never was an assassination in America that the whole people did not condemn; and to attempt to create the idea here that assassination is in the air is about the airiest bubble that ever was found in an empty head. [Laughter in the galleries.]

The VICE-PRESIDENT. Order, order! The galleries are crowded to-day, and the Chair will be under the necessity of enforcing the rules strictly if there be any applause or any disapprobation expressed.

Mr. SCHURZ. Mr. President——

Mr. CLAYTON. Can we not dispose of this question without further debate? I ask the Senator from Missouri to yield.

Mr. SCHURZ. If there is to be no further debate, I have no objection to action on the Senator's resolution.

Mr. CLAYTON. I do not see how there can be.

Mr. SCHURZ. If there is to be further debate, I shall object.

Mr. CLAYTON. Now, let me ask the Senator from North Carolina——

Mr. SCHURZ. It seems to me that the Senator himself——

Mr. CLAYTON. I just want to see if I can have an understanding about the amendment.

Mr. SCHURZ. It seems to me the Senator himself is going to debate the resolution, and therefore I shall have to object.

Mr. CONKLING. What is the unfinished business, may I inquire?

Mr. CLAYTON. I do not propose to debate this resolution. I merely want to say about three words to the Senator from North Carolina, after which I think he and I can agree as to this resolution, and I think there will be no further debate.

Mr. CONKLING. I ask the Senator to allow me to inquire of the Chair what is the unfinished business.

The VICE-PRESIDENT. The Chair will state that there is no unfinished business; but the Senator from Missouri [Mr. SCHURZ] gave notice on Friday that at one o'clock to-day he would call up the resolution which he then offered. The Senator rose for that purpose, and the Chair recognized the Senator.

Mr. CONKLING. I did not know but that there was unfinished business by which at one o'clock this resolution fell.

Mr. SCHURZ. I move that the resolution I offered on Friday last be taken up for consideration.

Mr. CLAYTON. Did I understand the Senator to say that he objected to the disposition of my resolution at this time?

The VICE-PRESIDENT. The Senator from Missouri moves to postpone the pending resolution, and that the Senate proceed to the consideration of the resolution offered by him on Friday last.

Mr. SCHURZ. As far as I know there is no resolution pending at the present moment, there being no unfinished business after the expiration of the morning hour.

The VICE-PRESIDENT. The resolution of the Senator from Arkansas is now before the Senate, being a Senate resolution, and the Senator from Missouri moves to take up his resolution, which would displace the other, and therefore it involves its postponement.

Mr. SHERMAN. I am prepared to vote to give to the Senator from Missouri an opportunity to speak to-day; but in view of the circumstances connected with the proposition of the Senator from Arkansas, I will not under any circumstances whatever vote to postpone his resolution. It seems to me that in the excited state of the public mind these resolutions of inquiry brought here for debate ought to be acted upon in their order. Now I appeal to Senators on the democratic side of the House what objection can there be to passing this resolution in any form in which it may be presented, and then allowing the Senator from Missouri to call up the resolution he offered on Friday and discuss it as he desires? But it seems to me that to make —I was about to say factious opposition to an ordinary resolution of inquiry, offered by one of the majority of this body, which ought to be adopted in the ordinary course without a single moment's delay, is a very improper course of proceeding.

Mr. CLAYTON. It was offered on the 23d of December.

Mr. SHERMAN. It seems to me that while the minority has rights which we ought all to respect, rights of courtesy, constitutional rights, yet the majority ought to have some rights of courtesy and some rights of propriety. Why not allow this resolution to pass? Add to it if you please as an independent proposition the matter offered by the Senator from North Carolina; add to it if you please the amendment which I am told is about to be offered by my colleague, and pass it; but what is the use of laying aside one resolution about Louisiana and then taking up another out of courtesy to one Senator?

Mr. BAYARD. Let it be amended.

Mr. SHERMAN. Very well. We are aware of the excited state of the public mind. We have crowded galleries about us, everybody desiring to listen to the honorable Senator from Missouri, and certainly I desire to hear him and hear him in his own way and on the resolution he has offered; but it seems to me it is the right of one of the majority, who presents a resolution here, to be treated with some little courtesy, and that that resolution, plain and simple in its terms, merely calling for the report of an officer of the Army of the United States, should be adopted at once. Instead of that, all at once the character of this officer is arraigned, as if that made any difference, and the resolution is attempted to be superseded by some other broad drag-net resolution. Why, sir, if the minority have rights, the majority have rights too. It seems to me this resolution offered by the Senator from Arkansas ought to be acted upon, and then we will take up the resolution of the Senator from Missouri and hear with pleasure his remarks. There should be a little courtesy on both sides.

Mr. CLAYTON. That was the very proposition I was about to make to my friend from North Carolina, that if he desires the information he specifies, let him put his as a separate proposition, as an amendment to be added to my resolution, but not as a substitute cutting out my resolution. I will vote for his proposition as a separate amendment, I will vote for any proposition of this kind, and I am sure the majority here will do so. Now, why should we by these

means undertake to suppress information which Senators in this body desire to have?

Mr. DAVIS. The Senator has said he will accept any reasonable amendment.

Mr. CLAYTON. I say I will accept any reasonable amendment calling for information, not in the nature of a substitute.

Mr. DAVIS. So understanding the Senator, not wanting to debate this question, and knowing that the Senator from Missouri is entitled to the floor, I ask the Senator to insert "General Emory" previous to "Merrill," because he is the officer in charge, and then let this resolution pass.

Mr. CLAYTON. I am not going to stand on any question of precedence, though I think that is the order of the day. You can have Major Merrill after, or before, or where you please, so that you do not destroy the effect of my resolution.

The VICE-PRESIDENT. The question is on the postponement.

Mr. DAVIS. According to the suggestion of the Senator, I will ask that the amendment I proposed be read.

Mr. CLAYTON. That is out of order now, I should think.

The VICE-PRESIDENT. The question before the Senate is on the motion of the Senator from Missouri to postpone the pending resolution and take up the resolution introduced by him.

Mr. SCHURZ. If this resolution can be passed within a few minutes I shall not move to postpone it at all, and I hope it can be disposed of.

The VICE-PRESIDENT. The motion to postpone is withdrawn. The Secretary will read the amendment sent to the Chair by the Senator from West Virginia.

The CHIEF CLERK. Before "Major Lewis Merrill" it is to insert "General Emory, of the United States Army, including the sub-report of;" so as to make the resolution read—

That the Secretary of War be requested, if not incompatible with the interests of the public service, to lay before the Senate the official reports and communications of General Emory, of the United States Army, including the sub-report of Major Lewis Merrill, United States Army, relating to certain disorders in Louisiana.

Mr. MORTON. I hope the Senator from Arkansas will not accept the amendment.

Mr. CLAYTON. I cannot accept that, but I will accept the proposition of my friend from North Carolina, if he will offer it simply as an amendment by way of addition.

Mr. MERRIMON. I am very much astonished to hear that my alleged opposition to this resolution seems to be factious. I offered the substitute in good faith. The substitute does not exclude the information the Senator from Arkansas desires.

Mr. CLAYTON. I think it does.

Mr. MERRIMON. No, sir; it not only embraces that, but it embraces a great deal more. The substitute was offered in the utmost good faith; but in order to accommodate the matter, I offered to withdraw what I presented as a substitute and move it as an additional resolution, and let them go both together.

Mr. DAVIS. Now, I understand, my amendment will be in order.

Mr. CONKLING. Let the amendment be reported.

The VICE-PRESIDENT. It will be read.

The CHIEF CLERK. It is proposed to amend the resolution by inserting after the words "communication of" the words "General Emory, of the United States Army, including the sub-report of."

Mr. CONKLING. Is the Senator from West Virginia prepared to tell us that General Emory ever made a report in relation to the particular subject specified in that resolution?

Mr. DAVIS. I understand that there is no particular subject now; that while there was originally, that has been stricken out by the Senator from Arkansas, and it is now just "relating to certain disorders in Louisiana."

Mr. CONKLING. What is the close of the resolution? Will the Secretary be kind enough to read it again?

The SECRETARY. "Relating to certain disorders in Louisiana."

Mr. CONKLING. There is, the Senator from West Virginia will see, in the resolution, by unmistakable words, reference to a particular subject.

Mr. DAVIS. What subject?

Mr. CONKLING. The disturbance upon which Major Merrill made his report. The resolution refers to "certain disorders in Louisiana." As to these certain disorders Major Merrill made a report. Now, unless General Emory has also made a report touching that particular thing, the resolution is turned, I submit to the Senator, I will not say into nonsense, but into a resolution which it would be very difficult for him to explain or define.

Mr. DAVIS. I believe General Emory is commander of that department, or was at that time, and Major Lewis Merrill, as he is termed, was a subordinate in that department; and of course any report from Merrill must come through Emory. There are many other reports of course, but that particular report Emory had, whatever the object of it, and transmitted it, and there are other things connected with it.

Mr. MORTON. I suggest to my friend from West Virginia that, without intending it, his amendment is so framed as probably to exclude the report of Major Merrill sought for by the original resolution. He provides first for calling for the report of General Emory, including the sub-report of Major Merrill. That sub-report refers of course to the same subject upon which General Emory has reported. Now, suppose it turns out that General Emory has made no report in regard to certain important transactions in Louisiana, then the resolution does not call for any sub-report on that subject.

Mr. DAVIS. I would ask the Senator how Major Merrill's report got to the War Department if it did not come through General Emory?

Mr. MORTON. I am not at all interested in explaining that. Let us first adopt the resolution as proposed by the Senator from Arkansas; and if my friend from West Virginia wants to add to that a provision calling for General Emory's report, I will vote for it.

Mr. MERRIMON. I understood the Senator from Arkansas to accept the substitute I offered as an amendment to his resolution.

Mr. CLAYTON. Not as a substitute.

Mr. MERRIMON. But as an amendment by way of addition.

Mr. CONKLING. I regret, Mr. President, that this condition of things has arisen in the Senate this morning. It seems that the Senator from Missouri [Mr. SCHURZ] wishes to address the Senate, and so gave notice last week, although I did not happen to hear it at the time, but I heard it from the Chair this morning. During the morning hour the Senator from Arkansas asked the Senate to take up a very brief resolution which it seems he submitted on the 23d day of December last. That resolution calls for one single known document on file in the War Department, and it is a report or communication made by an officer named.

One would suppose that if any resolution could be thought of which would excite no opposition on either side of the Chamber, it would be a resolution asking that the Senate might have the opportunity to inspect a report a part of the public records of the War Department. Thereupon the Senator from North Carolina proposes to supersede the resolution by interposing one which has no sort of reference to this subject and which is entirely to displace and obliterate the purpose of the Senator from Arkansas. The Senator shakes his head, probably upon the ground that if his amendment had been adopted, included among the many things over which he proposes to spread a drag-net, might eventually, when all this copying has been made, be found this one little report for which the Senator from Arkansas inquired. That may be; but I say again his resolution is destructive of the purpose of the Senator from Arkansas, which is to obtain, and obtain promptly, a copy of a single brief document.

The Senator from North Carolina, upon reflection, has said, and I think he was wise and courteous in that, that he would withhold his proposal and offer it as an independent resolution. Now comes my friend from West Virginia, who proposes to do what? To turn this resolution, I submit to him, into mere derision. I ask him to read the resolution. Originally it called for the report of "Major Lewis Merrill, United States Army, relating to certain disorders in Louisiana known as the Coushatta troubles."

Mr. DAVIS. The Senator will recollect that the Senator from Arkansas——

Mr. CONKLING. If my friend will pardon me one moment, I am aware that these latter words have been stricken, out and I am going to call his attention to that. These words have been dropped as mere surplusage; they mean nothing except to add "namely or to wit, such a thing." Inasmuch as Major Merrill has made this one known report relating to that subject, it is not worth while to describe it, and those words have been dropped, and now that they are dropped the resolution means precisely what it meant before. It calls for a known report made by this officer "relating to certain disorders in Louisiana." Does the Senator think he has made reports touching some other disorders in Louisiana? No such thing is suggested, and therefore my friend will see that with the words dropped the resolution means what it meant before. But what does he propose to import into it? He proposes to interpolate words to make it read "reports made by General Emory and by Major Lewis Merrill relating to certain disorders in Louisiana." If General Emory has made no report touching these particular disorders the resolution cannot be answered, and yet he couples them together. The report of General Emory and the report of Major Merrill must both relate to the same thing, namely, "certain disorders in Louisiana." It will not do that one relates to certain disorders and another to certain other disorders; but they must all relate to the same thing. Now, there are no such two reports. There is one report and one officer who made it.

I appeal to my friend from West Virginia—to whom I have not often appealed in vain in a matter which touches his candor or his courtesy—to allow the resolution of the Senator from Arkansas, who for some reason of his own wants a copy of this report, to pass, and if he wants the report of General Emory and if the Senator from North Carolina wants reports from other officers, let him at any time when he does not interfere with the Senator from Missouri offer his resolution, and I do not think he will have any difficulty in having it adopted and having it answered, unless he should happen, as Senators sometimes do, to make the language of his resolution so broad that it calls for what has been sent to us already, what we have in print, and what will impose an unnecessary labor and expense upon the Departments to copy all over again. If he will offer a resolution calling for something not already in our possession, he will have no difficulty in the case of the Senator from West Virginia or the Senator from North Carolina in getting a hearing for his resolution.

Now, I submit in conclusion—and it was no part of my purpose to detain the Senate even so long—that when Senators on the side of the Chamber on which these two Senators sit are professing an ardent wish that the truth may see the light, that everything may come out touching the troubles in the South, it is rather extraordinary that a Senator who offered a little resolution on the 23d of December should find himself confronted on this day in January when he attempts to get sight at a report known to be lodged in the War Department. I submit to those Senators that they would consult not only courtesy toward a brother Senator but consistency, and allow us, and especially the Senator from Missouri, to proceed, if they would permit a resolution so simple as this to pass, and then in their own time bring forward their own resolutions when they can properly get a hearing for them.

Mr. DAVIS. I cannot see how a report of Major Merrill got to the Secretary of War except through General Emory.

Mr. CONKLING. Allow me to ask my honorable friend a question. Will any Senator explain to me of what possible consequence is any question of etiquette which military martinets might raise whether this officer sent his report through General Emory or whether he mailed it to the Secretary of War, who is the superior of both of them? Does it not suffice for us to know that this report is in the War Department, came it no matter how it did, signed by this man, be he good, bad, or indifferent? There it is; it is supposed to state certain facts which the Senator will have an opportunity to combat; and now he reminds us that some newspaper has said that the etiquette being that it should proceed through General Emory, it did in truth come across lots by a short cut to the War Department!

Mr. DAVIS. Mr. President——

Mr. THURMAN. I hope my friend from West Virginia will see that this is a debate which is doing great injustice to the Senator from Missouri. Nobody is opposed to a resolution calling for this information with other calls made for information which Senators consider to be important. But it is clear enough that there will be talk on every amendment that is offered. I hope, therefore, that the Senator from West Virginia will move to postpone this matter until to-morrow morning, when we can pass the resolution with such amendments as may be proper. I should like to offer an amendment myself to it, but I do not want to say one word that would occupy the time that ought to be occupied by the Senator from Missouri.

Mr. MERRIMON. I changed my substitute to an amendment to the resolution offered by the Senator from Arkansas, and I understood that he was willing to accept it. If he does that, I am ready to take the question.

Mr. THURMAN. If that is the case, let it go.

Mr. CLAYTON. Let the amendment be reported again; I think I shall accept it.

The VICE-PRESIDENT. There is a pending amendment, moved by the Senator from West Virginia.

Mr. THURMAN. Let us hear the amendment of the Senator from North Carolina.

The VICE-PRESIDENT. It will be read.

The CHIEF CLERK. It is proposed to insert at the end of the resolution:

That the Secretary of War lay before the Senate the official letters, communications, and reports of General Emory, of the Army, in reference to any suggested disorders in any way connected with the late election in the State of Louisiana.

Mr. CLAYTON. As that calls for additional information, I accept it with the greatest pleasure, put in the shape of an amendment. I cannot accept it as a substitute, because that would strike out my call.

Mr. DAVIS. If that be accepted, under the persuasive powers of my friend from New York I withdraw my amendment and will let the resolution pass so that the Senator from Missouri may have the floor.

The VICE-PRESIDENT. The Senator from West Virginia withdraws his amendment. The Senator from Arkansas accepts the amendment of the Senator from North Carolina.

Mr. CLAYTON. Let the resolution be read as amended.

The Chief Clerk read as follows:

Resolved, That the Secretary of War be requested, if not incompatible with the interests of the public service, to lay before the Senate the official reports and communications of Major Lewis Merrill, United States Army, relating to certain disorders in Louisiana; and that the Secretary of War lay before the Senate the official letters, communications, and reports of General Emory, of the Army, in reference to any suggested disorders in any way connected with the late election in the State of Louisiana.

Mr. SHERMAN. I should like to add: "unless they have been already communicated to the Senate or the House."

Mr. CONKLING. Let it read: "and not already in the possession of either House of Congress."

Mr. SHERMAN. I think the ordinary words should be added, so as to save the copying of duplicates.

The VICE-PRESIDENT. Does the Senator from North Carolina accept the amendment?

Mr. MERRIMON. I do.

The VICE-PRESIDENT. The Secretary will report the modification.

The CHIEF CLERK. It is proposed to insert at the end of the resolution the words—

Not already communicated to either House of Congress.

Mr. CLAYTON. I want to say, lest I might by some persons be considered as trying to delay the discussion which was about to take place upon another resolution, that I introduced this resolution on the 23d of December; and I have tried, on two or three different occasions, to get it up, but have always been met by objections. I remarked to-day, when I called up the resolution, that I was willing to accept any amendment which would call for additional and proper information, but I was met by the substitute of the Senator from North Carolina, which of course would prevent me from getting the information I sought. Now, since he offers it as an additional amendment calling for additional information, of course I have accepted it with pleasure, as I would have done at first in that shape.

The VICE-PRESIDENT. The question is on the resolution as modified.

The resolution was agreed to.

ADMISSION OF LADIES TO THE FLOOR.

Mr. SCHURZ. Mr. President——

Mr. STEVENSON. Will the Senator from Missouri pause a single moment? I rise to offer a resolution admitting ladies on the floor of the Senate. There are a great many ladies who have come here to hear this debate. It has often been done before, and I ask that the Doorkeeper be instructed to admit ladies on the floor of the Senate in the lobbies behind Senators' seats.

Mr. HAMLIN. What is that?

The VICE-PRESIDENT. The Senator from Kentucky moves that the Doorkeeper be instructed to admit ladies on the floor of the Senate.

Mr. HAMLIN. That, I think, requires the unanimous consent of the Senate. Well, sir, upon a former occasion I had the independence to interpose an objection. I know it is a most ungracious position, but I think it is one that I ought to interpose again, and I do it.

The VICE-PRESIDENT. Objection is made to the motion of the Senator from Kentucky.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3893) to correct the date of commission of certain officers of the Army—to the Committee on Military Affairs;

The bill (H. R. No. 4213) to provide for compensating the officers of the Government in observing the transit of Venus—to the Committee on Appropriations; and

The bill (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws, and to repeal moieties," approved June 22, 1874—to the Committee on Finance.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 381) to create an additional land district in the State of Oregon, to be called the Dalles land district; and

An act (S. No. 650) explanatory of the resolution entitled "A resolution for the relief of settlers upon the absentee Shawnee lands in Kansas," approved April 7, 1869.

Mr. SCHURZ. I now move that the resolution I offered on Friday last be taken up for consideration.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. SCHURZ. Mr. President, I beg the Senate to believe me when I say that I approach this subject in no partisan spirit. About to retire to private station, the success of no party can benefit and the defeat of no party can injure me, except in those interests which I have in common with all American citizens, whose own and whose children's fortunes are bound up in the fortunes of the Republic. I have formed my opinions with deliberation and impartiality, and I shall endeavor to express them in the calmest and most temperate language at my command. The subject is so great that passion or prejudice should certainly have no share in our judgment.

I must confess that the news that came from Louisiana a few days ago has profoundly alarmed me. A thing has happened which never happened in this country before, and which nobody, I trust, ever thought possible.

In the debates of last week it was frequently said that no expression of opinion upon that occurrence would be quite legitimate until an official report setting forth all the details of fact should be before us. I do not quite think so. All the important circumstances of the case have come to our knowledge through a multitude of concurrent statements, among them an elaborate dispatch of General Sheridan, statements from Mr. Kellogg and Mr. Wiltz, and numerous reports in the newspapers of the country, all agreeing upon the essential points. I believe the additional details which still can be furnished will not change the aspect of the case as to its real significance. The facts as they appear are the following:

On the 4th of January the Legislature of Louisiana was to assemble and organize in the State-house of that State. It did so assemble

at the time and in the place fixed by law. The State-house was surrounded by armed forces, among them troops of the United States. The Legislature assembled "without any disturbance of the public peace," in the language of General Sheridan. The clerk of the late house of representatives called it to order; he called the roll of its members according to the list furnished by the returning board fixed by law. A legal quorum answered to their names. While the result was being announced, a motion was made by a member, Mr. Bellew, to appoint L. A. Wiltz temporary speaker. That motion was put and declared carried; not, however, by the clerk of the late house. Mr. Wiltz took possession of the chair; the oath of office was administered to him by Justice Houston, and he then administered the oath to the members returned. A motion was made to appoint a certain gentleman clerk and another sergeant-at-arms of the assembly. The motion was put and declared carried. A resolution was then offered to admit the following persons to seats in the Legislature: Charles Schuyler and John Scales, of De Soto Parish; James Brice, jr., of Bienville Parish; C. C. Dunn, of Grant Parish, and George A. Kelly, of the parish of Winn.

The status of these persons was the following: The returning board of Louisiana had declined to pass judgment upon the elections in the parishes named and expressly referred the claims of the five persons whose names I have mentioned to the Legislature itself for adjudication, thus distinctly recognizing the possibility of their being legally elected members of that Legislature. The question on the resolution to seat them was put and declared carried, thus admitting them to seats subject to further contest. They were sworn in.

A motion was made to proceed to the election of permanent officers. L. A. Wiltz was nominated for the speakership by the conservatives, and M. Hahn and C. W. Lowell by the republicans. Mr. Lowell declined. The motion was declared carried. The roll was called, and 55 votes were cast for Mr. Wiltz as speaker, 2 votes for Mr. Hahn, a legal quorum voting, and 14 members, as is reported, not voting at all. Mr. Wiltz was sworn in, and the roll being called the members were sworn in by him at the speaker's stand, among them 5 republican members, Hahn, Baker, Drury, Murrell, and Thomas, who participated in the proceedings. A permanent clerk and sergeant-at-arms were likewise declared elected upon motion. Mr. Wiltz as speaker then announced the house permanently organized and ready for business. Upon the motion of Mr. Dupre, a committee of seven on elections and returns was appointed.

In the mean time considerable disturbance and confusion had arisen in the lobby which the sergeant-at-arms seemed unable to suppress. Mr. Wiltz, the Speaker, then sent for General De Trobriand, of the United States Army, who some time previous had occupied the State-house with his soldiers, and requested him to speak to the disorderly persons in the lobby that a conflict might be prevented. The general did so, and order was restored. The house proceeded then with its business. The committee on elections and returns reported, and upon their report the following persons were seated as members and sworn in: John A. Quinn, of the parish of Avoyelles; J. J. Horan, A. D. Land, and James R. Vaughan, of the parish of Caddo; J. Jeffries, R. L. Luckett, and G. W. Stafford, of the parish of Rapides; and William H. Schwing, of the parish of Iberia. Then, at three o'clock in the afternoon, General De Trobriand, of the United States Army, entered the legislative hall of Louisiana in full uniform, with his sword by his side, and accompanied by two members of his staff and Mr. Vigers, clerk of the late house of representatives; and he exhibited to the gentleman presiding over the house the following documents:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, January 4.

General DE TROBRIAND, *Commanding:*

An illegal assembly of men having taken possession of the hall of the house of representatives, and the police not being able to dislodge them, I respectfully request that you will immediately clear the hall and State-house of all persons not returned as legal members of the house of representatives by the returning board of the State.

WM. P. KELLOGG,
Governor of the State of Louisiana.

EXECUTIVE DEPARTMENT,
New Orleans, January 4.

General DE TROBRIAND:

The clerk of the house, who has in his possession the roll issued by the secretary of state of legal members of the house of representatives, will point out to you those persons now in the hall of the house of representatives returned by the legal returning board of the State.

WM. P. KELLOGG,
Governor of the State.

When these documents were exhibited to him, the chair refused to allow Mr. Vigers to read them to the house and to call the roll of members, so that those designated in Governor Kellogg's letter might be discovered; whereupon General De Trobriand, of the United States Army, had pointed out to him by one Hugh J. Campbell and one T. C. Anderson the persons holding seats to be ejected; and those persons refusing to go out, a file of United States soldiers was brought into action, who with fixed bayonets stood in that legislative hall, seized the persons pointed out to them, and against their protest ejected them by force from their seats in the Legislature of that State. And who were those persons?

When the Legislature convened—and, I repeat, it convened according to law, at the time and in the place fixed by law, called to order by the very officer designated by law—those persons were claimants for seats on the ground of the votes they had received; some of them presenting claims so strong, on the ground of majorities so large, that even such a returning board as Louisiana had did not dare to decide against them; and when they had been seated in the Legislature, organized as I have described, United States soldiers with fixed bayonets decided the case against them and took them out of the legislative hall by force. When that had been done the conservative members left that hall in a body with a solemn protest. The United States soldiery kept possession of it; and then, under their protection, the republicans organized the Legislature to suit themselves.

This is what happened in the State-house of Louisiana on the 4th day of January.

Sir, there is one thing which every free people living under a constitutional government watches with peculiar jealousy as the most essential safeguard of representative institutions. It is the absolute freedom of legislative bodies from interference on the part of executive power, especially by force. Therefore, in a truly constitutional government, may the proceedings of the Legislature be good or ever so bad, is such interference, especially as concerns the admission of its own members, most emphatically condemned and most carefully guarded against, whether it proceed from a governor or from a president or from a king, under whatever circumstances, on whatever pretexts. And whenever such interference is successfully carried out, it is always, and justly, looked upon as a sure sign of the decline of free institutions.

There is another thing which especially the American people hold sacred as the life element of their republican freedom: It is the right to govern and administer their local affairs independently through the exercise of that self-government which lives and has its being in the organism of the States; and therefore we find in the Constitution of the Republic the power of the National Government to interfere in State affairs most scrupulously limited to certain well-defined cases and the observance of certain strictly-prescribed forms; and if these limitations be arbitrarily disregarded by the national authority, and if such violation be permitted by the Congress of the United States, we shall surely have reason to say that our system of republican government is in danger.

We are by the recent events in Louisiana forced to inquire how the cause of local self-government and of legislative privilege stands in the United States to-day. Before laying their hands upon things so important, so sacred, the authorities should certainly have well assured themselves that they have the clearest, the most obvious, the most unequivocal, the most unquestionable warrant of law. Where, I ask, is that warrant? In the Constitution of the United States we find but one sentence referring to the subject. It says in the fourth section of the fourth article:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.

So far the Constitution. There are two statutes prescribing the mode in which this is to be done, one passed in 1795 and the other in 1807. The former provides that "in case of insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State or of the executive (when the Legislature cannot be convened) to call upon the militia of other States to suppress the insurrection." The statute of 1807 authorizes the President to employ the regular Army and Navy for the same purpose, provided, however, that he "has first observed all the prerequisites of the law."

Had in this case the circumstances so described occurred, and were "all the prerequisites of the law" observed? There had been an insurrection in Louisiana on the 14th of September, 1874, an insurrection against the State government recognized by the President of the United States. That State government had been overthrown by the insurgents. The President, having been called upon by Acting Governor Kellogg, issued his proclamation commanding the insurgents to desist. They did so desist at once, and the Kellogg government was restored without a struggle, and has not been attacked since. The insurrection, as such, was totally ended. On the 4th of January nobody pretends that there was any insurrection. The State of Louisiana was quiet. The State-house was surrounded by the armed forces of Governor Kellogg. Those forces were not resisted; their services were not even called into requisition. There was certainly no demand upon the President for military interference by the Legislature; neither was there by the governor "in case the Legislature could not be convened," for the Legislature did convene without any obstruction at the time and in the place fixed by law, and was called to order by the officer designated by law. And yet, there being neither insurrection nor domestic violence, there being neither a call for military interference upon the President by the Legislature nor by the governor "in case the Legislature could not be convened," there being, therefore, not the faintest shadow of an observance of "all the prerequisites of the law" as defined in the statute, the troops of the United States proceeded, not against an insurrection, not against a body of men committing domestic violence, but against a legislative body sitting in the State-house; and the soldiers of the United States were used to execute an order from the governor determining what

persons should sit in that Legislature as its members and what persons should be ejected. I solemnly ask what provision is there in the Constitution, what law is there on the statute-book furnishing a warrant for such a proceeding?

It is said in extenuation of the interference of the military power of the United States in Louisiana that the persons ejected from that Legislature by the Federal soldiers were not legally-elected members of that body. Suppose that had been so—but that is not the question. The question is where is the constitutional principle, where is the law authorizing United States soldiers, with muskets in their hands, to determine who is a legally-elected member of a State Legislature and who is not?

It is said that the mode of organizing that Legislature was not in accordance with the statutes of the State. Suppose that had been so; but that is not the question. The question is where is the constitutional or legal warrant for the bayonets of the Federal soldiery to interpret the statutes of a State as against the Legislature of that State, and to decide in and for the Legislature a point of parliamentary law?

It is said that the governor requested the aid of United States soldiers to purge the Legislature of members he styled illegal. That may be so; but that is not the question. The question is, where is the law authorizing United States soldiers to do the bidding of a State governor who presumes to decide what members sitting in a Legislature regularly convened at the time and place fixed by law are legally elected members?

It is said the trouble was threatening between contending parties in Louisiana. Suppose that had been so; but that is not the question. The question is, where is the law from which the National Government, in case of threatening trouble in a State, derives its power to invade the legislative body of that State by armed force, and to drag out persons seated there as members, that others may take their places? Where is that law, I ask? You will search the Constitution, you will search the statutes in vain.

I cannot, therefore, escape from the deliberate conviction, a conviction conscientiously formed, that the deed done on the 4th of January in the State-house of the State of Louisiana by the military forces of the United States constitutes a gross and manifest violation of the Constitution and the laws of this Republic. We have an act before us indicating a spirit in our Government which either ignores the Constitution and the laws, or so interprets them that they cease to be the safeguard of the independence of legislation and of the rights and liberties of our people. And that spirit shows itself in a shape more alarming still in the instrument the Executive has chosen to execute his behests.

Sir, no American citizen can have read without profound regret and equally profound apprehension the recent dispatch of General Sheridan to the Secretary of War, in which he suggests that a numerous class of citizens should by the wholesale be outlawed as banditti by a mere proclamation of the President, to be turned over to him as a military chief, to meet at his hands swift justice by the verdict of a military commission. Nobody respects General Sheridan more than I do for the brilliancy of his deeds on the field of battle; the nation has delighted to honor his name. But the same nation would sincerely deplore to see the hero of the ride of Winchester and of the charge at the Five Forks stain that name by an attempt to ride over the laws and the Constitution of the country, and to charge upon the liberties of his fellow-citizens. The policy he has proposed is so appalling, that every American citizen who loves his liberty stands aghast at the mere possibility of such a suggestion being addressed to the President of the United States by a high official of the Government. It is another illustration how great a man may be as a soldier, and how conspicuously unable to understand what civil law and what a constitution mean; how glorious in fighting for you, and how little fit to govern you! And yet General Sheridan is not only kept in Louisiana as the instrument of the Executive will, but after all that has happened encouraged by the emphatic approval of the executive branch of this Government.

I repeat, sir, all these things have alarmed me, and it seems not me alone. In all parts of the country the press is giving voice to the same feeling, and what I learn by private information convinces me that the press is by no means exaggerating the alarm of the people. On all sides you can hear the question asked, "If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and in Ohio? How long before the constitutional rights of all the States and the self-government of all the people may be trampled under foot? How long before a general of the Army may sit in the chair you occupy, sir, to decide contested-election cases for the purpose of manufacturing a majority in the Senate? How long before a soldier may stalk into the national House of Representatives, and, pointing to the Speaker's mace, say, 'Take away that bauble?'"

Mr. President, these fears may appear wild and exaggerated, and perhaps they are; and yet these are the feelings you will hear expressed when the voice of the people penetrates to you. But I ask you, my associates in this body, in all soberness, can you tell me what will be impossible to-morrow if this was possible yesterday? Who is there among us who but three years ago would have expected to be called upon to justify the most gross and unjustifiable usurpation of Judge Durell and the President's enforcement of it as the legitimate and lawful origin of a State government? And who of you, when permitting that to be done, would have expected to see the United States soldiery marched into the hall of a State Legislature to decide its organization? Permit that to-day, and who of you can tell me what we shall be called upon, nay, what we may be forced to permit to-morrow?

You cannot but feel that we have arrived at a crisis in our affairs, and I will not conceal from you that I cannot contemplate that crisis without grave apprehension; for what has happened already makes me look forward with anxiety to what may be still in store for us. We are evidently—and I say it with calmness and deliberation—on the downward slope, and the question is where shall we land. It is not, indeed, the success of any Napoleonic ambitions in this country that I fear, for if such ambitions existed they would still have an American and not a French people to encounter. But what I do see reason to fear if we continue on our course is this: that our time-honored constitutional principles will be gradually obliterated by repeated abuses of power establishing themselves as precedents; that the machinery of administration may become more and more a mere instrument of "ring" rule, a tool to manufacture majorities and to organize plunder; and that finally, in the hollow shell of republican forms, this Government will become the mere foot-ball of rapacious and despotic factions. That, sir, is what I do fear.

Let us see how the drift of things has carried us on in that direction. I must confess I have long considered our policy concerning the South as one fraught with great danger, not only danger to the South but danger to the whole Republic. I have therefore opposed it step by step and warned you of its inevitable consequences. I know full well that southern society has been, and in a measure is, disturbed by violent tendencies and by deplorable, sometimes bloody disorders. I have never denied it, and nobody has more earnestly condemned and denounced those disorders than I. Time and again have I appealed to all patriotic men in the South to use their utmost efforts to secure peace, order, and public safety among their people. Those disorders I would be the last man now to palliate or excuse; but I also believe that they were in a great measure the offspring of circumstances and to be expected.

When the war closed a great revolution had suddenly transformed, among general distress and confusion, the whole organism of southern society. Not only was that system of labor uprooted with which the southern people had for centuries considered their whole productive wealth and prosperity identified, but by the enfranchisement of the colored people, that class of society which had just emerged from slavery, with all its ignorance, (and let me say for that ignorance they were by no means themselves responsible,) was suddenly clothed with political power, and in some States with overruling political power. That power was called into play at a time when, after the sweeping destruction and desolation of the war, the South was most in need of a wise co-operation of all its social forces to heal its wounds and to lift it up from its terrible prostration.

Surely, sir, the justice of the constitutional amendments, designed to secure to the slave his freedom and to enable the colored people to maintain their rights through active participation in the functions of self-government, I shall be the last man to question, for I aided in passing them. Neither is that the legitimate subject of this debate. But as all these tremendous transformations came at a time when the turbulence of armed conflicts had scarcely subsided, when ancient prejudices had not yet cooled, when the bitterness of the war was still fresh, and when the hope of other solutions was still lingering among the southern people, it was most deplorable indeed, but not at all surprising, that great disorders should have occurred. No such changes have ever been made in any free country without such disorders; and it was the business of statesmanship to deal with them. It was a great problem, and perhaps the most critical in the history of this country, for it was to overcome resistance and disturbance by means sufficiently effectual without at the same time developing an arbitrary spirit of power dangerous to our free institutions.

When the constitutional amendments fixing the results of the war and the status of the different classes of society had become assured, there were two methods presenting themselves to you to accomplish that end. One was suggested by the very nature of republican institutions. It was to trust the discovery and the development of the remedies for existing evils, as soon as the nature of circumstances would permit, to that agency upon which, after all, our republican Government must depend for its vitality, namely, the self-government of the people in the States. It was to inspire that local self-government with healthy tendencies by doing all within your power to make the southern people, not only those who had profited by the great revolution in acquiring their freedom, but also those who had suffered from it, reasonably contented in their new situation. Such a policy required an early and complete removal of all those political disabilities which restrained a large and influential number of white people from a direct participation in the government of their local affairs, while the colored people were exercising it. That policy did, indeed, not preclude the vigorous execution of constitutional and just laws; and you will not understand me as thus designating all the laws that were made; but it did preclude the employment of the powers conferred by such laws for purposes of a partisan color calculated to impeach the impartiality of the National Government and thus to in-

jure its moral authority. It did preclude, above all things, every unconstitutional stretch of interference, which by its insidious example is always calculated to encourage and excite a lawless and revolutionary spirit among all classes of society. That policy required that the National Government in all its branches should have sternly discountenanced the adventurers and blood-suckers who preyed upon the southern people, so as not to appear as their ally and protector. It required a conscientious employment of all those moral influences which the National Government had at its command. It was natural, in the distress and confusion which followed the war, that the southern people, white as well as black, should have turned their eyes to the National Government for aid and guidance; and that aid and guidance might have been given, not in impeding and baffling, but in encouraging self-government to fulfill its highest aims and duties. Every Federal office in the South should have been carefully filled with the very wisest and the very best man that could be discovered for it. Nowhere in the vast boundaries of this Republic was the personal character of the Federal officer of higher importance, for being clothed by his very connection with the National Government with extraordinary moral authority, every one of them could without undue interference with local concerns, by the very power of his advice and example, make that moral influence most beneficially felt among all his surroundings.

Sir, I am not sanguine enough to believe that if such a policy had been followed local self-government would at once have made every Southern State a perfect model of peace and order. I know it would not; but it is my solemn conviction that it would have been infinitely more productive of good, it would have been infinitely more effective in gradually developing a satisfactory state of things than all your force laws, all the efforts of Government officers to maintain their party ascendency, all the usurpations and military interferences in the same direction. And above all things, such a policy would have left those principles intact which are the life of constitutional government. It would have spared us such a painful spectacle as that which we are to-day beholding in Louisiana. It would have relieved the American people of the anxious inquiry you hear on all sides to-day, "What is now to become of the character of our republican government?" It was the policy naturally suggested by the teachings of our institutions; it was the true republican, American policy.

But there presented itself to you also another method of dealing with the violent and disorderly tendencies in the South. It was, whenever and wherever a disturbance occurred, to use at once brute force in sufficient strength to repress it; to employ every means to keep in every State your partisans in place, and to trample down all opposition, no matter what stretch of power it might require, no matter what constitutional restriction of authority might have to be broken through. Such a method, if supported by a military force sufficiently strong, may also be made quite effective, for a time at least. Thus you might have brought every malefactor in the South to swift justice. Wherever three of your opponents met, you might have styled them an unlawful combination of banditti, and had the offenders promptly punished. You might have maintained in governmental power in the South whomsoever of your party you liked. You might have made every colored man perfectly safe, not only in the exercise of his franchise but in everything else. You might have struck with terror not only the evil-doers but honest persons also, all over the land. You might have made the National Government so strong that, right or wrong, nobody could resist it.

This is also an effective method to keep peace and order, and it works admirably well as long as it lasts. It is employed with singular success in Russia, and may be in other countries. But, sir, if you by such means had secured the safety of those who were disturbed or considered in danger, would you not, after all, have asked yourselves what has in the mean time become of the liberties and rights of all of us? That method would have been effective for its purpose, but it would have been a cruel stroke of irony after all this to call this still a republic.

I do not mean to insinuate to you, republican Senators, that you wanted to do that. I know you did not. You did not intend to employ such means, and you would have recoiled from such a result. You tried a middle course. You respected the self-government of the States in point of form; but while you and the Executive omitted to use all those moral influences which would have inspired that self-government with the healthy tendencies I spoke of, you did make laws conferring upon the National Government dangerous powers and of very doubtful constitutionality; at least that was my conviction, and I opposed them. The effect was very deplorable in several ways. Look around you and contemplate what followed. Your partisans in the Southern States, and among them the greediest and corruptest of the kind, began to look up to Congress and the National Executive as their natural allies and sworn protectors, bound to sustain them in power under whatever circumstances. Every vagabond in the South calling himself a republican thought himself entitled to aid from you when rushing up to Congress with an outrage story. The colored people began to think that you were bound to aid them in whatever they might do, instead of depending upon a prudent and honest use of their own political rights to establish their own position. The Federal office-holders in the South became more than ever the center of partisan intrigue and trickery. The Caseys and Packards carried off State senators in United States revenue-cutters, and held republican conventions in United States custom-houses, guarded by United States soldiers, to prevent other republican factions from interfering. Nay, more than that, the same Packard, during the last election campaign in Louisiana, being at the same time United States marshal and chairman of Kellogg's campaign committee, managing not only the political campaign but also the movements of the United States dragoons to enforce the laws and to keep his political opponents from "intimidating" his political friends. More than that, in one State after another in the South we saw enterprising politicians start rival legislatures and rival governments, much in the way of Mexican pronunciamentos, calculating on the aid to be obtained from the National Government; the Attorney-General of the United States called upon to make or unmake governors of States by the mere wave of his hand, and the Department of Justice almost appearing like the central bureau for the regulation of State elections. And still more than that, we saw a Feberal judge in Louisiana, by a midnight order, universally recognized as a gross and most unjustifiable usurpation, virtually making a State government and Legislature, and the National Executive with the Army sustaining that usurpation and Congress permitting it to be done.

And now the culminating glory to-day—I do not know whether it will be the culminating glory to-morrow: Federal soldiers with fixed bayonets marching into the legislative hall of a State and invading the Legislature assembled in the place and at the time fixed by law, dragging out of the body by force men universally recognized as claimants for membership, and having been seated; soldiers deciding contested-election cases and organizing a legislative body; the Lieutenant-General suggesting to the President to outlaw by proclamation a numerous class of people by the wholesale that he may try them by drum-head court-martial, and then the Secretary of War informing the Lieutenant-General by telegraph that "all of us," the whole Government, have full confidence in his judgment and wisdom. And after all this the whites of the South gradually driven to look upon the National Government as their implacable and unscrupulous enemy, and the people of the whole country full of alarm and anxiety about the safety of republican institutions and the rights of every man in the land.

Ah, Senators, you did not mean this, I trust; but there it is. Not a single one of these things has happened without exciting in your hearts an emotion of regret and anxiety, and the wish that nothing similar should come again; but you followed step by step, reluctantly, very reluctantly, perhaps, but you followed, and you know not where you may have to go unless now at last you make a stand. You did not mean this. You meant only to protect colored men in their rights, and to this end to keep your friends in power. You did not mean to do it by the Russian method, but from small beginnings something has grown up, something that is of near kin to it. A few steps further and you may have the whole. Senators, if you do not mean to go on, then I say to you it is the highest time to turn back. It will not do to permit such things to be done as we now behold, without rebuke and resistance, for to permit them is to urge them on.

I have heard it said here that he who justifies murders in the South is the accomplice of the murderer. Be it so; but consider also that he who in a place like ours fails to stop, or even justifies a blow at the fundamental laws of the land, makes himself the accomplice of those who strike at the life of the Republic and at the liberties of the people.

Above all things, gentlemen, indulge in no delusions as to the consequences of your doings. Be bold enough to look this great question for one moment squarely in the face. If you really think that the peace and order of society in this country can no longer be maintained through the self-government of the people under the Constitution and the impartial enforcement of constitutional laws; if you really think that this old machinery of free government can no longer be trusted with its most important functions, and that such transgressions on the part of those in power as now pass before us are right and necessary for the public welfare, then, gentlemen, admit that this Government of the people, for the people, and by the people is a miscarriage. Admit that the hundredth anniversary of this Republic must be the confession of its failure, and make up your minds to change the form as well as the nature of our institutions; for to play at republic longer would then be a cruel mockery. But I entreat you, do not delude yourselves and others with the thought that by following the fatal road upon which we now are marching you can still preserve those institutions; for I tell you, and the history of struggling mankind bears me out, where the forms of constitutional government can be violated with impunity, there the spirit of constitutional government will soon be dead. Who does not know that republics will be sometimes the theater of confusion, disturbance, and violent transgressions; more frequently, perhaps, than monarchies governed by strong despotic rule. The citizens of a republic have to pay some price for the great boon of their common liberty. But do we not know, also, or have we despaired of it, that in a republic remedies for such evils can be found in entire consonance with the spirit and form of republican institutions and of constitutional government? Let nobody suspect me of favoring or excusing disorder or violent transgressions; nothing could be further from me. But I have not despaired of the efficiency of our republican institutions. I insist that they do furnish effective remedies for existing evils.

But, sir, pusillanimous indeed and dangerous to republican institutions is that statesmanship which, to repress transgressions and secure the safety of some, can devise only such means as by violating constitutional principles will endanger the liberty of all. You say that it is one of the first duties of the Government to protect the lives, the property, and the rights of the citizen, and so it is; but it is also the first duty of a constitutional government carefully to abstain from employing for that protection such means as will in the end place the lives and property and rights of the citizens at the mercy of arbitrary power. Let a policy forgetting this great obligation be adopted and followed, and free institutions will soon be on the downward road in this country, as they have been before to-day in so many others. Have we read the history of the downfall of republics in vain? It teaches us a most intelligible and a fearful lesson. It is this: usurpers or blunderers in power pretend that the safety and order of society cannot be maintained by measures within the form of constitution and law, and lawyers employ their wit to justify usurpation by quibbling on technicalities or by pleading the necessities of the case. What first appears as an isolated and comparatively harmless fact is by repetition developed into a system, and there is the end of constitutional government.

Let us not close our ears to the teachings of centuries, for if we do a repentance of centuries may be in vain.

I repeat, republican institutions and self-government have remedies to right the wrongs occurring, and if left to their legitimate action, they will prove far more efficient to that end than the arbitrary measures we are now witnessing. What is it, I ask republican Senators, that you desire to accomplish in the South? Being honest patriots, having only the welfare of the people and not selfish partisan advantage at heart, you will desire this: that in the South peace and order should prevail and that every citizen may be protected in his life and property and rights, and that to this end a patriotic and enlightened public sentiment should develop itself strong enough to prevent or repress violence and crime through the ordinary ways of legal self-government; and if this be accomplished, no matter under what partisan auspices it be, then every good citizen, every patriot, will have reason to rejoice.

Look at the condition of the Southern States. I well remember the time, not a great many years ago, when the State of Virginia was said to be in so alarming a condition—and I remember prominent republicans of that State hanging around this body to convince us of it—that in case the conservatives should obtain control of the State government the streets and fields of Virginia would run with blood. So it was predicted of North Carolina, and so of Georgia; and, indeed, I deny it not, there were very lamentable disorders in many of those States during the first years after the war. Now, sir, what was the remedy? You remember what policy was urged with regard to Georgia. It was to prolong the existence of Governor Bullock's legislature for two years beyond its constitutional term, to strengthen the power of that Governor Bullock, that champion plunderer of Georgia, who not long afterward had to run from the clutches of justice; and unless that were done it was loudly predicted upon this floor there would be a carnival of crime and a sea of blood!

Well, sir, it was not done. The people of those States gradually recovered the free exercise of their self-government, and what has been the result? Virginia is to-day as quiet and orderly a State as she ever was, I think fully as quiet and orderly as most other States, and every citizen is securely enjoying his rights. And who will deny that in North Carolina and Georgia an improvement has taken place, standing in most glaring contrast with the fearful predictions made by the advocates of Federal interference? And that most healthy improvement is sustained in those States under and by the self-government of the people thereof. This is a matter of history, unquestioned and unquestionable. And that improvement will proceed further under the same self-government of the people as society becomes more firmly settled in its new conditions and as it is by necessity led to recognize more clearly the dependence of its dearest interests on the maintenance of public order and safety. That is the natural development of things.

It will help the Senator from Indiana [Mr. MORTON] little to say that, with all this, the republican vote has greatly fallen off in Georgia, and that this fact is conclusive proof of a general system of intimidation practiced upon the negroes there. It is scarcely worth while that I should repeat here the unquestionably truthful statement which has been made, that the falling off of the negro vote is in a great measure accounted for by the non-payment of the colored people of the school tax upon which their right to vote depended. I might add that perhaps the same causes which brought forth a considerable falling off in the republican vote in a great many other States, such as Indiana and Massachusetts and New York, produced the same result in Georgia also, and that the same motives which produced a change in the political attitude of whites may have acted also upon the blacks. Is not this possible? Why not? But I ask you, sir, what kind of logic, what statesmanship is it we witness so frequently on this floor, which takes the statistics of population of a State in hand and then proceeds to reason thus: So many colored people, so many white, therefore so many colored votes and so many white votes; and therefore so many republican votes and so many democratic votes; and if an election does not show this exact proposition, it must be necessarily the result of fraud and intimidation and the National Government must interfere. When we have established the rule that election returns must be made or corrected according to the statistics of population, then we may decide elections beforehand by the United States census and last year's Tribune Almanac, and save ourselves the trouble of voting.

Intimidation of voters! I doubt not, sir, there has been much of it, very much. There has been much of it by terrorism, physical and moral, much by the discharge of employés from employment for political cause, but, I apprehend, not all on one side. I shall be the last man on earth to say a word of excuse for the southern ruffian who threatens a negro voter with violence to make him vote the conservative ticket. I know no language too severe to condemn his act. But I cannot forget, and it stands vividly in my recollection, that the only act of terrorism and intimidation I ever happened to witness with my own eyes was the cruel clubbing and stoning of a colored man in North Carolina in 1872 by men of his own race, because he had declared himself in favor of the conservatives; and if the whole story of the South were told it would be discovered that such a practice has by no means been infrequent.

But there was intimidation of another kind.

I cannot forget the spectacle of Marshal Packard, with the dragoons of the United States at the disposition of the chairman of the Kellogg campaign committee at the late election in Louisiana, riding through the State with a full assortment of warrants in his hands, arresting whomsoever he listed. I cannot forget that as to the discharge of laborers from employment for political cause a most seductive and demoralizing example is set by the very highest authority in the land. While we have a law on our statute-book declaring the intimidation of voters by threatened or actual discharge from employment a punishable offense, it is the notorious practice of the Government of the United States to discharge every one of its employés who dares to vote against the administration party; and that is done North and South, East and West, as far as the arm of that Government reaches. I have always condemned the intimidation of voters in every shape, and therefore I have been in favor of a genuine civil-service reform. But while your National Government is the chief intimidator in the land, you must not be surprised if partisans on both sides profit a little from its example.

Nor do I think that the intimidation which deters a colored man from voting with the opposition against the republican party is less detestable or less harmful to the colored men themselves than that which threatens him as a republican. I declare I shall hail the day as a most auspicious one for the colored race in the South, when they cease to stand as a solid mass under the control and discipline of one political organization, thus being arrayed as a race against another race; when they throw off the scandalous leadership of those adventurers who, taking advantage of their ignorance, make them the tools of their rapacity, and thus throw upon them the odium for their misdeeds; when they begin to see the identity of their own true interests with the interests of the white people among whom they have to live; when they begin to understand that they greatly injure those common interests by using the political power they possess for the elevation to office of men, black or white, whose ignorance or unscrupulousness unfits them for responsible trust; when freely, according to the best individual judgment of each man, they divide their votes between the different political parties and when thus giving to each party a chance to obtain their votes, they make it the interest and the natural policy of each party to protect their safety and respect their rights in order to win their votes. I repeat what I once said in another place: not in union is there safety, but in division. Whenever the colored voters shall have become an important element, not only in one, but in both political parties, then both parties under an impulse of self interest will rival in according them the fullest protection. I may speak here of my own peculiar experience, for they may learn a lesson from the history of the adopted citizens of this country. I remember the time when they stood in solid mass on the side of one party, and schemes dangerous to their rights were hatched upon the side of the other. When both parties obtained an important share of their votes, both hoping for more, both became equally their friends. This will be the development in the South, and a most fortunate one for the colored people. It has commenced in the States I have already mentioned, where self-government goes its way unimpeded, and I fervently hope the frantic partisan efforts to prevent it in others will not much longer prevail. I hope this as a sincere and devoted friend of the colored race.

But the Senator from Indiana may say that will bring about a still greater falling-off in the republican vote. Ah, sir, it may; but do you not profess to be sincerely solicitous for the safety and rights of the colored man? Are not some of you even willing to see the most essential principles of constitutional government invaded, to see State governments set up by judicial usurpation, and State Legislatures organized by Federal bayonets only that the colored man may be safe? Gentlemen, you can have that much cheaper if you let the colored man protect himself by the method I advise. The colored people will then be far safer than under a broken Constitution; the peace and order of society will be far more naturally and securely established than under the fitful interference of military force. And that can be accomplished by permitting the self-government of the people to have its course. But the republican vote may thus fall off. That is true. The party may suffer. Indeed it may. But, Senators, I, for my part,

know of no party, whatever its name or fame, so sacred that its selfish advantage should be considered superior to the peace and order of society and good understanding among the people. I do not hesitate to say that I prefer the conservative government of Virginia to the republican government of Louisiana; and, if I mistake not, an overwhelming majority of the American people are of the same opinion.

I ask you what would you have made of Georgia had you forced upon its neck, as seemed to be desired by some, the yoke of the Bullocks and the Foster Blodgets? What would have become of Virginia and North Carolina if a Federal judge, by an act of usurpation like Durell's, had set up republican State governments for them, and the President had enforced the usurpation with the bayonets of the Army? Where now you observe the steady growth of peace and order and a fruitful co-operation of the social elements there would be bloody conflicts of infuriated factions, a society torn to pieces by deadly feuds, a prosperity utterly prostrate. That would have been the result; but then you might have had republican government in those States!

I ask you in all candor, republican Senators, is that what you want? If you do, I am sure the patriotism of the American people is not with you.

O, it is indeed time we should understand that in this Republic we cannot serve the cause of law and order if we in our representative place do not respect the law and if we permit the Government to violate it without hinderance. Every lawless act of those in power, professedly intended to preserve peace and order, will most surely produce to the cause of peace and order its greatest danger. You want all the people of the South, and especially of Louisiana, to become law-abiding citizens; and yet, to make them so, the national authority has imposed upon them a government which is the offspring confessedly of gross judicial usurpation and revolutionary proceedings. How can you expect them to refrain from revolutionary acts after the Government itself has set them this revolutionary example? How can you fill them with reverence for the sanctity of the laws, if you show them that the laws have no sanctity for you?

The people of the South are not a people of murderers and banditti. Only the most morbid fanaticism of partisanship will call them so. There are, I know, bad elements among them, and you blame the better classes of society for not putting down these bad elements by their own efforts. But is not the National Government itself, by resorting to usurpation and unconstitutional proceedings, giving to those bad elements in southern society a strength which otherwise they never would possess, enabling even the ruffian to throw himself into the attitude of a defender of constitutional government against revolutionary usurpation?

You speak of protecting the negro. Woe to the negroes of the South if, after their unscrupulous leaders have done so much already to identify them with organized corruption and rapacity, you now, by employing or sanctioning unconstitutional means for their protection, identify them also with the overthrow of constitutional principles and contempt for the laws of the land! Such measures to protect them will by their very effects put them in the greatest jeopardy. Their most cruel enemies could not inflict on them an injury more cruel than this.

Let me warn you, Senators, that you stand upon dangerous ground; for if such things as have been done in Louisiana are sustained by the republican majority in Congress, and as one evil deed always gives birth to another, if so high-handed a course be continued, you are taking upon yourselves a responsibility the extent of which it is difficult to measure. Do not treat with contempt, I beseech you, what is now going on in the public mind. I hold here in my hand an extract which I clipped from one of the republican papers of the North, and I will read to you its language:

> Unless the republican party is content to be swept out of existence by the storm of indignant protest arising against the wrongs of Louisiana from all portions of the country, it will see that this most shameful outrage is redressed wholly and at once; for if it is right for the Federal soldiery to pack the Legislature of one State in the manner the Attorney-General declares it shall be packed, or if it can be done, it is right and can be done in any other State. It is a matter that concerns Massachusetts, California, and Pennsylvania equally with Louisiana: for it is an act of Federal usurpation which, if not revoked and condemned by Congress, will lead inevitably to the destruction of the whole fabric of our Government.
>
> What adds to the common indignation against the perpetrators of the wrong is the moral heroism exhibited by the disfranchised people of Louisiana, who have borne with sublime patience and peace that which was excuse sufficient for revolution; for the doctrine is as old as wrong itself that usurpation of the people's rights makes revolution not only a privilege, but makes it a duty.

Mr. SARGENT. What paper does the Senator read from?

Mr. SCHURZ. The Philadelphia Inquirer of the 6th of this month.

Mr. SARGENT. A republican paper?

Mr. SCHURZ. It is about as republican as most republican papers are nowadays all over the country. [Laughter.] When such sentiments, appealing directly to the right of revolution, are expressed by loyal republican journals in the North, they are not unlikely to be put forth in stronger language by opposition journals in the South. The growth of such feelings I cannot look upon without grave apprehension, not as to the spirit of justice and freedom which they demonstrate, but as to the dreadful consequences which they might produce if rashly acted upon. And if my voice could reach so far as to be heard by the people of Louisiana, I would say to them, "Take good care not a single moment to permit any impulse of passion to run away with your judgment. Whatever injustice you may have to suffer, let not a hand of yours be lifted, let no provocation of insolent power nor any tempting opportunity seduce you into the least demonstration of violence; for if you do, no human foresight can tell what advantage may be taken of your rashness and in what dangers and disasters it may involve, not only you, but the whole Republic. As your cause is just, trust to its justice, for surely the time cannot be far when every American who truly loves his liberty will recognize the cause of his own rights and liberties in the cause of constitutional government in Louisiana, and that rising spirit, by a peaceful victory, will bury the usurpers under a crushing load of universal condemnation." That I would say to them.

Indeed, Senators, that prediction cannot fail to become true. Do not indulge in vain delusions; do not lay the flattering unction to your souls that the cry of blood and murder or new budgets of atrocities in official reports, such as General Sheridan promises, will divert the public mind from the true question at issue. That cry and such reports begin to fall stale upon the ear of the people; not as if the people had become indifferent as to the wrongs perpetrated in any part of the country upon any class of citizens, but because the people have lost their former confidence in the sincerity and truthfulness of those who parade the bloody stories with the greatest ostentation. And why has that confidence declined? Because too many exaggerations have been discovered in the statements so frequently made, and because in many instances it became somewhat too glaringly apparent that the blood and murder cry was used as convenient partisan stage-thunder merely to catch votes. The people have begun shrewdly to suspect that when some men pretend they must remain in power to protect the lives of the negroes, the cry about murdered negroes must be raised simply to keep them in power.

But there is another and more important reason why this cry will be distrusted now. The people are asking themselves—and well they may—whether the very policy which is followed professedly to prevent such outrages is not in itself well calculated to serve as the cause for more. They look at Virginia, at North Carolina, at Georgia, and they find that the self-government of the people, unobstructed, is gradually but steadily advancing those States in peace, order, good feeling, and prosperity. They look at Louisiana, and find the self-government of the people obstructed and hear of turmoil and conflict. They do not fail to conclude that the forcing of Bullock and Foster Blodgett upon Georgia would have reduced that State to the same unhappy condition which in Louisiana the usurpation of Kellogg has brought forth. Looking, then, at that picture and at this, they begin wisely to make up their minds to the fact that after all the Southern States can now give to themselves better government than Federal interference can impose upon them.

But, still more, the people have begun to understand, and it is indeed high time they should understand, that the means professedly used to prevent and suppress outrages are producing far worse fruit than the outrages themselves; that—and hear what I say—the lawlessness of power is becoming far more dangerous to all than the lawlessness of the mob. Therefore, I think Senators most seriously deceive themselves if they think the blood and murder cry can deceive the people about the nature of the usurpations of power we have now to deal with.

Neither do I think that you can convince an intelligent public opinion that the Kellogg party did carry the State of Louisiana by a *bona fide* vote at the last election, and that the unconstitutional employment of the Federal bayonets was merely to vindicate the true will of the people of Louisiana lawfully expressed at the polls. No intelligent man can have escaped the impression that those who executed the barefaced usurpation of 1872 would not shrink from any device, ever so foul, to preserve the fruits of that usurpation by repeating the game in 1874. It was noticed with general astonishment (and I have to refer to that case once more, for it stands out as one of the most repulsive things in the history of our politics) that a Federal officer, United States Marshal Packard, was permitted to manage the political campaign as the chairman of the Kellogg State central committee and at the same time the operations of United States soldiers in arresting his opponents, a combination of functions so strikingly suspicious, so glaringly unfair, that when I publicly called attention to it even a large number of republican journals protested against it as an outrage upon public decency. It has not been overlooked that when, after the insurrection of the 14th of September, arrangements were attempted in Louisiana to divest the returning board of its suspicious partisan character, the leading members of the Kellogg party most strenuously objected to the admission of an equal number of conservatives and republicans, with one man of unimpeachable character to be chosen by them jointly to act as umpire in the return of the votes, thus insisting for themselves upon the privilege to count the votes as they might choose. It has been well observed that, the returning board having purposely preserved its partisan character when the election showed a considerable conservative majority, manipulated the returns for weeks and weeks, until, by hook or crook, that conservative majority was transformed into a republican one. It has not escaped public attention that the Attorney-General of the United States, with ostentatious publicity, declared his purpose to stand by that returning board whatever it might do, thus encouraging it boldly to go on; and when the thing was done, declared himself for a "heroic policy" to enforce its edicts, and whereupon followed the military interference.

In view of all these things and of other information that has come within my reach, I declare it here as my solemn conviction, that the conservatives of Louisiana did fairly carry the late election by a considerable majority of votes; that they were defrauded by the returning board of the result of that election; and that the soldiers of the United States, when they invaded the Legislature of Louisiana, did not vindicate but trampled under the heels of lawless force the true will of the people, lawfully expressed at the polls. That is my honest conviction, and if common report speaks truly—and I may mention that common report without transgressing parliamentary rules—the members of the congressional committee who were sent down to Louisiana to make investigation, as they are honorable and truthful men—a majority of them republicans but no abject tools of party dictation—will tell Congress and the country, perhaps this very day, as the result of their conscientious investigation, that the conservatives of Louisiana did fairly carry that election; that the returning board did defraud them of its result; and that the will of the people of Louisiana lawfully expressed has been crushed out under the heel of a lawless military invasion. That, gentlemen, the country will hear, and that the American people will believe as the honest truth told by honest men.

No, Senators, do not deceive yourselves; no man will be permitted to obscure the great constitutional question before us with flimsy side issues; for from whatever point of view you may contemplate it, every consideration of law, of moral right, of justice, of public policy, of the common welfare, puts the deed done in Louisiana only into a stronger light as a lawless transgression of arbitrary power pregnant with wrong and disaster. We must face that question, and as we are men with the responsibility of guardians of the Constitution and laws upon us, we must face it boldly. This, it seems to me, if ever, is the time when the patriot should rise above the partisan.

I have heard it whispered that some of the eminent lawyers of this body will still endeavor to find some technical plea by which to show that the intrusion of the soldier in organizing the legislative body of Louisiana was in some way justifiable under the Constitution and laws of this Republic. If it be so, then I appeal to them to consider well what they are attempting to do. Surely I desire no injustice to be done to any man, high or low. If there be a clear justification of such an act, which I have not seen—and I solemnly declare I am not able to see one—let it be brought forward. If there be one, then I shall deplore that the Constitution and laws of this Republic are so defective in their most essential aims as to sanction an exercise of arbitrary power which in no free country on the face of the globe would be admitted a single moment. If there be such a justification, then I shall think it high time to urge such a change of the laws that they may effectually protect the independence of Legislatures and the liberty of the citizen, for otherwise neither will be safe. But, sir, if there be no such justification, clear as sunlight, and palpably springing from the sacred spirit of the law interpreted in the strictest accordance with the time-honored principles of constitutional government, then, gentlemen, let us not have one artfully made by the lawyers' ingenuity of technical construction. What glory will it be to the American jurist to show the highest keenness of wit in defending such an act and in establishing it as a precedent which, through its disastrous consequences, may oblige the American people to shed as much blood and as many tears to restore their free institutions as it had cost to build them up.

I heard the Senator from Wisconsin [Mr. HOWE] exclaim the other day that he was glad not to find in the history of this country any such case as this, and he hoped to see none in the future. Truly, I felt with him; but he will see another one, and more than one, if as a lawyer he tries and succeeds in making this generation believe that this can be rightfully done under the Constitution and the laws of the Republic. Ah, gentlemen, the lawyer's technical ingenuity has not seldom done more harm to free government than even the arbitrary spirit of the soldier, for the latter would frequently have been impotent but for the aid of the former. It may be the lawyer's ambition successfully to defend even the most obvious guilt of his client, but it is the lawyer's highest glory to stand fearlessly before the frowns of power, defending the sanctity of the law and the rights and liberties of his countrymen; and of such are the names that are handed down with imperishable honor from generation to generation. I trust, therefore, we shall have in this debate only the purest and loftiest spirit of that jurisprudence which is nursed among a people proud of their liberties.

Let us above all things be spared such miserable subterfuges as these: That because the speaker of the Legislature invited an officer of the Army to persuade a disorderly crowd in the lobby to remain quiet, he had thereby given him the right or recognized his right to drag from their seats men seated as members in that Legislature; or that, as the insurgents of September had not surrendered all the guns belonging to the State, the insurrection continued, and with it the right of the Federal Army to organize the Legislature of Louisiana! Let not so pitiable a plea be heard when the fundamental principles of constitutional government are in jeopardy. If there be an argument in its defense, let it at least be one on a level with the dignity of the cause.

I have moved that the Judiciary Committee be instructed to report a bill to secure to the people of Louisiana their right of self-government under the Constitution. I hope that motion will prevail. I hope also it will not result in the production of a bill providing for a new election there with General Sheridan, who, with all the brilliancy of his military valor, is so conspicuously unsuited for the delicate task of a conciliatory mission, as supreme ruler of that State; with a Packard as manager at the same time of the political campaign and of the United States dragoons to arrest opponents, and with that returning board to canvass the votes which has given already so much evidence of its unscrupulous skill. Let it not be another mockery to lead to another disgrace. I trust the committee will discover a method to undo the usurpations that have been perpetrated, in full, and to restore their rights and powers to those whom the people of Louisiana by their votes have lawfully designated to wield them. No measure will avail, either to the cause of peace and order or to the safety of our institutions or to the character of the Government, which does not boldly vindicate the constitutional principles of the land, the privileges of legislative bodies, and that self-government of the people without which our republican institutions cannot live.

I have spoken earnestly, sir, for my feelings and convictions on this great subject are strong and sincere. I cannot forget that this Republic, which it has cost so much strife and so much blood to establish and to preserve, stands in the world to prove to struggling mankind that the self-government of the people under wise laws is able to evolve all necessary remedies for existing evils without violating popular liberty or constitutional rights. I cannot forget that, if we fail in solving this vital problem, this Republic will become not a guiding star of liberty, but only another warning example. I cannot close my eyes to the fact that the generation which has grown up to political activity during and since the war, a generation constituting more than one-third of the voting body in the land, soon to constitute the whole, has but too much been accustomed to witness the bold display of arbitrary assumptions of authority, and that habits have grown up threatening to become destructive to all that the patriot holds dear. Knowing this I have for years stood upon this floor raising my voice for the imperilled principles of constitutional government, and endeavoring to warn you and the country of the insidious advance of irresponsible power; and with all the anxiety of an honest heart—and it may be my last opportunity upon this great forum—I cry out to you once more: Turn back, turn back in your dangerous course while it is yet time. In the name of that inheritance of peace and freedom which you desire to leave to your children, in the name of the pride with which the American lifts up his head among the nations of the world, do not trifle with the Constitution of your country, do not put in jeopardy that which is the dearest glory of the American name. Let not the representatives of the people falter and fail in the supreme hour when the liberties of the people are at stake.

Mr. MORTON. Mr. President, it is not my purpose to attempt a general reply to the elaborate and carefully prepared speech to which we have just listened; but I shall content myself with submitting a few observations which I think may be justly offered in reply to that speeeh.

In the first place, I would say in reply to the Senator from Missouri [Mr. SCHURZ] that I am as much in favor of local self-government as he is. I am in favor of "government for the people and by the people," and "by the people" I mean all the people. I believe in the right of the majority to govern and not in the right of the minority to govern; and one difficulty which we now labor under in this country is that in certain States of this Union the colored people are not recognized as being a part of the people. They are not recognized as having political and civil rights; and when certain men talk about local self-government by the people, they mean by the white people. I comprehend as a part of the people white and black—all American citizens; and until this claim is recognized, that the colored people of these States are a part of the people of the United States, entitled to take part in the government, I am sure there will be no peace.

Mr. President, we have heard the President of the United States to-day charged with having been guilty of a gross and manifest violation of the Constitution of the United States on last Monday in the State of Louisiana through the operation of the Army of the United States. That is a grave charge. It ought not to be made unless there is the most satisfactory evidence that it is true. On last Tuesday a resolution was offered in this body calling on the President for all the information, the facts, dispatches, and letters in connection with this affair in Louisiana. That resolution, after a long and somewhat excited debate, was passed on Friday evening. I am assured that the President will respond to that resolution to-morrow, and that he will lay before the Senate and the country all the dispatches and correspondence and the true condition of affairs in Louisiana upon which he and subordinate officers have acted. I regret that the Senator from Missouri could not wait until that information came in, for I apprehend that when it does come the Senator will find himself in the attitude of a juror who has delivered his verdict before he has heard the testimony.

The Senator from Missouri has given his version of the affair in the State-house in New Orleans on last Monday. If there was any observation made by him that indicated that the attempt on the part of Wiltz and others to organize the house was unlawful, was violent, I do not remember what it was. I think all who heard the Senator must have understood from him that the proceedings of Wiltz and the conservative members of that body, and those who came to be

members of it, were regular; that they did nothing in violation of the law. The Senator has certainly made that impression upon the Senate and upon this audience, that what was done was lawful and in pursuance of law. Now, Mr. President, if it shall turn out that what was done was in gross violation of law, in violation of the law of the State; that it was an attempted usurpation; that it was mere violence and mob action—I say if that shall turn out to be the fact, then the principal foundation of the Senator's speech is gone. Now I will have read in the hearing of the Senate the dispatch from General Sheridan, sent on last Saturday, giving the history of that organization, and I call upon the Senate to take notice of the difference between that statement and the statement made by the Senator from Missouri, and to take notice of the omissions, the very important and material omissions, in the statement of the Senator from Missouri. I will further add that I am informed and believe that the statement of General Sheridan comes short of the whole truth, and that there will be evidence submitted by the President, perhaps on to-morrow, making the case still stronger, showing the outrage still more outrageous, the attempted usurpation still more monstrous, than that set forth by General Sheridan. Now I ask to have the statement of General Sheridan read, and I submit that his opportunities of knowing the truth, being upon the ground, are entirely superior to those of the Senator from Missouri.

The Chief Clerk read the dispatch of General Sheridan, as follows:

HEADQUARTERS MILITARY DIVISION OF MISSOURI,
New Orleans, January 8, (received 3 a. m.)

HON. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I have the honor to submit the following brief report of affairs as they occurred here in the organization of the State Legislature on January 4, 1875. I was not in command of this military department until nine o'clock at night on the 4th instant, but I fully indorse and am willing to be held responsible for the acts of the military as conservators of the public peace upon that day.

During the few days I was in the city prior to the 4th of January the general topic of conversation was the scenes of bloodshed that were liable to occur on that day, and I repeatedly heard threats of assassinating the governor and regrets expressed that he was not killed on the 14th of September last; also threats of the assassination of republican members of the house, in order to secure the election of a democratic speaker. I also knew of the kidnaping by the banditti of Mr. Cousinier, one of the members-elect of the Legislature.

In order to preserve the peace and to make the State-house safe for the peaceable assembling of the Legislature, General Emory, upon the requisition of the governor, stationed troops in the vicinity of the building. Owing to these precautions the Legislature assembled in the State-house without any disturbance of the public peace. At twelve o'clock William Vigers, the clerk of the last house of representatives, proceeded to call the roll, as according to law he was empowered to do. One hundred and two legally-returned members answered to their names; of this number fifty-two were republicans, and fifty were democrats.

Before entering the house Mr. L. A. Wiltz had been selected in caucus as the democratic nominee for speaker and Mr. Michael Hahn as the republican nominee. Vigers had not yet finished announcing the result, when one of the members, Mr. Billican, of Lafourche, nominated Mr. L. Wiltz, as temporary speaker. Vigers promptly declared the motion out of order at that time, when some one put the question, and, amid the cheers of the democratic side of the house, Mr. Wiltz dashed on to the platform, pushed aside Mr. Vigers, seized the speaker's chair and gavel, and declared himself speaker.

A protest against this arbitrary and unlawful proceeding was promptly made by the members of the majority, but Wiltz paid no attention to those protests, and, upon a motion from some one on the democratic side of the house, declared one Trezevant nominated and elected clerk of the house. Mr. Trezevant at once sprang forward and occupied the clerk's chair, amid the wildest confusion over the whole house. Wiltz then again, on another nomination from the democratic side of the house, declared one Floord elected sergeant-at-arms, and ordered that a certain number of assistants be appointed. Instantly a large number of men throughout the hall, who had been admitted on various pretexts, such as reporters and members' friends and spectators, turned down the lapels of their coats, upon which were pinned blue-ribbon badges, on which were printed in gold letters the words, "assistant sergeant-at-arms," and the assembly was in the possession of the minority, and the White League of Louisiana had made good its threats of seizing the house, many of the assistant sergeants-at-arms being well known as captains of White-League companies in this city.

Notwithstanding the suddenness of this movement, the leading republican members had not failed to protest again and again against this revolutionary action of the minority, but all to no purpose; and many of the republicans rose and left the house in a body, together with the clerk, Mr. Vigers, who carried with him the original roll of the house as returned by the secretary of state.

The excitement was now very great. The acting speaker directed the sergeant-at-arms to prevent the egress or ingress of members or others, and several exciting scuffles, in which knives and pistols were drawn, took place, and for a few moments it seemed that bloodshed would ensue. At this juncture Mr. Dupre, a democratic member from the parish of Orleans, moved that the military power of the General Government be invoked to preserve the peace, and that a committee be appointed to wait upon General De Trobriand, the commanding officer of the United States troops stationed at the State-house, and request his assistance in clearing the lobby. The motion was adopted. A committee of five, of which Mr. Dupre was made chairman, was sent to wait upon General De Trobriand and soon returned with that officer, who was accompanied by two of his staff officers.

As General De Trobriand walked down to the speaker's desk loud applause burst from the democratic side of the house. General De Trobriand asked the acting speaker if it was not possible for him to preserve order without appealing to him as a United States Army officer. Mr. Wiltz said it was not, whereupon the general proceeded to the lobby, and addressing a few words to the crowd, peace was at once restored. On motion of Mr. Dupre, Mr. Wiltz then, in the name of the General Assembly of the State of Louisiana, thanked General De Trobriand for his interference in behalf of law and order, and the general withdrew.

The republicans had now generally withdrawn from the hall and united in signing a petition to the governor, stating their grievances, and asking his aid, which petition, signed by fifty-two legally-returned members of the house, is in my possession. Immediately, subsequent to the action of Mr. Wiltz in ejecting the clerk of the old house, Mr. Billien moved that two gentlemen from the parish of De Soto, one from Union, one from Bienville, and one from Iberia, who had not been returned by the returning board, be sworn in as members, and they were accordingly sworn in by Mr. Wiltz, and took seats upon the floor as members of the house. A motion was now made that the house proceed with its permanent organization, and accordingly the roll was called by Mr. Trezevant, the acting clerk, and Wiltz was declared elected speaker and Trezevant clerk of the house.

Acting on the protest made by the majority, the governor now requested the commanding general of the department to aid him in restoring order and enable the legally-returned members of the house to proceed with its organization according to law. This request was reasonable and in accordance with law. Remembering vividly the terrible massacres that took place in this city on the assembling of the constitutional convention in 1866 at the Mechanics' Institute, and believing that the lives of the members of the Legislature were or would be endangered in case an organization under the law was attempted, the posse was furnished with the request that care should be taken that no member of the Legislature returned by the returning board should be ejected from the floor.

This military posse performed its duty under directions from the governor of the State, and removed from the floor of the house those persons who had been illegally seated and who had no legal rights to be there, whereupon the democrats arose and left the house, and the remaining members proceeded to effect an organization under the State laws. In all this turmoil, in which bloodshed was imminent, the military posse behaved with great discretion. When Mr. Wiltz, the usurping speaker of the house, called for troops to prevent bloodshed, they were given him. When the governor of the State called for a posse for the same purpose and to enforce the law, it was furnished also. Had this not been done, it is my firm belief that scenes of bloodshed would have ensued.

P. H. SHERIDAN,
Lieutenant-General.

Mr. MORTON. Mr. President, assuming that the statement made by General Sheridan is true, I call attention to the remarkable omissions in the statement of that transaction to which we have listened from the Senator from Missouri. His statement would leave the impression that it was regular and lawful. The statement of General Sheridan shows that it was unlawful, violent, and an attempted usurpation, and had it succeeded would have been an enormous fraud. Whoever undertakes to defend the action of Wiltz and his confederates on that occasion undertakes to defend the perpetration of a fraud the existence of which cannot be denied in the face of this official statement. And I am advised further, and I may say that it will so appear perhaps to-morrow, that while these transactions were going on a prominent member of the conservative party, a manager, a man well known, declared there upon the floor that as soon as the house was organized it was the intention to organize what was called the McEnery senate, and then to inaugurate McEnery as governor, and thus completely to overturn the existing State government of Louisiana. In other words, that this transaction was simply a part of a revolution deliberately planned to overturn on that day the State government of Louisiana. On the 14th of September the State government had been overturned by military power. Some seven or eight thousand men had made an assault upon the lawful police of the State and upon the State government in the streets of New Orleans, and some seventy-five men were murdered and perhaps a larger number were wounded, some of them fatally. The President was called upon by the governor of Louisiana to interfere for the protection of lawful authority. He responded, and I believe men of all parties conceded that he responded lawfully and was bound to respond, and that he properly reinstated the government of Kellogg. He issued his proclamation calling upon the insurgents to break up their organization and to surrender their arms. With this proclamation they had not complied. Their organizations were intact in the city of New Orleans and in the State of Louisiana. That was testified to only three or four days before before this investigating committee; General Ogden swearing before that committee that the White League in the city of New Orleans at that time comprehended some twenty-eight hundred men, to say nothing at all about the organization in the rest of the State. They never surrendered their arms. There they remained, and still remain in the city of New Orleans ready to spring to arms at any moment. They were to aid and to sustain this attempt on last Monday to seize the State government of Louisiana.

Now, I submit, if these things turn out to be so, that this attempt on last Monday was but a continuation of the insurrection of the 14th September; if the President had a right to put that down, he had a right to keep it down. If he had a right to prevent Penn from being inaugurated, then he had a right to prevent an insurrectionary legislature from being established on last Monday. This attempt on the part of the Senator from Missouri to ignore the leading facts must not, it cannot, succeed before the people of this country. When he charges the President with having violated the Constitution, with having committed an impeachable offense, let it be borne in mind that the facts show or will show, as I apprehend, that the President was simply preventing a second overturning of the Kellogg government by force and violence.

Now, a few words in regard to the general condition of the State of Louisiana. The Senator says that we cannot conceal these usurpations by talking about murder and by talking about violence. I tell him in reply that he cannot cover up this murder, this organized conspiracy, by this talk about usurpation on the part of the President of the United States. They may assail General Sheridan. He said in his first dispatch, "there is no security for life in Louisiana." Was that statement true? I believe it was true in letter and in spirit; and that there are armed organizations to-day in the State of Louisiana that make insecure the life of republicans, both white and black.

Let me review, for a very little while, what has been the bloody history of Louisiana. I will go back to 1866. In 1866 a convention attempted to assemble in the Mechanics' Institute in the city of New Orleans simply for the purpose of proposing amendments to the constitution of the State of Louisiana. They were prevented from assembling by force. Some two hundred men were killed and wounded in less than one hour, chiefly by the police of New Orleans, for this offense. Then

in 1868 we reconstructed Louisiana; and what are the facts? The first election was held in May, under the authority of the General Government. It was peaceable; there was no pretense of disorder; all people were protected in the exercise of the right to vote, and the republicans carried that State by about 27,000 majority. I speak now only from general recollection. This was in May. Afterward, in November, a Presidential election was held when the protection was withdrawn; but some two months before that election was held the Ku-Klux commenced their operations in the State of Louisiana. A committee was sent down there the next winter to investigate, and they made their report, and that report shows that within sixty days before the Presidential election in 1868 some two thousand men were killed and wounded in Louisiana for their political opinions. It created a reign of terror, just what they are trying to establish now. The election came on, and at the Presidential election the democratic candidate carried the State by 42,000 majority, making a change of 73,000 votes from May until November. In many parishes General Grant did not even get one vote; in other parishes he got two; in other parishes five; in other parishes ten; but the important fact is that these numerous murders, numbering as reported by the committee something over two thousand killed and wounded, (and they did not get all over the State,) had produced a terror which between May and November made a change of 73,000 votes.

How was it in Georgia in the same time? The Senator from Missouri talked about Georgia. In the month of May or June when the State election was held in Georgia in 1868 under the protection of General Meade the republican party carried the State of Georgia by some ten thousand majority. In November, when that protection was withdrawn and the enemies of the Government had organized, Seymour carried the State over Grant by some thirty-five thousand majority, making the difference of some forty-five thousand votes in Georgia between the month of May or June and November. This was the result of intimidation; the result of violence.

Mr. GORDON. Will the Senator allow me to interrupt him just to ask him one question? I would like him to state what the majority in New York was at the election preceding the late November election, and what the majority of the democrats was at the last election, and then let me know if that was caused by intimidation.

Mr. MORTON. I do not propose now to be diverted from the main course of my remarks. The Senator will have ample opportunity to tell of these things. I am speaking about these enormous changes. It is enough simply to state them to understand that they were in great part the result of violence.

I now come down to 1872, when the election was held for governor in the State of Louisiana. The republican party were notoriously in the majority in the State of Louisiana. They had a majority of some twenty thousand. I believe it cannot be successfully disputed that Louisiana was overwhelmingly republican; and Louisiana would have elected the republican ticket if the most monstrous frauds and intimidation had not been practiced. We know what the machinery was. We know what the bargain was. We know that the attempt was made to carry Louisiana for the democratic ticket by a monstrous and elaborate fraud. Those who insist that McEnery was elected insist upon a fraud that overcame twenty thousand majority. Those who clamor that Kellogg does not represent the majority of the people of Louisiana must do it in the face of the most notorious fact that Louisiana was overwhelmingly republican. Without going into the particulars of that election it is enough to say that the day Kellogg was inaugurated he represented a majority of not less than twenty thousand voters of the State of Louisiana; and if McEnery had been forced as governor upon the people of Louisiana he would have represented a minority certainly of twenty thousand voters, and he would have been governor by the operation of the most notorious and the most shameless frauds. Therefore, those who insist on McEnery insist upon the most monstrous election fraud that has been attempted in modern times.

Now, Mr. President, to come on down a little further, the reign of violence did not terminate; it still went on. What took place at Colfax, in Grant Parish, in 1873, now a little over a year ago? A massacre of negroes took place, unprovoked, not justified by a single circumstance, in which there were from eighty to one hundred colored men murdered in cold blood. The man that commanded and that led that massacre had McEnery's commission in his pocket. The White League existed in substance, though it may not have been called the White League at that time. Take those murders that shocked the civilized world and made the cheek of mankind turn pale; no man has been punished; and there have been continued murders. In the murder at Coushatta last summer a more cold-blooded and atrocious slaughter never took place, where republican officers were compelled to resign their offices, who had been elected in a parish overwhelmingly republican. White men, men of property and substance, who had gone there to live, who were improving the country, were called upon to resign to save their lives, and they did so. Then they were promised safe conduct out of the country. They were compelled to go into exile, but they were ruthlessly butchered after they had left the little town only a few miles. This was defended and justified by many of the newspapers of that State, and no man has been punished, and no man can be punished.

And now to come down to the 14th of September. That same military organization existing there that exists now, prepared to do the same deeds, having the same purpose in view, organized and appeared in force upon the streets of New Orleans, committed nearly one hundred murders, attempted many more, and actually overthrew the State government of Louisiana. There the murderers are to-day. There they were on last Monday surrounding that State-house, prepared to renew those deeds of violence and to carry out that carefully-concocted scheme of overturning the State government of Louisiana that was so ingeniously commenced in the State-house, of which General Sheridan has given a description.

And shall all these things be ignored? Shall we be told that we are talking about the "outrage business" when we mention these things? Here was a system to carry an election by fraud and by blood, to seize the State of Louisiana from the republican party not by legitimate methods of electioneering but by murder, by the instrumentality of man-killing; not by publishing documents, by making speeches, and seeking to convert men, but by the argument of the shot-gun, the revolver, and the bowie-knife. Sir, that system of electioneering is much cheaper than the other one. It does not cost as much as mass-meetings. It does not cost $200 a speech; it does not cost for printing public documents and for those expenses that are common to parties. No, sir, it is cheaper; and when a man is taken from the republican party by the shot-gun, he never returns to it; when he is once converted by the pistol and the bowie-knife, he never comes back to the party again. It is a most cheap and effective method of changing the politics of a State.

And the same thing exists in other States. Only a few weeks ago a terrible massacre took place at Vicksburgh. I know a hundred lies have been published to excuse that slaughter, but they are all contemptible in their character. I put them aside with abhorrence and contempt. It was a cold-blooded, deliberate slaughter of nearly one hundred men who had committed no offense and were proposing to commit no offense; and when the word was given by the telegraph in Louisiana that the slaughter was going on in Vicksburgh some five hundred of the white-leaguers got on a steamboat and went up to Vicksburgh and offered their service. They wanted to take part in the sport of killing these negroes. Unfortunately the fun was over when they got there, but they avowed their readiness to respond upon any future occasion, and they were thanked by the white-leaguers of Vicksburgh for their presence and for their good intentions. Yet the Senator did not mention that. He spoke about murder and violence with a few glittering generalities, and all those things were passed by. Has it come to this, fellow-citizens, that a party is to be exterminated in a number of States of this Union by bloodshed and by murder? That is the policy, disguise it as you will. Talk about General Grant, and talk about the republican party, and talk about carpet-baggers, and sneer at them as adventurers, the plain and sober truth is, and it cannot be disguised, that there is a policy existing in a number of States to destroy the power of the republican party by means of terror, that terror to be created by murder. Justify it who can. I do not envy the head or the heart that can laugh and can jeer over these things. I think the crime of murder the highest of all crimes, comprehending all crimes; that the man who will commit murder will for his protection or justification commit perjury, forgery, arson, or any other subordinate crime.

The republican party is solemnly warned that they must not go on in this way. I shall not defend the conduct of all men in the Southern States. There may have been wrongs committed; I doubt not that there were. They are not all on one side. Where you find a fraud committed you will find men on all sides in politics participating in it; and this talk about carpet-baggers, how shameful and how cruel that has been! How brutal that talk has been! Who are these carpet-baggers, the most of them? The most of them are soldiers who bore the flag of their country in triumph during the late rebellion; and after the war was over, pleased with the South and believing there were openings there for them and fine prospects for wealth, remained there or went back there to live. They have been received as enemies. The attempt is made to destroy the character of every one of them. You cannot point to a northern man who has gone down there who has gone into politics who has not been assailed. Every attempt has been made to assail his character and to destroy his reputation. Sometimes these charges are true; but they are not often true. They are much oftener false than they are true, and yet we listen to them, we give credence to them oftentimes ourselves. And then what principle is involved?

Why, Mr. President, has not a northern man the right to go to Louisiana and hold office if the people choose to elect him? Is that a crime? Do they not go from the East to the Western States and become candidates for office, and become governors and members of Congress? Any man can go to the State of Indiana, and if his talents and his character will induce the people of that State to elect him to office, there is no political enemy to stand up there and talk about his being a carpet-bagger. There is no man who denies his right, because he was born in Massachusetts or in South Carolina, to go to Indiana or any Northern State and hold office; and yet the fact that northern men hold office in the South is put forward as a crime; they are denounced as adventurers and carpet-baggers. Many of these men have remained there with their lives in their hands, submitted to every species of contumely and disgrace, driven from society, driven from business, open compacts and leagues made not to trade with them, not to do business with them, and resort to all the machinery of busi-

ness and society to drive them out. A man is talked about as an intruder because he went there from Indiana or from some other Northern State. Thank God, Louisiana is a part of my country, and the people from Indiana have as much right to go there as to any Northern State, and if they can obtain the confidence of the negroes or of the white men, or of a majority of the voters in any county or counties, to be elected to office, it is their right. Men come from abroad, from Germany; they locate in the different States; we acknowledge there right to hold office where they have the ability and where they can acquire the confidence of the people. How then shall it be said that those who go from the North to the South, and whom the people of those States choose to put into office, are carpet-baggers, adventurers, and public enemies?

Sir, we owe to these carpet-baggers the reconstruction of the South. When reconstruction was proposed, every attempt was made to prevent white men in the South from taking a part in it. They were denounced as scalawags. The most eminent southern man who would take a part in the reconstruction of the Southern States was at once driven from society, treated as a public enemy, everything done to destroy his character and to destroy his influence; and when northern men who went there to live, soldiers who had remained there after many hard-fought fields, the colored men being unacquainted with politics, and the southern white republicans many of them poor and heretofore not engaged in politics, naturally put those men forward. It was a sort of political necessity, and instead of being condemned, they should be protected and defended. Shall I be told that every man who holds an office in the South, having gone there from the North, is to be regarded simply as an office-seeker? Why not make that charge against the men who carpet-bag from the East to the West, from the North to the South, from the old countries to the New World? Why not make the charge against them that they have gone simply for office. I make no such charge. I recognize the rights of all men, but I take this occasion to denounce that gross, that inhuman, and that brutal cry that has been raised against the so-called carpet-baggers of the South.

We have been told that it is important to the colored vote to divide. I have no objection to that. Let the colored men divide their votes; it is their right to do it; and they will divide their votes when the time comes, if the democratic party can satisfy them that they are their friends. But it is most unnatural now that they should vote the democratic ticket. They remember that these democrats formerly owned them as slaves. They remember that the war was made to perpetuate slavery. They remember that these same men resisted their enfranchisement, resisted clothing them with civil and political rights; and they know full well, or they think they know it, and I think they do know it, that if these very men had the power they would to-morrow put them back, if not into a condition of slavery, into a condition of vassalage that is the very next door to slavery and perhaps quite as bad. Are we, therefore, to blame that the colored men do not vote the democratic ticket? When they become satisfied that the democratic party are their friends many of them will vote the democratic ticket, and rightfully; but now the attempt is made to compel them to vote that ticket by violence, and to murder them because they do not vote that ticket. Because they will not put aside the men who made them free, who have given them protection at every step since 1861, and take to their political embraces the men who have constantly been their enemies and who would enslave them to-morrow if they had the power, they are considered worthy of death!

Now, Mr. President, I am glad the issue has come. There is no blinking it. On this floor we hear scarce any condemnation on the part of one side of the Chamber of these slaughters and of these murders. On the contrary, they are rather excused by saying that the southern people have had great provocation, they have been robbed, and they have been plundered! Let the issue come. It is right here. I say there will be no peace until there is security for life and property. As long as it is considered proper, and genteel, and the thing to murder men in the South because they are black and white republicans, so long, so far as I am concerned, I have no compromise to make with those men. Whenever they lay down their arms, whenever it shall become safe, and honorable, and comfortable for men to go from the North to the Southern States and there profess to be republicans, proclaim their faith upon the house-tops, and hold public meetings, then there will be peace and there will be harmony; but until that time comes there can be no peace. We, as republicans of the North, cannot tamely submit to that state of things at the South. We would be wanting in self-respect if we did that. We must, therefore, to assert our own rights, continue to vindicate the rights of republicans in the Southern States to the enjoyment of all privileges, civil and political, that belong to other men.

The Senator from Missouri said that a certain committee that had been in the South was about to make a report. I do not know anything about that. He went on to foreshadow the character of that report. I do not know whether he is well-informed or not, and I do not care. There is a vast body of information coming from the South, for months and for years past, upon which we can form and make up our opinions in regard to a great many things; and one thing I want to say is that no charges of fraud in election, no charges against the carpet-baggers, no charges against adventurers, will enable them to cover up the bloody tracks of the white-leaguers of Louisiana and of other States. The President of the United States was called upon on the 14th of September to reinstate a Government overturned by murder and violence. That purpose was continued; it was in full force on last Monday. All the machinery was in operation to again overturn that State government. The President has never withdrawn his protection from Louisiana. There has been no time when he could do it. Those men have never dissolved their organizations, they have never surrendered their arms, but they have been there in force and armed, and they are there to-day. What they want is to be "let alone," and then they will take possession of Louisiana, and they will take possession of Mississippi in the same way, and they will take possession of Florida in the same way, and they will take possession of South Carolina in the same way; and thus they intend to secure a solid democratic South, where it can only be done by the instrumentality employed in Louisiana; and it is to be accomplished in the same way. I do not charge all the people of Louisiana, or the white people of the South, or all the democrats, with being a party to these things. I am glad to believe there is a vast body of democrats who do not approve of them; but what I mourn over is their silence. They dare not assert themselves. The white-leaguers are in the ascendency, and they control all things, and those in the democratic party who disapprove these things are compelled to be as silent as the republicans themselves. O, if the democrats North and South would rise up and condemn these things they could shame these white-leaguers into silence, perhaps into dissolution; but as long as they control the politics of the South, as long as they are the controlling power down there, so long must we treat them as the controlling element, and so long must we deal with them.

Mr. President, all that we ask on behalf of the South and of every other State is fair play, security for life, security for liberty, the enjoyment of equal rights. We ask that, and we will be content with nothing less. We shall not be put off by these general assaults upon the Administration. We shall not be put off by these howlings against carpet-baggers. "Blood is thicker than water," and protection to the lives of men is the highest political consideration for government. The highest duty of any government, in this or any other country, is to protect the lives of the people; and wherever government fails to do that, it comes short of discharging its highest functions. Shall it be said that an American citizen is safe on the coast of Africa, in Asia, or all over Europe; that the wanton murder of half a dozen Americans in the city of London, when the murderers go unpunished, would be cause of war with the empire of England; and yet, at the same time, that the only place where American citizens are not safe is upon American soil; that the only place where they can be murdered with impunity, by the score and by the hundred, is at home; that the American flag is protection to American citizens all the world over except in the United States of America? That is the condition of things now. I would have it changed, and I would have the Government of the United States protect the lives and the liberties of the people in every State in this Union where the State government is unable to do it or fails to do it. That is the highest function of the Government of the United States. I believe we are a nation divided into States for local and domestic purposes; that the States have their rights, sacred and unapproachable. I will guard the States as vigilantly as any man in the enjoyment of all their rights; but it is the supreme function of the Government of the United States to protect the people in the equal enjoyment of the law, to protect them in their rights and in their liberties where the governments of the States are unable or unwilling to do so.

Mr. HOWE. Mr. President——

Mr. LOGAN. I am sure that if the Senator from Wisconsin intends to discuss this question with any elaboration whatever, there is no time for it this evening at this late hour; and therefore with his permission so as to give him the floor after the morning hour to-morrow, I move that the Senate now proceed to the consideration of executive business.

Mr. GORDON. Before that motion is put, if the Senator will allow me a word, I will not occupy by the clock more than ten minutes, and if the Senate will indulge me that far, unless the Senator from Wisconsin prefers to go on this afternoon, I want to make a very few remarks in reply to some things that have been said by the Senator from Indiana.

Mr. HOWE. I am asked to yield to the Senator from Illinois to move an executive session. My purpose was to address the Senate in the course of this debate, and to follow the Senator from Missouri; but it suited the Senator from Indiana to speak this afternoon, and of course I gave way to him.

Mr. SHERMAN. I trust that before we adjourn, at whatever hour, we shall have an executive session to-day.

Mr. HOWE. I shall yield of course to the Senator from Illinois to move an executive session.

Mr. LOGAN. There are many Senators around me who desire an executive session for the purpose of facilitating business, and I hope we shall have it.

The VICE-PRESIDENT. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened; and (at four o'clock and twenty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 11, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at seventeen minutes after twelve o'clock.

LIGHT STATIONS ON THE NUBBLE.

Mr. BURLEIGH introduced a joint resolution (H. R. No. 136) relative to the establishment of a light-house on the Nubble, in York, York County, Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN K. SULLIVAN.

Mr. PARKER, of New Hampshire, introduced a bill (H. R. No. 4225) for the relief of John K. Sullivan, late second lieutenant in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JUDICIAL COURTS OF THE UNITED STATES.

Mr. STARKWEATHER introduced a bill (H. R. No. 4226) to amend the fourteenth section of the act to establish judicial courts of the United States, approved September 4, 1789; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALARIES OF JUDGES.

Mr. KELLOGG introduced a bill (H. R. No. 4227) regulating the salaries of judges of the Court of Claims; which was read a first and second time.

Mr. BECK. I ask that that bill may be read at length.

The bill was read at length.

Mr. KELLOGG. I desire the bill to be referred to the Committee on Civil-Service Reform.

Mr. BUTLER, of Massachusetts. I think it is a bill which should go to the Committee on the Judiciary.

The SPEAKER. It has regard to civil-service reform.

Mr. KELLOGG. Under a standing order of the House this bill would properly go to the Committee on Civil-Service Reform. The Judiciary Committee have as much to do as they can attend to. Some salary bills went to that committee on the motion of the gentleman from Massachusetts himself, but came back to the House and were referred to our committee. The gentleman is on both committees and I am not.

Mr. BUTLER, of Massachusetts. All right.

The bill was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

NATIONAL BANKS.

Mr. KELLOGG also introduced a bill (H. R. No. 4228) in alteration of the act entitled "An act to require national banks to restore their capital when impaired, and to amend the national currency act;" which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

STEAMERS PHILO PARSONS AND ISLAND QUEEN.

Mr. DUELL introduced a bill (H. R. No. 4229) relative to the steamers Philo Parsons and Island Queen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CALEB LYON.

Mr. SCUDDER, of New York, introduced a bill (H. R. No. 4230) for the relief of Caleb Lyon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD M'DONALD REYNOLDS.

Mr. SCUDDER, of New York, also introduced a bill (H. R. No. 4231) to restore Edward McDonald Reynolds to the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ADDITIONAL JUDGE IN SECOND CIRCUIT.

Mr. SCUDDER, of New York, also introduced a bill (H. R. No. 4232) providing for the appointment of an additional circuit judge in the second judicial circuit; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ENOCH WILLIAMS.

Mr. HOSKINS introduced a bill (H. R. No. 4233) granting a pension to Enoch Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUND OF TAXES.

Mr. ELLIS H. ROBERTS introduced a bill (H. R. No. 4234) to refund to certain savings banks and institutions for savings taxes collected from them upon their surplus earnings; which was read a first and second time.

Mr. ELDREDGE. I ask for the reading of that bill.

The bill was read at length; and was referred to the Committee on Ways and Means, and ordered to be printed.

O. B. LATHAM AND O. S. LATHAM.

Mr. MACDOUGALL introduced a bill (H. R. No. 4235) for the relief of Obadiah B. Latham and Oliver S. Latham, of Seneca Falls, New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TUNNELS UNDER EAST RIVER AND HUDSON RIVER.

Mr. SCUDDER, of New Jersey, introduced a bill (H. R. No. 4236) authorizing the construction of a tunnel or tunnels upon the bed or beneath the bed of the East River, in the State of New York, between the cities of New York and Brooklyn, and upon the bed or beneath the bed of the Hudson River, between the cities of New York and Jersey City, in the State of New Jersey; which was read a first and second time.

Mr. BUTLER, of Massachusetts, and Mr. BECK asked that the bill be read.

The bill was read at length; and was referred to the Committee on Commerce, and ordered to be printed.

ANDREW J. DUNCAN.

Mr. NEGLEY introduced a bill (H. R. No. 4237) for the relief of Andrew J. Duncan, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUITS FOR INTERNAL-REVENUE TAXES.

Mr. TODD introduced a bill (H. R. No. 4238) to extend so much of section 4 of the act of June 6, 1872, as relates to the limit of time for bringing suits, &c., for the recovery of internal-revenue taxes erroneously assessed and collected one year from the passage of the act; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SUB-MARINE GUNS.

Mr. ARCHER introduced a bill (H. R. No. 4239) to provide for the manufacture of sub-marine guns, the invention of Admiral Porter; which was read a first and second time.

Mr. ELDREDGE. Let us have that bill reported.

The bill was read, referred to the Committee on Naval Affairs, and ordered to be printed.

BARBARA CHENOWETH.

Mr. ARCHER also introduced a bill (H. R. No. 4240) for the relief of Barbara Chenoweth; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

UNITED STATES MAIL SERVICE MUTUAL BENEFIT ASSOCIATION.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 4241) incorporating the United States Mail Service Mutual Benefit Association, with Austin B. Hall as president; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SOLDIERS OF THE WAR WITH MEXICO.

Mr. VANCE presented joint resolutions of the Legislature of the State of North Carolina, concerning the surviving soldiers of the war with Mexico; which were read, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEW RIVER CANAL COMPANY, NORTH CAROLINA.

Mr. VANCE also presented joint resolutions of the Legislature of the State of North Carolina, concerning the memorial of the Chamber of Commerce of the city of Wilmington, North Carolina, in relation to the New River Canal Company; which were read, referred to the Committee on Commerce, and ordered to be printed.

CLERK OF UNITED STATES DISTRICT COURT AT GREENVILLE.

Mr. WALLACE introduced a bill (H. R. No. 4242) to provide for filling the office of clerk of the district court of the United States at Greenville, South Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREEDMAN'S SAVINGS-BANK.

Mr. RANSIER presented joint resolutions of the Legislature of South Carolina, asking for an appropriation to meet losses incurred by depositors in the Freedman's Savings-Bank; which were read, referred to the Committee on Banking and Currency, and ordered to be printed.

GOVERNMENT ARMS AND ORDNANCE STORES.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 4243) to preserve the right of possession by the General Government in all arms and ordnance stores hereafter issued by the General Government to the States and Territories; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONNASAUGA AND COOSAWATTEE RIVERS, GEORGIA.

Mr. YOUNG, of Georgia, also introduced a bill (H. R. No. 4244) to appropriate the sum of $12,000 for the improvement of the Connasauga and Coosawattee Rivers, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PAYMENT FOR COTTON SEIZED BY THE GOVERNMENT.

Mr. COOK introduced a bill (H. R. No. 4245) authorizing payment for all cotton seized after the 29th of May, 1865; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JAMES J. WARING.

Mr. WHITELEY (at the request of Mr. SLOAN, absent on account of sickness) introduced a bill (H. R. No. 4246) for the relief of James J. Waring, of Savannah, Georgia, asking that the United States refund duties paid by him on certain steam-plow machinery imported into the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARSHAL FOR THE STATE OF ALABAMA.

Mr. WHITE introduced a bill (H. R. No. 4247) to provide for the appointment of a marshal for the district of the State of Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHTS AND DUTIES OF CITIZENSHIP.

Mr. WHITE also introduced a joint resolution (H. R. No. 137) relating to the duties and rights of citizens of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TELEGRAPH LINE BETWEEN WASHINGTON AND BOSTON.

Mr. SYPHER introduced a bill (H. R. No. 4248) to provide for the construction of a telegraph line between the cities of Washington, District of Columbia, and Boston, Massachusetts, to be operated by the United States Government; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CUSTOM-HOUSE AT CINCINNATI, OHIO.

Mr. SAYLER, of Ohio, presented joint resolutions of the General Assembly of the State of Ohio, relative to the building of a custom-house in the city of Cincinnati, Ohio; which were read, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIEUTENANT-GENERAL OF THE ARMY.

Mr. BERRY introduced a bill (H. R. No. 4249) to abolish the office of the Lieutenant-General of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

E. G. ALLEN.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. No. 4250) for the relief of E. G. Allen, of Marion County, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

H. M. DAVIS.

Mr. SPRAGUE introduced a bill (H. R. No. 4251) for the relief of H. M. Davis, legal representative of the late Milton J. Davis, sergeant Ninth Regiment Ohio Volunteer Cavalry; which has read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. M'GEE.

Mr. SPRAGUE also introduced a bill (H. R. No. 4252) to remove the charge of desertion from John W. McGee, late private in Company D, Sixty-seventh Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS C. ANDERSON.

Mr. YOUNG, of Kentucky, introduced a bill (H. R. No. 4253) for the relief of Thomas C. Anderson, of Kentucky; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NATIONAL BANKS.

Mr. MAYNARD introduced a bill (H. R. No. 4254) to amend the national-bank act, approved June 3, 1864; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ALEXANDER KELLEY.

Mr. CRUTCHFIELD introduced a bill (H. R. No. 4255) for the relief of Alexander Kelley, of Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES MARSHALS, ETC.

Mr. LEWIS introduced a bill (H. R. No. 4256) for the relief of United States marshals and other officers of the National Government; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FRANCISCO QUESADA.

Mr. WILLIAMS, of Indiana, introduced a bill (H. R. No. 4257) granting a pension to Francisco Quesada, of New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISIANA.

Mr. HAWLEY, of Illinois, introduced a joint resolution (H. R. No. 138) declaring the views of Congress and the duties of the Government of the United States toward the State government of Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HENRY HEAD.

Mr. KNAPP introduced a bill (H. R. No. 4258) for the relief of Henry Head, of Quincy, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES Z. EASTHAM.

Mr. MORRISON introduced a bill (H. R. No. 4259) for the relief of James Z. Eastham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SWAMP LANDS.

Mr. CLEMENTS introduced a bill (H. R. No. 4260) granting certain swamp lands to the county of Randolph, State of Illinois; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

T. W. SEGAR.

Mr. CLEMENTS also introduced a bill (H. R. No. 4261) for the relief of Lieutenant T. W. Segar; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARRIET L. BOWMAN.

Mr. McNULTA introduced a bill (H. R. No. 4262) to place the name of Harriet L. Bowman on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. BODENHAMER.

Mr. HAVENS introduced a bill (H. R. No. 4263) for the relief of the bondsmen of William J. Bodenhamer, late receiver of the land office at Springfield, Missouri; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TERRITORY OF OKLAHOMA.

Mr. HAVENS also introduced a bill (H. R. No. 4264) to organize the Territory of Oklahoma, and for the better protection of the Indians therein, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

G. W. JOBE.

Mr. GUNTER introduced a bill (H. R. No. 4265) for the relief of G. W. Jobe, late of Company F, Forty-sixth Missouri Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRYOR M. LEA.

Mr. GUNTER also introduced a bill (H. R. No. 4266) for the relief of Pryor M. Lea, of Washington County, Arkansas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. FIELD introduced a bill (H. R. No. 4267) supplemental of an act entitled "An act to provide for the resumption of specie payments;" which was referred to the Committee on Banking and Currency, and ordered to be printed.

EDWARD C. WHEELOCK.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 4268) granting a pension to Edward C. Wheelock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS IN UTAH.

Mr. BURROWS introduced a bill (H. R. No. 4269) providing for the payment of certain expenses of holding United States courts in the Territory of Utah; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUNISHMENT OF CONTEMPTS.

Mr. BURROWS also introduced a bill (H. R. No. 4270) to provide for the punishment of contempts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COLLECTION DISTRICT OF SABINE PASS.

Mr. HERNDON introduced a bill (H. R. No. 4271) to establish the collection district of Sabine Pass, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COTTON CLAIMS.

Mr. HANCOCK introduced a joint resolution (H. R. No. 139) to transfer the claims for cotton seized from the Secretary of the Treasury to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PEACE CONFERENCE IN 1876.

Mr. McCRARY introduced a joint resolution (H. R. No. 140) to provide for a peace conference in the city of Philadelphia in 1876; which was read a first and second time, referred to the Select Committee on the Centennial Celebration, and ordered to be printed.

TELEGRAPH LINES.

Mr. McCRARY also introduced a bill (H. R. No. 4272) to amend the act of July 24, 1866, relative to telegraph lines; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN S. DAVID.

Mr. McCRARY also introduced a bill (H. R. No. 4273) for the relief of John S. David; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. KASSON introduced a bill (H. R. No. 4274) supplementary to an act entitled "An act to provide for the resumption of specie payments," approved ——, 1875, and to regulate the value of the legal-tender notes of the United States until the resumption of specie payments; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LANDS IN IOWA.

Mr. McDILL, of Iowa, introduced a bill (H. R. No. 4275) to restore certain lands in the State of Iowa to market, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ROBERT HENNE.

Mr. COTTON introduced a bill (H. R. No. 4276) to increase the pension of Robert Henne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. B. WISE.

Mr. RUSK introduced a bill (H. R. No. 4277) granting a pension to E. B. Wise; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. STOWE.

Mr. SAWYER introduced a bill (H. R. No. 4278) for the relief of Rev. William P. Stowe, late a chaplain of the Twenty-seventh Regiment Wisconsin Volunteer Infantry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SURVEY OF SACRAMENTO RIVER.

Mr. LUTTRELL introduced a bill (H. R. No. 4279) to appropriate money for the survey of the Sacramento River between Tehema and the mouth of Spring Creek; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF SAN JOAQUIN RIVER.

Mr. PAGE introduced a bill (H. R. No. 4280) making appropriation for the improvement of the San Joaquin River, in the State of California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OREGON CENTRAL PACIFIC RAILROAD.

Mr. NESMITH introduced a bill (H. R. No. 4281) providing for the construction of the Oregon Central Pacific Railroad and Telegraph Line; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

JOSEPH C. IRWIN AND WILLIAM PHILLIPS.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 4282) for the relief of Joseph C. Irwin and William Phillips; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN S. FRIEND.

Mr. LOWE introduced a bill (H. R. No. 4283) for the relief of John S. Friend; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

N. H. HERR.

Mr. HAGANS introduced a bill (H. R. No. 4284) for the relief of N. H. Herr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLONEL MANUEL CHAVES.

Mr. ELKINS introduced a bill (H. R. No. 4285) for the relief of Colonel Manuel Chaves, of New Mexico; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UTAH AND COLORADO RIVER RAILWAY COMPANY.

Mr. ELKINS also introduced a bill (H. R. No. 4286) granting the right of way through the public lands to the Utah and Colorado River Railway Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

UTAH WESTERN RAILWAY COMPANY.

Mr. ELKINS also introduced a bill (H. R. No. 4287) granting the right of way through the public lands to the Utah Western Railway Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

UTAH SOUTHERN RAILROAD COMPANY.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 4288) granting to the Utah Southern Railroad Company a right of way through the public lands for the construction of a railroad and telegraph; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EXTINGUISHMENT OF INDIAN TITLE TO BLACK HILLS.

Mr. ARMSTRONG presented the memorial of the Legislature of Dakota, praying that the Black Hills of Dakota be opened to settlement and the Indian title to the same be extinguished; which was referred to the Committee on Indian Affairs, and ordered to be printed.

YANKTON AND NATIONAL PARK RAILROAD.

Mr. ARMSTRONG also presented the memorial of the Legislature of Dakota, asking for a grant of lands to aid in the construction of a railroad from Yankton to the National Park; which was referred to the Committee on the Public Lands, and ordered to be printed.

WAGON-ROAD, DAKOTA TERRITORY.

Mr. ARMSTRONG also presented the memorial of the Legislature of Dakota, praying for an appropriation to aid in the construction of a wagon-road from some point on the table-lands in Union County, Dakota, across the marsh-lands to Ponca Landing, on the Missouri River; which was referred to the Committee on the Public Lands, and ordered to be printed.

HELENA, NATIONAL PARK AND UTAH RAILROAD COMPANY.

Mr. MAGINNIS introduced a bill (H. R. No. 4289) granting the right of way through the public lands to the Helena, National Park and Utah Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REPEAL OF PIEDMONT AND POTOMAC RAILROAD SUBSCRIPTION.

Mr. CHIPMAN introduced a bill (H. R. No. 4290) to repeal the act entitled "An act giving the assent of Congress to the subscription of the District of Columbia to the stock of the Piedmont and Potomac Railroad Company," approved May 23, 1872; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CONSOLIDATED INDEX OF LAND RECORDS.

Mr. CHIPMAN also introduced a bill (H. R. No. 4291) for a general and consolidated index of the land and other records in the office of the recorder of deeds of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DEPUTY RECORDER OF DEEDS.

Mr. CHIPMAN also introduced a bill (H. R. No. 4292) authorizing the recorder of deeds for the District of Columbia to appoint a deputy recorder, and legalizing the previous acts of said acting deputy, also providing for payment of the expenses incident to his office; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PREVENTION OF CRUELTY TO ANIMALS.

Mr. CHIPMAN also introduced a bill (H. R. No. 4293) to prevent cruelty to animals in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

The SPEAKER. The Chair will now receive bills from gentlemen who were not in when their States were called.

PREVENTION OF TELEGRAPHIC MONOPOLIES.

Mr. WHITE introduced a bill (H. R. No. 4294) for cheapening telegrapic communication, facilitating news reports for all press associations, and preventing telegraphic monopolies; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SCHOONER MATILDA.

Mr. WHEELER introduced a bill (H. R. No. 4295) to authorize the Secretary of the Treasury to issue an American register to the schooner Matilda; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AT BOAR'S HEAD.

Mr. SMALL introduced a bill (H. R. No. 4296) to establish a light-house at Boar's Head, in the State of New Hampshire; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WIDOW OF GENERAL WILLIAM GATES.

Mr. LAWSON introduced a bill (H. R. No. 4297) to increase the pension of H. Louise Gates, widow of General William Gates; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS PELHAM.

Mr. CASON introduced a bill (H. R. No. 4298) for the relief of Louis Pelham; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RANK OF CIVIL ENGINEERS IN THE NAVY.

Mr. MYERS introduced a bill (H. R. No. 4299) fixing the relative rank of civil engineers in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM KLEINGOLS.

Mr. WARD, of New Jersey, introduced a bill (H. R. No. 4300) granting a pension to William Kleingols, Company M, Third Regiment New Jersey Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHT OF WAY THROUGH CAMP DOUGLAS RESERVATION.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 4301) granting the right of way through the Government reservation of Camp Douglas, Utah Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMPROVEMENT OF THE FLINT AND CHATTAHOOCHEE RIVERS.

Mr. WHITELEY introduced a bill (H. R. No. 4302) to provide for the further improvement of the Flint and Chattahoochee Rivers, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. GARFIELD. I rise to move that the House resolve itself into Committee of the Whole.

Mr. DAWES. Will the gentleman yield to me for a privileged motion?

Mr. GARFIELD. For how long?

Mr. DAWES. I think it will occupy only a few minutes.

Mr. GARFIELD. For a privileged question I yield, but for nothing else.

RECUSANT WITNESS—CHARLES ABERT.

Mr. DAWES. I present a report from the Committee on Ways and Means.

The Cleak read as follows:

The Committee on Ways and Means, to whom was referred the subject-matter of the employment of money to procure legislation by Congress in aid of the Pacific Mail Steamship Company, submit, in part, the following report:

That, in pursuance of the power conferred upon them by the House "to send for persons and papers and to administer oaths in any matter from time to time pending and under examination before said committee," they caused one Charles Abert, of Montgomery County, Maryland, to be summoned before them for the purpose of giving testimony, and the said Abert, after having been duly sworn, did, on the 6th, 7th, and 9th days of January, 1875, testify, among other things, as follows:

WASHINGTON, D. C., *January* 9, 1875.

Charles Abert recalled and examination continued.

By the Chairman:

Question. You have testified that you received from the Pacific Mail Steamship Company $125,000?

Answer. Yes, sir; received from Mr. Irwin.

Q. Of that sum you deposited to his credit?

A. Eighteen thousand five hundred dollars.

Q. The balance of that $125,000 you have testified that you disbursed to his order?

A. Yes.

Q. That you received a list of persons to whom to pay it?

A. Yes.

Q. That you have paid according to his order to those persons that entire balance.

A. Yes, sir; $106,500.

Q. That you disbursed it, by his order, to different persons according to a list furnished you by him?

A. Yes, sir.

Q. And that you accounted to him for those disbursements?

A. Yes, sir.

Q. That you accounted to him at San Francisco after his return?

A. Yes, sir.

Q. About what time did he return to San Francisco?

A. He left New York for San Francisco, as far as I know, on the 27th of May.

Q. Do you know of his stopping anywhere on the way?

A. I do not.

Q. Did you deposit any of that money to your own credit anywhere?

A. I deposited to my own credit $5,000.

Q. Had you previously to the disbursement deposited any of the money which you disbursed?

A. To the best of my recollection I had not.

Q. You had held it in your hands in the form of money?

A. Yes, sir; the payments were promptly made.

Q. In the form of money?

A. Yes, sir.

Q. Will you give us the names of the persons to whom you distributed that $106,500 according to the directions of Mr. Irwin?

A. That question I decline to answer.

Q. Do you desire to give here any reason why you decline to answer it?

A. In order that I may consult counsel and also that I may obtain an order of the House.

Q. You decline to answer at this time?

A. As at present advised, I do.

Q. You have testified that many of the persons to whom you disbursed this money were strangers to you?

A. I do not know whether I said "many." I said that some of them.

Q. Some of those persons you had never seen before, and have never seen since?

A. No, sir.

Q. You distributed this money to them in Mr. Irwin's rooms?

A. I do not recollect that I distributed all of it in Mr. Irwin's rooms.

Q. Did you distribute any portion of it in Mr. Irwin's rooms?

A. I distributed the greater part of it in Mr. Irwin's rooms.

Q. After Mr. Irwin had left for California?

A. Unquestionably.

Q. Were you introduced to those persons whom you had never seen before and have never seen since by any person?

A. Unquestionably I was.

Q. Will you give us the name of the person who introduced those gentlemen to you?

A. As at present advised, I must decline to answer that question.

The CHAIRMAN. If you change your mind before twelve o'clock on Monday next, please to notify the committee.

The WITNESS. I will do so.

The committee are of opinion and report that it is necessary for the efficient prosecution of the inquiry ordered by the House that said questions should be answered, and that there is no sufficient reason why the witness should not answer the same, and that his refusal is in contempt of this House.

The committee recommend the adoption of the accompanying order:

Ordered, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Charles Abert, and him to bring to the bar of the House, to show cause why he should not be punished for contempt, and in the mean time keep the said Abert in custody to await the further order of the House.

Mr. DAWES. On that resolution I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. DAWES moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DAWES. I may state to the House that I expect that in a few moments this witness will be before the bar of the House—so soon as the Speaker shall have signed the warrant.

LEVI W. POND.

On motion of Mr. SAWYER, by unanimous consent, the bill (H. R. No. 1390) to amend the act entitled "An act confirming and extending a patent-right to Levi W. Pond and the Eau Claire Lumber Company," approved June 10, 1872, was ordered to be reprinted.

W. MAXWELL WOOD, JR.

Mr. HAWLEY, of Connecticut, by unanimous consent, presented the petition of William Maxwell Wood, jr., for compensation for the use in the Navy of his boat detaching and attaching apparatus; which was referred to the Committee on Naval Affairs, and ordered to be printed.

HIRAM W. LOVE.

Mr. WILSON, of Iowa, entered a motion to reconsider the vote by which the bill (H. R. No. 4110) was laid on the table last Friday.

Mr. RANDALL. What is the title of that bill?

Mr. WILSON, of Iowa. A bill for the relief of Hiram W. Love.

AFFAIRS IN LOUISIANA.

Mr. COX, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on the Judiciary, and ordered to be printed:

Whereas on the 4th of January instant officers and soldiers of the Army of the United States have interfered with and controlled the organization of the General Assembly of the State of Louisiana, and certain persons claiming seats in one branch thereof have been prevented from holding the same by said military force, which acts of military intervention and control resulted in dispersing the State Legislature and have received the sanction of the Chief Executive of the United States: Therefore,

Resolved, That in the deliberate judgment of this House such intervention and control were in violation of the Federal Constitution, inasmuch as said force was not used for the purposes defined by law, and could not be legally used except for purposes thus specifically defined; that such intervention and control were subversive of the principles upon which our system of government is founded, and have no precedent in our own history or the history of free government; that said intervention and control are defiant breaches of parliamentary privileges, and illegal and revolutionary infractions of legal government, chartered liberty, and solemn treaty obligations, and therefore are not only unjustifiable outrages upon the State of Louisiana and a menace to the liberties, rights, and dignity of every other State, tending to general demoralization and disorder by the overthrow of civil liberty by arbitrary power: We, therefore, in the name of the people of the United States, whose representatives we are, demand the restoration of tranquillity, order, and civil discipline in said State by the immediate withdrawal of the military force of the United States from said State and the condign punishment of those guilty of this reckless usurpation.

CONTUMACIOUS WITNESS—CHARLES ABERT.

Mr. DAWES. The Sergeant-at-Arms is at the bar of the House with Charles Abert, brought before the House by its own order.

The Sergeant-at-Arms appeared at the bar of the House, having in custody Charles Abert, alleged to be in contempt of the privileges of the House.

The SPEAKER. Charles Abert, you are at the bar of the House by its own order for an alleged contempt, in that you have declined to answer certain interrogatories propounded to you by the Committee on Ways and Means in the process of the investigation in regard to the subsidy of the Pacific Mail Steamship Company. Are you ready to answer the questions of the committee?

CHARLES ABERT. Mr. Speaker, I will state that in the course I have pursued I did not intend or desire to place myself in contempt.

I simply desired that the questions which I have hesitated to answer, and hesitated solely in consequence of the position in which my client has placed me, might have an order of the House upon them, and upon receiving an order of the House as to whether I shall answer those questions, that order being in the affirmative, I was ready to answer.

Mr. DAWES. Mr. Speaker, I move that the Speaker of the House be directed to propound to the witness the following questions:

First. Will you state to the House the names of the persons to whom you distributed $106,500 of money belonging to the Pacific Mail Steamship Company, according to the directions of Mr. Irwin?

Second. Will you state to the House the names of the person or persons who introduced to you those individuals to whom you distributed any portion of said money?

The SPEAKER. The gentleman from Massachusetts offers a resolution that it be the duty of the Speaker to propound to the witness now at the bar in alleged contempt the questions which have been read in the hearing of the House.

Mr. DAWES. At the suggestion of a colleague on the committee, I will modify it so as to read "House or committee."

The SPEAKER. The Chair was about to suggest that the usual mode when a witness gives assent is to have the examination in detail conducted before the committee.

Mr. DAWES. Very well; then I will strike out the word "House" and say "committee." The resolution adopted the other day in the Irwin case provided that the questions should be answered to the House.

The SPEAKER. If there be no objection, the resolution will be modified so as to read, "Will you state to the Committee on Ways and Means," &c.

There was no objection; and the modification was made.

Mr. DAWES. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Charles Abert, will you state to the Committee on Ways and Means the names of the persons to whom you distributed $106,500 of money belonging to the Pacific Mail Steamship Company, according to the directions of Mr. Irwin?

CHARLES ABERT. I will, upon being so ordered by the House.

The SPEAKER. Will you state to the Committee on Ways and Means the names of the person or persons who introduced to you those individuals to whom you distributed any portion of said money?

CHARLES ABERT. As far as I can upon being ordered by the House.

Mr. DAWES. I move that the witness be directed by the House to answer the questions propounded, and upon that I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion was agreed to.

Mr. DAWES moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DAWES. I now move that the Sergeant-at-Arms be directed to take the witness forthwith before the Committee on Ways and Means.

The SPEAKER. The Chair will state that the witness is in the custody of the Sergeant-at-Arms, and that that order is not needed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. GARFIELD. I rise for the purpose of moving that the House now resolve itself into Committee of the Whole on the state of the Union upon the consular and diplomatic appropriation bill, and pending that motion I move that all general debate on the bill be limited to thirty minutes.

Mr. RANDALL. As this is rather an unusual motion on Monday, I desire to ask the gentleman from Ohio, who makes the motion, whether his purpose is to cut off the opportunity from members of moving suspensions of the rules, which would be in order on Monday?

Mr. GARFIELD. It is my purpose simply to go on with the public business, which has been postponed for some time. Of course it will have the effect indicated by the gentleman from Pennsylvania.

Mr. RANDALL. I want to know whether any suspension of the rules will be allowed in the House this morning?

Mr. GARFIELD. I have no control over that question. The only test of that is whether the House will now go into Committee of the Whole on the appropriation bill.

The question was taken upon the motion to limit general debate to thirty minutes; and it was agreed to.

Mr. GARFIELD. I move to reconsider and table that vote.

The SPEAKER. There is no need of that.

Mr. GARFIELD. I have once seen the order of the House limiting debate reconsidered, and the debate extended for three hours.

The SPEAKER. If the Committee of the Whole, while in session, should exhaust the time allowed for general debate, there is nothing in the way of the committee rising and obtaining an order from the House giving additional time for general debate, although it may have been reconsidered and tabled half a dozen times.

Mr. RANDALL. Does it not take a two-thirds vote to suspend the rules and go into Committee of the Whole to-day?

Mr. GARFIELD. Not necessarily.

Mr. RANDALL. It being a question of higher privilege to suspend the rules by a two-thirds vote than to suspend the rules by a majority vote, I think a motion to suspend the rules by a two-thirds vote would take precedence.

The SPEAKER. The Chair has so ruled in regard to suspensions of the rules on Monday, but not in the last ten days of the session.

Mr. RANDALL. I want to make that point for the future.

The SPEAKER. The Chair has made that ruling, and desires to have it distinctly in the minds of gentlemen here. He has made the ruling that on Mondays, not during the last ten days of the session, the motion to suspend the rules by a two-thirds vote takes precedence of a motion to suspend the rules by a majority vote. And on this ground that the Committee on Ways and Means or Appropriations have the right on every day of the week to move to suspend the rules and go into Committee of the Whole. The right to suspend the rules by a two-thirds vote on miscellaneous business is confined to Mondays, and is of higher privilege on that day. Therefore, if the point is made, it will require a two-thirds vote to go into Committee of the Whole.

Mr. RANDALL. I will make the point for the future; I will not insist upon it to-day.

The motion to suspend the rules and go into Committee of the Whole was agreed to.

HOSPITAL AT HYANNIS, MASSACHUSETTS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of December 14, 1874, in relation to the expense of erecting a pavilion hospital at Hyannis, Massachusetts; which was referred to the Committee on Appropriations, and ordered to be printed.

SUGG FORT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of December 8, 1874, in relation to the claim of Sugg Fort, of Robinson County, Tennessee; which was referred to the Committee on Claims.

INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a list of claims for Indian depredations committed by the Indians, called for by the resolution of the House of April 30, 1874; which was referred to the Committee on Indian Affairs, and ordered to be printed.

REVISED STATUTES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the draught of a bill to amend section 2997 of the Revised Statutes of the United States; which was referred to the Committee on Ways and Means, and ordered to be printed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole, (Mr. CORWIN in the chair,) and proceeded to the consideration of House bill No. 3911 making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes.

The CHAIRMAN. By order of the House, all general debate upon this bill will be limited to thirty minutes.

Mr. GARFIELD. I ask that the first and formal reading of the bill be dispensed with.

No objection was made.

Mr. SWANN. Before the reading of the bill for amendment is proceeded with, I desire to say one or two words upon it. I am happy to inform the committee that the amount appropriated by this bill is greatly in reduction of the amount appropriated for a similar purpose last year. I hold in my hand a list of items which are not called for by this bill, but were called for last year; that much less appropriations will be required of Congress at this session. The items are as follows, namely: For repaying the amount erroneously claimed by and paid to the United States by the government of Brazil, $57,500. This was the Webb case, well known to this House. For United States and Mexican claims commission, $28,700. For the surveys of northern boundary, $150,000. To pay the sums awarded to British subjects, under the treaty of May 8, 1871, $1,921,801. The total amount appropriated by the bill of last year was $3,347,304. The bill under consideration calls for $1,344,785, showing a reduction of $2,002,519.

There are one or two items in this bill to which I desire to call the attention of the committee for a moment. The bill of last year appropriated $150,000 for the survey of the northern boundary. It was a subject of some speculation here whether or not that sum would be sufficient. My honorable friend from Indiana [Mr. HOLMAN] seemed to be doubtful whether the work would be done for that amount. I am happy to inform this committee that the survey has been fully completed, and to the satisfaction of the Government and all concerned. The engineers who were engaged in that impor-

tant work have gone into winter quarters, and are now engaged in making up the report of their labors. They have not only completed the work within the limit required by the Department of State, but they have brought back a small surplus, which will enable them to pay office rent and whatever may be necessary to complete and put in permanent shape the survey of that important boundary.

Mr. Chairman, I have reason to believe that the work has been fairly and satisfactorily accomplished. This great line has been completed after years of labor under circumstances not only satisfactory to this Government, but to the joint commissioners of Great Britain, who were employed to run that line in connection with our Government. The advantage to this country will be all that I represented it when I had the honor to present the diplomatic and consular bill on a former occasion. The accomplishment of this work is of great national importance, having fixed upon a line which, if it had not been promptly settled, might have given rise to a great deal of confusion in the existing relations of the two countries.

There was great apprehension that there would be, in the course of time, in case this question had not been settled, collisions arising on this subject between Great Britain and this country. And there was an apprehension also that parties not within our jurisdiction or the jurisdiction of Great Britain might desire to establish railways and to occupy this territory with a view to strategic movements upon the sovereignty of this country and the control which we claim to have over that line. In case this had occurred, it might have given rise to much of trouble and uneasiness and might perhaps have precipitated a misunderstanding between Great Britain and the United States.

As it turns out, however, it has been satisfactorily adjusted. The joint commissioners met upon the ground. All that has been done has been satisfactorily done on both sides; and the engineers come to us now, presenting the final result of this survey with the entire acquiescence of those who will be so seriously affected by it.

I will reiterate what I stated on a former occasion as to the prosecution of this survey and the acquisition of the territory which falls within the limits of the United States, comprising in value what will be a most important consideration to the Government of this country. In the first place, Mr. Chairman, we acquire territory amounting to more than seven or eight hundred acres of land, distant one mile from the post at Pembina, to where this boundary line terminates upon the Rocky Mountains. We have acquired that amount of territory; and no foreign power, no power claiming jurisdiction on the other side can come within such a distance that they can interfere with the jurisdiction of the United States. In that view this country by the survey will save, as I calculate, upward of a million dollars, besides protecting us against those casual misunderstandings which have sprung up heretofore and which might have given rise to a serious disagreement between the two nations.

While upon this particular point, I will make the statement, which I am sure will be very gratifying to my friend from Indiana, [Mr. HOLMAN,] that this whole survey has, as to expense, been made within the limits we anticipated. I had very great confidence in the estimates which came to us from the State Department, made up as they were. I thought that the survey could be carried out upon the terms stated in the reports of the Secretary to this House; and the result shows that I have not miscalculated the accuracy with which these estimates were made, and the economy with which this great boundary line was prosecuted.

Mr. HOLMAN. My friend from Maryland [Mr. SWANN] will bear in mind, however, that although this survey may have been completed within the limits of the appropriation, $375,000, those limits were quite large.

Mr. SWANN. Does not my friend overstate the amount?

Mr. HOLMAN. That was the entire amount appropriated for this purpose. Does my friend say it was less than that? The original estimate was $325,000; but the appropriation made during the last three years actually reached $375,000—an amount, in my judgment, far beyond what the cost of the survey should have been. I wish to ask my friend a question in this connection. Here was a joint commission, charged with the duty of running this line from the Red River of the North to a point on the line of the Rocky Mountains. As a matter of fact, comparing our expenditures on this little item with those of the government with whom we were co-operating, does my friend know what was the cost to that government of executing their part of the commission?

Mr. SWANN. I will answer my friend by stating that, taking the salaries and other expenses incurred by the government of Great Britain, I suppose that twice the amount of our appropriation would not have covered the expense imposed upon the British government. I think the gentleman will find this to have been the fact, if he makes the proper inquiries at the State Department.

Mr. HOLMAN. I am not able to state upon definite information the cost on the part of the British government, which co-operated with us in making the survey; but if the statement I have received is correct, that government was much more economical in the execution of this duty than we have been.

Mr. SWANN. My friend will find, I think, that it cost the British government three times as much as we allowed.

Mr. HOLMAN. I have heard it stated that £10,000 covered the whole expense to that government.

Mr. ORTH. That is merely the amount of the contingent expenses.

Mr. SWANN. Taking in view the salaries and other expenses, and the scale on which those expenditures were graduated, I am satisfied that I shall be borne out in the statement I have just made, that the cost of this survey to the British government has been three times as much as the cost to the people of the United States.

Mr. HOLMAN. The first item of expenditure indicates the difference between the two methods of performing a public duty. Our bill really did not contemplate, or rather the bill reported by the gentleman from Maryland three years ago did not contemplate, the appointment of a commissioner, but merely that some one employed in the survey should be commissioner, whose duty it would be simply to perform this very plain service. A commissioner, however, was in fact appointed, and he received a salary of $5,000 a year during this whole period; whereas the British government, as I understand, simply devolved the powers of a commissioner upon one of the scientific party engaged in making the survey. They avoided at once, as would naturally occur to any government desiring to proceed with reasonable economy, the employment of unnecessary officers, and devolved the duty, as I have said, on one of the astronomers or other scientific men connected with the survey. Our Government appointed a gentleman as commissioner with $5,000 a year for the whole period, while he had nothing but the nominal duties of a commissioner to discharge.

Mr. SWANN. Yes; and we saved money by it.

Mr. HOLMAN. No, I think not; but I congratulate my friend from Maryland that this work at last has been done. I congratulate him especially in reference to one point, and that is for the pertinacious manner in which he has pressed the urgency of this whole subject upon the attention of the House so as to facilitate the final execution of the work. I am quite confident that in the absence of such diligence on his part this work would have remained on our hands for years to come.

Mr. SWANN. I differ from my friend, and I wish to correct him in this particular. He states that when these estimates came in originally, when the proposition first came before the House to prosecute this survey, we never contemplated such a survey as has since been made. I entirely differ from my friend. I recollect there was a discussion on this subject at the time. The gentleman from Indiana was opposed to this large expenditure of money, and intimated the survey could be made by any county surveyor. A delicate survey of that sort, requiring skill and science of a high order and the employment of men who stood in high position in reference to the various duties they had to discharge, was an undertaking, in my judgment, which required the expenditure of money in the payment of reasonably high salaries. I know, sir, that the variation of a single inch in running those lines might have entailed upon this Government a tremendous expense, and perhaps might have deprived us of this one mile of territory which extends from Pembina to the summit of the Rocky Mountains. We have gained that by this skillful survey made by competent scientific men. It is a survey which has been acquiesced in by some of the most distinguished gentlemen connected with the Engineer Corps or with astronomical science in this or any other country.

Mr. HOLMAN. Does not my friend from Maryland know, in the absence of there being a national question to furnish a convenient excuse for spending money out of the Treasury, the running of this line——

Mr. SWANN. It was not as the gentleman intimates.

Mr. HOLMAN. Does he not know in the absence of that consideration this work might have been performed by any respectable land surveyor with the reasonable knowledge of astronomy required in any of our institutions of learning?

Mr. SWANN. Why, sir, he would have been swamped in half an hour.

Mr. HOLMAN. It would have been done as well, and at an expense trivial in comparison with what already has been the cost. But I congratulate my economical friend from Maryland that the work has been done.

Mr. SWANN. Mr. Chairman, I claim to be economical so far as the expenditures of this Government are concerned, but I am not as much so as my friend from Indiana. Indeed, I think him too economical occasionally. If he were a little more liberal and expansive in his allowances to these officers of the Government engaged in the performance of public and national duties, it would, in my judgment, inure more largely to the benefit of the country. At the same time I express the highest respect for the intentions of my honorable friend. I am always ready to follow his lead when I find I can do so without serious injury to the public service.

But, sir, this survey has been made and this Government has saved a large amount of money. I say in the item of land alone, which it has acquired by this survey, it has saved money. We have realized perhaps millions of dollars in that way, if the land there be estimated upon any scale commensurate with the price of land in the region of country from which my friend comes. We have saved a large amount of money in case we design, as we shall do, to appropriate this territory hereafter; and that, too, in addition to the advantage which will inure to the Government of the United States by keeping off from our frontier and our boundaries men who may be disposed to give trouble, and who attempted to give trouble when they interfered

with the settlement of the British government at Pembina, or rather in reference to the custom-house which was maintained there by the British Government for a long time.

Now, sir, I say it is a source of congratulation that this Government has gone through with this survey so triumphantly and advantageously. It is here to-day with its engineers making up the details of this work, presenting not only the views of our own engineers, but those of the British commissioner who co-operated with them. They have settled the details of the work in such way as to remove all apprehension of trouble hereafter in our relation with that government. I think it is just cause of congratulation.

I have stated that the saving or rather the decrease in this bill, compared with that of last year, amounted to nearly two million dollars. That consists of the various items to which I have called the attention of the House. I will state further that in the estimates of the amount which would be required by this Government to conduct its diplomatic and consular system, so far as I have been enabled to examine into the papers, the State Department in every instance has kept itself within the limits established by this House.

In some instances those limits have been slightly decreased, but in all instances the State Department have kept within the limits which they have prescribed to themselves; and they do not ask as much as they asked last year when these grave matters were under discussion here. This is an improvement, and a large improvement, on the bill reported to this House which I had the honor to lay before them last year.

Connected with this bill was a reorganization of the whole consular department, which was reported by the honorable chairman of the Committee on Foreign Affairs; and I am happy to inform this House that so far as regards that report, which was accepted by this House and which has gone into a law, it is not proposed to be disturbed by the present management. I may state that the reorganization has operated most successfully, and has been cordially indorsed by the State Department, and they are now operating under this reorganization as reported by the Committee on Foreign Affairs. Many of the salaries have been reduced, all have been equalized, and the whole system is working now in a way that gives cause for congratulation that a subject which was involved in so much trouble has been disposed of as it has been, for I will state to the committee that no subject has produced more confusion in the State Department than the regulation of this consular system. It has been so modified and so arranged that at this time it is a source of congratulation to the Committee on Foreign Affairs to report the result of their labors to the House, and that they were adopted, as they have been cordially, by the Secretary of State.

I desire to reiterate the fact, that in the bill which I have the honor to report there is entire accordance with the estimates of last year. There is no serious variation, and it was a source of gratification to me that I was enabled to come here and report this bill with no such additions as would make deficiencies necessary, or would make necessary additional appropriations for the purpose of conducting the affairs of the State Department.

I think it is necessary, sir, in this brief explanation to state to the committee that on the return of the expedition from the survey of which I have spoken, having been absent from the country for many months, the person who was in charge of the survey, the chief engineer, rented a small building at the rate of a thousand dollars per year. He expects to finish his work in a very short time. There was no authority for the renting of that house. There was a law expressly prohibiting any officer of the Government from renting any house for public purposes without an express law of Congress. He therefore did it, sir, without knowledge. He was ignorant of the legislation which had transpired since he left the country; and at the proper time we shall offer an amendment providing that he be exonerated from any claim that may be made upon him, because he is personally responsible. If he had been aware of the existence of the law which we had passed here he would not have committed this error; and I take it for granted that as regards this small sum of a thousand dollars there will be no occasion on the part of the House to object to what has been done and the direction in which it has been done for the purpose of completing this survey; especially as it is proposed to take the cost of renting said building out of the surplus in the hands of the engineer, which will appear after the whole expense of this expedition has been settled. At the proper time I shall offer an amendment to one of the bills that will be presented here asking that this officer be exonerated from all responsibility in renting that office for the purpose of this expedition.

I will state also, for the information of the committee, that the State Department has not yet been able to remove to its new quarters. They are now in the building which they hold upon a lease. They were in hopes of having the control of the new State Department by the 1st of January. It may involve the expense of a few thousand dollars if they should not be able to make terms with the present owners of the property and should not be able to cancel the lease that now exists. That may have to be provided for hereafter. The amount will be small and the expense could not have been avoided by any course that might have been pursued by the State Department, but I have thought it proper to mention the circumstance now, in order that when the question of a small deficiency on that account for the rent of this building comes up the House may know the ground upon which it has been presented.

These are the only items, Mr. Chairman, to which I would desire particularly to call the attention of the committee. It is a satisfaction to me to have been the organ of the Committee on Appropriations in presenting such a bill as this, containing as it does such a satisfactory exhibit, and inuring so largely as this must do to the benefit of this Government.

I now yield two minutes to the gentleman from New York, [Mr. COX.]

Mr. COX. Mr. Chairman, in a speech which I made on the civil and diplomatic bill last session I indulged in some playful remarks, drawn from the diplomatic correspondence, illustrative of the inability and absurdity of certain alleged services. In one instance I have a regret to express. I refer to the remarks with reference to the Hon. Rumsey Wing, then United States minister at Ecuador. Since then he has deceased, leaving the most poignant sympathy among his many friends in Kentucky and elsewhere, who honored his services and his gallantry, and who mourn his untimely decease.

So far as I can learn, he did the country as much honor as any of our representatives in South America. His services are by no means to be reckoned by the ordinary standard of such positions. Professionally, socially, and politically, inside and outside of his party, he was eminently respected. My remarks fail utterly to depict the usefulness of his career abroad.

Mr. Wing was named for this post when but twenty-four years of age. Since his arrival in Ecuador, in June, 1870, his action, as I am advised, has met with generous and general approval in the proper quarters. I am informed that three treaties have been negotiated in that time through his vigilance and sagacity. Over forty thousand dollars have been collected for American creditors. All duties were removed from American machinery, which can thus undersell European competition. American engineers, mechanics, &c., were employed by the Government to which he was accredited. American citizens were sedulously protected in their rights, and an exceptionally pleasant intercourse inaugurated both with the Ecuador government and the people. This is evidenced by the fact that the Ecuadorian congress was the first to respond to our "centennial" by an appropriation for the articles to be exhibited by that republic in Philadelphia.

Mr. Wing remained at his post for over four years, despite wretched health and natural inclination. He has been so fortunate as to settle all up-rising questions amicably and satisfactorily.

Mr. Wing was a lawyer by profession and predilection; a student, I believe, of the late eminent Chief-Justice Robertson, of Kentucky.

It may not be amiss to say that no American legation contains to-day as complete a collection of standard works on international admiralty, civil, and common law. These were borne over the Andes by Mr. Wing, invalid though he was. It gives me a sad pleasure to so modify my former remarks as to place on record this testimonial to his character and service, and to express my regret that any wound should have been inflicted upon him or his friends by my criticism in the last session. If such a service is worth keeping up, it is of the first importance that men of such ability and character should represent us abroad.

The CHAIRMAN. The half hour allowed by the House for general debate having expired, the Clerk will now proceed to read the bill by paragraphs for amendment.

The Clerk proceeded to read the bill by paragraphs, and under the head of appropriations for consuls, &c., read as follows:

Barbary States: Tripoli, Tunis, Tangiers.

Mr. COX. I move to strike out "Tripoli," with a view to saying one word.

I believe that the pay of the consul at Tripoli is $3,000. What he is paid for, sir, I cannot understand. There is no commerce between this country and Tripoli. I have looked at the books. The commercial record shows no commerce. They do trade there in gold dust, gum, ivory, elephant tusks, and ostrich feathers, but they do not send them to this country. About the only interesting thing that the consul has ever done for us was to accept from the bashaw the anchor of the United States frigate Philadelphia, which Decatur burned in 1804, and which the bashaw gave to our Government through this consul at a cost of ten dollars to a lighter to bring it on board one of our vessels. But, sir, this consel is called in the letter of the bashaw "the very illustrious sir consul." His name is Vidal. I wonder that my friend from the Committee on Foreign Affairs, [Mr. ORTH,] who reads all the diplomatic papers in all languages, has not taken notice of the matter to which I call attention. It was published on December 1, 1873. No. 485 is a letter from Mr. Vidal to Mr. Hunter, dated United States Consulate, at Tripoli of Barbary, February 14, 1873. It was received on March 17. I will ask the Clerk to read three paragraphs which I have marked. While it is going to the desk I will remark this letter illustrates exactly what some of our consuls are paid for doing; not to promote commerce, and not to keep the *entente cordiale*, but for a singular purpose which will be developed by the correspondence of this illustrious consul.

The Clerk read as follows:

In connection with the subject of my dispatches Nos. 27 and 32, I have now the honor to transmit, herewith inclosed, (inclosure No. 1,) the translation of the extract of an article published seventeen months ago in the Revue des Deux Mondes,

in regard to the work and regeneration undertaken in Bulgaria by agents of the New York Bible Society. While the energy, tact, and devotion displayed by those agents cannot fail to elicit praise from all who have seen them at work, it is nevertheless to be regretted that so much sterling worth should be wasted, as it were, in the midst of a population which will never repay them for their many self-imposed sacrifices. I will not say that the Bulgarian heart could be properly compared to a wayside or a stony place, but it is at best a thorny field where the most sanguine husbandman cannot reasonably hope to see the good seed thrive in proportion to his care.

Either commercially or from a political or religious point of view, the United States can never expect to gather anything from what they may sow in Bulgaria, which is far inland, and may be considered as the core of the Turkish Empire in Europe.

It would not be so on the coast of Africa south of Tripoli. There is the large population of the nomadic Touaregs, who belong to the white race, but are not descendants of the Arabic invaders. They appear to be a fraction of the same Berber race which is supposed to be autochthonic on the northern coast of the continent, and which, retreating before the invading flood of the Saracens, took refuge partly in the fortress of the Algerian Atlas, and partly in the Saharic desert.

Mr. COX. The House will observe that we pay this consul $3,000 a year at Tripoli, where we have no commerce, for the purpose of intermeddling with the New York or American Bible Society, and directing in regard to its operations. The society must be much obliged to this Government and its consul. Our distinguished Secretary of State actually publishes that most ridiculous letter. O, let us by all means direct the society here by vote to order its missionary movements away from Bulgaria, in European Turkey, many hundred miles away from that consulate, and into the wayside and stony resorts of the autochthonic Touaregs! Let us not waste our seed on that thorny ground of Bulgaria, whose heart is petrified against "the sanguine husbandman," but sow our seed away from the "core of the Turkish Empire in Europe"—within the fortresses of the Algerian Atlas and the Saharic desert! We will never be repaid for our "many self-imposed sacrifices" until under consular dictation the Touaregs, Tripolites, and the miserable Mohammedans of interior Africa, and others which he describes who are utterly unregenerate, listen to the Gospel tidings. He makes this report as consul. This is seriously reported to us by the Government for our direction on appropriations.

When we review hereafter our consular system with a view to a new reform, we might provide a copy of the Constitution of the United States with the clause in relation to religious liberty, specially dog-eared, to go out with each of our "illustrious sir consuls." Then they may learn not to meddle with business that does not concern them. Now, if it be right for us to have information at $3,000 a year salary from our consuls as to the exact spots abroad where we should direct our missionary or Bible efforts, would it not be more useful to have some little paid efforts in that respect at home? Where would or should we go—West, East, North, or South? It may be that among the people in Northern Africa there would be great opportunities for colporteur and other such efforts. If the consul describes the character of that people to which he has been accredited aright, there is plenty of room for amendment; for he says that—

Either black or white, the Mohammedans of this country are generally ignorant, indolent, dirty, cowardly, stupid, of a thievish and lying disposition, cringing before their Turkish rulers, and, in presence of Frankish consuls, hiding under an apparent abjection the deep hatred and ferocious contempt which they nurse at the bottom of their hearts for all Nazarenes.

* * * * * * *

There are in Tripoli five Franciscan monks from Italy, and eight Sisters of Charity from France; the ones and the others under the protection of the French consul-general, and supported by contributions from the faithful in France, but I never heard that they succeeded in converting one single Jew or Moslem to the Christian faith. The ladies of charity take care of the sick of all creeds, all races; keep a free school, where they give a pretty good kind of intellectual food. As for the monks, save that they say mass to the faithful, they are of no use to the Christians.

Thus freely does the consul report upon the miserable populations of Northern Africa. If that be true there, what of the Zanzibar slave trade, what of Nyanza, or Congo, or Dahomey? What, especially, might not be reported of the cotton plantations in some of our coast-wise islands? Where can we stop in finding good ground for Bible harvests? Besides this, he goes on further in his correspondence to show how the slave-trade is carried on there, and all the peculiar abuses of that trade. That is all very well; but does he want the United States, by some process, to direct the New York Bible Society as a sort of Federal deputy to transfer its efforts from Bulgaria, away off in European Turkey, down to the coast of Africa, where he conceives their efforts would be productive of more fruit, in order to modify or mollify the slave-trade with Bibles?

Mr. SWANN. Will my friend permit me to ask him a question before he takes his seat?

Mr. COX. With pleasure.

Mr. SWANN. I would ask him whether or not the Secretary of State is expected to correct all the correspondence that comes to that Department?

Mr. COX. I will answer the gentleman by saying that the Secretary of State exercises his discretion as to what sort of correspondence to publish. He has already omitted dispatches from this gentleman, perhaps of more questionable import than these—Nos. 27 and 33. God only knows what this man has been writing, and yet you give him $3,000 a year for this ignorance of all constitutional law and all knowledge of what a consul should do abroad. Now, I think the Secretary of State might make his selection of elegant diplomatic literature a little more choice. Then we would not know how our money is fooled away on objects not within the purview of consular duty, and with which we as a government have nothing to do. Perhaps the Secretary has published this extract to notify us not to make the appropriation!

Mr. SWANN. If that be so, I ask the gentleman whether he would have excused the Secretary of State if he had withheld from us this most valuable dispatch, to which he seems to attach so much importance.

Mr. COX. Well, Mr. Chairman, I never knew a man who had such a grave and serious deportment as my distinguished friend from Maryland; but it seems to me that there is a little chuckle coming up from his very diaphragm as he asks that question. He puts it in such a playful mood. I cannot complain of the Department of State for publishing its own nonsense, if it means thereby to make us wise unto the salvation of salaries. The gentleman commends it, and it seems that we are on the same side of that question. Then strike out this $3,000 appropriation and I am done.

Mr. SWANN. The gentleman was one of the very persons, as a member of the Committee on Foreign Affairs, who reorganized this service; it was from his committee and his work in part.

Mr. COX. It was the work of the majority of that committee, for which my most admirable friend from Indiana [Mr. ORTH] is responsible, and for which the Department of State is more responsible, for it was mostly arranged there.

Mr. ORTH. I do not expect to be in the next Congress, and hence I will be deprived of the opportunity which will be enjoyed by the members of that Congress of hearing the gentleman from New York [Mr. COX] take back his speech on Christianity of to-day, as to-day he has taken back the speech he made last year on cundurango. The motion which he made here was for the purpose of making an attack, playfully I grant you, and not seriously, upon a very important officer of this Government. It is true, as the gentleman says, that we have no commerce at Tripoli. The report of the Secretary of the Treasury showed less than three dollars received there in the way of consular fees.

But the gentleman has served too long with me upon the Committee on Foreign Affairs not to know that the duties of that officer are far more important than those of any other counsular officer in our service. He exercises in the court to which he is accredited quasi diplomatic functions and also judicial functions. Suppose that an American citizen, it may be an ex-member of Congress or some other gentleman, should happen to go down in that sunny country to collect sunbeams in the winter, and he should get into trouble there among the aborigines—my democrat friends at home will call them *ab-ro-gines*—to whom would he look for protection but to the American representative there, charged not only with diplomatic but with judicial functions? It does so happen, I have read it in books, that sometimes American citizens do get into trouble down there. If my colleague on the committee [Mr. COX] had read the entire correspondence of Mr. Vidal in 1873 and 1874, he would have discovered that on not less than three different occasions did he exercise the diplomatic powers with which this Government has clothed him for the protection of American citizens.

We pay him $3,000 a year. That is not an exorbitant sum; it is the same which has been paid to the consul at Tripoli for the last twelve or fourteen years; and during one-half of that time the gentleman from New York [Mr. COX] was, as he is to-day, a member of the Committee on Foreign Affairs, having charge of these matters. But the gentleman has accomplished his object; he has placed upon record a speech against Christianity which he will take back next year, as he has the speech made against cundurango a year ago.

Mr. COX. I do not think my friend from Indiana [Mr. ORTH] understands the point I made a moment ago. Did I make any point against Christianity? Why, sir, the man who would gather that from my remarks ought to be struck with catalepsy. I made the point that our consul had no business either with Moslemism or Christianity, with Bible societies or the location of our missionaries either in Europe or Africa. The gentleman says that because I made the *amende honorable* for some little playful remarks a year ago about a minister who had nothing whatever to do with cundurango, that next year I will also make the *amende* for what I have said to-day about this consular directory of American missionaries in Europe and Africa!

Moreover, to be plain, was there ever such a solemn humbug as to have these consuls at large salaries in these out of the way places writing little essays to Washington and coming into competition in their publishing with observers who make books at their own expense? I have the honor to be the gentleman referred to who went down into this "autochthonic" Touareg country to extract sunbeams. No matter whether my book was good or bad; I paid my own traveling expenses. Nor do I want our paid officers to be writing up this kind of literature, which concerns nothing connected with commerce. It is an outrage upon tax-payers, whether they have any religion or no religion. I want to say to my friend that I went down into that Touareg land of the Atlas—down among the miscellaneous tribes, as far as I could get safely—and I found no American consul to direct me there. They were scarcely ever at their posts, if any posts are needed in Barbary at all. And if I had had trouble as an American citizen, I would have relied upon my own right arm. But why should members laugh? I should not have called for this sort of consuls, who are studying how to propagate the Christian religion out of Bulgaria and into this Touareg country!

I called the attention of the House to this matter in a manner not quite so seriously as is required, but for the purpose of showing what absolute nonsense grave legislators may be guilty of, and especially the nonsense of those who would defend it. And I particularly referred to the gentleman who honors me by sitting to my right, [Mr. ORTH.] Now vote your $3,000.

Mr. GARFIELD. Did not the gentleman travel under the protection of the United States?

Mr. COX. I traveled under the protection of my wife. I carried my own flag.

The CHAIRMAN. The question is on the amendment of the gentleman from New York, [Mr. COX.]

Mr. COX. I withdraw the amendment.

The Clerk read as follows:

Madagascar, and San Juan del Norte.

Mr. SWANN. In making up this bill the clerk omitted, by an accidental oversight, a certain class of officers. I move to supply the omission by inserting after the line just read the following:

SCHEDULE B.

For the agent and consul-general at Cairo, $4,000.
For the consuls-general at London, Paris, Havana, and Rio Janeiro, each $6,000 per annum, $24,000.
For the consuls-general at Calcutta and Shanghai, each $5,000 per annum, $10,000.
For the consul-general at Melbourne, $4,500 per annum.
For the consuls-general at Kanagawa, Montreal, and Berlin, each $4,000 per annum, $12,000.
For the consuls-general at Vienna, Frankfort, Rome, and Constantinople, each $3,000 per annum, $12,000.
For the consuls-general at Saint Petersburg and Mexico, each $2,000 per annum, $4,000.
For the consul at Liverpool, $6,000 per annum.

The amendment was agreed to.

Mr. SWANN. I move further to amend by striking out in lines 63 and 64, on page 4, "$409,700," and inserting "$333,200."

The amendment was agreed to.

The Clerk read as follows:

For allowance for clerks at consulates, as follows:
To the consul-general at Havana and the consul at Liverpool, each a sum not exceeding the rate of $3,000 for any one year; and to the consuls-general at London, Paris, and Shanghai, each a sum not exceeding the rate of $2,000 for any one year; to the consuls-general at Berlin, Vienna, Frankfort, and Montreal, and to the consuls at Hamburg, Bremen, Leipsic, Lyons, Manchester, Beirut, Belfast, Birmingham, Bradford, Chemnitz, Sheffield, Sonneberg, Dresden, Havre, Marseilles, Fayal, Nuremberg, Leith, Naples, Stuttgart, and Tunstall, each a sum not exceeding $1,500 for any one year, $49,500.

Mr. ORTH. I move to amend by inserting after "Stuttgart," in line 231, the word "Manheim," so as to allow to the consul at this place clerk hire not exceeding $1,500.

Mr. SWANN. Is that amendment approved by the Committee on Foreign Affairs?

Mr. ORTH. No, sir; it has never been brought before that committee. I desire to give the information upon which I move the amendment.

Before the revision of our consular system, which has been alluded to by the gentleman from Maryland, [Mr. SWANN,] we had three consulates, one at Carlsruhe, another at Ludwigschafen, and another at Manheim, all in the same immediate vicinity. The revision of last session consolidated those three consulates, continuing a consulate at Manheim but doing away with the consulates at Carlsruhe and Ludwigschafen. The fees received at Carlsruhe for the fiscal year ending June 30, 1873, were about $2,700; at Ludwigschafen, $1,900; and at Manheim, if I recollect aright, about four or five hundred dollars; making as the total of fees received at those three consulates about $5,000. Those consulates having been consolidated, the result is that the consul now discharging the duties heretofore discharged by three persons gets less than was formally allowed to the consulate at any one of those points, with the exception, I believe, of $500 to which he is entitled under the act of 1856, making his total compensation $2,000.

While this section is before us I wish to make a brief statement for the benefit of members of the committee. We appropriate here not less than $1,500 as clerk hire for the different consulates named in this section. The truth is, however, that the discretion of the Secretary of State with reference to this matter is so exercised that in most cases very little more than half this amount is expended for the purpose. For instance, the consul at Manheim informs me that he can get all the clerk hire he desires at from sixty to seventy-five dollars a month, being about one-half the legal allowance. The question may be asked, why not cut down the allowance to less than $1,500? The reason is that there may be one or two consulates to which the allowance of $1,500 is appropriated, while for quite a number of others—perhaps all the others—from $750 to $1,000 is all that is allowed by the State Department. Upon this statement I hope the Committee on Appropriations will consent to the amendment I suggest.

Mr. GARFIELD. This, I believe, is a case in which three consulates were consolidated.

Mr. ORTH. Yes, sir.

Mr. GARFIELD. I happen to know personally the gentleman who has charge of this consulate. He called on me not long ago, just before he went abroad, and stated that a large share of his work was necessarily correspondence. As he has to perform the duty that was until recently assigned to three consulates, the duties of two at least must be managed by correspondence wholly. I happen to know him to be a most excellent man; and I have full faith in what he says. If the Committee on Foreign Affairs think that Manheim should be added to this list, I should certainly feel disposed to follow their lead in this respect from the fact that I know this officer and have full confidence in his statements.

Mr. ORTH. I wish to state in this connection that I am in receipt of a dispatch this morning from the Department stating that the Department would be disposed to make a moderate allowance to Manheim if authority existed—a "moderate allowance"—probably six or seven hundred dollars.

Mr. WILLARD, of Vermont. Without opposing this particular item, for I am not by any means certain that it is not proper, I wish to say that in determining the question last year in relation to these clerks of consuls we made an allowance for clerks at various places—an allowance which would in all probability employ thirty, forty, or fifty clerks. There may be twelve or fourteen of these consular clerks (I am not certain as to the precise number) outside of this appropriation.

Mr. ORTH. Fourteen.

Mr. WILLARD, of Vermont. These consular clerks were appointed in pursuance of law; and it occurred to the committee at that time that the Department could very easily supply any deficiency in the necessary amount of clerkly assistance at any consulate by detailing for that particular consulate some one of these consular clerks. I am not by any means certain it cannot be done yet. Still, as I am tolerably well persuaded that the Secretary of State, in the administration of his office and in the detail of these clerks, intends to send them where they are needed, and as he has recommended an appropriation for clerk hire to be made for this consulate at Manheim, I presume it is all right, and therefore shall make no opposition.

Mr. HOLMAN. I ask that the amendment be again read. Those who have studied the matter may perhaps be familiar with it, but I should like to hear exactly what the amendment is.

The amendment was again read.

Mr. HOLMAN. Mr. Chairman, the effect of this amendment is to give clerk hire to another consulate. That is the effect of this amendment; but I am apprehensive my colleague is laying the foundation for very heavy additional expenditures in carrying out our foreign relations in the future in reference to these consulates by the amendment which was proposed by him at the last session of Congress. Considering that he is generally careful of public expenditures, and of the fact that for a series of years this branch of the public service has remained more entirely unchanged than any other, our foreign representatives being paid in coin instead of in paper, and there was no pretense, therefore, for increasing their salaries on account of the depreciation of our money—considering, I say, there has been no material increase in our foreign relations, and that in point of fact, so far as these consulates are concerned, the expenses of the Government should have steadily diminished, because our foreign commerce has not actually increased, that instead of extending the present wide-spread consular system of the Government it should be decreased, still I apprehend, whenever a movement is set afoot to increase the expenditures of a Department of the Government, it is practically impossible to arrest it. I feel such is the case under the present administration of the Government. The first movement of an important character bearing on these expenditures occurred last session. My friend and colleague thought the increased expenditure growing out of the amendments then made would on the whole have the effect not only to add to the efficiency of the service, as he represented, but ultimately to prevent any motive for further increase of expenditure. But here a small item comes in now in reference to this consulate; but where is it to stop? Everybody has known for years past there has been an army of consuls abroad beyond the wants or necessities of the Government; that they have little or no duties to perform; that the examination of their reports shows an expenditure of money without benefit to the Government; that their services are valueless even for the purpose of protecting the rights of American citizens; in short, that there is no more purely fanciful feature of our Government, nothing more entirely imaginary than the supposed benefits arising from the perpetuation of a system which was perhaps good enough for the Middle Ages, and it may be up to the close of the last century, but of no value now except possibly in connection with the commerce of the country.

For one, sir, I regret to see a tendency to increase these expenditures. I regret to see now for the first time such a movement set on foot as there was last session for these increased expenses. It is a notable fact that whenever you begin an expenditure in connection with any Department of the Government it only serves to lay the foundation for other expenses in the same direction in all the other Departments. When the Committee on Foreign Affairs favors such an appropriation as this, the amount being small in this special instance, it is hardly worth while to raise one's voice against it; but I have observed all past increase in our expenditures beyond what seems to be necessary for the administration of the Government began with precisely similar small appropriations from the Treasury, and when once made I have observed furthermore they have grown with startling rapidity, until in the aggregate they have amounted to millions of dollars.

Mr. ORTH. I am sorry to afford any unnecessary pain and uneasi-

ness to my colleague in offering this small amendment to the bill, but I assure him, in answer to his question as to where this thing will stop, that, so far as I know, the increase to this bill will stop with the adoption of this amendment.

But my colleague is mistaken in several things. He ought to know, because he has been earnest in hunting up facts and figures in reference to the operation of the Government, that the bill passed at the last session of Congress has saved this Government no less than $75,000 of money. And he ought to know that instead of the consular system being a burden to the Government, it is a source of revenue, bringing into the Treasury some $240,000 over and above the amount expended. He ought to know such is the fact, and he ought to have so spoken to his people, that instead of being a burden upon us it is actually a source of revenue. Furthermore, the commerce of this country is increasing. The fees returned by our consuls to the State Department exhibit year by year an increase commensurate with the growth of our country.

Mr. Chairman, I am not surprised at my colleague, because for years I have listened to his remarks here in behalf of economy, and I have only to hope, when he and his friends take charge of matters here in a few months more, we will see that spirit of economy manifested in the legislation of the country of which they have given us such boisterous and frequent promise in the last few years. What I asked for here was to correct a mere oversight in last year's legislation. As I have stated, I do not wish to repeat the argument; but my colleague was probably out of his seat when I made the motion. We have consolidated here three consulates into one. The fees are in the neighborhood of $5,000 a year. We are paying to that consul $1,500 a year where we had paid almost three times that amount before. The duties and business of that consulate have increased to such an extent that they have become a severe burden to the man who is occupying the place at the pitiful sum of $1,500. He asks that we shall grant him clerk hire under the discretion of the Department of State. That clerk hire in all human probability will not exceed $750.

Mr. HOLMAN. My friend is aware that the fact to which he refers of the large fees received holds good only in reference to a few of the important consulates at points where we have very important commercial relations. The consular system as a whole, in connection with our foreign diplomacy, is a very heavy expense to the Government over and above any benefit derived from consular fees. And that the legislation of last session resulted in an increase of the cost of foreign relations I think is clear, and must be clear and beyond question to any one.

I had indulged a hope that my friend would have seen the advantage, not only to the party which now controls the administration of this House but to the country itself, of such a reduction in the appropriations of this present session of Congress as that the reductions when made to such sums as will be necessary for the economical administration of the Government would not be so startling. I would hope that this session, instead of $182,000,000 being appropriated for the current expenses of the Government, a sum approaching the expenditures of six or seven years ago, the expenditures of the year 1867, naturally the most expensive year since the war, should have been reached. But I see no tendency in that direction. And if the country shall be convinced within the next twelve or eighteen months that this Government can be carried on with absolute efficiency in all its Departments upon a reduction of the expenditures of the Government by forty, fifty, or sixty million dollars; if not only the estimates be made, but the country shall be satisfied that such a reduction of the appropriations will not at all embarrass the administration of our public affairs, then I think my friend will be convinced that it was the true policy, not only from the low point of view of partyism but from the high national point of view of the interests of the whole people, that at this session of Congress an honest, sincere effort at retrenchment in expenditures should have been made.

I do not feel any anxiety that any one political party should have exclusively the honor of a sincere effort to bring back the expenditure of this Government to the sum required for its economical and efficient administration. I would rather have seen the republican party, as represented here, proceed in this necessary work of retrenchment and reform than see the work exclusively appropriated by its successors.

Mr. MYERS. I cannot allow to pass without comment the assertion of my friend from Indiana [Mr. HOLMAN] that our expenditures for the consular service are, notwithstanding what the chairman of the Committee on Foreign Affairs has stated, greater than our receipts.

Mr. HOLMAN. I said, coupled with the cost of our diplomatic relations.

Mr. MYERS. We are treating now of our consular service. I want to say this, which is a fact perhaps not generally known, that our receipts from consular fees average about $200,000 per year more than the expenses for consuls.

Mr. HOLMAN. One hundred and seventy-five thousand dollars last year.

Mr. MYERS. They average $200,000; but what the amount may be this year, $140,000 or $175,000 or $200,000, the fact stands out that we are receiving from this service far more than we spend. The consular service and the Patent-Office are the only two Departments of the Government, if I may so term them, that are self-sustaining. Yet whenever a proposition comes before the House to give better pay to employés of the Patent-Office, there has always been objection made to it that we are paying too much; and whenever a motion is made to pay to our representatives abroad a compensation which will justify men of ability in going there, and make them have at least a relative position of honor compared with the better paid men of other governments, such a proposition is fought by economical gentlemen like my friend from Indiana, without reason, without justice, I will not say without sense, because my friend has a good deal of that, if he would only exercise it in the right direction.

I have for years, sir, complained that we do not pay our representatives abroad in the consular service sufficient to compensate for the banishment, as it frequently is in these minor consulates, from home, and for expenses which entail debt upon them, so that frequently when they die abroad we have to provide for the benefit of their families for some of the expenses which have been incurred. We do not pay them in proportion to what other nations pay their consular officers. We would elevate our own dignity and honor, and enable them to stand better before other nations if we gave them enough; if we gave them more than a miserable pittance, and sufficient to enable them to appear at least respectable abroad. Now we pay them too low. It was my fond hope that in the reorganization of the consular service last year we should have had a more liberal pay granted to that service and to our representatives abroad.

We had a reorganization; we gave a little more to one man and, as my friend from Vermont [Mr. WILLARD] on the committee wanted, a little less to another man, and came before the House and said that we had not altogether increased the expenses of the Government. Why should we fear increasing the expenses of the Government in this regard, especially when this service yields to the Government a revenue and the service was not created for the purpose of obtaining revenue to the Government? Why not pay proper salaries, so that men shall not starve abroad as the representatives of this Government? Many of them come home in an impoverished condition.

Sir, I am glad to say—I am going out of Congress; I am not glad of that, although I am not very sorry—I am glad to say that since I have been in Congress, whenever it has been proposed to give the men we employ proper salaries, whether in clerical positions or the consular service, or whatever position a man might occupy, even members of Congress, my view has been, and I voted and spoke for it, that "the laborer is worthy of his hire;" and it is beneath our dignity to try, in order to obtain an economical reputation, to strike down these men, especially men who are not here to present their own cases, and who get so small a pittance as we give to those engaged in our consular service.

I hope the gentleman from Indiana will withdraw any opposition as to this particular case where my friend, the chairman of the Committee on Foreign Affairs, has shown him he is wrong. But I speak of the question in general, and I say that, especially as we have a large surplus each year arising from the exertions, the labor, the duties of these men, we should pay them a proper, honorable salary for the services which they perform.

The question was taken on the amendment of Mr. ORTH, and it was agreed to.

Mr. SWANN. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CORWIN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that it do pass.

Mr. SWANN. I move the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments reported from the Committee of the Whole on the state of the Union were concurred in.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SWANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTLER, of Massachusetts. I move that the House do now adjourn.

Mr. GARFIELD. I appeal to the gentleman to withdraw that motion for a moment.

Mr. BUTLER, of Massachusetts. I withdraw it.

EXPENSES OF THE VISIT OF THE KING OF HAWAII.

Mr. GARFIELD. I ask leave to report from the Committee on Appropriations for passage a bill to pay the expenses of the visit to the King of the Hawaiian Islands.

Mr. COX. O, no; do not pass that now.

Mr. GARFIELD. I think there can be no objection to it. It is a bill in regard to the visit of His Majesty the King of the Hawaiian Islands.

The bill was read. It proposes to appropriate $30,000 to defray the expenses attending the visit of His Majesty the King of the Hawaiian Islands and suite in the United States; that amount, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State and vouchers to be filed in the Treasury Department, a statement thereof to be reported to Congress by the Secretary of State.

Mr. GARFIELD. I will move to change the amount of the appropriation to $25,000.

Mr. RANDALL. I suppose it would be rather discourteous to object to such a bill as this; but I will ask the gentleman if he has a list of items, or whether this is the estimated amount of the expenses?

Mr. GARFIELD. This is the estimated amount. Of course we cannot have a bill of items. I am willing to answer any other questions that gentlemen desire to ask.

Mr. HEREFORD. When the gentleman asked leave to introduce this bill a few days ago I objected to its introduction, and I stated then that I would continue to object to it, certainly until there was a report from the Secretary of State as to what was done with the Japanese fund. We appropriated $50,000 on that occasion, and by the act which I hold in my hand, approved February 2, 1872, it was made the duty of the Secretary of State to report to this House what was done with that $50,000, and no such report has been made up to this day.

Mr. GARFIELD. In accordance with the suggestion of the gentleman I wrote to the Secretary of State, and somewhat to my mortification I will confess he referred me to a document of the Forty-second Congress containing a report of the expenditure of that fund, and to another document of the Forty-third Congress containing a supplementary report, accounting for the expenditure of $25,700. The whole matter of the items of expense were passed through the Treasury on regular vouchers in the ordinary way, and the entire sum remaining unexpended was covered into the Treasury in July last in accordance with general law.

Mr. HEREFORD. I have inquired at the proper place, the document-room, for such a report, and after a thorough investigation was informed that no such report had been made. At all events I have been unable to find it.

Mr. GARFIELD. The gentleman will find it in the appendix to the Book of Estimates of last year, reported among the items of expenditure of that year. That is where I found it. I call attention to the communications from the State Department upon the subject.

The communications were as follows:

DEPARTMENT OF STATE,
Washington, December 21, 1874.

SIR: I transmit a draught of a joint resolution for appropriating $25,000 for the expenses of the King of the Hawaiian Kingdom and suite as the guests of the nation.

I beg leave to refer you to the following similar resolutions on kindred occasions which have been consulted in preparing the inclosed draught, viz: One approved April 19, 1860, providing $50,000 for the expenses of the first Japanese embassy not then arrived, (Statutes, volume 12, page 115,) and one approved February 2, 1872, appropriating $50,000 for the expenses of the second embassy from Japan, (Statutes, volume 17, page 30.)

The expenditures for the Chinese embassy, of which Mr. Burlingame was the head, were defrayed from the appropriation for the contingent expenses of foreign intercourse; and the account thereof having been settled according to law upon the certificate of the President for the time being, this Department possesses no account of the specific purposes to which it was applied.

The appropriation now suggested is recommended as advisable and expedient, in view of our relations with the Hawaiian Kingdom.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. JAMES A. GARFIELD,
Chairman of the Committee on Appropriations,
House of Representatives.

Inclosure: Draught of joint resolution.

DEPARTMENT OF STATE,
Washington, D. C., December 22, 1874.

Hon. JAMES A. GARFIELD:

The amount mentioned in my letter of yesterday should read $30,000 instead of $25,000. Please make the correction.

HAMILTON FISH.

Mr. GARFIELD. I have moved to reduce the amount to $25,000, as the Secretary of State thinks he can get along with $5,000 less than the amount called for by the bill.

Mr. FIELD. I object to this bill at this time.

Mr. GARFIELD. Then I move that the rules be suspended so as to pass this bill with the amendment I have indicated.

The question was upon seconding the motion to suspend the rules; and being taken by a *viva voce* vote,

The SPEAKER said: The ayes appear to have it.

Mr. HOLMAN. I call for a count.

Tellers were ordered; and Mr. GARFIELD and Mr. HOLMAN were appointed.

The House divided; and the tellers reported that there were—ayes 74, noes 29; no quorum voting.

Mr. BUTLER, of Massachusetts. I move that the House now adjourn.

The motion was agreed to; and accordingly (at three o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rules, and referred as stated:

By Mr. ARCHER: The petition of Mary W. Jones, widow of Commodore Thomas Ap C. Jones, for increase of pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, papers relating to the invention of Admiral David D. Porter for firing shot or shell from a gun under water, to the Committee on Naval Affairs.

By Mr. ARMSTRONG: The petition of members of the Dakota Legislature, for a post-route from Sioux Falls to Herman, Dakota, to the Committee on the Post-Office and Post-Roads.

By Mr. BROMBERG: The petition of Thomas McNulty, of Mobile, Alabama, for relief, to the Committee on Claims.

By Mr. BUTLER, of Massachusetts: The petition of citizens of Massachusetts that a pension be granted Andrew Lane, jr., of Rockport, Massachusetts, to the Committee on Invalid Pensions.

By Mr. BUTLER, of Tennessee: The petition of Samuel F Moore, late second lieutenant Twelfth Tennessee Infantry, for relief, to the Committee on Military Affairs.

By Mr. CANNON, of Utah: Memorial of Captain J. Y. McGinniss, captain Thirteenth United States Infantry, to the Committee on Claims.

By Mr. CHIPMAN: Memorial of the Women's Temperance Union of the District of Columbia, in reference to the sale of intoxicating liquor in the District, to the Committee on the District of Columbia.

Also, the petition of William A. Mitchell, of Hartford, Connecticut, for relief, to the Committee on Military Affairs.

Also, numerous petitions from citizens of the United States, asking Congress to make an appropriation to complete the Washington Monument, to the Select Committee on the Washington National Monument.

Also, papers relating to the claim of Selmar Siebert, to the Committee on Appropriations.

Also, a petition for the incorporation of the trustees of the Louise Home and for other purposes, to the Committee on the District of Columbia.

Also, the petition of citizens of the District of Columbia, for the passage of a bill to authorize a general and consolidated index of the records of the recorder of said District, to the Committee on the District of Columbia.

By Mr. CLEMENTS: Paper relating to the application of the county commissioners of Randolph County, Illinois, for the survey of a certain tract of land, to the Committee on the Public Lands.

By Mr. COMINGO: Petition from the Industrial Brotherhood at Kansas City, Missouri, signed by 700 citizens of the United States, asking the enactment of a law which shall by its provisions—First, retire all national-bank, State, city, or other currency or scrip used as such; second, issue a paper currency which shall be a legal tender for all dues, both public and private, except such as have been made payable in gold by express terms of the law contracting said debts; third, make this issue directly to the people, without the intervention of any banking system whatever; fourth, entitle each and every holder of $100, $200, $300, or any number of even hundreds of dollars of this currency to a United States registered bond for an equal amount, bearing a rate of interest not to exceed 3.65 per cent. per annum, said interest payable annually or at the redemption of said bond, and said bond, being reconvertible at the option of the holder, to be taxable by State and municipal authority the same as any other species of property, to the Committee on Banking and Currency.

By Mr. COTTON: The petition of Robert Henne, late lieutenant Twelfth Missouri Volunteers, for increase of pension, to the Committee on Invalid Pensions.

By Mr. CURTIS: The petition of Nancy A. Young, mother of Henry S. Young, for a pension, to the Committee on Invalid Pensions.

By Mr. FARWELL: The petition of citizens of Chicago, for the repeal of the tax on matches, to the Committee on Ways and Means.

By Mr. FIELD: The petition of wholesale grocers of Detroit, Michigan, for the repeal of the tax on matches, to the Committee on Ways and Means.

By Mr. FRYE: The petition of Mary A. K. Latham, for an amendment of the pension laws, to the Committee on Invalid Pensions.

By Mr. GARFIELD: The petition of William F. Milliken and others, of Coshocton County, Ohio, for the passage by Congress of such laws as will suppress intemperance, to the Committee on the Judiciary.

By Mr. GUNTER: The petition of William Moss, to be compensated for carrying the mails from Washington, Arkansas, to Clarksville, Texas, in 1854, to the Committee on the Post-Office and Post-Roads.

By Mr. HAWLEY, of Illinois: Several petitions of citizens of Genesee County, Illinois, for the passage of the bill for the construction of the proposed canal from Hennepin to Rock Island, to the Committee on Railways and Canals.

By Mr. HOSKINS: The petition of Enoch Williams, of Lockport, New York, for a pension, to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of William Fletcher, of Fauquier County, Virginia, for a rehearing before the commissioners of claims, to the Committee on War Claims.

Also, the petition of William C. Beckley, of Alexandria, Virginia,

for a rehearing before the commissioners of claims and for payment of rent for building occupied by the United States Army, to the Committee on War Claims.

By Mr. HYDE: The petition of John Hurley, James Trappe, and others, for leave to present their respective claims to the Court of Claims, to the Committee on Claims.

By Mr. LUTTRELL: The petition of E. W. Maslin and 200 others, of California, for an appropriation to improve Petaluma Creek, to the Committee on Commerce.

By Mr. NESMITH: Memorial of the Board of Trade of Portland, Oregon, in favor of a reciprocity treaty between the United States and the Hawaiian Kingdom, to the Committee on Foreign Affairs.

Also, the memorial of the Board of Trade of Portland, Oregon, in relation to the removal of obstructions from Willamette River, to the Committee on Commerce.

By Mr. NEGLEY: The petition of employés in the navy-yard at Washington and of citizens of Washington, asking Congress to provide work for the unemployed, to the Committee on Naval Affairs.

By Mr. NIBLACK: The petition of Joseph Odell, late private Sixty-fifth Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. NILES: The petition of Robert H. Brentlinger, postmaster at Greenville, Mississippi, for relief, to the Committee on the Post-Office and Post-Roads.

By Mr. POLAND: The petition of Samuel Hoyt, of Glover, Vermont, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. RAINEY: Resolutions of the General Assembly of South Carolina, in relation to the Freedman's Savings and Trust Company, to the Committee on Banking and Currency.

Also, the petition of sundry depositors in South Carolina in the Freedman's Savings and Trust Company, for relief, to the Committee on Banking and Currency.

Also, the petition of sundry depositors in Maryland in the Freedman's Savings and Trust Company, for relief, to the Committee on Banking and Currency.

By Mr. RANDALL: The petition of Catherine Strubling, for relief, in consideration of the services of Philip Strubling, an officer in the revolutionary Army, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Catherine Strubling, for payment for certain land improperly taken and kept from her by the Government of the United States, to the Committee on Private Land Claims.

By Mr. RANSIER: Memorial of the Chamber of Commerce of Charleston, South Carolina, and others, asking an appropriation of $100,000 for the improvement of Charleston Harbor, to the Committee on Commerce.

Also, the remonstrance of merchants, pilots, and others of Charleston, South Carolina, against the abolition of compulsory pilotage, to the Committee on Commerce.

By Mr. ELLIS H. ROBERTS: The petitions of citizens of Oneida County, New York, that a pension be granted to Catherine Bohan, to the Committee on Invalid Pensions.

By Mr. RUSK: Paper relating to the claim of E. B. Wise, for a pension, to the Committee on Invalid Pensions.

By Mr. SAWYER: The petition of William P. Stowe, late chaplain Twenty-seventh Wisconsin Volunteers, for relief, to the Committee on Claims.

By Mr. SAYLER, of Ohio: Numerous petitions of physicians and medical societies of Ohio, in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. SCOFIELD: The petition of A. Hendekoper and others, for an amendment of the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789, to the Committee on the Judiciary.

By Mr. SHOEMAKER, of Pennsylvania: The petition of Mary W. Jones, for increase of pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. SPRAGUE: Resolutions of the General Assembly of Ohio, in favor of having the stone for the new United States building in Cincinnati cut and dressed in that city, and not in a distant State, to the Committee on Public Buildings and Grounds.

By Mr. STARKWEATHER: The petition of Theodore D. Woolsey, Henry P. Haven, and others, of Connecticut, that Congress make an appropriation to reward Joseph Ebierbing and his wife Hannah, survivors of the Polaris expedition, for their services, to the Committee on Naval Affairs.

By Mr. STORM: The petition of citizens of Pennsylvania, for a post-route from Hancock, Delaware County, New York, to Tallmanville, Wayne County, Pennsylvania, via Jones Eddy, Kingsbury Hill, and Lizzard Lake, to the Committee on the Post-Office and Post-Roads.

By Mr. THORNBURGH: The petition of S. E. Rankin, of Mossy Creek, Tennessee, for relief, to the Committee on Military Affairs.

By Mr. TOWNSEND: The petition of John McCauly, to be indemnified for false imprisonment by the United States authorities, to the Committee on War Claims.

By Mr. WARD, of New Jersey: The petition of William Kleingos, for a pension, to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: The petition of J. W. Early and other depositors in the agency of the Freedman's Savings and Trust Company at Nashville, Tennessee, for such legislation as will hold the trustees and other officers of said bank civilly and criminally liable for their mismanagement of their trust, to the Committee on Banking and Currency.

By Mr. WILLARD, of Michigan: The memorial of citizens of Utah Territory, in relation to a wagon-road in Little Cottonwood Canyon, in said Territory, to the Committee on the Public Lands.

By Mr. WILSON, of Iowa: The petition of citizens of Johnson County, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. YOUNG, of Kentucky: The petition of Thomas C. Anderson, to be reinstated in the Naval Academy, to the Committee on Naval Affairs.

By Mr. ——: Additional evidence in the claims of Frank Suda and Frank Burnett, to the Committee on War Claims.

IN SENATE.

TUESDAY, *January* 12, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HAGER. I present the memorial of Louis Rose, a citizen of San Diego, in the State of California. Mr. Rose complains that he has been deprived of certain lands that he held in the town of San Diego by the Government of the United States. San Diego was a Mexican pueblo, and was entitled, under the Mexican laws, to four square leagues of land. This title was recognized by the land commission and confirmed by a judicial decree. The ayuntamiento, under the Mexican system of laws, conveyed certain portions of this pueblo land to Mr. Rose. Long after the confirmation by the court the authorities of the United States took possession of the lands that had been conveyed to him, for the purposes of fortifications. He had built a wharf, at a large expense, on this land, and has been deprived of the use of his wharf and of his land by the Government, who, as I have stated, have taken possession of it for purposes of fortifications. The Government recognized the title of the town of San Diego to these municipal lands, and made a purchase of a certain portion for the site of these fortifications, but extended beyond the boundaries they had purchased and took into their possession that which is claimed to be the private property of Louis Rose.

The memorial relates to a private land claim as between the Government and Mr. Rose. I therefore ask that the memorial be referred to the Committee on Private Land Claims, with the exhibits which I send to the Chair.

It was so referred.

Mr. WRIGHT. I desire to present a memorial of citizens of Wayne County, Iowa, remonstrating against the removal of the United States court from Keokuk to Burlington; which I ask to be referred to the Committee on the Judiciary. I desire to say, now that I have the floor, that I shall ask the Senate to proceed to the consideration of the bill to abolish the western district of Arkansas. I shall make one more effort to have that bill disposed of immediately after the disposition of the morning business.

The VICE-PRESIDENT. The memorial will be referred to the Committee on the Judiciary.

Mr. INGALLS presented additional papers in relation to the pension claim of Abraham Ellis, late lieutenant and quartermaster, &c., for United States troops in the State of Kansas; which were referred to the Committee on Pensions.

Mr. CRAGIN presented the petition of William Maxwell Wood, of Washington, District of Columbia, asking the payment of $15,000 for the present and future use on all Government vessels of "boat detaching and attaching apparatus" invented and patented by him; which was referred to the Committee on Naval Affairs.

He also presented a petition of 500 citizens of Washington, District of Columbia, late employés of the navy-yard and others, praying such legislation as will warrant their steady employment in the Government yards; which was referred to the Committee on Naval Affairs.

Mr. BOGY presented a petition of Fleming Cramp and William Williamston, praying to be allowed a pension for services rendered the United States in the Yellowstone expedition in 1824-'25; which was referred to the Committee on Pensions.

Mr. PATTERSON presented the petition of Louis J. Barbot, civil engineer, William Hume, G. W. Amory, Street Brothers, Rutledge & Young, Pelzer, Rodgers & Co., and others, of South Carolina, asking the passage of the bill (H. R. No. 3656) for the construction of a transportation route from some point on the Union Pacific Railroad to London, England; which was referred to the Committee on Railroads.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the bill (S. No. 964) to provide for the revision of the laws for the collection of customs duties, reported it with amendments.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was

referred the bill (S. No. 268) for the relief of the officers and crew of the United States steamer Champion, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Finance, to whom was referred the bill (H. R. No. 3825) to amend the national-bank act, and fixing the compensation of national-bank examiners, reported it with an amendment.

PRESENT TO MRS. FITCH FROM THE KHEDIVE OF EGYPT.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance to report a joint resolution (S. R. No. 15) authorizing Thomas W. Fitch, engineer of the United States Navy, to accept of a wedding present sent to his wife, Mrs. Minnie Sherman Fitch. I presume there can be no objection to it, and therefore I shall ask for its present consideration. This was a present sent by the Khedive of Egypt to the daughter of General Sherman as a wedding present. The husband of Mrs. Minnie Sherman Fitch is an engineer of the United States Navy, and it requires therefore an act of Congress in order to allow him to receive it.

By unanimous consent the joint resolution was read three times and passed. It authorizes Thomas W. Fitch, engineer of the United States Navy, to accept of a wedding present of jewelry sent to his wife, Mrs. Minnie Sherman Fitch, by the Khedive of Egypt as a token of respect.

TESTIMONY IN REVENUE-FRAUD CASES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws and to repeal moieties," approved June 22, 1874, to report it back, with an amendment, and to ask for its immediate consideration on account of the pressing nature of the case. As soon as the bill is taken up I shall have a letter read explaining it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It declares that nothing in the nineteenth section of the act entitled "An act to amend the customs-revenue laws and to repeal moieties," passed June 22, 1874, shall be construed to affect any authority, power, or right which might theretofore have been lawfully exercised by any court, judge, or district attorney of the United States to obtain the testimony of an accomplice in any crime against or fraud upon the customs-revenue laws on any trial or proceeding for a fine, penalty, or forfeiture under those laws, by a discontinuance or dismissal, or by an engagement to discontinue or dismiss any proceedings against such accomplice.

The amendment of the Committee on Finance was in line 5 to strike out the word "passed" and insert "approved."

The amendment was agreed to.

Mr. SHERMAN. I will say a word in explanation before I have the letter read. The nineteenth section of the moiety act of the last session has embarrassed the officers of the law, judges of the courts, and district attorneys, in the disposal of cases pending before them, and especially in releasing some parties where it is necessary to make them witnesses. As the letter which I shall have read will explain the difficulties sought to be corrected by this bill, I shall have the letter read, stating also that it is warmly approved by the Secretary of the Treasury, who has called my attention to it and urges the immediate passage of the act. I ask that the letter be read.

The Chief Clerk read as follows:

DISTRICT ATTORNEY OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, January 4, 1875.

DEAR SIR: Referring to my conversation with you on Saturday, I beg to put in writing the substance of what I said.

The nineteenth section of the "moiety bill," so called, of last winter is as follows:

"That it shall not be lawful for any officer or officers of the United States to compromise or abate any claim of the United States arising under the customs laws, for any fine, penalty, or forfeiture incurred by a violation thereof; and any officer or person who shall so compromise or abate any such claim, or attempt to make such compromise or abatement, *or in any manner relieve or attempt to relieve from such fine, penalty,* or forfeiture, shall be deemed guilty of a felony, and on conviction thereof shall suffer imprisonment not exceeding ten years, and be fined not exceeding $10,000: *Provided, however,* That the Secretary of the Treasury shall have power to remit any fines, penalties, or forfeitures, or to compromise the same, in accordance with existing law."

This section, and especially the words underlined, seem to require an interpretation which I believe was never intended, and which should be, in my opinion, promptly remedied. The section is believed to take from the district attorney the power to use one conspirator as a witness against another in customs cases, for to do so there must either be a direct promise of immunity, or—what comes to the same thing—the courts will not allow a person who has been so used to be put upon trial. The result is, therefore, that a district attorney who should do this would relieve or attempt to relieve such person from a fine, penalty, or forfeiture, and would subject himself to the punishment imposed by the section.

The closing clause, preserving the remitting power of the Secretary of the Treasury, does not relieve the matter, for that power never extended to criminal cases.

The interpretation I have stated or given to the section is that given by Judges Woodruff, Blatchford, and Benedict. It is also that given, I understand, by the district attorneys of Massachusetts, Maine, and Vermont, if not others. The Attorney-General has given an opinion to the contrary. There is, therefore, to say the least, a very undesirable difference of opinion.

I cannot suppose that any such result was intended by the law-making power. The result certainly is to secure immunity from conviction where otherwise it could and would be obtained, for no district attorney could be expected to run the risk of being held to have violated the section; so that though the construction given by the Attorney-General may be eventually held to be the correct one, until that is judicially established (which is not from the nature of the case likely to be ever done) the contrary construction will be the one adopted in practice.

If you and the Committee on Ways and Means shall concur with me in these views, I beg to suggest the passage of a declaratory resolution something in the form of that inclosed. I adopt this form because, if the correction is to be applied, it should be done at once. I desire to use accomplices as witnesses in cases to be tried within ten days, and I suppose a resolution can be formed more rapidly than a bill. Moreover, it would probably pass unaffected by any views as to other portions of the moiety act.

Very respectfully,

GEORGE BLISS,
United States Attorney.

Hon. JOHN A. KASSON.

Mr. BAYARD. I have no objection to this measure, and only express my surprise that it should have been thought necessary. I am surprised that it should be thought necessary to pass an act termed there a declaratory act. But this is not a declaratory act; it is simply an act restrictive of the scope and operation of former laws. I shall have no objection to this bill, merely saying that I cannot understand how, under a general penal law, a court should have been supposed to be deprived of the power to order a discontinuance of proceedings against one of the parties charged before it jointly with others, for the purpose of making him a competent witness or for any purpose of obtaining testimony of that kind. Such matters have been always discretionary in courts from time immemorial, and this is the first time it has been thought necessary to enact a special law permitting a certain class of offenders, indicted jointly with others, to have their cases severed in order that they might be used as witnesses for the prosecution of their coconspirators. I make no objection to the bill.

Mr. SHERMAN. I was disposed in the first instance to agree to the construction put upon this law by the Attorney-General and also by the Senator from Delaware; but it must be remembered that very respectable judges, like the circuit judge in New York and of several of the Eastern States, have put a different construction on it, and after a careful examination of the law I am inclined to think their construction is correct, and therefore the necessity of passing this bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1117) for the relief of Mrs. Mary J. Eddy, which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1118) to incorporate the trustees of the Louise Home, and for other purposes; whith was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1119) for the relief of James Millinger, of New Jersey; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1120) for the relief of Miss Rebecca L. Wright; which was read twice by its title, and referred to the Committee on Military Affairs.

ARKANSAS JUDICIAL DISTRICTS.

Mr. WRIGHT. I move that the Senate proceed to the consideration of bill (H. R. No. 3621) to abolish the western district of Arkansas. There will be no trouble about it now, I think.

Mr. PRATT. I shall interpose no objection to the present consideration of the bill which my friend from Iowa wishes to have considered this morning; but I give notice that after that is disposed of this morning, if practicable, or if not this morning on to-morrow morning after the conclusion of the morning business, I shall ask the consent of the Senate to take up the bill reported from the Committee on Public Lands on March last, ceding to the several States within whose limits they respectively lie the beds of unsurveyed lakes and other bodies of water. I wish to submit some observations upon the merits of that bill to the Senate, and desire to take the earliest occasion to do that.

Mr. WRIGHT. I have no doubt the Senator will have time to-day, after the Senate disposes of the bill which I have moved to take up.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the consideration of the bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes, was resumed as in Committee of the Whole.

Mr. WRIGHT. The original bill and substitute have both been read. I submit that the substitute, as offered by the committee, be read.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. The Committee on the Judiciary report to strike out all after the enacting clause of the bill and insert the following:

That the judge of the district court for the eastern district of Arkansas shall hold the terms of the district court now provided by law in the western as well as in the eastern district of said State; and all judicial powers now exercised by, or conferred upon, the judge of said western district are hereby conferred upon, and shall be exercised by, the judge of said eastern district of Arkansas; and all acts and parts of acts providing for the appointment of a district judge for said western district of Arkansas are hereby repealed.

SEC. 2. That section 2153 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"In executing process in the Indian country, the marshal may call to his aid, to assist in executing process by arresting and bringing in prisoners from the Indian country, one person, when necessary, or two, when the judge of his district shall certify, in writing, that two are necessary; and they shall each be allowed for their services, in lieu of all expenses, three dollars per day. When two are deemed insufficient, the marshal shall apply for aid to the nearest commanding officer of the Army, whose duty it shall be to furnish the men."

Mr. WRIGHT. Before the question is taken on that amendment, I have a section to offer by way of addition to it and for its perfection; I offer it at this time so that the question may be taken on the whole substitute at once:

SEC. 3. That the counties of Benton, Washington, Crawford, Sebastian, Scott, Polk, Sevier, Howard, Montgomery, Sarber, Franklin, Johnson, Madison, Newton, Carroll, Boone, and Marion, in said State of Arkansas, together with all that part of the Indian country described in and included by the act entitled "An act to divide the district of Arkansas into two judicial districts," approved March 3, 1851, shall constitute the western judicial district; and the residue of said State shall constitute the eastern district of said State.

Mr. CLAYTON. I desire to say that the objections I raised to the substitute reported by the committee a few days ago are entirely removed by the amendment just offered by the Senator from Iowa; and I desire to say further, that among the first bills introduced by myself in this body, some four years ago, was a bill of a similar character to this which is now under consideration, including the amendment offered by the Senator from Iowa. I think it is unfortunate that action was not taken earlier upon this matter; but I am satisfied that the bill, if amended in the way now proposed, will meet all the considerations raised for the benefit of the public service. I can say for myself, and I think I can say for my colleagues in this and the other House, that it meets our entire and hearty approval as proposed to be amended by the Senator from Iowa. I hope it will pass.

Mr. INGALLS. Before the Senator from Arkansas takes his seat I hope he will explain an apparent anomaly, or at least contradiction, between the substitue and the amending section. As I understand the substitute to the bill, it proposes to abolish the western district of Arkansas. The amended section which the Senator from Iowa has offered this morning proposes to constitute a new western district out of several counties of Arkansas and the country known as the Indian Territory.

Mr. CLAYTON. The Senator is under a misapprehension, I think; but perhaps the Senator from Iowa who proposed the substitute had better answer the question.

Mr. WRIGHT. The bill as originally introduced provided for abolishing the western district of Arkansas entirely as to the judge, the district attorney, and the marshal also. The substitute proposes to repeal all laws that provide for the appointment of a judge for such district. But before the appointment of a judge under the act of 1871 there was a western district of Arkansas, and for that district there were provided a marshal and a district attorney. The original bill proposed to abolish that western district entirely, and have but one district in Arkansas. The substitute proposes to retain the law as it stood before the act of 1871, so far as a marshal and district attorney are concerned, and repeals all laws providing for the appointment of a judge. It occurs that under the act of 1871 certain counties were attached to the western district as established by the act of 1851, and this last section proposes in substance to restore the boundaries of the western district as they stood under the act of 1851 and before the passage of the act of 1871.

Mr. INGALLS. I beg the Senator to believe that if this measure concerned the State of Arkansas alone, I should hesitate to interpose any objection whatever to its consideration; but if I understand the object of the measure proposed by the Senator from Iowa, it not only abolishes the western district of Arkansas but consolidates the State of Arkansas with the Indian Territory into one judicial district, making a territorial area of something like one hundred and twenty thousand square miles and embracing a jurisdiction that comprises not only the interests of the people of Arkansas but those of the civilized Indian nations in the Indian country and also those of the barbarous or savage tribes whose reservations have been placed in that country by executive order.

It appears to me that this is exceedingly unjust. It is unjust, in the first place, to the judge who sits upon that bench, because it imposes upon him duties that he is entirely unable to perform; it is unjust to the people of Arkansas, because it deprives them of the possibility of a speedy adjudication of their cases before that bench; and it is unjust to the people of the Indian country, because there is a condition of disorder there, there is a condition of violence and disturbance there which the present judicial system is entirely unable to deal with.

In view of this position which I take, I beg to call the attention of the Senator from Iowa having this bill in charge, and of the Senator from Arkansas, who is specially interested, to this communication from the grand jurors of the western district of Arkansas, the district attorneys of the eastern and western districts of Arkansas, and the judge who sits upon the bench, in regard to the question now before the Senate, which I have received this morning:

To the Congress of the United States:

We, the undersigned, members of the grand jury serving at the November term, 1874, of the United States court for the western district of Arkansas, beg leave to present that from our personal knowledge as citizens of said district and from information coming to our knowledge as such jurors we are convinced beyond all doubt that the best interests of the Indians, negroes, and whites now in the Territory imperatively demand that said Territory should be opened to white settlers and given a territorial government. There is now no court in which civil justice can be administered in that country between the Indians and whites and negroes, and hence parties take the law in their own hands in many cases, and out of this grow many criminal prosecutions. The court at Fort Smith is the only one invested with criminal jurisdiction over that country, and its criminal jurisdiction is special and limited; and by reason of the vast extent of territory and the absence of local officers the administration of criminal justice in this court is necessarily very imperfect, and is totally inadequate to afford proper protection to life and property. We therefore earnestly recommend that a proper local government be given to the people of that country.

We are, very respectfully, your obedient servants,

A. J. HALE,
Foreman of the Grand Jury.

* * * * * * *

Then follow the signatures of the grand jurors, nineteen in number, and of— * * * * *

S. R. HARRINGTON,
United States Attorney Eastern District Arkansas.
WILLIAM H. H. CLAYTON,
United States Attorney Western District Arkansas.

The authenticity of these signatures is certified under the hand and seal of the clerk of that court. Appended to these are the signatures of the petit jurors at the same term of that court, likewise authenticated by the signature and seal of the clerk; but now I call attention to the statement of the judge of that district appended to this petition:

The statements made in the foregoing petition are true. There is no court in that country having jurisdiction to administer civil justice between the Indians and whites and negroes. This state of things leads to attempts to enforce supposed civil rights by forcible means, and this of course usually results in riots, bloodshed, and murder. Owing to the territorial extent of the country and the character of its population, it is quite impossible to secure a successful administration of criminal justice in the United States court at Fort Smith, and besides the jurisdiction of that court is limited and special and powerless to afford proper protection to life and property in that country.

HENRY C. CALDWELL,
Acting United States District Judge Western District Arkansas.

Mr. President, I feel a great deal of interest in this subject, because it very nearly concerns the welfare of a large portion of the people of my own State; and, as I said, if the matter concerned the State of Arkansas alone, I should be among the last to offer any objection to the passage of this bill; but I have introduced a bill which is now pending before the Judiciary Committee to organize the judicial district of Oklahoma and provide for United States courts in that district; and what I submit is this: that the importance and gravity of this question demand that the whole subject be considered together. There should be a court organized in that district; and it is unjust to the people of Arkansas and to the people of the Indian Territory to abolish the western district of Arkansas, attaching that Territory to the State of Arkansas, without at the same time dealing with the whole question and making provisions for a court in that Territory.

With these views I think that the passage of this bill at the present time is objectionable, and that the committee owe it to those people to take the whole subject into consideration and let us deal with it at once as its importance deserves.

Mr. CLAYTON. Mr. President, I think what the Senator from Kansas said during the first portion of his remarks would apply with more force were it proposed to pass the original House bill which came to this body. In reference to the communication he has read from the grand jurors of the western district of Arkansas and some of the officers of the court, if I understood that communication correctly, it seems to me that it was based upon the proposition to open the Indian country for settlement.

Mr. INGALLS. The Senator will pardon me. It is not only based upon that, but it contains the further allegation that the present constitution of the courts is such that the administration both of civil and criminal justice is entirely impossible.

Mr. CLAYTON. Yes; but it starts out by proposing to open that country for settlement. That is a separate and distinct proposition, which I do not know but that I might, upon a separate measure, justify and sustain; but upon this bill I do not think we can raise it.

Now, so that this question may be understood, I desire to allude somewhat to the history of this western district of Arkansas. Up to 1851 there was but one judicial district in Arkansas, embracing the entire State of Arkansas and the Indian Territory. In 1851 the necessity became so great for an additional district that a bill was introduced providing for the western district of Arkansas. That bill provided for composing that district of nearly the same territory which this bill proposes with the amendment now pending. The bill was passed through both Houses without any opposition. For twenty years that status of affairs continued, giving perfect satisfaction to everybody, so far as I know. In 1871 a bill was passed through Congress providing for the appointment of an additional judge for the western district of Arkansas and adding to the western district additional territory. There I think is where our trouble commenced. I think that bill ought never to have passed; and I say now that the bill pending here at this time, with the amendment moved, proposes to restore essentially the status of affairs which existed prior to the passage of the act of 1871. It proposes to take away from the immense territory now composing the western district of Arkansas a portion of it and restore it back to the eastern district,

where it properly belongs. It leaves about sixteen counties of the State of Arkansas attached to the western district. That I think you will find will be necessary, from the fact that, as the Indian Territory is now governed, there will be difficulty in getting jurors from the Indians if you have no other territory attached to the district from which you can draw your jurors. From these sixteen counties in the State of Arkansas, with the court at Fort Smith, immediately on the boundary of the Indian Territory and in close proximity to the main portion of the population of that Territory, you are enabled to get your jurors, both grand and petit, for the trial of cases that may come before that court.

I do not think that we can do better at present than to pass this bill. If hereafter the Indian Territory should be opened for white settlement, or if some other system should be adopted for the government of that Territory, then it may be that you may consolidate the portion of the Territory that is taken from Arkansas with the eastern district and make one district of Arkansas and one of the Indian Territory; but as matters now stand in that Territory I do not think it would be wise to do this at this time. I do not know but that the time may come, and it may be now, when we may take into consideration the question of establishing a court in the Indian Territory; but I think that you would be met with great difficulty when you came to draw from the Indians your jurors to try cases arising in that Territory; and therefore I repeat that I do not think we can do better at this time than adopt this amendment and pass this bill as amended.

Mr. INGALLS. I do not propose to be drawn away from the real question at issue at this present time. The question as to the territorial organization of the Indian Territory and the government of that Territory in its civil capacity, is not now before the Senate. I shall be prepared to deal with it when it arises.

Mr. CLAYTON. I submit to my friend that that question is before the Senate by virtue of the communication which he has just read.

Mr. INGALLS. My understanding was that the bill reported by the Senator from Iowa was before the Senate and that the communication which I have read was merely an argument in relation to that subject; and as I have said before the reference to the government of that Territory and the condition of the tribes in that Territory was merely incidental. I read it for the purpose of showing to the Senate the necessity for an organization of courts in that Territory, and for the purpose of showing the inadequacy of this measure now proposed by the Senator from Iowa in dealing with that subject.

But, sir, there seems to be a trifle of disingenuousness in this matter. If I understand the position correctly, it is this: There has been a judge of the western district of Arkansas who has resigned. The district continues to be organized as before. The judge of the eastern district of that State is now acting as the judge of the western district, and will continue to act so whether the bill passes or not. I am therefore at a loss to understand—and I hope the Senator will explain to the Senate—in what manner the passage of this bill will, in any measure whatever, relieve the difficulties that there exist. What is the necessity for the abolition of the western district while the judge of the eastern district continues to act as the judge of that district, and, therefore, of the whole State?

Mr. CLAYTON. If the Senator will permit me, and it does not interfere with him, I will answer his question now. If this bill does not pass, it will then become necessary for the President to appoint an additional judge for the western district of Arkansas.

Mr. INGALLS. Why?

Mr. CLAYTON. For the simple reason that the law of 1871 will still be in effect, providing for the apppointment of a judge for the western district of Arkansas. I call his attention to that fact, and he will see that he is mistaken, that whether this bill passes or not, the status will remain.

Mr. INGALLS. When is the President called upon to exercise that power?

Mr. CLAYTON. I suppose he will exercise it as soon as he ascertains what the Congress of the United States are going to do about that district.

Mr. INGALLS. Why has it not been exercised previously?

Mr. CLAYTON. For the simple reason that a bill had passed the lower House providing for the abolition of the district, and I presume he exercised a wise discretion. I suppose he thought perhaps he had better wait to see if that bill would become a law before he undertook to fill the vacancy.

Mr. WRIGHT. I hope the Senators will allow me now to say a word. The western district of Arkansas was established by the act of 1851, but no judge was provided for that district by the act of 1851 or by any act until 1871. Then a judge was appointed for that district. At the last session of Congress, and the last day before the adjournment, that judge resigned and no judge has been appointed for that district since. If this session of Congress shall pass without some action repealing the law providing for the appointment of such judge, then there will be a judge appointed, and it is for the very purpose of obviating that necessity that this bill is proposed.

The bill does not change the law as it stood up to 1871 in any respect whatever, but leaves the matter precisely as it was under the law of 1851. But under the act of 1871 certain counties in the eastern portion of Arkansas were added to the western district, and the law of 1871 provided for the appointment of a judge for the western district. Now, this substitute as it stands proposes to restore the boundaries of the western district as they stood by the act of 1851, and also to repeal the law which provides for the appointment of a judge. It leaves them a district attorney and a marshal, as they were entitled to under the act of 1851, and puts the territory of the western district as it stood by the act of 1851.

Mr. INGALLS. I ask the Senator from Iowa what possible objection there can be to the passage of a bill that shall deal with this whole subject as its importance demands?

Mr. WRIGHT. There is the same objection that there is in any bill that you might present, including in it matters not connected with it. When you reach the entire question, this is the only matter that was before the committee when this bill was reported, as it was at the last session of Congress. At that time there were no such questions as the Senator presents before the committee, and they made the report at that time. Now the Senator suggests that we take into consideration other and different matters, that have no connection with the bill.

Mr. INGALLS. The condition of the Indian Territory is certainly very deeply concerned in the consideration of this bill. I call the attention of the Senator and of the Senate to the fact that there are in that Territory, which is affected by this bill, five civilized nations of Indians, who occupy that country under the provisions of what are known as the treaties of 1866 and 1867, which especially provide in express terms for the organization of courts in that country. There is a condition of violence and of disorder and of lawlessness prevailing there at the present time which renders the carrying out of these provisions essential now. Within a very few days the representatives of these five nations have assembled; they have sent their commissioners here to Washington, and they are here now, urging the establishment of courts in that country having civil and criminal jurisdiction; and so far as the objection presented by the Senator from Arkansas is concerned, touching the impossibility of securing jurors for the administration of justice, I beg to say to him that from the best information I am able to obtain there are among those nations a sufficiently large number of intelligent and educated men to render the administration of justice and the securing of jurors a matter about which there will be no difficulty whatever.

Therefore I say that this bill at the present time, urged as it is with so much pertinacity and without any adequate reason being given for it, based upon a mere technicality, based upon a contingency that may or may not exist, appears to me to need some further explanation, and I hope that the Senate will not do the injustice to the inhabitants of Arkansas, to the judge of that district, to the Indians in that Territory, and to the people of my own State, of passing this bill until they have had the opportunity of considering the whole subject that is involved in the bill.

Mr. EDMUNDS. Mr. President, if the whole subject were involved in the bill there would be considerable force in what my honorable friend from Kansas states; but it appears to the committee and has appeared to them that the whole subject is not involved in the bill. As the law now stands, without any new legislation at all, the Indian Territory is attached for judicial purposes to the western district of Arkansas, and this bill leaves the Indian Territory exactly where it finds it. It does not undertake to change the law in that respect.

The whole *gravamen* of the bill—if you can use such a term as applied to legislation—lies in the fact that it reorganizes the western district of Arkansas, to which the Indian Territory is attached, and that is all; so that the Indian question is not made better and it is not made worse as it respects the organization of the courts; and the necessity for this bill is to get rid of the judicial characters who have hitherto occupied the judicial stations in the western district of Arkansas, and to prevent the necessity of appointing others in their place.

Mr. INGALLS. Are not the judicial characters to whom the Senator alludes already got rid of?

Mr. EDMUNDS. No, Mr. President, they are not, except in one sense. In the *personnel* and present sense of the identical men who occupied those stations, they are; but in respect of the duty of the United States to fill up the existing vacancy by the appointment of a judge the moment the President sees that Congress has failed to act upon the subject, we have not got rid of that.

Mr. INGALLS. Does the Senator from Vermont intend to imply that the President will necessarily appoint a bad judge, or an improper incumbent of the office?

Mr. EDMUNDS. No, the Senator from Vermont does not intend to imply anything of that kind; but he does intend to imply that the President will appoint an unnecessary judge, who ought to be gotten rid of.

Mr. INGALLS. Was the Senator in when I read the communication from the present judge?

Mr. EDMUNDS. I was. I think I comprehended it, and I am going on to state about it, and I think to the satisfaction of my friend, if he will be kind enough to listen to me.

Mr. INGALLS. I beg the Senator's pardon.

Mr. EDMUNDS. The Senator need not beg my pardon. I do not complain of it at all, quite the reverse, because I know he has the public interest in view just as we have; only we have studied this subject in connection with the points that belong to it, as it respects the State of Arkansas, and we simply leave the Indian Territory exactly where we find it for the time being.

It will be the duty of the President of the United States—if we do not act upon this subject in this Congress, so that all these bills fail—to fill up that office; because the President of the United States, in my opinion, has no authority to let a long period of time go by in respect to filling up a life-station like that of a judge. It would be a usurpation of power, so to speak, although he does not act, and perhaps that is an inaccurate phrase in the technical sense, but the Senate knows what I mean—he would not be justified in doing it. Therefore I assume he will fill it up, I assume he will appoint the best man he can find; but we do not want the man. Experience has demonstrated that the present judge can go on with the whole business and can fulfill all the functions that the present state of things admits of.

Now I come to what my friend has read in this memorial. You will have noticed that this memorial has two objects in view—I do not now speak of what the judge certifies, but the memorial proper—one is to open that Indian Territory to settlement, as it is called. That is what the railway land-grant people have been urging upon us for many years. They have from the United States contingent and conditional land grants; and just as soon as we open that Territory for settlement and dissolve its exclusive character as Indian Territory, just so soon these gentlemen will claim that their land grants will attach, the Indian possessors will be turned out, and they will get the benefit of the performance.

Now, sir, it is open to very grave doubt—I will not say more now—because I do not wish to prejudge the question, whether Congress ought to take any step which would make haste in that direction.

In the next place, if you open this Territory to settlers, you have practically dissolved these Indian communities and have turned loose upon them, without any of the restraints which have hitherto been thought necessary to protect them in their own efforts of self-development and self-progress—you will have turned loose upon them, as I say, that body of people who are generally first to rush into an open territory to speculate in lands and lay out and build railroads, and sell whisky, and so forth and so on. It is open to grave doubt whether that is wise. I do not wish to prejudge it; I only wish to warn Senators not to be in a hurry about it.

Then, what do we come to? We come down to a topic that my friend is quite right in adverting to, that has an incidental but not a direct connection with this one; and that is the question as to whether the public interests and the interests of the Indians cannot be better subserved by establishing a judicial court in that Territory and cutting it loose from Arkansas altogether. I can tell the honorable Senator that the Judiciary Committee is at this present time carefully investigating the circumstances surrounding that subject upon the bill which he has sent to us, and I think I can say now for one that so far as my present information goes, without committing myself, it strikes me with great favor. I am sure the Judiciary Committee will act upon the subject as an independent one at this session. Therefore I submit to him whether it is not the wise and proper thing now to take care of Arkansas, which is really all there is before us, for all that relates to the Indian Territory is just the law now, and then we shall take care of the Indian Territory in the appropriate way. And, as I say, it now strikes me with the limited information I have, because I do not wish to say absolutely in advance that there is very considerable, if not entirely, satisfactory merit in what the Senator has proposed or something like it. I hope, therefore, that he will withdraw his opposition to the passage of this bill, feeling assured that the subject which he has at heart and which we have at heart, of establishing a judicial court for that country, will be brought up presently for consideration.

Mr. INGALLS. I should regret to have the impression made upon the mind of the Senator or upon the mind of the Senate that in reading the communication which has been placed in my hands this morning I am in any way whatever committed to what is known as the territorialization of the Indian country. I read what the memorial contained upon that subject, because it would have been disingenuous to have omitted it, because I had no right to omit it, because it was in the memorial, and if I had not read all that the memorial contained the signers could have complained of an act of injustice on my part. But, sir, I presented this memorial to the Senate for the purpose of showing the opinion of the grand jurors, of the petit jurors, of the district attorneys, and of the judge of that State upon the question of the necessity of organizing a court there. That was the purpose I had in view, and I trust the Senator from Vermont does not intend to leave upon the mind of any person the impression that I am in any way committed to the territorialization of that country.

Mr. EDMUNDS. Certainly not. I did not know that I said anything which would leave that impression. Certainly I did not entertain it myself. I quite understood the motive of my honorable friend in reading the whole memorial and in speaking in reference to the memorial.

Mr. INGALLS. Now, one word further in regard to the arguments advanced by the Senator from Vermont. If I understand his position, it is this: that this bill should be passed, because unless it is passed the necessity will devolve upon the President of appointing a judge to the vacant bench in the western district of Arkansas. Is that the case?

Mr. EDMUNDS. Yes, sir.

Mr. INGALLS. I am unable to see the bearing that has on this subject, because, as is apparent from the statements already made by the Senator from Iowa and the Senator from Arkansas, the whole jurisdiction in that country is now exercised without difficulty and without controversy by the incumbent judge there.

What is to be gained, Mr. President, by the passage of this bill? There is no necessity imminent for the appointment of another judge. The whole jurisdiction is exercised to-day without objection from anybody; and therefore why not leave this incidental question, as I must still think it is, until the whole matter can be considered by the committee and a bill framed which will deal with the whole subject of that most interesting and great jurisdiction.

The VICE-PRESIDENT. The morning hour having expired, the resolution of the Senator from Missouri [Mr. SCHURZ] is before the Senate.

Mr. WRIGHT. I trust we may have a vote on this measure now. I hope no further discussion will be had upon it.

The VICE-PRESIDENT. The Chair hears no objection. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

An act devolving additional duties upon the judge of the eastern district of Arkansas, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes; in which the concurrence of the Senate was requested.

TAXATION IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. The unfinished business of yesterday, the resolution of the Senator from Missouri, [Mr. SCHURZ,] is before the Senate, and the Senator from Wisconsin [Mr. HOWE] is entitled to the floor.

Mr. SARGENT. Before the Senator from Wisconsin proceeds, I would like to present a petition signed by a large number of persons resident in the county of Washington, who are tax-payers, stating "that at the organization of the late District government the rate of taxation for the county was only one-half that for the city of Washington, and that then the said county was free from indebtedness; that the resources of said county are solely agricultural, and the total product value thereof, according to the census of 1870, was only about $85,000, having to compete in this market with the farm products of Maryland, whereon taxation was merely nominal, and that up to this date the amount of said agricultural product has not materially increased; that nearly one-third in assessable value of the improved real estate of said county is owned by the United States Government and by large corporations, and is therefore exempt from taxation; that said county, not being supplied with water or gas and having no benefit from the fire department, should be free from taxation therefor; that of the police, public school, and poor taxation, and general administrative expenses the proportion of said county should be small, and has heretofore been assessed at but about one-fifteenth of the expenses for the entire District;" that for road taxation, they claim "that said county is chargeable with only one-half of the cost of improvement and repairs of the several public roads leading to the cities of Washington and Georgetown, excepting those known as the 'canal' and 'new-cut' roads, which by act of Congress are made forever chargeable to Georgetown." On this state of facts they pray "that these facts may be considered in any proposed legislation for the District of Columbia, and that in such legislation the taxation for the county of Washington may be restricted to an aggregate assessment not exceeding seventy-five cents on the one hundred dollars on the present assessment valuation."

I venture to take this occasion to remark, in almost a single sentence, that it seems to me in justice to the people of this District that some form of government should soon be adopted. One fact alone is sufficient to show this, and that is, that there is a 3 per cent. annual tax upon the people of this District, when the Government owns one-half at least of all the property within it, and is not paying anything toward the expenses of the District. I say not paying anything, scarcely paying a dollar; here and there incidentally it pays a little; instead of paying as it should, about one-half of the expenses of running this District, by a system of machinery perhaps not designed for that end it was relieved last year, and if legislation does not take place this year it will be relieved from contributing anything to the expenses of the District—expenses which it ought to pay; and I think in merest justice to the people who have their property here the Government, which is so large a property-holder and which heretofore has recognized its obligation to do something toward the payment of the expenses of running affairs here, should pay a portion of these expenses, and proper legislation should be had to that end. As the bill referred to has been reported, I ask that the petition be printed without the names and lie on the table.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) That order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. No. 743) to remove the political disabilities of Dabney H. Maury, of Virginia;

A bill (S. No. 744) to remove the political disabilities of Charles M. Fauntleroy, of Virginia; and

A bill (S. No. 1068) to remove the limitation restricting the circulation of banking associations issuing notes payable in gold.

The message further announced that the House had passed the bill (S. No. 924) donating condemned cannon to the city of Massillon, Ohio, for monumental purposes, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. No. 2419) to provide for the construction of military roads in Arizona; in which it requested the concurrence of the Senate.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. HOWE. Mr. President, now that the great wind has passed by, and the earthquake is stilled, and the fire has ceased to burn, I wonder if the Senate will listen to a "still, small voice," for a moment. It must be manifest, I think, to all that the republican side of this Chamber enters upon this debate under great disadvantage. If republicans had planned the January campaign in New Orleans, we should have been prepared with our speeches for the elucidation of it. We could have prepared them during the holiday recess. But to us these events come as a surprise. We are not yet officially informed what the actual events were, as they transpired in New Orleans on the 4th of this month. I shall confine myself, therefore, mainly to some observations that have already been made touching those events. And first, I wish to address a word to my distinguished friend the Senator from Missouri [Mr. SCHURZ] who was the last on that side to address the Senate on this topic. I listened to him, as I always listen to him, with interest; I admired, as every one must have admired, his glittering, if somewhat gauzy periods. The Senator spoke to us, if we can credit his own advertisement, from a standpoint which I do not venture to assume. He advertised himself as elevated away above the reach of faction. He had put all party ties and all political aspirations behind him. He clothed himself in the garb of neutrality, if not of serene indifferentism. And yet from that elevated point the Senator screamed to the country two charges against the party to which I belong, charges as monstrous and I believe as groundless as he could possibly fabricate if he had dedicated to the work not merely a holiday recess but a summer vacation.

What are those charges which rang through his whole speech of yesterday? First, that a detachment of the Army—I am going to repeat what I understand him to have argued; of course not to repeat what he said; I cannot do that justice, for I cannot repeat it so well as he did himself—what I understood him to argue was, first, that on the 4th of January a detachment of the Army of the United States removed from the Legislature of a State certain members of the body; that it was done in pursuance of the orders of General Sheridan under the direction of the President of the United States acting in the name and on the behalf of the republican party of the country. The Senator tells me he did not say anything of the kind. I told him I was not going to repeat what he said but the course of his argument, and that was the first accusation as I understood it; and the second one was worse than that, to wit, that the republican party of the country encouraged the murder of republicans in one section of the country that we might be afforded a pretext for crushing the liberties of the country. The Senator says he did not say that. If he did not argue those two propositions, I misunderstood him. The Senator says I misunderstood him. I have not heard him during the session make a declaration that does me so much good as that. I am glad to be told that I misunderstood him.

I did not misunderstand him upon one point, however. I was not mistaken in thinking that he said that a detachment of the Army of the United States removed from the Legislature of a State certain members of the body on the 4th of January, and I do think he undertook to convey to the Senate the idea that General Sheridan, being in New Orleans at the time, was responsible for that act, and that the President, having sent General Sheridan to New Orleans, was responsible also, and in some occult way that the republican party was responsible for what the President did. Now I wish to dispose of this matter so far as it appeared in the speech of yesterday, by reminding the Senate first that the republican party did not instruct the President to do anything whatever in New Orleans on the 4th of January; that party was never consulted about it, knew nothing of it.

I did not attempt to repeat or reply to what the Senator from Missouri said. I was speaking to an argument which I understood him to have made. Just so far as he withdraws that argument he discharges a duty that I assigned to myself, or rather saves me from that duty, for I shall not have to answer it. But to show that I did not very much misunderstand the scope of his argument, I beg leave to do what I did not intend to do at all, read two brief extracts from what he said as it appears in the RECORD this morning. After he had stated what he understood to have been done on the 4th of January, he said:

The question is, where is the law from which the National Government, in case of threatening trouble in a State, derives its power to invade the legislative body of that State by armed force, and to drag out persons seated there as members that others may take their places? Where is that law, I ask?

Again, after some comments, he said:

And that spirit shows itself in a shape more alarming still in the instrument the Executive has chosen to execute his behests.

So, sir, having read so much by way of excusing my misunderstanding of the Senator's argument, I proceed to reply to it thus: I say the republican party—and I wish the country could hear as much as this—the republican party gave the President no instructions whatever as to what he should do or should not do in New Orleans on the 4th of January, any further than those instructions are to be gathered from the laws of the land. Secondly, General Sheridan was not in command at New Orleans at the time these transactions took place. He assumed command after they were all concluded. Thirdly, General Sheridan did not order anybody to take any one whatever out of the Legislature of Louisiana. Whatever was done in that behalf was done without any direction from him. And, lastly, I have to say that if I am not more mistaken about the events of the 4th of January last than I ever was about any public event, no member of the Legislature was taken out of that State-house on the 4th of January by anybody.

As to that second charge, which I understood the Senator to argue with his usual force and ingenuity yesterday, that the republican party was encouraging the murder of republicans in one section of this country in order to furnish itself with a pretext for crushing the liberties of the country, I have two things to say: First, that the republican party is not guilty; and, secondly, I do not think any one who prefers such an accusation does full justice either to himself or to the intelligence of the people of this country.

Another remark was dropped——

Mr. SCHURZ. I am sure the Senator does not intend to represent me as saying or as meaning what no human ingenuity can conclude from what I did say. If the Senator will permit me but a single moment, I shall point to the sentence to which undoubtedly the Senator refers. It is this:

The people have begun shrewdly to suspect that when some men pretend they must remain in power to protect the lives of the negroes, the cry about murdered negroes must be raised simply to keep them in power.

From that the Senator concludes that I say the republican party want negroes murdered so that they may remain in power.

Mr. HOWE. Mr. President, my conclusion was not derived from that sentence alone by any manner of means. I thought it was the scope of the Senator's argument from the time he left his statement of the transactions of the 4th of January; but if I misunderstood the scope of his argument, I am very glad to know his accusation was less offensive than I thought.

Mr. SCHURZ. I do not think the Senator can point to any single sentence or to any combination of sentences that is open to that construction.

Mr. HOWE. I hope that is so. I have not read the Senator's speech. I am not desirous that he should occupy that position. I do not want to hear any American Senator or any American statesman occupy that position.

I was about to turn to the Senator from Georgia, whom I do not see in his seat, [Mr. GORDON.] The other day, when he addressed the Senate, I understood him to complain of the exhibition of hate which he witnessed as emanating from this side of the Chamber. He professed himself astonished at that, quite unprepared for it. Mr. President, I should be glad to say to that Senator, if he were within the sound of my voice, that he must have misinterpreted the manifestations he saw on this side of the Chamber. The republican party of this country does not hate any portion of the country. That is impossible. We have sacrificed too much in behalf of all portions of the country. It does not hate any portion of the people of this country. A republican, if he is inbred, inborn, thoroughbred, cannot hate anything that has the stamp of American citizen on it. It is the cardinal, fundamental principle of republicanism that government should hold all citizens in equal regard.

Besides, what in the world have we done or have we said to give to any candid man the idea that the people of any section of this country were hated, and especially that people of the southern portion of this country were hated? All the laws we have made for the South we have made for the North, as far as I know anything about them. We have done as much to upbuild the waste places of the South as we have the green places of the North. We have poured out our treasure as

freely to reopen their harbors and to open the channels of southern commerce as we have to open the harbors and to open the channels of commerce in any portion of the country.

The same sweet charity which visited Chicago and Boston when laid waste by fire hurried to the South when her plantations were swept by the unloosed floods of the Mississippi. And surely the Senator from Georgia should not accuse the republican party of hatred toward the South. He himself, if I mistake not, was admitted to a seat in this Chamber only through an act of grace passed through Congress by republican votes.

Certain deeds have been done in the South, certain deeds, unless I am mistaken, are being done in the South which republicans as a class I suppose—it is certainly true of myself as an individual—hate with a loathing that I have no power to express. But we have learned to discriminate between an act and the actor. We can abhor the one and not hate the other.

Mr. President, the second complaint preferred by the Senator from Georgia was that his section of the country was traduced. He complained that it had been said in the course of this debate that murder and all the worst crimes known to our law were openly and habitually perpetrated in that portion of the country. I think he stated the charge in much broader terms than I have heard it made. I have not heard any one say that all in the South were murderers. I have heard it said here, and if I have not said it here I have said it elsewhere, that murder has been employed down there and other species of violence have been employed in some sections of the South for political purposes—to carry elections. That is true, or I am mistaken. If it can be successfully gainsaid here or elsewhere, I shall be glad to know it. I believe the fact to be so. Tell me it is not so and make it manifest to the country, and any one who does that will do the country, and the whole country, a great service.

I am not going over the catalogue of offenses coming within this description, as such a catalogue might be made up from the public prints of the last half dozen years; but I want to call the attention of the Senate, and I want to call the attention of the Senator from Georgia, whom I now see in his seat, to one of the stories we have in circulation in our portion of the country. It has been currently reported, and I think it has been generally believed—for myself, I have never heard it denied yet—that some time in September last, an organized and an illegal force called upon certain municipal officers in the parish of Red River, and demanded that they should resign their offices; that after some negotiation the officers agreed to resign, and agreed to leave the parish and the State if they could be furnished with a safe conduct out of the State; that those terms were complied with; that their resignations were accordingly drawn up and deposited in the hands of some of those who demanded them.

Mr. MORTON. What were the charges against them?

Mr. HOWE. The Senator asks me what were the charges. The only charge I ever heard made, the only excuse I ever heard offered for this deed came through an Associated Press dispatch. It was said in that dispatch, as near as I can repeat it, that there were some violent negroes in the parish who had threatened violence, had threatened to exterminate the white people of the parish, and that some of these gentlemen whose offices were demanded had been seen during the day in consultation with some of these negroes.

The terms upon which their resignations were offered were complied with. The resignations were drawn up and signed and placed in the hands of some of those who demanded them. An escort was selected to accompany them out of the State. They started for the adjoining State. They reached the adjoining parish of Bossier, when they were stopped by another party of men, and three of the captives (there being six, all white men) were taken out by the side of the road and shot to death and left to lie there; that the party proceeded somewhat further, when the remaining three were deliberately shot and left to lie there, and were subsequently found there and buried by those living in the vicinity.

Mr. GORDON. I did not hear the Senator as to the locality. Was it in Alabama or in Louisiana?

Mr. HOWE. In Louisiana, in the parish of Red River, as I understand it. I say this is one of the stories which are told in northern communities. I heard it. I believed it. I told it. I have told it often outside of this place. I tell it now in this place. I never have heard it disputed. I would be glad to know if it can be disputed. If it be true, then, that single incident of itself goes a great way to justify the assertion that murder is employed as a political agent.

Mr. GORDON. Will the Senator allow me to ask him one question?

Mr. HOWE. Certainly.

Mr. GORDON. I am not informed as to the facts in that case. I presume it has been investigated by the committee sent down by the other House of Congress recently. I would like, however, to ask the Senator whether the government of Louisiana, which the Senator claims was the choice of a majority of the people of Louisiana, does not hold the courts, whether the sheriffs, and the judges, and the jurors do not belong to the party, as a rule, in Louisiana to which the Senator belongs; and if that be true, and if that government be supported by a majority of the people of Louisiana, how is it that that majority and those courts, those sheriffs, and those jurors have not, with the United States forces to back them and the United States courts to aid them, brought these men to justice?

Mr. HOWE. Whether they have been brought to justice or not, cannot be considered for a moment in determining whether they were guilty or not. If these murders were committed, and were committed for political reasons, for political purposes, that is one fact. Undoubtedly it was the duty of the tribunals of Louisiana, the government of Louisiana, to punish those offenses, if the government was equal to it; but because the government of Louisiana is weak or contemptible, if you please, I am not quite prepared to admit in the face of the American people that that is of itself a license to murder.

Mr. GORDON. Not at all; but, if the Senator pleases, whether the courts could convict and the executive officers could execute, or not, still the fact remains, if I be correctly informed as to the situation in Louisiana, that the prosecuting officers are there, and these men could have been prosecuted and grand jurors could have found indictments, whether the courts could have tried and convicted or not. Is that true?

Mr. HOWE. I do not quite understand what the Senator said, but I think he undertook to say that the district attorneys could prosecute and grand juries could have indicted whether the government could have maintained the indictment or not.

Mr. GORDON. Yes, sir.

Mr. HOWE. Yes, Mr. President, I guess that is so; if they had district attorneys who knew enough to draw an indictment, and if they had grand juries which would agree to condemn murder, I should be rather of the opinion that those things could be done.

Mr. GORDON. Then, Mr. President, if the Senator will allow me——

Mr. HOWE. I beg my friend to remember the point at issue. I do not stop here for one moment to defend the Kellogg government. That is not the issue now. We are considering the question whether such crimes are habitually committed, and I want to know simply the fact whether those murders were committed in that way and for the reason alleged.

Mr. GORDON. If the Senator will pardon me, I dislike very much to interrupt him, but he has called my attention to the question. The Senator by implication, if not in direct words, charges that these murders were committed. Now, I insist that I am confining myself to the point when I say that if it be true—I do not dispute it; it may be true; I do not know anything about the facts—if it be true, it is a most remarkable state of things that this attorney whom the Senator implies possibly had not the brains or the intelligence or the nerve to draw up a bill of indictment and these grand juries had not the nerve to pass upon them—whether that be true or not the fact still remains that if this district attorney lacks intelligence and nerve, the democratic party certainly is not responsible for that, for that attorney belongs to the party to which the Senator belongs. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Sergeant-at-Arms will see that the rules of the Senate are enforced in the galleries.

Mr. HOWE. Mr. President, I like that and I like the applause which followed it myself. I ask that nobody will be restrained on my account from applauding anything of that kind. Let me say to the Senator, since he thrusts that point of the case in here, no matter what he thinks of the personal characteristics of Governor Kellogg, no matter what he may think of the efficiency of that administration, I do stand here to say that in my opinion if the democratic party of Louisiana will tell Governor Kellogg they will sustain him in any honest effort to put down murder, no such transaction as took place in Red River Parish will happen again; and I believe if the honorable Senator from Georgia, sustained by half a dozen of his political associates on this floor, will tell the people of the South that they will not tolerate such offenses, such offenses will cease.

Mr. GORDON. The Senator from Georgia has told the people that often and over again in his own State. We do not have any murders there, and therefore my attention has not been directed to these crimes.

Mr. HOWE. Perhaps I am mistaken as to the extent of the Senator's influence. I will tell you why I think he and his associates could put an end to such crimes. A few years ago you know the country was just as much excited about the crimes of bands not called white-leaguers, but called Ku-Klux. We undertook to pass an act here for the punishment of the crimes committed by those men. We did pass one, and prosecutions were commenced under that act, and I remember two things which come in aid of that act. One was that a distinguished lawyer from a neighboring State, Mr. Reverdy Johnson, was employed to go down to South Carolina to engage in the defense of some of the men prosecuted under that act, and he on that trial declared—I cannot repeat his exact words—he was shocked and astounded at the exhibition which the testimony in that case had developed. I think that did a great deal to inform and educate public opinion in that portion of the country. I remember another thing. I remember when I think seven distinguished citizens of North Carolina addressed a letter to the judge of the circuit court of the United States, telling him that they also were shocked at these enormities and telling him that they would see to it—I give the substance of their language—that those crimes be stopped; they did stop, and I think it is as easy for public opinion to check murder in Louisiana as it was to check the raidings of the Ku-Klux in North Carolina.

Mr. MORTON. Will the Senator allow me to make a suggestion?

Mr. HOWE. Certainly.

Mr. MORTON. I understand the state of facts to be in Grant Parish and in almost every part of Louisiana, that witnesses who might come forward to testify in regard to murder, grand jurors who might be disposed to find indictments for murder, jurors who might be disposed to convict for murder, understand distinctly in advance that if they do any of these things they will be treated precisely as the office-holders of Coushatta were—they will be murdered; and that is the reason no man has been or can be punished in Louisiana for murder.

Mr. GORDON. May I ask the Senator who is his informant?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. HOWE. I want to extend every possible courtesy to my friend from Georgia as well as to my friend from Indiana——

Mr. GORDON. I will not interrupt the Senator.

Mr. HOWE. But the capacity of the RECORD is limited and I shall tax it pretty severely myself, I expect, before I sit down, and so I must avoid unnecessary interruptions.

One other transaction. I do not mean to stop with this Red River affair. It has been currently reported in northern communities that a large number of colored men in the State of Mississippi were visiting Vicksburgh, or about to visit Vicksburgh, when they were encountered by a body of armed men and fired upon, and quite a number of them were slain. That story is told up there, and I must say that it is believed. I have never heard that statement denied. I have heard it said, and I think the Senator from Georgia the other day rather intimated that they were bound on an expedition of plunder. O! Mr. President, there is some risk when you undertake to try dead men, and especially to try them in an assembly like this. It is not quite safe to conclude that they were really bound on an expedition of plunder. You can always say that of every man who is killed. You have the option of charging him with the intent to perpetrate any crime that you please, and one is just as probable as another. You remember very well, and all remember on the occasion of that terrible event which transpired, I am glad to know, full three hundred years ago, which history shudders over to-day, the massacre of Saint Bartholomew; to justify those murders it was alleged that the victims had formed the purpose of capturing the king; that they were going to rise on Paris; that they were going to perpetrate one enormity after another. History has come to the conclusion that every one of those pretenses was false, every one of them groundless, and that instead of excusing the crime which was actually committed, these pretenses of justification actually aggravated the crime. If these murders were not committed at Vicksburgh I shall be glad to know that, but until this thing and things like that can be successfully contradicted, it must not be thought surprising that an opinion should prevail at the North that life was not as secure in the South as life ought to be everywhere within the country.

Mr. President, another thing has been said. It has been currently reported all over the North that a band of armed men to the number of ten thousand mustered at New Orleans on the 14th of September, and that there by force, without the slightest authority of law in the world, they overthrew and deposed the executive branch of the government of that State. Now, that is true or it is false. I do not think it will be denied. Lives were taken then in that transaction—quite a number of them. That was an assault upon a government—whatever you may say of its rightfulness it was a government—just as well established in fact as the executive government of New York is to-day or the executive government of Wisconsin. Until these things can be contradicted rational men must expect they will be complained of.

Another grievance of which the Senator from Georgia spoke the other day was that the people of his section were accused of hostility to the negro. He protests against that idea. Well, sir, it is very generally entertained in our section of the country. I should be glad to have that idea removed, if it can be. Is it true or is it not true?

Mr. GORDON. It is not true, if the Senator will allow me that much.

Mr. HOWE. Now, Mr. President, you have before the Senate and before the country the testimony of one witness upon that great question. But out of the mouths of many witnesses these questions must be determined. Let me read the testimony of another witness. I read the testimony of the Senator who spoke yesterday in this debate, the Senator from Missouri. The Senator from Missouri, you may remember, was sent into the South in 1865 to note the condition of public affairs in that quarter. When he returned he made an official report touching all the topics of his inquiry. I could read pages with profit. I want to read a single extract from that report upon this very question. The Senator from Missouri then said:

> A large majority of the southern men with whom I came into contact announced their opinions with so positive an assurance as to produce the impression that their minds were fully made up. In at least nineteen cases of twenty the reply I received to my inquiry about their views on the new system was uniformly this: "You cannot make the negro work without physical compulsion." I heard this hundreds of times, heard it wherever I went, heard it in nearly the same words from so many different persons that at last I came to the conclusion that this is the prevailing sentiment among the southern people. There are exceptions to this rule, but as far as my information extends far from enough to affect the rule. In the accompanying documents you will find an abundance of proof in support of this statement. There is hardly a paper relative to the negro question annexed to this report which does not in some direct or indirect way corroborate it.
>
> Unfortunately the disorders necessarily growing out of the transition state continually furnished food for argument. I found but few people who were willing to make due allowance for the adverse influence of exceptional circumstances. By a large majority of those I came in contact with, and they mostly belonged to the more intelligent class, every irregularity that occurred was directly charged against the system of free labor. If negroes walked away from the plantations, it was conclusive proof of the incorrigible instability of the negro, and the impracticability of free negro labor. If some individual negroes violated the terms of their contract, it proved unanswerably that no negro had or ever would have a just conception of the binding force of a contract, and that this system of free negro labor was bound to be a failure. If some negroes shirked or did not perform their task with sufficient alacrity, it was produced as irrefutable evidence to show that physical compulsion was actually indispensable to make the negro work. If negroes, idlers, or refugees crawling about the towns applied to the authorities for subsistence, it was quoted as incontestably establishing the point that the negro was too improvident to take care of himself, and must necessarily be consigned to the care of a master. I heard a Georgia planter argue most seriously that one of his negroes had shown himself certainly unfit for freedom because he impudently refused to submit to a whipping.

There is the testimony of the second witness. Unless the Senator from Missouri was mistaken in his observations, here is some circumstantial evidence to prove that the Senator from Georgia is mistaken when he says this charge of hostility against the negroes is not true. But that is not all.

Mr. SCHURZ. Will the Senator allow me to interrupt him?

Mr. HOWE. Certainly.

Mr. SCHURZ. I merely wanted to ask the Senator when that report was written, and about what condition of things and at what time that report treated.

Mr. HOWE. I stated in 1865.

Mr. SCHURZ. Yes; about three months after the surrender of the rebel armies, when the condition of things in the South was such that they had scarcely an organized government, and when all classes of society, by the sudden emancipation of the slaves and the revolution which had swept over the South, were thrown into the greatest possible confusion. That was it.

Mr. HOWE. That was the time, Mr. President, from which I suppose I am authorized to infer that the Senator from Missouri, while he insists that the whites were then unfriendly to the blacks in the South, have since become friendly. If there has been such a change of heart, the burden of proof is upon them to establish the fact. But I am prepared to prove it has not changed. Let us see.

The Senator from Georgia says that churches and school-houses exist all over the South as evidence of the liberality of the white people toward the black population there. Just so far as those churches and those school-houses do exist and have been produced by the liberality of the white population they do evidence a change of feeling, and the more there are of them the stronger that evidence is. But, unless I am mistaken, the law of Georgia itself makes but very slight provision for the education of the colored children of that State.

Mr. GORDON. I dislike exceedingly to interrupt the Senator, but he will permit me to say that he is making very grave charges, and unless he dislikes to be interrupted I would desire the privilege occasionally. If, however, he prefers to go on, I will take occasion in a day or two to answer all these things.

Mr. HOWE. Certainly the Senator will have abundant opportunity, and that will be a little more convenient to me. One year ago I brought into the Senate Chamber the laws of Georgia and read them on the subject of education. I speak now in reference to what I remember to have been the laws of Georgia at that time. But let me adduce another piece of testimony on this very subject of the education of colored children. I read now from a dispatch to the Chicago Tribune of December 18 which was sent from New Orleans:

> NEW ORLEANS, *December* 18.
>
> The school war was resumed this morning. An immense crowd assembled in front of the lower girls' high school and demanded the exclusion of six colored girls who were overlooked when twenty-odd were ejected from the school on the occasion of the raid two days ago. The crowd of men and boys was so threatening and demonstrative that the teachers dismissed the school. Large crowds assembled also in front of Saint Philip's school, where there are eighty or ninety colored scholars. Most of the colored children had remained at home to-day, apprehending trouble, but such as were present were waited on, and ordered to leave, or there would be trouble. Upon this the colored boys packed up their books and left, and the school was dismissed.

So much for the value of the educational facilities furnished the colored people in the city of New Orleans. I just now remember a very recent transaction of some worth in considering whether there is any truth or any foundation for this general conviction in the North of hostility toward the blacks of the South. You remember a difficulty that occurred on the streets of New Orleans a short time since. I understand that controversy grew out of a recommendation made in one of the city papers that separate cars should be put onto the streets of that city for the use of colored people, and that they should be excluded from the privilege of traveling on the general street cars. I understand Mr. Warmoth undertook to remonstrate against that plan, and that the quarrel which resulted in the death of one of the parties sprang from that controversy and that alone. Mr. President, let me read upon that point another authority. The governor of Mississippi, as you know, has recently convened the Legislature of that State for some purpose which I suppose seemed to him proper. I hold in my hand a Mississippi paper, of the date of December 19. It contains an extract from a paper called the Mercury which I understand to be printed in Lauderdale County. This

extract is addressed to the colored people of the State, or more especially to the colored members of the Legislature. It says:

The political affairs of Mississippi have reached a great crisis. Old questions must now give place to new ones of the gravest importance. Laying in the shade all questions is this: Will Governor Ames be sustained in the position he has taken? As it shall be decided we have peace with the negro or conflicts, and the late Vicksburgh affair is the beginning, and probably a meager sample. The solution rests with the negroes. If they sustain Ames in his late action against the gentlemen of Warren County, and in his contemplated warlike measure, they assume an attitude of hostility to the whites that will need no interpreter and no prophet to forecast the consequences. The negro members of the Legislature will have the decision within a few days of the question of a war of races. Colored men of Lauderdale—of East Mississippi—where do you stand? Do you want peace, or to follow Ames to another slaughter? Choose your position and show your hands. If you incline to peace—as we hope you do—you ought to be up and doing. You should consult together and shape an unmistakable voice and make it heard at the capital. Let us hear from you. The whites are for a policy of peace; are you for conflict? If not, then it behooves you to act promptly and quick. The moment is upon you. Give your influence to operate upon the members of your race in the Legislature to scout Ames and his mischievous plots—to drive him from his office and the State. And, white men, there are troublous and perilous times for you just ahead, if Ames can compass it. Prepare! Organize! Come to the mass meeting Saturday. If any colored man wants to come, let him.

Mr. President, I do not know how to interpret utterances from the South; but if in the State of Wisconsin any class of our mixed population were to be told they must drive the governor from the State or die, we should understand it as a slight indication of hostility toward that portion of the population. But let me call your attention to another evidence not merely of hostility on the part of the white population of the South toward the black, but an evidence by which the whole democratic party of the Senate, if not of the country, is included. Last winter we tried to pass, and we did pass through the Senate, a bill to establish the civil rights of the colored people of the country. I think every democratic vote in this Chamber was recorded against that bill.

Mr. SAULSBURY. I think the Senator is right in that.

Mr. HOWE. I am corroborated in that statement by the Senator from Delaware; and when he affirms anything I say, I know I am right.

I believe the main objection urged to that particular bill was that it rendered mixed schools possible. But in 1872 we tried to pass a civil-rights bill, and we did pass one through the Senate, which was not open to any such objection; and the democratic party of the Senate was just as unanimous against that bill as they were against the bill of last winter.

Sir, I cannot be mistaken, I think, upon this point. Unless I am very much mistaken the democratic party has no other tie of affiliation than this of hostility to the negro. You just place the negro upon the plane of civil equality and the democratic party would be dissolved to-morrow. You cannot carry that party one rod together outside of that controversy. They are united whenever the interests of the colored people are concerned, and I do not know when or where they have been united upon anything else.

Mr. SAULSBURY. Will the Senator allow me to interrupt him for one moment? The Senator says that the democratic party is united only upon one principle, and that is hostility to the negro. Now, sir, with all due deference to the gentleman, I happen to reside in a State that has a very considerable negro population, and I say to him, and say it in the presence of this Senate, that, so far from being hostile to and enemies of the negro, I believe, from my observation with reference to the action of democrats and with reference to the action of republicans towards negroes, that we are the true friends of the negro; and while we do not seek and are not willing to put ourselves upon terms of social equality with the negro, this unwillingness emanates from no spirit of hostility to the colored people, but from that high regard to ourselves which I am sorry to see does not distinguish some of my friends upon the other side of the house.

Mr. HOWE. I hope my distinguished friend from Delaware did not mean to be severe by that concluding remark. Hostility to the colored people he denies. They are the true friends of the colored people—that he affirms. I expect my *friends* to help me when I need help; but if they will not help, I have a right to demand of my *friends*, that they let me help myself. And when I see the democratic party willing to let this colored population, upon whom the white race has stood for centuries—when I see a disposition anywhere to get off them, to let them stand up, and to let them do the best they can for themselves, then I will forego this charge of hostility. I have not seen that yet.

Mr. President, is it an evidence of friendship for the negro that there was not a democrat scarcely to be found in the United States who would consent, by his vote, to let him be free? Is it an evidence of friendship for the colored man that there was not a democrat in the United States who would consent to give him the ballot? Is it an evidence of friendship toward the colored man that there has not been seen a democrat in this Chamber who would agree to allow him to ride on cars that other men ride on; allow him to go to theaters when he pays for a ticket; allow him to be entertained in the hotels when they pay their fare? Are these conclusive evidence of friendship toward the colored race? I do not understand them so.

Social equality, says the Senator from Delaware, they disclaim and refuse. Were they ever asked to submit to social equality? Did republicans ever attempt to legislate on the subject of social equality? Does the government of a State, or the Government of the United States, possess any sort of control over the subject of social equality? My social relations have always been, and so far as I know yet remain, subject to my own exclusive control, even in defiance of the Army of the United States. We have never attempted to legislate upon that subject, and my friend from Delaware will allow me to say that I do not think he is quite candid when he pretends that the right to travel on a steamboat or to sleep in a hotel involves the right to enter any private house or to visit any private family.

Why, sir, I was saying that you could not carry the democratic party in a body upon any other measure. You remember what took place in this Hall only a year ago. We forgot this controversy about the negro; we undertook to settle a question of finance, and we saw the democratic party split almost in the middle; and for that matter the republican party was split very much in the same way. You saw leading democrats and leading republicans conferring together last winter almost through the whole session. I remember distinctly how delightedly I used to hang upon the lips of my friend from Delaware who sits nearest to me [Mr. BAYARD] when he was expounding the gospel of hard money here. I began to warm up toward him; I began to hug myself with the assurance that there was really something very good that had come out of Delaware. So you saw the Senator from Illinois, who now sits before me, [Mr. LOGAN,] in very cordial and intimate conferences with the Senator from Georgia, [Mr. GORDON.] The two Carolinas lay down together, and party lines seemed utterly broken up. And to-day, Mr. President, if it were really and thoroughly agreed that the negro could have in every part of this country just an equal chance to help himself, without disabilities laid upon him either by law or by society, neither the democratic party nor the republican party, in my judgment, could hold together three months; you would be forced to contend about some other public measure; and it seems to me very certain a measure upon which neither the whole republican party nor the whole democratic party could agree.

Now, Mr. President, I have some comments to make upon the speech of the Senator from Delaware, [Mr. BAYARD.] I regretted that speech. I thought that speech did great injustice to the President of the United States, to the republican party, to General Sheridan, to the Senate, and I think it did injustice to the Senator himself. His first attack was upon General Sheridan—not first in order of time, but the first that I propose to allude to. Now, who is General Sheridan? He is Lieutenant-General of the Army of the United States. If he has any political party predilections I do not know the fact; I never heard it stated. The country believes that General Sheridan has earned the high commission he now holds. General Sheridan was in New Orleans on the 4th of January. From that point he sent a telegram to the Secretary of War that has often been read and often been commented upon. Speaking of that telegram, the Senator from Delaware said:

I confess to you as I read this dispatch my blood curdled in my veins. If it had been sent in the midst of strife by a man heated by the excitement of combat, there might have been palliation for it, because a cooling time would have come when his better reason would operate, when "Philip sober" would have answered this "Philip drunk." But this dispatch was penned in safety; it was penned in quiet; it was penned where there was nothing threatened him, and without anything to cause him excitement except the apprehended loss of political power to the chief whom he was sent there to represent.

What character does this officer seek to assume? There was Tristan l'Hermite, the provost-marshal of the royal household, whom the genius of Scott has painted until he is familiar in every household. If seems to me that this officer has modeled himself much upon the morals and conduct of this hangman of royalty of days gone by.

That is the language employed in the Senate of the United States of the Lieutenant-General of the Army. What was the offense the Lieutenant-General had committed? He had spoken of murders being committed repeatedly, habitually in one portion of the country. He had characterized those murderers as a banditti. He had suggested remedies for those terrible disorders which would unquestionably be illegal if they were adopted. He suggested for a most extraordinary state of things an extraordinary and illegal remedy. He was too indignant, as the Senator may think, at a system of atrocity which if it was denounced in too vigorous terms by General Sheridan never was denounced in too vigorous terms by anybody else. That is the only offense the general had committed. I did think that the Senator from Delaware, instead of exerting his ingenuity, his great intellectual resources in heaping up denunciation on the head of Sheridan, ought to have spent a little of that intellectual force in condemnation of the crimes upon which Sheridan was commenting. When murder is endemic I think the soldier who suggests the wrong remedy is much less guilty than the Senator who denies all remedy.

But the Senator says that General Sheridan's dispatch has been rebuked by the country and was rebuked by the clergy of that section, and he introduces into his speech a telegram signed by several clergymen of the State of Louisiana. All I have to say about that dispatch is, that if those clergymen did not understand better what was the condition of things in Louisiana than they seem to have understood what Sheridan had said of it, they were not competent to testify in the case. They represent General Sheridan as having "addressed a communication to the Secretary of War, in which he represents the people of Louisiana at large as breathing vengeance to all lawful authority and approving of murder and crime." General Sheridan made no such allegation as that. He did state that there was in that State a "defiance to all lawful authority and an insecurity of life, which is hardly realized by the General Government or the country

at large." Whoever denies that statement, whether clergyman or layman, will hazard his reputation for veracity.

Mr. BAYARD. Read further the same dispatch.

Mr. HOWE. "The lives of citizens"—he continues—"have become so jeopardized, that unless something is done to give protection to the people all security usually afforded by law will be overridden." If you have not become convinced of that already, Mr. President, you will soon hear startling evidence of its fidelity to truth.

Mr. BAYARD rose.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Delaware?

Mr. BAYARD. Will it be agreeable to the Senator to let me say a word?

Mr. HOWE. I will yield for a suggestion.

Mr. BAYARD. I wish merely to read the remainder of this dispatch—to continue the paragraph where the honorable Senator stopped—

Defiance—

Said this Lieutenant-General—

to the laws and the murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest."

If that be not the arraignment of the community as being entirely favorable to the commission of murder, it would be difficult to find language to do it. I do not wish to be represented as meaning to be personally offensive in what I have said of General Sheridan. Personally, I may say, I have scarce an acquaintance with him; and in what I said I sought to do him no injustice or detract from what I believe to be his just credit as a soldier. But it seems to me incredible that a Senator so advanced in years, in learning, and in experience, and so personally amiable as the Senator from Wisconsin, could stand here to find fault with me for the very restrained reprobation which I expressed the other day in regard to the ferocity of this dispatch of a soldier of the United States, addressed against a community over whom he holds the powers of martial law. I do think the honorable Senator will find outside of this Chamber, and perhaps outside of his political affiliations that surround him, but one sentiment of the civilized world on the subject of that dispatch of Sheridan's. He strove to drive outside of the pale of that law which is his protection to-day, and which is by right the protection of every American citizen, whole classes of men who were lawfully organized, whose objects were public, whose objects were just as lawful as the objects of the National Guard of the State of New York, and he did propose to submit them to drum-head court-martial or perhaps hang them without. I looked upon his dispatch as a cry for the blood of a people whom he should have protected, and whom certainly he should not have denounced in what I must believe to be an utterly false and unjustifiable manner.

Mr. HOWE. Mr. President, I utterly deny that the language of General Sheridan proposed to outlaw any but assassins. He did not outlaw anybody. General Sheridan has not stepped one inch over the line of the law in anything that he has done.

Mr. BAYARD. Did he not ask the President of the United States to issue a proclamation that he has no more right to issue than he has to issue a bull in the name of the Pope—to issue a proclamation declaring certain classes as banditti, and then shut his eyes and he will attend to them?

Mr. HOWE. No, Mr. President, General Sheridan did not ask the President of the United States to do that thing. The general did suggest that perhaps a proclamation might issue which would give him the power to restore that community to peace and to order. That General Sheridan was entirely mistaken in that suggestion I have no sort of doubt. General Sheridan stood there in the presence of murder. He felt keenly. He spoke strongly. He suggested a remedy which the law would not warrant; but I do not regard that as an evidence of human ferocity. That is not ferocity which seeks to arrest murder by unlawful means. That seems more like ferocity which refuses to arrest it by any means.

I would rather see all men too sensitive than too insensible in the presence of such crimes as have rioted in Louisiana. Show me when General Sheridan has perpetrated an inhuman deed, show me when he has made a recommendation which tended to inhumanity, show me when he has asked for power to visit penalties upon the innocent, show me when he has recommended penalties that were to be visited upon any but the guilty, and then if I do not unite with the Senator from Delaware in his denunciation of the general, I will not stand here to make a single criticism upon any denunciation that he may see fit to visit upon his head.

Sir, what was done in New Orleans on the 4th of January? Let us turn our attention from what was said, and consider for a moment what was done. This is the way the Senator from Delaware tells that story:

There was an organization of that house. There was a speaker elected and placed in his chair. There was a clerk also chosen; and this was done in the presence of a quorum of the house of representatives constitutionally convened, and by the votes of a constitutional majority of those present, quietly, regularly, and peacefully cast.

Again he said:

The house of representatives of Louisiana was on the 4th of this present month purged of five members who were in their official seats, quietly and peaceably filling their places in that body, having been admitted and sworn into office by the only competent body to admit them or pass upon their qualifications.

I take issue with the whole of that statement. I say that the house was not organized; I say there was no speaker elected and placed in the chair; I say there was no clerk elected; I say there was not a single member taken out of that house. Five persons were taken out of the house of representatives of Louisiana, as I understand it. The Senator from Delaware concludes that they were members of that house. I insist they were not. Who made them members? The laws of Louisiana created just one class of tribunals to select members of the Legislature, to wit, the several representative districts in the State. The first requisite, therefore, to a seat in the house of representatives is that somebody should obtain a majority of the legal votes in his representative district. The next requisite is that his election shall be ascertained by a tribunal appointed by the laws of Louisiana, and called the board of returns.

Elections were held in districts for five different members. It is said that the five gentlemen who were taken out of the assembly received a majority of the votes cast at that election. If the fact was so, it ought to have been so certified by the board of returns. The board of returns, however, did not so certify. And without such certificates of election they had no more right to take seats in the house of representatives of Louisiana than I have or than you have, sir, until admitted by the vote of the house itself, after due organization.

Mr. BAYARD. May I ask the Senator a question of fact? As I understand, the house of representatives of Louisiana was organized with the exclusion of the five persons of whom he speaks. The names which were called by Mr. Vigers, the clerk of the former house, did not include these five persons. But one hundred and one members answered to their names; and then those persons proceeded to organize, and a ballot was taken upon the organization showing 59 votes, in which Mr. Hahn and five other republicans joined, he being the opposing nominee for speaker against Speaker Wiltz. The admission of the five was after a speaker had been selected by a duly-organized quorum of the house, and a clerk elected by the same means, and a sergeant-at-arms elected by the same means. Then a committee of that house reported as to the five petitioning members, claimants to seats, whose certificates had been refused by the returning board, but against whom there had been no adjudication by the returning board. They came to the only authority on the face of the earth known to law to pass upon their rights to seats, and that was the house, which, by the constitution of Louisiana, was the sole judge of the qualifications, elections, and returns of its members; and that house so organized, with these republican members in it, voted to seat these five men who were subsequently removed by military force.

The Senator will see the point. They did not go in by certificate of the returning board, but they did go in by report of a committee of the body which was the sole judge, and the proper constitutional judge, of their qualifications and right to seats; and after they had been as legally admitted according to the forms of law as the honorable Senator or myself have been admitted to our seats in this Chamber, then the military came in, and placing their hands upon the shoulders of these unarmed men, drove them from that chamber by military force. Such I believe to be the facts of this case.

Mr. HOWE. Mr. President, we are talking here without official information. My understanding is directly the reverse of that stated by the Senator from Delaware. I do understand that there was not in that Legislature a quorum of the house of representatives who did vote to elect a speaker or who would have voted for the election of Mr. Wiltz as speaker, unless you count as a part of that quorum these very gentlemen whose right to seats there had not been certified.

Mr. BAYARD. They were not part of that quorum and were not counted as part of it, nor did they assist in or take any part in the organization of that house.

Mr. HOWE. General Sheridan says, which comes the nearest to being official information of anything we have had upon the point, that—

At twelve o'clock William Vigers, the clerk of the last house of representatives, proceeded to call the roll, as according to law he was empowered to do. One hundred and two legally-returned members answered to their names; of this number fifty-two were republicans and fifty were democrats.

Stopping right there, this was a dispute between two political parties, I take it. It seems a little difficult to understand how fifty democrats could have chosen a speaker and a clerk over the heads of fifty-two republicans. The way in which that was done is explained by General Sheridan, as follows:

Vigers had not yet finished announcing the result when one of the members, Mr. Billican, of Lafourche, nominated Mr. L. Wiltz as temporary speaker. Vigers promptly declared the motion out of order at that time, when some one put the question, and amid the cheers of the democratic side of the house Mr. Wiltz dashed onto the platform, pushed aside Mr. Vigers, seized the speaker's chair and gavel, and declared himself speaker. A protest against this arbitrary and unlawful proceeding was promptly made by the members of the majority, but Wiltz paid no attention to those protests, and, upon a motion from some one on the democratic side of the house, declared one Trezevant nominated and elected clerk of the house.

Fifty-two republicans and fifty democrats were present. It is difficult to see how fifty democrats could outvote fifty-two republicans. The only way a minority can control a majority is by force and not by votes. Republicans, it is true, might have voted with democrats if they chose to do so. But no one asserts that a single republican did to vote. The only man who could lawfully put a question to that assembly was the clerk, Vigers. He was the only authority to declare the result. He did not declare that result. Wiltz himself declared

his own election. He was not waited upon to the chair. He "rushed" to it. The gavel was not surrendered to him. He seized it. The clerk did not abdicate. He was deposed. Fifty members drowned the voices of fifty-two; and that could only be done by counting the voices of those who were not members. If that can be done, if a legislative body can be organized in that way, any half dozen members may come into the House of Representatives at the opening of the next session of Congress, bringing the requisite number of those who have not been elected to constitute a House of Representatives, go into joint convention, declare themselves severally elected, choose a speaker, and organize the House of Representatives of the United States. Nobody could put a question to that house but Mr. Vigers until a speaker was elected. Over the question of that election Vigers alone could preside. When under his presidency the house had divided and a quorum was found to be there, and any one man was found to have a majority of that quorum, then that man was authorized to take the chair, and the duties of Mr. Vigers as clerk of the house ended. That I do not understand ever took place in that body.

But, Mr. President, the Senator from Delaware not only charges the specific fact that five members of the House were taken out, but he bases upon that allegation the charge that there is prevailing through the ranks of the republican party a conspiracy against republican government itself. He says:

> But the issue now to be raised between the people of the United States and those whom they have elected as their rulers is whether this Union of States shall be governed by law or by mere personal will of the official; whether we shall have a civil government or a military dictatorship; whether we shall have a free government or a despotism. The issue is, if I mistake not, not less grave than this.

Again he says:

> I believe it is never wise to blink the truth. I believe it is never wise in governing a people in any way to deceive them, or to rule them by false promises. And here I state to the Senate and the country that I believe these governments "so called" in the Southern States are but thin veils for actual military power in the hands of the Federal Administration.

There is a bold attempt to persuade the Senate and to persuade the people that this Administration and the republican party are unfriendly to the Constitution of our country and to our form of Government; unfriendly and hostile to the principles of civil liberty. Now, does the Senator from Delaware really believe that there is a man in this Chamber, especially on the republican side of it, who would consent to the slightest infraction of our Constitution, much less consent to the overturning of both Constitution and laws; or that there is anybody in this Chamber of republican tendencies who would consent to see a despotism substituted for the form of Government we enjoy? Does he expect the American people to believe any such statement? And can he believe it himself?

Mr. BAYARD. Mr. President, I can scarcely suppose the Senator asks me the question gravely whether I believe there is a republican Senator in this Chamber who is disposed to make any infraction of the Constitution of the United States. I have seen too many by law after law passed, so that there is scarcely a feature of the Constitution left that it seems to me the majority have respected. I am not now impeaching the motives of any man; I am not saying that he sees the consequence of his acts. When the Senator asks me a question like that, I can scarcely believe he asks me in earnest. What I said in the speech two years ago that the Senator has read from I believe as I believe my own existence, and it is my sorrow to believe it.

Mr. HOWE. If we want to substitute a despotism for a constitutional government, it is not worth while to talk about motive. If we are for it, we want it. If we mean it, that is what we are aiming at; there is no question of motive. We are foresworn if that is our attitude. The Senator says that we have trampled upon the Constitution until there is scarcely a vestige of it left. That may be his opinion. That is not mine. It happens, fortunately for the people of the United States, that neither his opinions nor mine upon these questions control. What is the security of the people for all their rights against him, against me, against you, against the President, against the Army? It is the presence of a judicial forum where every personal right may be tried and may be determined. "Judge Durell," interjects the Senator from Delaware, and I thank him for the interjection. Judge Durell is not a judge any longer. We have had a great many judges in this country, some good and some bad. Some have regarded judicial forms and some have disregarded judicial forms. Judge Durell no longer holds any judicial position. While he did hold one he may have disregarded the forms of procedure; he may have disregarded the behests of law; but Judge Durell could not be fatal to the rights of any individual, much less to the rights of the people of the United States. Suppose he did take jurisdiction of a cause of which he had no jurisdiction; or suppose, having jurisdiction, he decided contrary to law. Whatever he did was the subject of revision, was the subject of review. But then he was not the only judge we have had in the United States. We have some great, we have some wise judges. Who has attempted to interfere with their judicature? There they are. If any law has been passed by the Congress of the United States which transcended the Constitution, that did not weaken the Constitution; the Constitution annulled the law; but it happens before you can disregard the law you are required not to consult the Senator from Delaware, not to consult me, not to consult the caucus of a party; you are to bring the validity of the law to the consideration of the judicial courts and take their judgment upon the point. I know very well the courts may hold a law to be constitutional which is unconstitutional, and the Senator from Delaware and myself, in spite of the judgment in a given case, may entertain our personal convictions in reference to it, but it would hardly do for him or myself to act in contravention of that determination after it was once pronounced.

Mr. President, I stand here to say that if it could be made to appear that a military force had taken five members of the Legislature out of the State-house, or taken one member of the Legislature out, that act would not be approved by General Sheridan; it would not be approved by the President of the United States; I do not believe it would be approved by a single republican Senator on this floor; I know it would not be approved by myself. But if he had taken five or fifty members out of the Legislature, I do not admit for a moment that the foundations of civil liberty would have been weakened: I do not admit for a moment that the government of Louisiana would have been overthrown. It was an illegal act undoubtedly, whether taken out by a soldier or taken by any other extraneous force; but what would happen? Taking a representative out of the State-house does not deprive him of his official character. I imagine if any illegal force should take me out of the Senate Chamber I should not cease to be a Senator of the United States. I should cease to be here, I take it; I should not be able to return here as long as I was held in custody; but if I was taken out of here by a major-general, even by a brigade of the Army, the writ of *habeas corpus* would take me out of their custody; and when I was out of their custody I would return here and I take it the Senate would receive me into my seat and I would still be a Senator. If a detachment of the Army did take five members out of that Legislature without the consent of the Legislature, there the Legislature remained behind them. There is no pretense that they were held in custody five minutes after they went out of the door. When they were released from that custody, why did they not return to the Legislature? There was the Legislature of which they were a part waiting for them—a quorum and a majority of a quorum waiting for them. Why did they not go back and take their seats? The truth is, I suspect, Mr. President, that there was not a Legislature there waiting for them. There was a faction of a Legislature, the rump of a Legislature, needing just so many votes to constitute a quorum.

But if it is the purpose of the Administration to employ military authority to override the popular will, why is it not attempted elsewhere? Elections are held not only in Louisiana, but in every State of the Union, elections just as free as they ever were, and just as conclusive of results as they ever were. We have been told that at the elections which transpired in November last State after State wheeled from the republican line into the democratic line. Too many States in my judgment did that. Did the military interpose to prevent it? Was power exerted anywhere or in any direction to prevent this? Is there any sort of justification, any sort of excuse for asserting that whatever was done in New Orleans last Monday was a willful disregard either of the laws of that State or of the laws of the United States? You may charge the President of the United States with being the murderer of Nathan, and the whole republican party with being accessory before the fact. You may as easily maintain the charge as to maintain that there was any willful disregard of law in New Orleans on Monday last by the authorities of the United States.

Mr. President, if the opposition in this Chamber shall succeed in persuading the country that the republican party is dangerous to its liberties, the people will, as they ought, dismiss that party from the administration of the Government. Then a democratic President will ever more resume command of the Army and Navy. It is long since a democrat has been Commander-in-Chief.

The country may have forgotten on what services the Army was then employed. I want to call attention to some of the employments furnished the Army in those old and happy days.

You may remember that in 1854 quite a detachment of the Army was employed in the city of Boston, not called for by the governor of Massachusetts, but sent there by the Federal Government. Not only was a detachment of the United States marines employed, but a portion of the militia of Massachusetts was employed. Major Ridgely's artillery battalion was part of the detachment; one platoon of marines was next in the order of the procession; the marshal's civil posse was next; two platoons of marines were next; Lieutenant Couch's field-piece was next; another platoon of marines brought up the rear. The district attorney was instructed by the President "to incur any expense deemed necessary by the marshal and yourself for military or otherwise to insure the execution of the law." What was the enterprise in the execution of which that great military force was employed? It was to take one negro out of the city of Boston.

One other chore engaged the attention of a portion of the Army in 1859. Virginia was invaded that year by a force, if I remember aright, consisting of eighteen white men and five negroes under the command of one John Brown. I believe Virginia did not call for Federal intervention, for Federal assistance. Virginia mustered there, to repel that invasion, with her own troops; but the Federal Government volunteered just as promptly. The courts found that the design of the expedition was to do several things—to commit murder, to run away slaves, and to overturn the government of Virginia. That was judicially determined. These would seem to be offenses which Virginia should resist if she was capable of it, and if she was not capable she should do what Governor Kellogg it seems did, call

for Federal assistance. Virginia did not call for that assistance, but it was volunteered.

The Army slaughtered all but five of Brown's followers. Virginia hung four of that five. Liberty survived all such exploits. If liberty could endure to see the Army employed as slave-catchers in Massachusetts and slave-drivers in Virginia, I am persuaded it will not perish, although it has been used to repel a riotous and lawless assault upon the Legislature of Louisiana.

Under democratic command the Army was victorious over Anthony Burns, and it made a bloody resistance to the raid of John Brown. But when confronted by a rebellion organized in the interests of slavery, the Army suddenly became innocuous and helpless.

Under republican command the Army crushed that monstrous rebellion, and since that rebellion was disarmed the Army has patrolled the States as it has always done in time of peace.

Wherever it has been it has proved the safeguard of all but criminals. It has caused no citizen to bleed, but in many neighborhoods of the South it has been the only styptic which could stay the effusion of innocent blood.

Mr. President, I wish these political controversies could assume a milder form. I do not like to see the country forced to divide between two great parties, one of which is denounced as dangerous to civil liberty and the other as fatal to human life. But I cannot afford to smirch my soul with the guilt of murder to prove that my heart is true to liberty.

There is one way of ending this whole controversy. If republicans and democrats will once cordially agree that all citizens, whether white or black, shall equally enjoy the protection of all governments, whether republican or democratic, the controversy will be ended, and democrats and republicans will cease to abuse each other and will begin to consult together to promote the good of both.

We are threatened that the people are alarmed. I see some evidence of it. We are threatened that they are preparing to overthrow the administration of that party which has conducted the Government from 1861 down to this time. That may come. I do not profess to be insensible or blind or deaf to these threats. The Senator from Missouri yesterday admonished us in very earnest terms if we would escape these perils to "turn back." Sir, no man is more anxious to escape peril than I am myself, but I cannot consent to "turn back" in order to avoid it. I am not constructed upon the craw-fish plan. My way must be on. The Senator from Missouri may be wise to turn back. It may be well for others to turn back. I cannot. I am going on, so far as I understand myself, precisely in the track pointed out by the Declaration of Independence. Let me see, once, the rights, the plain, natural rights of all citizens asserted by law and respected by all, then I shall be prepared, if not to turn back, at least to turn to something else. Until that time comes, I shall have to press forward as well as I can. I would like to have a favoring tide to float me on; but, if the tide really ebbs, I would rather paddle a little than go back. There may be storms ahead. It may be prudent for all who are not well-insured to go ashore. Of course every one has perfect leave. The moment he crosses the gangplank, he can commence to fire on the ship. I beg only they will postpone that fire until they have crossed the plank. While they still remain a part of the crew, I do not like to have them try to scuttle the boat; for, as I said before, I am going to try to complete the voyage. If the ship goes down before the voyage is completed, I propose to go down with it, either on deck or in the hold, as the people of Wisconsin shall direct; and if the ship should ever be raised again, as raised again it most indubitably will be—I do not know when, I do not know at what cost, I know it will be raised; the great Underwriter will raise it—the ship will be raised, and when raised you will find floating at its peak the flag under which I have served for twenty years, the flag on which will still be read the irreversible decree, that all men, whatever their race or their color, are of right free, and have an equal right to life, liberty, and the pursuit of happiness.

Mr. LOGAN obtained the floor.

Mr. FERRY, of Michigan. I would ask the Senator from Illinois if it is his purpose to go on this evening? I notice that the day is somewhat spent.

Mr. LOGAN. It being so late, I would prefer to wait, or let some other business be transacted that I may speak after the morning hour to-morrow. Still, I am subject, of course, to the pleasure of the Senate.

Mr. FERRY, of Michigan. I understand the Senator from Nebraska [Mr. TIPTON] wishes to occupy the floor. Would it be the pleasure of the Senator from Illinois to yield to allow him to go on this afternoon?

Mr. LOGAN. I have no objection if I can have the floor in the morning, if that would be satisfactory to the Senator from Nebraska.

Mr. TIPTON. In case I should not finish my remarks this evening, I would desire to finish them in the morning.

Mr. LOGAN. But I wish to advance what arguments I have to make in the morning.

Mr. TIPTON. I am easily satisfied. I will waive any remarks I wish to make until after the Senator from Illinois shall have concluded.

Mr. FERRY, of Michigan. In that view I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. Will the Senator withdraw the motion for a moment while the Chair clears his table?

Mr. FERRY, of Michigan. Certainly.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a report of the Attorney-General, communicating, in response to a resolution of the Senate of the 8th instant, information in relation to the massacre at Trenton, Tennessee; which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

The bill (H. R. No. 2419) to provide for the construction of military roads in Arizona, was read twice by its title and referred to the Committee on Military Affairs.

CANNON FOR MONUMENTAL PURPOSES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. No. 924) donating condemned cannon to the city of Massillon, Ohio, for monumental purposes.

The amendments were to strike out all after the word "Government," in line 4, and insert in lieu thereof the following:

Four condemned iron cannon and sixteen cannon-balls to each of the following-named organizations, for the purpose of ornamenting the burial grounds of deceased soldiers:

To the city of Massillon, Ohio;

To Post No. 139, Grand Army of the Republic, at Somerville, Massachusetts.

The amendments were concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, with amendments; in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. FERRY, of Michigan. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After seven minutes spent in executive session the doors were reopened, and (at three o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 12, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

REDUCTION OF POSTAL EXPENSES.

Mr. WILLIAMS, of Massachusetts, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on the Post-Office and Post-Roads be directed to inquire if any change can be made in the postal laws to reduce the expenses of the Post-Office Department without impairing its efficiency as an agency of the people for communicating intelligence and disseminating information, and to report by bill or otherwise.

Mr. WILLIAMS, of Massachusetts, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORCORAN SQUARE MARKET COMPANY.

Mr. COTTON, by unanimous consent, introduced a bill (H. R. No. 4303) to incorporate the Corcoran Square Market Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DESERT LANDS IN CALIFORNIA.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 4304) to provide for the sale of desert lands in Lassen County, California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PENSIONS.

Mr. HARRIS, of Virginia. I ask unanimous consent to introduce for consideration at this time a bill to repeal the clause requiring proof of loyalty in the pension act of February 14, 1871.

Mr. WILSON, of Iowa. Does this bill come from the Committee on Pensions?

Mr. HARRIS, of Virginia. It has passed that committee several times.

The SPEAKER. The bill will be read, after which objections will be in order.

The bill repeals so much of the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers," approved February 14, 1871, as excludes persons from the benefits of said act for disloyalty to the Government of the United States during the late rebellion.

Mr. MAYNARD. I do not oppose this bill; but I suggest to the gentleman from Virginia whether it would not be best to include in the bill one or two other modifications of the law on this subject.

Mr. HOLMAN. I do not think the bill was fully understood. I ask that it be again read.

The Clerk again read the bill.

Mr. HOLMAN. I have no objection to that bill; but——

Mr. HAWLEY, of Illinois. I object to it.

Mr. SENER. A bill of the same nature has already passed this House and is now pending in the Senate. Therefore all we can do about the matter is practically accomplished.

Mr. HARRIS, of Virginia. I give notice that I will present the bill next Monday under a suspension of the rules.

ACCIDENTAL DESTRUCTION OF TREASURY NOTES, ETC.

Mr. STORM, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to communicate to this House the circumstances attending the destruction of a large amount of Treasury notes and national-bank notes in the late accident on the Baltimore and Potomac Railroad near Benning's Station.

ISSUE OF GOLD NOTES BY BANKS.

Mr. MAYNARD, by unanimous consent, reported back from the Committee on Banking and Currency, with a recommendation that it pass, the bill (S. No. 1068) to remove the limitation restricting the circulation of banking associations issuing notes payable in gold.

The SPEAKER. The question is on ordering the bill to a third reading.

Mr. MAYNARD. Before the bill is read I wish to state that it is one local in its operation, having relation only to the banks issuing notes payable in gold. There are no such banks in existence except on the Pacific coast, and the gentlemen representing that section of the country desire that the bill shall be passed at this time.

The bill was read. It provides that so much of section 5185 of the Revised Statutes of the United States as limits the circulation of banking associations, organized for the purpose of issuing notes payable in gold, severally to $1,000,000, be repealed; and that each of such existing banking associations may increase its circulating notes, and new banking associations may be organized, in accordance with existing law, without respect to such limitation.

Mr. HOLMAN. Is this bill reported from the Committee on Banking and Currency?

The SPEAKER. It is.

Mr. MAYNARD. It is the unanimous report of that committee.

Mr. HOLMAN. The proposition is that the banks which undertake to pay their notes in specie shall be without any limitation whatever.

Mr. MERRIAM. It is free banking so far as the gold banks are concerned.

Mr. HOLMAN. Well, sir, I shall call a division of the question on the passage of the bill.

The question being taken on ordering the bill to a third reading, there were—ayes 59, noes 7; no quorum voting.

The SPEAKER. Is a further count demanded?

Mr. HOLMAN. I think that such a bill as this should not pass without the vote of a quorum.

The SPEAKER. The Chair will order tellers.

Mr. MAYNARD. Before tellers are ordered I ask permission to say a single word. This is a Senate bill proposing to remove the restriction which the present law fixes upon the issues of national banks issuing gold notes. Under the law as it now stands such banks are not permitted to issue bills beyond the amount of $1,000,000. This bill proposes to remove that restriction. It is applicable locally to the Pacific coast, where these gold banks are located; and its passage is desired by gentlemen who represent that part of the country. The Committee on Banking and Currency were not divided in their view of the policy of adopting the measure and allowing the banks that pay their notes in gold to issue as many of them as they may secure under the provisions of the law regulating the issues of this class of banks.

Mr. HOLMAN. It has been assumed, at least by the legislation that has been adopted up to this time, that the specie basis will be reached in progress of time; that ultimately all the banks will carry on their business upon the basis of gold—will redeem their notes in gold. The only effect of this bill is of course simply to extend the national-banking system. That is to say, both those banks that pay coin and those which may redeem their currency in lawful money are to be permitted to carry on their business without any limitation whatever as to the amount of their capital stock or the amount of their issues.

The only objection I have to the bill is simply this: I am opposed to the national banking system; I am opposed to that form of currency. I believe that the whole people of the country should have the benefit of the currency that may be issued and circulated as money. This only presents in another form the question between the currency of the United States—the notes of the Government, which are lawful money—and the issues of the national banks. I object to the bill, because I am opposed to a system of currency the benefit of which is to accrue to a body of capitalists instead of a currency which, being issued in the form of Government notes—lawful money, accrues to the advantage of the whole people. It is on that account I have called attention to this question. I am in favor of greenbacks as the currency of the country, so that the benefit of it may reach the entire people, instead of the large profits arising from paper money inuring to a comparatively small portion of the people in the United States.

Mr. KELLOGG. Did not the gentleman vote for the banking law passed the other day?

Mr. HOLMAN. Certainly I did not.

Mr. MAYNARD. The gentleman from Indiana has given us his views on the national banking system, but the question of the banking system at large, to which the gentleman refers, is only very remotely connected with the subject of this bill.

Mr. HOLMAN. The question is the same now as then. The only trouble then was my friend from Tennessee thought proper to cut off all debate and all amendment. That bill was forced through this House by the simple power of the majority without any consideration. No bill of a corresponding importance ever passed this House, it seems to me, at least without some opportunity for consideration.

Mr. MAYNARD. I suggest the House has had the benefit of the remarks of the gentleman from Indiana at great length. They listened with great satisfaction and interest to him in presenting his peculiar views, and as they were presented more ably and forcibly and with more elucidation of manner than they have been presented by any other one, the majority thought, at least so far as discussion and speeches are concerned, they had heard all that could be said on the subject.

Mr. HOLMAN. The bill certainly passed without any consideration of the subject or opportunity for amendment.

Mr. G. F. HOAR. I wish to ask the gentleman from Tennessee if there is any precedent in the legislation of Congress or of any State for permitting any class of corporations whatever to contract debts without limitation, and whether that is not the result of this bill?

Mr. MERRIAM. If there is any absolute security in the hands of a bank-note holder it exists in the holder of national-bank notes redeemable in gold, as is the case of the holder of these gold bank notes which are secured by the pledge of United States bonds which are above par in the gold markets of the world.

Mr. TOWNSEND. I ask the bill be read again.

Mr. G. F. HOAR. Does not the bill allow a certain class of corporations to contract debts without any limitation whatever?

Mr. MAYNARD. Let the bill be again read.

Mr. HOOPER. I should like to ask the gentleman from Tennessee what the condition of these banks will be when we resume specie payments in 1879—whether the notes of these banks will not then be entirely the same as the notes of any other national banks?

Mr. MAYNARD. I suppose when all the national banks pay their notes in gold then they will all be gold banks.

Mr. HOOPER. But why should we not extend the same privilege to all of the national banks by repealing the portion of the law that limits their circulation to a percentage of their capital?

Mr. MAYNARD. This bill leaves the gold banks subject to that limitation the same as all other national banks. The limitation repealed by this bill is only the one providing that no gold banks shall have more than one million of circulation.

Mr. TOWNSEND. I desire to inquire of the gentleman from Tennessee whether this bill has any reference but to gold banks?

Mr. MAYNARD. Only to gold banks.

Mr. GARFIELD. Let me make an inquiry. I believe I was chairman of the Committee on Banking and Currency when the bill passed in 1870 by which banking was made free for these gold banks with no other limitation than that no bank should have a circulation of over $1,000,000. I understand this is to remove that limitation from these gold banks, and to say that the banks now established under that clause may take a larger amount or that new banks hereafter to be established under that law may have any amount they choose to issue under the law, but of course they are restricted by depositing their bonds and will have only a certain per cent. just as now. So that it holds them to the restrictions which the banking laws now hold them to, except the single one that they may have more than a million dollars. Am I right?

Mr. MAYNARD. That is it.

Mr. RANDALL. Mr. Speaker, allusion has been made to the bill recently passed this House on which debate was denied. For one I think if debate and amendments had been permitted we should have been able, some of us, to show serious and vital objections to that bill. We had to content ourselves without any such opportunity, for we were told in a measure that bill was the wisdom of the republican party in so far as they could present a financial solution of the question now agitating the country. Therefore the responsibility for the effects of that bill upon the public credit and the public industries of the country rests entirely with the dominant party. There was I know a formidable intellectual minority on that side of men mostly who have studied the subject, as I notice by reading the names. But I want, now that the opportunity is presented, to direct attention to two of the features of the bill.

Mr. MAYNARD. It seems to me it is hardly in order on this bill, but I will not interrupt the gentleman from Pennsylvania.

Mr. RANDALL. In the first place, the first and second sections of that bill directly involve an expenditure on the part of the Government of $44,000,000 in the purchase of silver to supply the place of the fractional currency now in circulation. In the second place, we sought some of us to amend that bill. And let me say here, before leaving this question, it will involve three years of time to mint the silver necessary to substitute that amount of fractional currency. And then we desired at the same time to amend that bill so that the question should be forever settled, by providing that no Secretary of the Treasury should ever have the power in himself to reissue any greenback, so as to have the opportunity at any moment to inflate or contract the money market.

Now, these are two features which the republican party alone in this House is responsible for; and not only is it responsible for the operation of those two sections, but, sir, it denied us the opportunity on this floor of presenting them in an intelligent manner to an intelligent people.

Mr. GARFIELD. With the permission of the gentleman from Tennessee, I desire to say a word.

I wish to say, in response to the remarks of the gentleman from Pennsylvania, that I do not understand that in any proper sense of the word the bill which passed a few days ago in reference to specie payments involved the payment from the Treasury of $40,000,000, except in the way of redeeming our outstanding paper fractional currency.

Mr. RANDALL. It increased the national debt just that amount, and it provided further for increasing it by making it interest bearing instead of non-interest bearing.

Mr. GARFIELD. It does not increase the national debt.

Mr. RANDALL. It increases the interest-bearing debt.

Mr. GARFIELD. It may increase the interest, but it is of the very essence of any measure to resume specie payments, that we shall pay our non-interest-bearing debt by redeeming it on presentation. Nobody can confront the idea of specie payments without coming to the conclusion that we must increase the payment of interest by taking up the non-interest-bearing paper and putting it in the form of interest-bearing paper.

Mr. HOLMAN. Will the gentleman allow me to ask him one question?

Mr. GARFIELD. Certainly.

Mr. HOLMAN. Could not the same object be accomplished by retiring the national-bank paper instead of retiring the greenbacks?

Mr. GARFIELD. I admit, as a matter of course, if we could turn all our public debt in all its forms into Treasury notes we should, apparently at least, save paying interest. But the policy of the country has been too long settled against the issuing of vast volumes of paper by the Government—in other words, making the Government a banker—for that question to be raised now as a practicable one. I should regard it a sad day for this country financially when the Treasury, too, becomes a banker and issues the paper that is to be used as currency.

But I will not enter upon that discussion. I want to say for myself, and I know for many others who concur with me, that I voted for the specie-resumption bill on two grounds: In the first place, I voted for it because of what was not in it. That may seem to be a slender ground for voting for the bill; but hitherto my fear has been that any bill likely to be passed by this Congress would be a bill of inflation, a bill to increase the volume of our paper money and drive us further from specie payments; and when I found a bill that was likely to get the consent of both Houses of Congress that distinctively excluded that idea——

Mr. HAWLEY, of Connecticut. What idea?

Mr. GARFIELD. The idea of inflating the paper currency of the country. When I found that the bill virtually excluded that idea, it was in my judgment a real gain, for it amounts to an abandonment of inflation. In the second place I voted for the bill for this affirmative reason, that it was a solemn declaration of law for the first time proposed, or at least for the first time passed, that we would at a fixed time in the future resume specie payments. That declaration is clear and unequivocal. A day is fixed, and the law declares that that day shall witness that consummation. Now, that was something—something of a gain in the direction of specie payments, a gain which I was not willing to lose.

Mr. MERRIAM. Will the gentleman allow me to ask him a question?

Mr. GARFIELD. Not at present. Now, the machinery by which that bill proposes to lead us to that consummation does not seem at all adequate to bring about the result; but my hope is that public opinion, following the lead of this solemn declaration for specie payments, will enable Congress before that time arrives to take the necessary steps to achieve what has been solemnly promised. And that was the reason, and the controlling affirmative reason, why I for one voted for that bill.

Mr. RANDALL and Mr. KELLOGG rose.

Mr. MAYNARD. I shall have to resume the floor and demand the previous question.

Mr. KELLOGG. I ask the gentleman to yield to me a moment to offer an amendment; at least to have it read.

Mr. MAYNARD. I will yield to have it read, but do not yield to have it offered.

Mr. KELLOGG. I wish to have the amendment read, and I hope the gentleman, in order to relieve himself of the charge made the other day in regard to shutting off amendments, will allow it to be offered.

The Clerk read as follows:

Add the following proviso:

Provided, That all legal-tender notes retired under the provisions of the law passed at this session shall be canceled and destroyed under the direction of the Secretary of the Treasury.

Mr. KELLOGG. I hope the gentleman will let us have a vote on that amendment.

Mr. MAYNARD. I do not yield to the gentleman to offer that amendment. As far as relieving me is concerned, the remark of the gentleman was uncalled for.

Mr. KELLOGG. I only want to relieve the gentleman from the imputation cast on him for not allowing amendments to be offered by getting a vote now and testing the sense of the House on this amendment.

Mr. MAYNARD. I do not ask to be relieved.

Mr. KELLOGG. Then, if the gentleman insists on the previous question, I hope the House will vote it down, and let us see if we cannot get an amendment to the bill which ought to be made.

Mr. MAYNARD. I demand the previous question on the third reading of the bill.

Mr. KELLOGG. I hope it will be voted down.

Tellers were ordered on seconding the previous question; and Mr. MAYNARD and Mr. KELLOGG were appointed.

The House divided; and the tellers reported—ayes 87, noes 60.

So the previous question was seconded.

The question recurred on ordering the main question to be put.

Mr. HOLMAN. I ask the yeas and nays upon that question.

Mr. MAYNARD. I suggest that we may as well take the yeas and nays on the passage of the bill.

Mr. HOLMAN. No; the sense of the House can be as well tested on this motion as on the other.

Mr. RANDALL. If you do not order the main question, the bill may be so amended as to be acceptable to the House.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 135, nays 80, not voting 73; as follows:

YEAS—Messrs. Albert, Atkins, Averill, Barrere, Barry, Bass, Begole, Biery, Bradley, Bundy, Burrows, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Chittenden, Clayton, Clements, Coburn, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Eldredge, Farwell, Foster, Freeman, Frye, Garfield, Gunckel, Hagans, Hamilton, Harmer, Harrison, Hathorn, Havens, John B. Hawley, Hays, John W. Hazelton, Hendee, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hynes, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Luttrell, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Mitchell, Monroe, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Perry, Phillips, James H. Platt, jr., Poland, Pratt, Rainey, Ransier, Ray, Richmond, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sheats, Sherwood, Lazarus D. Shoemaker, Sloss, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Sprague, Stanard, St. John, Strait, Taylor, Christopher Y. Thomas, Thompson, Todd, Tyner, Wallace, Marcus L. Ward, Wheeler, Whiteley, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—135.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Barnum, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Burleigh, Cain, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Davis, Finck, Fort, Glover, Gooch, Gunter, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Kellogg, Lamar, Lamison, Leach, Magee, Marshall, McLean, Milliken, Mills, Moore, Morrison, Neal, Nesmith, Niblack, Hosea W. Parker, Pierce, Randall, Read, Robbins, Henry J. Scudder, Shanks, Small, John Q. Smith, Southard, Standiford, Starkweather, Stephens, Stone, Swann, Townsend, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—80.

NOT VOTING—Messrs. Albright, Banning, Barber, Beck, Burchard, Benjamin F. Butler, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Stephen A. Cobb, Conger, Creamer, Crossland, Dawes, DeWitt, Eden, Field, Giddings, Eugene Hale, Robert S. Hale, Hancock, Gerry W. Hazelton, Hersey, George F. Hoar, Hooper, Hurlbut, Hyde, Kasson, Kelley, Kendall, Killinger, Knapp, Lansing, Lewis, Lowndes, McCrary, McKee, McNulta, Nunn, O'Brien, Pendleton, Phelps, Pike, Thomas C. Platt, Potter, Purman, Rapier, Ellis H. Roberts, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Sessions, Sheldon, Sloan, George L. Smith, Snyder, Speer, Storm, Stowell, Strawbridge, Sypher, Charles R. Thomas, Thornburgh, Tremain, Waddell, Waldron, Walls, Jasper D. Ward, White, Wilber, Charles G. Williams, and Ephraim K. Wilson—73.

So the main question was ordered.

Mr. MAYNARD moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill was then ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTUMACIOUS WITNESS—CHARLES ABERT.

Mr. DAWES. Mr. Speaker, I rise to make a motion of a privileged character. Mr. Charles Abert having answered the questions he was

directed by the House to answer, and such other questions as were put to him by the Committee on Ways and Means, I move that he be discharged from the custody of the Sergeant-at-Arms.

The motion was agreed to.

Mr. DAWES moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLORADO AND NEW MEXICO RAILWAY COMPANY.

Mr. ELKINS, by unanimous consent, introduced a bill (H. R. No. 4305) to grant the right of way to the Colorado and New Mexico Railway Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. RANDALL. I call for the regular order of business.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine. I ask the gentleman to yield to me to call up from the Speaker's table the amendments of the Senate to the naval appropriation bill. I desire to call up those amendments for the purpose of having them concurred in, and not for the purpose of sending them to a committee of conference. The Senate has increased the amount appropriated by the bill only $20,000—a thing unprecedented in the history of any appropriation bill. The amount of increase being so small, I am free to say that I do not want to go into a conference upon the bill, for I do not think we can get out in as good condition as we are in now.

Mr. RANDALL. The conference committee could not alter any portion of the bill except that amended by the Senate.

Mr. HALE, of Maine. That is true; but it might recommend an increase of the amounts in those items.

No objection being made, the House proceeded as in Committee of the Whole to the consideration of the amendments of the Senate to House bill No. 3819, making appropriations for the naval service for the year ending June 30, 1876, and for other purposes; and the same were severally read, considered, and agreed to.

Mr. HALE, of Maine, moved to reconsider the vote by which the amendments of the Senate were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DABNEY H. MAURY.

Mr. SMITH, of Virginia. I ask unanimous consent to have taken from the Speaker's table and passed at this time Senate bill No. 743, to remove the political disabilities of Dabney H. Maury. The petition in the case is in the Senate, where the bill originated.

No objection being made, the bill was taken from the Speaker's table, read three times, and passed, two-thirds voting in favor thereof.

Mr. SMITH, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES M. FAUNTLEROY.

Mr. HUNTON. I ask unanimous consent to have taken from the Speaker's table and passed at this time Senate bill No. 744, to remove the political disabilities of Charles M. Fauntleroy, of Virginia. The petition in that case is in the Senate.

No objection being made, the bill was taken from the Speaker's table, read three times, and passed, two-thirds voting in the affirmative.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I now renew my call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at fifteen minutes past one o'clock, and the first business in order during the morning hour is the call of committees for reports, beginning with the Committee on Military Affairs, where the call rested during the last morning hour for public bills.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. DONNAN, from the Committee on Military Affairs, reported back with amendments Senate bill No. 924, donating condemned cannon to the city of Masillon, Ohio, for monumental purposes.

The bill authorizes the Secretary of War to deliver, if the same can be done without detriment to the Government, three condemned cannon to the city of Masillon, Ohio, for the purpose of erecting a bronze statue on the soldier's monument in that city.

The amendment was to strike out from and including "three condemned cannon" to the end of the bill, and to insert in lieu thereof the following:

Four condemned iron cannon and sixteen cannon-balls each to the following-named organizations, for the purpose of ornamenting the burial grounds of deceased soldiers: City of Masillon, Ohio, and Post No. 139, Grand Army of the Republic, at Somerville, Massachusetts.

Mr. DONNAN. The amendment recommended by the committee is in the nature of declining to furnish bronze cannon as material for statues, and simply gives what Congress has been accustomed to give for some years past, four condemned pieces of iron cannon and some cannon-balls for that purpose. It also adds to the bill one place in Massachusetts.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ROADS IN ARIZONA.

Mr. DONNAN also, from the same committee, reported back, with an amendment, the bill (H. R. No. 2419) to provide for the construction of military roads in Arizona.

The bill appropriates the sum of $30,000, to be used, under the direction of the Secretary of War, in the construction of military roads in the Territory of Arizona, as follows, namely: From Fort Whipple to Camp McDowell, with a branch to Camp Verde; from Fort Whipple to Skull Valley direct; and for such work as is needed upon the road from old Camp Goodwin to Camp Apache.

The amendment was to strike out "$30,000" and insert "$15,000."

Mr. DONNAN. This Territory has been organized twelve years, and has never received one dollar from the General Government in this direction. General Crooke, in command of that department, strongly recommends this appropriation on the ground of economy: in fact he recommends the appropriation of a much larger sum. And the Secretary of War reports that it would be strict economy on the part of the Government to make this appropriation for this purpose. The accomplishment of this object will in a single instance shorten the distance of transportation sixteen to eighteen miles, and will save at least 50 per cent. in the expense of Government freighting between those points.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF CERTAIN OFFICERS.

Mr. DONNAN, from the same committee, reported back adversely the bill (H. R. No. 2013) providing for the payment of officers commissioned by governors of the States and afterward mustered into the service of the United States during the time between the date of the commission and the mustering into the service of the United States; which was laid on the table.

PAY OF OFFICERS MUSTERED OUT BUT REAPPOINTED.

Mr. GUNCKEL, from the same committee, reported back, with an amendment in the form of a substitute, the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870.

The amendment was read. It proposes to strike out all after the enacting clause of the bill, and insert a provision that thereafter, when any person who was mustered out as a supernumerary officer of the Army with one year's pay and allowances in addition to the pay and allowances due him at the date of his discharge under the provisions of the "act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, shall be reappointed by the President as an officer of the Army, such appointment shall be under and with the express condition that 50 per cent. of such officer's pay shall be stopped monthly until the sum total of the extra year's pay and allowances received by him when mustered out shall have been refunded to the United States.

Mr. GUNCKEL. When the bill was passed reducing the Army to thirty thousand men, it was provided that any officer voluntarily mustered out under that bill should receive one year's extra pay and allowances. A large number of officers took advantage of this provision and were thus mustered out. Subsequently the President reappointed some of these men as officers of the Army. The Secretary of War assumed to deduct from their pay the amount of the extra year's pay and allowances; but on an appeal to the Attorney-General he decided that this could not be done. This bill proposes to provide as to the future, that if any officers so mustered out with one year's pay and allowances should be reappointed, they shall submit to a deduction of one year's pay and allowances.

Mr. HOLMAN. I move to amend by striking out the word "hereafter" where it first occurs.

Mr. GUNCKEL. I cannot yield for that amendment. I am instructed by the committee to recommend the passage of the substitute as it stands. We do not assume to make this legislation retroactive, because it has been decided by the Attorney-General (and I have no doubt properly) that this cannot be done. We simply adopt a provision with reference to the future.

Mr. HOLMAN. The Attorney-General, as I understand, decided, when this subject was referred to him, that these officers reappointed

were entitled to retain their extra pay. The Secretary of War, however, took a different view. More recently, as I understand, the purpose of this bill has been accomplished as to payments hereafter to be made. The officers thus reappointed are now receiving their pay without any drawback, on account of the fact of their having resigned under the bill to reduce the Army. This bill will really accomplish nothing unless it conforms to the opinion delivered by the Attorney-General. For the purpose of carrying out what is manifest by the law, which has not been carried out in consequence only of the conflict of the action of the Secretary of War with the law, I trust the gentleman will consent that the word "hereafter" be struck out.

Mr. GUNCKEL. The Secretary of War has been deducting this pay in the case of officers reappointed.

Mr. HOLMAN. Not up to this time.

Mr. GUNCKEL. The Attorney-General has decided that that cannot be done. We do not undertake to interfere with that legal question, but simply to provide for the future that if any of these men shall be reappointed this deduction shall be made.

Mr. HOLMAN. I will ask the gentleman this question: If an officer of the Government has placed his construction upon the law with reference to the payment of officers of the Army, is it not fair that the officer on the one hand should be compelled to go into the courts for the purpose of determining his rights, and that the Government upon the other part should incur the expense of such litigation? Is it not well enough to assume that if this question were to go into the courts the views of the law officers of the Government will after all be adopted as the law of the case? Ought it to be assumed that the Federal courts in a case between these officers and the Government will be in conflict with the view the Government has expressed by its law officer. I submit that a question of this kind is eminently proper to be made the subject of litigation.

Mr. GUNCKEL. That being a question of law which should properly be examined by some other committee, we did not assume to pass upon it. We simply propose by this bill to relieve future cases from any doubt in reference to this question.

The amendment reported by the committee was agreed to.

The bill, as amended, was ordered to a third reading, read the third time, and passed.

Mr. GUNCKEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SEMINOLE WAR.

Mr. GUNCKEL also, from the same committee, reported back adversely a bill (H. R. No. 378) for the relief of enlisted men who served for thirty days in the war against the Seminole Indians in the State of Florida; and the same was laid upon the table.

THOMAS HASLEM.

Mr. GUNCKEL also, from the same committee, reported back a bill (H. R. No. 4060) for the relief of Thomas Haslem, with the recommendation that it do pass; which was referred to the Committee of the Whole House on the Private Calendar.

CORRECTION OF AN ARMY OFFICER'S RECORD.

Mr. GUNCKEL also, from the same committee, reported back a bill (H. R. No. 3942) authorizing the Secretary of War to correct an Army officer's record, with the recommendation that it do pass; which was referred to the Committee of the Whole House on the Private Calendar.

WALLACE MOTT.

Mr. GUNCKEL also, from the same committee, reported back a bill (H. R. No. 4306) for the relief of Wallace Mott; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying letter from the Secretary of War, ordered to be printed.

PAY DEPARTMENT OF THE ARMY.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported back a bill (H. R. No. 4159) to reduce and fix the Pay Department of the Army, with amendments.

The bill, which was read, provides in its first section that the Pay Department of the Army shall thereafter consist of one Paymaster-General, with the rank of brigadier-general, two assistant paymasters-general with the rank of colonel, two deputy paymasters-general with the rank of lieutenant-colonel, thirty paymasters with the rank of major, and twenty paymasters with the rank of captain, with pay and emoluments of officers of said grades.

The second section provides that no appointments shall be made to the grade of major until the number of officers of that grade be reduced below thirty, and thereafter the number of officers of that grade shall not exceed thirty; nor shall this act be construed to allow more than fifty paymasters of both grades at one and the same time; provided that no officer now in service shall be reduced in rank or mustered out by reason of any provisions of law therein made.

The amendments reported by the committee were read, as follows:

In the first section strike out "thirty" and insert "twenty," and strike out "twenty" and insert "fifteen;" so it will read:

Twenty paymasters with the rank of major, and fifteen paymasters with the rank of captain, with pay and emoluments of officers of said grades.

And insert "fifteen paymasters with the rank of first lieutenant."

In the second section strike out "thirty" and insert "twenty," and strike out "both" and insert "all;" so it will read:

SEC. 2. That no appointments shall be made to the grade of major until the number of officers of that grade be reduced below twenty, and thereafter the number of officers of that grade shall not exceed twenty; nor shall this act be construed to allow more than fifty paymasters of all grades at one and the same time: *Provided*, That no officer now in service shall be reduced in rank or mustered out by reason of any provisions of law herein made.

Mr. DONNAN. I move the following substitute:

The Clerk read as follows:

That the Pay Department of the Army shall hereafter consist of one Paymaster-General with the rank of colonel, two assistant paymasters-general with the rank of lieutenant-colonel, twenty paymasters with the rank of major, fifteen paymasters with the rank of captain, and fifteen paymasters with the rank of first-lieutenant, with pay and emoluments of officers of said grades.

SEC. 2. That no appointments shall be made to the grade of major until the number of officers of that grade be reduced below thirty, and thereafter the number of officers of that grade shall not exceed thirty; nor shall this act be construed to allow more than fifty paymasters of all three grades at one and the same time: *Provided*, That no officer now in service shall be reduced in rank or mustered out by reason of any provisions of law herein made.

Mr. SMITH, of Ohio. I make the point of order that bill must have its first consideration in the Committee of the Whole.

The SPEAKER. The Chair sustains the point of order.

The bill and amendments were referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

LAWRENCE A. WILLIAMS.

Mr. MACDOUGALL also, from the same committee, reported a bill (H. R. No. 4307) to place Lawrence A. Williams, late major Sixth Cavalry, United States Army, on the retired list of the Army; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of War to place on the list of retired officers of the Army the name of Lawrence A. Williams, late major of the Sixth Regiment United States Cavalry, with the rank of major; provided he shall be entitled to pay as such major only from date of the passage of the act.

Mr. MACDOUGALL. This bill puts upon the retired list of the Army an officer dismissed without any explanation whatever. I ask to have read a letter from the Adjutant-General to show that the record of the officer is perfectly clear. This officer is now lying in Baltimore seriously ill, and he probably will not survive more than a month. The simple object is to have the disgrace removed from his name for the benefit of his children.

The Clerk read as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., October 30, 1871.

SIR: Referring to your verbal request a few days since, in regard to the records reporting your absence without leave, you are respectfully informed that the regimental returns of the Sixth United States Cavalry so report you from December to March, 1863; but they have been corrected, as the period embraced is covered by medical certificates filed by you during the said period in this office.

Very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Major LAWRENCE WILLIAMS,
Late United States Army, Commandant Headquarters Department of the East, New York City.

Mr. SMITH, of Ohio. Is it too late to raise the point of order on that bill?

The SPEAKER. It has been discussed, and the point of order comes too late.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDOUGALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORPHANS OF OFFICERS OF THE ARMY, ETC.

Mr. HUNTON, from the same committee, reported a bill (H. R. No. 4308) for the protection of orphans, widows, and heirs at law of officers of the Army of the United States; which was read a first and second time.

The bill, which was read, provides that when any number of officers of the United States Army, not less than two hundred and fifty, shall signify to the Secretary of War their desire to unite for mutual survivorship annuity protection, and shall be deemed eligible thereto by the Secretary of War, it shall be the duty of the Secretary of War to make through the Pay Department of the Army equitable deductions, determined as provided in section 2 of the act, from the monthly pay of said officers, and to deposit the same to the credit of the Treasurer of the United States, to be passed into the general balance of the United States Treasury, and be known as the Army mutual survivorship annuity fund.

The second section provides that it shall be the duty of the Secretary of War to adopt as soon after the passage of the act as practicable a set of survivorship annuity tables, based upon suitable life tables, to regulate the deductions to be made from the monthly pay of such officers of the Army as may be accepted by the Secretary of War under the act, to secure to each one of said officers the survivorship annuity which he may elect to purchase for a nominee to be designated by him.

The third section provides that it shall be the duty of the Secretary of War to have such examinations made of officers applying for pur-

chase of annuities under the act as he may deem necessary, to issue such certificates of purchase, and to prescribe such rules and forms, not inconsistent with the act, as may be needful to govern the applications of officers for said annuities and to secure prompt and proper responses to said applications.

The fourth section provides that the purchase of a survivorship annuity under the act shall take effect from the date that the application therefor shall receive the approval of the Secretary of War, and the annuity shall be due to the nominee from the date of the death of the purchaser.

The fifth section provides that nothing in the act shall be construed as limiting the number of annuites which may be purchased by the same person; and in case the purchaser of any annuity under the act shall elect to terminate the monthly deductions from his pay required by the act on account of such purchase, he shall be entitled to receive, in lieu of a certificate for a full annuity, a paid-up certificate for an annuity in equitable proportion to the amount of deductions which shall have been made from his pay on account of said purchase, the payment of which annuity to his nominee shall commence at the death of said purchaser.

The sixth section provides that estimates for so much of the Army mutual survivorship annuity fund as may from time to time be required to pay annuities falling due under the provisions of the act shall be made and transmitted to Congress in the same manner as estimates for the pay of the Army; provided that no interest shall be allowed on the deductions so covered into the Treasury; and provided also that no appropriation shall be made to pay annuities falling due under the act beyond the amount of said deductions, and that no expense or liability on the part of the United States shall in any case be incurred under the provision of the act.

The seventh section provides that it shall be the duty of the Secretary of War to submit to Congress annually a full statement of the Army mutual survivorship annuity fund, and he is thereby authorized to adopt such rules and forms as may from time to time be found necessary to carry out the purpose of this act; provided that no compensation, fee, or allowance shall be allowed to any officer for services rendered under the act.

The eighth section provides that it shall be the duty of the Secretary of War to have the annuities falling due under the act paid by the Pay Department of the Army in the same manner that officers of the Army are paid; and all laws and regulations fixing the accountability for public funds shall apply to the moneys of the Army mutual survivorship annuity fund.

Mr. WILLARD, of Vermont. It seems to me that that bill is open to the point of order that it involves the expenditure of money; inasmuch as it involves the receipts of certain money by the Government from certain sources and a holding of them for disposition afterwards by being paid out in a certain way. I think it is a bill which ought to be considered in Committee of the Whole. It is certainly a bill that ought to be printed and laid upon our desks before we consider it.

The SPEAKER *pro tempore*, (Mr. WHEELER in the chair.) Under the new rule this bill is unquestionably liable to the point of order that it makes an appropriation of money. The Chair sustains the point of order.

Mr. HUNTON. The bill does not require a dollar of appropriation.

The SPEAKER *pro tempore*. Reappropriation of money brings a bill under the new rule.

The bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

OBSERVATIONS OF THE SIGNAL SERVICE.

Mr. HUNTON also, from the Committtee on Military Affairs, reported a bill (H. R. No. 4309) to extend the observations of the Signal Service of the Army so as to benefit the public health; which was read a first and second time.

The bill was read. It authorizes the Secretary of War to provide for such extension of the Signal Service of the Army as will permit such observations as may be necessary with a view to the public health to be taken at the different stations throughout the United States, and appropriates for that purpose the annual sum of $5,000.

Mr. WILLARD, of Vermont. I make the point of order that the bill appropriates money, and should have its first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. The Chair sustains the objection, and the bill goes to the Committee of the Whole.

WILLIAM MOORE.

Mr. YOUNG, of Georgia, from the Committee on Military Affairs, reported adversely on the bill (H. R. No. 810) for the relief of William Moore, late a private in Company A, Seventy-third Regiment Ohio Infantry Volunteers; and the same was laid on the table and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. DONNAN. The Committee on Military Affairs have no further business to report aside from what is in the hands of the chairman, the gentleman from Indiana, [Mr. COBURN,] and the gentleman from Pennsylvania, [Mr. ALBRIGHT,] and the House has assigned a full hour for their reports.

The SPEAKER *pro tempore* then called in consecutive order the Committee on the Militia, the Committee on the Judiciary, the Committee on Public Expenditures, the Committee on Private Land Claims, the Committee on Naval Affairs, and the Committee on Foreign Affairs; no reports being made by any of those committees.

The call having reached the Committee on the Territories,

Mr. CESSNA said: The Committee on the Judiciary, Mr. Speaker, has a number of reports to present.

Mr. RANDALL. I object.

The SPEAKER *pro tempore*. The Committee on the Judiciary was called in its order and no reports were presented. Other committees have since been called, and the gentleman from Pennsylvania [Mr. RANDALL] objects to going back.

Mr. PACKARD. I ask unanimous consent that the call may return to the Committee on Private Land Claims. I was engaged when that committee was called. I have a number of reports to present from it.

Mr. RANDALL. I object to going back.

Mr. PACKARD. I ask unanimous consent to go back to that committee. I hope the gentleman from Pennsylvania [Mr. RANDALL] will not object to that.

Mr. RANDALL. If we were to allow the call to go back in one instance we should have to permit it in another.

Mr. POLAND. The Committee on the Judiciary have a very large number of bills to report, and they ought to have an opportunity of presenting them.

Mr. RANDALL. They ought to have been on the alert when they were called.

The SPEAKER *pro tempore*. The committee was very distinctly called.

Mr. RANDALL. I think the Chair waited for two minutes before passing to the next committee.

The SPEAKER *pro tempore*. The Chair made an ample pause in calling the several committees.

Mr. CESSNA. I desire to say that I did not hear the call.

Mr. RANDALL. The quicker we go on the quicker we will get around. I object to returning.

The Chair then called the next committee on the list, the Committee on the Territories.

Mr. PACKARD. Is objection made to going back to the Committee on Private Land Claims?

The SPEAKER *pro tempore*. The Chair understands the gentleman from Pennsylvania [Mr. RANDALL] to object.

Mr. PACKARD. I entirely failed to hear the call.

Mr. RANDALL. I did not fail to hear it. I heard it very distinctly.

Mr. PACKARD. The gentleman from Pennsylvania is much nearer the Chair than I am. I am on the outskirts of the Hall, and it is entirely an accident that the call was not heard. There are some bills which we desire very much to present, and I hope there will be no objection to going back.

Mr. RANDALL. The gentleman must see that if I object to returning to the Committee on the Judiciary I must object to returning to the other committees.

Mr. PACKARD. I have been looking for the call, but I was sitting so far from the Chair that it entirely escaped me.

Mr. G. F. HOAR. Does the gentleman from Pennsylvania object to an opportunity being given to the Judiciary Committee to bring in a bill repealing the law of last winter providing for the bringing of persons from other parts of the country to the District of Columbia for trial?

Mr. RANDALL. I am not to be catechised in that way. I object, when the call has passed a committee, to our going back to it. I am not altogether satisfied with the general run of the business of the Judiciary Committee, and am willing therefore to avail myself of this advantage.

The SPEAKER, (having resumed the chair.) The Chair does not desire to lecture the House, but he wishes to say that in no session has he ever witnessed such utter carelessness in regard to the call of committees on the part of their chairmen as in this session. It is the duty of a committee to know when it is on call.

Mr. POLAND. I desire to say that I was assured by some members of the Military Committee that they would occupy the whole hour, and that it was not necessary that the Committee on the Judiciary should be ready. But for fear there might be some time left, I had brought down some two or three reports which I was prepared to make. I happened at the moment to be reading a report, and did not hear the gentleman who was then occupying the chair calling our committee.

Mr. RANDALL. If I must be called upon to state what is the fact, I must say that I think my objection is really a little beyond a matter of etiquette as regards the Committee on the Judiciary. If I could deal with this as a matter of etiquette solely, I would of course yield. But there are matters of legislation to which I am not willing as one of the members of this House to give any advantage. Some of those emanate from that committee, and therefore I object to the call going back.

Mr. NIBLACK. I have been unable in consequence of the confusion to hear what the trouble is.

The SPEAKER. The trouble is this: The Committee on Military Affairs having finished their business, there were called in consecu-

tive order by the gentleman then occupying the chair at the request of the Speaker, the gentleman from New York, [Mr. WHEELER,] the Committee on the Militia, the Committee on the Judiciary, the Committee on Public Expenditures, the Committee on Private Land Claims, the Committee on Naval Affairs, the Committee on Foreign Affairs, and when the Committee on the Territories was reached there seems to have arisen a little alarm in regard to the subject, which was, as usual in the House, rather late. Now the gentleman from Pennsylvania [Mr. RANDALL] objects, these committees having been regularly called and failing to respond with business, to going back in the call. It requires unanimous consent to go back, as the call must go forward, it being within the competency of the House by a suspension of the rules on Monday next to restore these committees to the position they have lost.

Mr. WILSON, of Indiana. Perhaps the Chair can avoid the difficulty by calling through the remaining committees.

Mr. GARFIELD. I think perhaps the Speaker may get around through the docket.

The SPEAKER. The Chair, then, will proceed with the call.

Mr. NIBLACK. I trust there will be no objection to going back to the Committee on Private Land Claims.

Mr. WILSON, of Indiana. O, yes; I object.

Mr. NIBLACK. I will give a reason.

Mr. WILSON, of Indiana. I object.

Mr. E. R. HOAR. I would ask whether, inasmuch as no report has been made from the Committee on the Territories, the Committee on Foreign Affairs, which was the last committee called before it, may not present reports? A gentleman was speaking to me at the moment the committee was called and I did not notice it.

The SPEAKER. The Committee on Foreign Affairs has been passed.

Mr. E. R. HOAR. It was the last one called; the call rested there and no reports have been made from any other committee.

The SPEAKER. The Chair is informed that the Committee on the Territories had been called.

Mr. GARFIELD. Yes; it had.

The SPEAKER then proceeded with the call of committees.

REPORT OF THE COMMISSIONER OF EDUCATION.

Mr. MONROE. I am instructed by the Committee on Education and Labor to report a resolution for reference to the Committee on Printing.

Mr. WILSON, of Indiana. Is that in order?

The SPEAKER. Is the resolution authorized by the committee, or does it proceed from the gentleman himself?

Mr. MONROE. I understand it was authorized by the committee, although their names are not signed to it.

The SPEAKER. Then it is in order.

The resolution was read, and referred under the law to the Committee on Printing, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there shall be printed twenty thousand copies of the report of the Commissioner of Education, five thousand for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

The SPEAKER. Has the Committee on Education and Labor any further reports to make?

Mr. MONROE. I have only one more item.

Mr. RANDALL. You are entitled to one hour.

AGRICULTURAL COLLEGES OF THE UNITED STATES.

Mr. MONROE. I do not wish to occupy it. The Committee on Education and Labor, to whom was referred at the last session of Congress the duty of investigating the condition of the agricultural colleges of the United States, have prepared a report on that subject, accompanied by a resolution of inquiry, and I now propose to submit it and ask that the report be recommitted and printed.

Mr. RANDALL. I ask to have the report read.

Mr. MONROE. It will take a long time; it is not necessary.

Mr. KELLOGG. I ask for the reading of the report.

Mr. MONROE. I have no desire, Mr. Speaker, to occupy the time of the House, as I understand the desire to be to go on with the call, so as to come around to the committees which were accidentally passed, and with that understanding, with a view to accommodate the House, I withdraw my report.

BUSINESS OF THE COMMITTEE ON PATENTS.

Mr. EAMES. I ask, on behalf of the chairman of the Committee on Patents, that the same courtesy shall be extended to him that was extended to the chairman of the Committee on Military Affairs, as, like that gentleman, he has been absent at Vicksburgh by order of the House.

Mr. BUTLER, of Massachusetts. Was there any courtesy shown the Judiciary Committee?

The SPEAKER. The Committee on Patents will not have lost its place.

Mr. EAMES. There is only one bill perfected by that committee of a general nature, which is in charge of the chairman of the committee, who is absent by order of the House. I hope the same indulgence will be extended to him that has been extended to others.

The SPEAKER. The gentleman from Rhode Island will observe that the Committee on Patents transacts most of its business on private bill days, and is therefore called oftener than other committees.

Mr. EAMES. I am aware of that; but this is a bill of a public nature, and I only ask the same courtesy that has been extended to other committees.

The SPEAKER. The gentleman from Rhode Island asks that the chairman of the Committee on Patents, who is absent by order of the House, be authorized to report a bill at some other time. Is there objection? The Chair hears none, and the order is made.

The SPEAKER resumed the call of committees. And when the Select Committee on the Washington National Monument was called,

Mr. CHIPMAN said: I am instructed by the committee to report a bill providing for the completion of the Washington National Monument.

Mr. BUTLER, of Massachusetts. Do not report it now.

Mr. CHIPMAN. I do not see why that subject should be deferred.

Mr. BUTLER, of Massachusetts. Very well; go on.

The SPEAKER. Has the gentleman a report to make?

Mr. CHIPMAN. The report has been made and is printed; it is report No. 485.

The SPEAKER. That report has already been made; it does not involve any action of the House.

Mr. CHIPMAN. I have a bill to present which I am instructed by the committee to report to the House and ask its action upon at this time.

The SPEAKER. Where is the bill?

Mr. CHIPMAN. It is a printed bill on the files of the House; House bill No. 3021.

The SPEAKER. On this call the Chair is not waiting for bills to be looked up.

Mr. CHIPMAN. If it is the desire of the House to proceed with this call rapidly, I have no objection.

The SPEAKER. The next committee on call is the Select Committee to Inquire into the Affairs of the District of Columbia.

Mr. LAMAR. I move that the House now adjourn.

The SPEAKER. That will not change the position of things at all, the next committee having been called.

Mr. LAMAR. I made the motion to adjourn before any response was made.

Mr. CHIPMAN. I have a copy of the bill here.

The SPEAKER. The Chair will recognize the gentleman.

Mr. CHIPMAN. It is House bill No. 3249, to provide for the completion of the Washington National Monument.

Mr. E. R. HOAR. I rise to a point of order on that bill.

The SPEAKER. The bill has not been read. It will be read, at least enough of it to indicate whether it is subject to a point of order.

The Clerk proceeded to read the bill, and read so far as the portion which proposes to appropriate $325,000 for the completion of the Washington National Monument.

Mr. BUTLER, of Massachusetts. I raise the point of order that this bill, containing an appropriation, must receive its first consideration in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order. Reports are next in order from the Regents of the Smithsonian Institution.

Mr. LAMAR. I now renew my motion that the House adjourn.

Mr. RANDALL. And on that motion I call for tellers.

Tellers were ordered; and Mr. G. F. HOAR and Mr. RANDALL were appointed.

The House divided; and the tellers reported that there were—ayes 31, noes 83.

Before the result of the vote was announced,

Mr. RANDALL called for the yeas and nays.

The yeas and nays were ordered, there being on a division ayes 32, more than one-fifth of the last vote.

The question was taken; and there were—yeas 58, nays 159, not voting 71; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Davis, Eldredge, Finck, Giddings, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Lamar, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Neal, Hosea W. Parker, Randall, Read, Robbins, Milton Sayler, Southard, Standiford, Stone, Storm, Swann, Vance, Wells, Whitehead, Whitehouse, Willie, Wolfe, John D. Young, and Pierce M. B. Young—58.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Clements, Coburn, Corwin, Cotton, Crooke, Crounse, Crutchfield, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Farwell, Field, Fort, Frye, Garfield, Glover, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Mitchell, Monroe, Moore, Morey, Morrison, Myers, Negley, Niblack, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pendleton, Perry, Phillips, Pierce, Pike, Poland, Pratt, Ransier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Starkweather, St. John, Strawbridge, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—159.

NOT VOTING—Messrs. Archer, Barry, Begole, Bundy, Roderick R. Butler, Amos Clark, jr., Clinton L. Cobb, Stephen A. Cobb, Comingo, Conger, Cox, Creamer,

Crossland, Curtis, De Witt, Eden, Foster, Freeman, Gooch, Hancock, Hays, Hersey, Hurlbut, Kendall, Killinger, Knapp, Lamison, Lansing, Lewis, Lofland, Lowndes, Nesmith, Niles, Nunn, O'Brien, Parsons, Pelham, Phelps, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rainey, Rapier, William R. Roberts, James C. Robinson, Schell, John G. Schumaker, Sessions, Sloan, Smart, George L. Smith, J. Ambler Smith, Speer, Stanard, Stephens, Stowell, Strait, Sypher, Taylor, Charles R. Thomas, Tremain, Waddell, Wallace, Walls, Wheeler, Whitthorne, Wilber, Charles G. Williams, Ephraim K. Wilson, and Wood—71.

So the motion to adjourn was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes; and

A bill (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws, and to repeal moieties," approved June 22, 1874.

The message further announced that the Senate had passed, and requested the concurrence of the House in, a joint resolution of the following title:

A joint resolution (S. R. No. 15) authorizing Thomas W. Fitch, engineer of the United States Navy, to accept of a wedding present sent to his wife, Mrs. Minnie Sherman Fitch.

ORDER OF BUSINESS.

Mr. TOWNSEND. On Tuesday of last week a special order was made, authorizing the Committee on Public Lands to present for the consideration of the House to-day sundry bills granting right of way to railroads across the public lands. The Committee on Public Lands have been very conservative in regard to the disposition of the public lands recommended by them.

Mr. LOUGHRIDGE. I desire to move that the rules be suspended and the House now resolve itself into Committee of the Whole on the Indian appropriation bill.

The SPEAKER. The House gave to the Committee on the Public Lands the right of presenting their reports, as indicated by the gentleman from Pennsylvania, [Mr. TOWNSEND,] for consideration to-day to the exclusion of all other business.

Mr. LOUGHRIDGE. Is not my motion in order?

Mr. RANDALL. I think the House is bound to consider these bills to-day.

The SPEAKER. The Chair thinks the order of the House includes appropriation bills as well as other business. The Committee on the Public Lands was given this day only for the consideration of its bills, to the exclusion of all other business whatever.

Mr. GARFIELD. The RECORD will show that I rose and asked that the appropriation bills might be excepted from this order, but I think that the Chair remarked that it was too late, which I regretted.

The SPEAKER. That is the fact.

RIGHT OF WAY TO RAILROADS.

Mr. TOWNSEND. Mr. Speaker, I was about to remark that the Committee on the Public Lands have been very conservative with regard to the appropriation of public lands to railroads. A few years ago such grants of land were given with a very large degree of liberality until the people put the mark of their disapprobation upon them. In the Forty-second and Forty-third Congresses the Committee on the Public Lands reported no bills granting lands to railroads beyond the right of way, and no grants of public lands of any other character except on account of timber culture—a few lots that may have been abandoned as military reservations and some lots that had been overflowed by the tide. Beyond that the committee have reported no kind of land grants. They have endeavored to preserve the public lands for the benefit of actual settlers. They have reported a bill which has already passed this House—an amendment to the homestead law—which, when it shall have passed the other branch of Congress, will be of most beneficial tendency, enabling every individual in the country to get a homestead of one hundred and sixty acres of land upon merely paying the fees of the land officers and complying with the requirement of five years' settlement. All our grants of public lands, therefore, have been narrowed down to rights of way.

The committee have instructed me to report back the bill (S. No. 379) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, with an amendment in the form of a substitute, the latter being identical with the bill (H. R. No. 2459) granting to railroads the right of way through the public lands of the United States. This is a general bill; it contains but few provisions, yet it is supposed to meet all the requirements of the railroads that may be incorporated in the States and Territories and whose roads may run through the public domain. It is a bill which will save to this House a large amount of special and local legislation; for if it should not pass, (and I trust that it will pass,) there will be behind it from a dozen to twenty bills granting the right of way to local railroads, which would require for their consideration a large amount of the attention of the House.

Before the substitute is read I will say that, as will be observed, the Senate bill provides for the incorporation of railroad companies in addition to giving them the right of way through the public lands; the substitute provides for the right of way alone.

The amendment reported by the committee was read, as follows:

Strike out all after the enacting clause of the bill and insert in lieu thereof the following:

That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

SEC. 2. That any railroad company whose right of way, or whose track or road-bed upon such right of way, passes through any cañon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said cañon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade. And the location of such right of way through any cañon, pass, or defile shall not cause the disuse of any wagon-road or other public highway now located therein, nor prevent the location through the same of any such wagon-road or highway, where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon-road is necessary to permit the passage of such railroad through any cañon, pass, or defile, said railroad company shall, before entering upon the ground occupied by such wagon-road, cause the same to be reconstructed at its own expense in the most favorable location and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same cañon, pass, or defile.

SEC. 3. That any railroad company desiring to secure the benefits of this act shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

SEC. 4. That this act shall not apply to any lands within the limits of any Indian reservation, without special authority of Congress, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed.

SEC. 5. That Congress hereby reserves the right at any time to alter, amend, or repeal this act or any part thereof.

Mr. KASSON. Does the gentleman from Pennsylvania [Mr. TOWNSEND] regard the language of the fourth section as sufficient to exempt all lands that ought to be exempted from the operation of the bill—for example, military reservations, reservations for public parks, &c.? Perhaps I can make my meaning plainer to the gentleman by stating that in my judgment the section should read—

That this act shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands specially reserved from sale without special authority of Congress, &c.

Mr. TOWNSEND. This provision could not apply to any of those lands without the authority of Congress.

Mr. KASSON. My theory is that this bill will give such authority from the fact that it only excepts Indian reservations.

Mr. TOWNSEND. That is not a legal conclusion.

Mr. KASSON. If the bill in its general terms includes all public lands and specifically excepts one class only—Indian reservations—I think the conclusion is inevitable that it would give the right to cross a military reservation. If there is no objection, I move, in order to exclude the doubt, to amend the section so as to read in the form I have just stated.

Mr. HAWLEY, of Illinois. Why not strike out the word "Indian," and thus except all reservations?

Mr. TOWNSEND. There is no objection to the amendment suggested by the gentleman from Iowa, [Mr. KASSON.]

The SPEAKER. That amendment will be considered as adopted.

Mr. WILLARD, of Vermont. I desire to offer an amendment.

Mr. TOWNSEND. I yield to hear the amendment read.

Mr. HOLMAN. Inasmuch as this bill was subject to a point of order, and inasmuch as that point has not been insisted on, I trust the gentleman from Pennsylvania will not deny the opportunity for reasonable amendment.

Mr. WILLARD, of Vermont. The amendment I desire to offer is to strike out in the first section this clause:

Also the right to take from the public lands adjacent to the line of said road material, earth, stone, and timber necessary for the construction of said railroad.

Mr. TOWNSEND. I do not admit that amendment.

Mr. NEGLEY. Will the gentleman yield to me to offer an amendment?

Mr. TOWNSEND. In a little while. The bills which have heretofore passed the House, with one single exception, have all included that clause. The committee thought that it was not an unfair nor an excessive allowance one of these railroads should have the privilege of taking material, stone, and timber from the lands adjacent to the line of the road. It is but a small pittance given to them, and if they are willing to risk their capital out in the Territories, they ought to have some little show in order to enable them to build these roads.

Mr. STORM. I have always understood there has been serious objections to these special grants to railroad corporations to include a grant of material, stone, and timber to be taken from lands adjacent to the line of the road. I would ask my colleague whether it has been successful in any other than in the single case to which he has

alluded? I hope, therefore, in this general bill there will be no such provision included granting the use of material, stone, and timber to be taken from lands adjacent to the lines of these railroads. I see no more reason why men building roads in the Western Territories shall have the right to go upon the adjacent lands for material, stone, and timber than in any of the States.

Mr. MAGINNIS. I notice, Mr. Speaker, there is a great deal of opposition to the continuation of the land-grant system to any of the new Territories, and that objection now comes especially from those gentlemen whose States have been developed under the operation of previous grants of public lands. But, sir, whatever other objection there may be to this bill, I did not think for one moment any man in this House would make opposition when we in the Territories, through the expenditure of our own means, by our own energy, and with our own capital, undertake to construct lines of railroad through rocky cañons and over sterile wastes—I say that I did not suppose any gentleman here would object to allowing us to take rocks and valueless land adjacent to those lines of roads any more than if these roads were to go through the air which blows over those rocks and plains. The lands where these lines are to run are as worthless without these railroads as if they were in the center of Africa or in the midst of the desert of Sahara. The building of these roads is the only thing which can or will give them any value.

When our people spend twenty, thirty, or forty thousand dollars to build a mile of railroad, instead of asking enormous subsidies like those granted in the past, we only ask the poor pittance, as it seems to me, our people shall be allowed to use the material, stone, and timber which they may find upon the lands adjacent to the proposed lines of road.

Mr. STORM. We have always heard just such eloquent words whenever a land grant is under consideration in this House. It is the same old story.

Mr. MAGINNIS. We are not asking for a land grant.

Mr. STORM. When there is a proposition to build a railroad in the center of Africa or across the Desert of Sahara the gentleman's argument will be pertinent.

Mr. TOWNSEND. I decline to admit the amendment.

Mr. McCORMICK. Mr. Speaker, I wish to ask the chairman of the Committee on the Public Lands if, in his judgment, it is not desirable to make some provision in this bill for the manner in which private lands and possessory claims on the public lands of the United States may be condemned to the extent and for the purpose indicated? The bill which I had the honor to introduce last winter, and which had the approval of the committee of territorial Delegates, had such a provision, and others which I respectfully submit might well have been accepted by the Committee on the Public Lands; but it is so important to the people of the Territories that they be enabled to acquire the right of way for their railroads without coming to Congress in every instance, that for one I am not disposed to be critical, although I should like an answer to the inquiry I have made.

Mr. TOWNSEND. The laws of the Territory are to provide for ascertaining the damages incurred by anybody through whose land these railroads may pass.

Mr. NEGLEY. That may be in some of the Territories, but in the Territory of Utah the operation of the Poland bill has been to remove the probate court, and I understand it is impossible to obtain such condemnation. I wish to offer an amendment in that regard.

Mr. MAGINNIS. It may be done in the United States district court.

Mr. TOWNSEND. I am willing to admit an amendment in regard to the condemnation of lands, such as was provided for in the Union Pacific Railroad bill which was passed in 1864.

Mr. NEGLEY. That is just what I proposed to offer, and if the gentleman will permit me I will send the amendment up to be read.

Mr. G. F. HOAR. I desire to ask of my friend, the chairman of the Committee on the Public Lands, whether his bill will preserve the just authority of the States after they are admitted into this Union? If Congress shall grant these rights of way to extend across the continent, across Territories which are to grow into great and populous States with cities and towns, it is essential that some public authority should exist and it should I think be the authority of the State when it comes into the Union to direct changes of location, changes of construction, and in respect to the crossing of bridges and highways and all the other details necessary for the preservation of the rights of the people. It seems to me the bill should contain, and perhaps it does contain, a reservation of the lawful authority in the State just as if the charter for the construction of the roads had been granted by the State itself.

Mr. HAWLEY, of Illinois. I desire to ask the gentleman from Massachusetts if he has any doubt about the power of the State to control the subject after it should be admitted?

Mr. G. F. HOAR. It seems to me that if the right of way were granted over public land the title to which belongs to the United States and is vested in the United States, so that the title consists in the ownership by the United States of the soil, and the use of it by the corporation, it is very doubtful whether the State has authority, if disposed, to require changes in the rates.

Mr. SHANKS. I desire the gentleman from Pennsylvania [Mr. TOWNSEND] to yield to me to offer an amendment.

Mr. TOWNSEND. In reply to the gentleman from Massachusetts, [Mr. G. F. HOAR,] I desire to say that the committee thought that those rights were sufficiently guarded and sufficiently enlarged. But the gentleman from Indiana [Mr. HOLMAN] desires to submit an amendment which will probably cover the idea of the gentleman from Massachusetts.

Mr. HOLMAN. I send my amendment to the Clerk's desk to be read.

The Clerk read as follows:

Add the following proviso at the end of section 2:

Provided, however, That any State hereafter formed within the limits of which a railroad the right of way for which shall be obtained under the provisions of this act or any part thereof shall be situated shall have full authority at all times to regulate and limit the charges for the transportation of persons and freight over the same, so far as situated within its limits, and to prevent discrimination in transportation.

Mr. SMALL. Does the gentleman from Indiana understand that Congress has any power to delegate to States the right to control interstate commerce?

Mr. HOLMAN. My answer to the gentleman is that Congress has power to attach conditions to the grant it makes of the right of way through the public lands.

Mr. SMALL. I understand that Congress has no power to delegate to the States the right to control commerce between the States.

Mr. HOLMAN. This is not a delegation of power but a condition on which the grant is made. Congress grants the railroad corporation this right on the condition that it shall have power to legislate over the subject-matter; and the corporation accepts the grant on that condition. I think there can be no objection to that.

Mr. GARFIELD. Is not this something in the nature of the condition on which several States lately in rebellion came back into the Union; there being a clause that certain things should not be changed in their constitutions, that certain rights of the colored race, for instance, should not be interfered with in any way? That was a limitation if they accepted it, when they came in, and it is binding in all future time upon them.

Mr. HOLMAN. In the same way, if the railroad corporations accept this grant, they do it with this condition.

Mr. HAWLEY, of Illinois. I desire to say a word upon the amendment offered by the gentleman from Indiana, [Mr. HOLMAN.] That amendment does not at all meet the objection raised by the gentleman from Massachusetts, [Mr. G. F. HOAR.] The amendment of the gentleman from Indiana is that Congress shall delegate to any future State that may be brought into the Union, from any Territory over which a railroad accepting this grant shall run, the power to regulate the commerce over that railroad.

Mr. HOLMAN. There is nothing of the kind in my amendment.

Mr. HAWLEY, of Illinois. I think if the gentleman will read it again carefully he will find that it is in it. I take it that the rule is this: that Congress, in granting the right of way over the public domain to a corporation, does not and cannot limit the powers which the State itself may exercise when the Territory through which such road runs shall be admitted into the Union as a State. I do not think it is in the power of Congress to do that, because when the State is admitted into the Union, it is admitted into the Union with all the rights of all the other States—no more and no less. Therefore Congress cannot bind a future State in that regard.

The gentleman from Indiana proposes an amendment to this bill by which he declares as the sense of Congress that the right to regulate interstate commerce shall be given to any future State that may be created out of the Territory through which the railroad runs. Now, in the first place, Congress has no power to do it; and if it had the power I should object to it. I object to Congress yielding any of its powers or rights to control interstate commerce. Well, suppose Congress says nothing upon that subject and the Territory through which any of these proposed roads run is admitted into the Union of States, what will be their powers in regard to commerce transported over these roads? They will be the same as those exercised by any State in this Union over any road within its limits. Congress can exercise control over rates for freight or passengers passing from one State to another, but any such State so admitted would control absolutely all the commerce passing from one point to another within the limits of any such State that might be created. Congress, therefore, cannot add to or take from the powers to be exercised by the State, and I object to Congress declaring now in an act of this kind, anywhere or in any way, that it parts with the power it has over interstate commerce. Let the matter remain as it is under the Constitution of the United States. Let any of those future States that may be admitted exercise the same powers as Illinois, Pennsylvania, or any of the other States exercise, but let there be no attempt here to add to or take from their powers.

That is the objection I make to the amendment. And I desire to say one word further in reference to the objection made by the gentleman from Massachusetts [Mr. G. F. HOAR] who sits near me. He thinks there ought to be something incorporated into this bill that shall negative any purpose to take from any future State this power. Why, Congress has no power to do it. It has no power to take from the rights which may be exercised by the future State as to any road passing within its limits. I understand the gentleman from Massachusetts to state that he deemed it important to amend the bill so that these rights should be saved.

Now, it seems to me that question is not properly involved at all

in this bill, and that nothing can be added to the bill which can affect it. You may try it, but it will be ineffectual.

Mr. HOLMAN. It will not do any harm.

Mr. HAWLEY, of Illinois. It will; because it is a declaration by Congress that it will, if it has such power, part with the right.

Mr. HOLMAN. Not at all.

Mr. HAWLEY, of Illinois. And further, the last section of the bill reserves the right of Congress to alter or amend it in any manner it may choose.

Mr. G. F. HOAR. I ask my friend from Pennsylvania [Mr. TOWNSEND] to hear me a moment in explanation of my point. Suppose after a railroad company has built a railroad under this bill in a Territory a State is formed there, through whose territory the road passes. Now, what would be the condition of the road-bed? It is a tract of land owned by the United States, over which a railroad under the authority of the United States passes. Now, if the State undertakes to meddle with that location, it is meddling with lands within its limits the property of the United States, and with a right of way within its limits granted by the United States. The United States may in the course of years or generations have parted with all its public lands in the State or in the vicinity of the road, and still, whenever the State undertakes to exercise the ordinary local authority of permitting a highway across the track of the road, or a bridge to be built over it, or requiring the railroad in a populous city to move its track from a street in the central part of the city to the outskirts, or any other of those acts which State authorities exercise, the railroad will meet the State with the constitutional objection that this land you are dealing with is the property of the United States; the eminent domain did not come from your State to us as in ordinary cases, and the right of way with which we are clothed was given by the United States. In that case the people of the State would either have to come to Congress for a remedy or be without it.

Mr. TOWNSEND. Is not that the condition in which the Union Pacific Railroad stands in Kansas and has stood, and in California too?

Mr. G. F. HOAR. Undoubtedly; and I desire to say, as my friend puts the question, that I regard as a most lamentable fact in our history the carelessness with which between 1863 and 1865, or 1870, Congress dealt with the great function of incorporating these great highways. The development of the country from Puget Sound to the eastern shore of Lake Superior along that high latitude has been retarded for generations because it has seemed that the American Congress and the American people were not competent to endow and govern honestly, justly, carefully, with reference to the rights of the people and to protect them against the aggressions of the railroad companies. In my judgment one of the great solutions of this southern problem, which we have to deal with in the immediate future would have been to have provided for the growing up of free, intelligent, hard-working communities along these lines of railroads. I think one of the most distressing facts in our history is the example of carelessness and fraud which was set in the organization of these roads.

And now if my friend will permit me I will read the amendment which I propose to offer:

Provided, All such rights of way shall be subject to the authority of any State hereafter formed through which such road shall pass, as if the land occupied by such way had been originally granted by such State.

There can be no objection to that.

Mr. TOWNSEND. I accept that amendment.

Mr. HOLMAN. I suggest to the gentleman from Massachusetts that he move that as an addition to my amendment.

Mr. G. F. HOAR. Let this be secured and then the House can vote on the other proposition. I offer this as an additional section, section 5.

Mr. HOLMAN. It does not accomplish the purpose my amendment has in view.

Mr. TOWNSEND. I accept the amendment of the gentleman from Massachusetts.

Mr. SHANKS. Before we reach section 5, I have an amendment which I desire to offer to section 4.

The SPEAKER. The House is not considering the bill by sections, and this will not cut off the gentleman's privilege. Does the gentleman from Massachusetts intend this to be an amendment to the amendment of the gentleman from Indiana?

Mr. G. F. HOAR. No, sir; it is accepted by the gentleman who reported the bill.

Mr. TOWNSEND. I did not accept the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

The SPEAKER. The gentleman has no right to accept the amendment. If it be not an amendment to the amendment of the gentleman from Indiana, [Mr. HOLMAN,] then the amendment first offered must be first disposed of.

Mr. KASSON. I ask that the amendment of the gentleman from Indiana be again read.

The Clerk read the amendment, which was to add to section 2 the following:

Provided, however, That any State hereafter formed, within the limits of which a railroad, the right of way for which shall be obtained under the provisions of this act or any part thereof, shall be situated, shall have full authority at all times to regulate and limit the charges for the transportation of persons and freight over the same, so far as situated within its limits, and to prevent discrimination in such transportation.

Mr. KASSON. I hope the gentleman will not press his amendment in that form.

Mr. HOLMAN. The gentlemen here from the Territories, who are interested in these various railways, see no objection to this proposition, it is so palpably right. The States of this nation, in the hasty legislation of early days, did not reserve to themselves the necessary powers over transportation, and have now discovered their fatal mistake. This amendment simply proposes to reserve to the States that may be hereafter formed the same right that every State of this Union would now be glad to have had reserved to it. I do not see how it can be possible, with the present tone of public sentiment in this country, that gentlemen should consent to the passage of a bill through Congress inaugurating a vast system of railways for the possible future States of the great West, without any limitation or any reservation of right to the people through their legislators to regulate the subject of transportation.

Mr. KASSON. Will the gentleman allow me to ask him a question, in order to see if he appreciates the difficulty which some of us feel in regard to the matter?

Mr. HOLMAN. Certainly.

Mr. KASSON. The amendment of the gentleman provides, without allusion to the destination of the commerce passing over the road, that the State may regulate the charges upon it. The difficulty that we see is that that would by its terms give the State the right to regulate what may concern other States, interstate commerce. The proposition of the gentleman is to give the State the right to regulate within its own limits. He makes the exercise of the right depend upon the locality of the road, not upon the character of the commerce going over it. That would give the State the right to regulate commerce that may go into other States. The difficulty is that we cannot sustain a measure that would give a State the right to enforce charges that may be prohibitory of interstate commerce. Have I made myself understood?

Mr. HOLMAN. Certainly, very clearly. The objection the gentleman suggests is the very one that occurred in the first consideration of this bill. But does not the gentleman perceive that I am asking only that the future States may have exactly the same rights that they would have if they had granted this right of way, just as other States have done recently? Nothing is proposed to be done except to leave future States in the same condition that present States are in that grant the right of way for railroads.

Mr. KASSON. Right there—let us get at it by conversation; we can do it. The gentleman proposes to give the State a right which they would not have under the Constitution of the United States.

Mr. HOLMAN. Why not?

Mr. KASSON. To fix the rates of freight upon commerce coming from and going to other States.

Mr. HOLMAN. Nobody pretends that.

Mr. KASSON. By this amendment it would seem that the United States attempted to give the States that right.

Mr. HOLMAN. If the State made this grant upon the condition of reserving the right to regulate transportation, would not that grant made by the State be subject to the power of Congress to regulate commerce between the States? My amendment proposes to give to all prospective States the same powers that the States would reserve to themselves from time to time in granting this right of way. That has nothing to do with the power of Congress to regulate commerce, although I am willing to add these words, which I think, however, are supererogatory:

But this shall not be construed to limit the power of Congress to regulate commerce between the States.

Mr. KASSON. If the gentleman will notice the wording of his amendment he will see the inconsistency which I refer to. He and I both desire to arrive at the same point. I ask that the amendment be again read.

The Clerk read as follows:

Resolved further, That any State hereafter formed, within the limits of which a railroad, the right of way for which shall be obtained under the provisions of this act, or any part thereof, shall be situate, shall have full authority at all times to regulate and limit the charges for the transportation of persons and freight over the same.

Mr. KASSON. Stop there. The gentleman will observe that his amendment gives the State the absolute right that Congress would have, by saying that they may exercise this right of regulation irrespective of the destination of the merchandise. It gives the States the power not only to do what one State has attempted to do before, impose restrictions so oppressive to interstate commerce——

Mr. HOLMAN. Cannot the State impose restrictions?

Mr. KASSON. Not at all upon transportation of commerce destined to another State.

Mr. HOLMAN. Can it not, independent of the question of the power of Congress to regulate commerce between the States?

Mr. KASSON. Independent of the powers of Congress and of the restrictions imposed by the Constitution a State would have the right to do anything within its own limits.

Mr. HOLMAN. Now, here are two distinct powers. One is the power of the State to regulate commerce within its own limits. This power I believe is generally conceded. Then here is another power—the power of the General Government to regulate interstate com-

merce. Now, these are separate and distinct powers. The reservation of this power to the State in this form to regulate commerce within its own limits does not interfere at all with the power of Congress to regulate commerce between that State and other States.

Mr. KASSON. I answer that the prohibitions or restrictions of the Constitution cannot be waived by Congress; and this looks like an attempt by Congress to waive its power in this respect and give it to a State.

Mr. HOLMAN. I propose to insert the words "but this provision shall not be construed to limit the power of Congress to regulate commerce between the States."

Mr. G. F. HOAR. If the gentleman from Iowa [Mr. KASSON] will give me his attention, I think he will see the force of the point made by the gentleman from Indiana. It is true that the jurisdiction of Congress over commerce between the States is exclusive, and that Congress cannot by any action delegate this jurisdiction to the States; but it is also true that the power of a State over corporations which it creates is unlimited. Take the analogous case of foreign commerce. A State cannot provide that no individual shall engage in foreign commerce, nor can it impose any terms or conditions on his engagement in such commerce; but it may provide that a corporation created by that State shall not engage in foreign commerce or shall engage in it only on certain terms and conditions. So a State may rightfully declare that a corporation which it has created shall engage only in transportation within the State, and shall not transport at all merchandise destined for other States, or shall transport only such merchandise as will pay certain rates or will submit to certain terms and conditions. Now, the effect of this proposition, if I understand it, is to authorize the States through which railroads incorporated by Congress pass to impose such conditions on the exercise of the function of those roads as common carriers as the States might impose if they had themselves created the corporations. In other words, it declares that certain corporations created by Congress shall transport passengers and merchandise only on such terms as the States through which they pass may hereafter prescribe.

Mr. KASSON. But the amendment will not answer the purpose unless we insert the language "local, or confined within the State."

Mr. TOWNSEND. I do not admit this amendment.

Mr. HOLMAN. It is rather late for the gentleman to make that announcement after the amendment has been discussed for half an hour. I ask for a vote on my proposition. My amendment was offered by the consent of the gentleman from Pennsylvania, and has been discussed fully half an hour.

Mr. TOWNSEND. But I have the privilege of refusing to admit it.

The SPEAKER. The Chair thinks that allowing an amendment to be discussed for a considerable period is tantamount to waiving an objection to it.

Mr. HAWLEY, of Illinois. Before the amendment is voted on, I desire to say a single word. This bill does not propose to charter any corporation. It leaves to the Territories or the States where these public lands may lie, the right to charter such corporations as they may see fit for the construction of railroads. What does it do? It simply and only gives the right of way. It merely grants to such railroad companies as may be chartered the right to lay their tracks and run their trains over the public lands; it does nothing more. This is all that can be got out of it by any possible construction. The simple right being given to locate a road and operate cars upon the track so located, the gentleman from Indiana proposes by his amendment to raise the question of the right to control freights running over such roads. It seems to me that this should be left just as it is left to all the other States. When these Territories come to be admitted as States, (if they ever do,) they will certainly have the same power that all the other States have to regulate commerce. The gentleman from Indiana certainly does not deny that to Congress is reserved the exclusive control of interstate commerce, and that this power cannot be parted with; while to the State alone is reserved the right to control commerce strictly within the limits of the State. This power, which is a constitutional right, cannot be added to or taken from. Yet the gentleman from Indiana stands here and insists that Congress shall surrender a power which by the Constitution, as construed by the Supreme Court, has been vested in Congress alone. I insist that nothing ought to be said in the bill on this question.

The question being taken on agreeing to the amendment of Mr. HOLMAN, there were—ayes 28, noes 61; no quorum voting.

Mr. HOLMAN. This amendment is so important, affecting the rights of the people as well as corporations, that there should be a full vote.

Tellers were ordered; and Mr. TOWNSEND and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 66, noes 84.

Mr. HOLMAN. On this question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DUNNELL. I move that the bill be laid on the table.

The motion was not agreed to.

Mr. HOLMAN. I am perfectly willing to modify my amendment by striking out after the word "transportation" the words "situate within its limits" and inserting "exclusively within the State."

Mr. KASSON. I hope that such a modification will be made.

Mr. HOLMAN. I hope that with this modification the amendment will be satisfactory.

Mr. KASSON. It will be so to me.

The amendment as modified was read.

Mr. HAWLEY, of Illinois. I have no objection to the amendment as now modified.

Mr. HOLMAN. In making this modification I acquiesce in the suggestion of the gentleman from Iowa, [Mr. KASSON,] although the proposition in its present form does not come up to my own views of the extent to which we should go in this class of legislation.

Mr. TOWNSEND. With this modification I have no objection to the amendment.

The SPEAKER. If there be no objection, the order for the yeas and nays will be reconsidered, and the amendment of the gentleman from Indiana, as modified, will be regarded as agreed to.

There was no objection.

Mr. TOWNSEND. I now yield to my friend from Pennsylvania [Mr. NEGLEY] to offer an amendment.

The SPEAKER. The amendment of the gentleman from Massachusetts [Mr. G. F. HOAR] is pending, and it will first be disposed of.

The Clerk read the amendment of Mr. G. F. HOAR as follows:

Provided, That all such rights of way shall be subject to the authority of any State hereafter formed through which said railroads shall pass as if the lands occupied by such way had been originally granted by such State.

Mr. TOWNSEND. I have no objection to that amendment.

The amendment was agreed to.

Mr. NEGLEY. I offer the following amendment:

The Clerk read as follows:

That the Legislature of the proper Territory may provide for the manner in which private lands and possessory claims of the public lands of the United States may be condemned, or such condemnation may be made in accordance with section 3 of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and approved July 2, 1864.

Mr. TOWNSEND. I have no objection to that amendment.

Mr. DUNNELL. I object to the amendment.

The amendment was agreed to.

Mr. SHANKS. I move in the second and third lines of the fourth section to strike out these words, "without special authority of Congress;" and I do that as it seems to place over these Indian reservations a threat that Congress may sooner or later do this thing.

The amendment was agreed to.

Mr. TOWNSEND. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the substitute was adopted.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TOWNSEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSEND. I move to amend the title of the bill so it will read—

A bill granting to railroads right of way through the public lands of the United States.

The amendment was agreed to.

LITTLE COTTONWOOD CAÑON TOLL-ROAD, UTAH TERRITORY.

Mr. BRADLEY. I am instructed by the Committee on the Public Lands to report back, with an amendment, a bill (H. R. No. 3051) granting the right of way over the public lands for a toll-road in Little Cottonwood Cañon, in Salt Lake County, Utah Territory.

Mr. LOUGHRIDGE. I would like to ask the Speaker whether the authority given to the Committee on the Public Lands was an authority covering reports generally from the Committee on the Public Lands?

The SPEAKER. The leave granted to the committee refers only to bills of a peculiar character relating to rights of way through the public domain, either general or special in their character.

Mr. BRADLEY. I have been instructed by the Committee on the Public Lands to report back a bill (H. R. No. 3051) with an amendment.

The bill, which was read, provides that the right of way, four rods in width, over the public lands of the United States is thereby granted to Philip H. Emerson, Samuel Paul, Luke Voorhees, and George E. Whitney, and their associates, for the construction of a public toll-road from Granite, at the mouth of Little Cottonwood Cañon, in the county of Salt Lake, in the Territory of Utah, to the head of said cañon, the rates of toll to be charged upon said road not to exceed usual rates for similar roads, and to be approved by the county court of said Salt Lake County; in case said road is not constructed within two years from the passage of the act, this grant of right of way shall revert to the United States.

Mr. BUTLER, of Massachusetts. I reserve all points of order on this bill.

Mr. BRADLEY. I ask the Clerk now to read the amendment.

The Clerk read as follows:

Add as an additional section:

SEC. 2. Congress reserves the right to alter, amend, or repeal this act at any time when the public interest may require the same.

Mr. KASSON. I desire to reserve the point of order, until the bill has been explained, as to whether this comes under the order of the House granted the other day. It seems to be a simple bill for a toll-road.

Mr. BRADLEY. Mr. Speaker, I may say to the gentleman from Iowa [Mr. KASSON] that when the order was made to consider bills to grant the right of way I was upon the floor and saw that the leave then granted included this bill. It contains nothing but a right of way for a toll-road. As to the merits of the bill, I say to the House that upon the rise of this hill there is a cañon leading up through the mountains, at the head of which there are several important mines. The petition asking for the passage of this bill comes principally from the owners of these mines, stating that it requires the greatest economy to mine their ores and transport them, and that the road formerly used has not been so constructed as to permit them to move their ores to market with that economy which will give them a return for their labor.

There is already constructed a part of the way a railroad that is in the interest of citizens who have lived for a number of years in Utah and who have entire control of it. The parties who petition for this bill apprehend that when this railroad is completed, if it is ever completed, so as to answer the purposes intended, it will place these miners entirely under the control of these railroad men, and that in consequence thereof there will be a monopoly so far as regards the rates that will be charged for transportation.

Now these people ask permission to construct a toll-road—nothing but the right of way; and they ask also that the charges that shall be made may be controlled by the county court. The committee on examining the bill arrived at the conclusion that there was no good objection to it. The provision is incorporated in the bill that if the road is not completed within two years the grant shall revert. The petition to which I have referred was unanimously signed and there comes no objection to it, except possibly from the parties interested in this railroad.

The committee have prepared and reported a bill granting the right of way to the railroad company; but inasmuch as the general bill which has just passed reaches their case, it has become unnecessary to act further upon that bill. But the House will observe that under the provisions of the bill just passed, should it become a law, this railroad company is authorized to complete their road. Therefore this right to construct a toll-road becomes necessary in the interest of these miners, and in the interest of all of these people who live at the head of this cañon.

Mr. KASSON. I will say to the gentleman from Michigan that if it is a matter of public notoriety that this has been applied for by these gentlemen and that no opposition to it comes from the people, I have no objection. But as certain names were specified here, it was my fear that it might be desired to get a special privilege for these parties to the exclusion of others, which led me to ask for an explanation.

Mr. BRADLEY. I will say again that the committee have heard of no opposition from any party, except possibly those interested in that railroad. As a matter of fairness to all parties interested, I will state that, as chairman of the sub-committee having charge of the bill, I have been applied to to add other names; but I have learned that they are names of persons interested in the railroad. It appeared to the committee that the object in asking that these names be added was that the railroad company may not only control transportation over their road, but may also control the transportation over this toll-road; and the committee thought—at least I can say so for myself—that it was not advisable to add the names as requested. Should the gentlemen representing the other parties desire to make any remarks I will yield to them for that purpose.

Mr. HERNDON. Will the gentleman yield to me for a question only?

Mr. BRADLEY. I yield to the gentleman.

Mr. HERNDON. I wish to ask him this question: If it is not true that there has been a toll-road for the past twenty years over the same ground, and that that road has ceased to be a toll-road in the last few years; and if this bill should pass would it not renew the toll upon that road which has ceased within the past few years?

Mr. BRADLEY. I would reply to the gentleman from Texas by saying that I am informed that some time ago the road that is now being used was a toll-road, and that tolls at one time were collected upon it, but for the last few years it has been abandoned. I am informed also that the road proposed has been abandoned in consequence of its condition, and that it needs further improvement. I am credibly informed that these parties asking for this charter or right of way propose to construct a road that will answer for the purposes of transportation, while the road heretofore has not been in a condition to answer this purpose.

Mr. HERNDON. I desire to ask one other question. Is there any limitation in this bill as to the length of time this privilege shall be used by the persons to whom it is granted? May they not use it ninety-nine years or a thousand years, and hold this portion of land granted to them and have exclusive control over it for this purpose forever?

Mr. BRADLEY. The amendment I have sent to the desk reserves to Congress the right to amend, alter, or repeal at any time the provions of this act whenever the public interests shall require.

Mr. WILSON, of Indiana. That time comes never.

Mr. BRADLEY. For the purpose of disclosing the facts in regard to this matter I wish to say that the Wahsatch and Jordan Valley Railroad Company, that proposed to construct its road up through those cañons, is the same company to which I have previously referred as seeking to control this transportation. I hold in my hands a protest against the passage of this bill authorizing the completion of that railroad, and I send it to the desk that the prayer of the petition may be read. It sets forth the objections to the construction of that railroad, and also discloses the reasons why this bill, in the judgment of the committee, should pass. I ask the Clerk to read the petition.

The Clerk read as follows:

Your memorialists represent that they are the owners and managers of the principal mines in Little Cottonwood Cañon, in Salt Lake County, in the Territory of Utah, and are engaged in operating and developing the same.

That said mines produce almost entirely argentiferous galena ores, and mostly of a low grade, so that for their profitable development the utmost economy is necessary in every department. Owing to the great altitude of the mineral belt and other causes, it is impossible to smelt and reduce the ores at or near the mines; but it is necessary to freight them down the cañon from fifteen to twenty miles. The Little Cottonwood Cañon is a narrow gorge throughout a large part of its distance, probably not averaging two or three hundred feet in width and from a short distance above its mouth is so steep that it is impracticable to either build or operate a railroad through it.

The attention of your memorialists has been drawn to House bill 1885, "a bill granting to the Wahsatch and Jordan Valley Railroad Company the right of way through the public lands for the construction of a railroad and telegraph," introduced and referred February 9, 1874, and recommitted with amendments May 2, 1874.

Your memorialists protest against the passage of this bill at the present time, for the following reasons:

First. To grant to any corporation a right of way of two hundred feet in width through Little Cottonwood Cañon would be to place the approach to all the mines therein in the power of the corporation obtaining the franchise.

Second. First in importance to the mine-owners of the cañon is the construction of a good road, so that competition will reduce freights to the lowest figure; and as we believe a public free highway will not be constructed, we have heretofore memorialized your honorable body to grant the right of way for a toll-road to Philip H. Emerson, Samuel Paul, Luke Voorhees, and George E. Whitney, who, if allowed, we believe will construct a good and substantial improvement. If, then, an outlet by a highway having been secured, any persons desire to construct a railroad we certainly shall not object; but in every point of view the highway should have preference as a protection against dangerous monopoly.

Third. The construction and operation of a railroad above the point to which it is already constructed is believed to be impracticable, owing to the steepness of the grade; and the granting to the Wahsatch and Jordan Valley Railroad Company of the right to sit in the way of all improvements for five years would be a positive calamity to the cañon.

Mr. KASSON. Will the gentleman from Michigan object to inserting the word "necessary" and the words "not exceeding" in the first line, so that it shall read "that the necessary right of way, not exceeding four rods in width," &c., so that if another road comes along they may have the right of way without trenching on the rights conferred here?

Mr. CANNON, of Utah. There is no objection to the gentlemen named as corporators for this road.

Mr. BRADLEY. I am willing to accept the amendment suggested by the gentleman from Iowa.

Mr. CANNON, of Utah. There is objection to the idea of a toll-road being created at all in this cañon. There has been a road in existence there for upward of twenty years.

Mr. BRADLEY. If the gentleman from Utah will wait a moment I will yield to him directly so that he may have a chance to state the grounds of objection to the bill. I sent up the memorial to be read so that the House may understand the situation regarding the necessity of the construction of a road up this cañon. It is a protest against granting the right of way to the railroad company, but the Committee on the Public Lands passed upon both these bills and decided to report both favorably. The general railroad bill which has just passed the House gives the right of way now to the railroad company, and therefore it would be unfair to exclude the right of these parties and refuse them permission to construct this road. The committee are of opinion that two roads will answer the purposes desired by the people of this cañon better than one. I will now yield to the gentleman from Utah, [Mr. CANNON.]

Mr. CANNON, of Utah. If this should be made a toll-road the very arguments which are used in this petition are conclusive against its creation, because it would for years, or for as long as the road should be chartered, exclude the possibility of having a free road up that cañon. I agree with the gentleman who reports this bill from the Committee on the Public Lands that if the Jordan Valley and Wahsatch Railroad should have the exclusive right of way up that cañon to the detriment of the public highway or to the spoiling of the highway already in existence, his arguments and the arguments urged in this petition would be correct.

But, sir, it will be found that in the general bill which has just passed the House, in the second section, commencing at line 12, there is a provision which makes it necessary for a railroad company going up a cañon or occupying a narrow gorge already occupied by a public highway to make that highway still good and preserve it intact in its original entirety, so as not to impede travel by wagons. Therefore the objection which is brought against this Jordan Valley and Wahsatch road by this petition is obviated by the general bill just now passed by the House; and I submit, therefore, that there is no necessity for the passage of this bill. We have at the present time in Utah hundreds of miles of roads in cañons that are entirely free. If this be made a toll-road, it will be the first and only toll-road in existence in the Territory of Utah; and instead of facilitating

the transportation of ore from the mines, it will be a means of taxing the transportation of that ore, and will not be in any way a benefit to the miners or in any way counteract the effect of the railroad that is proposed to be built up the cañon. I think, therefore, there is not the slightest necessity for the creation of this road into a toll-road.

Mr. BRADLEY. The gentleman from Utah says that it would be objectionable to pass this bill granting to these parties the right to collect tolls. But at the same time his railroad company is authorized to construct its railroad up there and charge whatever tolls it may see fit. These gentlemen, interested largely at the head of the cañon, are asking the construction of a toll-road, that it may be a protection against the excessive rates that may be charged by the railroad company.

Mr. CANNON, of Utah. There is, as I have already said, a highway through this cañon that is constantly traveled over. I was there myself just before coming here. Teams are passing up and down it all the time without the least obstruction, and have been for twenty years and upward.

Mr. CLYMER. Will the gentleman yield to me for a few minutes?

Mr. BRADLEY. I will do so.

Mr. CLYMER. Without intending to express any opinion as to the necessity for this toll-road, I wish to offer a consideration which I think should govern the House in its determination of this question. It is that the Committee on the Public Lands, of which I have the honor to be a member, since my connection with it at least, has observed a uniform rule, which is to refuse acts of incorporation for the building of railroads anywhere. Now, with reference to this toll-road, it is proposed to do that indirectly which we have refused to do directly; for this bill provides that four gentlemen and their successors shall have the right to build this road, shall have the right of way for a certain width between certain points, and shall also have the right to collect tolls upon that road. My idea is this: If there is a necessity for a toll-road between these points, there is power in the territorial Legislature to control the matter. If there be such a necessity as would warrant the construction of this road, then we should send these parties to the territorial Legislature. If they become an incorporated company, then they can come here and by general legislation we can do for wagon-roads what we have done for a railroad in the bill passed to-day.

I think, with reference to this subject of toll-roads, that this House should not enter upon a field which will lead to endless legislation, and which may be doing, indirectly and unintentionally, great injustice to other interests in the Territory. If I had no other reasons than these I should vote against this bill.

Mr. BRADLEY. I would like to ask my colleague on the committee [Mr. CLYMER] if he proposes to leave these gentlemen, these miners that are taking out hundreds and thousands of tons of ore annually, entirely in the hands of these railroad people? It is suggested that they may not now be incorporated. Yet if we give them the right of way, in order to enjoy this right and collect toll, they will necessarily have to go to the territorial Legislature for incorporation. And as a protection against extortion, against undue rates being charged, we have the railway company on the one hand to compete with them, and there is also the county court which has power given to it to control and establish their rates. I certainly see no objection to granting this measure of relief which is asked for by the entire property interest at the head of this cañon, these miners who are represented by the memorial which I sent to the Clerk's desk to be read. I now call the previous question.

Mr. CLYMER. Pending the call for the previous question, I move to lay the bill upon the table.

The question was taken upon the motion to lay on the table, and upon a division there were—ayes 35, noes 52; no quorum voting.

Tellers were ordered; and Mr. BRADLEY and Mr. CLYMER were appointed.

The House again divided; and the tellers reported that there were—ayes 59, noes 87.

Before the result of this vote was announced,

Mr. WILSON, of Iowa, called for the yeas and nays on the motion to lay the bill on the table.

Mr. YOUNG, of Georgia. Pending the call for the yeas and nays, I move that the House now adjourn.

Pending the motion to adjourn,

INTEREST ON DISTRICT 3.65 BONDS.

The SPEAKER, by unanimous consent, laid before the House a communication from the commissioners of the District of Columbia, asking an appropriation to pay interest on the 3.65 bonds of the District of Columbia; which was referred to the Committee on Appropriations and ordered to be printed.

LEAVE OF ABSENCE.

Mr. WILSON, of Indiana, was granted leave of absence for ten days.

The question was then taken on the motion to adjourn, and upon a division there were—ayes 75, noes 69.

Before the result of the vote was announced,

Mr. BRADLEY called for tellers.

Tellers were ordered; and Mr. YOUNG, of Georgia, and Mr. BRADLEY were appointed.

The House again divided, and the tellers reported that there were—ayes 74, noes 79.

So the motion to adjourn was not agreed to.

TOLL-ROAD IN UTAH.

The SPEAKER. The question recurs upon ordering the yeas and nays on the motion to lay on the table the bill (H. R. No. 3051) granting the right of way over the public lands for a toll-road in Little Cottonwood Cañon, in Salt Lake County, Utah Territory. Upon the vote by tellers, the motion to lay on the table was not agreed to.

The yeas and nays were ordered, there being upon a division—ayes 27, noes 103; one-fifth in the affirmative.

Mr. FINCK. I move that the House now adjourn.

Tellers were ordered; and Mr. FINCK and Mr. FORT were appointed.

The House divided; and the tellers reported that there were—ayes 68, noes 76.

So the motion to adjourn was not agreed to.

The SPEAKER. The question recurs upon the motion to lay the bill on the table, upon which the yeas and nays have been ordered.

Mr. BRADLEY. I desire to say to the House that this is the last bill the Committee on the Public Lands have to report at this time, and we desire to have it disposed of to-night. I hope the House will come to a vote on this bill before we adjourn.

Mr. CESSNA. I move to reconsider the vote by which the yeas and nays were ordered on the motion to lay this bill on the table.

The motion to reconsider was agreed to upon a division—ayes 105, noes 28.

The question recurred upon ordering the yeas and nays; and upon a division there were—ayes 22, noes 113.

So (one-fifth not voting in the affirmative) the yeas and nays were not ordered.

The SPEAKER. The motion to lay the bill on the table having been decided in the negative upon the vote by tellers, the question recurs upon seconding the previous question on ordering the bill to be engrossed and read a third time.

The previous question was seconded and the main question ordered.

The first question was upon the amendment reported from the Committee on the Public Lands, to add to the bill the following:

SEC. 2. Congress reserves the right to alter, amend, or repeal this act at any time when the public interest may require the same.

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time.

The SPEAKER. Third reading of an engrossed bill.

The Clerk read the bill by its title.

Mr. WILSON, of Iowa. I call for the reading of the engrossed bill.

The SPEAKER. It has just been read.

Mr. WILSON, of Iowa. The engrossed copy was not read in full.

The SPEAKER. When the Chair announces the third reading of an engrossed bill the reading of the bill by its title is sufficient, unless the reading of the bill in full be then demanded.

Mr. CESSNA. I make the point of order that the bill had been read a third time by its title before the gentleman from Iowa made the demand for the reading of the engrossed bill.

The SPEAKER. The Chair regrets that he failed to recognize the gentleman from Iowa, but he did not hear the point made at the time when it was seasonable.

Mr. WILSON, of Iowa. When is it seasonable?

The SPEAKER. The moment that the vote passes ordering the bill to be engrossed and read the third time, it is then the right of any member to demand the reading of the engrossed bill.

Mr. WILSON, of Iowa. At that moment I rose. I cannot when I arise arrest the Clerk and prevent him from reading.

The SPEAKER. If the gentleman failed to arrest any officer, it was the Speaker. After the Chair, following the vote ordering the bill to a third reading, announces "the third reading of an engrossed bill," it is too late to make the demand. But if the gentleman states that he rose in season, the Chair will regard him as in season.

Mr. WILSON, of Iowa. The Speaker could not hear me because the Clerk was reading. I do not want to get any advantage of the Speaker or the House. I rose in time.

The SPEAKER. If the gentleman so states, it is sufficient.

Mr. SENER. I move that the House adjourn.

The SPEAKER. The gentleman from Iowa demands the reading of the engrossed bill.

Mr. BRADLEY. I move to reconsider the vote by which the House ordered the bill to be engrossed and read a third time.

Mr. SENER. Pending that I have moved to adjourn.

The question was taken on the motion of Mr. SENER; and there were—ayes 76, noes 74.

Several members called for tellers.

Tellers were ordered.

Mr. GARFIELD. If we adjourn now, will not this bill come up the first thing to-morrow morning?

Mr. BUTLER, of Massachusetts. If it does, it will take so much longer.

Mr. GARFIELD. It was made a special order for to-day, and I would not object to finishing it, if necessary.

The SPEAKER. The previous question still operating upon the engrossment of the bill, a motion to reconsider having been made,

the bill will come up the first thing after the reading of the Journal to-morrow.

Mr. BRADLEY. Then I move that the House adjourn.

The SPEAKER. That motion is pending. Tellers have been ordered; and the Chair appoints the gentleman from Iowa, Mr. WILSON, and the gentleman from Pennsylvania, Mr. CESSNA.

Mr. BRADLEY. I understand that the gentleman from Iowa has withdrawn his demand for the reading of the engrossed bill.

The SPEAKER. That is for the gentleman himself to state.

Mr. SENER. I have not withdrawn the motion to adjourn.

DUTIES ON IMPORTS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of December 14, 1874, in relation to alleged changes in the laws imposing duties on imports or new constructions of such laws made by his Department; which was referred to the Committee on the Revision of the Laws of the United States.

LEAVE OF ABSENCE.

Mr. CLYMER, by unanimous consent, obtained leave of absence for two days.

ADJOURNMENT.

The House divided on the motion to adjourn; and the tellers reported—ayes 73, noes 34.

So the motion was agreed to; and accordingly (at four o'clock and thirty minutes, p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: Resolutions of the Legislature of Ohio, relating to the building of the custom-house in Cincinnati, to the Committee on Public Buildings and Grounds.

Also, resolutions of the Western Tobacco-Cutters' Association, opposing any change in existing law relating to manufactured tobacco, to the Committee on Ways and Means.

Also, resolutions of the Tobacco Board of Trade of Louisville, Kentucky, of similar import, to the Committee on Ways and Means.

By Mr. CHIPMAN: The petition of J. H. Merrill, for relief, to the Committee on the District of Columbia.

Also, the petition of Free Young Men's Benevolent Association of the District of Columbia, for authority to sell abandoned cemetery in square No. 272, and to devote the proceeds to maintaining a new burial ground, to the Committee on the Judiciary.

Also, petition for the adjustment of freight bills in the District of Columbia, to the Committee on the District of Columbia.

By Mr. COX: Memorial of National Reform Association, of New York City, in regard to reduction of cost in the collection of revenue, to the Committee on Ways and Means.

By Mr. GUNCKEL: The petition of Milton Kennedy, of Portsmouth, Ohio, to be paid for the use and services of the steamboat Piketon and her crew in the late war, to the Committee on War Claims.

By Mr. HENDEE: The petition of Mrs. John H. Peck, of Burlington, Vermont, for indemnity for imprisonment of her husband in the Old Capitol prison during the rebellion, to the Committee on the Judiciary.

By Mr. HUBBELL: Petitions of Smith & Harris and 73 others, of Houghton, Michigan; of J. M. Wilkinson and 63 other business men of Marquette, Michigan; of William W. Wheaton and 111 others, of H. J. Lobdell and 34 others, of Ambrose Campbell and 463 others, citizens of Marquette, and of Marquette County, Michigan, for the passage of the bill H. R. No. 3830, to the Committee on Ways and Means.

Also, the petition of Joseph M. Clark and 49 others, of Charlevoix, Michigan, for an appropriation to improve Pine River, to the Committee on Commerce.

By Mr. KELLEY: The petition of citizens of Schuylkill County, Pennsylvania, for the restoration of the 10 per cent. duty taken off leading foreign products in 1872, and for the passage of the currency bill submitted by Hon. W. D. KELLEY, providing for the issue of 3.65 convertible bonds, to the Committee on Ways and Means.

By Mr. LAWRENCE: The petition of Jane M. Way, asking that the Secretary of War may be authorized to amend the record of the late Major George B. Way, additional paymaster United States Army, to the Committee on Military Affairs.

By Mr. MAYNARD. The petition of A. J. Parkhurst, W. T. Willis, and 68 others, for a post-route from Dixon's Springs, in Smith County, Tennessee, to Gibbs Cross-roads, in Macon County, to the Committee on the Post-Office and Post-Roads.

Also, the memorial of John James Flournoy, of Georgia, praying Government aid to enable the colored race to remove to Liberia and settle in that republic, to the Committee on Education and Labor.

By Mr. NIBLACK: The petition of William May, sr., of Spencer County, Iowa, for increase of pension to his insane son, to the Committee on Invalid Pensions.

By Mr. RANDALL: The petition of Elizabeth O'Neill, mother of John O'Neill, for increase of pension, to the Committee on Invalid Pensions.

Also, the petition of Maria W. Sanders, widow of Major W. Sanders, late surgeon United States Army, for relief, to the Committee on Invalid Pensions.

By Mr. RANSIER: The petition of Louis J. Barbot and others, for the passage of the bill H. R. No. 3656, to the Committee on Railways and Canals.

By Mr. ROBBINS: The petition of Mary J. Griffey, of North Carolina, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. SENER: The petition of Eliza C. Wrenn, of Fredericksburgh, Virginia, to be compensated for injury to property and losses of personalty during the war, to the Committee on War Claims.

By Mr. SMITH, of New York: The petition of citizens of Elmira, New York, for an amendment of the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789, to the Committee on the Judiciary.

By Mr. SPRAGUE: The petition of H. M. Davis, legal representative of Milton I. Davis, late sergeant Ninth Ohio Cavalry, for relief, to the Committee on War Claims.

Also, the petition of Hovey, Janes & Co. and others, of Marietta, Ohio, for the repeal of the tax on matches, to the Committee on Ways and Means.

Also, the petition of Hovey, Janes & Co. and others, of Marietta, Ohio, for the passage of the bill defining a gross of matches, to the Committee on Ways and Means.

By Mr. STANDIFORD: The petition of Alfred Froman and others, of Louisville, Kentucky, depositors in the Freedman's Savings and Trust Company, asking Congress to take such action as will result in winding up the business of said company at the earliest possible day, to the Committee on Banking and Currency.

Also, the petition of Horace Morris and others, of Kentucky, depositors in the Freedman's Savings and Trust Company, that the United States assume the liabilities of said company, and for other relief, to the Committee on Banking and Currency.

By Mr. VANCE: The petition of the trustees of Rutherford College, Burke County, North Carolina, for aid, to the Committee on Education and Labor.

IN SENATE.

WEDNESDAY, *January* 13, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PAY OF OFFICERS MUSTERED OUT BUT REAPPOINTED.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870.

The amendments were, first, to strike out all after the enacting clause of the bill, and insert:

That hereafter whenever any person who was mustered out as a supernumerary officer of the Army with one year's pay and allowances in addition to the pay and allowances due him at the date of his discharge under the provisions of the act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes, approved July 15, 1870, shall be reappointed by the President an officer of the Army, such appointment shall be under and with the express condition that 50 per cent. of such officer's pay shall be stopped monthly until the sum total of the extra year's pay and allowances received by him when mustered out as aforesaid shall have been refunded to the United States.

And, second, to amend the title so as to read:

A bill to provide for repayment of certain moneys paid to officers mustered out of the Army as supernumeraries but subsequently reappointed by the President.

Mr. MORRILL, of Maine. I see that the chairman of the Committee on Military Affairs is not present. I move that the amendments be referred to the Committee on Military Affairs with the bill.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of national banks of Tennessee, praying for a modification of the laws in relation to the taxation of national banks; which was referred to the Committee on Finance.

Mr. ROBERTSON presented a memorial of the Chamber of Commerce of Charleston, South Carolina, and of citizens of that city, praying for an appropriation for the improvement of the harbor of Charleston; which was referred to the Committee on Commerce.

Mr. INGALLS presented the memorial of the grand and petit jurors of the western district of Arkansas, the United States attorneys for the eastern and western districts, and the district judge for the district of Arkansas, praying for the passage of a bill to organize the district of Oklahoma and provide for courts therein; which was referred to the Committee on the Judiciary.

Mr. INGALLS. I also present the memorial of Robert Anderson, opposing the ratification of an Indian treaty and praying the preservation of certain vested rights under the same. This memorial is in print, without any written signature, and reached me by mail; but as it is addressed to the Senate of the United States, I present it and move its reference to the Committee on Indian Affairs.

The motion was agreed to.

Mr. SARGENT. I present a memorial of Daniel Richards, a citi-

zen of the United States, resident in San Francisco, who relates the circumstances of the killing of his wife and several others on the 24th of July, 1873, at old Camp Brown, in the Territory of Wyoming, by certain bands of the Sioux and Arapahoes, and describes in detail the property which was stolen at that time and destroyed. From the narrative given in this document it would seem to have been a very atrocious case. The prayer of the memorial is that Congress detain the amount from the annuities due to these tribes under treaty stipulations, and on proper proof to the Department of the Interior cause payment to be made to the sufferers for the losses which they have sustained. I move that the memorial be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MORTON presented the petition of James Calloway, of Sullivan County, Indiana, a man of color, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. ALCORN presented the petition of John G. Miller, of Mississippi, praying for compensation for thirty-two bales of cotton taken from him in February, 1865, by the United States forces; which was referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. No. 4306) to place Lawrence A. Williams, late major Sixth Cavalry, United States Army, upon the retired list of the Army; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of William Webster, praying additional compensation for building a wharf and keeping the same in repair at Newport News for the use of the Army of the United States, submitted an adverse report thereon; which was concurred in and ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. WRIGHT. The Committee on Finance yesterday reported to the Senate the bill (S. No. 964) to provide for the revision of the laws for the collection of customs duties. There was referred to the same committee a resolution of the Importers and Grocers' Board of Trade of New York in favor of such revision, and I report the same back at this time, and ask that it lie on the table. I desire to say now that immediately after the expiration of the morning business I shall ask the Senate to proceed to the consideration of the bill reported yesterday, there being a letter from the Secretary of the Treasury on the subject, and I think there will be no objection, as the necessity for the early passage of the law is very clear.

Mr. SCOTT. In reference to the request just made by the Senator from Iowa, I will state to him that I hope he will defer calling up that bill for a day or two. I shall have no objection perhaps to interpose at that time, but I desire a delay of a day or two before that bill shall be considered.

Mr. WRIGHT. Very well.

Mr. SCOTT. The Committee on Claims, to whom was referred the bill (H. R. No. 3478) in relation to parties in the Court of Claims, have instructed me to report it back and ask to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary. In making that report I ask leave to say that upon an examination of the bill a portion of the committee are satisfied that, whether so intended or not, the bill would have the effect of relieving parties in the Court of Claims from the operation of the statute of limitations, and for that reason would have reported it back adversely, but a majority of the committee think that on that account it ought to be considered by the Committee on the Judiciary. That is the reason this report is made.

The VICE-PRESIDENT. The Committee on Claims will be discharged from the further consideration of the bill, and it will be referred to the Committee on the Judiciary.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (S. No. 77) for the relief of Martha A. Booth, reported adversely thereon, and the bill was postponed indefinitely; and leave was granted to the petitioner to withdraw her petition and papers.

Mr. PRATT, from the Committee on Claims, to whom was referred the petition of Thomas M. Redd, praying compensation for property taken and destroyed by United States troops in 1864, submitted a report accompanied by a bill (S. No. 1121) for the relief of Thomas M. Redd; the bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. INGALLS. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. No. 435) to amend the act entitled "An act to restore a part of the Round Vally Indian reservation, in California, to the public lands, and for other purposes," passed March 3, 1873, to report it back adversely. I call the attention of the Senator from California [Mr. SARGENT] to the bill, and if he desires it to go on the Calendar with the adverse report, I shall not object; otherwise I will move its indefinite postponement.

Mr. SARGENT. I have no objection.

The bill was postponed indefinitely.

WESTERN BOUNDARY OF ARKANSAS.

Mr. MCCREERY. The Committee on Indian Affairs have had under consideration the bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country, and have directed me to report it to the Senate and ask for its present consideration.

Mr. DORSEY. I see that my colleague [Mr. CLAYTON] is not in his seat, and, although the matter of the bill may be correct, I would ask the Senator to defer his request until my colleague is here.

Mr. MCCREERY. The Senator's colleague concurs in the view I take of this matter. It is merely to mark the old boundary line between Arkansas and the Indian Territory. There is no objection that I have heard of on the part of anybody. The Government has sold and conveyed the land up to the line, and this bill proposes that the old line shall be marked and established, so as to make a certainty where there is at present an uncertainty.

Mr. DORSEY. I would ask the Senator if it changes the present line?

Mr. MCCREERY. It is to mark the old line, the original line. It is no change of line. It is to show where the old established line is.

The VICE-PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill.

Mr. BOGY. Mr. President, is it the object to consider this bill at this time? I suggest that the bill go on the Calendar, not that I am opposed to the bill, but I know that the question of the line of Arkansas has been a disputed and very serious question for a great many years. I would rather the bill should be postponed for the present.

The VICE-PRESIDENT. One objection carries the bill over.

Mr. BOGY. Let it go on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1122) concerning naturalization; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. FERRY, of Connecticut, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1123) authorizing the Commissioner of Patents to consider the application of John Fritz for extension of patent for rolling iron; which was read twice by its title, and referred to the Committee on Patents.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1124) for the relief of William H. Powell and F. A. McDowell; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company of the State of Indiana; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1126) for the relief of Langdon C. Easton; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

REVISION OF THE POSTAL LAWS.

Mr. DORSEY submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be requested to inquire if any revision of the postal laws is required to prevent smuggling in mailed packages, and if the expenses of the Department can be decreased by using slow or accommodation trains for any part of the mail matter of the second or third class, and if any revision of rates can be made by which the receipts may be increased without impairing the ability of the Department to serve the people as their agency for communicating intelligence and disseminating information.

CESSION OF BEDS OF LAKES TO THE STATES.

Mr. PRATT. If the morning business is through, I move that Senate bill No. 281, to which I referred yesterday, may be taken up for the purpose of allowing me to submit some remarks to the Senate on the merits of the bill.

The motion was agreed to; and the bill (S. No. 281) ceding to the several States within whose limits they respectively lie the beds of unsurveyed lakes and other bodies of water was considered as in Committee of the Whole.

Mr. PRATT. I now ask that the bill be read with the amendments recommended by the Committee on Public Lands.

The Chief Clerk read the bill, as follows:

That the United States do hereby cede to the several States within whose limits they respectively lie the beds of all lakes and other bodies of water which have not been heretofore included in the survey of the public lands and reservations by reason of their being covered by water, or which may not hereafter be included in future surveys for that reason, to the end that the proprietary right in and jurisdiction over the same may vest in such States respectively.

The Committee on Public Lands proposed to amend the bill so as to make it read:

That the United States do hereby cede to the several States within whose limits they respectively lie the beds of all lakes, ponds, and bayous of water not navi-

gable, which have not been included in the surveys of the public lands and reservations by reason of their being covered by water, and where all of the contiguous surveyed lands have been granted, sold, or taken under the pre-emption or homestead laws, to the end that the proprietary right in and jurisdiction over the beds of such unsurveyed lakes, ponds, and bayous may vest in said States respectively.

Mr. SARGENT. Allow me to make one suggestion in reference to the bill. I dare say that in the Western States the bill would be fair and proper in its operation; but there are some exceptional cases on my coast which I think the bill would improperly affect. For instance, some lakes are used as reservoirs for mining and agricultural purposes, improved in that respect under the laws of the United States. There has been no title granted, but simply a license of use. I should like to have the bill so guarded that where any private rights have been acquired under the laws of the United States, this bill shall not affect them.

Mr. PRATT. I will propose an amendment myself to that effect, or the Senator from California can propose one after I have concluded my remarks.

Mr. MORTON. My colleague, I think, had in contemplation an amendment to his original bill.

Mr. PRATT. I have the amendment here to which my colleague refers, and I will send it to him so that he can offer it as an amendment to the bill after I have concluded my remarks. I have no objection to the amendment.

Mr. President, I now ask that the Clerk read the report which was made on this bill on the 2d of March, 1874.

The Chief Clerk read the following report submitted by Mr. PRATT, from the Committee on Public Lands, on the 2d of March, 1874:

The committee have amended the bill so that the cessions to the State shall embrace the beds of all lakes, ponds, and bayous of water not navigable, which have not been included in the surveys of the public lands and reservations by reason of their being covered by water, and where all of the contiguous surveyed lands have been granted, sold, or taken under the pre-emption or homestead laws. They have also amended the title so as to conform to the amended text of the bill.

The reasons in support of the measure are as follows:

1. The bill does not interfere with any body of water situate in the public-land States which is a public highway by reason of its navigability.

2. Nor does it interfere with such shallow lakes or other bodies of water as are in the interior of sections and not meandered, but which are treated and disposed of as parts of the sections.

3. But, on the contrary, it relates only to such bodies of water as have been meandered, and where the contiguous surveyed lands have all been disposed of and nothing is left but the beds covered by water, which have not been and are not capable of being surveyed and disposed of as part of the public domain. As to these, the committee regard the title as a barren and unproductive one, which the United States have no interest in retaining.

Congress has made no provision by law for draining these bodies of water. It has no motive for doing so. The lands reclaimed would not justify the expense.

Nor has Congress passed any law known to the committee extending any police authority over those waters. They remain common property for all such as choose to take fish or ice therefrom, or to utilize the water in any form, or the sand or soil under the water.

When the waters have receded from the original line at the time of the surveys, the rim laid bare has generally been taken possession of by the owners of contiguous lands and reduced to possession under what is claimed as riparian rights.

In some instances the States have asserted jurisdiction over the waters by enacting laws for the protection of fish, regulating the seasons and manner in which they may be taken.

Where these lakes and ponds are situated in the neighborhood of considerable towns or cities or upon lines of railway reaching them, the franchise of taking ice therefrom has become a valuable one. But neither the State nor the General Government has established any regulation upon the subject, and every one engaged in the business acts upon his own motion, and collisions are sometimes the consequence or are likely to happen. Of course no revenue is derived either to the State or nation.

State or county pride would take measures to make these lakes attractive places of resort for recreation, but for the fact that they are regarded as the property of the United States. Even as they are, old people and young, during the warm season, resort to them in great numbers with their basket-dinners and find pleasant relief from the monotony of toil. There is no pleasanter sight than these little picnic parties camped upon the margin of a bright little lake, making their first experiments in canoe navigation. Simple enough is the pleasure, but it is a healthful and moral one, refreshing to the mind and body.

Now, it is apparent that should these small bodies of water ever become dry land by evaporation or other natural process it will be at remote periods, when the offices of the surveyors-general have been closed, and the survey and sale of the beds will not be justified by the returns of the sale of the lands.

Finally, the Commissioner of the General Land Office, in a letter to the Secretary of the Interior, dated January 27, 1873, (Executive Document No. 31,) expresses the opinion that it would be good policy to grant them to the respective States in which they are situated, and he furnishes the following reasons:

1. Most of them, if drained at all, will have to be drained by and at the expense of the State, as the General Government makes no provision for drainage in such cases.

2. If they become dry by natural process, it is usually long after the offices of the surveyors-general have been closed, and the duty of supervising the surveys devolves upon this office, which is remote from the field of operations, and therefore unable to supervise the letting of contracts and the execution of the work with that care that is necessary.

3. If the Government retains control over these lakes until they have been drained or become dry by evaporation or other natural process, the survey and sale of the same will be prolonged indefinitely, and their survey and sale in small quantities from time to time will not be profitable.

For these reasons the committee recommend the passage of the bill as amended.

Mr. PRATT. Mr. President, little needs to be added to what is said in the report to justify the passage of this bill. The proposition to give the beds of these lakes, ponds, and bayous to the States in which they lie is not a new one. The Commissioner of the General Land Office in his late report advises it. Congress in 1873 established the principle, in granting the bed of Beaver Lake to the State of Indiana, though its area was computed to amount to about fourteen thousand acres, and had been mostly drained. The reasons in favor of this measure are numerous, and I can imagine no valid objection against it. The bill contemplates the cession only when these bodies of water have been meandered in the public surveys and all the surrounding lands have been disposed of. They were meandered because they could not be surveyed. There is no existing law under which title to the beds can now be acquired. The title is in the United States, and will remain there until by this or some other measure it is ceded. It is not often that individuals would care about purchasing the beds of these lakes, even if provision were made by law, except in fragmentary portions, to carry out some enterprise. Congress has not by any legislation sought to protect these bodies of water from intrusion or made any regulations whatever in relation to the taking of fish or ice therefrom, nor interfered to prevent adjacent proprietors from appropriating any portion of the beds which may be laid bare by the recession of the waters. Wherever any such proprietor includes what was not embraced in his certificate of entry—what is not conferred by his patent—he gets to himself what belongs to all, and gives cause of complaint to his neighbor whose land does not happen to abut on the lake.

It is a fact true of all the lakes with which I am familiar, that since the settlement of the country these waters have been gradually shrinking, laying bare a circular belt that was covered by water at the time the public surveys were made. There is no statute that I am aware of which provides for the sale or disposition of the bed thus laid bare. Quite lately, however, a circular has emanated from the Department of the Interior which points out a method for acquiring title, which I beg leave to read:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 13, 1874.

As inquiries arise in regard to the survey of the beds of meandered lakes or other similar bodies of water in districts where the office of surveyor-general has been discontinued, the following is communicated as defining the conditions under which such lake-beds are regarded as surveyable, and as giving the proper mode of proceeding to have the same surveyed and to obtain title thereto:

The beds of lakes, (not navigable,) sloughs, and ponds, over which the lines of the public surveys were not extended at the date of the original survey, but which from the presence of water at the date of such survey were meandered, are held to be the property of the United States; and whenever, by evaporation or the operation of any other cause, natural or artificial, the waters of such lake, slough, or pond have so permanently receded or dried up as to leave within the unsurveyed area dry land fit in ordinary seasons for agricultural purposes, such dry land is subject to survey and sale under the general laws regulating the disposal of the public domain.

Such surveys will be ordered and, upon approval, disposition proceeded with in the following cases:

First. Where the waters have so far permanently receded or disappeared as to permit, during the ordinary surveying season, (not on the ice,) the actual extension of the lines of survey and the establishment and marking of corners in the manner required by law over the whole area of the bed of such former lake.

Second. Where the waters have not generally disappeared, but where they have so far permanently receded as to leave a margin of dry land fit for cultivation between the original meandered lines and the remaining waters of sufficient area to admit of the survey and of the establishment of at least three of the corners of a quarter section.

Third. The Commissioner of the General Land Office will consider the question of ordering a survey of margins not admitting the laying off of one hundred and sixty acres but not less than forty acres.

Parties desiring the survey of such lands may make application in writing to the Commissioner of the General Land Office therefor, stating the approximate area and the situation of the tract with reference to the section, township, and range of the public surveys, the same to be illustrated by a diagram; the fact that the waters have disappeared in the manner or to the extent as specified in one of the three several above-specified cases—such statement to be accompanied with the affidavit of at least two credible and disinterested witnesses as to the disappearance of the waters, the probable quantity of land capable of being surveyed in the whole area lying between the original meandered line and the then margin of the waters, and showing what proportion of such area is fit for agricultural purposes. To insure prompt attention and decision by this office, both the statement and affidavits required must be full and specific.

If, upon examination of such statement, diagram, and proof, it is found that such survey may be properly allowed, the parties applying will be so notified, and upon their designating to this office the name and residence of some competent and reliable surveyor, together with a statement from him in writing of the amount for which he is willing to execute the field-work of the survey, and a certificate of some United States depositary that the amount specified has been deposited to the credit of the United States "on account of individual depositors," the Commissioner will then issue the necessary instructions to the surveyor to enable him to execute the field-work of survey in accordance with the public-land system.

To correct what seems to be a very general misapprehension as to the manner in which persons may proceed to perfect title who have made actual settlement on lands of the character herein designated, and who claim or propose to claim under the pre-emption laws of the United States, it is remarked that in no event and at no stage of the proceedings can their declaratory statements be received or filed in this office. Such declaratory statements must be filed in the local land office, and cannot be there received until after such survey has been made and the approved plat thereof filed in the local office.

It is proper to further state that the fact of having borne the expense of survey will give no priority of claim or right, under existing laws, to purchase the land, or in any manner affect the vested interest of any party thereto, should such exist, as the land, when surveyed, will be subject to disposal according to the laws of Congress and the regulations of this office relative to the disposal of lands embraced in fragmentary surveys.

In case the lake bed is small and is so situated that no township, section, or quarter-section corners will need to be established by reason of such lake being situated within a given section or sections fully surveyed, no deposit will be required; and upon proof being furnished this office as above of the disappearance of the water, the premises will be platted, and the land can then be disposed of under existing laws.

Respectfully,

S. S. BURDETT,
Commissioner.

In speaking of these regulations, the Commissioner of the General Land Office uses this language:

These regulations are not new in their substance, but are simply a formulation of the pre-existing practice of the office as heretofore administered with reference to the class of lands to which they apply. An examination of the laws now in

force, embracing the subject of the survey of the public lands, discloses the fact that the authority for conducting the operations embraced by the circular quoted is very meager, and that in fact such authority rests more on official practice than on specific enactment. The whole subject is worthy the attention of Congress, and indeed both public and private interests require its early settlement. These fragmentary portions of the public domain are often found in localities which, from nearness to growing cities and villages, or from being within thickly and long-settled neighborhoods, give them a value far beyond the Government price of public land; generally they are so situated as to be capable of entire reclamation, and would be so reclaimed could they by being transferred to private ownership be brought within the operation of State laws on the subject of drainage. It is often, and no doubt with reason, asserted that the health as well as the material growth of neighborhoods where such ponds and sloughs are situated is deleteriously affected by their continuance in an unreclaimed or partially reclaimed condition. I am of the opinion that, in view of all the circumstances, these lands might well be transferred to the States where situated, under such conditions as would protect any rights legally initiated under the homestead and pre-emption laws and secure their early reclamation.

Here, sir, is a frank confession by the Commissioner that his authority for this mode of disposition is found not in any specific enactment, but rests on official practice. You will observe, too, that for excellent reasons stated by him he recommends the transfer of these bodies of water, or rather that portion of the public domain which underlies them, to the States in which they are situated. I invoke that recommendation in the consideration of this bill. If there are any further safeguards which any one can suggest, proper to be inserted in the bill for the protection of private rights acquired, in making this transfer, I shall not oppose them. My main object is to divest the United States of a title wholly barren to them for any useful purpose, and vest these bodies of water in the States, who in many ways may utilize them, or if not that, preserve them for the common benefit under regulations they are better prepared to frame than Congress.

Bear in mind this cession is made, not to individuals, not to corporations, but to the States, the several States within whose bounds they lie.

In the disposition of the public lands Congress has manifested great liberality to the new States from the beginning. I pass by the traditional reservations in every enabling act looking to the admission of a State into the Union—such as of all salt springs and the lands adjacent—the reservation at first of the sixteenth and afterward of the sixteenth and thirty-sixth sections in every township for the use of schools, and the other reservations for the seats of government and the establishment of seminaries of learning in the new States. I pass these all by to invite the attention of the Senate to grants on a still more liberal scale to the States.

You will recall, sir, the act of 4th of September, 1841, which granted five hundred thousand acres for internal improvements to each one of certain States where public lands yet remained, and 10 per cent. of the proceeds of the sales to other States. You will recall the still later legislation which turned over to the States within which they were situated all the swamp and overflowed lands unfit for cultivation, amounting, it is supposed, to sixty million acres, and of which fifty million have already been selected.

You will not fail to remember a still later law which gave to States having no public lands agricultural college scrip calling for eight million acres, and to the remaining States selected lands within their own boundaries of more than seven million acres—fifteen million in all for the founding and support of agricultural colleges.

All these liberal grants so unstintedly made are both precedents and arguments in favor of this bill; especially that one which turned over to the States all the swamp or overflowed lands within their limits. How small the bounty now asked appears in the face of the millions of acres granted already to the States in the interest of education and internal improvements, and for the purpose of reclamation of those that were worthless. And yet I have enumerated but a part of the grants to the States. To five of them four and one-half million acres have been granted for canal purposes. To States and corporations for railroad and wagon-road purposes Congress has given during the last twenty-five years two hundred and ten million acres, of which quantity twenty-five million have already been certified or patented under the grants.

We have still remaining unsurveyed of the public domain, omitting Alaska in the count, upward of eight hundred million acres, and how are we disposing of it? Certainly I am not criticising, much less condemning, the policy heretofore pursued but which is now being abandoned. It is a startling fact, however, that under the various laws giving bounty lands to soldiers, land warrants calling for seventy-four million acres have been issued and more than seventy million acres have been located with them. Had the soldiers got these lands, as was intended, the whole country would look back with satisfaction upon these grants although large enough to form three States of the size of Indiana. But in point of fact the warrants were mostly sold at enormous discount and fell into the hands of speculators largely, who reaped the bounty intended for the soldier.

We dispose of the public lands at present almost exclusively under the pre-emption and homestead laws, which require actual settlement and cultivation. There is a growing sentiment in the country that our land system should be still further simplified and amended so that all lands susceptible of use for grazing or agricultural purposes shall be taken up exclusively under the homestead system, and that we abandon altogether the practice of deriving an income from their sale.

Of the nine and a half million acres disposed of during the last fiscal year but one million was sold for cash, while more than three and a half millions were entered under the homestead law. The Commissioner of the General Land Office recommends in his last report the consolidation of the main features of the pre-emption and homestead laws into one general statute.

Formerly the sales of the public lands constituted an important item in the revenues of the Government. In one famous year the sales amounted to $15,000,000. The pioneer settlers in my own State paid to the United States $16,000,000 for their homes.

But this policy has been mea urably abandoned, as may easily be seen in comparing the amount sold with the number of acres surveyed.

During the last fiscal year the cash receipts from this source were only the third of 1 per cent. on the entire amount of revenue collected.

In the future the great mass of these lands will pass into the hands of actual settlers under the homestead laws, and nothing in the form of money will be realized from them beyond the prescribed fees to be paid the land officers. Such I do not doubt will become the permanent policy. The whole nation has spoken as one man in denunciation of the practice of bestowing them upon corporations, to be suspended from sale during their pleasure and to be sold at last at such prices as they choose to exact of the settlers.

Now, sir, to return to the bill under consideration, I ask what does it grant that the United States have any interest in retaining? Simply submerged lands of no present value to the Government and which Congress will not appropriate money to reclaim or even to survey when by evaporation or other causes a part of the bed once covered by water is laid bare. The Land Department holds that even when surveyed the reclaimed land is subject to the pre-emption laws like other public lands. What a paltry income at best are they ever likely to yield? They can be surveyed now only at the instance of private parties and at their own cost. Even for this no statute exists. It rests for validity simply upon a practice which has grown up in the Department and has never been rebuked by Congress.

Now, sir, on the other hand, what reasons exist why the States should control these bodies of water and own the beds beneath them?

Because it is not meet and proper that the United States should hold lands in the States for other purposes than those enumerated in the Constitution; because as situated now they yield no revenue to the Government; because Congress has extended no regulations over them to make them subservient in equal degree to the uses of all and prevent private appropriation; because in the absence of regulations collisions may occur, and have occurred, in consequence of parties asserting exclusive rights, either in actual appropriation of the shores or in the way of taking fish or cutting ice; because frequently they cause malarial fevers, which the States would take measures to prevent if they had control over them. Grant them to the States and they will make them what they ought to be, attractive and healthful places of resort, and institute over them such regulations as shall make them in fact the common property of all the people, or where not serviceable for such purposes will reclaim and render them productive lands.

Sir, these lakes have all of them an unwritten history, and tradition has invested many of them with poetic mystery. They bear strange names crystallizing Indian superstitions which peopled them with demons and monsters. There is one of them in my own neighborhood, a beautiful sheet of water shining like a gem in the landscape, which bears the significant name of Manitou, or the Devil's Lake. The country about it was peopled with tribes that have long since passed away, but which held sway there when the tempest-tossed barks landed the first Europeans on the shores of Massachusetts and Virginia. The early pioneers, full of the Indian traditions, were possessed of the belief that this lake was in truth inhabited by a monster fish. Two men claimed to have seen it, and were so paralyzed with horror at its size and aspect that their accounts were confused in particulars. Marvelous were the accounts, however, they gave of the size of its head, the length of its body, the extraordinary dimensions of its mouth, and the commotion of the waters. The little town was ablaze with excitement. A public meeting was held, the subject discussed, and committees appointed to take measures to capture the monster. This, of course, was many years ago, while the Indians still lingered in the country; and if Senators smile at the credulity of the early settlers, let them remember that the great sea-serpent is still seen periodically off the coast of New England, and whether they believe it or not, their constituents do.

Now, sir, these old superstitions invest these waters with poetic interest, as I have said, which finds expression to this day in many a tale and ballad. Sentimental young men and ladies delight in the fancy that these flashing waters once bore the light canoes of Indian warriors; that over their shimmering surface, in the still summer's night, floated the plaintive music of the Indian lover. Here upon these banks strange religious rites were performed. Here grave council-fires were lighted and questions of war were debated. All this is fancy, to be sure, or dim tradition; but who shall measure the satisfaction the human soul takes in just such fancies? But it is not all fancy, as I will show by an event which has passed into history. Between Lakes Huron and Saint Clair, according to the veracious account of Walk-in-the-Water, where Malden now stands, a fleet gathered more

than two hundred years ago, ten times larger than Perry's. This point was the rendezvous for the tribes which dwelt upon the shores of Michigan—Superior and Huron. It was a confederation of the Wyandottes, Pottawatomies, and Hurons for punishing the Senecas, who, during the winter before, had fallen upon the Wyandottes and killed many of their warriors. There were two hundred birch canoes at the rendezvous rocking upon the blue waters of the strait, each manned with four men to paddle, with four men to fight, all under the command of a warrior captain. The squadron of the Senecas was of equal size but their canoes less manageable. The engagement between the hostile fleets took place near where Buffalo now stands. It was long, fierce, and sanguinary. It ended as all battles must, and all the Senecas except one were killed or taken prisoners. Two hundred of these prisoners were carried ashore, a funeral pyre was made of their canoes and the wounded warriors perished in the flames. In the size of the hostile fleets, the number of the combatants, the severity of the conflict, and the extent of the destruction, the historian well says, this naval engagement on Lake Erie exceeded that of Perry's with the British.

But, sir, I ask pardon of the Senate for being betrayed into so much sentiment in discussing so practical a question as whether this bill should pass. I was trying to give reasons why the States should possess these bodies of water around so many of which cling so much of romance, so much of Indian tradition, which will find its way into the grave pages of history when these countries now young become old, and which is now preserved in song and fireside tales. The human heart is so constituted as to feel the most lively interest in spots which have been made memorable by great events, or even by acts of heroism or strange adventure. Why do we cross the ocean to visit the great battle-fields of the Old World? Why did the people of Indiana write it down in the constitution of the State that it should be the duty of the General Assembly to provide for the permanent inclosure and preservation of the Tippecanoe battle-ground? It is now sixty-four years since seven hundred white troops fought there in the early morning against the Indians marshaled by Tecumseh's brother. It would have scarcely been a respectable skirmish in the late civil war. Yet the spot is a sacred one to-day in my State, and no pains are spared to keep alive the memory of that early battle and those who participated in it. My predecessor in this Chamber, General Tipton, was a young lieutenant in that battle and owed much of his subsequent success to his gallantry on that day.

At the last session the Senate passed a bill dedicating to the public a large part of the military reservation on the island of Mackinac, for a park. Thousands of acres lying in two Territories have been carved out of the public domain upon the head-waters of the Yellowstone and reserved for a national park. So, too, of the Yosemite Valley. If I am charged with sentiment in the advocacy of the bill, I reply that it is sentiment which has dedicated these places to the common enjoyment of the people; but I do not choose to base this claim on sentiment alone. These bodies of water are not navigable in any commercial sense. They can be of no possible use to the Government. Congress has abdicated—if that is a proper expression—all authority over them. The States can utilize them and want them. Never doubt, sir, if they have authority over them, it will be so exerted as to make them pleasant resorts for young and old, and that in their hands they will yield a revenue not the less valuable because not susceptible of being measured by dollars and cents.

Mr. President, in a few weeks more I shall cease to be a member of this body. Senators have not failed to see that this bill is a pet scheme of mine. I would fain carry with me into my retirement the consciousness that I have contributed to place upon the statute-book a measure which will commend me to somebody's gratitude. I think I shall experience a positive satisfaction when I visit, as I often do, the beautiful lakes which gem the northern part of my State in the reflection that they are now hers, and hers because of my suggestion and of the kindness with which the Senate has listened to my advocacy. I think, sir, when I shall have exchanged the perplexities, the anxieties and toils of legislation for the pastime of fishing, I shall angle and spear for bass and pickerel with a conscience freer of offense in the knowledge that I am not violating in these waters any rights of the United States.

[During the remarks of Mr. PRATT a message was received from the President of the United States, by Mr. O. E. BABCOCK, his Secretary.]

AFFAIRS IN LOUISIANA.

The VICE-PRESIDENT. The Chair will lay before the Senate a message from the President of the United States, with accompanying papers. The message will be read.

The Secretary read the message, as follows:

To the Senate of the United States:

I have the honor to make the following answer to a Senate resolution of the 8th instant, asking for information as to any interference, by any military officer or any part of the Army of the United States, with the organization or proceedings of the General Assembly of the State of Louisiana or either branch thereof; and also inquiring in regard to the existence of armed organizations in that State, hostile to the government thereof, and intent on overturning such government by force.

To say that lawlessness, turbulence, and bloodshed have characterized the political affairs of that State since its reorganization under the reconstruction acts is only to repeat what has become well known as a part of its unhappy history; but it may be proper here to refer to the election of 1868, by which the republican vote of the State, through fraud and violence, was reduced to a few thousands, and the bloody riots of 1866 and 1868, to show that the disorders there are not due to any recent causes or to any late action of the Federal authorities.

Preparatory to the election of 1872 a shameful and undisguised conspiracy was formed to carry that election against the republicans without regard to law or right, and to that end the most glaring frauds and forgeries were committed in the returns after many colored citizens had been denied registration and others deterred by fear from casting their ballots.

When the time came for a final canvass of the votes, in view of the foregoing facts, William P. Kellogg, the republican candidate for governor, brought suit upon the equity side of the United States circuit court for Louisiana, and against Warmoth and others, who had obtained possession of the returns of the election, representing that several thousand voters of the State had been deprived of the elective franchise on account of their color, and praying that steps might be taken to have said votes counted, and for general relief. To enable the court to inquire as to the truth of these allegations, a temporary restraining order was issued against the defendants, which was at once wholly disregarded and treated with contempt by those to whom it was directed. These proceedings have been widely denounced as an unwarrantable interference by the Federal judiciary with the election of State officers; but it is to be remembered that by the fifteenth amendment to the Constitution of the United States the political equality of colored citizens is secured, and under the second section of that amendment, providing that Congress shall have power to enforce its provisions by appropriate legislation, an act was passed on the 31st of May, 1870, and amended in 1871, the object of which was to prevent the denial or abridgment of suffrage to citizens, on account of race, color, or previous condition of servitude; and it has been held by all the Federal judges before whom the question has arisen, including Justice Strong, of the Supreme Court, that the protection afforded by this amendment and these acts extends to State as well as other elections. That it is the duty of the Federal courts to enforce the provisions of the Constitution of the United States and the laws passed in pursuance thereof is too clear for controversy.

Section 15 of said act, after numerous provisions therein to prevent an evasion of the fifteenth amendment, provides that the jurisdiction of the circuit court of the United States shall extend to all cases in law or equity arising under the provisions of said act and of the act amendatory thereof. Congress seems to have contemplated equitable as well as legal proceedings to prevent the denial of suffrage to colored citizens; and it may be safely asserted that, if Kellogg's bill in the above-named case did not present a case for the equitable interposition of the court, no such case can arise under the act. That the courts of the United States have the right to interfere in various ways with State elections so as to maintain political equality and rights therein, irrespective of race or color, is comparatively a new, and to some seems to be a startling idea, but it results as clearly from the fifteenth amendment to the Constitution and the acts that have been passed to enforce that amendment, as the abrogation of State laws upholding slavery results from the thirteenth amendment to the Constitution. While the jurisdiction of the court in the case of Kellogg *vs.* Warmoth and others is clear to my mind, it seems that some of the orders made by the judge in that and the kindred case of Antoine were illegal. But while they are so held and considered, it is not to be forgotten that the mandates of his court had been contemptuously defied, and they were made while wild scenes of anarchy were sweeping away all restraint of law and order. Doubtless the judge of this court made grave mistakes; but the law allows the chancellor great latitude not only in punishing those who contemn his orders and injunctions, but in preventing the consummation of the wrong which he has judicially forbidden. Whatever may be said or thought of those matters, it was only made known to me that process of the United States court was resisted; and as said act especially provides for the use of the Army and Navy, when necessary, to enforce judicial process arising thereunder, I considered it my duty to see that such process was executed according to the judgment of the court.

Resulting from these proceedings, through various controversies and complications, a State administration was organized with William P. Kellogg as governor, which in the discharge of my duty under section 4, article 4, of the Constitution I have recognized as the government of the State.

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result. Kellogg obtained possession of the office, and in my opinion has more right to it than his competitor.

On the 20th of February, 1873, the Committee on Privileges and Elections of the Senate made a report, in which they say they were satisfied by testimony that the manipulation of the election machinery by Warmoth and others was equivalent to twenty thousand votes; and they add, to recognize the McEnery government "would be rec-

ognizing a government based upon fraud, in defiance of the wishes and intention of the voters of the State." Assuming the correctness of the statements in this report, (and they seem to have been generally accepted by the country,) the great crime in Louisiana, about which so much has been said, is, that one is holding the office of governor who was cheated out of twenty thousand votes, against another whose title to the office is undoubtedly based on fraud and in defiance of the wishes and intentions of the voters of the State.

Misinformed and misjudging as to the nature and extent of this report, the supporters of McEnery proceeded to displace by force in some counties of the State the appointees of Governor Kellogg; and on the 13th of April, in an effort of that kind, a butchery of citizens was committed at Colfax, which in blood-thirstiness and barbarity is hardly surpassed by any acts of savage warfare.

To put this matter beyond controversy, I quote from the charge of Judge Woods, of the United States circuit court, to the jury in the case of the United States *vs.* Cruikshank and others, in New Orleans, in March, 1874. He said:

> In the case on trial there are many facts not in controversy. I proceed to state some of them in the presence and hearing of counsel on both sides; and if I state as a conceded fact any matter that is disputed, they can correct me.

After stating the origin of the difficulty, which grew out of an attempt of white persons to drive the parish judge and sheriff, appointees of Kellogg, from office, and their attempted protection by colored persons, which led to some fighting in which quite a number of negroes were killed, the judge states:

> Most of those who were not killed were taken prisoners. Fifteen or sixteen of the blacks had lifted the boards and taken refuge under the floor of the court-house. They were all captured. About thirty-seven men were taken prisoners; the number is not definitely fixed. They were kept under guard until dark. They were led out, two by two, and shot. Most of the men were shot to death. A few were wounded, not mortally, and by pretending to be dead were afterward, during the night, able to make their escape. Among them was the Levi Nelson named in the indictment.
>
> The dead bodies of the negroes killed in this affair were left unburied until Tuesday, April 15, when they were buried by a deputy marshal and an officer of the militia from New Orleans. These persons found fifty-nine dead bodies. They showed pistol-shot wounds, the great majority in the head, and most of them in the back of the head. In addition to the fifty-nine dead bodies found, some charred remains of dead bodies were discovered near the court-house. Six dead bodies were found under a warehouse, all shot in the head but one or two, which were shot in the breast.
>
> The only white men injured from the beginning of these troubles to their close were Hadnot and Harris. The court-house and its contents were entirely consumed.
>
> There is no evidence that any one in the crowd of whites bore any lawful warrant for the arrest of any of the blacks. There is no evidence that either Nash or Cazabat, after the affair, ever demanded their offices, to which they had set up claim, but Register continued to act as parish judge, and Shaw as sheriff.
>
> These are facts in this case as I understand them to be admitted.

To hold the people of Louisiana generally responsible for these atrocities would not be just; but it is a lamentable fact that insuperable obstructions were thrown in the way of punishing these murderers, and the so-called conservative papers of the State not only justified the massacre, but denounced as Federal tyranny and despotism the attempt of the United States officers to bring them to justice. Fierce denunciations ring through the country about office-holding and election matters in Louisiana, while every one of the Colfax miscreants goes unwhipped of justice, and no way can be found in this boasted land of civilization and Christianity to punish the perpetrators of this bloody and monstrous crime.

Not unlike this was the massacre in August last. Several northern young men of capital and enterprise had started the little and flourishing town of Coushatta. Some of them were republicans and office-holders under Kellogg. They were therefore doomed to death. Six of them were seized and carried away from their homes and murdered in cold blood. No one has been punished; and the conservative press of the State denounced all efforts to that end and boldly justified the crime.

Many murders of a like character have been committed in individual cases which cannot here be detailed. For example, T. S. Crawford, judge, and P. H. Harris, district attorney, of the twelfth judicial district of the State, on their way to court, were shot from their horses by men in ambush on the 8th of October, 1873, and the widow of the former in a communication to the Department of Justice, tells a piteous tale of the persecutions of her husband because he was a Union man, and of the efforts made to screen those who had committed a crime, which, to use her own language, "left two widows and nine orphans desolate."

To say that the murder of a negro or a white republican is not considered a crime in Louisiana would probably be unjust to a great part of the people; but it is true that a great number of such murders have been committed and no one has been punished therefor, and manifestly, as to them, the spirit of hatred and violence is stronger than law.

Representations were made to me that the presence of troops in Louisiana was unnecessary and irritating to the people, and that there was no danger of public disturbance if they were taken away. Consequently, early in last summer the troops were all withdrawn from the State, with the exception of a small garrison at New Orleans Barracks. It was claimed that a comparative state of quiet had supervened. Political excitement as to Louisiana affairs seemed to be dying out. But the November election was approaching, and it was necessary for party purposes that the flame should be rekindled.

Accordingly, on the 14th of September, D. P. Penn, claiming that he was elected lieutenant-governor in 1872, issued an inflammatory proclamation, calling upon the militia of the State to arm, assemble, and drive from power the usurpers, as he designated the officers of the State. The White Leagues, armed and ready for the conflict, promptly responded.

On the same day the governor made a formal requisition upon me, pursuant to the act of 1795 and section 4, article 4, of the Constitution, to aid in suppressing domestic violence. On the next day I issued my proclamation, commanding the insurgents to disperse within five days from the date thereof; but before the proclamation was published in New Orleans the organized and armed forces, recognizing a usurping governor, had taken forcible possession of the State-house and temporarily subverted the government. Twenty or more people were killed, including a number of the police of the city. The streets of the city were stained with blood. All that was desired in the way of excitement had been accomplished, and, in view of the steps taken to repress it, the revolution is apparently, though it is believed not really, abandoned, and the cry of Federal usurpation and tyranny in Louisiana was renewed with redoubled energy. Troops had been sent to the State under this requisition of the governor, and as other disturbances seemed imminent, they were allowed to remain there to render the executive such aid as might become necessary to enforce the laws of the State and repress the continued violence which seemed inevitable the moment Federal support should be withdrawn.

Prior to, and with a view to the late election in Louisiana, white men associated themselves together in armed bodies called "White Leagues," and at the same time threats were made in the democratic journals of the State that the election should be carried against the republicans at all hazards, which very naturally greatly alarmed the colored voters. By section 8 of the act of February 28, 1871, it is made the duty of United States marshals and their deputies, at polls where votes are cast for Representatives in Congress, to keep the peace and prevent any violations of the so-called enforcement acts, and other offenses against the laws of the United States; and upon a requisition of the marshal of Louisiana, and in view of said armed organizations and other portentous circumstances, I caused detachments of troops to be stationed in various localities in the State to aid him in the performance of his official duties. That there was intimidation of republican voters at the election, notwithstanding these precautions, admits of no doubt. The following are specimens of the means used:

On the 14th of October eighty persons signed and published the following at Shreveport:

> We, the undersigned, merchants of the city of Shreveport, in obedience to a request of the Shreveport campaign club, agree to use every endeavor to get our employés to vote the people's ticket at the ensuing election; and in the event of their refusal so to do, or in case they vote the radical ticket, to refuse to employ them at the expiration of their present contracts.

On the same day another large body of persons published in the same place a paper, in which they used the following language:

> We, the undersigned, merchants of the city of Shreveport, alive to the great importance of securing good and honest government to the State, do agree and pledge ourselves not to advance any supplies or money to any planter the coming year who will give employment or rent lands to laborers who vote the radical ticket in the coming election.

I have no information of the proceedings of the returning board for said election which may not be found in its report, which has been published, but it is a matter of public information that a great part of the time taken to canvass the votes was consumed by the arguments of lawyers, several of whom represented each party before the board. I have no evidence that the proceedings of this board were not in accordance with the law under which they acted. Whether in excluding from their count certain returns they were right or wrong, is a question that depends upon the evidence they had before them; but it is very clear that the law gives them the power, if they choose to exercise it, of deciding that way; and *prima facie* the persons whom they return as elected are entitled to the offices for which they were candidates.

Respecting the alleged interference by the military with the organization of the Legislature of Louisiana on the 4th instant, I have no knowledge or information which has not been received by me since that time and published. My first information was from the papers of the morning of the 5th of January. I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence. I am well aware that any military interference by the officers or troops of the United States with the organization of the State Legislature or any of its proceedings, or with any civil department of the Government, is repugnant to our ideas of government I can conceive of no case, not involving rebellion or insurrection, where such interference by authority of the General Government ought to be permitted or can be justified. But there are circumstances connected with the late legislative imbroglio in Louisiana which seem to exempt the military from any intentional wrong in that matter. Knowing that they had been placed in Louisiana to prevent domestic violence and aid in the enforcement of the State laws, the officers and troops of the United States may well have supposed that it was their duty to act when called upon by the governor for that purpose.

Each branch of a legislative assembly is the judge of the election and qualifications of its own members. But if a mob or a body of unauthorized persons seize and hold the legislative hall in a tumultuous and riotous manner, and so prevent any organization by those legally returned as elected, it might become the duty of the State executive to interpose, if requested by a majority of the members-elect, to suppress the disturbance and enable the persons elected to organize the house.

Any exercise of this power would only be justifiable under most extraordinary circumstances, and it would then be the duty of the governor to call upon the constabulary or, if necessary, the military force of the State. But with reference to Louisiana, it is to be borne in mind that any attempt by the governor to use the police force of that State at this time would have undoubtedly precipitated a bloody conflict with the White League, as it did on the 14th of September.

There is no doubt but that the presence of the United States troops upon that occasion prevented bloodshed and the loss of life. Both parties appear to have relied upon them as conservators of the public peace.

The first call was made by the democrats to remove persons obnoxious to them from the legislative hall; and the second was from the republicans to remove persons who had usurped seats in the Legislature without legal certificates entitling them to seats, and in sufficient number to change the majority.

Nobody was disturbed by the military who had a legal right at that time to occupy a seat in the Legislature. That the democratic minority of the house undertook to seize its organization by fraud and violence; that in this attempt they trampled under foot law; that they undertook to make persons not returned as elected members, so as to create a majority; that they acted under a preconcerted plan, and under false pretenses introduced into the hall a body of men to support their pretensions by force, if necessary, and that conflict, disorder, and riotous proceedings followed, are facts that seem to be well established; and I am credibly informed that these violent proceedings were a part of a premeditated plan to have the house organized in this way, recognize what has been called the McEnery senate, then to depose Governor Kellogg, and so revolutionize the State government.

Whether it was wrong for the governor, at the request of the majority of the members returned as elected to the house, to use such means as were in his power to defeat these lawless and revolutionary proceedings is perhaps a debatable question, but it is quite certain that there would have been no trouble if those who now complain of illegal interference had allowed the house to be organized in a lawful and regular manner. When those who inaugurate disorder and anarchy disavow such proceedings, it will be time enough to condemn those who, by such means as they have, prevent the success of their lawless and desperate schemes.

Lieutenant-General Sheridan was requested by me to go to Louisiana to observe and report the situation there, and, if in his opinion necessary, to assume the command, which he did on the 4th instant, after the legislative disturbances had occurred, at 9 o'clock p. m., a number of hours after the disturbances. No party motives nor prejudices can reasonably be imputed to him; but, honestly convinced by what he has seen and heard there, he has characterized the leaders of the White Leagues in severe terms, and suggested summary modes of procedure against them, which, though they cannot be adopted, would, if legal, soon put an end to the troubles and disorders in that State. General Sheridan was looking at facts, and possibly, not thinking of proceedings which would be the only proper ones to pursue in time of peace, thought more of the utterly lawless condition of society surrounding him at the time of his dispatch and of what would prove a sure remedy. He never proposed to do an illegal act, nor expressed determination to proceed beyond what the law in the future might authorize for the punishment of the atrocities which have been committed, and the commission of which cannot be successfully denied. It is a deplorable fact that political crimes and murders have been committed in Louisiana, which have gone unpunished and which have been justified or apologized for, which must rest as a reproach upon the State and country long after the present generation has passed away.

I have no desire to have United States troops interfere in the domestic concerns of Louisiana or any other State.

On the 9th of December last Governor Kellogg telegraphed to me his apprehensions that the White League intended to make another attack upon the State-house, to which, on the same day, I made the following answer, since which no communication has been sent to him:

> Your dispatch of this date just received. It is exceedingly unpalatable to use troops in anticipation of danger. Let the State authorities be right, and then proceed with their duties without apprehension of danger. If they are then molested, the question will be determined whether the United States is able to maintain law and order within its limits or not.

I have deplored the necessity which seemed to make it my duty under the Constitution and laws to direct such interference. I have always refused except where it seemed to be my imperative duty to act in such a manner under the Constitution and laws of the United States. I have repeatedly and earnestly entreated the people of the South to live together in peace, and obey the laws; and nothing would give me greater pleasure than to see reconciliation and tranquillity everywhere prevail, and thereby remove all necessity for the presence of troops among them. I regret, however, to say that this state of things does not exist, nor does its existence seem to be desired in some localities; and as to those it may be proper for me to say that, to the extent that Congress has conferred power upon me to prevent it, neither Ku-Klux-Klans, White Leagues, nor any other association using arms and violence to execute their unlawful purposes, can be permitted in that way to govern any part of this country; nor can I see with indifference Union men or republicans ostracised, persecuted, and murdered on account of their opinions, as they now are in some localities.

I have heretofore urged the case of Louisiana upon the attention of Congress, and I cannot but think that its inaction has produced great evil.

To summarize: In September last an armed, organized body of men, in the support of candidates who had been put in nomination for the offices of governor and lieutenant-governor, at the November election, in 1872, and who had been declared not elected by the board of canvassers, recognized by all the courts to which the question had been submitted, undertook to subvert and overthrow the State government that had been recognized by me, in accordance with previous precedents. The recognized governor was driven from the State-house, and, but for his finding shelter in the United States custom-house, in the capital of the State of which he was governor, it is scarcely to be doubted that he would have been killed.

From the State-house, before he had been driven to the custom-house, a call was made, in accordance with the fourth section, fourth article, of the Constitution of the United States, for the aid of the General Government to suppress domestic violence. Under those circumstances, and in accordance with my sworn duties, my proclamation of the 15th of September, 1874, was issued. This served to reinstate Governor Kellogg to his position nominally; but it cannot be claimed that the insurgents have, to this day, surrendered to the State authorities the arms belonging to the State, or that they have in any sense disarmed. On the contrary, it is known that the same armed organization that existed on the 14th of September, 1874, in opposition to the recognized State government still retain their organization, equipments, and commanders, and can be called out at any hour to resist the State government. Under these circumstances, the same military force has been continued in Louisiana as was sent there under the first call and under the same general instructions. I repeat, that the task assumed by the troops is not a pleasant one to them; that the Army is not composed of lawyers capable of judging at a moment's notice of just how far they can go in the maintenance of law and order, and that it was impossible to give specific instructions providing for all possible contingencies that might arise. The troops were bound to act upon the judgment of the commanding officer upon each sudden contingency that arose or wait instructions, which could only reach them after the threatened wrongs had been committed which they were called on to prevent. It should be recollected, too, that upon my recognition of the Kellogg government I reported the fact, with the grounds of recognition, to Congress, and asked that body to take action in the matter; otherwise, I should regard their silence as an acquiescence in my course. No action has been taken by that body, and I have maintained the position then marked out.

If error has been committed by the Army in these matters, it has always been on the side of the preservation of good order, the maintenance of law, and the protection of life. Their bearing reflects credit upon the soldiers; and if wrong has resulted, the blame is with the turbulent element surrounding them.

I now earnestly ask that such action be taken by Congress as to leave my duties perfectly clear in dealing with the affairs of Louisiana, giving assurance at the same time that whatever may be done by that body in the premises will be executed according to the spirit and letter of the law, without fear or favor.

I herewith transmit copies of documents containing more specific information as to the subject-matter of the resolution.

U. S. GRANT.

EXECUTIVE MANSION,
January 13, 1875.

ACCOMPANYING DOCUMENTS.

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, August 19, 1874.

SIR: I regret to have to trouble you again about our affairs, but the exceptional circumstances surrounding us, and the importance of the issues involved, render it necessary that I should make a brief statement of the situation.

Louisiana is now the last State in the southwest, except Mississippi, that remains true to the republican party. We have a large majority of the legal voters of the State. Even our opponents now admit it, and, refuting their own often-repeated assertions of last year, that a heavy colored vote was polled for the fusion candidates, assert in their published call that all efforts to persuade the colored element to unite with them have failed, and consequently that other means must be resorted to. Accordingly they have abandoned the policy of fraud, upon which they relied in 1872, and have returned to the policy of murder, violence, and intimidation which they pursued in 1868 to such purpose, that out of nearly eight thousand republican votes in the State barely six thousand votes were cast for yourself and the national republican ticket.

The great majority of the republican voters of this State are colored, though we are daily receiving large accessions of white voters, especially in the city of New Orleans, where we shall probably poll from four to five thousand more white votes than at the last election. In the river parishes, which are easily accessible, and where our numerical superiority is very great, we shall probably be able to pro-

serve peace and bring out our full vote in the coming election without much trouble; but in the more distant parishes of the State, lying on the borders of Arkansas and Texas, where turbulence and lawlessness are chronic, much violence already prevails and much more is anticipated before election.

The State is doing and will do all it can to suppress these internal disorders, but there are influences of a very powerful kind which are being used against us. The eminently just and proper action of the National Administration in the affairs of Arkansas and Texas is represented as indicating a settled purpose on the part of yourself to "let the South alone," and not to extend to any republican government in the Southern States the protection of the General Government, no matter what domestic violence may be set afoot. This impression has been industriously circulated in the parishes lying near the Arkansas and Texas line, and, taken in connection with the decision of Judge Bradley releasing the Grant Parish murders, has had a very bad effect. At the same time, while this impression is being circulated with regard to the attitude of the President, the pronounced hostility of these men to the National Government remains as bitter as ever.

By the redistribution of districts this State is entitled to representation by six Congressmen in the next Congress. In five at least out of the six districts we have an undoubted republican majority, and we can elect our candidates if we can have a fair election, uncontrolled by violence. I have felt it due alike to the National Administration and to the State government that the coming election should be held clear of all auspicions of fraud such as have tainted previous elections in Louisiana. Accordingly I have approved and promulgated an act passed by the last Legislature providing for an entirely new registration throughout the State. I have voluntarily pledged myself to give the opposition a clerk in every registration office in the State, and our new law gives them a commissioner at every poll. So far as the State administration is concerned, the next election will be one of the fairest ever held in Louisiana.

But it is necessary that every republican voter should know that he will be protected if violently interfered with in the exercise of the rights conferred upon him by Congress and the Constitution, and should feel that he is not beyond the reach of the national arm. Except a handful of men at Colfax, we have no United States troops in the State, and have had none since the Nineteenth Infantry were removed, which is now several months since. There are troops now stationed at Holly Springs, Mississippi, who I believe are designed for service in this State. If they were promptly assigned to the respective stations heretofore occupied by the Nineteenth Infantry, whom they have been sent to relieve, one great incentive to the outrages and violence now prevailing would be at once removed.

The heated term here has apparently passed, and the State is healthier than it has been for many years. Not a single case of yellow fever has anywhere manifested itself, nor is there any epidemic disease prevailing. I respectfully and earnestly suggest that if the United States troops were returned to their posts in this State, such a course would have a most salutary effect, and would prevent much bloodshed, and probably a formal call upon the President and a renewed agitation of the Louisiana question, which otherwise a quiet, fair election next November would forever set at rest, and fully vindicate your just policy toward us.

I have the honor to be, very respectfully, your obedient servant,

WM. P. KELLOGG.

His Excellency PRESIDENT GRANT,
Long Branch.

[Telegram.]

NEW ORLEANS, *August* 30, 1874.

Attorney-General WILLIAMS,
Washington, D. C.:

The registration of voters throughout the State for election of Congressmen commences to-morrow in several parishes. Large bodies of armed and mounted white men have appeared. Through fear of them the blacks will be unable to register or vote in case of a conflict, which I regard as imminent. I shall be unable to enforce the laws of Congress without a posse of troops. It is believed the mere presence of United States troops in this district will prevent interference with the blacks in their registration. I therefore request, through the Attorney-General, that the Secretary of War order a sufficient force to this district immediately to aid in the discharge of my duty as required by law.

S. B. PACKARD,
United States Marshal.

[Telegram.]

NEW ORLEANS, *August* 30, 1874.

Hon. GEO. H. WILLIAMS,
Attorney-General, Washington:

A gross outrage has just been perpetrated at Coushatta, Red River Parish, in the northwestern portion of the State. A large number of white-leaguers from that and other parishes near the Texas and Arkansas line invaded the parish, in order to force the parish officers to resign. They refused; but after a short conflict, in which several persons were killed, to avoid further bloodshed these officers and other leading republicans surrendered. Red River Parish, a new parish formed some four years since, is strongly republican, there being three colored to one white. It was returned as largely republican by the fusionists at last election. Coushatta, though small, is the most thriving landing on Upper Red River, and is owned mainly by northern men. It is known, however, as one of the strongholds of republicanism in that portion of the State; the people pay taxes, are industrious, and law abiding. A more wanton outrage was never committed in any civilized community, as an investigation will fully show. The white-leaguers, in order to carry out more effectually their avowed plan of carrying the State by terrifying republicans and preventing their registering and voting, as was done in 1868, have inaugurated violence in several of the northern parishes. There are no troops in that portion of the State, and indeed none in the State except a company at Colfax. As the evident intention of the White League is to inaugurate domestic violence and interference with the rights of the colored citizens, especially in the remote parishes where our State militia cannot be sent, and as the registration of voters throughout the State commences to-morrow, I respectfully suggest that the troops now in Mississippi, designed, I believe, to take the place of the Nineteenth Infantry ordered away in July, be directed to resume the posts vacated by said regiment. A systematic effort has been and is being made by the opposition to create the impression that no troops will under any circumstances be sent into the State. The presence of troops, it is believed, will go far to prevent violence and bloodshed. No danger need be apprehended on sanitary grounds, as both city and State are perfectly healthy, not the slightest sign of epidemic disease existing or likely to occur this season.

WM. P. KELLOGG.

[Telegram.]

NEW ORLEANS, LOUISIANA, *August* 31,
(Via Long Branch, September 1.)

Hon. GEO. H. WILLIAMS,
Attorney-General United States, Washington, D. C.:

The statement telegraphed you last night, regarding the outrage at Red River Parish, has been fully confirmed. Further information has just been received that the parish officers and others who surrendered to the White League were being taken to Shreveport by a number of white men. *En route* they were all shot in cold blood. Among the murdered men were Homer J. Twitchell, who came South in a Vermont regiment during the war and settled as a planter in Red River Parish; Eggleston, sheriff; Dewees, supervisor; and Halland and Howells, lawyers. There were six white republicans, all but two northern men, and several colored, murdered in this affair. Red River Parish is near the Texas line, and is among the strongest republican parishes in the State. Predatory bands of armed men are scouting several of the republican parishes in that portion of the State, driving out republicans and intimidating colored men. Registration commenced to-day, and an openly-avowed policy of exterminating the republicans.

WM. P. KELLOGG.

[Telegram.]

NEW ORLEANS, LOUISIANA, *September* 1, 1874.

SIR: We respectfully refer you to the telegram sent to the Washington National Republican, giving a detailed account of the outrages recently perpetrated in Coushatta, Louisiana, and will state that some of the members of our families were the victims, and that as the State authorities can render no protection for life or property, and further, that as we are citizens of that parish, where our families, houses, and crops are without protection, we implore immediate protection from the United States authorities, and that a company of United States troops be sent to Coushatta at once.

M. H. TWITCHELL.
E. W. DEWEES.
A. O. P. PICKENS.

Attorney-General WILLIAMS,
Washington.

[Telegram.]

NEW ORLEANS, *September* 1, 1874.

Hon. GEO. H. WILLIAMS,
Attorney-General United States, Washington:

Telegraphed you last night regarding Coushatta affair to Long Branch, care of President. If you have not left Washington, please direct operator at Long Branch to repeat. Further information makes the affair worse even than first reported. The six white men killed were all of good character—planters and business men—but four of them were northern republicans.

WM. P. KELLOGG.

[Telegram.]

NEW ORLEANS, *September* 10, 1874.

To Attorney-General WILLIAMS:

Courier just arrived reports the reign of terror unabated at Coushatta; murders going on daily. A military camp of white-leaguers established in the town, which is being supplied with provisions. We respectfully represent that unless United States troops are sent and retained there, it will be impossible to stop the murder and secure the testimony to prosecute the murderers. Refer to Senator WEST.

M. H. TWITCHELL,
State Senator.
E. W. DEWEES,
Representative Red River Parish.

[Telegram.]

NEW ORLEANS, *September* 13, 1874.

Attorney-General WILLIAMS,
Washington, D. C.:

Some morning papers and incendiary notices posted call upon citizens to close stores and meet at Clay statue at 11 a. m. to-morrow. Danger of conflict imminent. No troops here at present, but General Emory telegraphs me that he will send detachment from Jackson to-night. If so, they will arrive to-morrow.

S. B. PACKARD,
United States Marshal,

[Telegram.]

NEW YORK, *September* 13, 1874.

Hon. GEO. H. WILLIAMS,
Attorney-General, Washington:

The troops are ordered away from Colfax. If not countermanded, I fear all of the witnesses in late Mapoce trial will be killed.

J. R. BECKWITH.

[Telegram.]

NEW ORLEANS, *September* 14, 1874.

Attorney-General WILLIAMS,
Washington, D.C.:

The White League, armed, have occupied the city-hall, and have cut the wires of the fire-alarm and police telegraph.

S. B. PACKARD,
United States Marshal.

[Telegram.]

NEW ORLEANS, *September* 14, 1874.

To President GRANT,
Washington:

Under article 4, section 4, of the Constitution of the United States, I have the honor to inform you that the State is now subject to domestic violence of a character that the State forces, under existing circumstances, are unable to suppress, and the Legislature not being in session, and not being able to be convened within the requisite time to take action in this matter, I respectfully make requisition upon you to take measures to put down the domestic violence and insurrection now prevailing.

WM. P. KELLOGG,
Governor of Louisiana.

[Telegram.]

NEW ORLEANS, *September* 14, 1874.

Attorney-General WILLIAMS,
Washington, D. C.:

A meeting of about two thousand has been held, and a committee sent demanding the governor's immediate resignation. The committee was received by assistant attorney-general, also a member of the governor's staff, and by direction of the governor informed the committee that the governor refused to receive any communi-

cation from a body of armed men accompanied with a menace. The people assembled at the meeting were generally unarmed, but large bodies of white-leaguers are under arms in the vicinity awaiting orders. The meeting dismissed, and the people notified to come to Canal street to-night at four o'clock, with their arms and blankets, and camp there. Mr. Marr, chairman democratic committee, was chairman of the committee to demand the governor's resignation. There is little doubt of a conflict to-night. I have a company of United States troops guarding the custom-house building, that arrived, on my requisition, from Jackson, Mississippi, this morning. Four companies are *en route* from Holly Springs, expected at four o'clock, if not intercepted as threatened. The armed gathering to-night is avowedly to attempt the overthrow of the State government; if successful, the murder of leading republicans. The local authorities have several hundred men under arms at State-house and arsenals. The State authorities are exercising the utmost discretion, in order that if blood be shed, it will be precipitated by the White League.

S. B. PACKARD,
United States Marshal.

[Telegram.]

NEW ORLEANS, *September* 14, 1874.
(Received 11.45 p. m.)

Attorney-General WILLIAMS,
Washington, D. C.:

The detachment from Holly Springs arrived at 5 p. m. There was a short fight between the police and White League between four and five o'clock, before the arrival of the troops. Estimated loss of police fifteen killed and thirty wounded. General Badger, commanding police, was mortally wounded. General Longstreet retired to the State-house, which he holds, no attack having been made. The purpose of the riot is overthrow of the State government. Several United States soldiers are reported arrested by the league while on the street unarmed. The military force is inadequate to protect the public property and keep the peace of the city besides.

S. B. PACKARD,
United States Marshal.

[Telegram.]

NEW ORLEANS, *September* 15, 1874.

To President GRANT,
Washington:

Armed mobs reported all over city; leaguers much more formidable than supposed; appear to be coming in from abroad. Five days' delay will, we fear, cost hundreds of lives; prompt action is necessary.

W. G. BROWN,
Superintendent of Public Instruction.
CHAS. CLINTON, *Auditor.*

[Telegram.]

SAINT FRANCISVILLE, *September* 19, 1874.
(Via Bayou Sara, Louisiana, September 19, 1874.)

The ATTORNEY-GENERAL,
Washington:

The timely arrival of Federal troops has saved the lives of unoffending republicans. We look confidently to the loyal North for the support which they have so generously extended the weak, and hope the protection of the Government will continue until the elections are over. Life is dear to us, but we can't risk an article so precious when surrounded by murderous white-leaguers.

ROBT. HEWLITT, *Mayor.*

NEW ORLEANS, *November* 1, 1874.

Extract from letter of Deputy Marshal Stockton, dated Natchitoches, October 22, 1874:

"There should be a company of infantry here now, and remain all winter. These people swear as soon as I go away with the cavalry they intend to kill all the prominent white and black republicans in the parish. It is rumored to-day that at the meeting of the White League last night, which was addressed by Levy and Moncure, only seventy-five present, twelve prominent republicans were selected to be killed as soon as the cavalry left here; among whom are Bolt and sons, Pierson, Blunt, Breda, &c. Moncure urged them to make it too hot for them to live here, &c. These peaceable citizens marched to the hall under military commands. The greatest reign of terror and intimidation all over the town, of three thousand inhabitants, and the parish. Both Lieutenants McIntosh and Wallace say there is more and greater disloyalty here openly avowed than they ever knew in any other part of the United States; and the moment we leave here they believe a large number will be killed, because these white-leaguers say the leading republicans here have been at the bottom of these arrests. You cannot imagine the state of affairs here. If the President intends to make good the assertion that any citizen shall be as safe in any part of Louisiana as in Massachusetts, he will have to order a company of troops to remain here permanently. I see and feel that our operations here, which for the time have upset all the calculations of the white-leaguers, will only add increased revenge when we retire. It is a sad state of affairs, and can only be corrected by the military arm of the Government, and that arm must have positive instructions to render immediate aid, or be commanded by an officer like Lieutenant McIntosh, who comprehends the situation, perceives the effect, and knows how to remove the cause."

I have the honor, therefore, to request you to direct that a post be established at Natchitoches, and that General Emory be ordered to place a company of troops there.

Very respectfully,

S. B. PACKARD,
United States Marshal.

[Telegram.]

NEW ORLEANS, *October* 19, 1874.

Hon. GEORGE H. WILLIAMS,
Attorney-General United States, Washington, D. C.:

We have authentic information that systematic violence and intimidation will be practiced toward republican voters on the day of election at three or four points in this State. We earnestly request that General Emory be instructed to send troops to Franklin, Saint Mary's Parish, Napoleonville, Assumption Parish, and Morganville, Avoyelles Parish. Governor Kellogg will furnish transportation to these points without cost to the Government.

S. B. PACKARD,
Chairman State Central Committee.
WM. P. KELLOGG.
C. B. DARRALL.
JAS. F. CASEY.
J. H. SYPHER.
FRANK MOREY.

[Telegram.]

NEW ORLEANS, *December* 9, 1874.

President GRANT,
Washington:

Information reaches me that the White League purpose making an attack upon the State-house, especially that portion occupied by the treasurer of the State. The organization is very numerous and well armed, and the State forces now available are not sufficient to resist successfully any movement they make. With a view of preventing such an attempt and the bloodshed which would be likely to result should an insurgent body again take possession of the State-house and in dispersing them, I respectfully request that a detachment of United States troops be stationed in that portion of the Saint Louis Hotel which is not used for any of the State officers, where they will be readily available to prevent any such insurrectionary movement as that contemplated.

WM. P. KELLOGG,
Governor of Louisiana.

[Telegram.]

NEW ORLEANS, *December* 10, 1874.

President GRANT,
Washington, D. C.:

I transmit the following dispatch by request of Ex-Governor Wells, president of the returning board.

WM. P. KELLOGG.

NEW ORLEANS, *December* 10, 1874.

President GRANT:

Authentic information in possession of the returning board justifies them in believing that an attack is intended upon the Saint Louis Hotel, now occupied as a State-house, wherein the returning board holds its sessions, and where the returns of the late elections are deposited. The board has nearly completed a careful and impartial canvass of the returns, in compliance with law, and expect to make promulgations therefrom as soon as the same can be properly compiled. The members of the board are being publicly and privately threatened with violence, and an attack upon the State-house, which is likely to result in bloodshed, is also threatened. By request of the board, I respectfully ask that a detachment of troops be stationed in the State-house, so that the deliberations and final action of the board may be free from intimidation and violence.

J. MADISON WELLS,
President of State Returning Board.

SHREVEPORT, LOUISIANA, *December* 16, 1874.

DEAR SIR: My position as United States commissioner for this locality has made me somewhat intimately acquainted with the condition of affairs in North Louisiana, which I think you ought to be informed of. This is my apology for troubling you with this communication.

You are already informed of the general character of the late political canvass in this State, as conducted by the whites, and of the results. Without attempting to define the precise *modus operandi* of the white man's party here, it is scarcely too much to say that the white voters of each parish north of Red River constituted an armed conspiracy, with the scarcely disguised purpose of carrying the election at all events—by threats, intimidation, and fraud if possible, and by violence if necessary, all of which, first and last, were used freely.

The scheme here was to expel from the country the republican leaders, and then to frighten the negroes into acquiescence with their wishes; and this scheme was pursued to the end with this modification, that after the arrival of troops the expelled leaders returned, but did not dare to go out of Shreveport, and did not dare to mingle freely with the people or to express publicly their sentiments.

The whites in all this portion of the State were united upon this programme almost to a man. This unanimity did not result all from choice, but so formidable had the organization become by August, that even those who disapproved no longer dared to resist, even passively, and took shelter in the white party.

The blacks are numerically far superior to the whites in all this part of the State, nearly 2½ to 1, at any rate more than an average of 2 to 1; yet, when you consider the ignorance and dependence of these blacks and their consequent timidity, and that the leaders—white and black—were either banished or silenced, it will not be difficult for you to comprehend how the white minority dominated so completely the colored majority and carried out their programme. The blacks, unorganized and unadvised, were quietly and peaceably pursuing their labor, cultivating the crops, while the whites, who habitually, to a greater or less extent, cheat them of the rewards of their labor, were banding themselves together to defraud them of their right of suffrage also.

The Coushatta affair, occurring in the last days of July, and in the guilt of which we believe from our present knowledge not less than two hundred whites participated more or less proximately, seemed to serve them as an incentive to closer union and more rigorous action. A very large number, scattered up and down the river from Shreveport to Natchitoches, seeking immunity from their guilt in the destruction of all law and public order, redoubled their efforts to terrorize the blacks and to annihilate all opposition.

Perhaps I cannot give you in a few words a better idea of the ascendant arrogance and intolerance of the white leaders than to say that the Shreveport Times newspaper—the leading exponent of the principles of the party in the State—boldly and unqualifiedly justified the Coushatta assassination on the sole ground of political necessity.

The orators of the party did substantially the same thing during the canvass, and the less prudent speak of it to this day as a good thing. Even Governor McEnery, in a speech to this place, as I am well informed, openly advocated the lynching of one of the republican leaders residing here, and a man of good character.

The republican meetings during the canvass were composed mostly of blacks, generally not more than three to five or six white republicans. There were always present enough turbulent whites to overawe the meeting, and frequently to break it up. At these meetings the whites did not hesitate to threaten the blacks with condign punishment if they presisted in voting the republican ticket.

Among the milder forms of intimidation resorted to were such announcements as the following:

"We, the undersigned, merchants and business men of Shreveport, in obedience to a request of the Shreveport campaign club, agree to use every endeavor to get our employés to vote the people's ticket at the ensuing election, and in the event of their refusal so to do, or in case they vote the radical ticket, to refuse to employ them at the expiration of their present contracts."

I inclose a short editorial on one of these cards, taken from the Shreveport Times of the 23d of October.

It would be tedious to attempt to fill up this general outline. If your imagination supplies for details not only a general apprehension of material consequences—loss of their present crops, loss of employment, disruption of their heretofore friendly relations with the whites, the proprietors of the soil—but an absolute and constant fear of personal danger, especially to all such as were supposed to have any prominence or influence among their fellows as political leaders, this fear frequently strengthened and even intensified by the actual experience of personal violence, you will not have an exaggerated idea of what was the real condition of the colored people here at the time of election.

It is humiliating in the extreme to contemplate the condition of the freedmen in Louisiana, in the light of American citizens, under the protection of a great and benevolent Government. Emboldened by the prospective success of the infamous scheme of the election, the whites are now driving the freedmen from their homes, naked and penniless, to endure the severities of winter as best they may. This very evening and since I commenced this letter, a colored man, of honest and intelligent expression, comes in and tells me that last night, about nine o'clock, his employer, a white man, (well known to me,) by force (displaying a pistol and threatening to use it) put him and his wife and three helpless children out of their house to spend the night, as best they might, in the public highway, which they did under the open canopy of heaven; and what may be put down as a special aggravation of the offense is that two of the children were ill and taking medicine, and one of them was so ill that it was not expected to survive. These people (turned out) *were partners in the crop which they had raised on the lands of the man who turned them out, and the crop had not yet been divided and is all in the possession of the landowner who turned them out.* This man had voted the republican ticket at the late election.

This is only one case in many coming to my knowledge daily. A few days ago complaint was made before me against seven white men in the adjoining parish of De Soto, charging them with conspiring to plunder, rob, and murder one poor defenseless old negro by the name of John Allston, and an extensive and full inquiry into the matter revealed the fact that *the charge was well laid,* for they in fact not only plundered him and his family, but murdered the old man outright. Four of these are now under bond for their appearance, and the rest have fled.

These people are systematically intimidated, browbeaten, personally maltreated, cheated of their earnings, cheated of their suffrage, driven from their homes in penury to endure the inclemency of winter, and cheated of their rights to vindicate themselves before the courts. In simple truth, they no longer have any rights which the whites voluntarily respect, or which they have themselves the means or ability to make them respect. To submit their claims for adjustment to the mixed juries of our local courts, where the influence of the whites is wholly predominant, would be the veriest farce conceivable, and the attorney, if one could be found at all, would have to become answerable for court costs and work for nothing, all at the peril of his professional standing.

So numerous and wholesale are the offenses of the whites against these defenseless creatures that I almost hesitate to name approximately the number of persons subject to arrest and punishment for aggravated violation of the enforcement and Ku-Klux acts, within fifty miles of this place. To be entirely safe, I will put it at two hundred and fifty. What is the relief for this state of things? It seems clear to us that the only glimmer of hope for the freedmen is in a *vigorous enforcement of the Federal laws, and that speedily;* and when we contemplate this resource, and measure the capacity of the courts, as now established by the enormous amount of business to be transacted, it becomes at once obvious that the facilities for the administration of the laws of Congress in Louisiana are entirely inadequate.

As now established, the Federal courts sit in this district only in New Orleans—seven hundred miles away from here by the nearest and speediest mode of travel. Considering that what has been said above of the condition of two or three parishes adjacent to Shreveport is true to a greater or less degree of every parish in the State, how would it be possible for any single court to answer the demands of this exigency? Besides, if the courts sitting in New Orleans had time to transact the business in full, the expense and general impracticability of sending witnesses so far before the grand jury and then to attend the final trial, will, to my mind, be such as itself to defeat substantially every attempt to bring these violators of the law to justice, and they will thus go unpunished.

My object in writing this letter has been and is not only to give you a reliable statement of our condition here generally, but specially to enable you to see the importance of increased facilities in the way of administering the law in this section, and to invoke the exercise of your influence for the establishment of a United States district court for North Louisiana. This, in my opinion, is an immediate and imperative necessity; without it the authority of the Federal laws will be scarcely known or heard of, and certainly not feared or respected, in North Louisiana.

I have been a resident of Shreveport nearly twenty years and of the South since the year 1847.

I have further to add, that I have had the honor to read this letter to General Lewis Merrill commanding this division, and he authorizes me to say that he fully indorses every statement and suggestion contained in it.

I have the honor to be, very respectfully,

A. B. LEVISA.

Hon. G. H. WILLIAMS,
Attorney-General United States.

[Confidential.]

WAR DEPARTMENT,
Washington City, December 24, 1874.

General P. H. SHERIDAN,
Chicago, Illinois:

GENERAL: The President sent for me this morning, and desires me to say to you that he wishes you to visit the States of Louisiana and Mississippi, and especially New Orleans, in Louisiana, and Vicksburgh and Jackson, in Mississippi, and ascertain for yourself and for his information the general condition of matters in those localities. You need not confine your visit to the States of Louisiana and Mississippi, and may extend your trip to other States, Alabama, &c., if you see proper; nor need you confine your visit in the States of Louisiana and Mississippi to the places named. What the President desires is to ascertain the true condition of affairs, and to receive such suggestions from you as you may deem advisable and judicious.

Inclosed herewith is an order authorizing you to assume command of the Military Division of the South, or of any portion of that division, should you see proper to do so. It may be possible that circumstances may arise which would render this a proper course to pursue. You can, if you desire it, see General McDowell in Louisville, and make known to him confidentially the object of your trip; but this is not required of you. Communication with him by you is left entirely to your own judgment.

Of course you can take with you such gentlemen of your staff as you wish, and it is best that the trip should appear to be one as much of pleasure as of business, for the fact of your mere presence in the localities referred to will have, it is presumed, a beneficial effect.

The President thinks, and so do I, that a trip South might be agreeable to you, and that you might be able to obtain a good deal of information on the subject about which we desire to learn. You can make your return by Washington and make a verbal report, and also inform me from time to time of your views and conclusions.

Yours, truly, &c.,

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT ADJUTANT-GENARAL'S OFFICE,
Washington, December 24, 1874.

SIR: If in the course of the inspection and investigation the Secretary of War has directed you to make, in his communication of this date, you should find it necessary to assume command over the Military Division of the South, or any portion thereof, the President of the United States hereby authorizes and instructs you to take the command accordingly, and to establish your headquarters at such point as you may deem best for the interests of the public service.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Lieutenant-General P. H. SHERIDAN,
United States Army, Chicago, Illinois:

Copy of above letter furnished General McDowell, commanding Military Division of the South, January 5, 1875.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF MISSOURI,
Chicago, Illinois, December 26, 1874.

General W. W. BELKNAP,
Washington, D. C.:

Your letter received all right.

P. H. SHERIDAN,
Lieutenant-General.

HEADQUARTERS ARMY OF THE UNITED STATES,
Saint Louis, Missouri, December 30, 1874.

GENERAL: I have the honor to acknowledge receipt of your confidential communication of December 26, with inclosures.

Your obedient servant,

W. T. SHERMAN,
General.

General W. W. BELKNAP,
Secretary of War, Washington, D. C.

[Telegram.]

HOUSE OF REPRESENTATIVES,
New Orleans, January 4, 1875.

The PRESIDENT OF THE UNITED STATES,
Washington, D. C.:

I have the honor to inform you that the house of representatives of this State was organized to-day by the election of myself as speaker, fifty eight members, two more than a quorum voting, with a full house present. More than two hours after the organization I was informed by the officer in command of the United States troops in this city that he had been requested by Governor Kellogg to remove certain members of the house from the State-house, and that, under his orders, he was obliged to comply with the request. I protested against any interference of the United States with the organization or proceedings of the house, but, notwithstanding this, the officer in command marched a company of soldiers upon the floor of the house, and by force removed thirteen members, who had been legally and constitutionally seated as such, and who, at time of such forcible removal, were participating in the proceedings of the house. In addition to this, the military declared their purpose to further interfere with force in the business and organization of this Assembly, upon which some fifty-two members and the speaker withdrew, declining to participate any longer in the business of the house under the dictation of the military. As speaker, I respectfully appeal to you to know by what authority and under what law the United States Army interrupted and broke up a session of the house of representatives of the State of Louisiana, and to urgently request and demand that they be ordered to restore the house to the position it occupied when they so interfered, and, further, that they be instructed that it is no part of their duty to interfere in any manner with the internal workings of the General Assembly. The house is the representation of the sovereignty of the State, and I know of no law which warrants either the executive of the State or the United States Army to interfere with its organization or proceedings.

LOUIS A. WILTZ,
Speaker of the House of Representatives of the State of Louisiana.

[Telegram.]

HEADQUARTERS DIVISION OF THE MISSOURI,
New Orleans, January 4, 1875. (Received 4—11.45 p. m.)

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people, all security usually afforded by law will be overridden. Defiance to the laws and the murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General United States Army.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 5, 1875.

Lieutenant-General SHERIDAN,
United States Army, New Orleans, Louisiana:

Your telegram dated the 4th, describing state of things, and reporting you have assumed control over the Department of the Gulf, was received by the Secretary of War, and is approved.

E. D. TOWNSEND,
Adjutant-General.

[Telegram dated New Orleans, January 4, 1875. Received 2.40 a. m.]

The ADJUTANT-GENERAL OF THE ARMY,
Washington, District of Columbia:

The following order is forwarded for the information of the War Department.

P. H. SHERIDAN,
Lieutenant-General.

[General Order No. 1.—9 p. m.]

Under instructions from the President of the United States, communicated through the Adjutant-General of the Army, the undersigned hereby assumes control of the Department of the Gulf, consisting of the States of Louisiana and Mississippi and the Gulf posts as far eastward as and embracing Fort Jefferson and Key West, Florida, including the forts in Mobile Bay, which will hereafter constitute one of the departments of the Military Division of the Missouri.

P. H. SHERIDAN,
Lieutenant-General, United States Army.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 5, 1875.

General W. T. SHERMAN,
United States Army, Saint Louis, Missouri:

The Secretary of War directs me to inform you Lieutenant-General Sheridan has annexed Department of the Gulf to his division, under authority given him by the President December 24, 1874.

The measure is deemed necessary and is approved.

E. D. TOWNSEND,
Adjutant-General.

[Telegram dated Saint Louis, Missouri, January 6, 1875. Received January 7.]

ADJUTANT-GENERAL UNITED STATES ARMY,
Washington:

Your telegram of 5th instant, stating that General Sheridan has annexed Department of Gulf to his command, &c., has been received.

W. T. SHERMAN,
General.

[Telegram dated New Orleans, January 5, 1875. Received at N. E. corner Fourteenth street and Pennsylvania avenue 4.47 p. m.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Please say to the President that he need give himself no uneasiness about the condition of affairs here. I will preserve the peace, which it is not hard to do with the naval and military forces in and about the city; and if Congress will declare the White Leagues and other similar organizations, white or black, banditti, I will relieve it from the necessity of any special legislation for the preservation of peace and equality of rights in the States of Louisiana, Mississippi, Arkansas, and the Executive from much of the trouble heretofore had in this section of the country.

P. H. SHERIDAN,
Lieutenant-General United States Army.

[Telegram dated Headquarters Military Division of the Missouri, New Orleans, Louisiana, January 5, 1875. Received January 5.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

[Telegram dated New Orleans, January 6, 1875. Received 2 p. m.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I telegraph the following letter from General Merrill for the information of the War Department.

P. H. SHERIDAN,
Lieutenant-General.

HEADQUARTERS DISTRICT UPPER RED RIVER,
Shreveport, Louisiana, December 30, 1874.

ADJUTANT-GENERAL DEPARTMENT OF THE GULF,
New Orleans, Louisiana:

SIR: Referring to your telegram of December 17, directing me, in certain events, to be in readiness to suppress violence, and let it be understood that I will do it, I have the honor to report that, in view of these instructions, I have been at some pains to investigate the probabilities of violence here, and find the following to be the facts as nearly as I can ascertain them: The State returning board have officially announced that the candidates for office in this parish, on what is known as the radical ticket, are duly and lawfully elected; the leaders of the opposing party declare that such is not the fact, and that the persons then declared elected shall not take or hold the offices; this determination appears to be well settled and so generally expressed and approved by the large majority of the whites that I have no doubt it is more than an idle threat; this expression, in many instances, is accompanied by threats of violence and even death to the officers if they attempt to take the offices, and I cannot doubt that such threats are very seriously made; they are only a repetition of what was at all times the open talk of all the leaders before the election. Three of the officers referred to are members of the lower house of the State Legislature, and all three are now in New Orleans. The others are the parish judge, Creswell, the sheriff, Kefner, and several minor officers, including police, jury, justices of the peace, and constables. These are here. There is on the part of most of them such apprehension of danger in assuming their duties that, except the parish judge, I do not think any one of them will attempt or could be induced to take his office. The parish judge is a man of courage and coolness, and I cannot tell whether he will attempt to take his office or not. I have not seen him recently, and have no definite information of his purpose. So long as any or all of these officers refuse to exercise the functions of their office, I conceive I am not called upon to do anything in the matter. In one case where my advice was sought as to whether the office should be claimed, I distinctly and peremptorily refused to give any advice, saying that this was no part of my duty, and that these individuals must determine such question for themselves. It is, I think, pretty well understood that my instructions cover the following points and will be carried out: That I *organize* as the legal State officials only such persons as are recognized as such by the recognized executive or judicial officers of the State. That in the legal exercise of their official duties such officers must not be violently disturbed or interfered with, and if such violence occurs it is my duty to suppress it, and that I will do so. That my advice to all persons is, that if any question exists of the right of any person to hold any office, that such questions shall be taken before the proper legal tribunals for determination, and shall be peaceably determined by the means fixed by law for that purpose. That beyond this I have nothing to say and no advice to any one.

Whether any violence which will render military interference necessary shall occur, depends upon so many contingencies that I am not prepared to give any opinion except to say that if these officers attempt to take their office, I have no doubt whatever that it will be necessary to protect them. The three who have gone to New Orleans to take their seats as members of the Legislature, beyond doubt could not safely return here now. Outside of the officers named above, there is no one left here to do violence upon. The leading radicals have left. The usual worrying and harassing of the negroes goes on with little intermission, but lately no acts of violence to person have come to my knowledge; such acts now are confined to plundering them, with or without some show of legal forms, and driving them from their homes to seek places to live elsewhere. The conflict for the offices, whether conducted by peaceable legal means or by violence, will stop what little legal check now exists upon crime and wrong-doing, and will greatly aggravate the condition of things, which is already serious enough, but I do not apprehend that it will result in extended disorder at present, because there is nothing left to work upon except the commoner orders, and partly because the leading white-leaguers have gone to New Orleans.

I am, sir, very respectfully, your obedient servant,

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

[Telegram received in cipher January 6, 1875, from Lieutenant-General P. H. Sheridan; dated New Orleans, Louisiana, January 5, 1875.]

W. W. BELKNAP,
Secretary of War:

There is some excitement in the rotunda of the Saint Charles Hotel to-night upon the publication by the newspapers of my dispatch to you calling the secret armed organization banditti. Give yourself no uneasiness. I see my way clear enough if you will only have confidence.

P. H. SHERIDAN,
Lieutenant-General United States Army.

[Telegram.]

WAR DEPARTMENT, *Washington City, January 6, 1875.*

General P. H. SHERIDAN,
New Orleans, Louisiana:

Your telegrams all received. The President and all of us have full confidence, and thoroughly approve your course.

WM. W. BELKNAP,
Secretary of War.

[Telegram.]

WAR DEPARTMENT, *Washington, January 6, 1875.*

Gen. P. H. SHERIDAN,
New Orleans, La.:

I telegraphed you hastily to-day, answering your dispatch. You seem to fear that we had been misled by biased or partial statements of your acts. Be assured that the President and Cabinet confide in your wisdom, and rest in the belief that all acts of yours have been and will be judicious. This I intended to say in my brief telegram.

WM. W. BELKNAP,
Secretary of War.

[Telegram dated New Orleans, La., January 6, 1875. Received January 6, 1875.]

Gen. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

The city is very quiet to-day. Some of the banditti made idle threats last night that they would assassinate me because I dared to tell the truth. I am not afraid, and will not be stopped from informing the Government that there are localities in this department where the very air has been impregnated with assassination for several years.

P. H. SHERIDAN,
Lieutenant-General Commanding.

[Telegram dated New Orleans, La., January 7, 1875. Received January 7, 1875.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Several prominent people have for the last few days been passing resolutions and manufacturing sensational protests for northern political consumption. They seem to be trying to make martyrs of themselves; it cannot be done at this late day; there have been too many bleeding negroes and ostracized white citizens for their statements to be believed by fair-minded people. Bishop Wilmer protests against my telegram of the 4th instant, forgetting that on Saturday last he testified under oath before the congressional committee that the condition of affairs here was substantially as bad as reported by me. I will soon send you a statement of the number of murders committed in this State during the last three or four years, the perpetrators of which are still unpunished. I think that the number will startle you; it will be up in the thousands. The city is perfectly quiet. No trouble is apprehended.

P. H. SHERIDAN,
Lieutenant-General U. S. A.

NEW ORLEANS, LOUISIANA, *January 7, 1875.*

Gen. W. W. BELKNAP,
Secretary of War, Washington:

The following illustrates the action of the banditti in this State in kidnaping a member-elect of the Legislature.

P. H. SHERIDAN,
Lieutenant-General.

About ten o'clock Thursday morning A. J. Cousin and his father arrived in this city from Covington, Saint Tammany Parish. His statement is as follows: I was standing near the old basin, corner of Carondelet walk and Claiborne street, between eight and nine o'clock on Saturday morning, when I saw two men coming toward me, who told me I was their prisoner. I asked them what for. They told me to walk with them and they would tell me. One of them was Jim Poole, a merchant of Covington; the other man was a stranger to me. I asked them to let me go and tell Mr. Juno, a brick merchant on the basin, that I was arrested, so that he could inform my family, which they refused, saying they did not want me to speak to or see any one. From there they walked me straight to the parish prison and delivered me over to Captain Floyd Flood, or some name like that, and the captain put me in the prison and had me locked up about ten minutes, when he called me and had me handcuffed by the order of Poole; they then put me in a carriage, and Poole and three strange men took me to the lake end, where we arrived about noon; a few minutes after we arrived there Mr. Poole took my handcuffs off and sent the carriage back. They kept me there all day between the lake and the old basin until about four o'clock in the afternoon, when they put me in the hold of the boat called the Camelia. They told me the reason they put me there was that they did not want me to see or speak to anybody. I was kept inside the hold till the boat left the wharf. The gentlemen who arrested me told me that if ten policemen came to take me away from them they could not, as they were armed and would fight them if necessary. After the boat left the wharf I was allowed to come on deck. While on the boat I was treated well, was given something to eat, and asked to take

a drink and a cigar. Budd Hosmer, of Saint Tammany, I recognized among the men on the boat who had charge of me when the boat arrived at Mandeville.

I was taken charge of by about fifteen or twenty men, armed with muskets and fixed bayonets; most of them I knew. They told me not to be afraid, as they were not going to hurt me.

Mr. Ben Hosmer and another gentleman took me in a carriage with two other gentlemen, when I was driven to Covington, the armed men following behind us on horseback to Covington, ten miles from Mandeville, where we arrived between eight and nine at night. The lieutenant of the company, Charley Bradley, told me that if I would not try to run away they would not hurt me. I was at first kept in a room at Mr. Thomas Lacroix's house until Sunday afternoon at four o'clock, when they took me under guard to the court-house of Covington. They treated me well and took me out with them, but would not allow me to see or talk with any of my friends for twenty-four hours. After refusing my father four times this request, they at last allowed him to see me. At noon on Monday two men took me into the country, nine miles from Covington. The men were armed with revolvers. They said if any one attempted to take me away from them they would fight or kill me before they would let them have me. If any soldiers came for me, they said they would run me into Washington Parish. They said they had nothing against me, and that when the Legislature organized they would let me go. I was not at any time in charge of any sheriff or deputy sheriff of Saint Tammany. On Tuesday afternoon about two o'clock, news was received of the organization of Penn's militia. Said Consin, "You are free; only you have got to come with me before the justice of the peace to answer the charge of embezzlement against you, when we will go your bond. They then took me before Justice Lee, when Mr. Picayune Smith made a charge of embezzlement against me of taking fifteen dollars in parish warrants while I was tax-collector two years ago. These warrants are worth twenty cents on the dollar. I was the collector only two days, and settled up everything. I had no lawyer, and the case was remanded to the parish court. I was placed under bond of $500 to appear. Lieutenant Bradley, Benjamin Hosmer, and Willis Arker went my security. Yesterday, at half-past four o'clock, I left Covington for Mandeville, and arrived here at ten o'clock this morning.

[No signature.]

[Telegram dated Headquarters Military Division of the Missouri, New Orleans, Louisiana, January 8, 1875. Received 3 a. m.]

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I have the honor to submit the following brief report of affairs as they occurred here in the organization of the State Legislature on January 4, 1875. I was not in command of this military department until nine o'clock at night on the 4th instant, but I fully indorse and am willing to be held responsible for the acts of the military as conservators of the public peace upon that day. During the few days in which I was in the city prior to the 4th of January the general topic of conversation was the scenes of bloodshed that were liable to occur on that day, and I repeatedly heard threats of assassinating the governor and regrets expressed that he was not killed on the 14th of September last; also threats of the assassination of the republican members of the house, in order to secure the election of a democratic speaker. I also knew of the kidnaping by the banditti of Mr. Cousinier, one of the members-elect of the Legislature.

In order to preserve the peace and to make the State-house safe for the peaceful assembling of the Legislature, General Emory, upon the requisition of the governor, stationed troops in the vicinity of the building. Owing to these precautions the Legislature assembled in the State-house without any disturbance of the public peace. At twelve o'clock William Vigers, the clerk of the last house of representatives, proceeded to call the roll, as according to law he was empowered to do. One hundred and two legally-returned members answered to their names; of this number fifty-two were republican and fifty were democrats.

Before entering the house, Mr. J. A. Wiltz had been selected in caucus as the democratic nominee for speaker, and Mr. Michael Hahn as the republican nominee. Vigers had not yet finished announcing the result, when one of the members, Mr. Billican, of Lafourche, nominated Mr. J. A. Wiltz for temporary speaker. Vigers promptly declared the motion out of order at that time, when some one put the question, and, amid the cheers of the democratic side of the house, Mr. Wiltz dashed on to the rostrum, pushed aside Mr. Vigers, seized the speaker's chair and gavel, and declared himself speaker.

A protest against this arbitrary and unlawful proceeding was promptly made by members of the majority, but Wiltz paid no attention to their protests, and upon a motion from some one on the democratic side of the house declared one Trezevant nominated and elected clerk of the house. Mr. Trezevant at once sprang forward and occupied the clerk's chair amid the wildest confusion over the whole house. Wiltz then again, on another nomination from the democratic side of the house, declared one Flood elected sergeant-at-arms, and ordered that a certain number of assistants be appointed. Instantly a large number of men throughout the hall, who had been admitted on various pretexts, such as reporters, members' friends, and spectators, turned down the lapels of their coats, upon which were pinned blue-ribbon badges, on which were printed, in gold letters, the words "assistant sergeant-at-arms," and the assembly was in the possession of the minority, and the White League of Louisiana had made good its threats of seizing the house; many of the assistant sergeants-at-arms being well known as captains of White League companies in this city. Notwithstanding the suddenness of this movement, the leading republican members had not failed to protest again and again against this revolutionary action of the minority, but all to no purpose; and many of the republicans rose and left the house in a body, together with the clerk, Mr. Vigers, who carried with him the original roll of the house, as returned by the secretary of state.

The excitement was now very great. The acting speaker directed the sergeant-at-arms to prevent the egress or ingress of members or others, and several exciting scuffles, in which knives and pistols were drawn, took place, and for a few moments it seemed that bloodshed would ensue. At this juncture Mr. Dupre, a democratic member for the parish of Orleans, moved that the military power of the General Government be invoked to preserve the peace, and that a committee be appointed to wait upon General De Trobriand, the commanding officer of the United States troops stationed at the State-house, and request his assistance in clearing the lobby. The motion was declared adopted, a committee of five, of which Mr. Dupre was made chairman, was sent to wait upon General De Trobriand, and soon returned with that officer, who was accompanied by two of his staff officers. As General De Trobriand walked down to the speaker's desk loud applause burst from the democratic side of the house. General De Trobriand asked the acting speaker if it was not possible for him to preserve order without appealing to him as a United States Army officer. Mr. Wiltz said it was not. Whereupon the general proceeded to the lobby, and, addressing a few words to the excited crowd, peace was at once restored. On motion of Mr. Dupre, Mr. Wiltz then, in the name of the General Assembly of the State of Louisiana, thanked General De Trobriand for his interference in behalf of law and order, and the general withdrew.

The republicans had now generally withdrawn from the hall and united in signing a petition to the governor, stating their grievances and asking his aid, which petition, signed by fifty-two legally returned members of the house, is in my possession. Immediately subsequent to the action of Mr. Wiltz in ejecting the clerk of the old house, Mr. Billieu moved that two gentlemen from the parish of De Soto, one from Winn, one from Bienville, and one from Iberia, who had not been returned by the returning board, be sworn in as members, and they were accordingly sworn in by Mr. Wiltz and took seats upon the floor as members of the house. A motion was now made that the house proceed with its permanent organization, and accordingly the roll was called by Mr. Trezevant, the acting clerk, and Wiltz declared elected speaker and Trezevant clerk of the house.

Acting on the protest made by the majority of the house, the governor now requested the commanding general of the department to aid him in restoring order, and enable the legally returned members of the house to proceed with its organization according to law. This request was reasonable and in accordance with law. Remembering vividly the terrible massacre that took place in the city on the assembling of the constitutional convention in 1866, at the Mechanics' Institute, and believing that the lives of the members of the Legislature were or would be endangered in case an organization under the law was attempted, the posse was furnished, with the request that care should be taken that no member of the Legislature returned by the returning board should be ejected from the floor.

This military posse performed its duty under directions from the governor of the State, and removed from the floor of the house those persons who had been illegally seated, and who had no legal right to be there, whereupon the democrats rose and left the house, and the remaining members proceeded to effect an organization under the State laws. In all this turmoil, in which bloodshed was imminent, the military posse behaved with great discretion. When Mr. Wiltz, the usurping speaker of the house, called for troops to prevent bloodshed, they were given him. When the governor of the State called for a posse for the same purpose and to enforce the law, it was furnished also. Had this not been done, it is my firm belief that scenes of bloodshed would have ensued.

P. H. SHERIDAN,
Lieutenant-General.

[Telegram.]

NEW ORLEANS, *January* 10, 1875—11.30 p. m.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Since the year 1866 nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In 1868 the official record shows that eighteen hundred and eighty-four were killed and wounded. From 1868 to the present time no official investigation has been made, and the civil authorities, in all but a few cases, have been unable to arrest, convict, and punish perpetrators. Consequently, there are no correct records to be consulted for information. There is ample evidence, however, to show that more than twelve hundred persons have been killed and wounded during this time on account of their political sentiments. Frightful massacres have occurred in the parishes of Bossier, Caddo, Catahoula, Saint Bernard, Saint Landry, Grant, and Orleans. The general character of the massacres in the above-named parishes is so well known that it is unnecessary to describe them.

The isolated cases can best be illustrated by the following instances, which I take from a mass of evidence now lying before me of men killed on account of their political principles: In Natchitoches Parish, the number of isolated cases reported is thirty-three; in the parish of Bienville the number of men killed is thirty; in Red River Parish the isolated cases of men killed is thirty-four; in Winn Parish the number of isolated cases where men were killed is fifteen; in Jackson Parish the number killed is twenty; and in Catahoula Parish the number of isolated cases reported where men were killed is fifty, and most of the country parishes throughout the State will show a corresponding state of affairs. The following statements will illustrate the character and kind of these outrages:

On the 30th of August, 1874, in Red River Parish, six State and parish officers, named Twitchell, Divers, Holland, Howell, Edgerton, and Willis, were taken, together with four negroes, under guard to be carried out of the State, and were deliberately murdered on the 29th of August, 1874. The White League tried, sentenced, and hung two negroes on the 28th of August, 1874. Three negroes were shot and killed at Brownsville, just before the arrival of the United States troops in this parish. Two white-leaguers rode up to a negro cabin and called for a drink of water. When the old colored man turned to draw it, they shot him in the back and killed him. The courts were all broken up in this district, and the district judge driven out.

In the parish of Caddo, prior to the arrival of the United States troops, all of the officers at Shreveport were compelled to abdicate by the White League, which took possession of the place. Among those obliged to abdicate were Walsh, the mayor, Rapers, the sheriff, Wheaton, clerk of the court, Durant, the recorder, and Ferguson and Renfro, administrators. Two colored men, who had given evidence in regard to frauds committed in the parish, were compelled to flee for their lives, and reached this city last night, having been smuggled through in a cargo of cotton.

In the parish of Bossier the White League have attempted to force the abdication of Judge Baker, the United States commissioner and parish judge, together with O'Neal, the sheriff, and Walker, the clerk of the court; and they have compelled the parish and district courts to suspend operations. Judge Baker states that the white-leaguers notified him several times that if he became a candidate on the republican ticket, or if he attempted to organize the republican party, he should not live until election.

They also tried to intimidate him through his family by making the same threats to his wife, and when told by him that he was a United States commissioner they notified him not to attempt to exercise the functions of his office. In but few of the country parishes can it be truly said that the law is properly enforced, and in some of the parishes the judges have not been able to hold court for the past two years. Human life in this State is held so cheaply that when men are killed on account of political opinions, the murderers are regarded rather as heroes than as criminals in the localities where they reside, and by the White League and their supporters.

An illustration of the ostracism that prevails in the State may be found in a resolution of a White League club in the parish of De Soto, which states, "That they pledge themselves under (no?) circumstances after the coming election to employ, rent land to, or in any other manner give aid, comfort, or credit to any man, white or black, who votes against the nominees of the white man's party." Safety for individuals who express their opinion in the isolated portions of this State has existed only when that opinion was in favor of the principles and party supported by the Ku-Klux and White League organizations. Only yesterday Judge Myers, the parish judge of the parish of Natchitoches, called on me upon his arrival in this city, and stated that in order to reach here alive he was obliged to leave his home by stealth, and after nightfall, and make his way to Little Rock, Arkansas, and come to this city by way of Memphis.

He further states that while his father was lying at the point of death in the same village, he was unable to visit him for fear of assassination, and yet he is a native of the parish, and proscribed for his political sentiments only. It is more than probable that if bad government has existed in this State it is the result of the armed organizations, which have now crystallized into what is called the White League; instead of bad government developing them, they have by their terrorism prevented to a considerable extent the collection of taxes, the holding of courts, the punishment of criminals, and vitiated public sentiment by familiarizing it with the scenes above described. I am now engaged in compiling evidence for a detailed report upon the above subject, but it will be some time before I can obtain all the requisite data to cover the cases that have occurred throughout the State. I will also report in due time upon the same subject in the States of Arkansas and Mississippi.

P. H. SHERIDAN,
Lieutenant-General.

The following is from the platform adopted by the White League in Saint Mary's, on the 13th of July:

"We enter into and form this league for the protection of our own race against the daily increasing encroachments of the negro, and are determined to use our best endeavors to purge our legislative, judicial, and ministerial offices from such a horde of miscreants as now attempt to lord it over us.

"That to accomplish this end we solemnly *pledge* our honor to each other *to give our hearty support to all that this league may determine* by a majority of votes cast at any regular meeting, and to aid to the utmost of our ability in carrying out *such measures as it may adopt.*

"That we do not reject or condemn any white man for his political opinions, *so that he join us* in the one grand object we have in view."

The following is from the platform of the White League, adopted at Alto on the 11th of July:

"That we regard it the sacred and political duty of every member of this club to discountenance and socially proscribe all white men who unite themselves with the radical party; and to supplant every political opponent in all his vocations by the employment and support of those who ally themselves with the white man's party; and we pledge ourselves to exert our energies and use our means to the consummating of this end."

The following resolution was adopted at the White League convention at Franklin on the 1st of August:

"*Resolved*, That it is the sense of this convention that every member of the White League organization is in honor and duty bound zealously to support and vote for each and every regular nominee of the organization, to the exclusion of all other candidates or persons whatever."

The following is from the Enterprise of the 6th of August, published at Franklin, Saint Mary's Parish:

"We ask for no assistance; we protest against any intervention. * * * We own this soil of Louisiana, by virtue of our endeavor, as a heritage from our ancestors, and it is ours and ours alone. Science, literature, history, art, civilization, and law belong alone to us and not to the negroes. They have no record but barbarism and idolatry, nothing since the war but that of error, incapacity, beastliness, voudouism, and crime. Their right to vote is but the result of the war, their exercise of it a monstrous imposition, and a vindictive punishment upon us for that ill-advised rebellion.

"Therefore are we banded together in a White League army, drawn up only on the defensive, exasperated by continual wrong, it is true, but acting under Christian and high-principled leaders, and determined to defeat these negroes in their infamous design of depriving us of all we hold sacred and precious on the soil of our nativity or adoption or perish in the attempt.

"Come what may, upon the radical party must rest the whole responsibility of the *conflict*, and as sure as there is a just God in heaven, their unnatural, cold-blooded, and revengeful measures of reconstruction in Louisiana *will meet with a terrible retribution.*"

The following is from the Natchitoches Vindicator of July 18, addressed to colored citizens:

"The white people *intend* to carry the State election this fall. This *intention is deliberate and unalterable, from the fact that their very existence depends upon it*; and that you may enjoy the blessings which will naturally follow such an event, blessings made doubly sweet when you know you were partly instrumental in bringing them about, we desire your co-operation, and we simply ask you, Will you assist us in redeeming your State from the degradation and ruin she now is in, or will you follow still the advice of those who have placed her thus? Take time to answer it, and let your mind, should you decide affirmatively, be at rest for your future welfare and happiness. We propose to do for you more than any party has yet done for you. On the other hand, should you imagine that the teaching of your former rulers is correct, and you elect to *attempt*, for it will only be an attempt, to continue their rule, *then you must take the consequences. For we tell you now, and let it be distinctly remembered that you have fair warning, that we intend to carry the State of Louisiana in November next, or she will be a military territory.*"

The following is from the Minden Democrat:

"The remedy for all the evils that afflict our State, and every Southern State under negro and carpet-bag rule, is very simple. The incendiaries who flood our country at the approach of every election must be looked after; the proceedings of midnight gatherings in dark and gloomy places must be known. Incendiary teachings of the carpet-baggers and scalawags to inflame the minds of the negroes must not be tolerated again."

The following is from the Mansfield Reporter of July 4 and July 11:

"There is nothing to be gained by pleadings or concessions, but everything is within our reach, if we will move forward and grasp it. *Let our actions be such that everybody will know what we want, and let them see that we are in earnest, and are determined to carry out the programme, regardless of the consequences.*

"The lines must be drawn at once, before our opponents are thoroughly organized, for by this means we will prevent many milk-and-cider fellows from falling into the enemy's ranks. While the white man's party guarantees the negro all of his present rights, *they do not intend that white carpet-baggers and renegades shall be permitted to organize and prepare the negroes for the coming campaign.* Without the assistance of these villains the negroes are totally incapable of effectually organizing themselves, and unless they are previously excited and drilled *one-half of them will not come to the polls*, and a large per cent. of the remainder *will vote the white man's ticket.*"

The following is from the Alexandria Democrat of July 15:

"The people have determined that the Kellogg government has to be gotten rid of, and they will *not scruple about the means*, as they have done in the past."

The following is from the Shreveport Times of July 29:

"There has been some red-handed work done in this parish that was necessary, but it was evidently done by cool, determined, and just men, who knew just how far to go, and we doubt not if the same kind of work is necessary it will be done.

"We say again that we *fully, cordially, approve* what the white men of Grant and Rapides did at Colfax; the white man who does not is a creature so base that he shames the worst class of his species. We say again we are going to carry the elections in this State next fall.

"If the Federal Government again strikes them down, then let the infamy of the deed rest upon the shameless despotism that has arisen out of the malignancy and hate of the northern people, beneath whose withering influence no sentiment of liberty can survive; under whose policy of meanness, cowardice, and hate every community that does not worship it must be trampled in the dust, and every civilization that does not pay tribute to it blasted by its curse."

The following is from the Shreveport Times of August 5:

"It has been charged that the white man's party expects to achieve success by intimidation. *This is strictly true.* We intend to succeed by intimidation, and we place little confidence in our numerical strength, as shown in the figures above given from the ninth census. We rely for success solely upon intimidation, but not that intimidation which is the result of violence and bloodshed; our weapons are not to be improved rifles and six-shooters; the intimidation we propose to win by is that which a great and just cause inspires in its opponents; the intimidation which intellect, virtue, and all the manly qualities exercise over ignorance, superstition, and human depravity; the intimidation with which the spread banners of a triumphant civilization fills the hearts of its foes, and with which the Cross of Christianity strikes the howling dervishes of brutal superstition.

"THE INFAMOUS DEAD.

"Our dispatches this morning contain the gratifying intelligence that the infamous wretch DeKlyne is dead. Of all the low and dirty beasts that radicalism has imposed upon Louisiana, this scoundrel was the meanest and lowest.

"Some squeamish people may think that now the fellow is dead he should not be abused. We think differently; such men are a disgrace to humanity, and alive or dead their infamy should be held up to the execration of the world, and the youth of the country taught to loathe and despise their memory."

The following is from the Shreveport Times of July 9:

"If a single hostile gun is fired between the whites and blacks in this and surrounding parishes, *every carpet-bagger and scalawag that can be caught will in twelve hours therefrom be dangling from a limb.* We do not say this in a spirit of braggadocio; we say it in the interest of peace, and we know what we are talking about."

Mr. CONKLING. I move that the message and accompanying documents lie on the table and be printed.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a message of the President of the United States, in accordance with the requirements of the joint resolution approved March 25, 1874, authorizing an inquiry into and report upon the causes of epidemic cholera, submitting reports upon the subject from the Secretaries of the Treasury and War Departments; which was ordered to lie on the table and be printed.

ADDITIONAL PETITIONS AND MEMORIALS.

Mr. CONKLING. The Senator from Illinois, who is entitled to the floor, allows me, before he proceeds, to present a number of petitions to the Senate which are signed by many citizens of Ontario County, in the State of New York, describing themselves as farmers, and others, remonstrating, for reasons that they state, against the ratification of the reciprocity treaty with the British provinces, so called. I move their reference to the Committee on Foreign Relations.

The motion was agreed to.

REPORT OF MAJOR POWELL'S EXPEDITION.

Mr. HOWE. I have the permission of the Senator from Illinois to make a report from the Committee on Printing. The Superintendent of Public Printing is waiting for action on it. It is but a small matter, and I hope the Senate will consider it at the present time.

The Chief Clerk read the following resolution of the House of Representatives, reported from the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That the Congressional Printer be, and he is hereby, authorized to print the report of Major Powell's expedition in quarto form.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SARGENT. Why is it that the ordinary documentary form is not retained? That is the form in which all the valuable reports have been printed.

Mr. HOWE. Allow me to withdraw the report.

The VICE-PRESIDENT. The report is withdrawn.

WITHDRAWAL OF PAPERS.

Mr. HAGER. I wish to make a motion in behalf of J. H. Merrill, a soldier of the Mexican war, who desires to withdraw certain papers that have been presented, including his discharge from the service. There has been no adverse report in the case.

The VICE-PRESIDENT. The Chair hears no objection, and that order will be made.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. LOGAN. Mr. President, I believe it is considered the duty of a good sailor to stand by his ship in the midst of a great storm. We have been told in this Chamber that a great storm of indignation is sweeping over this land, which will rend asunder and sink the old republican craft. We have listened to denunciations of the President, of the republicans in this Chamber, of the republican party as an organization, their acts heretofore and their purposes in reference to acts hereafter, of such a character as has seldom been listened to in this or any other legislative hall. Every fact on the side of the republican party has been perverted, every falsehood on the part of the opposition has been exaggerated, arguments have been made here calculated to inflame and arouse a certain class of the people of this country against the authorities of the Government, based not upon truth but upon manufactured statements which were utterly false. The republican party has been characterized as despotic, as tyrannical, as oppressive. The course of the Administration and the party toward the southern people has been denounced as of the most tyrannical character by men who have received clemency at the hands of this same party.

Now, sir, what is the cause of all this vain declamation? What is the cause of all this studied denunciation? What is the reason for all these accusations made against a party or an administration? I may be mistaken, but, if I am not, this is the commencement of the campaign of 1876. It has been thought necessary on the part of the opposition Senators here to commence, if I may use a homely phrase, a raid upon the republican party and upon this Administration, and

to base that upon false statements in reference to the conduct of affairs in the State of Louisiana.

I propose in this debate, and I hope I shall not be too tedious, though I may be somewhat so, to discuss the question that should be presented to the American people. I propose to discuss that question fairly, candidly, and truthfully. I propose to discuss it from a just, honest, and legal stand-point. Sir, what is that question? There was a resolution offered in this Chamber calling on the President to furnish certain information. A second resolution was introduced, (whether for the purpose of hanging on it an elaborate speech or not I am not aware,) asking the Committee on the Judiciary to report at once some legislation in reference to Louisiana. Without any facts presented officially arguments have been made, the country has been aroused, and some people have announced themselves in a manner calculated to produce a very sore feeling against the course and conduct of the party in power. I say this is done without the facts; without any basis whatever; without any knowledge officially communicated to them in reference to the conduct of any of the parties in the State of Louisiana. In discussing this question we ought to have a stand-point; we ought to have a beginning; some point from which we may all reason and see whether or not any great outrage has been perpetrated against the rights of the American people or any portion of them.

I then propose to start at this point, that there is a government in the State of Louisiana. Whether that government is a government of right or not is not the question. Is there a government in that State against which treason, insurrection, or rebellion may be committed? Is there such a government in the State of Louisiana as should require the maintenance of peace and order among the citizens of that State? Is there such a government in the State of Louisiana as requires the exercise of Executive authority for the purpose of preserving peace and order within its borders? I ask any Senator on this floor to-day if he can stand up here as a lawyer, as a Senator, as an honest man, and deny the fact that a government does exist? Whether he calls it a government *de jure* or a government *de facto*, it is immaterial. It is such an organization as involves the liberties and the protection of the rights of the people of that State. It will not do for Senators to talk about the election of 1872. The election of 1872 has no more to do with this "military usurpation" that you speak of to-day than an election of a hundred years ago. It is not a question as to whether this man or that was elected. The question is, is there such a government there as can be overturned, and has there been an attempt to overturn it? If so, then what is required to preserve its status or preserve the peace and order of the people?

But the other day when I asked the question of a Senator on the other side, who was discussing this question, whether or not he indorsed the Penn rebellion, he answered me in a playful manner that excited the mirth of people who did not understand the question, by saying that I had decided that there was no election, and that therefore there was no government to overturn. Now I ask Senators, I ask men of common understanding if that is the way to treat a question of this kind; when asked whether insurrection against a government recognized is not an insurrection and whether he indorses it, he says there is no government to overturn. If there is no government to overturn, why do you make this noise and confusion about a Legislature there? If there is no State government, there is no State Legislature. But I will not answer in that manner. I will not avoid the issue; I will not evade the question. I answer there is a Legislature, as there is a State government, recognized by the President, recognized by the Legislature, recognized by the courts, recognized by one branch of Congress, and recognized by the majority of the citizens by their recognition of the laws of the State; and it will not do to undertake to avoid questions in this manner.

Let us see, then, starting from that stand-point, what the position of Louisiana is now, and what it has been. On the 14th day of September last a man by the name of Penn, as to whom we have official information this morning, with some seven or ten thousand white-leaguers made war against that government, overturned it, dispersed it, drove the governor from the executive chamber, and he had to take refuge under the jurisdiction of the Government of the United States, on the soil occupied by the United States custom-house, where the exclusive jurisdiction of the United States Government extends, for the purpose of protecting his own life.

This then was a revolution; this then was a rebellion; this then was treason against the State, for which these men should have been arrested, tried, and punished. Let gentlemen dodge the question as they may; it may be well for some men there who engaged in this treasonable act against the government that they had Mr. Kellogg for governor. It might not have been so well for them, perhaps, had there been some other man in his place. I tell the Senator from Maryland if any crowd of armed men should undertake to disperse the government of the State of Illinois, drive its governor from the executive chamber, enter into his private drawers, take his private letters, and publish them, and act as those men did, some of them would pay the penalty either in the penitentiary or by dancing at the end of a rope.

But when this rebellion was going on against that State, these gentlemen say it was a State affair; the Government of the United States has nothing to do with it! That is the old-fashioned secession doctrine again. The Government of the United States has nothing to do with it! This National Government is made up of States, and each State is a part of the Government, each is a part of its life, of its body. It takes them all to make up the whole; and treason against any part of it is treason against the whole of it, and it became the duty of the President to put it down, as he did do; and, in putting down that treason against the Kellogg government, the whole country almost responded favorably to his action.

But our friend from Maryland, not in his seat now, [Mr. HAMILTON] said that that was part of the cause of the elections going as they did. In other words, my friend from Maryland undertook in a round-about way to indorse the Penn rebellion, and claim that people of the country did the same thing against the government of the State of Louisiana, and on this floor since this discussion has been going on, not one Senator on that side of the chamber has lisped one word against the rebellion against the government of the State of Louisiana, and all who have spoken of it have passed it by in silence so as to indicate clearly that they indorse it, and I believe they do.

Then, going further, the President issued his proclamation requiring those insurgents to lay down their arms and to resume their peaceful pursuits. This morning we have heard read at the clerk's desk that these men have not yet complied fully with that proclamation. Their rebellious organization continued up to the time of the election and at the election. When the election took place, we are told by some of these Senators that the election was a peaceable and a fair election: that a majority of democrats were elected. That is the question we propose to discuss as well as we are able to do it. They tell us that there was no intimidation resorted to by any one in the State of Louisiana. I dislike very much to follow out these statements that are not true and attempt to controvert them because it does seem to me that we ought to act fairly and candidly in this Chamber and discuss questions without trying to pervert the issue or the facts in connection with it.

Now, I state it as a fact, and I appeal to the Senator from Louisiana to say whether or not I state truly, that on the night before the election in Louisiana notices were posted all over that country on the doors of the colored republicans and the white republicans, too, of a character giving them to understand that if they voted their lives would be in danger; and here is one of the notices posted all over that country:



2 x 6

This "2 x 6" was to show the length and width of the grave they would have. Not only that, but the negroes that they could impose upon and get to vote the democratic ticket received, after they had voted, a card of safety; and here is that card issued to the colored people whom they had induced to vote the democratic ticket, so that they might present it if any white-leaguers should undertake to plunder or murder them:



NEW ORLEANS, *Nov.* 28, 1874.

This is to certify that Charles Durassa, a barber by occupation, is a Member of the 1st Ward Colored Democratic Club, and that at the late election he voted for and worked in the interests of the Democratic Candidates.

WILLIAM ALEXANDER,
President 1st Ward Col'd Democratic Club.

NICK HOPE, Secretary.

ROOMS DEMOCRATIC PARISH COMMITTEE,
New Orleans, Nov. 28, 1874.

The undersigned, Special Committee, appointed on behalf of the Parish Committee, approve of the above Certificate.

ED. FLOOD, Chairman.
PAUL WATERMAN.
ATTEST: *H. J. RIVET.*

J. H. HARDY, Ass't Secretary Parish Committee.

These were the certificates given to negroes who voted the democratic ticket, that they might present them to save their lives when attacked by the men commonly known as Ku-Klux or white-leaguers in that country; and we are told that there is no intimidation in the State of Louisiana!

Our friend from Georgia [Mr. GORDON] has been very profuse in his declamation as to the civility and good order and good bearing of the people of Louisiana and the other Southern States. But, sir, this intimidation continued up to the election. After the election, it was

necessary for the governor of that State to proceed in some manner best calculated to preserve the peace and order of the country. Certain men were known to be elected to the Legislature, and one person elected to a State office. I ask now, in furtherance of what I am saying in reference to intimidation, that the Secretary read from one of the journals of Louisiana a statement, made after the election, to show that the intimidation still continued.

The Chief Clerk read as follows:

SHREVEPORT, *November* 16, 1874.

The following extracts from an editorial in the Times yesterday but faintly reflect sentiments expressed in a hundred speeches made in Northern Louisiana by prominent White League leaders before and since the election:

"We want no representative on the returning board, no favors or concessions from Kellogg and Packard. * * * We know the results of the election in every parish. * * * Therefore we should simply give the members of that board to distinctly understand that unless they return the elections as they were returned at the polls, they and those they seek to count in will pay the forfeit with their lives. We have no appeals to make to our fellow-citizens of New Orleans. We know that the men of the 14th of September will do their whole duty as freemen and Louisianians jealous of their liberties; but throughout the country parishes there should be concert of action, and that action should be prompt and emphatic. In every parish where the officers elected by the people may be counted out by the returning board, the people should use hemp or ball on the defeated candidates counted in.

"To localize the proposition: If George L. Smith is counted in over W. M. Levy, or if Twitchell is counted in over Elam, let Smith and Twitchell be killed. If Johnson and Tyler, in De Soto, are counted in over Scales and Schuler, as the New Orleans Republican thinks; or if Keating, Levisee, and Johnson, in Caddo, are counted in over Vaughn, Horan, and Land, then let Johnson, Tyler, Keating, Levisee, and Johnson be killed. And so let every officer, from Congressman down to constable, in every district and parish of the State, be served, whom the people have defeated and whom the returning board may count in. We cannot afford to be defeated by a ring of political scoundrels after we have triumphed. * * * Human life may be precious; but the lives of all these carpet-baggers and radical politicians in Louisiana are valueless, compared with the worth of a single principle of justice and liberty."

Mr. LOGAN. Now, Mr. President, in the face of what has been said on this floor, a kind of sport-making of the statements of intimidation of the voters of the South, am I not justified in bringing forward this statement? What is it? That if certain men, republicans, are announced as elected to the Legislature of the State of Louisiana, they shall be murdered. Murdered; why? Murdered because they are republicans, elected to the legislature of a sovereign State, naming the men; that, if the returning board announce their election, they shall be murdered! Yet our democratic friends on the other side sneer at the idea of republicans being intimidated or murdered on account of their peculiar notions in the Southern States. This was in the State of Louisiana, and Louisiana is the State with which we are dealing now, and not the State of Georgia. I here will say for the benefit of my friend from Georgia—for I am his friend personally—that he is in the habit of bringing Georgia in all the time when we talk about intimidation, alleging that Georgia is peaceful. I will speak to that before I am through; I am now confining my attention to Louisiana.

If we take into consideration this declaration in one of the leading newspapers; if we take into consideration the notices given to the people all over the country on the day before the election; if we take into consideration the Penn rebellion of the 14th of September; and if we then go back for a period and take into view the bloody riot in New Orleans in 1866, when a convention was being assembled in that State, what are we to conclude? In 1866 these same men went into that convention and killed and wounded over two hundred, as I have the authentic report, made by the medical officers who examined the killed and wounded on that occasion, to show. Some thirty-odd were killed, and the rest, amounting to over two hundred, were wounded on that occasion. Why? Because they went in convention to declare their views in reference to certain propositions. If we take all this into consideration and then follow it down until we come to the massacre at Colfax, what was that? I have here a pamphlet published, containing extracts from one of the papers in the State of Louisiana, the New Orleans Times, and I will read from it in regard to that transaction:

Sunday night, shortly after dark, the boat landed at a wood-pile about a mile above Colfax, Grant Parish, and a young fellow, armed to the teeth and very much excited, came aboard and requested the captain to land at Colfax and take some wounded white men to Alexandria, about twenty-five miles farther down the river.

On arriving at Colfax we found about a hundred armed men on the bank, and most of the passengers, myself among the number, went ashore to view the "battle-ground," for our young friend who came aboard at the wood-pile informed us "that if we wanted to see dead niggers, here was a chance, for there were a hundred or so scattered over the village and the adjacent fields," and he kindly offered to guide us to the scene of action.

Almost as soon as we got to the top of the landing, sure enough we began to stumble on them, most of them lying on their faces, and, as I could see by the dim light of the lanterns, riddled with bullets.

One poor wretch, a stalwart-looking fellow, had been in the burning court-house, and as he ran out with his clothes on fire had been shot. His clothes to his waist were all burned off, and he was literally broiled.

We came upon bodies every few steps, but the sight of this fellow who was burned, added to the horrible smell of burning human flesh—the remains of those who were shot in the court-house, which was still on fire—sickened most of us and caused a general cry of "Let's go back."

I counted eighteen of the misguided darkies, and was informed that they were not one-fourth of the number killed; that they were scattered here and there in the fields around the town, besides several in and around the burning court-house. This, however, was probably an exaggeration.

To show how terribly incensed the people were against the negroes, I relate the following incidents:

We came across one negro whose clothes were smoking, and who had probably been in the fire. Some of our party remarked that he was alive. Instantly one of our guides whipped out a six-shooter, saying "I'll finish the black dog." Of course we remonstrated and he put away his weapon. Some one stooped down and turned the negro over. He was stiff and cold.

A few minutes afterward we came on a big black fellow who was reclining on his elbow, and to all appearances alive. The man with the six-shooter hit him a fierce kick with his boot, and then stooped down and examined him, saying: "O, he's dead as hell." It was so; the darky died that way—in a reclining position.

When we came back near the landing the boat's crew were carrying aboard the two wounded white men, a Mr. Hadnot and another whose name I did not learn.

Sir, I ask you what Governor Kellogg was to do after the scene of 1866, after that horrible scene at Colfax; after the taking possession of five persons at Coushatta, northern men who had gone there with their capital and invested it and built up a thriving little village, but who were taken out and murdered in cold blood; and not only that, but they had murdered one of the judges and the district-attorney, and compelled the judge and district attorney of that jurisdiction to resign, and then murdered the acting district attorney. My friend from Georgia said in his way and manner of saying things, "Why do you not try these people for murdering those men at Coushatta? You have the judge and you have the district attorney?" Unfortunately for my friend's statement, we have neither. Your friends had murdered the attorney, and had murdered a judge before the new judge had been appointed, who had to resign to save his life. The acting district attorney was murdered by the same "banditti" that murdered the five northern men at Coushatta.

Mr. GORDON. Will the Senator allow me to ask him a question?

Mr. LOGAN. Certainly.

Mr. GORDON. Where was the United States court at that time? Where was the enforcement act? Where was the Army of the United States? Could not the United States court under the enforcement act take cognizance of these facts? Was the district attorney of the United States court not present?

Mr. LOGAN. I will inform the Senator where they were. The district attorney was in his grave, put there by your political friends. The judge had been murdered a year before. The one appointed in his place had to resign to save his life. The United States court was in New Orleans. And he asks where was the United States Army? Great God! do you want the Army? I thought you had been railing against its use. [Laughter.]

Mr. GORDON. Will the Senator allow me to interrupt him just one moment?

Mr. LOGAN. Certainly.

Mr. GORDON. I confess to the Senator now that I am overwhelmed. When he comes at me with that argument I am utterly undone. It is always easier to attack the defeated; it is always easier for power to triumph than for truth; but truth will prevail in the end. If the Senator thinks by a thrust such as he has given that he makes any capital for himself or his party, he is altogether welcome to it.

Mr. LOGAN. I am not trying to make capital for myself nor for my party. I am trying to develop the facts and let them make capital for whoever they may. But when the Senator talks about thrusts, let him remember that he has stood upon this floor himself every day uttering denunciatory sentences against the republicans and against the Government of the United States.

Mr. GORDON. I defy the Senator to find one solitary word in any utterance of mine against the Government of the United States or against any man in authority except the miserable people who are plundering mine. He has made the charge; I ask him now to make it good or to withdraw it—one of the two.

Mr. LOGAN. Ah, well, the Senator need not commence talking to me about withdrawing.

Mr. GORDON. Very well.

Mr. LOGAN. I am not of that kind.

Mr. GORDON. I want to ask the Senator——

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Georgia will suspend. Does the Senator from Illinois consent to be interrupted?

Mr. GORDON. If the Senator will allow me to explain, I only want to say to the Senator that I think, as he has made a very grave charge against myself, it is due to him and due to a brother Senator that he make that charge specific, so that I may have the opportunity of answering it.

Mr. LOGAN. Certainly.

Mr. GORDON. If he has done me the injustice, I say I think it is due to his character that, when he finds out he has done so, he withdraw the charge.

Mr. LOGAN. I always do that when I find out that I have done any one injustice. I said that the Senator had stood upon this floor time and again in denunciation of republicans and the republican party, and I repeat it.

Mr. GORDON. The Senator said "the Government," also.

Mr. LOGAN. When I said "the Government" I meant the Administration—those who administer the Government or its affairs. I do not mean the Government, but I mean the Administration, which others here have denominated the Government. That is what I mean.

Mr. GORDON. Will the Senator just be kind enough to show that?

Mr. LOGAN. Now the Senator will just be kind enough to say this: If he desires to answer anything I have said, he will have ample opportunity to do it, and I will treat him in the same spirit

in which he treats other men. If he treats other men kindly, in a kindly spirit will I respond to him. If he treats other men in a denunciatory tone, I tell him that is a game two can play at.

I was speaking in reference to those things that have occurred in Louisiana, and now I desire to come to the point that I intended to reach by these propositions. It is this: Taking all these statements in reference to these riots, in reference to the bloodshed, in reference to the murders at these different points, and the rebellion of the 14th September, 1874, with arms in their hands, and considering the condition of the Legislature at the time it assembled, I ask you if all these circumstances surrounding the governor of that State were not sufficient to put him on his guard and notify him that force might be used to overturn that government, and that for the purpose of repelling that force he might be necessitated to exercise and use force?

What are the facts, then? Did the governor of Louisiana use force? From what has been said in this Chamber and has rung through the country like the peals from the distant bell, you would think that this Senate, the President, and the republican party had murdered a State and were murdering the liberties of the American people. What are the facts? I assert that Kellogg was justified in believing that force was going to be used to overturn the State government of Louisiana, and I go further. I state it to be a fact that that Legislature when it met and organized under Wiltz was a revolutionary body, in revolution against the laws of the State of Louisiana.

Not one of the Senators here who have been talking about Louisiana and the outrages perpetrated there has referred to the law of the State in reference to the organization of the State Legislature. In order that we may understand ourselves as we go along—it is well enough for us to keep track of things and see whether we are getting off the line or whether we are remaining on the line—I will now call the attention of the Senate of the United States to the law of the State of Louisiana in relation to the organization of the State Legislature, and then after that I will take up the facts of the organization of this Legislature and see whether they comport with the law on that subject. The law of that State, after providing for a returning board of so many officers who are to receive the polls, count the votes, and declare who are elected by the voters of the State or of the district, declares that they shall then certify to the facts to the secretary of state. On that certificate to the secretary of state, he is to take such action in regard to the Legislature as I will read. Section 56 of the act in reference to regulating the conduct and freedom and purity of elections is as follows:

Be it further enacted, &c., That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly, and it shall be the duty of said clerk and secretary to place the names of the representatives and senators-elect, so furnished, upon the roll of the house and of the senate, respectively, and those representatives and senators whose names are so placed by the clerk and secretary respectively, in accordance with the foregoing provisions, *and none other*, shall be competent to organize the house of representatives or senate.

Those who hold the certificate of the secretary of state transmitted to the clerk of the old house and none other shall be competent to organize the State Legislature of the State of Louisiana. Now I appeal to the learned Senator from Delaware [Mr. BAYARD] who made a speech the other day, strong in its character and denunciatory in its tone of General Sheridan and other men, and I ask him what this law means when it says that the persons holding the certificate of the secretary of state, and none other, shall organize the Legislature of the State of Louisiana? I would like to know does that mean that other persons not holding the certificate should do it? Certainly not. It excludes all men except those holding the certificate of the secretary of state.

Well, sir, what are the facts? Let us now have the facts. I have the report of General Sheridan giving the facts of the organization of that Legislature, and I will ask that it be read. I also have the report of a committee of five of that Legislature, organized for the purpose of making an official report to the Congress of the United States. I hold that in my hand, but I will not take time to read it. It corroborates in every word the statement of General Sheridan's report. I ask now for the reading of that report by the Clerk.

The Chief Clerk read as follows:

HEADQUARTERS MILITARY DIVISION OF MISSOURI,
New Orleans, January 8. (Received three a. m.)

Hon. W. W. BELKNAP,
Secretary of War, Washington D. C.:

I have the honor to submit the following brief report of affairs as they occurred here in the organization of the State Legislature on January 4, 1875. I was not in command of this military department until nine o'clock at night on the 4th instant, but I fully indorse and am willing to be held responsible for the acts of the military as conservators of the public peace upon that day.

During the few days I was in the city prior to the 4th of January the general topic of conversation was the scenes of bloodshed that were liable to occur on that day, and I repeatedly heard threats of assassinating the governor and regrets expressed that he was not killed on the 14th of September last; also threats of the assassination of republican members of the house, in order to secure the election of a democratic speaker. I also knew of the kidnaping by the banditti of Mr. Cousinier, one of the members-elect of the Legislature

In order to preserve the peace and to make the State-house safe for the peaceable assembling of the Legislature, General Emory, upon the requisition of the governor, stationed troops in the vicinity of the building. Owing to these precautions the Legislature assembled in the State-house without any disturbance of the public peace. At twelve o'clock William Vigers, the clerk of the last house of representatives, proceeded to call the roll, as according to law he was empowered to do. One hundred and two legally-returned members answered to their names; of this number fifty-two were republicans, and fifty were democrats.

Before entering the house Mr. L. A. Wiltz had been selected in caucus as the democratic nominee for speaker and Mr. Michael Hahn as the republican nominee. Vigers had not yet finished announcing the result, when one of the members, Mr. Billican, of Lafourche, nominated Mr. L. Wiltz as temporary speaker. Vigers promptly declared the motion out of order at that time, when some one put the question, and, amid the cheers of the democratic side of the house, Mr. Wiltz dashed on to the platform, pushed aside Mr. Vigers, seized the speaker's chair and gavel, and declared himself speaker.

A protest against this arbitrary and unlawful proceeding was promptly made by the members of the majority, but Wiltz paid no attention to those protests, and, upon a motion from some one on the democratic side of the house, declared one Trezevant nominated and elected clerk of the house. Mr. Trezevant at once sprang forward and occupied the clerk's chair, amid the wildest confusion over the whole house. Wiltz then again, on another nomination from the democratic side of the house, declared one Floord elected sergeant-at-arms, and ordered that a certain number of assistants be appointed. Instantly a large number of men throughout the hall, who had been admitted on various pretexts, such as reporters and members' friends and spectators, turned down the lapels of their coats, upon which were pinned blue-ribbon badges, on which were printed in gold letters the words, "assistant sergeant-at-arms," and the assembly was in the possession of the minority, and the White League of Louisiana had made good its threats of seizing the house, many of the assistant sergeant-at-arms being well known as captains of White League companies in this city.

Notwithstanding the suddenness of this movement, the leading republican members had not failed to protest again and again against this revolutionary action of the minority, but all to no purpose; and many of the republicans rose and left the house in a body, together with the clerk, Mr. Vigers, who carried with him the original roll of the house as returned by the secretary of state.

The excitement was now very great. The acting speaker directed the sergeant-at-arms to prevent the egress or ingress of members or others, and several exciting scuffles, in which knives and pistols were drawn, took place, and for a few moments it seemed that bloodshed would ensue. At this juncture Mr. Dupre, a democratic member from the parish of Orleans, moved that the military power of the General Government be invoked to preserve the peace, and that a committee be appointed to wait upon General De Trobriand, the commanding officer of the United States troops stationed at the State-house, and request his assistance in clearing the lobby. The motion was adopted. A committee of five, of which Mr. Dupre was made chairman, was sent to wait upon General De Trobriand and soon returned with that officer, who was accompanied by two of his staff officers.

As General De Trobriand walked down to the speaker's desk loud applause burst from the democratic side of the house. General De Trobriand asked the acting speaker if it was not possible for him to preserve order without appealing to him as a United States Army officer. Mr. Wiltz said it was not, whereupon the general proceeded to the lobby, and addressing a few words to the crowd, peace was at once restored. On motion of Mr. Dupre, Mr. Wiltz then, in the name of the General Assembly of the State of Louisiana, thanked General De Trobriand for his interference in behalf of law and order, and the general withdrew.

The republicans had now generally withdrawn from the hall, and united in signing a petition to the governor stating their grievances and asking his aid, which petition, signed by fifty-two legally-returned members of the house, is in my possession. Immediately, subsequent to the action of Mr. Wiltz in ejecting the clerk of the old house, Mr. Billien moved that two gentlemen from the parish of De Soto, one from Winn, one from Bienville, and one from Iberia, who had not been returned by the returning board, be sworn in as members; and they were accordingly sworn in by Mr. Wiltz, and took seats upon the floor as members of the house. A motion was now made that the house proceed with its permanent organization; and accordingly the roll was called by Mr. Trezevant, the acting clerk, and Wiltz was declared elected speaker and Trezevant clerk of the house.

Acting on the protest made by the majority, the governor now requested the commanding general of the department to aid him in restoring order and enable the legally-returned members of the house to proceed with its organization according to law. This request was reasonable and in accordance with law. Remembering vividly the terrible massacre that took place in this city on the assembling of the constitutional convention in 1866 at the Mechanics' Institute, and believing that the lives of the members of the Legislature were or would be endangered in case an organization under the law was attempted, the posse was furnished, with the request that care should be taken that no member of the Legislature returned by the returning board should be ejected from the floor.

This military posse performed its duty under directions from the governor of the State, and removed from the floor of the house those persons who had been illegally seated and who had no legal rights to be there, whereupon the democrats arose and left the house, and the remaining members proceeded to effect an organization under the State laws. In all this turmoil, in which bloodshed was imminent, the military posse behaved with great discretion. When Mr. Wiltz, the usurping speaker of the house, called for troops to prevent bloodshed, they were given him. When the governor of the State called for a posse for the same purpose and to enforce the law, it was furnished also. Had this not been done, it is my firm belief that scenes of bloodshed would have ensued.

P. H. SHERIDAN,
Lieutenant-General.

Mr. LOGAN. Mr. President, after having read the law which requires that none but persons certified to by the secretary of state as being members of the Legislature shall participate in that organization, I sent to the desk the official report of General Sheridan. That official report is corroborated by the report of a committee of five who have drawn up a memorial and sent it to Congress. It is not only corroborated by that, but is corroborated by the message of the President which has been read at the desk this morning. There, then, are the three official reports made to the Congress of the United States, showing what? Showing that on the 4th of January a body of men assembled in New Orleans and by force organized one house of the Legislature of that State, including five men that the law said should not be included in the organization of the house. The Lieutenant-General of the Army says that he heard frequent threats. Threats of what? Threats of assassination. Of whom? Of members. For what purpose? For the purpose of giving a majority of that house to the democratic party. It was first understood that there were fifty-three democrats elected and fifty-three republicans. They kidnaped one republican member, conveyed him away across the country, and held him there until the day after that organization had taken place, in order to give the democratic party a majority. And yet these kidnapers and murderers are not to be denounced in this Chamber! They are the "gentlemen" of Louisiana, I presume. After kidnaping a member to give them a majority, they then inducted into office five men

having no certificates whatever. What else? In order to show the conspiracy on the part of these white-leaguers and traitors to their government, what do they do? They had some twenty-five men already selected and put in that chamber, with a badge under the lapel of their coats, and on it in gilt letters "assistant sergeant-at-arms." Without any election, without any appointment, they were there on the floor of that house—to do what? To aid in overturning that Legislature and in overturning the State government.

What further? As soon as this revolutionary proceeding occurred by Mr. Wiltz seizing the gavel and taking the chair, by Mr. Trezevant seizing the clerk's desk, and then declaring the house organized to the exclusion of fifty-two republican members who were the majority in that hall at that time, only fifty democrats being present, confusion reigned in the hall, pistols and knives were drawn, and bloodshed was about to occur. What then took place? These democrats, who now stand aghast and tremble at the use of the Army as though Banquo's ghost had made its appearance, passed a resolution and appointed five of their number to wait on the Army and ask hem to go into that hall and preserve order that they might proceed with their deliberations. Who? They, the democrats; and when General De Trobriand appeared in that hall the democrats cheered. Cheered what? The approach of the Army into a State Legislature—for what purpose? To keep them in power. They cheered at that; and is it not strange that they did not cheer the second time that he appeared? It makes a difference whose ox is gored. When he appeared and produced quiet on the democratic side, they cheered. Not a word would have been heard on that side of this Chamber if General De Trobriand had installed Mr. Wiltz and sworn him in, and the democratic party had gone on and turned Kellogg out. It would have been, as the Senator from Maryland said the other day, the rising of the spirit of liberty in the people and taking possession of their own rights. But the scene was changed very soon.

Fifty-two republicans having certificates claimed the right to participate in the organization of that house. They were denied that right by this armed mob, by these armed servile tools of the White League, and robbers and murderers of that city who had been placed there for the purpose of awing honest men, awing men who were peaceably inclined. They did do it. What was the result? The result was that Governor Kellogg then ordered General De Trobriand to do what? I have the orders here, and I will read them:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, January 4.

General DE TROBRIAND, *Commanding:*

An illegal assembly of men having taken possession of the hall of the house of representatives, and the police not being able to dislodge them, I respectfully request that you will immediately clear the hall and State-house of all persons not returned as legal members of the house of representatives by the returning board of the State.

WM. P. KELLOGG,
Governor of the State of Louisiana.

EXECUTIVE DEPARTMENT,
New Orleans, January 4.

General DE TROBRIAND:

The clerk of the house, who has in his possession the roll issued by the secretary of state of legal members of the house of representatives, will point out to you those persons now in the hall of the house of representatives returned by the legal returning board of the State.

WM. P. KELLOGG,
Governor of the State.

It will be seen by these official communications that Governor Kellogg took no action whatever until that Legislature had been attempted to be organized by a mob, until the elected members had been excluded from their right to participate in that organization. What then was left for him to do? He could not with his police force keep order. What then was he required to do? As governor of that State, in my judgment, it was his duty to resort to all the means in his power to restore order to that State and preserve the peace. He then ordered the military. They need not have obeyed him, but they did obey him. What was his order? To clear the chamber, not of members elected, but of the disturbing element, the persons not elected, those who were disturbing the peace and quiet of the organization. What did they do? They went there and did remove the men not elected, and left the men on both sides, democrats and republicans, who had certificates of election, there to organize the Legislature. The democrats withdrew and the republicans organized. These are the facts. No elected member was ejected; no officer rightfully in possession of authority in that house was removed or ejected or overawed in any way whatever. No blood was shed. It was done in a quiet and orderly manner. And for this has Grant, has Sheridan, has the republican party been denounced from one end of this land to the other by clamorous democrats and their allies!

In the first place we see that Governor Kellogg issued this order. Sheridan had nothing to do with it; Grant had nothing to do with it; the Senate had nothing to do with it; but Kellogg must take the responsibility of issuing the order and the troops take the responsibility of obeying the order. There is the responsibility, and there is the whole of it. Your denunciation of President Grant for using the Army in a legislative body goes for naught, for he knew no more about it than you did until he saw it announced in the public prints.

He is denounced in this Chamber as a usurper, as a tyrant, as an oppressor of the South, in regard to a matter that he knew no more about than you did yourselves. But you could not wait until the information came; you could not wait until you could hear the truth; you could not wait to see the facts; you could not wait for the country to hear the facts; you must present a false statement before the country to have a clamor raised before the truth could come, all for political purposes and for nothing else.

Now, sir, without justifying or excusing in any way whatever the action of Governor Kellogg, I say it is his action. He is responsible for it. But I should like to put a few cases to the democracy here, and before I am through I will show that you have indorsed usurpations ten times as strong as this you accuse the military of at New Orleans, and I will show it from the records, not to be disputed.

I ask you what was Kellogg to do with all these things conspiring together to convince him that a revolution was imminent, to convince him that rebellion was rife there in his own State, that his authority would be ignored, that treason would be perpetrated against the State? I ask you what was left for him to do? Must he quietly submit, must he allow an unauthorized mob, without law or authority, to organize itself in defiance of law, and when organized to carry out the treasonable plot against the government? And what was that? As detailed by a man who was in the conspiracy himself to a member of the House of Representatives, a man once elected or pretended to be to the Senate of the United States, the conspiracy was, if that Legislature were organized with Wiltz at its head, to seize the organization, and then with scaling-ladders, if necessary, to take possession of the senate chamber, inaugurate the McEnery senate which had been out for two years, and then put Kellogg out and install McEnery, and appeal to the democratic party to sustain them in their revolution. That was the conspiracy. These are the facts that will be established—a conspiracy against the government, with an understanding that they would be sustained by the democratic party all over the country, and that then Grant could not possibly undertake to put down or change that government after it was once established.

Let me say here to-day that this raid which has been made in the Senate Chamber, and by the New York press, by the New York meeting before the facts have been placed before the country, bears witness to the fact that there must have been some kind of understanding with somebody that revolution was to be produced in this country for the purpose of overturning the Louisiana State government. I do not say that men in this Chamber understood it. I say no such thing; but men somewhere understood it. There seems to be a kind of spontaneous outburst all over the country on one side against usurpation, based on falsehood carried with the wings of lightning all over this land, when truth refutes every word that has been stated in this Chamber and elsewhere in reference to the organization of that Legislature.

But, sir, I propose to go a little further in my notions than some of my political friends. I believe when a State government is about to be overturned that the State authorities have a right to call to their aid that necessary force which will protect them in their legal authority. I believe the Government of the United States, as a government, has a right to call to its support that necessary force which will subdue insurrection, put down rebellion, and punish treason. I believe that no government can exist unless it has that power, and unless it will at times exercise that power. Why do I believe this? The life of the citizen is the life of the State; the death of its citizens is the death of the State; and war upon its citizens is a war upon the State. There is a God-given right inherent in every man to use such means as may be within his power of employment to protect his own life and his own body from harm. It is a well-known principle in law that if a man menaces me in a threatening manner, with such deadly implements as are calculated to make me believe that he intends to perpetrate bodily harm upon my person or cause death, I have a right to take his life.

Every citizen has that inherent right in him. The State is made up of an aggregation of citizens. Each citizen that becomes a part of that aggregate body takes with him that inherent right. When, then, we are aggregated together as citizens of a State, we as a government or a State have that inherent right, whether expressed on our statute-books or not, of self-preservation. That inherent right of self-preservation gives to us the right to exercise such power as may be within our command to preserve the life of the State as well as to preserve the life of its citizens. Then, sir, when a State is threatened, when a nation is threatened with revolution, with treason, when its life is threatened, that inherent right that comes from above and not from statute, belongs to it to employ such means as will preserve the life and authority of that State.

If to-day the democratic party were in power in this Senate Chamber, and you, sir, without authority of law were to seize that gavel and demand obedience to your authority, and the republican minority (if they were in the minority) should have around them here all this vast number of men with ribbons on their coats and on them printed "Assistant sergeant-at-arms," in order to help enforce your decrees, and we should thereby overturn the rightful power in this Senate Chamber, I ask my democratic friends what would be their course? They talk about chivalry, they talk about rights, they talk about liberty. Would they acquiesce peaceably and calmly or would they resort to force? Would they not appeal to the President of the United States, and if the President by his own proclamation could

not subdue the resistance, what would be the resort? Suppose the galleries here were hissing; suppose the galleries were shouting; suppose they were drawing pistols, knives, and bludgeons for the purpose of enforcing the decrees of the minority; what then would be your course? There is not a man in the Chamber, be he democrat or republican, but would answer, "We would appeal to the armed forces of the country to sustain the majesty of the Senate under the law." And yet you talk about tyranny and oppression!

Now, I will give you another illustration. On the assembling of the next House of Representatives you have a democratic majority. The law of Congress is precisely the same as the law of Louisiana; or, in other words, the law of Louisiana is copied almost verbatim from the act of Congress; and what is that? That the Clerk of the old House of Representatives shall place the names of those members on the roll who have certificates from the governors of their States of their election. Now, suppose that Clerk, being a republican, instead of placing on the roll the names of men having certificates of the governors, so as to give a democratic majority, should place a republican majority on that roll and exclude those having certificates, and in that way organize a republican House of Representatives; what would you democrats say then? Would you say "We will quietly submit; we must yield; they have captured the organization." Is that the way you would talk? No, sir; every democrat in this Chamber would rush to the other House; every democrat in this city would rush to that House. You would appeal to force; you would ask the Army, the Navy, all the power of this Government to restore order and place your party in power where they were entitled to be according to the certificates of the governors of the different States. Do you not know you would do it? Does not every man know you would? And yet you are talking about tyranny and oppression!

I should like to give my democratic friends a little taste of democracy on military usurpation, and I will do it right here. It is very well for us sometimes to look at our own record. It is well for us republicans, when we are talking sometimes and denouncing democrats, to examine our own record. Now let us examine the democratic record of this country as to military usurpation, and see what it will prove. I will commence a good way back and see who is consistent and who is not. I will commence with one of the leading democrats who has lived in this country, Andrew Jackson. Speaking of the battle of New Orleans, when the forces were under the command of General Jackson, we find this statement of facts recorded:

General Jackson was involved in much trouble by the conduct of many civilians during the campaign, who forgot that a dictatorship alone could save the State, which the enemy, had they been victorious, would probably have retained, in spite of the treaty of Ghent, on the ground that the treaty of 1803, by which France had ceded Louisiana to us, was void and of no effect, because she had no claim to the territory she had sold. A Frenchman, M. Louiallier, a member of the Legislature of Louisiana, was conspicuous among the general's enemies, and him the general had arrested on March 5. Judge Hall, of the United States district court, granted Louiallier's petition for a writ of *habeas corpus*, and was himself arrested and imprisoned and then banished from the city. On March 13 martial law was abrogated by Jackson's order, and Hall returned. General Jackson was then arrested on a charge of contempt of court and fined $1,000. He refused the offers that were made from all sides to pay the fine, and paid it himself, protecting the court, which could not have stood a moment against his opposition. After his retirement from public life some of his friends requested Congress to refund the amount of the fine. This petition was successful after encountering considerable opposition; and the bill refunding the money, principal and interest, was passed in February, 1844.—*New American Cyclopedia, volume* 9, *page* 683.

Over sixty years ago General Jackson arrested a member of the Louisiana Legislature right in the city of New Orleans about which this controversy is to-day; he put the judge of the United States court in jail and banished him from the city and declared martial law, for which he was fined $1,000. That same General Jackson—that same usurper as you would call him now since your patriotism is bubbling out at every pore—you elected President of the United States in a very few years after he had performed this outrageous act. You democrats did that. This deed was done after the British were gone, after they had retired. A member of the Legislature was arrested and taken out of the body, and the judge of the United States court put in jail by the man whom you elected President of the United States; and for no act was he more eulogized afterward by the democracy than for this very act of his. Without saying whether it was right or wrong, I merely give you the fact to show you what you are to-day and what you were yesterday.

Now, I want to go a little further. I want to show you how patriotic and devoted to the Constitution of the United States our pure democratic friends have always been. There occurred a little circumstance in 1854 that probably is worth relating, and I will quote from the history of the country in reference to it. There was a slave, a runaway slave, by the name of Burns, found in Boston, Massachusetts, in May, 1854. Franklin Pierce, the democratic President of the United States, did what? The marines from the navy-yard, the soldiers from Fort Independence, and the militia of Boston, under the order of a democratic President of the United States, entered the city of Boston and arrested this fugitive slave. When slavery was your plank in politics you could take the troops to enter the city of Boston and arrest a slave and return him to the State of Virginia, on a Government vessel, put him in manacles and shackles, and keep him a bondman by the force of the Army and the Navy; but when the Army is used to protect liberty and enforce law you howl as though a set of tyrants were setting fire to your houses! This, Mr. President, was democracy in 1854. It is well enough to use the Army and Navy to enslave men; but when you use the Army to enforce law, when you use the Army to protect the liberty of citizens in a State, it is an outrage, and tyranny, and oppression unheard of in a civilized country.

Now, sir, let us follow this a little further. I am not done with our democratic military records yet. There is another little instance where the majority of the democrats, when these things were taking place, joined in sustaining the use of the Army there; but while the democrats were sustaining President Pierce, you remember there was a little trouble over in Kansas. In 1856, in the Territory of Kansas, at the town of Topeka, a free State Legislature assembled. President Pierce then issued a proclamation that I will send to the Clerk and ask to be read.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A proclamation.

Whereas indications exist that public tranquillity and the supremacy of law in the Territory of Kansas are endangered by the reprehensible acts or purposes of persons both within and without the same, who propose to direct and control its political organization by force; it appearing that combinations have been formed therein to resist the execution of the territorial laws, and thus, in effect, subvert by violence all present constitutional and legal authority; it also appearing that persons residing without the Territory, but near its borders, contemplate armed intervention in the affairs thereof; it also appearing that other persons, inhabitants of remote States, are collecting money, engaging men, and providing arms for the same purpose; and it further appearing that combinations within the Territory are endeavoring by the agency of emissaries and otherwise to induce individual States of the Union to intervene in the affairs thereof, in violation of the Constitution of the United States; and whereas all such plans for the determination of the future institutions of the Territory, if carried into action from within the same will constitute the fact of insurrection, and if from without, that of invasive aggression, and will in either case justify and require the forcible interposition of the whole power of the General Government as well to maintain the laws of the Territory as those of the Union:

Now, therefore, I, Franklin Pierce, President of the United States, do issue this my proclamation to command all persons engaged in unlawful combinations against the constituted authority of the Territory of Kansas or of the United States, to disperse and retire peaceably to their respective abodes; and to warn all such persons that any attempted insurrection in said Territory, or aggressive intrusion into the same, will be resisted not only by the employment of the local militia, but also by that of any available forces of the United States, to the end of assuring immunity from violence and full protection to the persons, property, and civil rights of all peaceful and law-abiding inhabitants of the Territory.

If in any part of the Union the fury of faction or fanaticism, inflamed into disregard of the great principles of popular sovereignty which, under the Constitution, are fundamental in the whole structure of our institutions, is to bring on the country the dire calamity of an arbitrament of arms in that Territory, it shall be between lawless violence on the one side and conservative force on the other, wielded by legal authority of the General Government.

I call on the citizens both of adjoining and distant States to abstain from unauthorized intermeddling in the local concerns of the Territory, admonishing them that its organic law is to be executed with impartial justice; that all individual acts of illegal interference will incur condign punishment; and that any endeavor to intervene by organized force will be firmly withstood.

I invoke all good citizens to promote order by rendering obedience to the law; to seek remedy for temporary evils by peaceful means; to discountenance and repulse the counsels and the instigations of agitators and of disorganizers; and to testify their attachment to their country, their pride in its greatness, their appreciation of the blessings they enjoy, and their determination that republican institutions shall not fail in their hands, by co-operating to uphold the majesty of the laws and to vindicate the sanctity of the Constitution.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed to these presents.

Done at the city of Washington, the 11th day of February, in the year of our [L. S.] Lord 1856, and of the Independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:
W. L. MARCY, *Secretary of State.*

Mr. LOGAN. I ask the Secretary now to read the order of Jefferson Davis, the then Secretary of War, to the forces in Kansas.

The Chief Clerk read as follows:

WASHINGTON, *February* 15, 1856.

SIR: The President has by proclamation warned all persons combined for insurrection or invasive aggression against the organized government of the Territory of Kansas, or associate to resist the due execution of the laws therein, to abstain from such revolutionary and lawless proceedings; and has commanded them to disperse and return peaceably to their respective abodes on pain of being resisted by his whole constitutional power. If, therefore, the governor of the Territory, finding the ordinary course of judicial proceedings and the powers vested in United States marshals inadequate for the suppression of insurrectionary combinations or armed resistance to the execution of the law, should make requisition upon you to furnish a military force to aid him in the performance of that official duty, you are hereby directed to employ for that purpose such part of your command as may in your judgment consistently be detached from their ordinary duty.

In executing this delicate function of the military force of the United States, you will exercise much caution, to avoid, if possible, collision with even insurgent citizens, and will endeavor to suppress resistance of the laws and constituted authorities by that moral force which happily, in our country, is ordinarily sufficient to secure respect to the laws of the land and the regularly-constituted authority of the Government. You will use a sound discretion as to the moment at which the further employment of the military force may be discontinued, and avail yourself of the first opportunity to return with your command to the more grateful and prouder service of the soldier—that of the common defense.

For your guidance in the premises you are referred to the acts of 28th of February, 1795, and 3d of March, 1807, and to the proclamation of the President, a copy of which is herewith transmitted.

Should you need further or more specific instructions, or should in the progress of events doubts arise in your mind as to the course which it may be proper for you to pursue, you will communicate directly with this Department, stating the points upon which you wish to be informed.

Very respectfully, your obedient servant,

JEFFERSON DAVIS.

Official copy:
E. D. TOWNSEND, *Adjutant-General.*

Mr. LOGAN. Mr. President, it will be seen that at this time, in February, 1856, after President Pierce had issued a proclamation for the disorderly persons in the State of Kansas to disperse, Jefferson Davis, the then Secretary of War, issued an order to the troops in

Kansas, putting them under command of the governor of that Territory, to be summoned at his call for the purposes he might require. What followed? Let me read:

Governor Shannon had left the Territory, and Secretary Woodson was acting governor. The latter went to Topeka, and there issued a proclamation, forbidding all persons claiming legislative power under the Topeka constitution from organizing. Colonel Sumner, acting under orders from Washington, entered the house of representatives. The roll was called by the clerk, and this officer remarked that he was about to perform the most disagreeable duty of his life, and that was, the dispersion of the Legislature. He said his orders were to disperse it; and, in answer to Judge Schuyler, he said he should employ all the force necessary to carry his orders into effect. He then entered the senate chamber, and in like manner dispersed that body.—*Wilson's Rise and Fall of the Slave Power in America*, page 500.

There is a case for you. In 1856, under the orders of the Secretary of War, Jeff. Davis, acting under the authority of the President of the United States, your troops entered the Legislature of an inchoate State, and dispersed one house and then the other. The facts, outside of what I have read, are that Colonel Sumner, afterward General Sumner, who was killed in battle, trained his artillery on the State-house, stationed his troops at the door, and notified the Legislature that he would use all the force in his power if they did not disperse. They did disperse. That was indorsed by the majority of the democratic party all over this country; but that same democratic party who indorsed that invasion of a Legislature and that dispersion of a Legislature to-day denounce the republican party of the United States—for what? Merely because Kellogg, without the orders of the President, without the orders of the general, put out men who were not members of the Legislature, in order to organize men who were members of the Legislature, in accordance with the laws of the State of Louisiana.

Mr. EDMUNDS. And that at the request of a majority of the Legislature.

Mr. LOGAN. Yes, sir. He did not do that until fifty-two men, a majority of that house of the Legislature, had signed a petition to him, asking him to use the necessary force to put them in their position and to put the mob out.

Mr. SCHURZ. May I ask the Senator a question?

Mr. LOGAN. Certainly.

Mr. SCHURZ. Does he remember the number of the members of the house of representatives in Louisiana?

Mr. LOGAN. I think the number was one hundred and eleven allowed by law, but the number present was fifty democrats and fifty-two republicans.

Mr. SCHURZ. In that case fifty-two were not a majority of the members elected.

Mr. LOGAN. I will state now, that the Senator may understand me, there were fifty-two members on the republican side and fifty members on the democratic side who met in that hall that morning. The fifty democrats took possession of the hall with the mob that assisted them, but the fifty-two republicans, being a majority of those members present, went in a body and petitioned the governor of the State to exercise his power to put them in that hall. Is that not the fact, I ask the Senator?

Mr. SCHURZ. Is it not also the fact——

Mr. EDMUNDS. First find out whether that is the fact. [Laughter.]

Mr. SCHURZ. Is it not also the fact that when the vote on speaker was taken fifty-seven votes were cast, one in blank, and that therefore republicans took part in the proceedings so far?

Mr. LOGAN. Is that the Senator's answer to my question?

Mr. SCHURZ. To what question, if the Senator pleases?

Mr. LOGAN. I ask the Senator if it was not the fact that the records show there were fifty democrats and fifty-two republicans who met in that hall that morning?

Mr. SCHURZ. The record, as far as I understand it, shows that fifty-two republicans went out; but as to the fifty democrats I do not know.

Mr. LOGAN. Well, it is not necessary to have any controversy about these things. I have failed since this discussion has commenced to get the truth out of a solitary man in answer to a question of plain fact that the record presents to the country. Now, it is a fact, and the Senator does know it, that one hundered and two men responded to that roll, fifty democrats and fifty-two republicans, for that has been the record all the time, and the Senator cannot help but know it. But the facts are things that are not wanted here. They petitioned the governor to put the mob out and let the Legislature organize, and that is what he did, and all that he did, and for that Grant is denounced, and Grant knew no more about it than the Senator from Missouri. For that Sheridan is denounced and he had nothing to do with it. For that the republican party is denounced which had no knowledge of it. For that everybody in the republican party generally is denounced as not fit to control or participate in the affairs of this Government.

Sir, it is sometimes a very good thing for us to continue referring to our own record. I have another piece of history here that probably will be of some information to our well-informed democrats who have been talking so loudly about military usurpation. I have shown you that they elected one President—they elected him twice—who was one of these military usurpers. Let me read a little history about another military usurper, and for the benefit of my friend from Maryland, [Mr. HAMILTON.] I wish he was here. He forgot this the other day, although he is a Senator from that State. Here is a little order that I hold in my hand dated, "Headquarters of the Army of the Potomac, Washington, September 12, 1861," addressed to General Banks, a conservative independent member of the next House of Congress:

GENERAL: After full consultation with the President, Secretaries of State, War, &c., it has been decided to effect the operation proposed for the 17th. Arrangements have been made to have a Government steamer at Annapolis to receive the prisoners and carry them to their destination.

Some four or five of the chief men in the affair are to be arrested to-day. When they meet on the 17th, you will please have everything prepared to arrest the whole party, and be sure that none escape.

It is understood that you arranged with General Dix and Governor Seward the *modus operandi*. It has been intimated to me that the meeting might take place on the 14th; please be prepared. I would be glad to have you advise me frequently of your arrangements in regard to this very important matter.

If it is successfully carried out, it will go far toward breaking the back-bone of the rebellion. It would probably be well to have a special train quietly prepared to take prisoners to Annapolis.

I leave this exceedingly important affair to your tact and discretion, and have but one thing to impress upon you, the absolute necessity of secrecy and success.

With the highest regard, I am, my dear general, your sincere friend,

GEORGE B. McCLELLAN,
Major-General, United States Army.

Now, what was this order for? To arrest the Maryland Legislature.

Mr. CONKLING. And Maryland had not been declared in insurrection.

Mr. LOGAN. And Maryland had not been declared in secession. General Banks issued his instructions, which I will read, to Lieutenant-Colonel Ruger, commanding the Third Wisconsin Regiment:

SIR: The Legislature of Maryland is appointed to meet in special session to-morrow, Tuesday, September 16. It is not impossible that the members, or a portion of them, may be deterred from meeting there on account of certain arrests recently made in Baltimore. It is also quite possible that on the first day of meeting the attendance may be small. Of the facts as to this matter I shall see that you are well informed as they transpire. It becomes necessary that any meeting of this Legislature at any place or time shall be prevented.

You will hold yourself and your command in readiness to arrest the members of both houses. A list of such as you are to detain will be inclosed to you herewith, among whom are to be especially included the presiding officers of the two houses, secretaries, clerks, and all subordinate officials. Let the arrests be certain, and allow no chance of failure. The arrests should be made while they are in session, I think.

There is the order. The arrest shall be made while they are in session.

You will, upon the receipt of this, quietly examine the premises. I am informed that escape will be impossible, if the entrance to the building be held by you. Of that you will judge upon examination. If no session is to be held, you will arrest such members as can be found in Frederick. The process of arrest should be to enter both houses at the same time, announcing that they were arrested by orders of the Government; command them to remain as they are, subject to your orders.

Any resistance will be forcibly suppressed, whatever the consequences. Upon these arrests being effected, the members that are to be detained will be placed on board a special train for Annapolis, where a steamer will await them.

There is the order of General George B. McClellan, a democrat; there is the instruction of General Banks, an independent member of the next Congress; and there is the arrest of the Maryland Legislature by the order of the general commanding, and you ran him for President the first chance you got afterward. And yet you are violently opposed to these arrests! How strange it is that all of these arrests, all of these usurpations, all of these outrages heretofore in this country have been committed by democrats and men who have been sustained by democrats, and yet to-day the mere authorizing of men to perform their duty under the law by an officer of the Army has caused one of the greatest commotions that ever was known in the democrat tea-pot in this country!

Mr. President, when I heard the clamor of these gentlemen here a few days ago, I commenced reflecting whether these democrats had ever done any wrong in their lives. I commenced studying, and asked myself, "Is it possible that the republican party have been such violators of law, such criminals as they have been accused of being, and that the democratic party have been pure all their lives without taint or blemish?" You would think to hear them talk in this Chamber that they were saints come down from heaven to minister here among men. Yet we find they are not saints. Yet we find, by examining history somewhat, that they have not been so saintly and pure all the days of their lives as they would make the people believe if the people would believe them. I should like merely to say this in their presence: While you have denounced Phil. Sheridan almost as a barbarian, as cruel, and inhuman, I would like merely to suggest to you that sometimes history does repeat itself. One man was made President for making New Orleans behave itself, and it might make a second.

Next, let me for a moment call the attention of the Senate and of the country to what is going on about us to-day. Our people seem to be alarmed—at what? Not at the action of President Grant, for he has taken no action; but the country is made to believe that he has perpetrated a great wrong; not that any great wrong has been done, but the mere pretense of a wrong for purposes of some kind or other—I know not what they are—which are covered up. Let me ask my democratic friends what they mean by such resolutions as these which I send to the clerk's desk and ask to have read?

The Chief Clerk reak as follows:

THE VIRGINIA LEGISLATURE ON THE LOUISIANA AFFAIR.

RICHMOND, VIRGINIA, *January* 9.

The following resolutions were introduced in the senate:

"*Resolved by the General Assembly of the Commonwealth of Virginia*, That the governors of the States composing the United States of America be, and they are hereby, earnestly requested to convene as soon as practicable the Legislatures of

their respective States, in order that the States may consult together and advise with each other respecting the late interference of the Army of the United States with the Legislature of the State of Louisiana, and determine simultaneously and promptly what is necessary to be done to defend and preserve the independence and autonomy of the States.

"*Resolved*, That the governor of this Commonwealth be, and he is hereby, requested forthwith to telegraph these resolutions to the governors of the several States and request immediate replies."

Animated and prolonged discussion ensued, in which a spirit of moderation predominated, leading senators opposing Virginia taking the initiatory movement as a State in this grave matter. It was the general opinion, however, that Virginia should give expression of sentiment through her Legislature in the form of a protest against the action of the General Government in relation to Louisiana, and an appeal to the American people for redress, and also to express the deep and lasting sympathy of the people of Virginia with the people of their sister State of Louisiana. At the conclusion of the discussion the whole matter was laid over and made the special order for Tuesday, at one o'clock.

Mr. LOGAN. Here we have old Virginia resolving that all the governors of the different States shall meet together for consultation—on what? On the outrage perpetrated by the Army of the United States on the Louisiana Legislature! Which outrage? The one that was perpetrated by the democrats calling in the military, or the one that was perpetrated by the republicans calling in the military? The one by the republicans, as a matter of course. The other could not be an outrage, because our democratic friends did it. It is only that which we do that is an outrage. I ask what does this mean? What are the governors to meet for? Suppose they conclude that it is an outrage, what do they propose to do? To secede? Is that the object? To go into another rebellion? Is that the proposition? What else do they propose? Sir, I remember well when the same kind of thing started in the South a few years ago. Resolutions were introduced in Southern State Legislatures calling the Southern States into consultation; and what was the result of that consultation? The result was rebellion and bloody war against this Government. What do all these things that now surround us prove to us? Is it for peace they want these governors to meet? Is it to suppress unlawfulness that they want them to meet? Is it to suppress Ku-Klux and White Leagues? If so, we are trying to do that without the governors meeting. Or is it for the other purpose? Is it to organize themselves together to resist the National Government of the United States, and to stand by Penn and his rebellion against the government of the State of Louisiana? Sir, methinks the latter is the purpose; that it is to stand by the insurgents in the State of Louisiana, that thereby a new rebellion may be organized against this Government. We have been told already that the northern people were tired of this thing. We have been told already that the northern people have grown surfeited in reference to this cry and in reference to the administration of these governments. We have been told already that the North was yielding to their clamor and would stand by them. In my judgment the very moment that is proven to the people of this country, there are men, and plenty of them, too, in the Southern States ready, and armed and equipped, to rise in revolt against this Government and seize it and destroy it, as was attempted once before; and this is but the mere outcropping of it in the old State of Virginia in her resolutions.

Ah! but we have been reminded on this floor of the past patriotism of Virginia. We have been told in eloquent strains that Virginia had furnished us a Washington, a Patrick Henry, and a Jefferson. True, but that was a long time ago; the second brood furnished us by Virginia did not equal the first.

I have no hate for these southern people. I would meet them to-day with an affectionate grip of the hand if they would only yield a willing obedience to the laws of the country. But until they do that, I tell them that while the northern people may be beguiled into voting their ticket and may possibly be annoyed until they will let them for a temporary purpose have control of this Government, they must not flatter themselves that they can usurp the powers of this Government and trample under foot the rights of the people, either white or black, for a much longer time, without arousing such a feeling of the northern mind and in the northern heart as will exercise that power silently which belongs to numbers at the ballot-box; and it is the only way they propose to exercise their power or control, and it is the only way that they ever attempted to do so.

Mr. SARGENT. Will the Senator allow me to cite a section of the Constitution showing that the action proposed by the Legislature of Virginia is directly opposed to that instrument and is unconstitutional?

Mr. LOGAN. Certainly.

Mr. SARGENT. It is a clause of section 10, article 1:

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

Mr. DAVIS. One moment. I understand that Virginia passed no such resolution. It was introduced by some member, debated, and laid over.

Mr. SARGENT. I simply said that the action referred to, which was proposed in the Legislature of Virginia, was in violation of the Constitution.

Mr. LOGAN. My friend from California reads the Constitution to show that that action would be in violation of it. That is a matter that we all understand. But at the same time that we know that, that would not interfere materially with Virginia, whether it was unconstitutional or not. [Laughter.]

After discussing all these propositions and probably at more length than I should have done, I have not yet done the subject justice, nor can I. It does not belong to my feeble powers to do justice to this question, to this outrage that has been perpetrated upon the people of this country by falsifying the facts with reference to the conduct of these people within the State of Louisiana.

Some remarks have been made upon this floor peculiar in their strength and strained, I must say, in the manner of their utterance. Our amiable friend from Delaware, [Mr. BAYARD,] who seldom so far forgets himself as to use harsh language toward any one, in his calm and deliberate speech the other day made use of language that I must say aroused somewhat in me a feeling different from that which I desire to have in reference to that Senator, for I have always had great respect for him. He said, in speaking of General Sheridan's dispatch, "Let us see if that man Sheridan is fit to breathe the free air of a republic." He then said his acts were those of cruelty and disgraceful to the American nation. If Sheridan is not fit to breathe the free air of the Republic, I appeal to heaven to name the man in this land who is. If Sheridan, after having done as much perhaps as almost any man beneath the shining sun to preserve this Republic, is not fit to breathe its free air, tell me the name of that living man who is? What are we to infer from such language as this? If a man is not fit to breathe the free air of a republic, he is not fit to hold office under it. If his acts are disgraceful to this country, he is unfit to wear the badge of official position. All this being the case in the estimation of the Senator from Delaware, we have plainly depicted on the canvas that is now moving before us that which will be done when they succeed to power. What is it? When the democrats shall have control with their allies, what shall we expect? Sheridan is not fit to breath, the free air of a republic; he is a disgrace to the nation; he must go out. Sherman, too, indorsing Sheridan, must go out. Grant must pass away. All the men that helped save the Republic are now a disgrace to the Republic. They must bow themselves out, and you must bow yourselves in. Who bow in? Your Earlys, your Davises, and others of like ilk, your men that tried to destroy the Government by thundering at its gates for four years, trampling the Constitution and laws under foot, violating their oaths as citizens, are to take their places. Is that what you mean? I want to know it now if that is the meaning of the remarks of the Senator from Delaware. Sir, it will be a good while in this country before a little indiscreet remark in a dispatch that has no force in it, that cannot be executed in any way whatever, will cause the American people to forget the gallantry of a man like Phil. Sheridan. This country will have to be subsoiled and plowed over and the bones of every soldier in this land buried so deep that you cannot touch them before such a man will stand in disgrace for an indiscreet remark in a dispatch. The gentleman who undertook to bury his patriotism, to destroy his fair fame and his fair name by such remarks in this Chamber did not well understand the hearts of the American people.

Mr. BAYARD rose.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) Does the Senator from Illinois yield to the Senator from Delaware?

Mr. LOGAN. Yes, sir.

Mr. BAYARD. I understand that my rights here to comment upon the character of any officer of the United States are secured to me by law, and they are to be exercised by me in my own conscientious discretion. What I have said of this officer was said sincerely, believing it to be true. If he is painted in a light that renders him discreditable to the people of this country, he is drawn so by his own hand. I asked the members of this Senate, and I asked the American people, and I repeat the question, let them read this officer's intent and meaning by his own dispatches, and then ask if he is fit to breathe the free air of a republic; and if he can breathe it and can put into effect the threats contained in his dispatches, then he will be the only man who will breathe free air, for the rest of us who survive will be the mere slaves of his will. I do not propose to enter into competition with the honorable Senator in his admiration of General Sheridan. I distinctly stated that I had no disposition to detract in the least degree from any portion of his just renown. But whatever may or may not be my admiration of military glory, I do here profess and always shall profess my superior admiration and respect for the power of the law, which the most brilliant soldier should not be permitted to surpass. The liberties of my fellow-citizens are dearer to me than the renown of the soldier who seeks only to smirch the laurels he may have gained heretofore by an assault upon the liberties of his fellow-citizens in Louisiana. His dispatch as read by me was that which I called upon the country to judge him by.

Mr. LOGAN. I do not think I yielded to a speech.

Mr. BAYARD. Well, Mr. President, the honorable Senator has referred to me several times in the course of this debate. I did not desire to interrupt him, as he was making a very earnest speech; but as I had been referred to so often by him, and now again in connection with something like a peroration of that portion of his speech in respect to General Sheridan, I thought it proper just at this time to rise and say what I have said. I ask the American people to let General Sheridan draw his own character by the light of his own dispatches. If they can approve of the recommendation that the

President of the United States can drive beyond the pale of the law citizens of any State, and leave them to the short rope and short shrift of a drum-head court-martial, then the honorable Senator may find that they agree with him. If not, as I believe, the great body of the law-abiding sentiment of the people of this country will agree with me in every word that I have said in regard to him.

Mr. LOGAN. I am glad that I gave the Senator an opportunity to repeat what he had said before. It only shows the feeling that there is in the heart. Sometimes when we have said hard and harsh things against a fellow-man, when we have cooling time we retract. If, after we have had cooling time, the bitterness of our heart only impels us to repeat it again, it only shows that there is deep-seated feeling there which cannot be uprooted by time. I gave the opportunity to the Senator to make his renewed attack on Sheridan. I will now say what I did not say before, since he has repeated the remark, that his attack upon Sheridan and his declaration that Sheridan is not fit to breathe the free air of a republic, is an invitation to the White Leagues to assassinate him. If he is not fit to breathe the free air, he is not fit to live. If he is not fit to live, he is but fit to die. It is an invitation to them to perpetrate murder upon him.

Now let me go further. I announce the fact here in this Chamber to-day, and I defy contradiction, that the democracy in this Chamber have denounced Sheridan more since this dispatch was published than they ever denounced Jeff. Davis and the whole rebellion during four years' war against the Constitution of this country. I dislike much to say these things; but they are true, and as the truth ought not to hurt, I will say them.

But we are told that the people of the South are loyal and true to the Government. We are told by our friend from North Carolina [Mr. MERRIMON] that peace reigns in that State, peace reigns in Georgia, in Alabama, in every State in the South. When you mention here the fact that disorders are existing in Southern States you find Senators jumping up at every corner and saying, "There is no trouble in my State." Our friend from North Carolina says there is no trouble in his State. They did elect a Ku-Klux judge down there, but still they have no trouble. It was necessary probably to protect the rest of the Ku-Klux, and therefore it gave peace! My friend from Maryland says, "Give the democrats control of the Southern States and you will have peace, but you cannot have it unless they have control!" I do not doubt that this is true, but what a peace that would be! I have heard that remark before. Do you not remember—sir, I know you do—that some fourteen years ago the only remark was "Let us alone," "Let us alone?" The only remark was, "Do not interfere with us and you will have peace; if you do not make war we will not." This remark of "Let us have the States and we will give you peace" is the cry of men seeking to destroy the Government by insinuating themselves into power, and if they cannot insinuate themselves into power they will use terror, threat, murder, and everything else for that purpose. Give the democracy control and you will have peace, but if they cannot have control they will not let us have peace!

They failed to get control once before and we did not have peace. Because they could not get control they made war. If you will give them control now they will not make war, but if you do not they will. That is about the proposition. How long has it been since we have had this glorious peace in North Carolina? We have peace there now, I admit it. I have not been there, but I am told it is true. How long has it been since we have had that peace? But a short time ago men were hanged, men were murdered, men were driven from the country, men were affrighted and alarmed in that State, and armed forces had to be sent there to suppress the Ku-Klux; and the only way it was suppressed, and the only reason why you have peace in North Carolina to-day, is that we tried your Ku-Klux and sent them to the penitentiary; and Grant told you that you had to stop or he would make you do it, and you stopped through fear, not because you desired it. Men talk about always having had peace in their States, when on the trial of these Ku-Klux for their outrages such language was hardly ever heard as was uttered by the attorney of the Ku-Klux himself. He said their crimes were so atrocious that they were not to be listened to by civilized men, and they came up and confessed their crimes and many were sent to prison, and that gave peace.

But we are told that they have peace in Georgia, and my good friend from Georgia, the Senator farthest from me, [Mr. GORDON,] and he is a good-natured man, says they have perfect peace in their State; that there is no imposition upon voters, there there is no intimidation, everything is lovely; that things are in democratic hands and everything goes on quietly. I do not want to get into any discussion with him, but I believe I am safe in saying—and if he will listen to me and I do not state it correctly I am subject to be corrected—that I believe there was a time in Georgia when they had Ku-Klux in that State. If that is not true, then of course I will take it back. I do not know that the Senator himself ever belonged to them, but there is a little printed information here that might be very good for the country. I want the Senator from Georgia to understand that I do not do this for the purpose of criticising him or making any attack upon him, but I merely wish to read one or two little paragraphs of testimony taken before a committee to see whether his statement that Georgia is such a quiet and peaceable State and always has been is correct. We all know what the Ku-Klux were. The evidence before the country would satisfy anybody what the Ku-Klux organization is, what it was for, what its objects were, and what they did. Now, when this committee was taking testimony, and the chairman of the committee [Mr. SCOTT] is present—if I do not state correctly he can correct me—there was a gentleman sworn before that committee by the name of JOHN B. GORDON, of Georgia. I do not know whether that is the Senator or not, but that is the name given. The chairman of the committee can say, or the Senator can say himself. In speaking about the Ku-Klux the question was asked:

You say that upon that apprehension of danger this organization was founded?

He said it was founded upon an apprehension of danger and for defensive purposes. The testimony then goes on:

Question. In what year was it founded?

Answer. I do not know; I think it was in 1867 or 1868, or along there; it may have been in 1866.

Q. Did I understand you to say that it prevailed over the whole State?

A. No, sir; I supposed it did; I did not know whether it did or not.

Q. What office did you hold in it, if any?

A. I did not hold any office. I was spoken to in regard to holding an office, but I never held any. The organization never was perfected, as I have already stated.

Q. In regard to holding what office were you spoken to?

A. I do not know that it is necessary to answer that question unless you insist upon it.

Q. I insist upon an answer.

A. I was spoken to as the chief of the State. I said very emphatically that upon that line I could be called on if it was necessary. But the organization never was perfected, and I never heard anything more about it after that time.

I only read this language to give the Senator the opportunity of saying whether he belonged to it or not. This evidence would look as though he did. I find this in the report of the investigating committee.

Now, when we say that these Ku-Klux were spread over the State and they were merely for defensive purposes that is all very well, but the country understands what Ku-Klux were just as well if there were not any witness to state what they were. They know all about the band, about its organization and all about it. Now, further; I may be mistaken in saying that in my judgment our friends South, and I do not blame them for being zealous in their own cause, I find no fault with them for that, but they do not believe there is any turbulence down there, they do not believe there is any bad blood down there; and I will tell you why. My friend the Senator did not believe there was any bad blood in Georgia, and does not think there is anything wrong there because these things have continued so long. I remember in the election of 1860 I had a friend, Stephen A. Douglas, who was a friend of mine and I was a good friend of his. In that year he undertook to travel through the State of Georgia. In the town of Atlanta he was insulted, grossly insulted, there in the city of Atlanta, when he was a candidate for President of the United States. When even before the war the people had that feeling toward northern men it is not to be expected that the feeling would be more kind to-day than it was then.

I do not intend to call my friend the Senator to account for anything he said. I much prefer that his State should be in the condition that he says it is. I hope it is. I hope his people are peaceable, that they are quiet and orderly, and loyal to the Government; and I have no right to dispute his word, nor will I; but I have a communication here from a man who I expect he knows, and I will ask the Clerk to read it. The man has written it, and handed it to me, over his own signature. Of course I am not responsible for it; but he says it is a fact, and gives me the privilege to have it read at the desk, and I will ask that it be read.

The Chief Clerk read as follows:

WASHINGTON CITY, *January* 12, 1875.

SIR: In obedience to your request, I herewith submit a few facts and circumstances touching the political condition of Georgia, embraced within my knowledge and experience during the last two or three years. * * * * *

I will begin by making the broad assertion that no man having republican proclivities or sentiments can acquire or hold any social position in Georgia; that whenever and wherever it is known that a man is a republican, that man is at once proscribed and ostracized by every democratic element, whether found in male or female.

In 1872 I dared to run for Congress in opposition to the nominee of the democratic party. Up to that date my social position in the city of Americus was as high as that of any other citizen. I and my family were invited to all public and private entertainments. Since then we have been pointedly left out in the "cold," and the only reason assigned for it was, that I was a candidate for Congress on the Grant ticket and supported by republicans; but the "feather that broke the camel's back" occurred last summer, when I was nominated by the republican party of my district for Congress. This circumstance alone made my ostracism as perfect as that of Horace Greeley would have been had he gone to Georgia twenty-five years ago. At no moment when out of my office or away from my hotel did I feel that my life was worth a baubee. Threat after threat was received of assassination, riding on rails, and tar and feathers. The entire press of the State heaped abuse and anathemas upon me, and why? Simply because I had accepted the republican nomination. Yet Senators have the hardihood to assert that all is "serene" in Georgia, that republicans are free and untrammeled in the expression of their political opinions, that they enjoy every cardinal principle of constitutional government.

At midnight after my nomination scores and scores of democrats came to my hotel and serenaded me with tin pans, bass drums, tin horns, pieces of old sheet iron, &c., applying to me every kind of insulting epithets. These people were permitted thus to insult justice and right undisturbed by a vigilant police, and the next day were discharged by the mayor of the city when arraigned for disorderly conduct. On the same night these democrats went to the house of B. F. Bell, a republican, with their tin pans and other discordant instruments, serenaded and abused him for being a damned radical in the presence and hearing of a sick wife.

In my district there are between twenty-one and twenty-three thousand voters, and my opponent conceded that the republicans had twenty-five hundred ma-

jority; yet there were only between twelve and thirteen thousand votes polled in the entire district, and why? Because the republicans were not permitted or allowed to vote. It was the policy and plan of the democrats not to open the polls at any precinct remote from the court-house precincts where there was a predominance of republican voters, (there being no law in Georgia to compel any person or persons to open the polls.) For instance, at Danville, in my county, and sixteen miles from the court-house, I had requested a large number of my party to assemble for the purpose of voting. The magistrates and other men who were to manage the election, all democrats, delayed the opening of the polls under one pretext and another until three o'clock p. m., the hour for closing the polls in country precincts in Georgia. Then these fair-dealing men would announce it was too late to have an election. It was also too late for the colored republicans to walk sixteen miles to the court-house, but the democrats would mount their horses and gallop to town in time to vote, and, after getting there, boast of their great feat of swindling me out of two or three hundred votes. At Antioch and Florence, in the county of Stewart, I lost one thousand votes in the same way. At Sumterville, in Lee County; at Lick Skillet, in Schley County; and Harrell, in Pulaski, and other country precincts, ranging from sixteen to twenty miles from their respective court-houses, hundreds and hundreds of republicans were deprived of their ballots in the manner heretofore described. For this reason there was a small vote polled in Georgia, and for this reason and others that I will hereafter mention I was defeated for Congress.

In the city of Americus, where I live, there was but one place of voting. The ballots were handed to managers through a window. In front of this window the colored voters formed a line and stood throughout the entire day like a stone wall, each one waiting for his turn to vote. The democrats did everything in their power to break their line and scatter them. For instance, they would go among them puffing tobacco smoke in their faces, snatching tickets from them, throwing cayenne pepper among them, pursuading, begging, and trying to bribe them to vote the democratic ticket. At least half of the colored voters were challenged, the challengers asking all kinds of silly questions, such as "Are you old enough to vote?" when perhaps the voter was fifty years old. "Have you paid your tax?" when the voter actually had his tax-receipt in his hand. "Havn't you got some other name?" and other foolish questions. Indeed, everything was done to delay voting on the part of republicans and kill time until six o'clock. The consequence was scores and scores of colored voters went away without voting, thinking that six o'clock would come before they would have a chance to present their ballots. On the other hand, democratic voters were received by the managers without a moment's hesitation, and there was no democrat challenged or required to show his tax-receipt during the day. My nephew was afraid to vote for me, because he was told that it would injure his business. The employers of my son-in-law were asked and implored by many democrats to discharge him because he voted for me. Many old customers of the house actually declared they would never patronize the house while my son-in-law was connected with it. His whole sin consisted in voting for his father-in-law, as he is and always has been a democrat.

During last September Captain H. L. French (an employé in a large dry-goods store) declared himself an independant candidate for the State senate. His employers told him plainly that they would discharge him if he dared to run against the democratic nominee. Thus the senator from my district was permitted to walk over a course where the republican majority was from twelve to fifteen hundred.

The day after my nomination for Congress Dr. McLeod left my hotel declaring that he could not stay in the same house with a republican. Another boarder (Mrs. Dr. Burt) requested the landlady to provide her another table as she could not sit and eat at the same table with radicals. The result was that a table had to be provided exclusively for my family.

In my town I could give circumstance after circumstance, example after exemple, by way of illustrating the intense hatred of democrats toward white republicans, and showing the utter and complete proscription of the latter, but I will close the scene on my county after adding that on the second night after the election I was insulted in every conceivable way. The democrats had a torch-light procession, and through transparencies I was caricatured as a hog, an ass, and in various other ways and forms, the whole thing ending by burning me in effigy. Yet, according to the speeches of some men in Washington, Georgia is a free country where every man, of whatever political hue, can express his sentiments undisturbed and unmolested.

On the day of election, in the county of Taylor, the tax-collector refused to receive poll-tax from colored voters who tendered the money, thereby depriving them of their legal right to vote.

In the county of Macon, at the October election, the tax-collector was requested by democrats to close his books and cease receiving poll-tax from colored voters, thereby depriving scores and scores of republicans from voting. In the same county, at Oglethorpe, one colored man was not permitted to vote because he was more than fifty years old. At Marshallsville, in the same county, a number of colored men who had been residents of the county from two to five months, and who were born in the State and never out of it, were not permitted to vote because they had not been in the county six months, when the law only requires thirty days. These men had lived in the district for years.

In the county of Pulaski, where the republicans number more than one thousand, I received but thirty-two votes. They went to the court-house town for the purpose of voting, but democrats threatened the lives of all men who voted for me, and otherwise intimidated them. Mr. King, the only white republican in the county, advised them not to vote, but to go quietly to their respective homes. In this way hundreds and hundreds of colored republicans were deprived of their right of suffrage at Hawkinsville. In the same county, W. S. Bush, a white republican from the neighboring county of Wilcox, was waylaid, beaten, and prevented from making a speech before the election.

The foregoing pages refer entirely to my district, and I could go on and elaborate at great length, giving other circumstances and facts showing the utter falsity of the assertion that we have quiet and fair elections in Georgia; that peace and harmony prevail there; but time and space admonish me to stop. The most of the facts thus far stated have come within my knowledge and personal experience, and the others are derived from sources whose truthfulness and genuineness I cannot doubt. Therefore I hold myself, to any man, at any time and place, responsible for their utterance.

Respectfully submitted.

JACK BROWN.

General JOHN A. LOGAN.

Mr. BOUTWELL. If the Senator from Illinois will yield the floor, I will move that the Senate proceed to the consideration of executive business.

Mr. LOGAN. I yield, for I am quite weak and feeble, and I will take the floor in the morning to conclude my remarks if I shall then be able to do so.

HOUSE BILL REFERRED.

The VICE-PRESIDENT. Before putting the question on the motion of the Senator from Massachusetts, the Chair will present a bill from the House of Representatives for reference.

The bill (H. R. No. 4306) to place Lawrence A. Williams, late major Sixth Cavalry, United States Army, upon the retired list of the Army, was read twice by its title, and referred to the Committee on Military Affairs.

RAILROADS IN THE TERRITORIES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States; which were referred to the Committee on Railroads, and ordered to be printed.

EXECUTIVE SESSION.

On motion of Mr. BOUTWELL, the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at four o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 13, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CONDITION OF AGRICULTURAL COLLEGES.

Mr. MONROE, by unanimous consent, presented from the Committee on Education and Labor a report in regard to the condition of the agricultural colleges of the United States; which was ordered to be printed and recommitted.

EMPLOYÉS IN STATE DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of State, transmitting, in compliance with section 194 of the Revised Statutes, a report of the names of the clerks and all other persons employed in the State Department or in any of its offices during the year 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCIES IN APPROPRIATIONS.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting estimates of deficiencies in the appropriations required by the various Departments for completing the service of the fiscal year ending June 30, 1875, and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

CONTINGENT FUND OF TREASURY DEPARTMENT.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting, in compliance with section 262 of the Revised Statutes, a detailed statement of the expenditures from the contingent fund of his Department for the fiscal year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

CONTINGENT FUND OF THE INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the resolution of the House of December 22, 1874, a detailed statement of all the expenditures of the contingent fund of his Department for the fiscal year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

COAST-RANGE INDIANS, OREGON.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting the draught of a bill for the removal of the Coast-range Indians from the Siletz and Alsea reservations in Oregon; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CUSTOMS-REVENUE LAWS.

Mr. KASSON. The Speaker will pardon me for interrupting the business, as my committee is in session and my presence is required there. I only desire to have the Senate amendment to the bill (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws and to repeal moieties," approved June 22, 1874, which is merely verbal, concurred in by the House, and the bill disposed of. The Senate has substituted the word "approved" for the word "passed." It is a mere verbal amendment.

Mr. BUTLER, of Massachusetts. I object to taking the Senate bill from the Speaker's table.

Mr. KASSON. It is only a verbal amendment.

Mr. BUTLER, of Massachusetts. I understand; but the civil-rights bill cannot lie there while every other business is taken up and disposed of.

Mr. KASSON. The only effect of delaying the bill will be to obstruct the course of justice in New York, where it is desired in pending suits.

Mr. BUTLER, of Massachusetts. I am sorry for the gentleman's bill, but I must object.

SPRINGFIELD BREECH-LOADING RIFLE.

The SPEAKER also laid before the House a letter from the Secre-

tary of War, in relation to royalty upon the Allen and Springfield breech-loading rifle and metallic cartridges; which was referred to the Committee on Patents, and ordered to be printed.

HEIRS AT LAW OF MATHIEU ALEXIS DE ROCHEFERMOIS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to bill (S. No. 314) for the relief of the heirs at law of Mathieu Alexis De Rochefermois; which was referred to the Committee on Claims.

UTE INDIANS IN COLORADO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an amendment to the appropriation for subsistence of the Ute Indians in Colorado; which was referred to the Committee on Appropriations, and ordered to be printed.

NEW SAFE FOR THE INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of an appropriation for the purchase of a new safe for the use of the disbursing clerk of his Department; which was referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM P. LYON & SON.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recommending an amendment to the Indian appropriation bill providing for the payment of the claim of William P. Lyon & Son for printing one thousand volumes of the Choctaw laws; which was referred to the Committee on Appropriations, and ordered to be printed.

CONTINGENT FUND OF NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, in relation to the disbursement of the contingent fund of the Navy Department; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPENDITURES AT THE SPRINGFIELD ARMORY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of April 2, 1874, a statement exhibiting the expenditures of the Springfield Armory; which was referred to the Committee on Appropriations, and ordered to be printed.

SURVEYS.

The SPEAKER also laid before the House a letter from the Secretary of War, submitting various surveys; which were referred to the Committee on Commerce, and ordered to be printed.

MORGAN'S LOUISIANA AND TEXAS RAILROAD COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report in the case of the refusal of Morgan's Louisiana and Texas Railroad Company to transport military supplies and troops for the United States over said railroad; which was referred to the Committee on Military Affairs, and ordered to be printed.

FOX AND WISCONSIN RIVERS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the lands required for the improvement of the Fox and Wisconsin Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF RIVERS AND HARBORS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of June 23, 1874, reports of the examination and survey of certain rivers and harbors; which was referred to the Committee on Commerce, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of May 11, 1874, a report showing the receipts and expenditures of the Louisville and Portland Canal from June 11 to December 31, 1874; which was referred to the Committee on Commerce, and ordered to be printed.

INDIANS IN WASHINGTON TERRITORY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill to provide for the consolidation of certain bands and tribes of Indians in Washington Territory, and for the sale of certain reservations in said Territory, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SUBSISTENCE FOR THE CHEYENNES AND OTHER INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriations for the subsistence and support of the Cheyenne, Arapaho, Apache, Kiowa, Comanche, and Witchita Indians in the Indian Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

EMPLOYÉS IN THE COAST SURVEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with the act of March 3, 1853, a statement showing the number and names of persons employed in the Coast Survey during the fiscal year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

RENT FOR BUILDINGS USED IN PUBLIC SERVICE.

The SPEAKER also laid before the House a letter from the Secretary of War, in reply to the chairman of the Committee on War Claims, relative to the payment of rent for buildings used for public services during the late rebellion; which was referred to the Committee on War Claims.

Mr. LAWRENCE. Without printing.

Mr. MAYNARD. I do not know about that. It appears to me that those things ought to go into print.

Mr. LAWRENCE. I think this will, but in the form of a report by the committee.

Mr. MAYNARD. If all is to be printed, well and good; but if only such parts are to be printed as the committee see fit to embody in their report, that is a different thing.

Mr. LAWRENCE. It will all be printed.

The SPEAKER. Does the gentleman from Tennessee move that the communication be printed?

Mr. MAYNARD. I will not insist upon it if the chairman of the Committee on War Claims will give an assurance that it shall all be ultimately printed.

Mr. LAWRENCE. It will be if I can get the opportunity of making a report and having it printed.

The SPEAKER. The Chair directs the communication to be printed.

CREEK ANNUITIES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an appropriation for Creek annuities; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN TRIBES IN NORTHERN SUPERINTENDENCY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting copy of a bill to amend the act of June 10, 1872, for the relief of certain Indian tribes in the northern superintendency; which was referred to the Committee on Appropriations, and ordered to be printed.

M. FAUST.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the bill of M. Faust, contractor, for grading and graveling street and sidewalks in front of Indianapolis arsenal; which was referred to the Committee on Claims.

CAMP COOK MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the Camp Cook military reservation, in Shasta County, California; which was referred to the Committee on Military Affairs, and ordered to be printed.

MOVABLE HYDRAULIC GATES AND DRAWS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to a report upon the applicability of movable hydraulic gates and draws to the improvement of the Ohio River; which was referred to the Committee on Commerce, and ordered to be printed.

PAYMENTS TO LAND-GRANT RAILROAD COMPANIES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of April 13, 1874, in relation to sums of money paid to certain land-grant railroad companies for the transportation of troops and property of the United States transported since the 1st day of January, 1866; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GARFIELD. Does the order to print include the printing of the volume which accompanies the communication?

The SPEAKER. The Chair thinks so.

Mr. RANDALL. That is very important information, which will probably lead to the saving of a great deal more than the cost of printing.

Mr. GARFIELD. All right.

MERCHANDISE SMUGGLED THROUGH THE MAIL.

The SPEAKER also laid before the House a letter from the Postmaster-General, in answer to a resolution of the House of December 22, 1874, in relation to the smuggling of merchandise through the mail; which was referred to the Committee on Ways and Means, and ordered to be printed.

SURVEY OF THE MINNESOTA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of June 23, 1866, a report of the result of the examination and survey of the Minnesota River; which was referred to the Committee on Commerce, and ordered to be printed.

SETTLERS ON FORT RANDALL MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a draught of a bill to amend an act entitled "An act for the relief of certain settlers on the Fort Randall military

reservation," approved May 18, 1874; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WILLARD, of Vermont. I desire to know if that report, including a draught of a bill, has the effect of introducing the bill into the House?

The SPEAKER. What would be the gentleman's point of order if it were?

Mr. WILLARD, of Vermont. I suppose it is not a bill introduced into the House.

The SPEAKER. If the matter is referred to the committee, they could found a bill on the report.

Mr. WILLARD, of Vermont. But this practice would allow a Secretary of one of the Departments or any Bureau officer to introduce and refer a bill into the House in this way.

The SPEAKER. It is a very common practice for the Departments to send the draught of a bill, which the committee can use or not as they please. They may take this bill or any other draught of a bill they please.

Mr. G. F. HOAR. It is nothing more than what any citizen may do by petition.

Mr. WILLARD, of Vermont. Will the bill be treated as if it had been referred by the House?

The SPEAKER. O, no; nothing of that sort.

GEOLOGICAL SURVEYS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior in relation to the estimate of appropriation heretofore submitted to the House for the continuance of the geological surveys; which was referred to the Committee on Appropriations, and ordered to be printed.

LOAN FOR BENEFIT OF CHEROKEE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an act of the Cherokee legislature authorizing a loan to be negotiated for their benefit; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ABSENT SHAWNEES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the claims of absent Shawnees and other Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

DESCRIPTIVE ANATOMICAL CATALOGUE.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to House bill No. 1831, to provide for printing at the Government Printing Office one thousand copies of the descriptive anatomical catalogue of the Army Medical Museum; which was referred to the Committee on Printing, and ordered to be printed.

PROMOTION ON THE STAFF OF THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the repeal of the law which forbids promotion on the staff of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT AUBURN, NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in relation to the erection of a public building at Auburn, New York; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DRAUGHTSMEN FOR QUARTERMASTER-GENERAL'S OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of War, asking an appropriation for two draughtsmen in the Quartermaster-General's Office; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY PRISONERS AT FORT LEAVENWORTH.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a special estimate of the fund required for military prisoners at Fort Leavenworth, Kansas, for the year ending June 30, 1876; which was referred to the Committee on Appropriations, and ordered to be printed.

NORTH CAROLINA CHEROKEES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriation to pay the balance due James W. Terrill, as disbursing agent of the Treasury Department, to make payments to the North Carolina Cherokee Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recommending an amendment to the Indian appropriation bill in relation to the Malheur reservation in Oregon; which was referred to the Committee on Appropriations, and ordered to be printed.

REMOVAL OF CERTAIN INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriation for the removal of certain Indians to a Government reservation; which was referred to the Committee on Appropriations, and ordered to be printed.

CUT THROUGH RED FISH BAR, GALVESTON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting an estimate of appropriation for the completion of a cut nine feet deep and one hundred and fifty feet wide through Red Fish Bar, Galveston, Texas; which was referred to the Committee on Commerce, and ordered to be printed.

REPORT OF THE COAST SURVEY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the report of the Coast Survey for the year 1874; which was referred to the Committee on Commerce, and ordered to be printed.

GEOLOGICAL AND GEOGRAPHICAL SURVEY OF THE TERRITORIES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting revised estimates of appropriation for the continuation of the geological and geographical survey of the Territories of the United States; which was referred to the Committee on Appropriations, and ordered to be printed.

TREATY OF FEBRUARY 22, 1857.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to the treaty of February 22, 1857, with the Creek tribe in Kansas; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 24, 1872, sundry claims for Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

HARBORS OF NEW BEDFORD AND NANTUCKET.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of June 23, 1874, a report on the survey of the harbors of New Bedford and Nantucket, Massachusetts; which was referred to the Committee on Commerce, and ordered to be printed.

WAR CLAIMS.

The SPEAKER. The Chair also lays before the House a letter from the Secretary of the Treasury, transmitting, in compliance with the act of June 16, 1874, a schedule of claims under the act of July 4, 1864, examined and allowed since June 30, 1874. The schedule refers to the claims embraced in this large package of papers.

Mr. RANDALL. What character of claims?

The SPEAKER. The Chair imagines they are war claims. If there be no objection, they will be referred to the Committee on War Claims without being printed.

Mr. MAYNARD. I would suggest to the Speaker to have the goodness to withhold the last batch of papers until we can look at the act.

Mr. RANDALL. I would suggest that the letter of the Secretary of the Treasury, containing a schedule of the claims, be printed, and that the accompanying papers be referred to the committee, with power to direct their printing if they deem it necessary.

Mr. MAYNARD. My suggestion is to withhold the papers until to-morrow morning, until we can have time to examine the act.

The SPEAKER. The Chair will do so, and not lay them before the House at this time.

BOARD OF PUBLIC WORKS.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 4310) to establish a board of public works; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HENRY C. PARRY.

Mr. KILLINGER, by unanimous consent, introduced a bill (H. R. No. 4311) for the relief of Henry C. Parry, late assistant surgeon of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMERCE AND TRANSPORTATION.

Mr. CANNON, of Illinois, by unanimous consent, introduced a bill (H. R. No. 4312) to promote commerce among the States and cheapen the transportation of persons and property between the Atlantic sea-board and the Western States and Territories; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. HOUGHTON, by unanimous consent, submitted the statement of Mr. Thomas A. Scott and Judge Baker before the House Committee on the Pacific Railroad; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

LANGDON C. EASTON.

Mr. ALBRIGHT, by unanimous consent, introduced a bill (H. R. No. 4313) to correct the date of commission of Colonel Langdon C. Easton, of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZA HOWARD POWERS.

Mr. SMALL, from the Committee on Invalid Pensions, reported back House bill No. 4122, and the accompanying papers, for the relief of Eliza Howard Powers; and moved that the committee be dis-

charged from their further consideration, and that they be referred to the Committee on Claims.

The motion was agreed to.

FORTY-FIRST PARALLEL RAILROAD.

Mr. McCRARY, by unanimous consent, presented the memorial of J. K. Hornish, in relation to the construction of the Forty-first Parallel Railroad; which was referred to the Committee on Railways and Canals, and ordered to be printed.

LANDS IN IOWA.

Mr. McCRARY. I have been requested to introduce a bill relative to certain lands in the State of Iowa. I have not examined the bill, and do not wish to be considered as responsible for what it may contain.

No objection was made; and the bill (H. R. No. 4314) was received, read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

THE SEA-PORTS OF THE WORLD.

Mr. BROMBERG, by unanimous consent, introduced a bill (H. R. No. 4315) to authorize the purchase of copies of a certain maritime publication, The Sea-Ports of the World, for use in the public service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISLAND OF NAVASSA.

Mr. COX. I ask consent to submit an adverse report from the Committee on Foreign Affairs. That committee was called yesterday, but I was out of my seat. I am instructed by the committee to report back House bill No. 4059, relative to the ownership of the island of Navassa, and to move that the committee be discharged from its further consideration, and that it be laid upon the table.

The motion was agreed to.

MICHAEL CALLOTY.

Mr. BANNING, by unanimous consent, introduced a bill (H. R. No. 4316) granting a pension to Michael Calloty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SHIPPING COMMISSIONERS.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 4317) concerning shipping commissioners; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATURALIZATION.

Mr. PAGE also, by unanimous consent, introduced a bill (H. R. No. 4318) concerning naturalization; which was read a first and second time, referred to the Committee on the Revision of the Laws of the United States, and ordered to be printed.

PATENT ATTORNEYS.

Mr. STORM, by unanimous consent, introduced a bill (H. R. No. 4319) to prevent persons formerly in the Patent-Office from prosecuting applications for patents, &c., therein; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

Mr. WOOD. I rise to a privileged question.

TOLL-ROAD IN UTAH.

The SPEAKER. There is a privileged question which comes over from yesterday. When the House adjourned on yesterday it had under consideration House bill No. 3051, granting the right of way over the public lands for a toll-road in Little Cottonwood Cañon, Utah Territory. The question was upon the motion to reconsider the engrossment of the bill.

Mr. BRADLEY. I withdraw that motion.

The SPEAKER. The third reading of an engrossed bill.

The bill was then read the third time.

The SPEAKER. The question is upon the passage of the bill.

Mr. FINCK. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 95, nays 126, not voting 67; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barrere, Barry, Begole, Bradley, Bundy, Burrows Roderick R. Butler, Carpenter, Cessna, Chittenden, Clements, Stephen A. Cobb, Coburn, Crooke, Crutchfield, Curtis, Dobbins, Donnan, Duell, Dunnell, Field, Frye, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Hathorn, Havens, John W. Hazelton, Hendee, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hyde, Kasson, Kelley, Lansing, Lofland, Lowe, Maynard, McCrary, McKee, Merriam, Myers, Nesmith, O'Neill, Orr, Orth, Packer, Page, Phillips, Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Schell, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Sloan, Slosa, A. Herr Smith, Snyder, Stanard, Standiford, St. John, Strawbridge, Charles R. Thomas, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Wilber, George Willard, John M. S. Williams, William Williams, and Woodworth—95.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Bromberg, Brown, Buckner, Buffinton, Burchard, Burleigh, Caldwell, Cannon, Cason, John B. Clark, jr., Clayton, Comingo, Cook, Cotton, Cox, Crittenden, Crossland, Crounse, Danford, Davis, Dawes, Durham, Eames, Eldredge, Finck, Fort, Foster, Freeman, Giddings, Glover, Gooch, Gunter, Robert S. Hale, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hunter, Hunton, Hynes, Kellogg, Killinger, Lamar, Lamison, Lawrence, Lawson, Leach, Loughridge, Luttrell, Magee, Marshall, James W. McDill, MacDougall, McNulta, Milliken, Mills, Mitchell, Monroe, Moore, Morrison, Neal, Niblack, Niles, Hosea W. Parker, Pelham, Pendleton, Perry, Pierce, Pike, Potter, Pratt, Randall, Read, Robbins, Ross, Milton Sayler, Sener, Sherwood, Smart, Southard, Starkweather, Stephens, Stone, Storm, Strait, Taylor, Christopher Y. Thomas, Thompson, Todd, Vance, Waddell, Wells, Wheeler, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Wood, John D. Young, and Pierce M. B. Young—126.

NOT VOTING—Messrs. Banning, Barber, Barnum, Bass, Bright, Benjamin F. Butler, Cain, Amos Clark, jr., Freeman Clarke, Clymer, Clinton L. Cobb, Conger, Corwin, Creamer, Darrall, DeWitt, Eden, Farwell, Garfield, Hancock, Hersey, Hurlbut, Kendall, Knapp, Lamport, Lewis, Lowndes, Lynch, Martin, Alexander S. McDill, McLean, Morey, Negley, Nunn, O'Brien, Packard, Isaac C. Parker, Parsons, Phelps, James H. Platt, jr., Purman, Ray, William R. Roberts, James C. Robinson, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheldon, Small, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Speer, Sprague, Stowell, Swann, Sypher, Thornburgh, Townsend, Walls, Whitehead, Charles G. Williams, Jeremiah M. Wilson, and Wolfe—67.

So the bill was not passed.

Mr. FINCK moved to reconsider the vote by which the House refused to pass the bill; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented by Mr. BABCOCK, one of his secretaries.

DUTIES ON IMPORTS.

Mr. WOOD. I rise to a privileged motion.

The SPEAKER. The gentleman from New York [Mr. WOOD] rises to submit a motion with reference to a communication laid before the House yesterday from the Secretary of the Treasury, in answer to a resolution of the House of December 14, 1874, in relation to alleged changes in the laws imposing duties on imports, or new constructions of such laws made by his Department. This communication was, on the suggestion of the gentleman from Vermont, [Mr. POLAND,] referred to the Committee on the Revision of the Laws. The gentleman from New York, [Mr. WOOD,] representing the Committee on Ways and Means, desires that that reference be reconsidered with the view of having the communication sent to the Committee on Ways and Means.

Mr. WOOD. The Committee on Ways and Means have instructed me to move a reconsideration of the vote by which this communication was referred to the committee of which the gentleman from Vermont [Mr. POLAND] is chairman. It is a communication in answer to a resolution reported from the Committee on Ways and Means, referring exclusively to the administration of the tariff laws since June 22, 1874. It is full of facts and statistics, together with instructions from the Secretary of the Treasury to collectors of the several ports of the United States. The information which it contains is necessary for the Committee on Ways and Means in connection with several bills upon the subject, which have been referred to them. I am directed therefore to move that the vote referring the communication to the Committee on the Revision of the Laws be reconsidered in order that the communication may be referred to the Committee on Ways and Means and ordered to be printed.

Mr. LAWRENCE. So that both committees may have the benefit of it.

Mr. POLAND. In the first place I desire to be acquitted of any charge of discourtesy to the Committee on Ways and Means; because before I moved the reference of this communication to the Committee on the Revision of the Laws, I consulted with the chairman of the Committee on Ways and Means, and had his assent to that reference.

Now a word in relation to the propriety of that reference. A certain gentleman in New York, inasmuch as the Committee on the Revision refused to receive about one thousand amendments of the law that he desired to propose, has ever since the passage of that revision been busily at work through the New York press and other journals of the country to charge that the Committee on the Revision had made a great many changes with reference to the rates of duties upon a variety of things. The New York press has teemed with his articles on this subject, and the general impression has been created in the country that the Committee on the Revision of the Laws, either through ignorance or some worse motive, made a variety of changes in reference to the tariff laws. Now that there are some errors in the revision—printers' errors, errors in copying, errors of omission—we acknowledge. That the work is perfect the committee do not claim, and they are carefully going over it for the very purpose of correcting every possible error. The whole point of this resolution was to ascertain from the Secretary of the Treasury whether changes had been made in the rates of duty collected upon various articles in consequence of errors in the revision or changes of law made in that revision. Now as the committee are going over the revision for the very purpose of correcting every possible error that may be found in it and making it conform entirely to the existing law, it is perfectly appropriate and right that this communication should go to our committee, so that we may have information whether there is any change of the law or not. If this were a question of raising or lowering duties, of taking off duties or putting them on, I quite agree that we would have no business with it; it would belong to the Committee on Ways and Means. But the whole point of this inquiry and of this communication is whether the revision of the laws has changed the rates of duty or not, and I think it properly belongs to our committee.

Mr. DAWES. The gentleman from Vermont has alluded to a conference he had with me. When this paper came in he stated to me substantially what he has stated to the House. I told him I did not

know what my committee might desire about it, but that it seemed to me the reason which he gave made it proper the communication should go to the Committee on the Revision of the Laws rather than to the Committee on Ways and Means. This was a matter which the gentleman from New York [Mr. WOOD] had in charge; but I told the gentleman from Vermont so far as I was concerned I would be glad to have his committee take charge of it. I did not intend, however, by anything I said to give the assent of my committee to its reference to the Committee on the Revision of the Laws. The Committee on Ways and Means this morning directed the gentleman from New York [Mr. WOOD] to move a reconsideration, as they desired this information referred to them.

While I am upon the floor I desire to say that as this is a matter which was initiated by the Committee on Ways and Means, they feel by right the communication from the Secretary of the Treasury should be referred to them.

I have had the same experience with this gentleman in New York as the gentleman from Vermont. He set out when the laws were being revised with a book containing nearly one thousand amendments and changes of the law, which he insisted upon getting made through the Committee on Ways and Means or through the Committee on the Revision of the Laws. We got out of all patience with him, and finally he was told by the Committee on Ways and Means and by the Committee on the Revision of the Laws that the purpose of the revision was not to alter the laws. He came back to my committee this winter, complaining of changes which he tried himself to effect. He came here complaining there were changes made which he himself tried to have made, at least a thousand of them. I was very glad, therefore, for one, to get this thing off my hands, and I did tell the gentleman from Vermont, so far as I was concerned, the communication might go to his committee. I hope my committee will not accuse me of being disloyal or trying to give away any of its prerogatives.

Mr. WOOD. Mr. Speaker, I am not surprised that the gentleman from Vermont [Mr. POLAND] should be exceedingly sensitive on this question, as it pertains to a matter in reference to which he has been very much censured, inasmuch as it has been discovered very material alterations have been made in the rates of duties imposed upon foreign goods imported into the United States. I feel a degree of interest in everything pertaining to this question, and I think the gentleman has entirely misunderstood the purpose of the resolution adopted by the House at the instance of the Committee on Ways and Means. This communication is in reply to that resolution which called upon the Secretary of the Treasury to report the facts. It makes no criticism of the revision of the statutes. We wanted to know under what law the Secretary assumed the responsibility of changing the tariff when there has been no tariff legislation since 1872. Merchants in New York have found there have been material additions of duties imposed. They have complained to the Treasury Department, and we are told that it has been in consequence of the revision of the laws and in consequence of construction put by the Treasury Department upon that revision of the laws. Therefore the resolution was adopted for the purpose of procuring this information from the Secretary of the Treasury. I have no doubt he has given it to us fully in this communication. As the Committee on Ways and Means asked for it, as it is desired by that Committee in reference to questions pending before it, as it relates to whether there has been any change in the law or not, and is not in reference to correction of errors in the revision of the laws, I take it for granted it should be referred to the Committee on Ways and Means. I have no doubt the Committee on the Revision of the Laws is fully able to make whatever corrections may be necessary in the revision of the laws.

Mr. KASSON. I wish to call attention to the effect of the resolution in which I co-operated with the gentleman from New York, [Mr. WOOD.] It went beyond the errors so called of the revision of the laws. It may be said to have overlooked those errors of revision. It asked the Secretary of the Treasury whether, because of the revision of the laws or because of the change of construction, he has made any change in the rates of duty, or whether any have been made by his advice or direction. It went altogether beyond the scope of the revision of the laws, and therefore it is the Committee on Ways and Means have felt an anxiety to get this paper before them. They desire to act upon it independently of the Committee on the Revision of the Laws. It is necessary for them to have it printed at as early a date as may be possible. When printed, of course the Committee on the Revision of the Laws will have access to any part of it they may want.

Mr. SCOFIELD. Let me say a word. There is something more in this case than is indicated by the gentleman from Vermont [Mr. POLAND] and the gentleman from Massachusetts, [Mr. DAWES.] I do not think all the trouble in the newspapers about this matter originated with the gentleman from New York, to whom they have referred. While he might have wished to be a legislator and sought to effect certain purposes growing out of his theories, there are persons in the city of New York who have a large moneyed interest in the questions propounded by the resolution of the House, to which this communication is an answer. There are in the Treasury Department some fifteen or twenty thousand appeal cases. There is a single law firm in the city of New York who probably have charge of ten thousand of these cases. I understand the process by which appeals are taken is for the members of this law firm, who are familiar with that kind of practice, to go to the merchant who has paid his customs dues or before he has paid them, and advise him to take an appeal, and they will take the matter into their own hands and give him no further trouble about it. If they succeed, they get one-half of the refund, and the merchant gets the other half and has no trouble about it. And so in almost every case where there is the slightest possibility or chance for the rule of the collector of customs to be wrong these appeals are taken, and they are now piled up to the amount of some fifteen or twenty thousand in the Secretary's office; and the whole amount of money dependent on these decisions is from three to four million dollars. Now, I do not wish to make any remark that would injure the credit of this firm.

Mr. WOOD. The gentleman from Pennsylvania [Mr. SCOFIELD] ought to say there that it is in consequence of this revision affecting the tariff that these evils to which he refers have arisen.

Mr. GARFIELD. I think that when the gentleman comes to examine the subject in his committee he will find he is mistaken about that. I am perfectly willing this should go to his committee—I do not care to which committee it goes—I only want that it shall be carefully examined.

I do not wish to make any insinuations either against the honesty of this firm of brokers as they are called, customs brokers, or against anybody in the Treasury Department. Everybody who has suffered from unjust charges will be extremely cautious in making them against others. I know that there is a near kindred existing between one of those gentlemen, who has a very large proportion, probably one-half of all these appeal cases, and an officer whose duty it is in some respects to decide upon them in the Treasury Department. The rulings, perhaps, have been more firm latterly than they used to be. And there comes the complaint. When these bills were presented to the Treasury Department formerly a great many of them slipped through, and refunds to a large amount were made of which Congress knew nothing and for which there was no special appropriation, and were divided between the merchants and different brokers. Lately, since the gentleman now in charge of that Department has come in, a more rigid examination of these cases and perhaps something that may appear to be an overturning to some extent of cases that have formerly slipped through without much advisement, have taken place; and it is in this that all this trouble which has called the attention of the gentleman from New York to the matter has originated; and I know, if he finds it to be so when he comes to examine the whole thing, he will feel like me, that the law has not been changed either by the rulings of the Department or by the revision, but that there has been a more thorough administration of the law.

Mr. KASSON. That is precisely what we want to find out by the report on this communication.

Mr. WOOD. I now yield to my colleague, [Mr. CHITTENDEN.]

Mr. CHITTENDEN. I was not on the floor of the House when this subject was opened this morning; but, as having some practical knowledge of it, I wish to say in a very general and also in a very emphatic way that if there is any department of this Government or of the civil service of this Government which requires inquiry and reform, it is the administration of the existing tariff laws at the New York custom-house. I do not hesitate to say that the complications, the confusion, and the difficulties which are there patent to every merchant, and which are inseparable from our present system, are a disgrace to the Government, and the revision or codification of the tariff laws here at the last session has but intensified that disgrace. It is the last straw, sir, that will break the camel's back. And any party that resists inquiry, investigation, and reform in respect to the embarrassments arising from our existing and confused tariff will find, or will deserve to find, its winding sheet in that resistance.

I believe that my colleague has proposed an inquiry (if the resolution he offered be the same as he showed me a few days ago) that touches the marrow of the subject, and I call upon gentlemen here to permit the inquiry to go on. This is something which cannot be much longer concealed or evaded.

Mr. BUTLER, of Massachusetts. I desire to say a word upon this subject, because there has been referred to the Judiciary Committee a bill intended to correct some of these abuses. I think I shall not be charged with having any particular interest or bias toward the merchants of New York or elsewhere who are engaged in importing—certainly not by some of the members of the Committee on Ways and Means; I have thought that a goodly number of them were no better than editors—sometimes. But I think that the law as it stands—and it is not the fault of the revision of the law, which only brings the laws together—has thrown around the honest merchant so many hampers, so many legal technicalities, so many difficulties, through which he has got to pass in order to get his case before the courts, that there is a necessity for some legislation. A sub-committee of the Judiciary Committee are trying to perfect that legislation, and we will soon have it ready to report to the House. I am one of those who hold that while the laws against fraudulent merchants should be made of the utmost stringency and the penalties of the utmost severity, and every means taken by which they may be brought to justice, yet when an honest merchant tries to pay his duties honestly and fairly everything should be done by which he may have full opportunity to present his case to the courts of his country.

Now, that much I have taken the liberty to say, lest what my friend from Pennsylvania [Mr. SCOFIELD] has said may prejudice the

bill when it is reported. The very trouble has been that there has been no way of getting by a ruling of the collector until a large amount of wrong has been done and all these appeals piled up. And if what the gentleman from Pennsylvania [Mr. SCOFIELD] says is correct, and I do not doubt it, if there are twenty thousand cases now pending in the Treasury Department which by law ought to be decided and which the law provided should be decided within ninety days after the appeal was taken, where merchants claim they have been overtaxed when trying honestly to pay the duties, it is a disgrace to the administration of the law. We have no right to have three or four million dollars locked up in the Treasury about which there is a question; but as the first step in deciding the question as to who it belongs to has not been taken, I hope some committee—and if no other committee does it we of the Judiciary Committee will try it—will provide for a judicial investigation into these matters.

Mr. DAWES. It may be a great misfortune to lock up three or four million dollars in the Treasury until we are certain as to whom it belongs, or until we get a proper construction of law; but it strikes me that it is quite as wrong to let the money run out of the Treasury, on the decision of a subordinate officer of the Treasury, without any knowledge on the part of the legislative body. The Treasury Department, having been called upon by the House, through the Committee on Ways and Means, to furnish information in reference to this refund, made a statement here which comprised their whole knowledge; they revised their statement in a few days to the amount of $500,000, and they did not know to what extent refunds were being made at the custom-house in New York under the law. The Committee on Ways and Means tried last session to provide that when money comes into the Treasury of the United States, it shall, as the Constitution provides, never come out of it except by appropriations by Congress.

Now, I agree with my colleague [Mr. BUTLER] that there are many complications surrounding the honest administration of the customs laws, about which the honest merchant has a great right to complain, and that they are more vexatious and burdensome than the duties themselves, and have brought the tariff duties more into odium than the duties themselves. But, sir, if these merchants have cause of complaint, the fault lies at their own door. The Committee on Ways and Means, ever since I have been a member of it, have been importuning the merchants who complain of the complex and intricate laws now existing and are willing to pay honest duties to put on paper their complaints, to write out the law just as they want it administered, and then our committee would consider it. But, sir, we get nothing from the men who complain but complaints; we get no advantage from their experience; we get nothing but complaints on the one side and devices to evade duties on the other, in the manner to which the gentleman from Pennsylvania has called attention. Sir, I sought during the recent recess to find out from these men where the complaint was and where was the remedy. I know that my colleague and the Committee on the Judiciary know all about the customs laws and all about the administration of the customs laws, but the Committee on Ways and Means do not know much about it, I confess. They find it a very intricate subject. They find reason to believe that what the gentleman from New York has said is true, and they have attempted themselves and this House has assisted them in the effort to restrain abuses.

But that does not touch the question before the House now, which is whether the rulings which have been made under a new administration of the Treasury Department are actual changes in the law or changes merely in its administration. That is the only question involved in this resolution.

Mr. BUTLER, of Massachusetts. Allow me to say a word. The Committee on the Judiciary do not claim any more knowledge of the administration of the customs laws than the Committee on Ways and Means has, but we do claim that when there is a law upon the statute-book we know what that law is; and when the decision of the courts is one way in one part of the country and another in the other part of the country, and there is a third decision by the Treasury Department, we think we know how to bring those divers decisions together, and we have never felt obliged to ask any merchant or anybody else to draw any bill for us. We have never come before the House and explained to them that we have not done our duty because some merchants have not drawn a bill for us. When they do so we give such bills just consideration; but I understand that it is the business of the committee to draw the bill itself.

Mr. DAWES. Nobody asked the committee to draw a bill.

Mr. BUTLER, of Massachusetts. I understand that the complaint of my friend was that the merchants should draw a bill. Am I right?

Mr. DAWES. No; you are not right. We asked these gentlemen to put their complaints on paper, so that we might see them.

Mr. BUTLER, of Massachusetts. And you said you asked them to draw a bill such as they wanted. I appeal to the RECORD.

Mr. DAWES. I may have said so; your ears are better than mine. I only say I did not intend to say so.

Mr. WOOD. I did not anticipate a discussion of so wide a range as this appears to have assumed, upon the question of a reference merely of a communication from the Secretary of the Treasury. The gentleman from Massachusetts, the chairman of the Committee on Ways and Means, [Mr. DAWES,] has made some remarks which in my judgment are not exactly fair to the merchants of New York; therefore, I desire to say a word in their defense. But for those remarks I should not prolong this discussion.

There are probably no persons in the United States who are so much oppressed as the merchants of New York; first, by the legislation of Congress, secondly, by the administration of the Treasury Department, and thirdly, by the subordinate officials at the custom-house in New York whose duty it is to execute the laws under the directions and instructions of the Treasury Department. And when in addition to these decisions of the Treasury they find suddenly, after they have ordered large importations of foreign merchandise, that new instructions and new duties are imposed in the absence of legislation by Congress, I submit that they have a right to complain.

The merchants of our port are paying into the Treasury of the United States three-fourths of all the revenues of the country derived from duties levied upon foreign goods. We do not complain of that. We cheerfully contribute this large amount to the necessities of the Government. But we do ask to be treated as fairly as any other department of industry in the United States, be it in the South, the West, the North, or the East. Sir, the merchants of New York are gentlemen of the very highest personal reputation and character. They are struggling simply for justice. When they find themselves thus injured they do complain. By this revision of the statutes alterations have been made affecting individual firms in New York to the amount of three-quarters of a million dollars. And when they complain, in some instances they have been referred to this revision of the laws, in others referred back to the collector, and in other instances referred to the old law, and the new instructions given under the new *régime* of the Treasury Department.

It is for this reason that we desire to have investigated the facts in this case. We desire to find out whether the fault is in the administration or in the new law. We desire to have this subject considered with all the care its importance demands, not only its importance to the Treasury of the United States which is materially affected, but also to the personal interest of the merchants of New York. I hope, therefore, that my motion to change this reference from the Committee on the Revision of the Laws to the Committee on Ways and Means may be adopted by the House. I now yield to my colleague, [Mr. COX.]

Mr. COX. The House will remember that the Committee on the Revision of the Laws used to meet here after sundown, week after week. We had the most implicit faith that they would make no change in the laws, only revise. Indeed, that was their province and duty; only this and nothing more. There was a subdivision of this committee; there was a division of responsibility. And to show this House now how singularly some part of that work was done, I will show what occurred by stating in the first place what occurred before our Committee on Foreign Affairs this morning. I suppose it is proper to make that statement as the committee authorized a bill to be reported. The Committee on Revision in the portion of the laws relative to naturalization actually struck out the word "white."

Mr. E. R. HOAR. Let me correct the gentleman; the committee did not strike it out.

Mr. COX. Then why the bill reported this morning on that subject?

Mr. E. R. HOAR. I thought my friend did not seem to understand the matter in the Committee on Foreign Affairs, and I presume he does not in the House.

Mr. COX. There is a bill authorized to be reported on the subject. It forbids the naturalization of Chinese, when under this peculiar revision it was thought that they were to be naturalized. That is all owing to the awkward way in which this revision was made. I know that is right, and the gentleman from California [Mr. PAGE] knows that I am right, for he introduced a bill to correct that irregularity.

But the point to which I wish to call attention particularly is that which concerns the commerce of New York. We collect at that port three-quarters of the revenue derived from duties on imports, as my colleague [Mr. WOOD] has said. That tax in the last resort comes from the consumers of the country. Did any one expect that the Committee on the Revision of the Laws would modify or increase any of the tariff rates beyond what was collected or enforced in December, 1873? I appeal to the RECORD for that. With this all the members of this House will agree. Yet in matters of ambiguity, or doubt, in regard to a large number of imported articles, the decision of the Treasury is, that because of that revision increased or other duties should be levied. Am I right about that? Will any one dispute that? I hold in my hand a statement of the New York Times. It contains a careful collation in respect to various articles.

Mr. POLAND. Do you know who wrote it? I do.

Mr. COX. It is written by the editor of that paper. It is editorial. I do not care who wrote it, if it is true.

Mr. POLAND. It is not true.

Mr. COX. Then let the gentlemen on the Committee on Ways and Means ascertain that fact. For that reason I would refer it to that committee. The statement relates to manufactures of silk and cotton; to manufactures of flax and cotton; to linen goods; to cotton book-binding muslin; to books, photographs, labels, printed matter, argols, castile-soap, spirit, cotton lace, &c. More than fifteen or twenty different articles are enumerated in that statement upon all of which the duties have been modified or increased. I will ask to have this list printed in order that the Committee on Ways and Means may be enabled to examine it. It is not long.

Mr. KELLEY. Will the gentleman allow me to ask him a question?

Mr. COX. Yes, sir.

Mr. KELLEY. In case of conflicting decisions by the district courts, and a subsequent decision of the Supreme Court of the United States reconciling those conflicting decisions, which decision is to be taken as the law of the land? That statement from the New York Times is made up upon decisions of the district courts which have been adjudicated and overruled by the Supreme Court of the United States; and the revision is in almost every instance in harmony with the final decision.

Mr. COX. Now, I want to ask my friend from Pennsylvania [Mr. KELLEY] who ever authorized the Committee on the Revision of the Laws, after our understanding that they would not modify or increase tariff rates, to take into consideration any decisions of the courts on that subject?

Mr. KELLEY. Were they not bound by the decisions of the Supreme Court?

Mr. COX. I say to the gentleman from Pennsylvania and to the House that no man and no set of men were authorized, morally or legally, in that revision to change the tariff in one particular.

Mr. KELLEY. The committee did not change it.

Mr. COX. If you are aggrieved by the decisions of the courts, go back to the courts and have the question readjudicated properly, if you can.

Mr. KELLEY. The gentleman complains that the committee did not take the conflicting decisions of local courts—district courts or circuit courts. The committee referred to the decisions of the Supreme Court to ascertain what the law was, and put it in as decided by that court.

Mr. COX. Before the end of the session we shall see whether the gentlemen on the other side can raise the tariff by indirection. We will see whether, in this insidious mode, the complex and onerous tariff can be made worse. The people are interested in low taxation.

The article in the New York Times to which I have referred is as follows:

We have, however, taken pains to inquire at authentic sources, and we find that since June 22, 1874, rates of duty have been increased in the following instances among others, and we think it will be agreed that this increase requires explanation. If the language of former statutes was ambiguous, but the Treasury had declared an interpretation in which the country acquiesced, why did Mr. POLAND'S committee change that interpretation in face of its pledges? Or if the language of the revision was left of doubtful significance, why did Secretary Bristow, after the promises of the committee, which became in good morals a part of the law, exact the higher instead of the lower rates, and thereby make the duty higher than that enforced on the 1st of December, 1873?

Description of articles.	Rates enforced by the Treasury December 1, 1873.	Rates enforced by the Treasury since June 22, 1874.
Manufactures of silk and cotton, of which cotton is chief value*.	35 per cent., less 10 per cent.	50 per cent., less 10 per cent.
Manufactures of flax and cotton, cotton chief value†.	35 per cent., less 10 per cent.	5½ cents per square yard, 20 per cent. less 10 per cent.
Linen damasks, linen coatings, linen drills, linen blay, linen brown hollands, costing under 30 cents per square yard.	30 per cent.	35 per cent.
Do., costing over 30 cents per square yard.	35 per cent.	40 per cent.
Cotton book-binding muslins‡	35 per cent., less 10 per cent.	5½ cents per square yard, 20 per cent., less 10 per cent.
Lining cottons and tarletans, weighing less than 5 ounces to the square yard.	35 per cent., less 10 per cent.	5½ cents per square yard and 20 per cent., less 10 per cent.
Worsted embroideries, embracing slipper-patterns, chair-seats, cushions, screens, &c§.	35 per cent., less 10 per cent.	50 cents per pound and 35 per cent., less 10 per cent.
Books, printed	25 per cent., less 10 per cent.	25 per cent. net.
Photographs	20 per cent.	25 per cent., less 10 per cent.
Printed music	20 per cent., less 10 per cent.	20 per cent. net.
Labels, as printed matter, now taken up as manufactures of paper.	25 per cent., less 10 per cent.	35 per cent., less 10 per cent.
Argols, partially refined	3 cents per p'nd.	6 cents per pound.
Castile-soap	35 per cent.	1 cent per pound and 30 per cent.
Spirits, over $4 per gallon and under proof	$2 per proof gallon.	50 per cent. ad valorem.
Ale and beer in bottles	10 per cent. for breakage.	No allowance.
Spirits	Leakage, 2 per cent. allowed.	No allowance.
Fans	35 per cent., less 10 per cent.	35 per cent. net.
Cotton lace as thread	30 per cent., less 10 per cent.	35 per cent., less 10 per cent.
Linen wearing apparel	35 per cent.	40 per cent.
Lithographic stones, engraved	20 per cent.	25 per cent.
Alizarine, artificial	Free	20 per cent.
Tin plates, calf-skins, all kinds of dressed and finished skins.	On these articles there was allowed, on December 1, 1873, a reduction of 10 per cent. under the law of 1872; but this, since June, 1874, is disallowed, and on all importations since the last date the interests are reliquidated and the 10 per cent. demanded from the importer.	

*Under this head is embraced a large variety of dress goods under various names, which, being low-priced, enter largely into ordinary consumption, and the importation is very large.

†The same remarks apply to these goods as to manufactures of silk and cotton.

‡The advance here is not less than 75 per cent. advance of duty.

§This gives an additional duty of nearly 60 per cent. ad valorem.

Mr. WOOD. I now yield to the gentleman from Ohio, [Mr. SAYLER.]

Mr. SAYLER, of Ohio. Mr. Speaker, this is simply a question as to the appropriate reference of a communication from the Secretary of the Treasury, pertaining to supposed errors in the revision of the laws of the United States. That being the subject-matter of the communication, it seems to me certainly due to the Committee on the Revision of the Statutes that they should first have the opportunity of examining and reporting upon the subject. I do not conceive it important to the welfare of the country or to the proper judgment of the House that the Committee on the Revision of the Statutes should be advised by the Committee on Ways and Means. I have learned pretty well, in the course of a session or two spent here, that there is not much of this House except the Committee on Ways and Means; yet I want to say, on behalf of the Committee on the Revision of the Statutes, that we have labored earnestly and faithfully in this matter; and if there are any supposed errors in the revision, it is due to the members of that committee that we should first have the opportunity of examining them.

Now, Mr. Speaker, I repel the intimation of the gentleman from New York, [Mr. COX.] It is not true that this whole subject-matter was simply parceled out and not examined by the committee in a body.

Mr. COX. I did not say that.

Mr. SAYLER, of Ohio. On the contrary, while it was parceled out for special examination by particular members of the committee, no body of law was reported to this House without having first had the supervision of the entire committee as such.

Now, Mr. Speaker, in view of the condition of the revenue laws and the laws pertaining to tariff, contained as they have been in a large number of volumes of the general laws of the United States, it has been very easy for these New York importers, (whose enemy I am not,) by the employment of shrewd attorneys and agents, who, if possible, would deceive the very elect, to get rulings from some subordinate in the Treasury Department that would place millions of dollars in their hands. These tariff laws have run through a series of about seventeen volumes. There have been all sorts of complications; and it was the work of this committee to free these laws from those complications and place the law as it now stands in a single body. Thus this revision has made many dark places plain; it has opened up to the Department a good many things which it had not before carefully examined, to which its attention had not been called. I do not know what the subject-matter of this communication is; but I undertake to say that if the Secretary of the Treasury has had the matter carefully examined, he has found that everything complained of by the New York importers has not been the result of a change in the law, but has been the result of bringing light to bear upon the dark places in the law—the result of a proper understanding and interpretation of it.

Mr. Speaker, I am not in favor of the high-tariff system, and therefore I do not speak from that point of view. I will join the gentleman from New York and all others on this floor who are in favor of a tariff for revenue as opposed to this system of protection. But if the law as it stands upon the statute-book, as properly and fairly interpreted, is an odious law, then let Congress change it; but while it is the law of the land let it be properly enforced. I submit, Mr. Speaker, that it is not a proper deference to the Committee on the Revision of the Laws to propose that before this question shall be examined by them it shall first be revised by the Committee on Ways and Means.

Mr. RANDALL. I want to ask the gentleman from Ohio [Mr. SAYLER] whether the Committee on the Revision of the Laws did in any particular change any law in reference to customs duties?

Mr. SAYLER, of Ohio. We did not if we knew it.

Mr. MERRIAM. Why is it, then, that higher duties have been imposed on some articles since that revision went into operation than were imposed before?

Mr. SAYLER, of Ohio. If there are cases of that kind, it is simply because of a different interpretation of the law.

Mr. KASSON. Mr. Speaker, I desire to correct the impression suggested by the remarks of the gentleman from Ohio, that the reference of this communication to the Committee on Ways and Means would involve a revision of the Committee on the Revision. The gentleman cannot fail to see that all allusions to the Committee on the Revision have come from outside of the Committee on Ways and Means. The Committee on Ways and Means reported a resolution designed merely to obtain from the Department a statement as to alleged changes or new constructions of the customs laws in consequence of this revision. The committee wanted this information with the view to legislation pending before them. After some weeks of delay—necessary delay no doubt—the call upon that Department is answered; and now the Committee on the Revision of the Laws, that did not desire or call for the information from the Department, ask that the communication be taken from the hands of the committee that did call for it and be referred to the Committee on the Revision. I have only to say, if that committee had called for the information for that purpose, not a member of the Committee on

Ways and Means would have risen on this floor to have taken it away from them. So, in like manner, when any committee of this House calls for information touching legislation before them, I state as a principle, without exception, the House will give it to the committee which calls for it, they having jurisdiction of the pending question to which it relates. And it is solely on that ground the committee now ask for reconsideration, so this information called for by their resolution may be referred to them for their action on the pending question.

Mr. KELLOGG. Mr. Speaker, I think, in justice to the Committee on the Revision of the Laws, the fact ought to be brought to mind that when they were revising the laws on the subject of the tariff they made special appeal to every member of the House interested in the tariff to examine the law and report any mistake or any correction which should be made. I remember very distinctly that especially on the tariff this Committee on the Revision of the Laws called upon every member, the New York members—all interested in the tariff—to examine carefully and report any correction which should be made. There were no changes; and finally, when they get the Revised Statutes and examine them, they will find that that committee have simply conformed to a decision of the Supreme Court overruling the decision of some inferior court.

Mr. POLAND. I think the gentleman from New York, [Mr. WOOD,] who has made this motion to reconsider, has himself given the true reason why this communication should be referred to the Committee on the Revision of the Laws. He says the rate of duty has been changed; that there has been no tariff legislation, unless the Committee on the Revision of the Laws have made some. It is true we assured the House over and over again our purpose was not to make the slightest change in the law, and I assert here so far as the tariff is concerned we certainly did not. That was a subject in which almost everybody felt an interest, and we had more communications—we had more information in relation to that chapter from one sort of people and another than upon all the rest of the revision. The committee laid out more time and labor on that single chapter than upon all the rest of the work. I have no hesitation at all in saying there will not be in my judgment one single error found, one single case found, where we changed a law in relation to the rate of duty in any single instance.

The difficulty about the administration of the tariff laws was this: Here were a series of tariff acts running through a period of thirty years, every succeeding statute going over more or less of the ground of the previous statutes. No one of them was ever repealed. It was a work of the nicest character to determine how much of the old law was repealed and when.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of their clerks, notifying the House that that body had concurred in the amendment of the House to the bill (S. No. 924) donating condemned cannon to the city of Massillon, Ohio, for monumental purposes.

DUTIES ON IMPORTS.

Mr. POLAND. Mr. Speaker, when any of these distressed gentlemen in New York were compelled to pay duties, when they wanted lower rates of duty, they applied to some collector or deputy collector or to some subordinate in the Treasury Department of an ingenious mind to go back and say, "Here is something in this old law which is not repealed; we stand on this." But when we came to wipe out the old law and give the later law its proper effect, when we came to put the tariff law or so much of the various statutes in force into a single enactment, then it became impossible to go back to these old statutes and get erroneous rulings founded upon them.

So, Mr. Speaker, I say the gentleman from New York has himself given a true reason why this should go to our committee—that there has been no legislation on the subject of the tariff unless there is new legislation in the Revised Statutes. This resolution assumes the truth of what various gentlemen in New York through the New York papers have alleged over and over again. It is not the first time I have seen the list to which my friend from New York [Mr. COX] has referred. I have seen it before. It has been charged in the New York papers I was procured to do this, that, and other things in reference to the tariff law. I say as to this subject the whole point is as to whether the revision is correct or not, and it is due to my committee, no matter who introduced this resolution, that this communication should be referred to it. The question is not who called for this information, but which is the proper committee in this House to which it should be referred. That is the question that should govern this reference, and not who introduced the resolution calling upon the Secretary to give this information. And I say, Mr. Speaker, and I believe gentlemen of this House will say that it is due to our committee, after all the allegations that have been made in the New York press upon this subject, that it should go to us to be considered by us. As we are now carefully going over all this subject to see if there are any errors in the revision and correct them, this communication bearing on that subject should go to our committee and be considered by us.

Mr. KASSON. I desire to ask the gentleman from Vermont a question. I understand him to say that he wants this communication, in order to find if there was an error in the revision. Can he not ascertain that by comparing it with the previous law? Is not that the way to find an error? We asked the Secretary of the Treasury if he, by a construction of law, new or otherwise, has caused a change in the rate of duties. If this is a question merely in regard to the accuracy of the revision, cannot the committee find out whether there is an error by a comparison of the new law with the old?

Mr. POLAND. I think we should be able to find out, by taking time enough, whether there is any difference between the new law and the old. But I am not so wise but I think I should discover an error sooner, if somebody who knew should point it out to me.

Mr. WOOD. I desire to say a single word, and then I shall call the previous question.

The gentleman from Vermont tells us there were no changes made in the law. Then of course this communication has no right to go to the Committee on the Revision of the Laws. But we declare in the Committee on Ways and Means that there have been changes in the execution of the law affecting the tariff. This is a tariff question, a tariff inquiry, a tariff communication from the Secretary of the Treasury, who administers the tariff laws. We have bills before us to correct these errors or changes in the tariff, if there be any. Therefore I submit that there can be no doubt as to the question of reference, especially after the declaration of the gentleman from Vermont that there have been no changes in the law. The question is as to changes in the administration.

I now demand the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The main question having been ordered, the question is, "Will the House reconsider the vote by which the communication from the Secretary of the Treasury was referred to the Committee on the Revision of the Laws?"

The question being taken, there were—ayes 48, noes 79.

So the House refused to reconsider the vote.

RECONSIDERATION OF REFERENCES.

Mr. WILLARD, of Vermont. I rise to a privileged question, and move to reconsider all the references to committees made this morning. I also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LOUGHRIDGE. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union to consider the special order, the Indian appropriation bill.

Mr. BUTLER, of Massachusetts. I call for the regular order.

Mr. LOUGHRIDGE. Pending the motion that the House resolve itself into the Committee of the Whole, I move that all general debate on the bill be limited to five minutes.

The question being taken on the motion to limit debate, it was agreed to.

The SPEAKER. The question recurs on the motion that the House resolve itself into Committee of the Whole.

Mr. BUTLER, of Massachusetts. Does not that cut off the morning hour?

The SPEAKER. It does, if the House agrees to it. If the House goes into Committee of the Whole, the morning hour is destroyed for to-day.

Mr. BUTLER, of Massachusetts. May I inquire of the Chair on what committee the call rests in the morning hour?

The SPEAKER. It rests with the trustees of the Institution for the Deaf and Dumb of the District of Columbia.

Mr. BUTLER, of Massachusetts. That is a highly meritorious institution, and I hope we shall have a morning hour.

The SPEAKER. That will be determined by the vote of the House on the motion of the gentleman from Iowa, [Mr. LOUGHRIDGE.] If the House refuses to go into the Committee of the Whole, it will be the duty of the Chair to pronounce the morning hour begun at once.

The question being taken on the motion of Mr. LOUGHRIDGE, there were ayes 91, noes not counted.

So the motion was agreed to.

Mr. SENER. Before the House goes into Committee of the Whole on the Indian appropriation bill, will the gentleman from Iowa yield to me to make a request for unanimous consent? On yesterday there came back from the Senate the bill (H. R. No. 3621) abolishing the western district of Arkansas with Senate amendments, and I ask unanimous consent to take the bill from the Speaker's table and refer it, with the Senate amendments, to the Committee on Expenditures in the Department of Justice, from which the bill originally came.

Mr. BUTLER, of Massachusetts. I object to going to the Speaker's table for any business in advance of the civil-rights bill.

INDIAN APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. POLAND in the chair,) and proceeded to the consideration of the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes.

The CHAIRMAN. By a vote of the House general debate upon the bill is limited to five minutes.

Mr. LOUGHRIDGE. I move that the first reading of the bill be dispensed with.

Mr. HOLMAN. I think that the practice has been not to dispense

with the first reading of these bills. I think the first reading should take place.

The Clerk proceeded to read the bill.

Mr. LOUGHRIDGE. I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. BECK. I object.

The Clerk resumed and continued the reading of the bill.

Mr. GARFIELD. I trust gentlemen on the other side will not object to dispensing with the further reading of the bill.

Mr. BECK. In the absence of some gentlemen who desired that the bill should be read, I must insist on its further reading.

Mr. GARFIELD. The gentleman will remember that one of our reading clerks is very hoarse and it is really a very serious burden imposed upon them to require the first reading of the bill. Will the gentleman consent to take a recess of the length of time it would occupy to read the remainder of the bill? That would accomplish his purpose quite as well as by insisting on the reading.

Mr. VANCE. I object.

The Clerk resumed the reading of the bill, and concluded it at three o'clock and thirty minutes p. m.

Mr. LOUGHRIDGE. The Committee on Appropriations in the preparation of this bill have endeavored to cut down the amounts to be appropriated to the lowest possible limit consistent with the good of the Indian service. The appropriation for last year was $5,680,000. The appropriation in this bill is $4,855,000, being a reduction from last year of about $825,000. The amount estimated for this year was $6,851,000, so that the committee have recommended in this bill $1,996,000, nearly $2,000,000, less than the amount recommended and asked for by the Secretary of the Interior and $825,000 less than we appropriated last year. We have endeavored in every part of this bill to cut down the appropriations to the lowest possible limit consistent with the good of the Indian service. Looking at the whole field of the Indian service, we believe that it is to-day in a more satisfactory condition than it has been at any time within the past ten years, and I may say that so far as we can ascertain by a careful and minute examination, the appropriations for this service are now used more economically than they have been at any previous time. I think that more care is taken by the Department in the transaction of the business of this branch of the service, and I think we may look forward in a few years to the time when these appropriations will be reduced to the minimum, although of course there may be, and doubtless are, instances in which wrong has been committed.

Mr. HEREFORD. I understand the gentleman to say that the committee have reduced the appropriations this year $825,000. Why, then, was there this excessive appropriation of $825,000 in the last appropriation bill? If the appropriations for this service can be reduced $825,000 this year, why could it not be done last year and that much saved to the national Treasury? Why, in other words, is the committee able to make a reduction of this amount this year when the same committee did not do it last year? I would like to know the items of reduction and in what the change consists.

Mr. LOUGHRIDGE. I presume the gentleman has an idea that if an appropriation be less this year than it was last, there must have been fraud last year; that is a singular deduction.

Mr. HEREFORD. I do not make these remarks in a factious spirit, but I think this is a matter that needs explanation. The sum of $825,000 was appropriated last year more than is appropriated this year. Why this change? Why could not the reduction be made last year by the same committee having charge of the same subject-matter?

Mr. LOUGHRIDGE. If the gentleman will attend to the reading of the bill he will see where the reduction comes in.

Mr. HEREFORD. I know I can; but why did not the Committee on Appropriations make the same reduction last year which they propose to make now?

Mr. LOUGHRIDGE. If we do it at this time, is that not better than not doing it at all?

Mr. HEREFORD. That is not the question. If the committee could do it this year, were they not derelict in duty in not doing it last year?

Mr. LOUGHRIDGE. O, no; not at all. I can tell the gentleman how we do it this year. If he will look over the bill he will find that some treaties have expired which had not expired last year.

Mr. HEREFORD. That is just what I wanted to get at. How much has been saved in that way, by the expiration of treaties for which appropriations have been made in the last bill?

Mr. LOUGHRIDGE. The gentleman will see that as we go through the bill if he attends to its reading.

The CHAIRMAN. All general debate on the bill is now closed and the Clerk will proceed to read the bill by paragraphs for amendment.

The Clerk read as follows:

For pay of two superintendents of Indian affairs for the central and northern superintendencies, $4,000.

Mr. BECK. I move to strike out that clause. I want to begin at the beginning of this bill and see if we cannot do something in the way of retrenchment. I am in the same condition as the gentleman from West Virginia, [Mr. HEREFORD.] I do not understand exactly where this saving is to come in, or how the appropriations are reduced as we are told they are being reduced from year to year. The total sum recommended to be appropriated is $4,855,707.57, which is said to be a saving of $825,000 over the amount appropriated last year. I hold in my hand a book prepared at the Treasury Department, a digest of appropriations for the year ending June 30, 1875, on page 155 of which the summary gives "Indian appropriations, amount appropriated for the year ending June 30, 1875, $7,148,174.54. Now the gentleman proposes to get along with $4,855,000, and says that the appropriations of last year were only $825,000 in excess of that, when the Secretary himself furnishes Congress with a book showing that we appropriated $7,148,174.54. The Secretary of the Treasury also gives us his report at the beginning of this session. On page 4 of that report he says that the amount of expenditures for the year just closed for Indians is $6,692,462.09, nearly $2,000,000 more than the gentleman says they are now going to ask for. There has never been a year when the appropriations and expenditures have not been nearly $2,000,000 more than is now asked for. Last year the Committee on Appropriations came here with a bill for less than $5,000,000, while the actual expenditures were over $7,000,000. For the year ending June 30, 1874, the appropriations were $6,468,000, and for the year ending June 30, 1873, the appropriations were $6,633,000. The Secretary gives the figures here to show that that is the fact. Now, the truth is that we have been expending close on to $7,000,000, and sometimes $7,500,000 year by year on these Indians, while the country is led to believe that we are cutting down expenses under $5,000,000 for that purpose. There has not been a speech made in the last four years by the gentlemen presenting the Indian appropriation bill in which they have not said it was a reduction year by year. I read last spring to the House a speech made two years ago by the gentleman from California, Mr. SARGENT, then a member of the Committee on Appropriations. The books of the Treasury Department show the facts to be as I have stated.

Now, I want to know how it is that these books of the Treasury Department show that amount of expenditures in the face of the statements that we have had made here. And until I get some satisfactory explanation, I expect to keep objecting to any other appropriation for this purpose.

Mr. LOUGHRIDGE. In the statement which I made I intended to say, if I did not say it, that the amount appropriated by the Indian appropriation bill of last year was according to the figures I stated. I do not say the entire expenditures for Indian purposes during the last year were only that amount. There are a great may expenditures or appropriations that are put by the Register of the Treasury under the head of Indian appropriations, some of which are not really money paid for the Indians. For instance, an Indian tribe has lands sold for it by the Government, and the money coming into the hands of the Government in that way is paid out for that tribe. That amount is charged in the appropriations and expenditures of that year, and it swells sometimes by millions the total of the expenditures, when really no money has been appropriated by the Government for that purpose.

I refer only to the regular appropriation bill of last year, and I repeat that this bill is $825,000 less than the corresponding bill of last year. I do not propose to go off into a general discussion of the entire amount of money expended during the year for Indian purposes. If there are any items in this bill which the gentleman thinks too large, he can move to strike them out. I think there are none.

Mr. RANDALL. I approach the discussion of this bill with a great deal of caution, because I am aware of the care taken by the gentlemen who have had charge of these bills in their preparation, and I think I know their motive to be the saving of money wherever they can. And yet my attention has been called to some things in this bill which I think should be explained; and if not explained satisfactorily, then reductions should be made. It will be observed that in the next paragraph there are sixty-nine agents provided for, the same number of agents that were provided for a year ago. There have been two new agencies established in Dakota Territory, an agency at Black Hills and the Brulé agency.

Mr. LOUGHRIDGE. I would suggest to the gentleman that when we come to the paragraph relating to agents the matter will then be appropriately before this committee for discussion.

Mr. RANDALL. Very well; I will wait until that time.

The question was upon the motion of Mr. BECK to strike out the pending paragraph relating to superintendents.

Mr. BECK. I call for a division upon that question. I want to have a quorum on every vote in connection with this bill.

The question was taken; and upon a division there were—ayes 34, noes 60; no quorum voting.

Mr. BECK. I call for a further count.

Tellers were ordered; and Mr. LOUGHRIDGE and Mr. BECK were appointed.

The committee again divided; and the tellers reported that there were—ayes 37, noes 80.

The CHAIRMAN. Is a further count insisted upon?

Mr. BECK. I insist upon a further count.

The CHAIRMAN. The tellers will remain in their places. No quorum has voted. Members are requested to vote in order to make a quorum.

The tellers again reported that there were—ayes 45, noes 100.

So the motion to strike out was not agreed to.

The Clerk read the following:

For pay of sixty-nine agents of Indian affairs, at $1,500 each, except the one at Iowa at $500, namely.

Mr. RANDALL. Commencing where I left off before, I wish to direct the attention of the committee to the fact that in Dakota Territory there have been established two new agences, one at Black Hills and one at Brulé. I am advised, and I think correctly, that at present there are no Indians who feed there, but they feed at Whetstone and Red Cloud agencies. Now, in order to make the number of agents the same as last year, there has been a reduction from eight to seven of the agents in the Indian Territory, as will be seen by a reference to the portion of the bill commencing at line 41, and from five to four of the agents for the tribes in New Mexico. Now I am quite content that reduction should be made. But I would like to have some reason given why we should have these two new agents in Dakota Territory, more especially when I come to consider the fact that in each of the new agencies established there is not only the cost of the expenses of another agent, but also other expenses in addition, as will be seen by reference to page 54 of this bill, lines 1320 and 1321. It will there be found that an appropriation of $10,000 is provided for the erection of buildings at Black Hills agency. If we can possibly do without the establishment of any new agencies, I think it would be wise to do so.

Now, in the report of the Commissioner of Indian Affairs I find it stated that the entire number of Sioux is 53,000. I find also by referring back to the numbers previously given that in 1868 the aggregate number of Sioux was but 23,000; in 1869 something more than 23,000; in 1870 the same; in 1871, including wanderers, the number ran up to 31,000; in 1872 the computation made by General Walker was but 25,000; and in 1873 the number is given as 31,000. But now we have it swelled to 53,000.

My own judgment is that the Commissioner has made a mistake, and in computing the entire number of Sioux has founded his estimate upon the number of rations issued to the wild Indians. I desire, therefore, to move to strike out the word "nine" in the tenth line and insert the word "seven;" and then when we reach the clause specifying these agencies we can, in the twenty-ninth and thirtieth lines, strike out "Black Hills" and "Brulé." I propose to follow this by an amendment on the fifty-fourth page to strike out the $10,000 there provided for erecting buildings for the Black Hills agency.

Every new agency we establish costs a large amount of money. I am advised that there is really no necessity for these two new agencies; and I get this information from parties very familiar with this Indian question and the manner of appropriating money with reference to it. The Sioux in that neighborhood are now, as I have already stated, fed at the Whetstone and the Red Cloud agency. I move to amend by striking out "nine" in the pending clause and inserting "seven," so as to make the number of agents sixty-seven.

Mr. LOUGHRIDGE. I rise to a question of order. We have been accustomed in acting upon these bills to take up each paragraph separately.

Mr. RANDALL. I wanted to notify the gentleman in making my first amendment that I intended to move a further amendment which would become necessary. For instance, I want to strike out the $10,000 appropriated on page 54 for the erection of buildings at Black Hills agency; and also, in order that different parts of the bill may be harmonious, I desire to strike out these two new agencies established in Dakota.

Mr. LOUGHRIDGE. I suggest to the gentleman that it would be better to go on with the consideration of the bill; and if we strike out any agencies in the paragraphs in which they occur we can go back and amend this specification of the total number.

Mr. RANDALL. I am indifferent as to the manner of accomplishing my object, so that it is reached.

Mr. LOUGHRIDGE. I think that course would be better. Does the gentleman insist on his amendment now?

Mr. RANDALL. No, sir. I want to act in harmony with the committee who have this bill in charge.

The Clerk read as follows:

Twelve for the tribes in Dakota, namely, Red Cloud, Spotted-Tail, Yankton, Ponca, Crow Creek, Grand River, Cheyenne River, Fort Berthold, Sisseton, Devil's Lake, Black Hills, and Brulé agencies.

Mr. LOUGHRIDGE. I suppose that the amendment of the gentleman from Pennsylvania would be appropriate now if he desires to offer it.

Mr. RANDALL. I move to amend this paragraph by striking out "Black Hills and Brulé." I have already stated the reasons for this amendment.

Mr. PARKER, of Missouri. The gentleman from Pennsylvania [Mr. RANDALL] asks why it is necessary to establish these two new agencies. The trouble has been that at the Whetstone agency and the other agency referred to by the gentleman two or three classes of Indians have heretofore been fed. There has been a wild class of Indians who only come down there at feeding time; and the consequence is that they demoralize those who are further advanced in civilization. Last winter we almost had a war there because these wild Indians who came in to get provisions and supplies proposed to take them from the agent by force; and at that time we had not any military power there to protect him. Thus they were demoralizing the more peaceful Indians. Bishop Hare joins the Commissioner of Indian Affairs and the agents there in recommending the establishment of these agencies. There are between seven thousand and nine thousand of these untamed Indians who will not submit to any authority of the Government except that authority which gives them provisions and supplies, which they come in and get. It has been deemed most prudent by those who have these Sioux in charge there that these wilder Indians should be fed by themselves rather than be brought down to these two other agencies where there are more civilized Indians who are disposed to submit to the authority of the Government.

Then, again, the establishment of these two agencies at the points named—at the mouth of White River on the Missouri or near there and at the foot of the Black Hills—lessens the distance that we have to transport these supplies, and there is a saving in that respect.

One remark in reply to the gentleman from Pennsylvania as to the number of the Sioux. I believe that their true population is about thirty-seven thousand. When the gentleman takes the estimates that have heretofore been made, he should remember that as to large numbers of these people the Government in former years had no estimate and could not get any. They were back in the interior of the Black Hills. We were not feeding these wild Indians at that time, and we had no means of ascertaining the exact number. Now, it is possible that we may be mistaken as to the number of these wilder Indians. The Committee on Appropriations have sought to get as true an estimate as possible by requiring the head-men and chiefs to send in a correct statement of their numbers before receiving any supplies. We believe this requirement is working well; and we are now getting more accurately the number of Indians than we have done heretofore. But the reason that so many of these people have not been estimated in the past as are estimated at this time is that we have been feeding more of late years than we did ten or fifteen years ago. There are ten or fifteen thousand, perhaps eighteen thousand of these people, who twelve or thirteen years ago did not receive a mouthful of food from the Government. We have been trying to civilize them if possible; and we have been getting their numbers as accurately as we could, of course relying entirely in many cases upon the statements of the chiefs. They may overestimate their numbers, and perhaps they do. But the Government, acting in conjunction with the agents and everybody out there, has been trying to get the exact number of these untamed Indians who have been in the Black Hills and who heretofore have not been under the control of the Government. I think, Mr. Chairman, in the end, although it will involve the expenditure of $10,000 for buildings, still in the way of saving transportation and in the way of civilizing these Indians it is true economy to establish these two agencies.

Mr. RANDALL. Mr. Chairman, I wish to direct the attention of the gentleman to one fact, in order to show how improperly we may be led in our action and how wrongly we may be impressed by mere statements in reference to the number of Indians who have been fed by the agents of the Government. At the Red Cloud agency the agent reported 9,177 as the population of Indians fed at that agency for a year, while at the same time he claimed to have issued rations at one time to as high a number as 17,000 Indians.

Mr. PARKER, of Missouri. If the gentleman will permit me to interrupt him, I will say that if he will hunt up the report of the special commissioners sent out last winter he will find just how that is.

Mr. RANDALL. I will go a little further in this respect. I presume the gentleman from Missouri alludes to the testimony of Martin Gibbons. Now, if he will refer to pages 144, 145 of the report of the committee to investigate into Indian contracts, &c., in the Forty-third Congress, first session, he will find that during this very period referred to by the gentleman, Saville, the Indian agent at the Red Cloud agency, claimed to have issued on an average, during the month of October, two hundred and ninety-one head of cattle, while Gibbons, on the contrary, swears the average was only one hundred and fifty. Gentlemen can easily see how this increase in the number of agencies will facilitate the perpetration of fraud upon the Government—perhaps I might be justified in calling it, although it might not be parliamentary, intentional fraud on the Government.

Mr. Chairman, I have paid more attention this year than ever before to our Indian affairs, and I must confess, in reference to this whole Indian Department, the manner of doing business is enough to shock any man who regards the interest of the people and of the Government. For instance, there was expended during the year 1873, to which I will direct attention after a while more specifically, $800,000, without a shadow of contract, without any supervision whatever, and I propose to show at a price far exceeding usual contract prices. I want in this bill somewhere to provide some remedy, to put some stop to this unlicensed expenditure of the public money. I warn the House, and I speak from the information of men thoroughly conversant with this subject, that these two agencies are absolutely unnecessary, notwithstanding the fact which is asserted here that Bishop Hare says they are required.

But I wish to direct the attention of the committee to another fact, and that is that all these additional Indian agencies are created in a wrong direction, and as will be seen by the subsequent sections of this bill will involve large additional expenditures. I hope, therefore, that the gentlemen who have taken so much care to revise this Indian appropriation bill (and I award them praise in that direction) will

permit me upon this showing to have these two agencies struck out. If they will not agree to it, I then hope the Committee of the Whole at least will consent to it. It is in the direction of economy and of honesty.

Mr. LOUGHRIDGE. The House of Representatives and Congress must give some weight to the recommendations of the officers who have charge of Indian affairs. They have this whole subject under their care. They are sworn officers, and are presumed to recommend only what is necessary and proper. Still I believe it is perfectly right for us to examine carefully into these recommendations.

In relation to this matter, I send to the Clerk's desk and ask to have read the recommendation of the Secretary of the Interior.

The Clerk read as follows:

The establishment of an agency in the Black Hills country was recommended during the last session. Subsequent events have demonstrated the propriety of this recommendation and the necessity for such an agency in order to enable the Department to provide for the Sioux known as the wild and non-treaty Indians. Such an agency will do more to prevent their predatory incursions to the agencies now established, and to check their inclination to depredate upon white settlements, than any other measure which has presented itself to the consideration of those in charge of this subject.

Mr. LOUGHRIDGE. Gentlemen will see this is recommended by the Secretary of the Interior, the Commissioner of Indian Affairs, the board of peace commissioners, and by the commission of which Bishop Hare, one of the best men in the service, is chairman.

Mr. RANDALL. But you propose to repeal the Indian commission.

Mr. LOUGHRIDGE. That will not be insisted on. I now ask to have read a letter from a gentleman residing in the gentleman's city of Philadelphia, in whom I have no doubt he has great confidence, and who has been connected with Indian affairs for some time past, although not now connected with them. I refer to William Welsh, a gentleman who I think is honest, and who would make no recommendation he did not deem to be correct. I believe he understands Indian affairs, so far as these Sioux Indians are concerned, better than any other man in the country. I ask his letter be read.

Mr. RANDALL. The gentleman from Iowa will be surprised when I tell him that most of my remarks have been induced somewhat by information from the gentleman to whom he has referred. I do not know what he has to say about the Black Hills.

The Clerk read as follows:

PHILADELPHIA, *November* 27, 1874.

MY DEAR SIR: * * * * * * *

I am thoroughly familiar with the whole matter, having been there time and again, and deem this agency one of the cheapest and best modes that can be devised by helping to civilize the wild Sioux Indians. If you will look at the close of the agent's (Dr. Livingston's) report, just published, you will see that he recommends it also. If these Indians have a separate agency, I think we can civilize them and make them self-supporting in one-tenth part of the time that it is possible to do it under present unfavorable circumstances. There will, of course, be a little additional expense for buildings, but the saving in having the eye of an agent instead of a sub-agent will soon repay the cost of buildings. The location of the new agency should be at the confluence of the White River with the Missouri. The soil is good, and a settlement can be formed that will attract many of the wild Sioux, who are giving us trouble and who visit these Lower Brulés and intermarry with them. I cannot conceive of one objection, and if you had been with me in my visits you would have seen that the continuance of the present unsettled condition of these Indians must dishearten and demoralize them, and discourage others from joining them.

The larger part of the Lower Brulés spend half the year at the mouth of the White River planting, going up to the sub-agency for their rations, then migrate when the intervening streams become impassable. It may seem to you a small, but it is a very important matter, if the board of missions that I in part represent is to promote the early civilization of the great tribes of Dakota Indians. * *

Yours sincerely,

WM. WELSH,
1122 *Spruce street.*

Hon. WM. LOUGHRIDGE.

Mr. RANDALL. Give me the date of that.

The CLERK. November 27, 1874.

Mr. LOUGHRIDGE. I think the gentleman will find that these agencies are really necessary for the civilization and good government of these Indians. And I think, moreover, Mr. Chairman, the gentleman will find and the country will find that we will save money by having those agencies, because they will bring them nearer to navigation and the furnishing of supplies.

Mr. BECK. I desire to say a word on this amendment.

I object to the creation of any new agencies. My judgment is that one great evil, and the cause of more expenditure than anything else, is the great number of agencies we now have. You will observe on looking over the law—and I believe Indian intercourse is governed by that yet—it is known as the intercourse law with the Indian tribes, of 1834, that those agents are allowed to license persons to trade with the Indians and to revoke their licenses at pleasure, provided they are not men of good moral character or fail to give proper security. To show this I will read from section 3, which provides:

That any superintendent or agent may refuse an application for a license to trade if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license previously granted to such applicant has been revoked or a forfeiture of his bond decreed. But an appeal may be had from the agent or the superintendent to the Commissioner of Indian Affairs; and the President of the United States shall be authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods or of any particular article into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked and all applications therefor to be rejected; and no trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

Those agencies are used as a means of favoritism so as to allow a few men who are the friends of the Administration to do all the trading with those Indians. Now, so far from allowing competition and allowing goods to be sold by men at the lowest prices, the fact is that at many of the leading agencies the agents, by authority from Washington, revoke the right to trade and give monopolies to particular men, refusing the same right to others. I want the committee to know that this is charged to be true, and I want to have the facts investigated that it may be known whether or not it is true. I have information on which I can rely that the right to trade at the important posts of Fort Peck and Fort Belknap, in the Territory of Montana, was revoked and the monopoly was given to the brother of the President, Orville L. Grant, who to-day is the sole licensed trader in that section of country. The Iowa delegation and others know that there are applications before the Department to see if the men who were licensed to trade before that monopoly was granted cannot make some arrangement by which they can get a reasonable amount of compensation for the goods they have already taken there.

Mr. RANDALL. The goods are made worthless by the substitution of the present holder of the right to trade.

Mr. BECK. Instead of men of good moral character being licensed to trade, the fact is to-day that at those important posts—certainly at Fort Peck and Fort Belknap—the brother of the President is the sole licensed trader. Why then should you be increasing the agencies when the leading object is to place these privileges in the hands of favored retainers and kinsmen of the Administration to the exclusion of all others, that they may use up the money here appropriated? Out of the seven millions appropriated every year for the Indians it has been proved over and over again on this floor that not more than 25 per cent. ever reaches the Indians, and that many of those agents and the traders licensed to trade with the Indians are the men who stir up strife with these Indians for the purpose of making a necessity for larger appropriations and larger supplies, so that, the monopoly being in their hands, they may make more money out of it.

There is only one way to manage the wild Indians, as experience has demonstrated, and that is through the Army of the United States. We have quartermasters and commissary-generals, and men who if they do anything wrong can be tried by court-martial and held responsible for their misdeeds, to manage those affairs. The soldiers have to do the fighting when the time of trial comes, and they are very careful how they bring on conflicts, knowing that the responsibility and the risk fall on them. But those agents have no responsibility. They and their friends are the vampires who are sucking the life-blood out of the appropriations given for the Indians, and the more strife the better for them, because they are in no danger and have the furnishing of additional supplies whenever they can create a disturbance.

Mr. GARFIELD. I desire to ask the gentleman from Kentucky what authority he has for his statement, and to what documents he will refer in support of it, that it has been over and over again proved in this House that not 25 per cent. of the large sums annually appropriated for Indians have reached them? I have been here as long as the gentleman from Kentucky, and I have never before heard that statement made, much less heard it proved.

Mr. BECK. A sub-committee composed of Mr. LAWRENCE, of Ohio, Mr. SARGENT, of California, and myself in the Forty-first Congress investigated the doings of Mr. Parker, Commissioner of Indian Affairs. I have before me our report, in one of the bound volumes of the reports of that Congress. It was shown by conclusive proof in the cases we investigated—the payments made to the Creeks, Quapaws, and other tribes—that out of a payment of $300,000 nearly one-half went to General James G. Blunt and a large portion to traders and others, so that not more than 25 per cent., or, as the proof indicated, really not more than 20 per cent., ever reached the Indians. I remember that when the statement was made that not more than 25 per cent. reached the Indians, Mr. Jenckes, of Rhode Island, rose in his place and said the estimate was too great, and that they never got but 20 per cent.; and we developed many other transactions of like nature.

I can show him by going back to the documents of the last few years that a large amount of these appropriations that pass through the hands of agents and sub-agents are either lost by the way or the Indian agent supplies blankets to the Indians in July, when they do not want them, and will sell them for a song, and that the Indians are cheated to the amount of 25 per cent. of what they ought to receive and I believe Mr. Welsh, who was one of the Indian commissioners, will sustain me in that statement.

Mr. GARFIELD. The answer of the gentleman from Kentucky to my question has developed exactly the style and spirit and manner of the charges which the gentleman makes. He stated broadly, as I understood it, without any qualification, that there were appropriations made to the Indians of over $7,000,000 a year.

Mr. BECK. Yes, sir.

Mr. GARFIELD. And he stated that it had been again and again proved on this floor that not 25 per cent. of this amount reaches the Indians. When I ask him to specify, he launches out the statement that some five years ago a sub-committee of the Committee on Appropriations found that of a certain sum of two or three hundred thousand dollars paid to a certain tribe a large percentage of it did not reach the Indians. And that is his specific proof of the very broad charge covering a number of years; and yet the country is constantly hearing from the gentleman these broad, wide-wasting statements

covering the whole thing, and these statements are left as a part of the current history of affairs. Now, I ask the gentleman to point out any special evil in this bill and to move to strike out that provision of the bill which authorizes it, and we will vote with him.

Mr. BECK. I ask the gentleman if it is not true that an absolute license was given to the brother of the President as sole trader in a certain district?

Mr. GARFIELD. I am discussing the point before the House, and I ask the gentleman if the only answer he is able to make in support of his general allegation that $7,000,000 was given to the Indians and that only 25 per cent. of that amount ever reached the Indians, is that which he has stated?

Mr. BECK. I am able to say that I believe an investigation into any particular expenditure in this service will prove it, that on the average 75 per cent. of the amount of appropriations made for the Indians is squandered in one way or other; but we are not able to reach all the cases.

Mr. GARFIELD. I make answer to that that it is not so; and my denial of the charge is as good as the gentleman's assertion.

Mr. BECK. Is not the fact true that one single man, and he the brother of the President, is licensed to trade with certain tribes?

Mr. GARFIELD. I do not know it. If the gentleman knows it, let him show it.

Mr. BECK. I have that information.

Mr. GARFIELD. Give your information.

Mr. RANDALL. It is in the public press.

Mr. GARFIELD. Ah! the public press!

Mr. RANDALL. It is uncontradicted.

Mr. BECK. The Delegate from Montana has seen the papers, I believe, and knows the facts; let him state them.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. RANDALL. Does the Chair state that debate is exhausted?

The CHAIRMAN. Yes; on this amendment.

Mr. RANDALL. On this amendment?

The CHAIRMAN. Yes; four times over.

Mr. RANDALL. By what rule?

The CHAIRMAN. Three or four gentlemen have spoken on the amendment.

Mr. RANDALL. That is nothing. The five-minute debate goes on without limit until the committee prevents it; the Chair has no power to stop it.

The CHAIRMAN. The Chair does not so understand the rule.

Mr. RANDALL. I so understand it.

The CHAIRMAN. Five minutes is allowed to a member to speak in favor of an amendment, and five minutes in opposition to it.

Mr. BECK. But an amendment can be offered to an amendment.

The CHAIRMAN. Certainly; there is no doubt about that.

Mr. BECK. I wished to offer an amendment, but the gavel of the Chairman prevented me from being heard.

The CHAIRMAN. The Chair understands the rule to be that on every amendment a member may speak five minutes in favor of it and a member five minutes in opposition to it.

Mr. BECK. The fact I stated in reference to the President's brother is known to the Delegate from Montana.

The CHAIRMAN. Will the gentleman from Kentucky state what amendment he proposes?

Mr. BECK. I move to strike out the last word.

The CHAIRMAN. Then the gentleman will proceed.

Mr. BECK. I stated before that the reason why I wanted to curtail the number of Indian agencies was because they are made nests of corruption and favoritism, and I gave a case. I stated that it was known to the members of the Iowa delegation, and that the records of the Interior Department would show the fact which I stated in regard to one of these agencies. Sir, the Committee on Appropriations have a right to ask for information and I have not, which will show whether I am right or wrong. They can do it, and get at the fact and lay it before the House. I am advised that the statement I have made is true; the Delegate from Montana knows it. The more you increase agencies the more you increase the chances of corruption. I am opposed to the establishment of these new agencies because of the necessary and consequent increase of corruptions.

Mr. GARFIELD. Allow me to ask the gentleman this question: If it be a fact, as he states, that the brother of the President of the United States has the exclusive right to trade with the Indians, is that an unlawful right?

Mr. BECK. It is unlawful under the act, in my opinion.

Mr. GARFIELD. If it is lawful, then what is the charge? That it is indelicate to appoint him? Or that it shows corruption? Let us know what it is. The gentleman simply charges that some particular man has the appointment to trade with the Indians. I do not know whether that is true or not; I do not care whether it is true or not.

Mr. BECK. It is unlawful.

Mr. GARFIELD. What is unlawful?

Mr. BECK. It is unlawful to give any man the exclusive right to trade with the Indians to the exclusion of everybody else.

Mr. GARFIELD. Against what law is it?

Mr. BECK. Against the law of 1834, which I read a few moments ago. If there has been any subsequent law upon that subject, I am not aware of it. That law authorizes any man to trade with the Indians who is of good moral character and will give sufficient bond. And neither the President of the United States nor the Secretary of the Interior has a right to grant a monopoly of that trade to one man to the exclusion of all others.

Mr. GARFIELD. Has the gentleman seen any order or authority in contravention of that law?

Mr. BECK. I have said that I have not access to the Department; I have no means of getting that information; the democratic party have no means of getting it *now*. But after the 4th of March next we will develop the facts. I have the assurance of the Delegate from Montana [Mr. MAGINNIS] who stands by the side of the gentleman.

Mr. GARFIELD. I asked the gentleman——

Mr. BECK. Will you yield to the gentleman from Montana and let him tell what he knows of the violation of that law?

Mr. GARFIELD. I want to know if you have any authority.

Mr. BECK. I ask the gentleman to yield to the gentleman from Montana.

The CHAIRMAN. This debate is entirely irregular.

Mr. PARKER, of Missouri. I am getting quite tired of listening to that speech of the gentleman from Kentucky, [Mr. BECK.] When I came here four years ago——

Mr. RANDALL. I call the gentleman to order; the Delegate from Montana [Mr. MAGINNIS] has the floor.

Mr. PARKER, of Missouri. I was recognized by the Chair.

Mr. GARFIELD. I want to ask the gentleman from Montana——

Mr. MAGINNIS. Mr. Chairman, I wish to say——

Mr. PARKER, of Missouri. I want to answer the gentleman from Kentucky, [Mr. BECK,] if I have the floor.

The CHAIRMAN. The gentleman from Missouri is entitled to the floor.

Mr. PARKER, of Missouri. I am quite tired of listening to this speech of the gentleman from Kentucky. When I came into this Hall four years ago, and the Indian appropriation bill was before the House for consideration, I then heard the speech which has fallen from the lips of the gentleman to-day.

Mr. RANDALL. It has never been answered.

Mr. PARKER, of Missouri. The gentleman starts out with the naked, unsupported charge against the Indian agents that they are corrupt, that they are thieves and scoundrels. The gentleman makes the charge to-day as he made it then.

Now, in answer to the gentleman, I make the assertion that, from my connection with this Indian business and from my observation, I believe that there is not a more honest corps of men in the Government service anywhere than the men called and known as Indian agents. There may be dishonest men among them, as there are among all classes of people; but I believe when the Interior Department has discovered a dishonest Indian agent he has been removed as soon as discovered.

I have heard from that side of the Chamber these naked declarations of peculation and fraud and theft and larceny against the Indian Bureau and against the Interior Department. They have been simply naked declarations and nothing else. When gentlemen have been called upon to produce their facts to prove their assertions, it has turned out like the proof the gentleman has produced here to-day of his declaration; it has amounted to nothing; there has been no evidence whatever. Everybody knows that the most difficult branch of the public service is the branch charged with the duty of managing Indian affairs. There are difficulties in that service to encounter which are not to be found in any other branch of the Government service. It has to contend with the border settlers, with the wild Indians, with all the difficulties that can be brought against it. And yet, for the purpose of making political capital, gentlemen get up here on the floor of this House and make charges against the Interior Department and against the Indian service. They make the broad declaration that every year only 25 per cent. of our appropriations for the Indians go to them. And when called upon to present the evidence in support of their declaration, we are told that three or four or five years ago a sub-committee of a committee of this House discovered that of a certain appropriation of $300,000 for some Indians in the Southwest, only 25 per cent went to them. Yet the fact is that it all went to the Indians and they themselves paid it out afterward, perhaps foolishly and wrongfully. It was not the fault of the Government, except perhaps that it ought to have been a little more diligent in guarding the fund for the benefit of the Indians.

I have no objection to the gentleman from Kentucky or any other member of this House attacking anything in this bill; but I do object that a class of people who are away out on the frontier of civilization, exposed with their families to hardships and dangers and privations in order to benefit these Indians, shall be assailed here day after day without any one to raise a voice in their defense and in their behalf. I believe that as a class the Indian agents are as honest, as conscientious, and as capable as any class of people to be found anywhere in the country. General Pope says he believes that the agents in his department are as a rule honest men and are doing well by the Indians. All men who investigate this subject come to the conclusion that these men are doing as well as they can under the circumstances.

Mr. RANDALL. Mr. Chairman, when I entered upon this discussion——

The CHAIRMAN. Debate upon the amendment to the amendment is exhausted.

Mr. RANDALL. I move to amend by striking out "twelve" and inserting "ten."

Mr. LOUGHRIDGE. I rise to a question of order. Two amendments are pending, as I understand.

Mr. BECK. I withdraw my amendment.

Mr. LOUGHRIDGE. I object to the withdrawal.

Mr. RANDALL. When I entered upon this discussion, I entered upon it in no spirit of partisanship——

Mr. LOUGHRIDGE. Mr. Chairman, have I not the right to object to the withdrawal of the amendment. If I have not, of course I do not insist upon the objection.

The CHAIRMAN. The Chair thinks that in this case the objection comes too late.

Mr. RANDALL. Mr. Chairman, when I entered upon the discussion of this bill I entered upon it in the best possible spirit known to my nature—certainly in no spirit of partisanship. I was actuated simply by a desire to save the public money—a disposition which, as I stated then, actuates, I believe, the committee who have reported this bill. But I have no question that here is the creation of two new agencies; and I have stated what I believe to be convincing facts and arguments against the incorporation of these agencies in this bill.

Mr. LOUGHRIDGE. I would like to ask the gentleman what he has to say to the letter of his friend, whom he, as I understand, indorses?

Mr. RANDALL. I indorse anything that William Welsh does. Although he is a republican, I indorse his act of the other day in signing a paper remonstrating against the conduct of the President of the United States in using the Army to disperse the Legislature of a State.

Mr. LOUGHRIDGE. Mr. Welsh says that that agency is necessary. Do you indorse that?

Mr. RANDALL. I differ from him on this point.

Mr. LOUGHRIDGE. I thought you indorsed him in everything.

Mr. RANDALL. That opinion of Mr. Welsh was given long since; and these facts come to my notice now: that these Indians whom you propose to feed at these two new agencies are now fed at the Red Cloud agency and the Whetstone agency, and that the creation of these two agencies involves an expenditure of $10,000 at each place, although there is, as I can find, but one such item in this bill, and that is for the Black Hills agency. Here is $10,000 in a single case, which my amendment will save; and it is in this spirit alone that I have introduced the amendment.

The President of the United States may think that it is not in derogation of his office for him to appoint his brother to go up there to trade and exclude everybody else from trading. The propriety of thus giving to a relative a monopoly of money-making in that region is a question for him. It is a matter between him and the people who voted for him. According to my judgment, it is no recommendation of any President of the United States that he has given undue facilities to his relatives for making money.

Mr. MERRIAM. Can the gentleman give the evidence that he has done so?

Mr. RANDALL. Sir, you know it is true. There is not a man on this floor who will deny that the brother of the President of the United States has now, under the appointment of Mr. Delano or of the Commissioner of Indian Affairs, the exclusive right to trade up there.

Mr. LOUGHRIDGE. I deny that, if the gentleman pleases.

Mr. RANDALL. This is the first time I have ever heard it denied.

Mr. LOUGHRIDGE. Very well; I deny it.

Mr. KILLINGER. Let the gentleman from Motana [Mr. MAGINNIS] be heard.

Mr. RANDALL. I yield to the gentleman from Montana.

Mr. MAGINNIS. Mr. Chairman, I have no desire to take part in this debate, but can no longer resist the demands from both sides of the House to settle the question of facts which has been raised. As I informed the gentleman from Kentucky at his request a few moments ago, I have to say that a Mr. Charles, of Iowa, held licenses to trade with the Indians at Fort Peck and Fort Belknap, as the successor of Messrs. Durfee & Peck. In the month of October Mr. O. L. Grant was awarded a license to trade in that country and at those posts—a license granted by the agent and ratified by the Interior Department I presume, as is the custom in these cases. Shortly after this the agents at these places served notices upon this Mr. Charles, and told him that his licenses were revoked, and that he must remove from that Territory. This he did not wish to do, having made large investments there, and endeavored by all the means in his power and all the influence he possessed to have the order revoked and to have his licenses renewed. Failing in this, Mr. Charles claims that he offered to close up and abandon the country to the newly-licensed trader if Mr. Grant would buy out his buildings and the goods therein at a reasonable compensation. The parties then, as I am told, endeavored, but unsuccessfully, to fix upon some figures which should be satisfactory to both parties. They failed to agree, and the fight was then transferred to Washington, and Mr. Charles and Mr. Grant were both here during the month of December. The case was placed before the Secretary of the Interior, and Mr. Charles and his agent, Mr. Nunn, who are I believe both influential citizens of Iowa, were strongly backed by some of their Senators and Representatives, and gentlemen of the Iowa delegation can correct me if I am in error; Mr. Charles claiming that his exclusion from that portion of the Indian country was a violation of law, but expressing his willingness to retire in case Mr. O. L. Grant would purchase his buildings and goods at what seemed to him fair prices, but to which the other party demurred. Failing to obtain a renewal of his license or to make a satisfactory sale, Mr. Charles claims that he appealed to the President either to allow him to go on with his trade and sell out his goods to the Indians or that Mr. O. L. Grant should buy him out; the parties to agree upon prices where they could, and to leave all differences between them in this respect to arbitrators appointed in the usual mode. This last offer was, I believe, declined by Mr. O. L. Grant, on the ground that the people of that part of the country were friends of Mr. Charles, and that he could not get a fair arbitration; and, secondly, because he had the sole right to trade at that agency, and consequently a right to buy goods and ship them in or procure them as best he could; and as for Mr. Charles, he might take away his property or leave it. The President did not interfere and the Secretary did not renew Mr. Charles's license, and that gentleman has returned to Montana with the purpose of testing before the United States courts the right of the Interior Department to force him off the reservation, he claiming to be of good character and willing to comply with all the requirements of the non-intercourse law.

Mr. LOUGHRIDGE. Does the gentleman know anything personally in relation to this matter, or does he speak upon hearsay?

Mr. MAGINNIS. I know the facts both from Mr. Grant and from Mr. Charles.

Mr. RANDALL. Yes, sir; and the gentleman from Iowa will find out the same thing from Senator ALLISON, if he will apply to him.

Mr. MAGINNIS. I was very loth to be constrained to join in this dicussion——

Mr. LOUGHRIDGE. Let me ask the gentleman a question.

Mr. MAGINNIS. Certainly.

Mr. LOUGHRIDGE. I understood the gentleman from Pennsylvania to say that all the trading with the Indians in the Indian country was given to this one gentleman to whom he has referred——

Mr. RANDALL. I did not say any such thing.

Mr. LOUGHRIDGE. Then what was it you did say?

Mr. RANDALL. I said that the brother of the President of the United States had been given a section of the Indian country, I believe in Minnesota, over which he was to have the exclusive right of trading with the Indians. In that I believe I am not mistaken.

Mr. BECK. You said "up there."

Mr. RANDALL. Yes, I said that the brother of the President had been given a section of country up there, over which he was to have the exclusive right of trading with the Indians; and that the gentleman from Iowa has denied.

Mr. MAGINNIS. His license extended only to Fort Peck, Fort Belknap, and Standing Rock.

Mr. LOUGHRIDGE. Now it appears that only some of the posts up there were given to him.

Mr. RANDALL. And you said it was not so. The RECORD will show the facts. It has turned out that my statement, though denied at the time by the gentleman from Iowa, has been fully sustained.

Mr. MAGINNIS. Mr. Chairman, I did not wish to be drawn into the discussion of this particular matter, as I have regarded it as a business transaction of which I happened to know all of the facts. But I think it is wrong on the part of this Government, whether the law cited allows it or not, to permit agents to do as they do on these reservations in the Indian country, to allow any Indian agent to give to any one merchant or trader the monopoly of trading with the Indians of particular tribes. By so doing you drive everybody else from the Indian reservations, and when everybody else is driven off there will be nobody left to watch these Indian traders, and as a consequence they will be, as they are now, surrounded only by their willing tools. On every Indian reservation there exists a class of men known throughout the whole Indian country as "affidavit men," because they are willing to make any affidavit the Indian agent may want to cover or conceal frauds upon the Government. It is a wrong practice altogether and ought to be done away with. I believe it is contrary to the intention of the law, but if it is not, then it should at once be made so. When one of these men gets from the trader and the Department the monopoly of trading with the Indians at any one agency or for any one tribe, he can give whatever he may choose to the Indians for a buffalo robe. He may give one cup of sugar or two cups of sugar or anything he pleases for an entire robe. He can swindle the Indians in every possible way. Now, in my judgment, the true intent and meaning of the non-intercourse law is that every man who has a good moral character and who will obey that law is to be allowed to trade with the Indians so the Indians, like everybody else, may buy where they can buy the cheapest and sell to the best advantage—a privilege that none of us would be willing to give up. For fair competition insures liberal and fair dealing.

Mr. RANDALL. I wish to state one other fact, that the financial partner of the brother of the President is Mr. Bonnafon, a citizen of Philadelphia whom I know. Now I hope the gentleman from Iowa will look into this matter.

Mr. CROUNSE. Mr. Chairman, representing a State which in-

cludes within her borders several Indian agencies, I perhaps would be held inexcusable were I to sit here and listen to the denunciation of Indian agents generally and not put in a defense in behalf of those whom I know not to be open to such charges. Whatever may be the character of others or those who may have been intrusted with agencies in the past I am glad to say that from a personal acquaintance with some and from what I know of others in Nebraska, the agents there I believe are above suspicion. Some have been residents of the State, are well known there, and the gentleman from Kentucky could not with safety or impunity make the broad and sweeping charges of fraud and stealing there as those in which he has indulged here. I have taken occasion to visit some of the agencies, and have a personal acquaintance in some instances with the employés and subalterns, and I have no doubt but the assistants are well chosen and that the affairs of the agency are conducted with honesty and fidelity. Speaking understandingly, sir, I repudiate the charges so unjustly made against gentlemen who are not here in a situation to defend themselves. I would be as quick as any gentleman on the floor to denounce and hunt down corruption in the Indian Department if any exists, but I should be more surprised than any one to find it in the quarter of which I have spoken.

Mr. RANDALL. Let us have a vote on my amendment, and to save time I demand tellers.

Tellers were ordered; and Mr. RANDALL and Mr. LOUGHRIDGE were appointed.

The committee divided; and the tellers reported—ayes 65, noes 94.

So the amendment was rejected.

And then, on motion of Mr. ELDREDGE, the committee rose; and the Speaker having resumed the chair, Mr. POLAND reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

EPIDEMIC CHOLERA.

The SPEAKER laid before the House a message from the President of the United States, transmitting, in accordance with the requirements of the joint resolution approved March 25, 1874, authorizing an inquiry into and report upon the causes of epidemic cholera, reports on the subject from the Secretaries of the Treasury and War Departments; which were referred to the Committee on Commerce, and ordered to be printed.

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 744) to remove the political disabilities of Charles M. Fauntleroy, of Virginia;

An act (S. No. 743) to remove the political disabilities of Dabney H. Maury, of Virginia;

An act (S. No. 924) donating condemned cannon to the city of Massillon, Ohio, for monumental purposes;

An act (S. No. 1068) to remove the limitation restricting the circulation of banking associations issuing notes payable in gold; and

An act (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes.

SOUTHERN OUTRAGES.

The SPEAKER. The Chair is advised by Mr. ROBINSON, of Illinois, a member of the special Committee on Southern Outrages, that he cannot serve on the committee; and he therefore names as his successor his colleague, Mr. SAMUEL S. MARSHALL.

And then, on motion of Mr. ELDREDGE, (at five o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARCHER: Memorial of the standing committee of the Cincinnati Society of the State of New York, recommending the passage of the bill (H. R. No. 1184) to provide for the settlement of revolutionary claims, to the Committee on War Claims.

By Mr. BERRY: The petition of Jane Hunter, for a pension, to the Committee on Invalid Pensions.

By Mr. BROMBERG: The petition of John McKee, for the purchase for the use of custom-houses and consulates of his publication entitled The Sea-ports of the World, to the Committee on Commerce.

By Mr. BUTLER, of Massachusetts: Memorial of L. G. Jeffers, of Kansas City, Missouri, relative to the currency, to the Committee on Banking and Currency.

By Mr. CLAYTON: A paper from Cornelius Cole, in relation to the payment of the Alabama claims, to the Committee on the Judiciary.

By Mr. COTTON: The petition of attorneys of Muscatine, Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. DOBBINS: The petition of J. B. Graw, late chaplain Tenth New Jersey Volunteers, for relief, to the Committee on War Claims.

By Mr. DURHAM: The petition of citizens of Kentucky, for a post-route from Valley Oak to Crab Orchard, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. FOSTER: Two petitions of citizens of Ohio, for the construction of a double-track freight-railway from tide-water to the Missouri River, to the Committee on Railways and Canals.

By Mr. HARMER: The petition of William Harper, jr., for relief, to the Committee on Military Affairs.

By Mr. HUBBELL: Petitions of B. F. Emerson and 14 others, of Keweenaw County, Michigan; of N. Wright and 39 others, and Edwin J. Hulburt and 56 others, of Houghton County, Michigan, for the passage of the bill H. R. No. 3830, to the Committee on Ways and Means.

Also, the petition of H. J. Stockman and 53 others, of Charlevoix, Michigan, for an appropriation to improve Charlevoix Harbor, to the Committee on Commerce.

Also, petitions of business men of Chicago, Cleveland, and Keweenaw County, Michigan, for an appropriation to improve Eagle Harbor, to the Committee on Commerce.

By Mr. KILLINGER: Three petitions of citizens of Pennsylvania, for the restoration of the 10 per cent. duties repealed in 1872, to the Committee on Ways and Means.

By Mr. LUTTRELL: Resolutions approved and adopted by the subordinate granges of the Patrons of Husbandry of Tulare, Fresno, Merced, and Stanislaus Counties, California, opposing any modification in the line of road that the Southern Pacific Railroad Company are required to construct by the terms of the joint resolution of Congress approved June 28, 1870, to the Committee on the Public Lands.

Also, the petition of A. M. Church and 400 others, of Tulare, California, praying for the protection of settlers and pre-emption claimants on lands granted to the Southern Pacific Railroad Company, to the Committee on the Public Lands.

By Mr. MAYNARD: The petition of Matilda Fairchild, of Tampico, Tennessee, for a pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: The petition of Emma H. Young, widow of Benjamin F. Young, formerly second lieutenant Fifty-sixth Pennsylvania Volunteers, for relief, to the Committee on Invalid Pensions.

Also, the petition of William S. Stockton, to be placed on the rolls as first lieutenant of Company F, Seventy-first Pennsylvania Volunteers, and to be paid as such, to the Committee on Military Affairs.

By Mr. PARSONS: The petition of Samuel L. Mather and others, of Cleveland, Ohio, for the passage of the bill H. R. No. 3830, to the Committee on Ways and Means.

By Mr. ROSS: The petition of citizens of Tioga and Potter Counties, Pennsylvania, for a post-route from Sunderlinville, Potter County, to Potter Brook, Tioga County, to the Committee on the Post-Office and Post-Roads.

By Mr. SMALL: The petition of citizens of New Hampshire, for a post-route from Chatham to North Chatham, New Hampshire, to the Committee on the Post-Office and Post-Roads.

By Mr. SWANN: The petition of George W. Davis, of Baltimore, Maryland, for a pension, to the Committee on Invalid Pensions.

By Mr. WHEELER: The petition of John Hogan, for the passage of a law giving bounties to certain soldiers, to the Committee on Invalid Pensions.

Also, the petition of James A. Hall, that the name of the port called Nobleton be changed to Damariscotta, to the Committee on Commerce.

By Mr. WILLIAMS, of Michigan: The petition of 274 soldiers from Michigan in the late war, for the equalization of bounties and for the appointment of a special committee to investigate the subject, to the Committee on Military Affairs.

IN SENATE.

THURSDAY, *January* 14, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislature of Dakota Territory, in favor of an appropriation for the erection of a prison in that Territory; which was referred to the Committee on Territories.

He also presented a memorial of the Legislature of Dakota Territory, in favor of the establishment of a post-route from Yankton, via Jamesville, to Childstown, in that Territory; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Legislature of Dakota Territory, in favor of the establishment of a post-route from Sioux Falls, Dakota, to Lake Benton, Minnesota; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented the petition of Thomas P. Blair, of Cumberland County, Pennsylvania, praying compensation for grain purchased by him for the United States and captured by the rebel forces under General Lee in 1863; which was referred to the Committee on Claims.

Mr. SCOTT. I also present a petition of citizens of Schuylkill County, Pennsylvania, praying for the restoration of the 10 per cent. duty taken off certain foreign products by an act of June, 1872; and also praying for the passage of the currency bill submitted by the Hon. WILLIAM D. KELLEY, of the House, providing for the issue of 3.65 convertible bonds. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. SCOTT. I also present the petition of Mary A. Spackman, M. D., and Mary A. Parsons, M. D., setting forth that they are graduates of medicine from the Howard University in this city; that the Medical Association of this District, incorporated by an act of Congress, denies them admission in consequence of a clause in their charter confining membership to "medical and chirurgical gentlemen." They say that by reason of their exclusion they are denied the privilege of consultation, and cannot legally collect their fees, and are refused proper recognition as physicians. They pray for such an amendment to the charter as will give them what they believe to be their rights. I move the reference of this petition to the Committee on the District of Columbia.

The motion was agreed.

Mr. BOGY presented the petition of William A. Wise, praying an amendment of the pension laws, so as to allow arrears of pension in certain cases; which was referred to the Committee on Pensions.

Mr. WASHBURN presented the petition of E. Stillman Dix, late of the Thirty-seventh Regiment Massachusetts Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. KELLY presented a resolution of the Legislative Assembly of the State of Oregon, relating to the protection of salmon in the Columbia River; which was referred to the Committee on Commerce, and ordered to be printed.

He also presented a resolution of the Legislative Assembly of the State of Oregon, in favor of an appropriation of money for the payment of spoliations committed by the Modoc Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PRATT presented the petition of Henry Clegg, late private in Company C, Sixty-seventh Regiment Indiana Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MITCHELL. I present a memorial of the Legislature of the State of Oregon, in relation to the salmon fisheries in the Columbia River. They state that the history of salmon fishing in Europe, along our Atlantic sea-board, and in the Sacramento River of California, shows conclusively that the indiscriminate taking of the salmon soon lessens and finally destroys the catch altogether, and they desire the passage of a law prohibiting the taking of salmon in the Columbia River in traps, nets, seines, or other contrivances with meshes or apertures less than four inches square; to prohibit the taking of salmon by any means in said river between the hours of nine o'clock a. m. Saturday and six o'clock p. m. Sunday, and to forbid the taking of salmon in that river between the 15th day of July and the 1st day of September in each year, and to make such other provisions as may seem to be necessary for the fostering and growth of the fish and the protection of the fish interest. I move the reference of this memorial to the Committee on Commerce.

The motion was agreed to.

Mr. McCREERY presented additional papers in relation to the application of Lafayette Elder for compensation for a wharf-boat alleged to have been destroyed by rebel forces; which were referred to the Committee on Claims.

OFFICERS OBSERVING THE TRANSIT OF VENUS.

Mr. SARGENT. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 4213) to provide for compensating the officers of the Government in observing the transit of Venus, to report it back and to ask that it be put upon its passage at once. It contains but five lines, and I ask that it may be now considered.

Mr. EDMUNDS. Let us hear it read for information.

The Chief Clerk read the bill.

Mr. SARGENT. It takes no more money; it simply allows the officers of the Coast Survey who were sent upon this service to be paid out of the appropriations for the Coast Survey, as they always have been heretofore in all such cases. But on account of an act which was passed two or three years ago, as now construed by the First Comptroller, it is held that this cannot be done without further authority. The committee did not feel authorized to report a general law covering such cases; but in this particular instance and in order to have further time for consideration as to a general law, they think this relief should be granted. I have in my hand a letter from the chief of the Coast Survey, which in a very few words clearly explains it.

Mr. EDMUNDS. I do not rise either to support or oppose the bill, but to inquire of the Senator whether it is quite fair toward other Senators and other committees to ask that these bills be put on their passage the very day they are reported If we do it as a general rule, then of course we are unable to investigate matters that are reported. If we do not do it as a general rule, where there is no pressing and special emergency, it seems to be rather unequal and unjust in respect of the Calendar of matters already reported. I submit that to the Senator.

The VICE-PRESIDENT. It requires unanimous consent to consider the bill at this time.

Mr. SARGENT. I think the Senator will not object. The bill is very short. That is one reason I ask for its consideration. Another reason is that these officers have faithfully discharged their duty, and should be paid. Furthermore, the bill makes no appropriation, and we can pass it in a moment. For these reasons I think no Senator will see any objection to the bill.

Mr. EDMUNDS. There are fifty bills which we could pass in a moment if we could only get them up. I shall not object in this instance, but will in every other.

Mr. SARGENT. I am obliged to the Senator.

The VICE-PRESIDENT. The Chair hears no objection to the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the regular compensations and allowances to all officers of the Government in the parties engaged in observing the transit of Venus shall be paid from the appropriations for the support of the branches of public service to which the officers are severally attached.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STRONG AND ROSS'S PATENT.

Mr. FERRY, of Connecticut. The Committee on Patents, to whom was referred the bill (S. No. 1094) for the relief of Francis M. Strong and Thomas Ross, instruct me to report it back, and recommend its passage. It is a bill to which there will be no objection, and I should be very glad to have it put on its passage now, as I may not be here when it comes up on the Calendar.

Mr. SHERMAN. What is the bill?

Mr. FERRY, of Connecticut. I will state in a moment what the bill is. These persons made inventions for which they have two patents. They made an application to the Commissioner of Patents at the expiration of their first term for an extension. Their attorney here was directed to be present at the Patent Office and file a petition, provided one was not already filed in one of the cases. He went there, and was informed by the clerk that it was already filed, the clerk mistaking another case for this one. He went away. When he came to file his papers in the case he found the clerk had made this mistake, and it was too late then to enter the petition. The bill merely permits the petitioners to enter their petition as though no mistake had been made. That is all there is of it.

Mr. SHERMAN. How long has it been since that mistake was made by the clerk? Is it a recent mistake?

Mr. FERRY, of Connecticut. Very recent; last April, I think.

Mr. SHERMAN. I make no objection.

Mr. SARGENT. I would like to inquire what the patented article is?

Mr. FERRY, of Connecticut. Scales—measures for weighing.

Mr. SARGENT. Not sewing-machines?

Mr. FERRY, of Connecticut. No, sir; not sewing-machines.

By unanimous consent, the bill was considered as in Committee of the Whole. It grants leave to Francis M. Strong, of Vergennes, in the county of Addison, Vermont, and Thomas Ross, of Rutland, in the county of Rutland, Vermont, to make application to the Commissioner of Patents for an extension of the letters-patent No. 22162, granted to them for an improvement in weighing-scales, of date the 24th day of May, 1859, for the term of seven years from and after the expiration of the original term of fourteen years; such application to be made in the same manner and to have the same effect as if the same had been filed not less than ninety days before the expiration of the original term of the patent; and upon such application so filed the Commissioner of Patents is to consider and determine the same in the same manner and with the same effect as if the application had been duly filed within the time prescribed by law, and as if the original term of the patent had not expired. No persons are to be held liable for the infringement of the patent, if extended, for making use of the invention since the expiration of the original term of the patent, and prior to the date of its extension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, have had the same under consideration and have instructed me to report it back with sundry amendments. It seems to me reasonable to believe that the subject before the Senate, as its regular order, may pass from the consideration of the Senate during the present week, and therefore I take this opportunity to give notice that on Monday next I shall ask the consideration of the Senate to this bill; and, considering the business of the country, I shall hope to be seconded by the Senate in the effort to bring it to the attention of the body against all business on that day.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1938) to extend the provisions of the

act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes," reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 34) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes," reported adversely thereon, the subject being covered by the House bill previously reported, and the bill was postponed indefinitely.

Mr. EDMUNDS. I am instructed by the same committee, to whom was referred the bill (H. R. No. 1937) for the relief of the State of Tennessee, which is the same railway subject, to report it adversely, inasmuch as it is covered by the bill first reported. I move its indefinite postponement.

The motion was agreed to.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, reported it with an amendment.

Mr. STEVENSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 492) to make persons charged with crimes and offenses competent witnesses, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the resolution of the Legislature of West Virginia in favor of the establishment of a district court at Parkersburgh, in that State, asked to be discharged from its further consideration; which was agreed to.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (S. No. 478) relating to certain claims arising from the seizure and conversion by the Treasury Department of certain cotton claimed by individuals, reported adversely thereon and moved its indefinite postponement; which was agreed to.

Mr. FERRY, of Connecticut, from the Committee on Patents, to whom was referred the petition of J. L. Jones, praying compensation for the use by the Government of his patented compound defensive armor during the late war, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims, it being a claim against the Government; which was agreed to.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3499) in relation to the qualification of jurors in the courts of the United States, reported adversely thereon and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2084) to provide for the appointment of clerks for the circuit and district courts of the United States held at New Albany and Evansville, in the district of Indiana, reported adversely thereon and moved its indefinite postponement.

Mr. PRATT. I hope that bill will be allowed to go on the Calendar.

Mr. THURMAN. I have no objection.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 1082) granting to the Willamette Valley and Coast Railroad Company a right of way through the public lands for a narrow-gauge railroad, reported it with an amendment.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3718) granting a pension to Cornelia M. Arthur, reported adversely thereon.

Mr. SHERMAN. I desire that that bill go on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Merrill Lewis, late of Company K, Seventh Regiment Michigan Cavalry, praying to be granted an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. PRATT. On the 9th of June last House bill No. 1054 was reported back from the Committee on Pensions with a recommendation that the bill should pass with an amendment. I wish to attract the attention of the Senator from New York to the case. It is the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth Regiment New York Volunteers. I was observing that on the 9th of June, 1874, the committee considered this bill and directed a report to be made recommending its passage with an amendment cutting off arrears of pension. On the motion of the honorable Senator from New York, [Mr. FENTON,] on the 7th of this month, this bill was recommitted to the committee for further consideration. I am instructed now by the committee to report the bill back, adhering to the former amendment. There is a report in the case——

Mr. FENTON. I suppose the bill will be placed on the Calendar.

Mr. PRATT. It goes there anyhow. We recommend the passage of the bill with an amendment. There is a report in the case, and I move that it be printed.

The motion was agreed to.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3275) granting a pension to Eli Persons, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3713) granting a pension to Sarah S. Cooper, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2949) granting a pension to James R. Borland, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3008) granting a pension to John J. Bottgar, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3274) granting a pension to John S. Corlett, submitted an adverse report thereon, which was ordered to be printed, and recommended the indefinite postponement of the bill.

Mr. WRIGHT. I trust the bill will go on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3716) granting a pension to Elizabeth B. Dyer, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. INGALLS. The same committee, to whom was referred the petition of P. A. Krise, of Lynchburgh, Virginia, praying to have the act of February, 1871, giving pensions to the soldiers in the war of 1812, amended, direct me to say that a bill on the subject is before the Senate, and therefore the committee ask to be discharged from the further consideration of the petition.

The report was agreed to.

Mr. MITCHELL. The Committee on Claims, to whom was referred the bill (S. No. 1065) for the relief of J. W. Drew, late additional paymaster in the United States Army, have had the same under consideration, and have instructed me to report it back with an amendment, accompanied by a report in writing. I would ask the Senate to allow this bill to be taken up now. It is a meritorious case indeed. The bill simply enables the accounting officers of the Treasury to determine on further evidence in regard to disbursements, in the absence of vouchers lost in transmission. The committee were unanimous in their report. Suit has been ordered against the late paymaster.

The bill was read, and also the amendment reported by the Committee on Claims to add thereto the following:

Provided, Said accounting officers shall be satisfied that said disbursements were made, and in determining the same secondary evidence may be received.

Mr. MORRILL, of Maine. Is it the desire to pass that bill this morning?

Mr. MITCHELL. I hope the Senate will allow the bill to be considered this morning.

The VICE-PRESIDENT. It requires unanimous consent, it having been reported this morning.

Mr. MORRILL, of Maine. I do not think it is a good example.

Mr. MITCHELL. I would appeal to the honorable Senator from Maine. Suit has been ordered against this paymaster for a balance, and this bill simply enables the accounting officers of the Treasury to determine as to their sufficiency on secondary evidence in the absence of vouchers, which are clearly shown to have been lost in transmission, and unless this bill is passed the suit will go on. It is a very meritorious bill. The Committee on Claims unanimously authorized me to report it.

Mr. BOUTWELL. I should like to ask the Senator from Oregon whether the accounting officers have expressed any opinion upon this case?

Mr. MITCHELL. Not in writing.

Mr. BOUTWELL. As far as I know, suit has never been commenced against a party under such circumstances if the auditing and accounting officers of the Treasury were satisfied that he was equitably entitled to relief. They have not pressed suit under such circumstances.

Mr. MITCHELL. I do not know that suit has been commenced, but has been directed.

Mr. BOUTWELL. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is made.

Mr. MITCHELL. I understand the honorable Senator to withdraw the objection.

Mr. BOUTWELL. No, sir; I object to the consideration of the bill.

The VICE-PRESIDENT. The bill will be laid over. The report will be printed.

NOTICE OF AN AMENDMENT.

Mr. HAMILTON, of Texas, submitted an amendment intended to be proposed by him to the bill (S. No. 989) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872; and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from

the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866; which was referred to the Committee on Railroads, and ordered to be printed.

VICTORIA L. BREWSTER.

Mr. ALCORN. On the 11th instant the Senator from Texas, [Mr. HAMILTON,] from the Committee on Pensions, to whom it had been referred, reported adversely on the bill (H. R. No. 3687) granting a pension to Victoria L. Brewster, and the bill, on his motion, was indefinitely postponed. The circumstances are these: The bill passed the House of Representatives at the last session. The petitioner has been present during the present session, desiring to appear before the committee of the Senate, in order to produce the vouchers and give the reasons why her prayer should be heard by Congress; but on account of her unacquaintance with the forms that were necessary to be observed, she had not an opportunity of appearing before the committee, and the consequence was that the committee reported adversely to her petition and upon the bill of the House, without any proofs whatever. I desire to move a reconsideration of that vote, in order that the bill may be recommitted to the committee, that the petitioner may have an opportunity of appearing and presenting the facts touching her case. I trust there will be no objection, but that the reconsideration may be had, and that the bill may be recommitted to the committee.

The VICE-PRESIDENT. The Chair will state that it is now too late to move a reconsideration, but it can be done by unanimous consent.

Mr. ALCORN. I thought I was in time, this being the third day according to my count. But I ask unanimous consent.

Mr. PRATT. I wish to inquire of the Senator from Mississippi whether he desires this case to be recommitted to the Committee on Pensions on the ground that there is any new evidence in the case which was not before the committee?

Mr. ALCORN. Upon the ground that the party did not appear; that the evidence was not submitted to the committee; that the party had not an opportunity to appear; that she was not aware of the time when the committee would pass upon her case. She is a widow, I understand. I know nothing of the merits of the case; but it would be a peculiar hardship if her case were to be passed upon without giving her an opportunity to present her side before the committee. It is a matter of very great concern to her, and I trust the Senator from Indiana will not object.

Mr. PRATT. I observe that wherever the Pension Committee report in favor of a bill granting a pension no motion is ever entered for the reconsideration of the bill; but in a great many cases reported adversely at the present session motions of this character have been made; and the result is to impose of course increased duties upon that committee. We have a great many cases before us. There are only seven members constituting the committee. We work early and late in disposing of the business before us; but if the Senate see fit to recommit every measure that we pass upon adversely, we never shall be able to get through. I do not know anything of the particulars of this case. It was the duty of the petitioner undoubtedly to place on file all the evidence she had in support of her claim. The committee pass upon these cases on the evidence filed before them, and it certainly was not their fault if the petitioner did not make out her case.

Mr. ALCORN. I have a word, sir——

Mr. EDMUNDS. Nobody objects; let us do it.

Mr. ALCORN. Very well.

The VICE-PRESIDENT. Unanimous consent is asked to the reconsideration. Is there objection? The Chair hears none. The vote is reconsidered, and the bill will be recommitted to the Committee on Pensions.

APPROVAL OF A TERRITORIAL ACT.

Mr. BOREMAN. The Committee on Territories, to whom was referred the bill (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory, have had the same under consideration and have directed me to report in favor of the passage of the bill and to ask for its immediate consideration. It is a very small matter, and I think there will be no objection to its passage.

Mr. EDMUNDS. Before I object, I wish to know what the bill means. What is the matter with the territorial act now?

Mr. BOREMAN. A mistake was made in a deed conveying a piece of land upon which the penitentiary of the Territory was to be located. A tract of thirty acres was conveyed, and it turned out that by mistake it did not cover the piece of land upon which the penitentiary was to be located. Subsequently this gentleman conveyed ten acres in addition, and that was accepted by the authorities. The territorial act, which was approved by the territorial governor, authorized the reconveyance to him of the ten acres of the original conveyance provided for in the act proposed to be approved. The facts are set forth fully in the act. The committee were satisfied that it was all right and proper.

Mr. EDMUNDS. How is it necessary for us to approve the territorial act? Why is it not valid in and of itself?

Mr. BOREMAN. In an appropriation bill passed in 1868, after this location was made, directing the Secretary of War to expend the money appropriated for the construction of this penitentiary, it was provided that none of the property should be conveyed or transferred without the consent of the United States. This Legislative Assembly provided upon the face of the act that it should take effect upon the approval of Congress. I cannot see any objection to it. The committee have examined it

There being no objection, the bill (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory was considered as in Committee of the Whole. It approves the act entitled "An act for the relief of Jotham A. Draper," passed by the Legislative Assembly of Colorado Territory, approved February 9, 1872.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS OF COMMITTEE ON CLAIMS.

Mr. SCOTT. The Committee on Claims have instructed me to move that Thursday, the 21st instant, after the expiration of the morning hour, be fixed for the consideration of reports from the Committee on Claims. I make that motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

Mr. SHERMAN. In view of the notice that has been given by the Senator from Maine [Mr. MORRILL] I do not think it wise at this time to make such an order, and therefore I object at present. Let it stand as a motion on the Calendar.

Mr. SCOTT. Then I wish the motion entered so that I may call it up to-morrow morning.

The VICE-PRESIDENT. The motion will be entered.

BILLS INTRODUCED.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1127) to empower the Southern Pacific Railroad Company to change the line of their road, and to construct an additional branch; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. CLAYTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1128) to restore Frank W. Perry, late captain Twenty-fourth Infantry, to the rolls of the Army; which was read twice by its title, and with the accompanying papers referred to the Committee on Military Affairs.

Mr. SCHURZ asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1129) to organize the Territory of Oklahoma and for the better protection of the Indians therein, and for other purposes; which was read twice by its title.

Mr. SCHURZ. I would say that I introduce the bill by request; but I have not had time to examine all its details very closely, and therefore I do not assume entire responsibility for it. I move that it be referred to the Committee on Indian Affairs, and I recommend to the committee to give it its earliest possible consideration.

The motion was agreed to.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1130) for the relief of Walter J. Lee; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1131) declaring a post-road in the State of Pennsylvania; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

REVISION OF CUSTOMS LAWS.

Mr. WRIGHT. Yesterday morning it will be remembered that I asked the Senate to take up a bill providing for the appointment of a commission on the subject of the laws as to customs duties. The Senator from Pennsylvania [Mr. SCOTT] at that time asked that it be passed over. If he has no objection this morning, I trust the Senate will proceed to the consideration of that bill. It is important that it should pass at as early a day as possible.

Mr. SCOTT. I have no objection.

Mr. WRIGHT. I move to take up the bill referred to.

The motion was agreed to; and the bill (S. No. 964) to provide for the revision of the laws for the collection of customs duties was considered as in Committee of the Whole. It provides for a commission of seven members, to be composed of one member of the Senate to be designated by the President of the Senate, two members-elect of the House of Representatives of the Forty-fourth Congress to be designated by the Speaker of the present House, two officers in the customs service, and two citizens familiar with the laws for the collection of the customs duties to be appointed by the President; which commission shall terminate on the first Monday of December, 1875. It is to be the duty of the commission to inquire into such changes of the rates and classification and modes of collecting duties on imported goods as will promote the public service; the relations of foreign trade to domestic industry; the mutual adjustment of the systems of taxation by customs and excise, with a view of insuring the requisite revenue with the least disturbance or inconvenience to the progress of industry and the development of the resources of the country; into the manner in which officers charged with the collection of customs duties perform their duties; and into the best measures to promote the efficiency of this service. The commission is to report through the Secretary of the Treasury to Congress, either in the form of a bill or bills, a complete revision of the laws relating to customs duties and the collection of the same, and to report such facts pertaining to the trade, industry, commerce, or taxation of the

country as will be conducive to the public interests. In order to enable the commission to properly conduct this investigation, each member is hereby empowered to examine the books, papers, and accounts of any officer of the customs revenue, to administer oaths, to examine and summon witnesses, and take testimony; and each and every person falsely swearing or affirming is to be subject to the penalties and disabilities prescribed by law for the punishment of corrupt perjury; and all officers of the Government are required to extend to the commission all reasonable facilities for the collection of information pertaining to the duties prescribed. The members of the commission are to receive only the expenses actually and necessarily incurred while in the discharge of the duties hereby imposed.

The bill was reported by the Committee on Finance with amendments.

The first amendment was to strike out in line 11 the word "December" and insert "January," and in line 12 to strike out "five" and insert "six;" so as to read:

Which commission shall terminate on the first Monday of January, 1876.

The amendment was agreed to.

The next amendment was to insert in line 14, after the words "and modes of," the words "imposing and."

The amendment was agreed to.

The next amendment was to strike out after the word "revenue," in line 18, the words "with the least disturbance or inconvenience to the progress of industry and the development of the" and insert the words "and promoting the industries and;" so as to read:

The mutual adjustment of the systems of taxation by customs and excise, with a view of insuring the requisite revenue and promoting the industries and resources of the country.

The amendment was agreed to.

The next amendment was in line 26, after the word "Congress,'" to strike out the word "either."

The amendment was agreed to.

The next amendment was to add to the bill the following words:

Said commission shall have power to appoint a secretary, whose term of office shall expire on the 1st of January, 1876, and whose compensation shall be such as may be fixed and designated by said commission.

The amendment was agreed to.

Mr. SARGENT. I understand this bill comes from the Committee on Finance. I presume it has been considered by that committee. I am also informed that it is recommended especially by the Secretary of the Treasury. Am I correct as to these facts?

Mr. WRIGHT. That is so. I have the recommendation of the Secretary of the Treasury here, and can have it read if it is necessary; but the time is very short. He recommends the passage of the bill which was submitted to him.

Mr. SARGENT. Under those circumstances I do not feel like objecting.

Mr. SHERMAN. I can state that the bill is not only recommended by the Secretary of the Treasury very strongly, but also by the President of the United States in his annual message, and it has been demanded by various boards of commerce and trade, and by the general industrial interests of the country. I have no doubt that merely in getting rid of the difficulties in the way of the construction of the present customs laws, it will be the best service to the country if the business is properly conducted.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHERMAN. I ask that the letter of the Secretary of the Treasury be printed in the RECORD as a part of the proceedings, so that it may appear in connection with the bill.

The VICE-PRESIDENT. Is there objection to the proposition of the Senator from Ohio? The Chair hears none, and the letter will be printed in the RECORD.

The letter is as follows:

TREASURY DEPARTMENT,
Washington, D. C., January 11, 1875.

SIR: In reply to your note of the 6th instant, inclosing for my consideration Senate bill 964, entitled "A bill to provide for the revision of the laws for the collection of customs duties," I respectfully submit the following reasons which would induce me to favor the enactment of the bill:

The Revised Statutes relating to the collection of customs duties, both those which prescribe the rates heretofore generally designated as tariff acts and also those which prescribe the mode of proceeding in the execution of these laws, are at present in a state of some confusion in consequence of the diversity of the original acts from which they are derived. The old acts were passed at periods widely separated in point of time and under circumstances still more unequal, as regards both the necessity for the law or rate of duty imposed and the conditions under which it must necessarily be exacted.

In the condensation and revision of the laws enacted June 22, 1874, the principle of exact reproduction of the language of any statute at that time in force was generally adopted. The paragraphs, therefore, taken from the acts imposing duties in 1861 and 1862, as well as those of 1870 and 1873, were transcribed in the exact words of the original enactment; but being rearranged in the new act, they are undoubtedly in some cases susceptible of new interpretation, thus rendering the identity of the rate as it was in the original act still open to qualification.

For these reasons and many others that may be suggested it would be well to prepare a redraught of the texts of the acts imposing duties on imports.

Still more important is the revision of the laws relating to the collection of customs duties. On this subject the existing statutes are still more diverse, as regards the time and circumstances under which they were originally enacted, than perhaps are the laws relating to any other subject whatever. Large portions of the original act of 1799 still remain unrepealed, with portions of the acts of 1800, 1801, 1823, and other remote dates.

The recent acts of 1866 to 1874, relating to the penalties and violations of the law, are also particularly diffuse, and in some respects contradictory as they stand on the statute-books.

Correction of these possible contradictions, or at least proper determination as to the precise course to be pursued in their execution, is now particularly important.

I have therefore to express my general approval of the bill as drawn, and would recommend its passage with such modifications as the wisdom of Congress shall suggest.

In addition to the considerations applying to the general subject of the bill, it should also be stated that the distribution of the various branches of the customs organization, including the distinction of collection districts, the designation of ports, the appointment and duties of officers, are all subject to the same remark as to the blending of statutes dating from the beginning of the Government to the present time.

Much modification of what is necessarily recognized and obeyed as law is really necessary to adapt these parts of the system to present necessity. The general relation of the customs to other revenue laws requires also to be considered, simply from the point of revenue alone.

Very respectfully,

B. H. BRISTOW,
Secretary.

Hon. GEORGE G. WRIGHT,
United States Senate.

DEWITT C. CHIPMAN.

Mr. PRATT. I move that the Senate proceed to the consideration of the bill (H. R. No. 3177) for the relief of DeWitt C. Chipman.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It provides for the payment to DeWitt C. Chipman of $8,006.17, in full satisfaction and payment of all demands whatever of Chipman as late collecter of internal revenue for the eleventh district of Indiana.

The Committee on Finance proposed to amend the bill by striking out in line 6 "$8,006.17" and inserting "$5,535.23."

Mr. SCOTT. From what committee is that bill reported?

Mr. FERRY, of Michigan. The Committee on Finance. The committee instructed me to report it with the amendment just read.

Mr. SCOTT. Is there a report?

Mr. FERRY, of Michigan. It is a House bill, and there is a report. If the Senator desires it, the report can be read; but it is quite lengthy.

Mr. MORTON. I think the bill is a very just one, and ought to pass. It has been delayed for a long time.

Mr. FERRY of Michigan. The bill was thoroughly considered in the committee. I will state the case to the Senator from Pennsylvania, and I think on refreshing his recollection he will remember it. I had it in charge. The report is quite full, and its reading would occupy more time than is left of the morning hour. The House passed it, giving him over $8,000, which included personal compensation. The Senate committee, in its judgment, decided that personal compensation should not be given, thus reducing the amount to $5,535.23. I think there can be no objection to the bill. It is a very meritorious case, and I hope the bill will pass.

Mr. SCOTT. I do not desire to interpose an objection, but it is because I have some faint recollection of the bill and did not assent to it that I made the inquiry. Perhaps if the report were read it would refresh my recollection.

Mr. FERRY, of Michigan. I have no objection to having the report read.

Mr. SCOTT. My impression is that the bill is one which elicited considerable discussion in the committee and did not secure a unanimous report. If the Senator thinks it proper to pass it without hearing that report, I cannot concur in that. I should like to hear the report.

Mr. FERRY, of Michigan. For the purpose of saving time, I will make a statement, and perhaps that will satisfy the Senator. Mr. Chipman was collector of the eleventh district of Indiana for over four years. When his successor was appointed, he was required to turn over to him the tax-list, whether collected or not. His successor proved to be an inefficient officer, and to protect himself, inasmuch as he was charged with the whole account passed over to his successor, this man Chipman collected it as far as he could and reported to the Department, and to a certain extent the amount was credited to him and abated in the charge against him, but to some extent it was not done. Mr. Chipman claimed an abatement, inasmuch as he protested against the sum being charged against him. It would seem hard that an officer holding a place in the service of the Government and chargeable with the whole list of taxes when they were not collected should be held responsible for the duties of a successor who may have been efficient or not.

In this case Mr. Chipman, understanding the character of his successor, in order to protect himself stepped in and collected the taxes to the fullest extent that he could. He did ask compensation during that time, but the committee of the Senate decided that he was not entitled to it, inasmuch as he was not really an officer of the Government, but to the extent of the actual expenses paid out he should be reimbursed. The committee have cut down the House bill to that extent, excluding all salary, but paying him for the actual expenses paid. I would here state incidentally that the Department did abate $1,900, not the full amount claimed, thus setting the precedent that so far as just abatements were concerned it was the practice of the Department to allow them. Mr. Chipman claims that the whole amount should be deducted. It seemed fair in the judgment of the committee that the amount should be allowed him. I hope the bill will pass.

Mr. SCOTT. Upon the statement of the Senator from Michigan, I do not know that I shall make any further objection; but my recollection of the bill was that in effect it increased the salary of the collector. If the Senator now states that the bill was so far reduced as to take out of the amount now proposed to be allowed all that looked like an increase of his salary, I have no objection to make. But my objection was that he had the right to make his application to the Commissioner of Internal Revenue and have his salary adjusted; that that application had been made, and he had got all that that officer thought proper to allow him, and that this was simply an application to Congress to override the action of the Commissioner and increase his salary. That was my impression about the bill. If I am wrong in that, I shall not insist on the objection.

Mr. FERRY, of Michigan. In reply to the Senator I will call the Senate's attention to the last page of the report where the case is summarized.

Your committee are of opinion that the increased salary claimed should not be allowed, but that the following items should be allowed, to wit:

Conditional report	$1,404 68
Duplicate collections	684 79
Uncollected taxes	2,248 76
Actual expenses paid, exclusive of salary after retirement	1,197 00
	5,535 23

making a total of $5,535.23, the payment of which the committee recommend.

I will state to the Senator that there is no salary included in this amendment which the committee have reported. That was excluded by the committee.

Mr. WRIGHT. I have no objection to the vote being taken upon this bill, but I desire to say that the letter of the Commissioner of Internal Revenue, as I remember, and all the papers show the case to be precisely this: that here is an appeal from the decision of the Commissioner of Internal Revenue to Congress. Everything this person is entitled to by law by possibility, that officer has power to grant. He refused to grant him the relief he asked, and he appeals to Congress. I do not wish to interpose any objection to this bill, but I mention it now. Opposing the bill as I did in the committee and as I do now, I want to call the attention of the Senate so that it shall not be a precedent to bind me hereafter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws, and to repeal moieties," approved June 22, 1874.

The message also announced that the House had passed a bill (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Winter, and William Kearney; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 743) to remove the political disabilities of Dabney H. Maury, of Virginia;

A bill (S. No. 744) to remove the political disabilities of Charles M. Fauntleroy, of Virginia;

A bill (S. No. 1068) to remove the limitation restricting the circulation of banking associations issuing notes payable in gold;

A bill (S. No. 924) donating condemned cannon to the city of Massillon, Ohio, for monumental purposes; and

A bill (H. R. No. 3819) making appropriations for the naval service for the year ending June 30, 1876, and for other purposes.

CHANGE OF A REFERENCE.

Mr. HARVEY. I observe that a letter from the Secretary of War, submitting an estimate of funds required for the military prison at Fort Leavenworth, Kansas, for the year ending June 30, 1876, was on the 8th instant referred to the Committee on Military Affairs, and ordered to be printed. It has been printed, and I am informed by the chairman of the Committee on Military Affairs that the more appropriate reference would be to the Committee on Appropriations, it being an estimate from the head of a Department. I therefore make the motion that the Committee on Military Affairs be discharged from the further consideration of the communication, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. LOGAN. Mr. President, yesterday when the motion was made that the Senate proceed to the consideration of executive business with my consent, I had very nearly concluded the remarks which I deemed it proper to submit to the Senate on this question. I hope on coming to this question again to-day that I shall not detain the Senate at any very great length. I had gone over the question, so far as the facts surrounding the government of Louisiana at the time of the issuance of his order to the military were concerned, and the action on the part of the military in view of the law under which the Legislature was to be organized, and had referred to all that which I deemed it proper to comment upon in that connection. At the time that I suspended my remarks, however, I had just had read at the desk of the Secretary a communication made to me by a man, a Georgian by birth, a resident of that State at this time, a candidate for Congress on the republican ticket at the last election. Of this man I know nothing save that which I have heard in reference to him here. I am told that he was a colonel commanding a regiment in the confederate army against the Government of the United States; that on that side he proved himself a gallant soldier. This would not in my estimation add anything to his character as a man of honor or a man of veracity; but to my friends on the opposite side it ought not, at least, to be in derogation of his character. Whether the statements made by him be true or false it is not for me to say, but for others to say who have knowledge of the facts. I had the communication read for the reason that we have been told in this Chamber that all was peace and quiet in the State of Georgia. This man asserts to the people of the country that when he was nominated by the republican party he was serenaded that night by the soft and delightful music of tin pans, tin horns, and everything that was calculated to be wholesome and pleasant to him in his dreams. We are told by him that at different precincts in his district negroes were refused the right to vote because they were too old, and it was said they were too old under the law to vote. We are told by him that in divers and sundry instances men with their tax-receipts in their hands were refused the right to vote at the polls. We are told by him that when the colored people were drawn up in line in front of the polls in order that they might under the law deposit their ballots, pepper was thrown in their eyes, smoke in their faces, tobacco quids were thrown in their faces—every character of annoyance to these poor people was made use of to drive them away from the polls. Yet we are told here that the only friends they have in this country are to be found in the ranks of the democratic party in the South!

Men may talk as they please about peace; they may talk as they choose about rights guaranteed in the Constitution; they may say what they please about the laws being faithfully and honestly administered in those States; but while men are deterred either by improper influences or brute force in this manner, it is not a community of law-abiding citizens where equal rights are protected and observed. While I am on that point in reference to the State of Georgia, I deem it proper for me to call the attention of the Senate to a fact that has been brought to my notice, and a very singular one too. In courts of justice, under the rules of evidence by which men are tried and by which courts are governed and guided in the administration of justice between man and man, circumstances are taken as testimony, when linked together, to prove the rights of parties or to prove the violation of law. I find published in one of the newspapers of the State of Georgia the votes cast at the last election by congressional districts. One of the Senators has taken the pains to compile the number of inhabitants in some of those districts, colored and white, and then to compare the votes, and let the circumstances speak for themselves. Let the facts tell their own tale as to whether men are deprived of their rights in that State or not.

Statement showing the population and number of votes cast at the late election in the fourth congressional district of Georgia.

Counties.	Democratic vote.	Republican vote.	White population.	Colored population.
Campbell	392	.....	6,589	2,587
Carroll	1,010	14	10,472	1,309
Chattahoochee	280	.....	2,654	3,405
Coweta	1,244	1	7,856	8,019
Douglas*	511	1	(*)	(*)
Harris	997	1	5,791	7,493
Heard	572	.....	5 218	2,948
Marion	379	.....	4,169	3,830
Meriwether	1,109	.....	6,387	7,369
Muscogee	956	.....	7,441	9,220
Talbot	684	.....	4,761	7,152
Troup	1,074	.....	6,408	11,224
Total	9,218	17	67,746	64,276

* No such county named in Census Report.

I will take the fourth district of Georgia, copied from this paper publishing the returns of the different counties in the various dis-

tricts. The fourth congressional district of the State of Georgia is composed of Campbell, Carroll, Chattahoochee, Coweta, Douglas, Harris, Heard, Marion, Meriwether, Muscogee, Talbot, and Troup Counties. In these counties the white population is 67,746; the colored population is 64,276—a difference of a little over 3,000 between the white and colored population. Estimating the voting population as one to seven, that would leave a difference of a few hundred on the side of the white population. We take it for granted at least that out of 64,276 colored people in a congressional district there were certainly some few who would have voted the republican ticket. Now, what was the vote in that congressional district last fall? The democratic vote was 9,218. That is the majority of the white voting population of the district. What was the republican vote? Seventeen in all—all told—out of a population of 64,276 colored and some white voters of the republican party. In one county 14 republican votes, in one 1, in another 1. In eight counties, where there were thousands of colored people, not a solitary vote was cast for the republican party. I desire to know—I ask the question in all candor—can any man stand upon this floor and tell me that there were but seventeen men out of a colored population of 64,000 that were able to vote the republican ticket? If but 17 republican votes were cast, what is the natural inference to be drawn from the facts and circumstances that surrounded those people at that time? There can be but one explanation of it, and that is the secret, silent torture of a threat against these people on account of a desire to preserve their rights and property. They were afraid to exercise the right given to them by the Constitution and the laws of their own country. There is no other inference that can be drawn, there is none other that is fair or just in the premises; and yet we are told day by day on this floor that all is peace and harmony, that no man is molested there, that everything goes on in accordance with justice, in accordance with right, and in accordance with the laws of our country.

I have the votes of some other districts in the State of Georgia as compared with this one that I have just read. The eighth district in Georgia, out of a population almost equal to the one I have given, cast twelve votes for the republican ticket, several thousand for the opposite. Where, let me ask, were all the colored republicans of the eighth district of Georgia on the day of the election? Men may denounce the statement that I made here yesterday, but it proves its own truth by an examination of these returns. When we were told yesterday by a candidate that some of his voters were not permitted to vote, that some were denied on account of their age, that others were denied on account of their locality, that pepper was thrown in their eyes and smoke in their faces and they driven from post to pillar, the polls not opened till a late hour, when none but white people were permitted to vote, do we not know that all these things took place for the purpose of deterring those men from the exercise of that boon which belongs to the American citizen, and that is the right to vote at an election? Sir, I ask you what is citizenship in this country if not the right of selecting by your ballot the men who shall exercise the functions of office under the laws in this land. If that right is denied, I ask you where is the great boast of American citizenship in this country? Once it was said that the proudest thing that could be uttered by a citizen of Rome was that he thanked his God that he was a Roman citizen. Why did he do this? Because in those days the rights that Rome gave her citizens were protected. For that reason the boast went forth of citizenship; but in this country where we boast of American citizenship, I ask you what becomes of the boast if the greatest right that inheres to the citizen under the laws and Constitution of our country is denied? What is there then for the citizen to boast of?

We are told, however, that in the State of Georgia there are no outbursts showing vindictiveness of feeling, that there is nothing there from which you can draw the inference that there is any but the kindest feeling toward the people of the United States, both North and South, and toward the officials of the United States Government. I do not know why such statements should be made. I cannot imagine why men should assert such propositions on this floor when every day their own newspapers contradict such statements. In order for us to ascertain the facts as to whether the sentiment in that country is as described, I send to the Clerk's desk a newspaper published in Atlanta, the capital of the State of Georgia, where it is presumable at least that the papers are fair representatives of the sentiments of the State, and ask the Secretary to read first the marked editorial on the left, and then to read further as I shall suggest.

The Secretary read as follows:

THE RADICAL PLOT DEVELOPING.—The telegram sent by P. H. Sheridan to the Secretary of War bears all the evidence of being part of a plot hatched by the radical leaders at Washington to provoke an armed uprising in the South. Sheridan deliberately proposes to punish the leaders of the White Leagues by a military commission. Further on Sheridan declares that "it is possible that if the President would issue his proclamation declarjng them banditti, no further action need be taken except that which would devolve upon me."

We now look for a proclamation from Grant doing as Sheridan suggests. The situation increases in gravity. Grant is evidently playing a desperate game. He has sent somebody to Louisiana "who will hurt." Now, let Grant declare Ogden, Marr, and the rest banditti, and then we will see who is hurt. If any hanging or shooting is to be done, it is just possible that a braggart and dirty tool of an upstart like Sheridan may ornament a lamp-post quite as rapidly as any White Leaguer "ringleader" may grace a gallows.

Mr. LOGAN. Now let the Secretary read in the next column marked.

The Secretary read as follows:

THE LOUISIANA INFAMY.—Like the liar that he is, when General Sheridan arrived in New Orleans he informed several gentlemen who called upon him that there was no truth in the report which stated that he was to take command in Louisiana. He was merely, he said, on his way to Havana with a party of ladies. Our dispatches this morning tell what he is doing in New Orleans. Beaten in their conspiracy to defeat the public will, the radicals appealed to the Federal military authorities. There had not been any disturbance of any character. The Legislature had met and organized by the election of Ex-Mayor Wiltz, of New Orleans, as temporary chairman. Swearing in the members began; the radicals withdrew; and shortly after a body of soldiers entered the chamber, reinstated the radical clerk, and virtually broke up the assembly.

Here Sheridan steps in with another infamous lie on his lips. He telegraphs the Secretary of War that "he regrets to announce a spirit of defiance of all lawful authority, and an insecurity of life." At this writing we have heard nothing further, but we presume that New Orleans is now virtually under martial law, and that the work of infamy has been completed.

And yet we hope to hear a different report. There are twenty-five thousand able-bodied white men in New Orleans. In the same city there are twenty-five hundred Federal soldiers. Admitting that every Federal soldier would consent to fire on the people, they are no match for the citizens. We write it deliberately, that we hope the dispatches will bring us news before we go to press that the streets of New Orleans are barricaded, and that twenty-five thousand freemen are crushing to atoms Sheridan and his horde. There is not a single feeling of animosity in our hearts against the United States as we write. All that we see is the act of infamy, by means of which the people of Louisiana are to be delivered over to scoundrels and despots.

Again and again do we reiterate the hope that the citizens of New Orleans will take up the gage of battle so insolently thrown down to them. Since blood must flow in defense of their liberties, then let the streets of the Crescent City again be the scene of the conflict of patriots against a most infamous usurpation. We pray it—pray it, as if to God—that there has been no hesitating, no shrinking. Who is Grant, that he should seek to act the part of master of the South? Who is Sheridan, that he should attempt to crush the white people of Louisiana? Is it not time that this tyranny be brought to a sudden and, if it must be so, a bloody end? Can the people of the North blame Louisiana, if in this moment she rises grandly in arms, and hurls off the fetters with which she is about to be bound?

Let the issue be met in Louisiana, and the question of the rights of the Southern States be finally settled. We are heartily tired of the game that is being played in the South. If there ever will be a time for the people of New Orleans to begin fighting in earnest, that time is now. If ever resistance to Federal usurpation was justifiable, it is now. If the time is ever to come for twenty-five thousand white men to demonstrate their strength, that time is now come.

We therefore await the arrival of telegrams informing us that the blow has been struck in earnest.

If President Grant is anxious to provoke a civil war, as he is said to be, it is, perhaps, best to accommodate him at once. We never will have a better reason for an uprising than exists in New Orleans at present. Nothing that Grant may do can more thoroughly unite the freemen of the entire United States than what his tool, Sheridan, has just done in New Orleans. The time for argument, for appeals, for remonstrance, is past. Barricades ought to be the fashion now, with armed men behind them.

Mr. GORDON. Will the Senator allow me to make just one remark? I will not detain him more than a moment.

Mr. LOGAN. Very well, sir.

Mr. GORDON. I only want to say that I have no doubt the editor of that paper was sincere in all he said; I have no doubt he reflected the sentiments of his own heart; but I know full well that he did not reflect the opinions of the people of Georgia; he did not reflect the sentiments of the democratic party of Georgia. He does not pretend to belong to the organization of the democratic party of Georgia. He does not run any paper which claims allegiance to the democratic party of Georgia. He claims to run an independent paper, and he does run an independent paper. He neither supported the democratic nominee in the district in which he lives, nor did he support the democratic nominees in other districts. On the contrary, he supported the opposition in the district just above the district in which he and I both live.

Now, sir, I wish to have read, if the Senator will allow me, a telegram from the governor of my State, who is a democrat and a member of the party. This gentleman who is the editor of that paper I have no doubt is a democrat. He votes, when he does vote, for the democratic party; but his paper disclaims belonging to any organization, and he runs on an independent schedule, responsible for his own utterances, and nobody responsible for them but himself.

Mr. LOGAN. I will say to the Senator that I do not give way to have that telegram read as part of my argument by any means. I will proceed. He will have ample opportunity to read the telegram hereafter.

He says that this man no doubt is a democrat. I do not say that the whole people of Georgia entertain the same sentiments. I have not said so at any time; but I read these articles in this paper to show that some portion of the people of that State do entertain these sentiments. I have read all that I have read to show the circumstances and to show the character of feeling that there is all over that country. Now, I would ask any Senator on this floor, do not the democratic papers all over the South announce nearly the same proposition? Did not the democratic papers all over the South indorse Penn's revolution against Governor Kellogg? Do not the democratic papers of the South to-day defy the powers of this country in reference to the action in Louisiana? If they do not, I have failed to see one that has taken a different course. This one, the Senator says, is an independent paper; but no doubt, he says, the editor is a democrat. It is immaterial to me whether he be a democrat or an independent, or what he may. He is speaking the sentiment of his locality; or, at least, he pretends to represent the sentiment of his locality. First, he thinks it would be well to hang Sheridan to a lamp-post. I have no doubt that a majority of the democrats in the South in 1863 believed just the same thing, that it would have been well to hang Sheridan; and I have no doubt they believe it now.

But in the conclusion of the second article what does this paper say? I care not whether it is the sentiment of Georgia or not; what I am speaking to is the impression that is being made upon the people of the State of Louisiana. What effect do such articles have upon the twenty-five thousand people in Louisiana who are organized as a White League, when they are told by the public press of the South that it is their duty to barricade the streets of New Orleans; that it is their duty to make war upon the troops of the United States Government, for the purpose of overturning that State government; that it is their duty to let blood flow in the streets of New Orleans, and that, if ever the time has come for that to be done, the time is now? I use it for the purpose of showing that not only the speeches of the opposition but the newspapers tend to work excitement in the minds of those people, to plunge them into bloody revolution, so that then they may be supported by those who stand by them, and, in that way, the country involved in war again. That is the reason why I appealed to these suggestions, to show the effect that is being had and the purposes that these men have in view to stimulate that population which they know is a population almost like a powder-magazine.

If the people of the South and the democrats of the North will but remember for a moment the character of the people of Louisiana, without speaking of them as disreputable people they must know that the white portion of Louisiana, the natives of that State, are an excitable people. We know they are an irritable people. We know that the creole population is a revolutionary people. Wherever they may be found, in Louisiana or elsewhere, they are a revolutionary people. It is well known if any one will examine the history of that kind of population that this is the fact. They being that class of people are as ready to revolutionize against one government as they are against another, unless it is a government that they control. They are of that class of people who themselves must control, whether in the minority or majority, or else they are in favor of revolution against the existing "powers that be." Upon a class of people so inflammable as these people in Louisiana are, I ask what the effect of these editorials and speeches in the same line must be? Naught but to inflame, naught but to excite, and naught but to incite them to bloody deeds of revolution against the country, which revolution might become wide-spread and this country all be involved in ruin. It is against these things that I appeal to the country; it is against these things that I am now speaking to the people.

But, sir, passing from the State of Georgia, and I am sure I have said as little about that State and the people of North Carolina as I could under the circumstances and facts, I desire now to call the attention of the American Senate to another State, and that is the State of Alabama. I presume the State of Alabama has been included in the remarks of Senators here when they have been speaking of the peaceful and orderly manner of the people of the South. The other day there was read from a newspaper on the other side of the Chamber evidence of this character in reference to the State of Alabama, that in one county some eleven colored people had been indicted for murder, the murder of colored men. That was cited to show that the murders perpetrated in that State were murders perpetrated by colored men on colored men. I took a different view of that testimony which was read in the Senate Chamber, although I remained silent. It proved to me this and nothing more, that when a colored man committed an offense he was indicted and punished for it; but when a white man committed an offense he went scot-free. That was the conclusion I formed in reference to this evidence. When a colored man violates the law he must be punished. "Why not," say men of these notions, "why not punish the colored man for murder?" He ought to be; but when I ask you why not punish the white man for murder as well? the difference is this: In the North we respect the lives of all men, colored or white, and if a man commits murder we do not ask the complexion of his victim, but we ask the question of his justification or excuse.

The Senator from Maryland said in his speech, "There are disturbances in the South, but there have been murders in the North, outrages in the North." I admit it. I admit there are murders committed in the North and robberies committed in every northern city; but when I admit that, I add that we punish our murderers in the North; we send them to the penitentiary or hang them. Several men have been hanged in the last few months in the Northern States for murder. White men and women are in the State prison for murder to-day. In the Northern States we call murder, murder. In the Northern States, when a man commits murder, we call him a murderer, and we punish him for that offense. The difference is that we hang our murderers or we send them to the penitentiary and call them murderers, and in the South you do not even indict them, but speak of them as men rising up in defense of their liberties.

Before the abolition of slavery who ever heard of a white man being punished for shooting a negro? Nobody. If he shot a negro down he would be liable to an action of trespass for the amount the negro was worth, the same as if the man had shot a horse. He paid the owner of the negro his value, and that ended it. The habit grew so strong that men down there think they have the same right now to murder negroes that they thought they had then. The only difference is that they had to pay for them then, and now they do not.

Mr. MERRIMON. May I interrupt the Senator for a moment?

Mr. LOGAN. Yes, sir.

Mr. MERRIMON. In my State six months ago two white men were condemned to death for killing a negro, and a republican governor commuted the sentence to imprisonment for life in the penitentiary. There is one case in my own town. There are other cases in my State.

Mr. LOGAN. That is one case. I am very glad to hear of that. It is the first one ever I did hear of. [Laughter.] I will give you cases enough before I am done where they have not been punished or attempted to be punished.

But, sir, I was speaking of including Alabama in this category of States where the people are so subservient to the rules and the decorum of society and the laws of the land. Is Alabama a peaceable State—Alabama with a democratic governor? O, says my friend from Maryland, give the democrats control, and you will have peace. You have a democratic governor in Alabama; Alabama is a democratic State. Now, let us see how quiet it is down there.

For the purpose of satisfying my friends on the other side of the Chamber as to the condition of things in Alabama, as to the security of life and property, I will have read a letter published in an Alabama paper from Judge Keils. Judge Keils is a man of respectability, judge of a court in Alabama. I have met him frequently myself. I recognize him as a gentleman. He is an old man, and here is his letter containing just what he told me out of his own mouth the other night at my house. I ask that it be read.

The Chief Clerk read as follows:

EUFALA, ALABAMA, *November* 6, 1874.

EDITOR JOURNAL:

I telegraphed you last night that my son Willie was dead. This you must know is almost overwhelming me; I am in poor condition to write. Just at dark, before the counting of votes had commenced at Spring Hill, the crowd rushed into the room and commenced firing at me. When they entered I stepped to the end of the counter, (the election was held in an old store,) pulling Willie behind me to prevent him being shot. Several shots were fired at me, when the lamp was smashed. All was dark then, and Willie and myself stepped behind the counter and sat down under it. A vigorous firing then commenced at the end of the counter, which I thought at the instant were entering the counter and doing no damage. It was at this time Willie was shot, one ball entering the bowels and the other three entering the right thigh. Willie did not flinch or complain, though his hand was on my shoulder while he was being murdered, so that I knew nothing of it till after those (or the one) who murdered him had moved off. If I had known he was being shot I could easily have killed the fellow; but as soon as he moved off Willie said to me, "Pa, let us try to get out; I am shot to pieces." This was the first intimation I had that he was shot. Then I told him to be quiet a little longer. But just then several gentlemen rushed to me and assured me they would protect me, and they did. Then I missed Willie's hand from my shoulder, felt for him in the dark, but could not find him. As he (Willie) told me afterward, some demon seized him by the leg dragged him on the floor, and kicked him. There was such firing and yells that I heard nothing of this brutal dragging and kicking at that time. The mob was yelling "Kill him," "Shoot him," "D—n him," "Kill him," &c. One or two of those who saved me (they were of the better class of democrats) went to see after Willie, found him, and carried him away with the assistance of some colored men. I found him at Dr. Davie's, near by, to which place I was guarded a few minutes after. He, myself, and wife and daughter, who went to Spring Hill at once, as soon as they could get there, were all treated well at Dr. D.'s and by the neighbors.

This was a put-up job to destroy the ballot-box, in which there was four hundred and fifty or five hundred republican majority, and murder me. And their treatment in dragging and kicking Willie and telling him as they did, "God d—n you, get out of here," shows that they were quite as willing to kill him as me, because they knew it was not me they were kicking and dragging, although it was dark in the room.

Willie was in his seventeenth year, and a better, high-toned, more honorable boy never lived, I am sure. He did no one any harm. He said to me often during the canvass that he knew I was in danger, and wanted to go with me to republican meetings, and he went with me to most of them. Then he wanted to go with me to Spring Hill to the election, as he did. When some firing was done out in the crowd, and he thought I was in danger inside the room, he said he wanted to come in. The managers consented, and this is why he was in there.

I feel that I can never get over his death.

Yours truly,

E. M. KEILS.

Mr. LOGAN. This man Judge Keils stated to me—and doubtless he stated the truth—that he left his own voting place because his life was not secure at that poll and went to Spring Hill, for the reason that there was a large majority of republican voters there, so that he might be secure. At his own place his life had been threatened, a riot had taken place, and several colored men had been killed that day. But at Spring Hill there were four hundred and fifty majority of republican voters, principally colored men. After the voting was all over Judge Keils undertook to aid or assist, not by force, but in protection of the ballot-box, to watch it, to see that it should not be seized and stuffed. These men came upon him where he was, fired at him, and murdered his son. For what offense? For no offense in the world except that he was a republican and desired that the votes of this four hundred and fifty majority of colored men should be counted the same as the votes of anybody else. Yet we are told all is peace! Sir, when you talk about murders in the North, let me say we have no such murders as these. Men there exercise their rights of the elective franchise without being murdered. There may be frauds, but men are not murdered for political opinions. But in Alabama, a democratic State, the judge of a court on an election day, desiring the votes to be counted honestly, is fired on and his son murdered by a mob. Accidentally they did not murder him, but murdered his son, only seventeen years old, who was holding on to his father's shoulders in the dark at the time he was riddled with bullets. And we are told these are law-abiding, patriotic people! For this offense nobody was even arrested.

I could give a number of other cases in that State. I do not desire to go through all the statements I have in reference to these different States. It would take me the rest of this day. Having occupied nearly all of yesterday, I have not the time nor have I the physical

endurance to stand it. I only instance a few cases in the different States as I pass along to show the feelings of the people there, and that they are not exactly as they have been stated to us. Here is from Alabama a statement of an occurrence of a most recent character. I will read it:

Robert Reed, a member of the General Assembly of Alabama from Sumter was called to Mobile last week as a witness before the grand jury of the United States court.

This was a member of the Legislature of that State.

After he was discharged, he went into the city to make some purchases, when he was set upon by three or four white-leaguers of Mobile, who followed him into a store, where the leader asked his name and struck him over the head with a stick, and immediately pistols were drawn, but Reed succeeded in making his escape for protection to the United States court-room? It is understood that those assaulting Reed were of the class of citizens of Mobile who furnished the Sumter County prisoners with refreshments while in jail, and their antipathy may have been occasioned by the belief that he was in some way connected with that finding of a true bill against those parties. This assault was made in the broad daylight, and the parties are well known in that city; but at last accounts no arrests had been made. Perhaps the only regret felt is that Reed was not killed, as it is evident that that was their purpose. Yet it is pretended that Mobile is a law-abiding city!

There a member of the Legislature of what you call a sovereign State goes to the United States court on a summons to appear as a witness before the grand jury to testify, and the very moment he leaves the court-room, having testified, he is assailed by your White League ruffians and his life attempted to be taken; and you call these law-abiding citizens! A man cannot even testify against your murderers and your outlaws in your States. Every day the question is put to us "You have the courts, why do you not punish these men?" Here is the reason why they are not punished: If a witness goes, no matter who, to testify against these outrages before a grand jury, his life is not safe for a solitary moment; and yet we are told "You have the courts, and why do you not execute the law." Why, sir, is it not cool for any man on this floor to talk about the execution of law and put it to us "you have the courts and why do you not do it," when neither court nor jury nor witness is safe for a moment in his life and his rights under the laws of this land? I suppose I might be asked the question why could not a man be punished for treason in one of these Southern States during the southern rebellion. It is obvious to everybody. Is there any man so great a fool as not to know that he could not have convicted one of them before a jury or a court either; that the attempt would have been followed by assassination; that you could not convict a man where they were all in sympathy with one another? Do my friends on the other side of the Chamber, when they taunt us with the fact that we have the courts, expect that we can exercise the jurisdiction of the courts or bring men to trial when every man almost of their side is in sympathy with the men who perpetrate the wrongs against the law and by whom the wrong-doer must be tried? Yet we are asked "Why do you not try them?" It would be like trying a Morman for having seventeen wives before a jury each member of which had five wives! [Laughter.]

I now wish to quote from the President's message in reference to the outrage complained of as having been perpetrated against the Legislature of Louisiana, which I had not on yesterday an opportunity of doing. The President says:

Respecting the alleged interference by the military with the organization of the Legislature of Louisiana on the 4th instant, I have no knowledge or information which has not been received by me since that time and published. My first information was from the papers of the morning of the 5th of January. I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence. I am well aware that any military interference by the officers or troops of the United States with the organization of the State Legislature or any of its proceedings, or with any civil department of the government, is repugnant to our ideas of government. I can conceive of no case, not involving rebellion or insurrection, where such interference by authority of the General Government ought to be permitted or can be justified. But there are circumstances connected with the late legislative imbroglio in Louisiana which seem to exempt the military from any intentional wrong in that matter. Knowing that they had been placed in Louisiana to prevent domestic violence and aid in the enforcement of the State laws, the officers and troops of the United States may well have supposed that it was their duty to act when called upon by the governor for that purpose.

Again, I desire to read another paragraph from the President's message for the same purpose that the other was read:

Nobody was disturbed by the military who had a legal right at that time to occupy a seat in the Legislature. That the democratic minority of the house undertook to seize its organization by fraud and violence; that in this attempt they trampled under foot law; that they undertook to make persons not returned as elected members, so as to create a majority; that they acted under a preconcerted plan, and under false pretenses introduced into the hall a body of men to support their pretensions by force, if necessary, and that conflict, disorder, and riotous proceedings followed, are facts that seem to be well established; and I am credibly informed that these violent proceedings were a part of a premeditated plan to have the house organized in this way, recognize what has been called the McEnery senate, then to depose Governor Kellogg, and so revolutionize the State government.

I have read these paragraphs only to be placed in my remarks. I now desire to call the attention of the Senate in the same connection to certain dispatches that appear with the President's message, which are now official documents before the country. Among these dispatches is the following from the governor, William P. Kellogg, to the Attorney-General of the United States at Washington, September 1, 1874:

Telegraphed you last night regarding Coushatta affair to Long Branch, care of President. If you have not left Washington, please direct operator at Long Branch to repeat. Further information makes the affair worse even than first reported. The six white men killed were all of good character—planters and business men—but four of them were northern republicans.

I read this dispatch in support of what I stated yesterday, that these men at Coushatta were industrious, energetic citizens, attending to their own business at the time they were taken out and murdered.

In further justification of what has been said, of what has been done, and of what may hereafter be done, and in support of what we have said on this floor in reference to the outrages of the South, I ask the reading of an official document here that I presume no one will dispute. We have been told, and right here I want to put it back to the Senator from Maryland [Mr. HAMILTON] and to the Senator from Delaware, [Mr. SAULSBURY,] for if he will allow me to quote from the evidence of an old Delawarean once here in the Senate Chamber, "the whole eyes of Delaware are upon him." He said "this outrage business had performed its office." So did the Senator from Maryland. He laughed at the idea of these outrages being talked about or used any more; the thing had played its part—had become stale. Sir, do murders become stale; does violation of law become stale; does treason against the Government become stale; does rebellion against a State become stale; do robbery, piracy, and blood-letting become stale in this country? Is it the fact to-day that this thing has become so stale that murder can go on day after day, and scores of men be slaughtered as the pigs in a pen that are fattened for that purpose, and we to be told these stories have become stale, these stories are played out? The man who can intimate that murders shall not be spoken of because they are so frequent, and that because of their frequency they become stale, that man but encourages murder. Murders stale! Yes, they have been perpetrated in such a horrible, audacious, outrageous, and damnable manner by your Ku-Klux and White Leagues of the South that the stench of outrage and murder and perjury goes to heaven and cries for revenge for the lives of these innocent victims. "Vengeance is mine; I will repay, saith the Lord," and not you. The Judge of all good and evil, the Judge of the world, the great Judge that decides by the scales of justice and weighs the right and wrong, will yet judge of these offenses and of the men who encourage them, of the men who perpetrate them, of the men who cover up their bloody and damnable crimes, and that judgment, when it comes, will be one of terror in its effect. I ask for the reading of the dispatch from Louisiana which I send to the desk.

The Secretary read as follows:

[Telegram.]

NEW ORLEANS, *January* 10, 1875—11.30 p. m.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Since the year 1866 nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In 1868 the official record shows that eighteen hundred and eighty-four were killed and wounded. From 1868 to the present time no official investigation has been made, and the civil authorities, in all but a few cases, have been unable to arrest, convict, and punish perpetrators. Consequently there are no correct records to be consulted for information. There is ample evidence, however, to show that more than twelve hundred persons have been killed and wounded during this time on account of their political sentiments. Frightful massacres have occurred in the parishes of Bossier Caddo, Catahoula, Saint Bernard, Saint Landry, Grant, and Orleans. The general character of the massacres in the above-named parishes is so well known that it is unnecessary to describe them.

The isolated cases can best be illustrated by the following instances, which I take from a mass of evidence now lying before me of men killed on account of their political principles: In Natchitoches Parish the number of isolated cases reported is thirty-three; in the parish of Bienville the number of men killed is thirty; in Red River Parish the isolated cases of men killed is thirty-four; in Winn Parish the number of isolated cases where men were killed is fifteen; in Jackson Parish the number killed is twenty; and in Catahoula Parish the number of isolated cases reported where men were killed is fifty; and most of the country parishes throughout the State will show a corresponding state of affairs. The following statements will illustrate the character and kind of these outrages:

On the 30th of August, 1874, in Red River Parish, six State and parish officers, named Twitchell, Divers, Holland, Howell, Edgerton, and Willis, were taken, together with four negroes, under guard to be carried out of the State, and were deliberately murdered on the 29th of August, 1874. The White League tried, sentenced, and hung two negroes on the 28th of August, 1874. Three negroes were shot and killed at Brownsville, just before the arrival of the United States troops in this parish. Two white-leaguers rode up to a negro cabin and called for a drink of water. When the old colored man turned to draw it, they shot him in the back and killed him. The courts were all broken up in this district, and the district judge driven out.

In the parish of Caddo, prior to the arrival of the United States troops, all of the officers at Shreveport were compelled to abdicate by the White League, which took possession of the place. Among those obliged to abdicate were Walsh, the mayor, Rapers, the sheriff, Wheaton, clerk of the court, Durant, the recorder, and Ferguson and Renfro, administrators. Two colored men, who had given evidence in regard to frauds committed in the parish, were compelled to flee for their lives, and reached this city last night, having been smuggled through in a cargo of cotton.

In the parish of Bossier the White League have attempted to force the abdication of Judge Baker, the United States commissioner and parish judge, together with O'Neal, the sheriff, and Walker, the clerk of the court; and they have compelled the parish and district courts to suspend operations. Judge Baker states that the white-leaguers notified him several times that if he became a candidate on the republican ticket, or if he attempted to organize the republican party, he should not live until election.

They also tried to intimidate him through his family by making the same threats to his wife, and when told by him that he was a United States commissioner they notified him not to attempt to exercise the functions of his office. In but few of the country parishes can it be truly said that the law is properly enforced, and in some of the parishes the judges have not been able to hold court for the past two years. Human life in this State is held so cheaply that when men are killed on account of political opinions, the murderers are regarded rather as heroes than as criminals in the localities where they reside, and by the White League and their supporters.

An illustratian of the ostracism that prevails in the State may be found in a resolution of a White League club in the parish of De Soto, which states, "That they pledge themselves under (no?) circumstances after the coming election, to employ,

rent land to, or in any other manner give aid, comfort, or credit, to any man, white or black, who votes against the nominees of the white man's party." Safety for individuals who express their opinion in the isolated portions of this State has existed only when that opinion was in favor of the principles and party supported by the Ku-Klux and White League organizations. Only yesterday Judge Myers, the parish judge of the parish of Natchitoches, called on me upon his arrival in this city, and stated that in order to reach here alive he was obliged to leave his home by stealth, and after nightfall, and make his way to Little Rock, Arkansas, and come to this city by way of Memphis.

He further states that while his father was lying at the point of death in the same village, he was unable to visit him for fear of assassination, and yet he is a native of the parish, and proscribed for his political sentiments only. It is more than probable that if bad government has existed in this State it is the result of the armed organizations, which have now crystallized into what is called the White League; instead of bad government developing them, they have by their terrorism prevented to a considerable extent the collection of taxes, the holding of courts, the punishment of criminals, and vitiated public sentiment by familiarizing it with the scenes above described. I am now engaged in compiling evidence for a detailed report upon the above subject, but it will be some time before I can obtain all the requisite data to cover the cases that have occurred throughout the State. I will also report in due time upon the same subject in the States of Arkansas and Mississippi.

P. H. SHERIDAN,
Lieutenant-General.

Mr. LOGAN. Now, Mr. President——

Mr. GORDON. I do not want to interrupt the Senator. I understand, however, that there was a remark made by him while I was out with reference to one district in Georgia. If he will permit me, I just want to state that there was no occasion for the casting of any republican votes in that district at all. There was no candidate to cast them for, and therefore it was not necessary.

Mr. LOGAN. No candidate for Congress?

Mr. GORDON. Not in the district to which the Senator referred, where there were only eighteen republican votes cast, as I understand he said.

Mr. LOGAN. Does the Senator say that there was no candidate?

Mr. GORDON. There was no republican candidate at all in the district. It was carried before by a very large majority. There was but one candidate and he was a democrat.

Mr. LOGAN. Which district was that?

Mr. GORDON. The district to which I understand the Senator referred, of which H. R. HARRIS is the Representative.

Mr. LOGAN. The fourth and the eighth?

Mr. GORDON. The fourth is the district I refer to.

Mr. LOGAN. How about the eighth?

Mr. GORDON. In the eighth there was no candidate at all except Hon. ALEXANDER H. STEPHENS.

Mr. LOGAN. None at all?

Mr. GORDON. None at all.

Mr. LOGAN. Were there no county candidates?

Mr. GORDON. If the Senator will allow me, I will state that the county candidates had been elected at a previous election. It was a congressional election entirely in our State in November.

Mr. LOGAN. I only give the facts as they are of record, and of course there may be an exception which I know nothing about. I only take that from the record as I find it. I am always ready to be corrected if I am wrong in reference to anything, and I am glad to give the Senator the benefit of his correction, and that part of the statement was made under a misapprehension of the facts.

Now, Mr. President, I want to ask candid, honest, fair-minded men, after reading this report of General Sheridan showing the murder, not for gain, not for plunder, but for political opinions in the last few years of thirty-five hundred persons in the State of Louisiana, all of them republicans, not one of them a democrat—I want to ask if they can stand here before this country and defend the democratic party of Louisiana? I put this question to them, for they have been here for days crying against the wrongs upon the democracy of Louisiana. I want any one of them to tell me if he is prepared to defend the democracy of Louisiana. What is your democracy of Louisiana? You are excited, your extreme wrath is aroused at General Sheridan because he called your White Leagues down there "banditti." I ask you if the murder of thirty-five hundred men in a short time for political purposes by a band of men banded together for the purpose of murder does not make them banditti, what it does make them? Does it make them democrats? It certainly does not make them republicans. Does is make them honest men? It certainly does not. Does it make them law-abiding men? It certainly does not. Does it make them peaceable citizens? It certainly does not. But what does it make? A band of men banded together and perpetrating murder in their own State? Webster says a bandit is "a lawless or desperate fellow; a robber; a brigand," and "banditti" are men banded together for plunder and murder; and what are your White Leagues banded together for if the result proves that they are banded together for murder for political purposes?

O, what a crime it was in Sheridan to say that these men were banditti! He is a wretch. From the papers he ought to be hanged to a lamp-post; from the Senators he is not fit to breathe the free air of heaven or of this free Republic; but your murderers of thirty-five hundred people for political offenses are fit to breathe the air of this country and are defended on this floor to-day, and they are defended here by the democratic party, and you cannot avoid or escape the proposition. You have denounced republicans for trying to keep the peace in Louisiana; you have denounced the Administration for trying to suppress bloodshed in Louisiana; you have denounced all for the same purpose; but not one word has fallen from the lips of a solitary democratic Senator denouncing these wholesale murders in Louisiana. You have said, "I am sorry these things are done," but you have defended the White Leagues; you have defended Penn; you have defended rebellion; and you stand here to-day the apologists of murder, of rebellion, and of treason in that State.

I want to ask the judgment of an honest country, I want to ask the judgment of the moral sentiments of the law-abiding people of this grand and glorious Republic to tell me whether men shall murder by the score, whether men shall trample the law under foot, whether men shall force judges to resign, whether men shall force prosecuting attorneys to resign, whether men shall take five officers of a State out and hang or shoot them if they attempt to exercise the functions of their office, whether men shall terrify the voters and office-holders of a State, whether men shall undertake in violation of law to organize a Legislature for revolutionary purposes, for the purpose of putting a governor in possession and taking possession of the State and then ask the democracy to stand by them—I appeal to the honest judgment of the people of this land and ask them to respond whether this was not an excusable case when this man used the Army to protect the life of that State and to preserve the peace of that people? Sir, the man who will not use all the means in his power to preserve the nationality, the integrity of this Government, the integrity of a State or the peace and happiness of a people, is not fit to govern, he is not fit to hold position in this or any other civilized age.

Does liberty mean wholesale slaughter? Does republican government mean tyranny and oppression of its citizens? Does an intelligent and enlightened age of civilization mean murder and pillage, bloodshed at the hands of Ku-Klux or White Leagues or anybody else, and if any one attempts to put it down, attempts to reorganize and produce order where chaos and confusion have reigned, they are to be denounced as tyrants, as oppressors, and as acting against republican institutions? I say then the happy days of this Republic are gone. When we fail to see that republicanism means nothing, that liberty means nothing but the unrestrained license of the mobs to do as they please, then republican government is a failure. Liberty of the citizen means the right to exercise such rights as are prescribed within the limits of the law so that he does not in the exercise of these rights infringe the rights of other citizens. But the definition is not well made by our friends on the opposite side of this Chamber. Their idea of liberty is license; it is not liberty but it is license. License to do what? License to violate law, to trample constitutions under foot, to take life, to take property, to use the bludgeon and the gun or anything else for the purpose of giving themselves power. What statesman ever heard of that as a definition of liberty? What man in a civilized age has ever heard of liberty being the unrestrained license of the people to do as they please without any restraint of law or of authority? No man, no not one until we found the democratic party, would advocate this proposition and indorse and encourage this kind of license in a free country.

Mr. President, I have perhaps said more on this question of Louisiana than might have been well for me to say on account of my strength, but what I have said about it I have said because I honestly believed it. What I have said in reference to it comes from an honest conviction in my mind and in my heart of what has been done to suppress violence and wrong. But I have a few remarks in conclusion to submit now to my friends on the other side, in answer to what they have said not by way of argument but by way of accusation. You say to us—I had it repeated to me this morning in private conversation—"Withdraw your troops from Louisiana and you will have peace." Ah, I heard it said on this floor once "Withdraw your troops from Louisiana and your State government will not last a minute." I heard that said from the opposite side of the Chamber, and now you say "Withdraw your troops from Louisiana and you will have peace."

Mr. President, I dislike to refer to things that are past and gone; I dislike to have my mind called back to things of the past; but I well remember the voice in this Chamber once that rang out and was heard throughout this land, "Withdraw your troops from Fort Sumter if you want peace." I heard that said. Now it is "Withdraw your troops from Louisiana if you want peace." Yes, I say, withdraw your troops from Louisiana if you want a revolution, and that is what is meant. But, sir, we are told, and doubtless it is believed by the Senators who tell us so, who denounce the republican party that it is tyrannical, oppressive, and outrageous. They have argued themselves into the idea that they are patriots, pure and undefiled. They have argued themselves into the idea that the democratic party never did any wrong. They have been out of power so long that they have convinced themselves that if they only had control of this country for a short time, what a glorious country they would make it. They had control for nearly forty long years, and while they were the agents of this country—I appeal to history to bear me out—they made the Government a bankrupt, with rebellion and treason in the land, and were then sympathizing with it wherever it existed. That is the condition in which they left the country when they had it in their possession and within their control. But they say the republican party is a tyrant; that it is oppressive. As I have said, I wish to make a few suggestions to my friends in answer to this accusation—oppressive to whom? They say to the South that the republican party has tyrannized over the South. Let me ask you how has it tyrannized over the South?

Without speaking of our troubles and trials through which we passed, I will say this: at the end of a rebellion that scourged this land, that drenched it with blood, that devastated a portion of it, left us in debt and almost bankrupt, what did the republican party do? Instead of leaving these our friends and citizens to-day in a territorial condition where we might exercise jurisdiction over them for the next coming twenty years, where we might have deprived them of the rights of members on this floor, what did we do? We reorganized them into States, admitted them back into the Union, and through the clemency of the republican party we admitted representatives on this floor who had thundered against the gates of liberty for four bloody years. Is that the tyranny and oppression of which you complain at the hands of the republican party? Is that a part of our oppression against you southern people?

Let us go a little further. When the armed democracy, for that is what they were, laid down their arms in the Southern States, after disputing the right of freedom and liberty in this land for four years, how did the republican party show itself in its acts of tyranny and oppression toward you? You appealed to them for clemency. Did you get it? Not a man was punished for his treason. Not a man ever knocked at the doors of a republican Congress for a pardon who did not get it. Not a man ever petitioned the generosity of the republican party to be excused for his crimes who was not excused. Was that oppression upon the part of republicans in this land? Is that a part of the oppression of which you accuse us?

Let us look a little further. We find to-day twenty-seven democratic Representatives in the other branch of Congress who took arms in their hands and tried to destroy this Government holding commissions there by the clemency of the republican party. We find in this Chamber by the clemency of the republican party three Senators who held such commissions. Is that tyranny; is that oppression; is that the outrage of this republican party on you southern people? Sir, when Jeff Davis, the head of the great rebellion, who roams the land free as air, North, South, East, and West, makes democratic speeches wherever invited, and the vice-president of the southern rebellion holds his seat in the other House of Congress, are we to be told that we are tyrants, and oppressing the southern people? These things may sound a little harsh, but it is time to tell the truth in this country. The time has come to talk facts. The time has come when cowards should hide, and honest men should come to the front and tell you plain, honest truths. You of the South talk to us about oppressing you. You drenched your land in blood, caused weeping throughout this vast domain, covered the land in weeds of mourning both North and South, widowed thousands and orphaned many, made the pension-roll as long as an army-list, made the debt that grinds the poor of this land—for all these things you have been pardoned, and yet you talk to us about oppression. So much for the oppression of the republican party of your patriotic souls and selves. Next comes the President of the United States. He is a tyrant, too. He is an oppressor still, in conjunction with the republican party. Oppressor of what? Who has he oppressed of your Southern people, and when, and where? When your Ku-Klux, banded together for murder and plunder in the Southern States, were convicted by their own confession, your own representatives pleaded to the President and said, "Give them pardon, and it will reconcile many of the southern people." The President pardoned them; pardoned them of their murder, of their plunder, of their piracy on land; and for this I suppose he is a tyrant.

More than that, sir, this tyrant in the White House has done more for you southern people than you ought to have asked him to do. He has had confidence in you until you betrayed that confidence. He has not only pardoned the offenses of the South, pardoned the criminals of the democratic party, but he has placed in high official position in this Union some of the leading men who fought in the rebellion. He has put in his Cabinet one of your men; he has made governors of Territories of some of your leading men who fought in the rebellion; he has sent on foreign missions abroad some of your men who warred against this country; he has placed others in the Departments; and has tried to reconcile you in every way on earth, by appealing to your people, by recognizing them and forgiving them for their offenses, and for these acts of generosity, for these acts of kindness, he is arraigned to-day as a Cæsar, as a tyrant, as an oppressor.

Such kindness in return as the President has received from these people will mark itself in the history of generosity. O, but say they, Grant wants to oppress the White Leagues in Louisiana; therefore he is an oppressor. Yes, Mr. President, Grant does desire that these men should quit their every-day chivalric sports of gunning upon negroes and republicans. He asks kindly that you stop it. He says to you, "That is all I want you to do;" and you say that you are desirous that they shall quit it. You have but to say it and they will quit it. It is because you have never said it that they have not quit it. It is in the power of the democratic party to-day but to speak in tones of majesty, of honor, and justice in favor of human life, and your Ku-Klux and murderers will stop. But you do not do it; and that is the reason they do not stop. In States where it has been done they have stopped. But it will not do to oppress those people; it will not do to make them submit and subject them to the law; it will not do to stop these gentlemen in their daily sports and in their lively recreations. They are White Leagues; they are banded together as gentlemen; they are of southern blood; they are of old southern stock; they are the chivalry of days gone by; they are knights of the bloody shield; and the shield must not be taken from them. Sirs, their shield will be taken from them; this country will be aroused to its danger; this country will be aroused to do justice to its citizens; and when it does, the perpetrators of crime may fear and tremble. Tyranny and oppression! A people who without one word of opposition allows men who have been the enemies of a government to come into these legislative Halls and make laws for that government to be told that they are oppressors is a monstrosity in declamation and assertion. Whoever heard of such a thing before? Whoever believed that such men could make such charges? Yet we are tyrants!

[Mr. LOGAN here gave way to allow a message to be received from the House of Representatives, which announced the passage of a bill removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney.]

Mr. LOGAN. Mr. President, the reading of the title of that bill from the House only reminds me of more acts of tyranny and oppression of the republican party, and there is continuation of the same great offenses constantly going on in this Chamber. But some may say "It is strange to see Logan defending the President of the United States." It is not strange to me. I can disagree with the President when I think he is wrong; and I do not blame him for disagreeing with me; but when these attacks are made, coming from where they do, I am ready to stand from the rising sun in the morning to the setting sun at evening to defend every act of his in connection with this matter before us.

I may have disagreed with President Grant in many things; but I was calling attention to the men who have been accusing him here, on this floor, on the stump, and in the other House; the kind of men who do it, the manner of its doing, the sharpness of the shafts that are sent at him, the poisonous barbs that they bear with them, and from these men who, at his hands, have received more clemency than any men ever received at the hands of any President or any man who governed a country. Why, sir, I will appeal to the soldiers of the rebel army to testify in behalf of what I say in defense of President Grant—the honorable men who fought against the country, if there was honor in doing it. What will be their testimony? It will be that he captured your armed democracy of the South, he treated them kindly, turned them loose, with their horses, with their wagons, with their provisions; treated them as men, and not as pirates. Grant built no prison-pens for the southern soldiers; Grant provided no starvation for southern men; Grant provided no "dead-lines" upon which to shoot southern soldiers if they crossed them; Grant provided no outrageous punishment against these people that now call him a tyrant. Generous to a fault in all his actions toward the men who were fighting his country and destroying the Constitution, that man to-day is denounced as a very Cæsar!

Sherman has not been denounced, but the only reason is that he was not one of the actors in this transaction; but I want now to say to my friends on the other side, especially to my friend from Delaware, who repeated his bitter denunciation against Sheridan yesterday—and I say this in all kindness, because I am speaking what future history will bear me out in—when Sheridan and Grant and Sherman, and others like them, are forgotten in this country, you will have no country. When the democratic party is rotten for centuries in its grave, the life, the course, the conduct of these men will live as bright as the noonday sun in the heart of every patriot of a republic like the American Union. Sirs, you may talk about tyranny, you may talk about oppression, you may denounce these men; their glory may fade into the darkness of night; but that darkness will be a brilliant light compared with the darkness of the democratic party. Their pathway is illuminated by glory; yours by dark deeds against the Government. That is a difference which the country will bear witness to in future history when speaking of this country and the actors on its stage.

Now, Mr. President, I have a word to say about our duty. A great many people are asking, what shall we do? Plain and simple in my judgment is the proposition. I say to republicans, do not be scared. No man is ever hurt by doing an honest act and performing a patriotic duty. If we are to have a war of words outside or inside, let us have them in truth and soberness, but in earnest. What, then, is our duty? I did not believe that in 1872 there were official data upon which we could decide who was elected governor in Louisiana. But this is not the point of my argument. It is that the President has recognized Kellogg as governor of that State, and he has acted for two years. The Legislature of the State has recognized him; the supreme court of the State has recognized him; one branch of Congress has recognized him. The duty is plain, and that is for this, the other branch of Congress, to do it, and that settles the question. Then, when it does it, your duty is plain and simple, and as the President has told you, he will perform his without fear, favor, or affection. Recognize the government that revolution has been against and intended to overthrow, and leave the President to his duty, and he will do it. That is what to do.

Sir, we have been told that this old craft is rapidly going to pieces; that the angry waves of dissension in the land are lashing against her sides. We are told that she is sinking, sinking, sinking to the bottom of the political ocean. Is that true? Is it true that this gallant old party, that this gallant old ship that has sailed through

troubled seas before is going to be stranded now upon the rock of fury that has been set up by a clamor in this Chamber and a few newspapers in the country? Is it true that the party that saved this country in all its great crises, in all its great trials, is sinking to-day on account of its fear and trembling before an inferior enemy? I hope not. I remember, sir, once I was told that the old republican ship was gone; but when I steadied myself on the shores bounding the political ocean of strife and commotion, I looked afar off and there I could see a vessel bounding the boisterous billows with white sail unfurled, marked on her sides "Freighted with the hopes of mankind," while the great Mariner above, as her helmsman, steered her, navigated her to a haven of rest, of peace, and of safety. You have but to look again upon that broad ocean of political commotion to-day, and the time will soon come when the same old craft, provided with the same cargo, will be seen, flying the same flag, passing through these tempestuous waves, anchoring herself at the shores of honesty and justice, and there she will lie undisturbed by strife and tumult, again in peace and safety. [Manifestations of applause in the galleries.]

Mr. TIPTON. Mr. President, I feel grateful in view of the speech of the Senator from Illinois [Mr. LOGAN] that he did not go into the rebellion. What a power he would have been against us if he had ever landed there! I am happy that he entered early into the cause of the Union and stood by the flag throughout the war. I am happy of another thing, and it is this, that Demosthenes died early so that he cannot come in competition with the honorable Senator for the garland of universal approbation as a close and logical orator. [Laughter.]

Sir, the honorable Senator from Illinois yesterday told us that he was a sailor and gave us a delineation of what was a sailor's duty. I have since discovered that he was not only a sailor, but that the highest evidence that we have of his nautical ability is simply the manner in which *he sails in*, and further that the kind of vessel that he has commanded for the last two days is a mud-scow, a dredge-boat, only fit to operate upon the Missouri or the murky Mississippi washing his own State. [Laughter.]

I have further, however, to congratulate him on the amount of aid that came to his relief on yesterday. The honorable Senator from New York [Mr. CONKLING] visited the Senator on the floor yesterday, I suppose to give him aid and sympathy and to prompt him where it might be necessary. That was all right and proper. And while I had a little feeling on the subject for a moment, thinking this was ex-officiousness on the part of his friends, I was consoled with the remembrance that after the 4th of March that honorable Senator will be checkmated in this body by a democratic colleague.

I believe that the honorable Senator from California [Mr. SARGENT] also visited the honorable Senator from Illinois, stepped into the wheel-house in order to suggest something in regard to the navigation of the vessel. I allow him what enjoyment he can gain from assisting in navigating the vessel at the present time, for he, too, is to be checkmated after the 4th of March with an independent-republican colleague from the State of California. Then there will be some other gentlemen navigating crafts.

I also discovered yesterday, Mr. President, that the honorable Senator from Minnesota [Mr. WIND-OM] felt it necessary to do something for the benefit of this Illinois navigator; and therefore the honorable Senator [Mr. WIND-OM] advanced and furnished him with *wind* at a time when he seemed to be in a critical condition. [Laughter.] And when the day had far disappeared and when the hour for *hitch*-ing up the boat had come, before she was yet up to the shore my colleague over the way, Mr. HITCH-COCK, advancing seized the cable and carried it out on shore, and thus they landed the gentleman's craft last evening, and then he commenced to wood and water for another sail to-day. From the length of time that the vessel has run to-day, I fancy that the wood has been the product of the Mississippi Valley, cotton-wood, and produced very little valuable steam.

All our opponents seem to have taken to the water lately. The honorable Senator from Wisconsin [Mr. HOWE] told us the other day that he too was on a ship, and he told us that he was going down with the ship. I do not doubt his veracity; I think that is a fact, [laughter;] and all I have to say is the greater pity for the ship, unless she has heretofore been a pirate, and then it serves her right to let them go down with her.

But there seems to be no safety on land since the October and November elections, for balloting is generally done on land. The honorable Senator from Illinois thought he needed the aid of other friends this morning. After he had put in evidence here everything but Webster's Dictionary, and would have put that in only it changes the subject so often, [laughter]—after he had done that he calls upon the Senator from New Jersey, [Mr. FRELINGHUYSEN,] and asks him if he has any old letter about him or anything of the kind that he would furnish to him. [Great laughter.]

The VICE-PRESIDENT. Persons on the floor of the Senate will preserve order or the floor will be cleared.

Mr. TIPTON. Mr. President, the honorable Senator from Illinois made yesterday and to-day the point, with a great degree of force and energy, that certain audacious editors are charging that there have been frauds committed in this country. So far as that question of frauds is concerned, frauds at the ballot-box, frauds of other characters, I have this to say: I take the statement of the honorable Senator that he is capable—and he demonstrates in the manner in which he has done it the fact that he is capable—of grappling with this question of fraud, for I have at my desk a congressional report with the evidence of one who was examined in this Louisiana case; and after the man had sworn that he had committed frauds too great for belief, only for the apparent honesty of the witness, when he was interrogated by the honorable Senator as to where he learned ballot-box stuffing, "Why," said he, "general, in your State and your district." [Laughter.] Therefore I have no doubt but that the honorable Senator is very well prepared to discuss the question of fraud.

He told us yesterday, if I remember correctly, that he would discuss the subject in a just and honest and legal manner. Mr. President, if his notes had been written on *legal cap* he might have made some claim, and just that much, to a legal argument; but inasmuch as they were written on *fool's cap*, I think it is a little "too thin."

Mr. President, I thought the time for prompting had gone by, and I am astounded, therefore, to see the honorable Senator from Indiana [Mr. MORTON] making his way to my friend from Illinois. Perhaps it is only upon account of sympathy in point of locality, not at all for the purpose of prompting him to another burst of native eloquence.

The honorable Senator says that there is no objection to the present condition of things in the State of Louisiana. Now I desire the Chief Clerk to read that which I send him from the Chronicle of the 12th instant. It is a description of what the Chronicle says is to be the report that is to be made to the country on the subject of these Louisiana affairs. Let the whole article be read.

The Chief Clerk read as follows:

THE LOUISIANA COMMITTEE.

The full Committee on Southern Affairs met this morning to confer with the sub-committee who went to New Orleans to investigate the condition of affairs in Louisiana. It is indicated through the evidence submitted that they will report—First, that at the late election in Louisiana there was no intimidation of colored voters; second, that the White League discussed, but voted down, a proposition to discharge servants who voted the republican ticket; third, that the returning board was a fraud; fourth, that the United States troops executed orders issued by Marshal Packard on election day; fifth, that the disorder in the Louisiana Legislature had ceased, and the meeting was entirely orderly and quiet at the time General De Trobriand entered the hall to arrest the members; sixth, that the only request Speaker Wiltz made of General De Trobriand was to keep order in the lobby outside of the hall; seventh, that the people of Louisiana generally have no sympathy with the Kellogg government, and that colored men who say they are national republicans proclaimed themselves as State democrats in order to get rid of Kellogg; eighth, that the police in New Orleans is demoralized.

It has already been stated in the Chronicle that there is some dissatisfaction with the manner in which the sub-committee sent to New Orleans have acted, and it is proposed that the entire committee shall visit Louisiana. All through the investigation it was apparent that the master spirit was a democrat. Should the full committee go to New Orleans, a more extended hearing will be given to both sides. It is urged that this action is rendered necessary in view of the recent violent assaults on the Government and General Sheridan as its agent. But there is a feeling that the legislation of this Congress should not be confined alone to Louisiana, but that a general measure should be passed which will aid in the maintenance of peace throughout the entire South. The conclusions reached by the Louisiana sub-committee are not in accord with the republican sentiment in the House, but no purpose exists to harshly criticise their report.

Mr. TIPTON. Now, Mr. President, I desire to call the attention of the Senate and the attention of the country to the fact, that one of the organs of the Administration in this city declares that an investigation has taken place in Louisiana; that that investigation has been made by a committee, and that that committee is now ready to say that there was no intimidation of colored voters in the last election; they are ready to say also that the returning board was a fraud; they are ready to say also that the United States troops executed orders issued by Marshal Packard on the day of election; they are ready to say also that the people of Louisiana generally have no sympathy with the Kellogg government; they are ready to say also that the police in New Orleans is demoralized. But the editor of the paper says that although that is to be the report of the committee, it is not in accordance with the sentiments of the republican party, and therefore it is not to be made as a report, but that other men are to be sent to Louisiana for the purpose of manufacturing a report I suppose that shall be in accordance with the sentiments of the republican party!

That in itself is one of the most humiliating evidences of the condition of our country that could be exhibited to the Senate or to the country, that after an investigation is made exonerating to a very great extent and almost entirely the conservative people of the State of Louisiana, this editor says it is not to be presented here as an official document, because it is not in accordance with the sentiments of the republican party. O, no; but it is in accordance with the sentiments of the republican party if a committee shall go to Louisiana and say that, instead of being a fraud, the count of the returning board was fair and honest. Here the President of the United States can send us a report himself; he can make it from what material he chooses; but his republican editor here tells us that a sub-committee went from this Congress and brought in a report exonerating the conservatives of Louisiana, and that it shall not be made, but one shall be brought here from the whole committee that will be in accordance with the sentiments of the republican party!

Mr. President, the honorable Senator from Illinois has been very much excited because somebody has talked about the oppression of the republican party. He denies that there is such a thing as tyranny in the republican party. Very well; he only can speak, I

suppose, for the body that he is connected with in this Chamber. Two years ago he gave you his opinion of the tyranny of the republican party in the Senate, and if he had been connected with the Army he might have discussed the character of Army officers; if he had been connected with office-holders outside he might learnedly have discussed their characters. But he was intimate with the Senate, and he knew that the Senate stood here the great correcting instrumentality of the republican party of the country, and he turned his attention to the Senate; and I will give the country the benefit to-day of his deliberate opinion on the subject of what the republican party was just two years ago. The honorable Senator then said in a speech in this Chamber:

> By calling your little meetings and seeking to direct everybody no man can be an independent man in this Senate.

I think his course in this debate has illustrated his opinion of it two years ago. "No man," said he then, "can be an independent man in this Senate."

> Why, sir? If he gets out of the traces the least bit, according to a certain few, you call a caucus on him, [laughter;] you will settle him at once. Then you will send it out to the country that he is not obeying the dictates of a republican caucus—a caucus about what? A caucus to advance the interests of the country? No, sir; but a caucus to advance the interests of individuals and to strike down others; and if a man refuses to vote as you direct he is counted out. I must admit that there are not very many gentlemen who like to jump against a caucus. I have always been strange in my notions, and especially in not doing what others try to force me to do; and I say to you now that I shall vote for the resolutions again in this Senate if they are offered irrespective of caucuses or anything else, because I think it is right.
>
> But to run a party you must have a caucus. If some Senator does not vote for a resolution that some other Senator offers, you are to call a caucus. If he votes against something that somebody else has offered, call a caucus and settle him by your caucus. It reminds me a good deal of school-boys playing marbles, and some chap in the crowd happens to strike what they call the "middle man" a little more centrally than the rest, and they get together and read him out of the game, and take his marbles and play at the game themselves. [Laughter.] This is what you call honest political action, and every man who does not come up to the mark must be read out, and I am one of them.

He said they read independent men out of the party, and he was one of them. I infer from what he has said to us these two days that if he was out he has got back again.

He charges also fraud, and goes back to the days of the Kansas-Nebraska bill and before that and subsequent to that, in order to satisfy you that the democratic party have not a clear record on the subject of national outrages. Let me tell the honorable Senator that when a democratic administration attacked the Territory of Kansas the same feeling—thank God for it—the same identical feeling was elicited in this country that was elicited when you attacked Louisiana. Let me tell that Senator further, that the crime was insignificant in the attack upon Kansas to what it is in regard to Louisiana. One was a Territory; the other is a State. But from the very hour that attack was made, the demand was made to organize the republican party. It met in convention; it called upon every man to unite with it who agreed with it on the question of restraining slavery, although you may differ with us on everything else. That latitude was given, and the party was organized in order to checkmate an administration which had not done half as much in the way of intimidation and tyranny and corruption as the republican party has done in regard to the State of Louisiana. That call was made; that call was responded to; and we understand what was the result in the country. I say here now that if the slaveholders of this country had become alarmed at that Chicago movement which nominated Frémont at the call for the republican party, at the defection from the standard of the old democracy by so many men who went into the republican organization at that time—if the slaveholders of the country had thereupon emancipated their slaves, the mission of the republican party would have been fulfilled that hour, that day, and there would have been an end of the organization. Why? Because the organization held in it free-traders and tariff men as well; the organization held in it men of every diverse political view in the whole country; and it was not expected that they would remain together one hour after the object was accomplished for which they were organized.

But that did not occur. Then came the war. Then came the proclamation of emancipation. Then the republican party began to feel that its mission was pretty well ended now that emancipation had taken place. But the party stood together for the purposes of reconstruction, saying that that was a matter which legitimately might belong to the closing labors of the great and dominant republican party. Just as soon as reconstruction was finished, reconstruction brought into this Chamber all Senators republican; reconstruction sent all Representatives, as far as I remember, to the House republican. The whole reconstructed country was in the hands of the republican party. What of that? It had this influence upon those of us who had been participating in reconstruction; we began to discover that unless we did something more than merely reconstruct those States, they would soon be voting for the democratic party or whatever ticket they chose to vote. We had sent down there a great many carpet-baggers, and they had been so distasteful to the country that their lives could not be preserved unless something was done for them. We determined, at that point, to hold our political power in this country, first by legislation from Congress which should so trammel the people of the reconstructed States as that they would be literally compelled to continue to vote the republican ticket. That was tried in the case of the admission of Virginia. Although the President told us that Virginia had adopted a constitution republican in form, that Virginia had ratified the fourteenth and fifteenth amendments, that was nothing. Gentlemen were afraid that Virginia would go back to democracy some day. Therefore they said, "If we admit her, suppose she has a republican constitution; what of that? Suppose she has ratified the fourteenth and fifteenth amendments; what of that? Let us admit her with a condition precedent, some condition that will hereafter hold her to the car of the republican party." I said "No, sir." Other republicans on the floor of the Senate said "No, sir." All the democrats in both Houses of Congress said "No, sir;" and it could not be consummated.

Then came Mississippi, and the proposition came I believe from Missouri—I think from the Senator whose term some time since expired, and we can infer what would be his sentiment—and it was to tie up Mississippi on the question of education. I said in my place here, "You cannot tie up Mississippi any more than you can tie up Massachusetts;" and from that time forward I held the position that all we had to do was to reinstate those States in the Union and leave them to perform their duties under the constitution of the State and the Constitution of the United States without any legislative interference on our part. Those men in the South, our new-born republicans, fancied that we had power to do everything for them, and after Bullock had been elected two years governor in Georgia he found that the democracy was going to vote him out of power, and he came to this Chamber in the very spirit and making the demand of those exceptionable carpet-baggers of the South; for in all the rule of political infamy no man bears so conspicuous a name as Bullock, who was the idol of many gentlemen here a few years ago. Congress would not finally legislate him into office again. He wanted us to perpetuate him for two years, and he thought the democracy would be so humbled that he could come as Senator or that he could be governor; that the power would remain with him. You dared not do it. Some of you tried to do it, but you were met at every step with discussion on that question, and you failed.

The next thought was, "If we cannot control Senators, we can do it by legislating in advance." Blodgett was elected then by a Legislature which was not competent to touch a United States Senator. That game was played, and he came here with his credentials and had the audacity to ask that he be admitted to a seat in the Senate of the United States. Some were for him, others were against him. He failed.

Then the question was, "Cannot the Army do something for us?" and from that time forward demoralization has so swept over the republican party that the consequence was that your numbers were fading away, and now you are left in a hopeless minority in the next House of Representatives from which you cannot recover—such a change produced as never before was witnessed in any country. From one hundred of a majority you are left in the minority, with sixty or perhaps seventy of a majority dominating, and I apprehend will be in time domineering over you. How is it here? Power had been departing, gradually passing away, and after a while Georgia sent democratic Senators, and after a while Virginia sent democratic Senators here, and after a while they came from other Southern States, until Kellogg, now in the last ebb of his expiring despotism, says to the President—and this is a precious document and gets the very first place in the message:

> Louisiana is now the last State in the Southwest, except Mississippi, that remains true to the republican party. We have a large majority of the legal voters of the State. Even our opponents now admit it, and, refuting their own often-repeated assertions of last year that a heavy colored vote was polled for the fusion candidates, assert in their published call that all efforts to persuade the colored element to unite with them have failed, and consequently that other means must be resorted to.

This, then, is a little history of how the power was departing and how reluctant you were to let it go. In God's name, in this solemn presence, how was it that even for a moment any respectable white Senator could have had effrontery to talk about holding a people by political power, by political office, by political legislation, by the use of the American Army? About that time it occurred that Louisiana was likely to go into an election and send democratic Senators here. What then? Mr. Kellogg was a Senator occupying a seat on this side of this Chamber. Kellogg told his brethren here that he thought the only way to carry the State would be for him to return home and become a candidate for governor. He went home and became a candidate for governor, and he pledged himself, I am very certain, to many of you "It will all be well, and I will not vacate my place here unless it is certain a republican can take it; I will not go out of office simply for the bubble of a governorship unless I can leave a republican at my desk." You all know about it; for would any of you resign to-day if the probabilities were that a democrat would come in your place? You will not probably resign, but the probabilities are that all your places will go as all these places are going at the present time. [Laughter.]

But Kellogg went there to take care of the State of Louisiana, and how did he perform his part? Did he undertake to go to the people merely with arguments such as the honorable Senator from Illinois would give an audience—cool, logical, dispassionate, with a perfect chain of analysis and ratiocination? Did he do that? No, sir. He went down to the State of Louisiana, and the first place you found him was in the custom-house. He went into the custom-house first, perhaps because it was a place of personal safety. The spirit and

the chivalry of these Louisianians have sent him to that custom-house two or three times since, and will again unless his life is prolonged beyond the existence of the custom-house or something else takes place stranger than that lightning should strike him.

Mr. LOGAN. Will the Senator allow me?

Mr. TIPTON. "The Senator" cannot hear. His voice is getting so husky that he cannot hear anything on that side of the Chamber. [Laughter.] When he got down to Louisiana he commenced a correspondence with the President of the United States, and in that correspondence he laid before the President the fact that politics was getting very shaky in Louisiana, and that unless that great municipality was taken care of the devil was to pay in all the Louisianas. He wrote his letter to the President and the President sent the letter here to enlighten us, and it has enlightened us amazingly. I ask you to connect this with Kellogg going out to help that expiring power of our republican party. He says to the President:

In the mean time Governor Warmoth has called an extra session of the legislature, and it is believed by many for the purpose of having the result of the recent election declared in favor of the democratic party, the supreme judges impeached, (unless previously forcibly removed,) and measures taken to stamp out the last vestige of republicanism in the State.

He goes on to describe the character of Warmoth, that he was not by any means a very loyal republican. Then he says to the President—

Should the United States circuit court, in passing upon the question of contempt of its orders by Governor Warmoth, which is carried along with the main case, decide against him, and should it further issue its mandates in aid of what we believe to be the right in the controversy, the following may result:

Our returning board being held as the legal returning board, and as in nowise affected by the promulgation of the recent election bill, may make the returns required by law, which will show the republican State ticket elected, and a republican majority in the Legislature; and on the 9th of December, when the Legislature convened by Governor Warmoth meets in extra session, a conflict may ensue.

I have thought it best to make a statement of the facts, so that you may be advised in any contingency likely to arise.

I ought to mention that the supreme court will next Monday pass upon the case of Bovee, ejected over a year ago from the office of secretary of state by Governor Warmoth, without any legal right or showing. They will reinstate him in the office.

The Senator from Wisconsin, now absent, [Mr. CARPENTER,] who has stood here the persistent friend of Louisiana, so far as a re-election is concerned, has said in a speech in our hearing in this body, and which has gone to the country, that he believed that these courts were in collusion with Kellogg, and had ruled and would rule anything Kellogg desired; and before they had made a decision, Kellogg tells the President, through Attorney-General Williams, "When that decision comes it will give us a majority; it will reinstate our men in office;" and he understood exactly, therefore, that they were about to take possession of the State under the court's decisions that had not yet come.

You will at once appreciate the full effect of this point.

It is impossible to state, at this time, to what extent there may be danger of collision, but if it should be apparent that a conflict will result, it seems to me that General Emory should be instructed to exercise a discretion in having troops in the vicinity of the capitol on that day.

I can readily understand the delicacy of the President's position in this matter; but it must not be forgotten that this is a systematic and organized attempt to destroy the republican party in this State.

That man was calling upon the President for the Army, and telling the President that there was great necessity for the Army, for he thought the political party with which he was identified would get the worst of it if the President did not send him the Army! He then says:

I therefore respectfully suggest that General Emory, who I think appreciates the necessity and sympathizes with the republican party—

Would be a very good person to come down and help carry on the revolution. "Carry on the revolution" is my own phrase. He then says:

In conclusion, let me say that should the United States courts hold with us, and if I can count upon the co-operation and sympathy of the Federal Government as far as it can be consistently given in aid of its firm and devoted friends in this State, who have done all they could to carry the State and have really carried it by a large majority against organized fraud, the State may be saved to the republican party for the future.

There, sir, after this man gets home to Louisiana he goes into a correspondence with the President of the United States, through the Attorney-General, and says that he thinks the State can be saved to the republican party in the future if he will give them the benefit of the Army—a political revolution, and the missives passing between the White House here and the custom-house in New Orleans. Whom did Mr. Kellogg draw into this correspondence with him? He drew into the correspondence with him the collector of the port of New Orleans. What did that collector in New Orleans say about this subject of a political revolution being wrought out down there by the Army? He wrote to the President and asked for arms; and the first thing he says:

President GRANT:

Parties interested in the success of *the democratic party*, particularly the New Orleans Times, are making desperate efforts to array the people against us.

And that done in the custom-house in the city of New Orleans, in the State of Louisiana, in the year 1872 of the Christian era, and under the Constitution of the United States—a request made for arms, and intervention on the part of the Federal Government, from the brother-in-law to the President of the United States and Commander-in-Chief of the Army. For what? For military aid, because a democratic editor, not having the fear of republicanism before his eyes, is attempting "to array the people against us!" Then he became pathetic, and his tender heart was moved with unutterable sensibility, and he says:

Old citizens are dragooned into an opposition they do not feel.

Pity for the "old citizens;" these old, aristocratic slaveholders of New Orleans! He says they are dragooned, these old, venerable men, into expressing an opposition which they do not feel. Can you not let us have the Army to relieve these old veterans of Louisiana? Then he speaks in behalf of the Legislature. He says to the President, "Our members are poor, our adversaries are rich, and offers are made that are difficult for them to withstand." Yes, the moneyed men of Louisiana were attempting to bribe his Legislature away, and he had such a high estimate of their political virtue that he thought if the President did not send him down an army to interpose between them and the offerers of bribes, they would take the hog and hominy, leave legislative duties, and go home!

Then he adds some other very cogent reasons why the President of the United States ought to give an army to his friends in Louisiana:

The delay in placing the troops at the disposal of Governor Pinchback, in accordance with joint resolution of Monday, is disheartening our friends and cheering our enemies. If requisition of Legislature is complied with all difficulty will be dissipated.

What then? Peace in the United States, the Constitution more firmly enthroned, the constitution of Louisiana saved? No, sir; but "the party will be saved, and everything go on smoothly."

If this is done, the tide will be turned at once in our favor. The real underlying sentiment is with us if it can but be encouraged. Governor Pinchback is acting with great discretion, as is the Legislature, and they will so continue.

I have now read every word of that dispatch. It is signed, not by a private citizen, but it is signed "James F. Casey, collector." There was then an official dispatch from the collector, officially addressed to the President of the United States, that for political reasons and to save that sinking republican party in Louisiana they wanted him to be so kind, so affable, so condescending in the plenitude of his power as to send them down an army to save the republican party.

Whom else did this man Kellogg in this conspiracy consort with? He consorted with Governor Pinchback of Louisiana. I believe that name is descriptive of some species of jewelry. Whether it is in regard to the color or the solidity of the article I am not certain. Well, this is a jewel in its way. Governor Pinchback sends to the President resolutions of the Legislature of Louisiana calling upon the President of the United States for aid, and he asks him to hurry it up, for all is quiet here; and that is the conclusion of the dispatch—"All is quiet here." Then the Legislature of Louisiana, that had been put down as overawed, were calling on the President of the United States for an army, intimating to him—they seem to have thought that if they intimated there would be any fighting the President would be likely to lose his men, and they thought they could overcome his scruples in regard to the slaughter of his soldiers by saying, "Send down your soldiers here; all is quiet; nobody will shoot them, nobody will assassinate them." That was the language of Governor Pinchback. The President yielded to this demand, but he did not yield immediately. They got together among themselves, and they concluded if they had the Army they could not do anything with the Army unless they had some other matters arranged beforehand. What was to be done there? "We will have to do something now with the returns of the election." How did they get the election returns? A witness says in the testimony before the Senate that he heard twenty or thirty of them about the custom-house say that they intended, after the election was over, to get up affidavits enough to break it down. The witness testifies that they got up affidavits before the election was over, and filled them up in blank, and carried them out over the whole country; and one of the witnesses swears that General Sypher's brother wrote to him and said, "The General is lacking about three hundred votes, I think;" and then he starts out to supply the deficiency, and after he comes in the board is in session, and he enters with thirteen hundred forged and perjured certificates; and when he comes up with that armful of certificates and lays them down before the august and honest returning board of Louisiana, they ask him, "How many?" "Why," said he, "thirteen hundred." "Why," said they to him, "Jacques, you're a hell of a fellow." [Laughter.] Said he, "George, if you want any more, I can have you some by to-morrow morning at ten o'clock." [Laughter.]

Mr. President, I pause in the presence of such a scene. I stand here that you may reflect that in a country which has been purchased by patriot blood, in a country where law once was respected, in a country where a great party have had power, in a State of the Union, men in constant correspondence with the White House—I mean with the President of the United States—should have been engaged in a conspiracy so bold, so terribly demoralizing; and yet a party claiming common decency sits before the country never ready to stamp the infamy with the seal of their disapprobation—never, never. That was done; that was sworn to. Then they were getting along with manufacturing testimony for the purpose of making good the pledge of Kellogg to his friends that he would see that the State of Louisiana was taken care of. What next? They had to find somebody who could make returns for them. The governor

of the State had the returns and Kellogg was a Senator yet. Here is my evidence, this sworn testimony taken and reported by the Carpenter committee to the Senate. [Exhibiting a volume.] They never had a return, they never saw a return. They got together. They asked one man, "You are a newspaper editor?" "Yes, sir." "From Posey County?" "Yes sir." "What do you think, now, if we had the returns, would be the development?" "Well," said the fellow, "I think that we republicans ought to have carried the county, because we wanted to very much." Well, put down Posey County, then, carried for the republicans. They take a newspaper statement and they come to the conclusion, "Well, according to that newspaper editor, and he has a respectable-looking journal anyhow, we presume he is an intelligent man, we may as well put down Jones County also for the republicans." They take these thirteen hundred certificates brought in at one time by a gentleman formerly from Illinois, and they count them up to help somebody else out, and so they go through, and then they have the cold, unblushing audacity to come to the Senate of the United States and talk about having been elected and of their rights. Their reports and figures went into the hands of a committee, I believe the honorable Senator from Indiana [Mr. MORTON] was the chairman of the committee, and they made a report.

Messrs. CARPENTER, LOGAN, ALCORN, and ANTHONY signed a report to the Senate of the United States saying that these people never had any returns; and witnesses were before us who swore that they set out to make a republican Legislature and they said they intended to do it. I think that was the fact. They asked a witness why it was they did such things in Louisiana. "Because we were urged from Washington," said he. "We did a great many little things, perhaps, that we might not otherwise have done." Ah! has there been no conspiracy between officials in Washington and officials in Louisiana? It has been a cool, deliberate, audacious conspiracy all the way through. That assertion is nothing in comparison with the mine of testimony that has been given to the country, corruption teeming from one end of it to the other; and that is the manner in which they got their Legislature. From that Legislature they said that Kellogg was governor; they said that Antoine was lieutenant-governor; they said that Clinton was treasurer; they said that Pinchback was elected to the House of Representatives and also elected to the Senate; and he came here and put in his plea and his petition was advocated in the Senate, and he put it in also in the House of Representatives. There was a man in this Yankee age of ours able to be a Senator and able to be a Representative at the same time, and he is canvassing now in the House of Representatives for a seat there and canvassing in the Senate for a seat here. How do you like that as far as you have gone? [Laughter.] I ask that question. That revolutionary convention did that.

But they had no place to put their Legislature after they got it reported in favor of, and what then? Then they commenced corresponding with the President of the United States again; and the substance of the correspondence was this: "We have got the Legislature, and we have got the courts where we want them, under our thumb, and if we could have a few military with them we might organize this affair, made up out of newspapers and forged and perjured affidavits. Can we get the Army?" Kellogg says to the President, "I know the delicacy that the President would have in acting." What did he mean by that? I do not know what he did mean; you do not know either. I will tell you what he might have meant. This and that put together mean this: The President is a candidate for re-election. The electors of Louisiana, perhaps, will turn the scale and decide the question. Therefore the President might have a little delicacy in taking a part which would perhaps be a strong instrument in seating him again in the White House. I do not think they will doubt on that question hereafter. Since they have lost New York, and lost Pennsylvania, and lost Indiana, and lost Missouri, and lost Ohio; since their losses are so great, I do not think that the electoral vote of Louisiana will be worth fighting for very much longer; and that is my hope of peace. These gentlemen now will ground their arms and say, "Well, we sustained you as long as we could, Kellogg; we are sorry to part with you; but the party has gone to the devil generally, and we cannot help it." [Laughter.]

The President sent them the military. What came of that? You know what came of that. Judge Durell, the aged and the venerable—for they say he is too old to impeach now, and he goes free—Judge Durell put on his legal cap and came to the conclusion, as soon as they told him that the President allowed the Army to aid the marshal to enforce the mandates of a court, that he would allow them to do the rest. Then he says by his action, "Let it be so; let the troops be stationed in the State-house of Louisiana." Where did he make that decision? He never had a court organized to do it; he never had a clerk near him to put the seal of the State to it. He went into his garret, and there, I hope without even the light of a tallow dip, in darkness—and yet he thought he saw very clearly—said, "Let the military at two o'clock go into the State-house and occupy it." No, he did not fix the time; he left it to their discretion, because he thought they could not get there before three; but they got in at two. The morning dawned, and the Army of the United States had control of a State-house; and a set of unmitigated political villains, cutthroats of the first water, had concocted a list of members to go in under the dictation of the United States. They walked in; they took possession of that hall. Then came a protest long and loud; but no, that Legislature promised to send a republican to sit over there where Kellogg had abandoned his seat and they proposed to send another republican for six years. We waited. They set their mill to grinding and then produced two Senators in a short time. But the people of Louisiana, where were they? The Senator from Wisconsin [Mr. CARPENTER] said they were under the foot of a Federal judge. That Senator is not a liberal republican; that Senator is not a democrat in his political affiliation. He is the Vice-President of the United States *pro tempore* whenever our worthy Presiding Officer is absent. The highest honors in the gift of the Senate of the United States are showered upon him. He said here last summer, and how sad he said it, how tenderly he said it, "They put the State of Louisiana under the foot of a Federal judge;" and there were my countrymen and there were your countrymen. Had they one particle of American spirit about them how long would you expect them to remain under the foot of a Federal judge? Great God! The time came; the Army of the United States was withdrawn and a glorious revolution took place which shall make the names of the actors immortal in all time to come. All as one man rose up; they struck for the rights of a State under the foot of a Federal judge. Thank Heaven, not long. They rose in their might, and had the honorable Senator himself been governor of Louisiana he, too, would have been in ignominious flight under the protection of Brother-in-law Casey in the custom-house. There was a revolution not the foremost in time. It was a people rising up who were under the foot of a Federal judge. I glory in their patriotism. I stand here to claim what honor I may in being the advocate of a people who disposed of an act of tryranny, forgery, and perjury, but never broke in spirit for a moment—waited until in God's good time an opportunity should offer.

The honorable Senator wanted to punish somebody. If Illinois had been placed under the foot of a Federal judge, if fraudulent and perjured returns had been thrown in her face, and if for two years she had been held there by Federal bayonets, Illinois would have made herself glorious in the vindication of her outraged and trampled rights; and if the honorable Senator then should have undertaken to make his inflammatory speeches before the people of Illinois, he would perhaps be in as much danger of assassination as General Sheridan is to-day. The instruments were selected for the purpose of carrying out that contemplated revolution, just as the instruments are selected to-day. They were taken from the Army of the United States. It was General Emory in one case; it is General Sheridan in the other. But there was to be no compromise. Last winter while Congress was discussing the case of Louisiana a proposition for compromise was spoken of in Louisiana, in order that revolution might be averted, in order that a State might rise from under the foot of a Federal judge. What then? While there was any talk at all of compromise one of these minions of power, one of these associates of Kellogg in this robbery of the people, telegraphed from the city of Washington to New Orleans, and the dispatch that he sent there was such as I shall read you from page 3150 of the RECORD of last session. Packard was at the White House, and he sent the following dispatch home:

> Tell Kellogg to keep his shirt on. His talk of a compromise only irritates authorities. The only compromise is for members elected to go in and take their seats in the Legislature, and that excludes all contest. The McEnery government must be broken up as soon as Congress adjourns.

That is the language of the dispatch—tell Kellogg that the talk of compromise has the tendency to irritate authorities here. What did he mean by "authorities" here? When he speaks about authority he meant the President; he meant the Cabinet. The probability is he may have thought of the Senate and the House of Representatives, but I think not, for generally where questions arise between the Government and the State of Louisiana, as in this case, the correspondence having all been between the President and these men of Louisiana, the inference is clear and conclusive that what he meant by "authorities" was the President and Cabinet. They were irritated by the talk of a compromise. A few days ago there was a talk of compromise in Louisiana, and what have we? We have the universal denunciation of these men against the idea of a compromise. The honorable Senator from Illinois says the way to settle this is to acknowledge the validity of the Legislature that has sent a Senator here, and by his admission indorse the character of that administration. Then there is to be no compromise? That question has been before the Congress of the United States for two long, turbulent, distracted years. You have refused to admit the first Senator; you have refused to admit the second Senator. Your own colleague, the Senator from Wisconsin, introduced a bill for the purpose of reorganizing the State and for causing a new election in Louisiana. You have refused also to pass that bill, and consequently the whole responsibility is now coming upon the Congress of the United States. We, the friends of good government in Louisiana, have always had a large share of the Senate with us in sentiment. That is my candid opinion from all your action and from all your votes; but the power of the caucus is unlimited. Last summer, when you went into caucus to decide what questions of legislation should be acted upon for the balance of the session, there was no successful argument made in behalf of this measure, and therefore this measure dropped and other questions had the precedence. What took place, so sharp, so excited, so magnificent, on the 14th day of last September would not have taken place if you had taken action. But as soon as the

people of Louisiana were once more in the possession of a government that they claimed they had elected themselves, they discovered that the Army of the United States was declared at the disposition of Kellogg, and a second attack was thus made upon their liberties. The people of Louisiana, in rising and asserting their authority, never for one moment stood against the authority of the United States Government. They had nothing to say against the flag of their country; they had nothing to say against the commands of a general who was sent against them; but they, under a protest, gave up their governorship, gave up the State government, and went back into the ranks of the people again, determined not to dispute with the Government of the United States, but always ready to dispute with an armed faction that had them under the foot of a Federal judge.

There is no use in blinking this question. You will have no peace in the State of Louisiana while you are holding that people under the feet of Federal judges. Whenever you give them an opportunity of voting as you give other people an opportunity of voting, without the intervention of the Army, then and not till then may you expect peace and quiet in the State of Louisiana.

Mr. HAGER. With the consent of the Senator from Nebraska, I move that the Senate proceed to the consideration of executive business.

Mr. CONKLING. I ask the Senator from California to withdraw his motion for a moment. There is, I understand, a message on the table from the President of the United States, for the reading of which I will ask if it concerns the convenience of the Senator from Nebraska not to proceed now.

Mr. HAGER. I have no objection to that.

Mr. TIPTON. I have so used up my voice in speaking the short time I have that it is extremely difficult for me to complete my remarks this evening, and therefore I would rather have an opportunity of concluding them in the morning than undertake to conclude them at this hour in the present condition of my voice.

The VICE-PRESIDENT. Is the motion to proceed to the consideration of executive business withdrawn?

Mr. HAGER. Did I understand that the Senator from New York had some other matter to present before the Senate?

Mr. CONKLING. I wish to ask for the reading of the message on topics of finance and revenue from the President of the United States, which, I am told, lies on the table.

Mr. TIPTON. I will yield for that purpose.

Mr. CONKLING. I ask, then, that the message be read.

Mr. LOGAN. Before that is done I claim the indulgence of the Senate for a moment, not in response to any part of my friend's speech, which I consider entirely unanswerable; but when he first commenced he interrogated me about the Senator from Indiana [Mr. MORTON] whispering to me. Merely to relieve his mind as to what the matter was, I will have a dispatch read——

Mr. TIPTON. I have yielded, Mr. President, for no such purpose. I have yielded for the one purpose contemplated by the Senator from New York; and if the Senator from New York withdraws his motion, I will proceed.

Mr. LOGAN. If the Senator cannot allow me to have a dispatch read to show what we were talking about——

Mr. TIPTON. I do not think I can at this time. I yielded to the Senator from New York.

Mr. LOGAN. Will the Senator allow me to read it for his information?

Mr. TIPTON. No, sir.

Mr. LOGAN. It might be of great advantage to his speech.

Mr. TIPTON. I will attend to it after my speech is done, [laughter,] and will be amply able to attend to it after my speech is done.

Mr. LOGAN. Very well; nobody doubts that.

Mr. TIPTON. Then suppose you withhold it.

Mr. LOGAN. Nobody ever questioned that of a man of your ability. I will only say that the Senator has either got to yield the floor or keep it. If he yields the floor, I claim that I have it.

Mr. TIPTON. Mr. President, you have allowed me to yield the floor for the express purpose of the object contemplated by the Senator from New York, and I can trust your honor in reclaiming the floor.

Mr. LOGAN. The Senator has yielded the floor with the understanding that he is to have it in the morning. He has nothing more to do with it this afternoon. He is to go on and finish his speech in the morning. The floor now belongs to the Senate.

Mr. TIPTON. The Senator from Nebraska has yielded the floor for no other purpose than that stated. His voice has greatly improved in the last two minutes. [Laughter.]

Mr. President, I have not at any time declined to yield the floor for the purpose contemplated by the honorable Senator from New York, and am ready again to yield the floor for that purpose and for no other, unless to adjourn or to go into executive session.

Mr. EDMUNDS. That cannot be done according to the rules. You cannot bargain the floor.

Mr. TIPTON. That was done last evening for the Senator from Illinois; and the case being altered, perhaps it alters the case. [Laughter.]

If I am to be permitted to proceed immediately subject to a motion to go into executive session, I will go on, but to that I will yield.

The VICE-PRESIDENT. The Senator from Nebraska yielded the floor for the purpose of having the President's message read.

Mr. CONKLING. May I make a suggestion? The Senator having yielded for that purpose, suppose we have the President's message read, and then the Senator can determine as well as he can now whether he will afterward yield to the Senator from Illinois or not. I think the message ought to be read, and I understand the Senator to have no objection to that.

The VICE-PRESIDENT. The message will be read.

Mr. LOGAN. I do not ask him to yield to me at all. I thought he had yielded the floor, and I was going to have a dispatch read.

RESUMPTION OF SPECIE PAYMENTS.

The Secretary read the following message:

To the Senate of the United States:

Senate bill No. 1044, "to provide for the resumption of specie payments," is before me, and this day receives my signature of approval. I venture upon this unusual method of conveying the notice of approval to the House in which the measure orginated because of its great importance to the country at large and in order to suggest further legislation, which seems to me essential to make this law effective.

It is a subject of congratulation that a measure has become law which fixes a date when specie resumption shall commence, and implies an obligation on the part of Congress, if in its power, to give such legislation as may prove necessary to redeem this promise. To this end I respectfully call your attention to a few suggestions.

First. The necessity of an increased revenue to carry out the obligation of adding to the sinking fund annually 1 per cent. of the public debt, amounting now to about $34,000,000 per annum, and to carry out the promises of this measure to redeem, under certain contingencies, eighty millions of the present legal-tenders, and without contingency the fractional currency now in circulation. How to increase the surplus revenue is for Congress to devise; but I will venture to suggest that the duty on tea and coffee might be restored without permanently enhancing the cost to the consumers, and that the 10 per cent. horizontal reduction of the tariff on articles specified in the law of June 6, 1872, be repealed. The supply of tea and coffee already on hand in the United States would in all probability be advanced in price by adopting this measure. But it is known that the adoption of free entry to those articles of necessity did not cheapen them, but merely added to the profits of the countries producing them, or of the middlemen in those countries who have the exclusive trade in them.

Second. The first section of the bill now under consideration provides that the fractional currency shall be redeemed in silver coin as rapidly as practicable. There is no provision preventing the fluctuation in the value of the paper currency. With gold at a premium of anything over 10 per cent. above the currency in use, it is probable—almost certain—that silver would be bought up for exportation as fast as it was put out, or until change would become so scarce as to make the premium on it equal to the premium on gold, or sufficiently high to make it no longer profitable to buy for export, thereby causing a direct loss to the community at large and great embarrassment to trade. As the present law commands final resumption on the 1st day of January, 1879, and as the gold receipts by the Treasury are larger than the gold payments, and the currency receipts smaller than the currency payments, thereby making monthly sales of gold necessary to meet current currency expenses, it occurs to me that these difficulties might be remedied by authorizing the Secretary of the Treasury to redeem legal-tender notes, whenever presented, in sums of not less than $100 and multiples thereof, at a premium for gold of 10 per cent., less interest at the rate of 2⅔ per cent. per annum from the 1st day of January, 1875, to the date of putting this law into operation, and diminishing this premium at the same rate until final resumption, changing the rate of premium demanded from time to time as the interest amounts to ¼ of 1 per cent. I suggest this rate of interest because it would bring currency at par with gold at the date fixed by law for final resumption. I suggest 10 per cent. as the demand premium at the beginning, because I believe this rate would insure the retention of silver in the country for change.

The provisions of the third section of the act will prevent combinations being made to exhaust the Treasury of coin. With such a law it is presumable that no gold would be called for not required for legitimate business purposes. When large amounts of coin should be drawn from the Treasury, correspondingly large amounts of currency would be withdrawn from circulation, thus causing a sufficient stringency in currency to stop the outward flow of coin.

The advantages of a currency of a fixed, known value would also be reached. In my opinion, by the enactment of such law, business and industries would revive, and the beginning of prosperity on a firm basis would be reached.

Other means of increasing revenue than those suggested should probably be devised, and also other legislation. In fact, to carry out the first section of the act another mint becomes a necessity. With the present facilities for coinage, it would take a period probably beyond that fixed by law for final specie resumption to coin the silver necessary to transact the business of the country.

There are now smelting furnaces for extracting the silver and gold from the ores brought from the mountain Territories, in Chicago, Saint Louis, and Omaha—three in the former city; and as much of the change required will be wanted in the Mississippi Valley States, and as the metals to be coined come from west of those States, and, as I understand, the charges for transportation of bullion from either of the cities named to the Mint in Philadelphia or to New York City amount to four dollars for each one thousand dollars' worth, with an equal expense for transportation back, it would seem a fair argument in favor of adopting one or more of those cities as the place or places for the establishment of new coining facilities.

I have ventured upon this subject with great diffidence, because it is so unusual to approve a measure—as I most heartily do this, even if no further legislation is attainable at this time—and to announce the fact by message. But I do so, because I feel that it is a subject of such vital importance to the whole country, that it should receive the attention of and be discussed by Congress and the people, through the press and in every way, to the end that the best and most satisfactory course may be reached of executing what I deem most beneficial legislation on a most vital question to the interests and prosperity of the nation.

U. S. GRANT.

EXECUTIVE MANSION,
January 14, 1875.

On motion of Mr. SHERMAN, the message was referred to the Committee on Finance, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Winter, and William Kearney was read twice by its title, and referred to the Committee on the Judiciary.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of War, transmitting a copy of a telegram, dated the 11th instant, from the commanding-general Military Division of the Pacific, relative to a decision of the United States district justice at

Portland, Oregon, as to the time of retention of prisoners by the military under section 23 of the act of June 30, 1834; which was referred to the Committee on the Judiciary, and ordered to be printed.

EXECUTIVE SESSION.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at four o'clock and thirty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 14, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

Mr. MAYNARD. I call for the regular order.

CUSTOMS REVENUE.

Mr. KASSON. I ask the gentleman to withdraw the call for the regular order for a moment to allow me to ask the House to concur in a verbal amendment of the Senate to the bill (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws and to repeal moieties," approved June 22, 1874.

There being no objection, the bill was taken from the Speaker's table and the amendment of the Senate was read, as follows:

In line 3 of the bill strike out "passed" and insert "approved."

The amendment was concurred in.

Mr. KASSON moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTINGENT FUND OF DEPARTMENT OF JUSTICE.

Mr. WILLIAMS, of Massachusetts, by unanimous consent, from the Committee on Expenditures in Department of Justice, presented a communication from the Attorney-General, transmitting a detailed statement of all the expenditures of the contingent fund of his Department since January 1, 1874, to January 1, 1875, and moved that it be printed and recommitted to the Committee on Expenditures in Department of Justice.

Mr. RANDALL. Why should it go to that committee?

Mr. WILLIAMS, of Massachusetts. It comes from them.

Mr. RANDALL. So it is printed, I suppose there is no harm in making that reference.

The motion was agreed to.

AGRICULTURAL REPORT OF 1874.

Mr. LAMPORT, by unanimous consent, submitted the following concurrent resolution; which was read and referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That the Congressional Printer be, and he is hereby, authorized to print two hundred and fifty-five thousand copies of the report of the Commissioner of Agriculture for the year 1874; fifty thousand copies of which shall be for the use of the Senate, one hundred and eighty thousand copies for the use of the House of Represenatives, and twenty-five thousand copies for distribution by the Commissioner of Agriculture.

WAR CLAIMS.

Mr. MAYNARD. Before I insist on the call for the regular order, perhaps in justice to a large number of claimants the document that was stayed yesterday at my suggestion should be laid before the House and referred.

The SPEAKER. The Chair lays before the House a letter from the Secretary of the Treasury, transmitting, in compliance with the act of June 16, 1874, a schedule of claims under the act of July 4, 1864, examined and allowed since June 30, 1874.

Mr. MAYNARD. I would like to state in connection with this communication that the second section of the Army appropriation bill of last session took away from the accounting officers of the Treasury the power to pay claims that they passed on, but authorized them to go on and examine them; and required the Secretary of the Treasury to report at the commencement of each session of Congress the number and names of such claims as might have been favorably acted on. I ask that the list be printed, and that it be referred with the accompanying testimony to the Committee on War Claims.

The SPEAKER. If there be no objection the list will be printed, and will be referred with the testimony, which will not be printed, to the Committee on War Claims.

There was no objection, and it was so ordered.

REMOVAL OF DISABILITIES.

Mr. HANCOCK, by unanimous consent, introduced a bill (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney; which was read a first and second time.

Mr. MAYNARD. Is there a petition accompanying the bill?

Mr. HANCOCK. Yes, sir; there is a petition in each case.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting therefor.

PAPERS IN QUARTERMASTER-GENERAL'S OFFICE.

The SPEAKER laid before the House a letter from the Secretary of War, in relation to the disposition of papers in the Quartermaster-General's Office which are of no further use; which was referred to the Committee on Military Affairs.

HORACE GLOVER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in relation to the claim of Horace Glover for proceeds of certain goods seized and sold by George J. Stannard, late collector of customs for the district of Vermont; which was referred to the Committee on Claims.

BREAKWATER AT CLEVELAND HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of June 23, 1874, a report with estimates of the cost of a breakwater at the harbor of Cleveland, Ohio; which was referred to the Committee on Commerce, and ordered to be printed.

NEW JAIL IN THE DISTRICT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting estimates of appropriations required for the completion of a new jail in the District of Columbia; which was referred to the Committee on Appropriations, and ordered to be printed.

FOND DU LAC INDIAN RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a draught of a proposed bill to provide for the sale of a portion of the Fond Du Lac Indian reservation in Minnesota, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN SERVICE IN COLORADO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of the appropriation required for the Indian service in Colorado; which was referred to the Committee on Appropriations, and ordered to be printed.

CAPITOL BUILDING AT OLYMPIA, WASHINGTON TERRITORY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an estimate of appropriations required for certain repairs to the territorial capitol building at Olympia, Washington Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

AGENT SPERRY AND W. COURTENAY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recommending an amendment to the Indian appropriation bill providing for payment of a loss of private property belonging to Agent Sperry and W. Courtenay, Fort Berthold Agency; which was referred to the Committee on Claims.

FORCE IN THE FOLDING-ROOM.

Mr. FORT. I ask unanimous consent to offer the following resolution:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized to employ twenty folders, including book-keepers and others, for the purpose of folding the Agricultural Report for the year 1873, and other public documents, from January 1, to March 4, 1875.

Mr. RANDALL. I object.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the Indian appropriation bill.

Mr. MAYNARD. Is that the regular order of business?

The SPEAKER. It would of course be the regular order of business if the House should vote in favor of the motion. If the House should not sustain that motion, then the call of committees would be in order.

Mr. RANDALL. I think that we shall expedite public business by avoiding the morning hour to-day.

Mr. MAYNARD. I think not; I think it would expedite public business if we have a morning hour.

The SPEAKER. That is for the House to decide.

The question was put on the motion of Mr. LOUGHRIDGE; and on a division there were—ayes 61, noes 56; no quorum voting.

Tellers were ordered; and Mr. LOUGHRIDGE and Mr. MAYNARD were appointed.

The House divided; and the tellers reported—ayes 90, noes 55.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. POLAND in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes.

The Clerk resumed the reading of the bill, and read as follows:

One for the tribes in Iowa, namely, at the Sac and Fox of Iowa agency, $500: *Provided*, That no salary shall be paid to the agent unless he lives near enough to the agency to teach and care for the tribe every day; and no incidental expenses shall be allowed for this agency, and no employés.

Mr. LOUGHRIDGE. On behalf of the Committee on Appropriations, I move to strike out the last two lines, being the words "and no incidental expenses shall be allowed for this agency, and no employés."

Mr. RANDALL. I think that is a very valuable limitation. I hope the gentleman will give some reason why the committee now propose to strike it out; some reason which they did not have when they inserted it.

Mr. LOUGHRIDGE. The reason is that we desire to have a teacher employed at this agency, and I propose to offer an amendment which will cover that point if the gentleman will wait.

Mr. RANDALL. But do not let us strike out the entire limitation.

The question was taken on the amendment of Mr. LOUGHRIDGE, and it was agreed to.

Mr. LOUGHRIDGE. I move now to add at the close of the paragraph as it stands the following:

And $1,000 is hereby appropriated for the support of a school at said agency.

Mr. RANDALL. I suggest to the gentleman that we should not strike out anything but add that. The limitation contained in that clause is a valuable one, because it prevents undue expenditures of money.

Mr. LOUGHRIDGE. I have no objection to that. I ask unanimous consent that the words stricken out be restored and that the amendment I have moved be added to the paragraph.

There was no objection, and it was so ordered.

The Clerk read as follows:

Seven for the tribes in Arizona, namely, Colorado River, Papago, Pima, and Maricopa, Chiricahui, San Carlos, Camp Apache, and Moquis Pueblo agencies, in all $102,500: *Provided*, That it shall be the duty of the President to dispense with the services of such Indian agents herein mentioned as may be practicable, and where it is practicable he shall require the same person to perform the duties of two agencies for one salary.

Mr. BECK. I move to strike out the last word of that proviso; and I do it for the purpose of asking the gentleman from Iowa a question. This proviso says that "it shall be the duty of the President to dispense with the services of such Indian agents herein mentioned as may be practicable, and where it is practicable he shall require the same person to perform the duties of two agencies for one salary." We have made a provision of that sort several times before, and we made others of like character, giving the President discretion in certain contingencies to change the distribution of the money as made by us. We did it in the last Indian appropriation bill, and it is in reference to that I desire to ask a question. We did it not only in the last Indian appropriation bill, but I think in the one before; surely in the last. I hold in my hand the last bill, a section of which provides that "the several appropriations here made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulations, may be diverted to other uses for the benefit of various Indian tribes, within the discretion of the President and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress at the next session thereafter of his action under this provision."

What I desire to know is whether any report has ever been made under any provision of law on that or any kindred subject. The same provision is contained in the bill now before the House, and I would like to know if any reports have not been made by the President or under his direction, as required by law; and if not, why not?

Mr. LOUGHRIDGE. I know of no report having been made, but I have not inquired about it. There may be such a report on our files. The gentleman can ascertain that by inquiring at the document-room, I presume.

Mr. BECK. I suggest that if any report had been made the Committee on Appropriations, having charge of the subject, should have known it and have modified this bill accordingly; but although the law requires that such a report shall be made, it appears that the Committee on Appropriations know nothing about it. The presumption therefore is that none has been made.

Mr. LOUGHRIDGE. Do I understand the gentleman to say that no report has been made?

Mr. BECK. I understood the gentleman to say that he knew of none.

Mr. LOUGHRIDGE. I have not inquired for it.

Mr. BECK. I presume that none has been made, as that committee are ignorant upon that subject. I have not heard of any.

Mr. LOUGHRIDGE. I presume the President made the report which the law required him to make.

Mr. BECK. I supposed the committee who had charge of this matter would know if such a report had been made, if anybody knew it. I assume, therefore, that none has been made, and therefore quit that. But, Mr. Chairman, I want to call attention to another fact. The Commissioner of Indian Affairs, in his classification of the Indians for whom we are making these appropriations, classifies them thus:

For convenience of reference and remark, the Indians of the country may be classified under three heads:

First. Those that are wild and scarcely tractable to any extent beyond that of coming near enough to the Government agent to receive rations and blankets.

Second. Indians who are thoroughly convinced of the necessity of labor, and are actually undertaking it, and with more or less readiness accept the direction and assistance of Government agents to this end.

Third. Indians who have come into possession of allotted lands and other property in stock and implements belonging to a landed estate.

In regard to class one the Commissioner proceeds to say:

In the first class are enumerated 98,108, who may be catalogued as follows: 46,663 out of about 53,000 Sioux; 420 Mandans; 1,620 Gros Ventres; 4,200 Crows; 5,450 Blackfeet, Bloods, and Piegans; 6,153 Utes in Colorado and New Mexico; 9,057 Apaches in New Mexico and Arizona; 2,000 Navajoes in New Mexico; 4,975 Kiowas and Comanches in Indian Territory; 6,818 Cheyennes and Arapahoes in Indian Territory, Wyoming, and Dakota; 5,352 Chippewas in Minnesota, Wisconsin, and Michigan; 300 Nez Percés in Idaho; 1,600 Shoshones and Bannacks in Wyoming; 1,000 Shoshones and Bannacks in Oregon.

Now, remember (of those 98,000 Indians) the Commissioner of Indian Affairs says they are only reached by their coming near enough to the agencies to receive blankets and provisions. And yet in the very bill before the House are items of appropriation referring to and pretending to carry out (so called) treaty stipulations and provisions, giving these wild Indians large sums of money for blacksmiths, millers, carpenters, engineers, school-teachers, and all sorts of employés, not one of whom can do or attempt to do any service for the Indians, because, as the Commissioner says, these Indians come only near enough to the agencies to receive rations and blankets. Therefore it must be obvious to every member that all the money appropriated under these so-called treaty provisions cannot be used in the way in which the House supposes it is being used; and if it is spent at all, it is wrongfully spent.

It was to guard against that evil that there was a provision inserted in the last Indian appropriation bill, and I believe in the bill of the year before, authorizing the money to be diverted to other uses and directing reports to be made to Congress of those uses, which it seems has not been done, or if it has the men who ought to know do not.

Mr. PARKER, of Missouri. Will the gentleman permit me to ask him a question?

Mr. BECK. I will.

Mr. PARKER, of Missouri. Does the gentleman believe that Congress, or the President, or the Secretary of the Interior, or anybody else has the right to divert that fund, when it is provided expressly by terms in treaties that it shall be applied in a particular way, unless it is done by consent of the Indians?

Mr. BECK. I will say——

Mr. PARKER, of Missouri. Wait a moment, until I get through. I agree with the gentleman perfectly that in many cases it is much better that this fund should be employed in another way than that stipulated by the treaties, provided you can get the consent of the Indians. But if they do not consent to it, the consequence is that if we divert the money without their consent, in after years they will come up here and claim that we have violated our treaties with them, and they will make us responsible for that amount of money and call upon us to repay it. Now I ask the gentleman if it is proper to violate our treaty stipulations, or to expend the money in a way otherwise than the treaty stipulates, except with the consent of the Indians?

Mr. BECK. My answer to that is twofold. I do not want to go over the whole treaty question any more. I have done that at least once before, perhaps oftener. The gentleman from Missouri [Mr. PARKER] announced yesterday, and I want to premise my answer to his question, that he heard me make four years ago the same speech that I made yesterday. Now, Mr. Chairman, my speech of yesterday was made about an event that occurred only last October, and I had been told about it by the gentleman from Montana [Mr. MAGINNIS] only five minutes before I spoke. How I could have made that same speech four years ago I cannot imagine.

Mr. PARKER, of Missouri. It was only a revised edition of the gentleman's speech of four years ago, with that added.

Mr. BECK. Well, if the House can understand how I could make a speech four years ago about a thing that occurred only last October, and of which I had been informed only five minutes before, then the gentleman's statement may be correct. But I want to answer the main question of the gentleman. He asks what are we to do except to appropriate according to the treaty stipulations. In the first place I want to say again that these so-called treaties are not treaties in any proper sense; they never were treaties. The commissioners went out there under an act of Congress; and that act of Congress required that they should submit their action to Congress for its approval. It never was submitted to Congress for its approval. And so palpably were their acts regarded as no treaties, that in 1870 or 1871 the House refused absolutely to make any appropriations to carry them out, and Congress put two million or perhaps three million dollars into the hands of the President to enable him to carry on the Indian affairs regardless of all those treaties. And he did carry them on during that fiscal year with the sum so given him, and the Indians were better provided for, when the military had control of the matter in 1871, with two or three million dollars thus given in a lump to the President, than they have been since with all the machinery provided by these so-called treaties at a cost of $7,000,000 expenditures every year.

Mr. LOUGHRIDGE. I will answer the gentleman's question.

Mr. BECK. I have not got through yet with the question of the gentleman from Missouri, [Mr. PARKER.] Suppose it is provided by treaty stipulations that the Indians shall have the service of millers,

mechanics, farmers, teachers, and everything else of that kind; and we have the official declaration of the Secretary of the Interior and the Commissioner of Indian Affairs that these Indians, with whom we have made all these so-called treaty arrangements, are so wild that they only approach the agencies near enough to obtain rations and blankets. So, not one dollar of all the moneys we have been appropriating for them, which has amounted to millions during the last seven years, for the purpose of employing mechanics, farmers, engineers, and school-masters, has ever been spent for that purpose. And those men if they have been employed have done nothing but absorb the money of the Government, without rendering the services for which that money purported to be appropriated. Are we still to go on and repeat this folly and wasteful expenditure year by year? With the admitted facts now before us we certainly ought to withhold it and apply it to the Indians, if necessary for their support, in some other form. We certainly ought not to go through the farce of keeping a host of Government employés, whether called engineers, teachers, millers, or anything else, that the wild Indians never see and would scalp if they did. We should at least put our appropriations in some form that will be available. Therefore it was that we passed the provision of law which we did a year ago, and I want to see the report required by it. According to what the Commissioner of Indian Affairs says, not one dollar of this money has ever been expended among these wild tribes in the way which we intended. I will now hear the suggestion of the gentleman from Iowa.

Mr. LOUGHRIDGE. Instead of making these general denunciations, I would like to have the gentleman point out what tribe among these has not had schools while money has been appropriated for their education.

Mr. BECK. I refer the gentleman to the report of the Commissioner of Indian Affairs. On the first page of that report the Commissioner, classifying the Indians, says that the first class are "those that are wild and scarcely tractable to any extent beyond that of coming near enough to the Government agent to receive rations and blankets." He says further that this first class numbers 98,108. In the enumeration which he gives you will find named several tribes with which we have what are called treaties; among them are the Sioux, the Crows, the Apaches, the Cheyennes, Arapahoes, and others. In this bill now before us are contained provisions for carrying out in detail treaty stipulations with these wild tribes—although the Commissioner himself say that none of these Indians can be reached by such machinery; that they only come to the agencies to receive their blankets and supplies. I say that wherever any tribe provided for in the bill is found enumerated in this first class by the Commissioner, the money ought to be otherwise used.

Mr. LOUGHRIDGE. I ask the gentleman whether it is not otherwise used?

Mr. BECK. I have already stated that we had made a provision in the former law that it might be; and we required a report to be made at each session. The gentleman says he does not know that it has ever been done. I do not think it ever has. If the money has been otherwise used I want to know it. If it can be used for any good purpose, I am willing to vote it.

Mr. LOUGHRIDGE. Will the gentleman point out any tribe to which his remarks are applicable? Here are fifteen tribes.

Mr. BECK. I point out the Crows, the Apaches, and two or three branches of the Sioux tribes, besides several others. The gentleman can see them in the bill. When we reach them in the bill I will point them out.

The CHAIRMAN. Debate upon the amendment is exhausted.

Mr. BECK. I withdraw the amendment.

Mr. PARKER, of Missouri. Mr. Chairman, I renew the amendment for the purpose of correcting a mistake into which I think the gentleman from Kentucky [Mr. BECK] has fallen. He takes the position that certain treaties made with some of these northwestern Indians are not treaties at all, because, as he claims, under the law of July 20, 1867, the commissioners appointed to make those treaties were required to report their action to Congress for our approval; that they never did so report their action, and that Congress, as made up of the Senate and the House, has never approved that action; that therefore these cannot be regarded as valid treaties. Upon this point I think the gentleman has fallen into an error. If he will but look at the language of the first section of the act, he will, I think, see the error himself. The first section provides:

That the President of the United States be, and he is hereby, authorized to appoint a commission, to consist of three officers of the Army and three civilians. They shall have power and authority to call together the chiefs and head-men of such bands or tribes of Indians as are now waging war against the United States or committing depredations upon the people thereof, to ascertain the alleged reasons for their acts of hostility, and in their discretion, under the direction of the President, to make and conclude with said bands or tribes such treaty stipulations, subject to the action of the Senate, as may remove all just causes of complaint on their part, and at the same time establish security for persons and property along the lines of railroad now being constructed to the Pacific, &c.

Thus the commissioners were required by the first section of the act to make such treaty stipulations as they in their discretion might deem proper, and to report these treaty stipulations to the Senate for approval. This is just what they did. The second section of the act contains a provision directing these commissioners to mark out the section of country upon which these Indians shall be located. This involved the question of the disposition, at least temporarily, of a portion of the soil of the United States, and the action of the commissioners in that particular was required to be reported to Congress. But treaty stipulations that were to be made, apart from defining and fixing the boundaries of the reservations of these Indians, were required by the first section of this act to be reported to the Senate of the United States for its approval. These commissioners did make their report to the Senate, and the Senate did approve this treaty. I hold that this treaty with the Sioux and the other treaties made by this commission, consisting of General Sherman and other military officers, ex-Senator Henderson and the other civilians, (which treaties were reported under this law and approved by the Senate,) are just as binding upon this Government as any law of Congress, because a treaty in its binding force upon the people of the United States occupies an equal relation with a law of Congress.

The gentleman from Kentucky certainly falls into error in regarding the powers of this commission as defined solely by the second section, when their powers are much larger as defined by the first section. The gentleman certainly falls into another error when he declares that it would be better to appropriate this money in a lump and have it disbursed to these Indians, without having the particular method of its disbursement specified by treaty obligation. I beg leave to differ from the gentleman on that point. I believe that if we should appropriate this whole amount in a lump without defining the mode of its application, you might have just grounds to complain of frauds in the Indian service. I am very glad to see that my friend from Kentucky, unlike his political colleagues and friends generally in the House and the Senate, has not lost confidence in the Army. He believes in its honesty and integrity. I agree with him in that particular. Yet I think it is better and more successful upon the part of the Government to manage Indian affairs as a peace matter than to manage them by the military.

Mr. BECK. Mr. Chairman, I wish to submit a few remarks in reply to what has been said by the gentleman from Missouri. The committee will observe that whatever arrangements have been made with these tribes of Indians in 1867 were made in pursuance of an act of Congress, and not under the treaty-making power. The President of the United States, by and with the advice and consent of the Senate of course, has the right to make treaties, but it was not assumed these Indians occupied such relation toward this Government, at this time at least, whatever it may have been in years gone by, as would authorize treaties to be made with them under the treaty-making power. Therefore an act of Congress was passed, and while the first section of that act, as has been well said, authorized them to make arrangements about money, still a further provision was made that wherever reservations were established, wherever rights of territory were given, report should be made to Congress for its approval. That brought the whole matter before Congress. The commissioners appointed under the act located and established reservations and placed Indians on them, upon which all this money is being spent and where these Indian agencies have been provided for without submitting the question to Congress for approval as provided for in the law. The primary object of the commission was the establishment of these reservations; but under the law there could be no allotting of reservations, and consequently no expenditure of money under any arrangement made for reservations until the approval of Congress had been obtained; and because they never did report to Congress we have steadily refused to recognize them as valid treaties, and as I have already said preferred some years ago to place money in the hands of the President in bulk rather than recognize them. The next session after we did that, after three conference committees had met, we finally agreed, rather than have an extra session of Congress, that we would make the appropriations asked for under, as they were then termed, the so-called treaties. There was also added, and it will be found upon the statute-book, the additional provision that there should be no further treaties attempted to be made with Indians; and the Senate agreed to that provision, and gave up any pretenses hereafter to the right to make such treaties. So I was right, Mr. Chairman, in saying that the action of that commission had to come before Congress, because the very territory set apart as reservations had in the first place to be approved of by Congress before any other part of their action could be valid. But I repeat they never did make report to Congress, and their action never was approved. Their action was a blunder and a nullity, although by one section they did have the right to dispose of money if the other essential things were approved by Congress. So much for that point.

Now, Mr. Chairman, I say further that the reports of the Government officers, of the Secretary of the Interior and of the Commissioner of Indian Affairs, all prove what I said yesterday, and what I now repeat, that nearly all the money so appropriated for these Indians is squandered and gone. As to all such payments the Secretary of the Interior reports the facts to be—I give his language—

In many instances we have treaty stipulations requiring annuities of cash and property to be paid to Indians *per capita*.

This is the report which came to us from the Secretary of the Interior only the other day, and I wish gentlemen to listen to it—

In some cases the only evidence of such payments consists of receipts given by the chiefs of the tribes.

Just think of it! Receipts given by wild Indian chiefs, who do not know the value of a dollar and who only come in for blankets!

The only receipts these men can get is from those who call themselves chiefs of tribes.

The improvidence and want of intelligence which characterize most Indians entitled to such annuities render these payments not merely useless, but absolutely unprofitable.

That is not my language. If the gentleman from Ohio [Mr. GARFIELD] is here, he will perhaps now see that I was right in saying that at least 75 per cent. of Indian annuity money has been squandered. The Secretary tells us that these payments are not merely useless, but unprofitable; nay, even demoralizing.

The improvidence and want of intelligence which characterize most Indians entitled to such annuities, render these payments not merely useless, but absolutely unprofitable; nay, even demoralizing. On receipt of the money or goods, the uncivilized Indian hastens to dispose of his portion for a toy, a trifle, or, what may be worse, spirituous liquors, which render him troublesome and dangerous. In view of these and other examples which could be given, early legislation to remedy such defects in the existing laws is absolutely necessary, and the attention of Congress is seriously and earnestly invited to the consideration of this subject.

That is the language of the Secretary of the Interior himself. He tells us that all these payments are often spent for toys and trifles and drinks of liquor. Here is where the evil is to which I referred yesterday, giving to President Grant's brother or any other gentleman the exclusive right to trade with them, and thus get back all the money paid in the way of annuities under treaties from Indian chiefs in exchange for "toys, trifles, and glasses of liquor."

The CHAIRMAN. The gentleman's time has expired.

Mr. BECK. Allow me one word further. Trade with the Indians should be open to all men, so there could be competition and surveillance of one over the other. There should be some watch or guard over these Indians in the disbursement of the annuities which they receive from the Government.

Mr. PARKER, of Missouri. I withdraw the amendment.

Mr. BECK. I will renew it, for I have not yet completed what I wish to say.

Mr. PARKER, of Missouri. I thought the gentleman was done.

Mr. BECK. I do not have any other purpose in making these statements than to save money and have it properly used for the purposes for which it is appropriated. The Secretary of the Interior, as I have shown, tells us that of all the annuities paid to these ninety-eight thousand men, a large portion is not only useless but absolutely unprofitable, nay demoralizing, as the money which is given to them is disposed of for "toys, trifles, and, what is worse, spirituous liquors," making them dangerous and troublesome. It is bad policy—certainly contrary to a wise public policy—to place the exclusive right of trading with these Indians in the hands of any one man, thus enabling him to get back the money paid by us as annuities for toys, trifles, and spirituous liquors. The Secretary says, I repeat, that there are ninety-eight thousand of these men, and the House can readily see how the money appropriated to them in the way of annuities is squandered by giving the exclusive right to one man to trade with them, taking their money in exchange for "toys, trifles, and glasses of liquor." There ought at least to be competition and surveillance over these men. There ought to be some means provided by which these traders shall be watched and the Indians and Government protected. A word in reference to what was said yesterday by the gentleman from Nebraska, [Mr. CROUNSE.] I find he stated that I denounced all these Indian agents as thieves. Now, sir, I never said any such thing.

I do not believe with the gentleman from Missouri [Mr. PARKER] that Indian agents are as good, as honest, as faithful as any class of employés of the Government. If they are, God help the Government; for the testimony often furnished to the House all goes to prove that those Indians, many of them, are so absolutely under the control of interested men, agents, traders, and others that they are at their mercy, and have to do just what they demand. The Delegate from Montana, Mr. Cavanaugh, when here two or three years ago, showed that an Indian agent in his Territory had been dismissed because he refused to sign a fraudulent receipt for about $50,000, when the true amount was less than $7,000.

What I want to get at is, that if we are to pay money, let it be paid for the use and benefit of those for whom we appropriate it. One word more. The reference made to my faith in the Army amounts to this: I have said on this floor, and I say again, that the Army of the United States has to meet those Indians whenever trouble occurs. They have to take the field and take all the risks. They stir up no strife, because there is no glory in fighting a wild Indian. They might kill them all and have no glory attaching to them for what they did. Therefore, they are careful in their dealings with the Indians not to provoke them to strife, while the agents and the traders who are beyond the jurisdiction of the Army, and outside of their control, and who cannot be arrested by them, or even stopped in their mischief, stir up the strife, and the soldiers have to fight it out, and cannot prevent it.

I have said furthermore, and I repeat, that the officers of the Army of the United States have been in all the past, and I hope will always continue to be, honest men, who faithfully account for all money put into their hands, and that they can be tried by court-martial if they do not. They have an *esprit de corps*, and a pride in the character of the Army, which makes them honest. And I said last session and repeat now that the Engineer Corps of the Army during the almost one hundred years it has been in existence has not been found in default for one dollar, and I am proud to say it.

Therefore I have contended and shall continue to contend that the Army in this regard is the safest depositary of the public money, and I further desire a thorough investigation of these matters. While I was in favor of the peace policy at first, I believe in the way in which it has been carried out it has been a failure. All the wholesome restraints have been withdrawn from it. The Army ought to have control of the business. It is the only way you can have it done, and at the same time do justice; and when the Indians fail to recognize and submit to justice, then punish them with absolute severity. England has maintained her power over the Indians in Canada by carrying out that policy, and we could do the same thing. It is because we have divided councils, operating against each other, and because the Army has not the power to do what the British army does, that nine-tenths of all our troubles with the Indians arise.

[Here the hammer fell.]

Mr. SHANKS. I had not intended to take part in this discussion; but when I hear it said on this floor that the peace policy is a failure, I cannot retain my seat any longer. I ask what has the war policy done for the Indians? It has almost annihilated a race, and left but some fragments to be gathered together by the friends of peace to be taken care of at this time. And what, sir, was the condition of the Indian question when this peace policy was inaugurated a short time ago? You had upon your statute-books treaties that were giving the lands of these Indians away to railroad companies.

Mr. BECK. Will the gentleman allow me to say one word?

Mr. SHANKS. I have little time to spare.

Mr. BECK. I did not catch distinctly what the gentleman said; but if he thinks I want the Indians turned over to the Army to destroy the peace policy, he is mistaken. I think the true peace policy is to put them under the charge of men whose interest it is to keep peace. That is my desire.

Mr. SHANKS. The gentleman said the peace policy was a failure. That means that the war policy must be the next thing.

Mr. BECK. O, no, no!

Mr. SHANKS. Then the peace policy is not a failure, and the war policy would be. Then the gentleman's speech amounts to nothing, because he contradicts himself.

But what was the condition of the Indian when the present Administration came into power? It must be known to every man in this House that treaties were being made under the administration of Andrew Johnson that were passing all the lands of the Indians to railroad companies. This was being done by virtue of treaties made with Indian tribes and confirmed by the Senate of the United States. When this Administration came into power there were five treaties pending that were conveying almost the entire Indian lands in Kansas to railroad companies. Those treaties were called back by the President from the Senate, having been sent there by the former President, and all that large tract of country was saved from the grasp of those companies and turned over to settlement. Prior to the time the peace policy was adopted, the Cherokees of North Carolina had been plundered, by their own agent, of their money and two hundred and fifty thousand acres of land, which had been transferred into the name of the agent. Under the peace policy a suit was brought, and the money and lands recovered.

I say to this House, to-day, that there has been more honest effort, more action for the benefit of the Indians since General Grant came into power six years ago, than had been manifested on behalf of the Indians since the Government was organized and since the Pilgrims landed on Plymouth Rock.

Sir, no man can look at the action of the Government and gainsay this statement for a moment. I say, sir, that during the administration of General Grant there have been more efforts made to save this people than had been done since they were first discovered by Columbus. As an evidence of this there is now an increase of population among the Indians. You cannot find that prior to six years ago in any part of the country. I know, sir, there is a prejudice against the Indians. I know it is a popular thing to attack them and to say that a dead Indian is the best Indian, but for one I am not prepared to take that position. I repeat, sir, with emphasis, that there have been more efforts made to save the Indians during the last six years than at any time in the past.

Now, sir, the peace policy does not include the taking care of the Indian who does not behave himself. If Indians misbehave themselves under the peace policy you turn against them the Army of the United States and punish them and compel them to keep order. It is not its object or intent to protect the bad Indian, but it is to save the Indians generally.

Mr. HEREFORD. Mr. Chairman, ever since I have had the honor of a seat upon this floor one or two things have forced themselves on my mind in reference to this Indian question, either that our Indian policy is wrong, or that the money we appropriate is in some way or other dishonestly or otherwise expended. I believe it is an admitted fact that the Indians of the United States are decreasing every year, and notwithstanding this decrease in the number of Indians who are to be fed, clothed, and protected by the Government, yet year by year we are increasing, and increasing at an enormous rate, the expenses of taking care of them and protecting them. I find, sir, by

the report of the Secretary of the Treasury on page 14 that in the year 1860 there was appropriated for the Indian service $2,991,121.54; in 1861, $2,865,481.17; in 1862, $2,327,948.37; in 1863, $3,152,032.70; and in 1864, $2,629,975.97.

Now let us take the five years commencing with 1870. During that period the appropriations were in 1870, $3,407,938.12; in 1871, $7,426,997.44; in 1872, $7,061,728.82; 1873, $7,951,704.88; and in 1874, $6,692,462.69.

Now, sir, in view of these figures, I ask the House, I ask the gentlemen of the Committee on Appropriations, if it is not high time that we as the guardians of the Treasury of the United States should inquire into the Indian policy of the Government? In 1863 it cost less than $3,000,000 to clothe, feed, and protect the Indians; to-day it costs $7,000,000, although the number of the Indians to be cared for has largely decreased. There must be some answer to this question by the committee, and it is high time, in my judgment, that we should either change our policy entirely, or that the money we appropriate for the Indian service should be more honestly expended. I have never yet had a sufficient answer given to me by the members of the Committee on Appropriations, who have charge of this bill, why it is that when the Indians are decreasing in numbers year by year it costs more to care for them now than it did in the year 1860. In 1860 it cost less than $3,000,000, and to-day it costs $7,000,000, to take care of a less number of Indians. It is like the Sybilline leaves; the fewer there are the more they cost.

Mr. LOUGHRIDGE. In 1838, I believe, we had a democratic administration.

Mr. HEREFORD. Yes, sir.

Mr. LOUGHRIDGE. That was a good while ago, and at that time the Indians had the whole West to roam over and to hunt over, and they did not have to be supported by the Government to the same extent that they do now. It cost then $5,500,000 under a democratic administration to take care of them, and it costs now less than $5,000,000, when they are no longer able to roam and hunt. We are now feeding one hundred thousand Indians, and this bill calls for less than $5,000,000. Will the gentleman explain the difference? Will he explain why it is that under a democratic administration, when the Indians had the whole country to roam over, it cost more to support them than it does now?

Mr. HEREFORD. If my memory serves me right, at that time there were treaties pending for the removal of the Indians to other locations, which involved, of course, a large increase of expenditure. This was the year when we were removing large bodies of Indians from Alabama and Mississippi and paying in part for their lands. Another reason is that at that time we had no railroad lines passing through the Indian country, and I remember that that was one of the arguments used in favor of the construction of the Central Pacific Railroad and in favor of the grant to the Northern Pacific Railroad, that it would cost less to transport provisions and other supplies to the Indians if these roads were constructed than it did under the old system. Yet, notwithstanding these increased facilities of transportation and the decrease of the number of Indians, our expenditures have run up from $3,000,000 to $7,000,000.

Mr. PARKER, of Missouri. Allow me to ask the gentleman a question.

Mr. HEREFORD. In one moment. The gentleman from Iowa [Mr. LOUGHRIDGE] has called my attention to the expenses for Indian purposes in 1838. I ask him what were the expenses in the next year, 1839? As soon as these Indians had been removed the appropriations for that purpose were reduced to a fraction over $2,000,000; the next year they were $2,000,000; the next year $2,000,000; and the next $1,000,000. And in 1843 the appropriations ran down to $578,000. But we are now on the upward turn; the appropriations are going on increasing until we have now reached $7,000,000 a year.

[Here the hammer fell.]

Mr. PARKER, of Missouri. I withdraw the amendment.

The Clerk resumed the reading of the bill, and read the following:

For pay of three Indian inspectors, at $3,000 each, $9,000: *Provided*, That after the commencement of the next fiscal year there shall be but three inspectors; and the provision of law requiring that each agency shall be visited and examined by one or more of the inspectors at least twice in each year is hereby repealed.

Mr. RANDALL. I move to strike out the paragraph just read. For one I am very much in favor of the reduction proposed by the Committee on Appropriations in the number of inspectors from five to three. But after a careful examination of the report of the Committee on Indian Affairs I fail to see that these officers have been of any substantial use whatever. But this proviso seeks to repeal that part of the duty which was evidently in view when they were provided, to wit, that they should travel over the country and visit and examine these various agencies. I hope, therefore, that the entire paragraph will be stricken out. That of course will involve the necessity of striking out the succeeding paragraph, which is as follows:

For necessary traveling expenses of three Indian inspectors, $6,000.

By that means $15,000 can be saved. My information leads me to believe that while the committee have done very right in reducing the number of inspectors, they might have cut deeper and abolished them entirely.

Mr. LOUGHRIDGE. This reduction was made upon consultation with the Department, and because they thought they could get on with three inspectors.

Mr. RANDALL. I think the reduction is right; but you do not go quite far enough.

Mr. LOUGHRIDGE. They do need three inspectors. There should be inspectors to go around and examine these agencies. We have heard a great deal from gentlemen on the other side of the House about dishonest agents; and I think it will do no harm to watch them if we have so many agents who are dishonest.

Mr. RANDALL. Upon the principle of setting a rogue to watch a rogue.

Mr. LOUGHRIDGE. I think that is rather forced.

Mr. RANDALL. I think we could save $15,000 and do no harm whatever.

Mr. LOUGHRIDGE. The Department disagrees with the gentleman there.

Mr. RANDALL. I am very sorry the Department does, and I am still more sorry that the gentleman does.

Mr. LOUGHRIDGE. I think we had better compromise and reduce the number to three. I do not think we can do without these inspectors.

Mr. PARKER, of Missouri. Permit me to suggest one point. It is sometimes complained that where these inspectors have a certain district set apart for them, the agents know just when they are coming and are prepared to receive them. It is now proposed by the Department that the agents shall not know when these inspectors go around. The Department proposes to adopt the same system that the Treasury Department has adopted in reference to revenue agents. I understand the Treasury Department sends out a revenue agent when it sees proper, and he goes quietly to the revenue collectors without their knowing when he is to come. That has worked beneficially in the Treasury Department, and the object is to adopt the same rule in the Interior Department.

Mr. RANDALL. I was led to make the remarks I have mainly because I failed to see in the report of the Commissioner of Indian Affairs any account of duties performed by any of these inspectors, although I believe they are good men. There is one of them I know to be a good man; I believe his name to be Mr. Kemble, a most excellent citizen and a good officer. I will not press my amendment, but will withdraw it.

Mr. LUTTRELL. I renew the amendment. I can speak for one of the inspectors, Mr. Vandivier. I know him to be a good, honest man; I know he has devoted the entire year to this service, and he is now preparing his report. I was deputized by him to visit a reservation as an inspector, and I am preparing my report. I understand that he will submit his report as soon as I have completed mine and submitted it to him. I know he has acted in good faith.

At the same time I know that frauds have been perpetrated on these reservations; frauds of the most damnable character. I know, too, that Mr. Vandivier has and will cut off the official heads of the persons committing those frauds whenever he can get the opportunity. I know that in my district frauds have been perpetrated, and I came here last year for the purpose of asking an investigation. I went to the Commissioner of Indian Affairs, and I found him to be a good, honest man, and willing to do what he could in the premises. Consequently I have submitted all my complaints to him, and the agents were removed.

Before this bill is concluded I propose to submit an amendment, to let these reservations to citizens who will feed, clothe, and educate these Indians. We are now paying out thousands of dollars annually in my district, much of which is virtually stolen from the Government. Many of the Indians have good land, are good farmers, and capable of taking care of themselves, if you will just remove those men who, acting as agents, are destitute of all business qualifications, and in many instances are dishonest, and place good men in their stead.

Mr. LOUGHRIDGE. I wish to ask the gentleman from California [Mr. LUTTRELL] whether, when acting as deputy inspector, as he says he did, he did not trace out these frauds and report them?

Mr. LUTTRELL. I have traced out some of them, and I will soon have my report before the Department. Furthermore, I will say that Commissioner Smith will remove every man connected with any peculation. So far as my district is concerned, he is acting in good faith; and I ask members of Congress, whether democrats or republicans, to lay their complaints before the Commissioner, and he will do all within his power to prevent frauds and peculation.

Mr. RANDALL. To what Smith does the gentleman refer?

Mr. LUTTRELL. Commissioner Smith.

Mr. RANDALL. What are his initials?

Mr. LUTTRELL. E. P. Smith. He is acting in good faith. In my district he has removed one agent for peculation or mismanagement; and the official heads of others will soon fall, I hope.

Mr. LOUGHRIDGE. I am very glad indeed to hear so open and candid an opinion from a gentleman belonging to the other side of the House with regard to the honesty of the Commissioner of Indian Affairs. I fully indorse all the gentleman has said.

Mr. LUTTRELL. One word more. As I already said, I came here to enter complaints and ask for an investigation by Congress; but since I found Commissioner Smith willing to help me without going to Congress for an investigation, I have co-operated with him; and in my district he has assented to everything which I have requested of him. He has acted the part of a true, honest, and faithful official.

I went to the Postmaster-General at the last session upon another matter and made complaints; but he did not seem to manifest the interest in the question that I thought it demanded. I then asked an investigation by the House into what was known as "straw-bidding;" but that investigation was refused. We have now, however, at the head of the Post-Office Department a man who, like Commissioner Smith, is ready to inquire into all these frauds and punish the guilty. I believe that if members of Congress will go to the heads of Departments and make their complaints, in many instances those officers will remedy the evil. That is what I propose to do; and when any Department refuses to listen to my complaints, I will then submit my charges to the action of the House.

Mr. RANDALL. Some of us have been doing that for a great many years; but we have not found the result at all satisfactory.

Mr. LUTTRELL. Then I say do as I did in regard to the postal ring; make your fight against whoever stands in the way. I withdraw the amendment.

The Clerk read as follows:

For contingencies of the Indian service, including traveling, incidental, current, and contingent expenses of superintendents and agents, and of their offices, $35,000.

Mr. RANDALL. I move to amend the clause just read by striking out "five," so as to make the appropriation $30,000 instead of $35,000. I have myself a good deal of horror of these contingent funds. I think the sooner we commence to curtail them the better. Certainly we should not increase them. But here is an increase. The appropriation last year for this item was but $30,000, while in this bill it is $35,000.

Mr. LOUGHRIDGE. I thought the amount was $35,000 last year.

Mr. RANDALL. I have here the act of last year; and the item is as follows:

For contingencies, including traveling, incidental, current, and contingent expenses of superintendents and agents, and of their offices, $30,000.

The gentleman, I suppose, does not object to my amendment?

Mr. LOUGHRIDGE. The appropriation we propose is a good deal less than the estimate.

Mr. RANDALL. The estimates are always pretty high.

Mr. LOUGHRIDGE. I have no particular objection to the amendment.

The amendment was adopted.

The Clerk read as follows, under the heading "Apaches, Kiowas, and Comanches:"

For pay of carpenter, farmer, blacksmith, miller, and engineer, $5,200.

Mr. BECK. I move to amend by striking out the clause just read. When last on the floor I was asked by the gentleman from Iowa [Mr. LOUGHRIDGE] and the gentleman from Indiana [Mr. SHANKS] to point out some cases where all these appropriations in detail are not proper expenditures. It strikes me we have here, even thus early in the bill, such a case. The enumeration by the Commissioner of wild Indians who, he says, scarcely come near the Government except to receive rations, &c., includes the Kiowas and Comanches. Yet it will be observed here are these provisions in detail for carrying out a treaty. In the reports sent in last year by the Secretary of the Interior and the Commissioner of Indian Affairs, we find it stated that these Kiowas and Comanches can only be kept down by the military power of the Government; that large portions of them are at war with the United States and have been for years. It has been provided in all our Indian appropriation bills that none of the moneys appropriated shall be paid to any tribes at war with the United States. I would like to know from the gentleman managing this bill what information we have as to amounts withheld from various tribes because of their being at war. For myself I have been unable to see any. Many of these Indian tribes have been at war with us or depredating on our people. I know the Kiowas and Comanches along the Texas border have been at war very decidedly. Yet reports as to what amount of money we have been able to retain because of the belligerent attitude of these tribes I have not seen. Perhaps the gentleman from Iowa can give us the information.

One word more, and I will not trouble the House longer. The gentleman from Indiana [Mr. SHANKS] said awhile ago that I was against the peace policy. I wish to be distinctly understood in this matter. I know the gentleman from Indiana has been the friend of the Indians. Sometimes I think he has gone too far; but I am free to say in every effort to ameliorate their condition and to obtain for them their honest dues and prevent them from being defrauded he has gone as far as any man in this House, and perhaps further. He secured, a few years ago, the passage of a provision which I had the honor to originate, for which I think he deserves the greatest credit. It was then provided as follows:

That hereafter no payments shall be made by any officer of the United States to contractors for goods or supplies of any sort furnished to the Indians, or for the transportation thereon, or for any buildings or machinery erected or placed on their reservations under or by virtue of any contract entered into with the Interior Department, or any branch thereof, on the receipts or certificates of the Indian agents or superintendents of such supplies, goods, transportation, buildings, or machinery beyond 50 per cent. of the amount due, until the accounts and vouchers shall have been submitted to the executive committee of the board of commissioners appointed by the President of the United States, and organized under the provisions of the fourth section of the act of April 10, 1869, and the third section of the act approved April 15, 1870, for examination, revisal, and approval; and it shall be the duty of said board of commissioners, without unnecessary delay, to forward said accounts and vouchers so submitted to them to the Secretary of the Interior, with the reasons for their approval or disapproval of the same, in whole or in part, attached thereto; and said Secretary shall have power to sustain, set aside, or modify the action of said board and cause payment to be made or withheld as he may determine.

That was a positive check upon frauds in the Indian Department. It was, however, repealed against my protest, and I believe against his protest, two years ago. After that check had been removed, that board of Indian commissioners reported to Congress last year that many of the payments which they had examined and tried to stop were authorized against their protest. The money was paid to the members of an Indian "ring." I do not now recollect the names of all of those who composed that Indian "ring," but I do remember the names of Dodge, Bosler, Wilder, and others of that sort. After the repeal of that check upon fraudulent contracts, it was reported that moneys had been paid clearly outside of the power of the Departments and in direct violation of law. I have always believed and still believe that all the safeguards placed upon the Indian appropriation bills in former years have been stricken out for the very purpose of allowing these frauds by the Indian "ring" to go on without the risk of exposure.

The commissioners show how these things are done.

Listen to a few words from one of the last reports of that board of Indian commissioners:

A large portion of the amount of accounts disapproved and recommended to be suspended in part, was for cattle delivered in advance of contract time and in excess of the current needs of the several agencies, which entailed upon the Government all the cost of herding, and the risk of loss by stampeding, disease, &c.

Affidavits in our possession go to show that some of the cattle lost probably got into the herds of the contractor from which they had originally come, and in one case, after receiving an amount in excess of the quantity called for by contract or needed at the time, and after the receipt had been given to the contractor for them, a large number were turned into the contractor's herds; no receipt being taken to protect the Government's interest, and no guarantee that a like number of beeves of equal weight would be delivered to the agent.

This system of excessive receipts has also caused great extravagance in issue, and, as a result at some agencies, the stock of beef calculated to last all the year is represented as all having been used before the year was more than half gone. From investigation we are satisfied issues of beef, flour, &c., have been made in some cases to a number of Indians greatly in excess of that actually at the agencies. At one agency, where the agent reported issue to Indians numbering from fourteen thousand to nearly seventeen thousand, we learn from good authority that the number has never exceeded eight thousand. At another, where the agent reported issue to nearly eleven thousand Indians, the best information on the subject goes to show that the number never exceeded five thousand.

But, as I said, all checks are now removed. The provision of the law for inspection of the accounts for payment was found to be an incubus upon the men who were making false claims, false enumerations and contracts, and it was repealed. Therefore this House should be more particular than ever to guard and revise this Indian appropriation bill, striking out everything where fraud can be perpetrated. The last part of the legislation which Congress passed for the purpose of establishing the Indian peace policy in the last four years has been repealed, and the men of the Indian "rings" are absolutely without guard, without check, without restraint, and can do what they please. They have it in their power to remove any honest agent who dares to interfere with them. But I fear the Indian ring is too strong even for this House.

Mr. SHANKS. I wish to say, Mr. Chairman, in answer to the gentleman from Kentucky, that I draw a strong line of distinction between the peace policy and the peace commissioners. I am not against either but in favor of both, but I believe the peace policy is much larger than the peace commission.

The gentleman refers to the action of Congress in regard to the peace commission. I agree with him in sentiment, but the peace policy is much larger than the peace commission.

But I understood him to say that the peace policy is a failure, and it was to that I made answer. If he did not say that, then my remark was not called for. I believe the peace policy is not a failure but a triumph, and that the peace commissioners have succeeded in doing good, and I hope they will still continue to do good.

Mr. BECK. I withdraw my amendment.

The Clerk read as follows:

Assinaboines:

For this amount, to be expended in such goods, provisions, and other articles as the President may, from time to time, determine, including transportation thereof, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their comfort, civilization, and improvement, (including pay of one detective, $900; one cook, $480; and two laborers, at $600 each,) $30,000.

Mr. LOUGHRIDGE. I move to strike out the words:

Including pay of one detective, $900; one cook, $480; and two laborers, at $600 each.

The amendment was agreed to.

The Clerk read as follows:

For transportation of goods for the Cheyennes and Arapahoes, $5,000.

Mr. PARKER, of Missouri. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 246 add the following:

Provided, That the Secretary of the Interior is hereby directed to reserve from that portion of said annuities due or to become due the said Cheyenne Indians the sum of $2,500 for Adelaide German, and $2,500 for Julia German, two white children, aged five and seven years respectively, who were captured in Kansas by said Cheyenne Indians while *en route* from Georgia to Colorado, and cause the same to

be placed to the credit of the said Adelaide and Julia German on the books of the Treasury of the United States, to bear interest at the rate of 5 per cent. per annum, and use from time to time the income from the same in such manner as he may deem expedient for their maintenance, education, and support, until they attain the age of twenty-one years, when the principal and all unexpended interest shall be paid them. That if either said Adelaide German or Julia German shall die without issue, the whole sum due the decedent shall revert to the survivor; and should both die without issue the whole sum shall revert to the United States; but if either said Adelaide German or Julia German or both have lawful issue, then at the death of either parent the amount due to her in her own right or which she may have inherited shall become the inheritance of her own issue. That the Secretary of the Interior be authorized and required to withhold from any tribe of Indians who may hold any captives other than Indians any moneys due them from the United States until such captives shall be surrendered to the lawful authority of the United States.

Mr. PARKER, of Missouri. I desire to say, in explanation of this amendment, that these are the two little white children who were recaptured by the Army from the Cheyennes but a few months ago. From the story of the children themselves, it appears that their parents were from the State of Georgia on their way to Colorado. And these two little girls with their parents, brothers, and sisters were captured by these Cheyenne Indians, and all put to death except these two little children.

This action is recommended by Colonel Miles, who was in command of the troops in the fight when these two girls were recaptured. It is recommended also by the Secretary of the Interior and the Commissioner of Indian Affairs; and Congress has a precedent to follow. For in 1870 two girls were captured from the Kiowas and Comanches, who were not able even to give their names. Congress in that instance made an appropriation of $2,500 to each of them, to be placed in the Treasury, as this is to be placed; and moreover—what is an unusual thing for Congress to do—caused the rite of baptism to be performed on these two little children, giving them the name of Lincoln. Following that precedent, the committee thought the amendment should be adopted. It is in the direct line of the peace policy, because if these Indians will not be peaceable toward the United States and will not observe their treaty stipulations, the second condition of the obligation assumed by them in 1867 being to keep the peace toward all the people of the United States, then the Government, for the benefit of the people injured, should be permitted to collect smart-money from these Indians, in order that they may be taught to obey the law.

The amendment was agreed to.

The Clerk read the following paragraph:

Confederated tribes and bands of Indians in Middle Oregon:

For first of five installments, fourth series, for beneficial objects, per second article of treaty of June 25, 1855, $2,000.

For sixteenth of twenty installments, for pay and subsistence of one physician, one sawyer, one miller, one superintendent of farming operations, and one schoolteacher, per fourth article of treaty of June 25, 1855, $5,600.

Mr. LOUGHRIDGE. I offer the following amendment:

Strike out "$5,600" and insert in lieu thereof "$5,100."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

Mixed Shoshones, Bannacks, and Sheepeaters:

For this amount, to be expended in such goods, provisions, and other articles as the President may from time to time determine, including transportation thereof, instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, $20,000: *Provided*, That the provisions of the general appropriation bill for the year ending June 30, 1875, by which $30,000 were appropriated to assist to civilize and remove the mixed Shoshones, Bannacks, and Sheepeaters to Fort Hall, be and are so modified that the amount of said appropriation is reduced to $15,000; and said appropriation shall not be conditioned upon their removal to Fort Hall; and $5,000 of said appropriation is hereby covered into the Treasury.

Mr. LOUGHRIDGE. I offer the following amendment:

Add to the paragraph the following proviso:

Provided, That in order to enable said Indians to commence farming operations the coming spring, $4,000 of said amount is hereby made available upon the passage of this act.

The amendment was agreed to.

The Clerk read the following paragraph:

Navajoes:

For seventh of ten installments, of such articles of clothing, or raw material in lieu thereof, for ninety-one hundred and forty-one Navajo Indians, not exceeding five dollars per Indian, as per eighth article of treaty of June 1, 1868, $45,705.

Mr. LOUGHRIDGE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph the following:

Provided, That this appropriation may be available from the passage of this act; and that with the consent of the tribe $25,000 of the sum shall be expended for the purpose of stock, cattle, and sheep for the tribe.

Mr. LOUGHRIDGE. This clause is to provide clothing for these Indians. They have about one hundred and twenty thousand sheep. They make their own clothing and prefer to have this money go for stock. Therefore they desire that $25,000 shall be for sheep and cattle, and the balance for farming utensils.

The amendment was agreed to.

The Clerk read as follows:

Nisqually, Puyallup, and other tribes and bands of Indians:

For last of twenty installments, in part payment for relinquishment of title to lands, to be applied to beneficial objects, per fourth article of treaty of December 26, 1854, $1,000.

For last of twenty installments, for pay of instructors, smith, carpenter, farmer, and physician, (who shall furnish medicine to the sick,) per tenth article of treaty of December 26, 1854, $6,700.

For last of twenty installments, for the support of an agricultural and industrial school, and support of smith and carpenter shop, and providing the necessary tools therefor, in conformity with the tenth article of treaty of December 26, 1854, $1,500.

Mr. LOUGHRIDGE. I move to strike out those paragraphs. I do this because that clause was inserted by mistake. The appropriation last year was for the last installment due these Indians.

The amendment was agreed to.

The Clerk read as follows under the head of "Pottawatomies:"

For educational purposes, $5,000.

Mr. LOUGHRIDGE. I move to strike out that clause. This appropriation has been made for forty-five years in accordance with the treaty made with these Indians, and it has been annually appropriated ever since. The provision of the treaty was that it was to be appropriated so long as Congress thought proper; and we think that inasmuch as we have been making this appropriation for forty-five years it is about time to stop it, and therefore I have been instructed by the committee to move to strike out the item.

The amendment was agreed to.

The Clerk read as follows under the head of "Quapaws:"

For one farmer, during the pleasure of the President, per same treaty, $600.

Mr. LOUGHRIDGE. I move to strike out those lines.

The amendment was agreed to.

The Clerk read as follows:

For this amount, to be expended for such goods, provisions, and other articles as the President from time to time may determine, including transportation thereof, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, (including pay of five laborers, at $600 each per annum,) $30,000.

Mr. LOUGHRIDGE. I move to strike out the words in parenthesis, "including pay of five laborers at $600 each per annum."

The amendment was agreed to.

The Clerk read as follows:

For this amount, to be expended by the direction of the President, in assisting the roving bands of Indians in Southeastern Idaho to move to and locate on the Fort Hall reservation in Idaho Territory, and to assist them in education and agricultural pursuits on said reservation, $10,000.

Mr. LOUGHRIDGE. I move to amend that paragraph by adding to it the following:

And of this amount $4,000 shall be available at once to aid in preparations for planting crops.

The amendment was agreed to.

Mr. LOUGHRIDGE. I now ask unanimous consent to go back to page 33 of the bill, and to strike out the amendment which has already been adopted at the end of line 794, and which is as follows:

Provided, That in order to enable said Indians to commence farming operations the coming spring, $4,000 of said amount is hereby made available upon the passage of this act.

No objection was made, and the amendment was withdrawn.

The Clerk read as follows:

For transportation, and the necessary expenses of delivering goods to be purchased for the different bands of the Sioux Indians, under treaty of April 29, 1868, $75,000: *Provided*, That the President may withhold the supplies from said Indians, or any band of them, until they shall consent to remain north of the Niobrara River, if he shall deem it expedient to do so.

Mr. STEELE. I offer the following amendment, to come in at the end of that paragraph:

For this amount, or so much thereof as may be necessary, for presents to the Siouxs of the Red Cloud and Whetstone or Spotted Tail agencies, on condition that said Indians shall surrender the right claimed under treaty stipulations to have the lands north of the North Platte River, east of the summits of the Big Horn Mountains, in the Territory of Wyoming, held and considered as unceded Indian territory, and also the right, so claimed, to hunt over the same, $50,000; and the President of the United States is hereby authorized to appoint a commission to negotiate with said Indians for the relinquishment and surrender of the said right and privilege.

Mr. Chairman, this amendment proposes to make an appropriation for the appointment of a commission to treat with the Indians for the surrender of certain rights which they now have in the Territory of Wyoming, to have a certain portion of that country considered as Indian territory with the right to hunt over it. That is now the provision of existing treaty, and it excludes citizens of the United States from one-third of the Territory of Wyoming.

The Indians are willing to surrender this privilege. This proposition is recommended by the Commissioner of Indian Affairs, and by Bishop Hare, Rev. Mr. Hinman, and Dr. Cox, members of the commission to treat with the Sioux. The agent at the Red Cloud agency estimates that the Indians can be induced to relinquish this privilege for the amount here named. I ask the Clerk to read a letter from the Commissioner on Indian Affairs.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 13, 1875.

SIR: I have the honor to acknowledge the receipt of your letter, dated the 11th instant, inclosing a draught of an amendment or additional section to the Indian appropriation bill, proposing an appropriation of $50,000, or so much thereof as may be necessary, for presents to the Sioux Indians of Red Cloud and Spotted Tail agen-

cies, on condition that said Indians shall surrender the right claimed under treaty stipulations, to have the land north of the North Platte River and east of the Big Horn Mountains, in the Territory of Wyoming, held and considered as unceded Indian territory, and also the right, so claimed, to hunt over the same.

In reply I have respectfully to state that the objects proposed in the amendment referred to meet with the cordial approval of this office.

It is my opinion that an appropriation of the sum named would induce the Indians named to relinquish their right to the land in question, and put an end to the hunting parties north of the North Platte River, which have for some time at least been a source of continual annoyance to white settlers in that portion of the country, and no material advantage to the Indians engaged in such hunts.

The draught of your amendment is herewith returned.

Very respectfully, your obedient servant,

EDWARD P. SMITH,
Commissioner.

Hon. W. R. STEELE,
House of Representatives.

Mr. STEELE. It will be seen that this amendment meets the approval of the Commissioner of Indian Affairs; that he states it would be no hardship or injustice to the Indians, but simply a concession by them of a right which is of but little advantage to them. The concession would be a great benefit and advantage to the people of Wyoming Territory, and assist very materially in the advancement and development of that entire section of the country. Since this treaty has been in existence, these Indians have roamed and hunted over this portion of the Territory, to the very serious damage of the people of that region. I hope my amendment will meet the approval of this committee.

Mr. LOUGHRIDGE. I have no doubt the object contemplated by the gentleman is a good one. But I do not feel inclined to adopt an amendment of this importance without having it first considered by some committee. I therefore suggest to the gentleman from Wyoming [Mr. STEELE] that he had better withdraw his amendment and have it referred to the Committee on Appropriations, and if they approve it, it can be put upon the miscellaneous appropriation bill.

Mr. STEELE. I am willing to do anything to meet the wishes of the gentleman. I do not desire to antagonize this bill.

Mr. LOUGHRIDGE. And I wish to accommodate the gentleman if I can.

Mr. SHANKS. I wish to call the attention of the gentleman from Iowa [Mr. LOUGHRIDGE] and the gentleman from Wyoming [Mr. STEELE] to this fact: This subject has been referred to the Committee on Indian Affairs in a bill that came over from the Senate. That committee have considered the bill and are prepared to report in favor of the appointment of a commission to investigate and report what should be done. I do not think it prudent to appropriate money at present for this purpose. As we are to report in a day or two in favor of a commission for that purpose, I think this proposition had better be deferred.

Mr. LOUGHRIDGE. I think the amendment had better be withdrawn.

Mr. STEELE. I am willing to withdraw the amendment and have it referred to the Committee on Appropriations.

Mr. SHANKS. The Committee on Indian Affairs are prepared to report soon upon this subject.

Mr. STEELE. Permit me to say that this is a subject of vital importance to the people of that entire section of the country. The bill which the Committee on Indian Affairs have agreed to may not pass this session. When this letter was written by the Commissioner of Indian Affairs he was fully informed of the action which the Committee on Indian Affairs had taken upon the subject. So far as I was concerned in the matter I informed him fully of the action that had been taken. This amendment is to provide for this matter, in case the bill referred to by the gentleman should not become a law at the present session; if that bill should become a law, its provisions would be much more acceptable to me than the amendment here proposed.

Mr. SHANKS. This would be transacting the business of the Indian Department in the same irregular way that seems to have been followed from its first inception to a recent date. I think this matter should be carefully considered, so that the record may show the steps taken. I do not think it proper to appropriate money until we have ascertained what is to be done and what are the means necessary to be provided for the purpose. Last year there was appropriated $25,000 for this work. It only covers a part of the ground. The amount was not accepted by the Indians, and the Committee on Indian Affairs reports in favor of dealing with them again. That only shows the impropriety of attempting to appropriate money before we know what is to be done.

Mr. STEELE. I will withdraw the amendment, for the purpose of bringing the subject to the attention of the Committees on Appropriations and on Indian Affairs.

The committee rose informally.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 4213) to provide for compensating officers of the Government in observing the transit of Venus.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3177) for the relief of DeWitt C. Chipman.

The message also announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory;

A bill (S. No. 964) to provide for the revision of the laws for the collection of customs duties; and

A bill (S. No. 1094) for the relief of Francis M. Strong and Thomas Ross.

INDIAN APPROPRIATION BILL.

The Committee of the Whole resumed its session, and proceeded with the consideration of the Indian appropriation bill.

The Clerk read the following:

For the general incidental expenses of the Indian service in the Territory of Arizona, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, $65,000.

Mr. McCORMICK. Mr. Chairman, I moved last year that a part of this sum be set aside for school purposes. I now submit a similar amendment. I move to insert after the words "civilized life" these words, "and for educactional purposes;" so that a part of this money may be used for the maintenance of schools.

Mr. LOUGHRIDGE. There is no objection to that amendment.

The amendment was agreed to.

The Clerk read as follows:

Montana Territory:
For the general incidental expenses of the Indian service in Montana Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, $20,000.

Mr. PARKER, of Missouri. On account of the remarks made yesterday by the gentleman [Mr. MAGINNIS] who represents Montana Territory, I very much question whether it is proper to appropriate anything as an incidental fund for that Territory. I gathered from his speech the idea that the management of Indian affairs up there is not altogether sound. I would like to hear from him on this subject. If it is true that this incidental fund or any fund is not being properly used in Montana Territory, we ought not to appropriate it. If the gentleman is mistaken about there being anything wrong there, then I suppose the appropriation is proper. There are a good many Indians there and a good many interests that ought to be cared for out of this incidental fund.

Mr. RANDALL. I do not think the gentleman from Missouri [Mr. PARKER] can get the gentleman from Montana to go back upon his statement of yesterday, by holding in jeopardy the appropriation for his Territory.

Mr. MAGINNIS. I did not hear the remarks just made by the gentleman from Missouri. I would be glad if he would repeat them.

Mr. PARKER, of Missouri. I gathered from the speech of the gentleman the idea that there was something wrong in his Territory in the administration of Indian affairs.

Mr. MAGINNIS. I simply answered a question put to me by gentlemen on both sides of the House in regard to a public matter of fact.

Mr. PARKER, of Missouri. If I was mistaken in my understanding of what the gentleman said, of course I withdraw my remarks.

Mr. RANDALL. Does the gentleman from Missouri contradict what the Delegate from Montana said yesterday?

Mr. PARKER, of Missouri. On what point?

Mr. RANDALL. In reference to Mr. Orville Grant.

Mr. PARKER, of Missouri. Well, "sufficient unto the day is the evil thereof." The question of Indian traders has nothing to do with this fund.

Mr. RANDALL. The motion of the gentleman from Missouri to strike out this appropriation (I believe he makes such a motion) looks rather like spite-work directed against the gentleman from Montana because he told the truth yesterday.

Mr. PARKER, of Missouri. Not at all. I disclaim anything of that kind.

Mr. RANDALL. You want to punish the gentleman's Territory for what the gentleman said yesterday.

Mr. MAGINNIS. I simply answered a question coming from both sides of the House, and I answered it truthfully.

Mr. PARKER, of Missouri. I desire to correct the impression of the gentleman from Pennsylvania [Mr. RANDALL] that there is anything like "spite-work" in my action about this matter. The gentleman from Montana gets no personal benefit from this appropriation; it is nothing to him personally.

Mr. RANDALL. But the omission of the appropriation might go to show that the gentleman has not perhaps the influence he should have as a representative of the Territory.

Mr. PARKER, of Missouri. I do not offer any amendment.

Mr. MAGINNIS. Every dollar of the Indian fund misappropriated in my Territory for political purposes is used against me.

The Clerk read as follows:

Washington Territory:
For the general incidental expenses of the Indian service in Washington Territory, including transportation of annuity goods and presents, (where no special provision is made therefor by treaties,) and for defraying the expenses of removal and subsistence of Indians, and for pay of necessary employés, $25,000.

Mr. SHANKS. I move to amend the clause just read by adding thereto the following:

Provided, That $2,000 of this fund shall be applied to the support of schools in the Colville agency.

Mr. McCORMICK. That is just what I desired in regard to my Territory; but the committee would not consent.

Mr. LOUGHRIDGE. I do not like the idea of this incidental fund being appropriated for special objects. It is a fund designed for the entire Territory; and I think it best to allow the Secretary of the Interior to appropriate it wherever he thinks most necessary.

Mr. SHANKS. These Indians have no fund of their own. The Government has taken all their lands without giving them a dollar of money or even a home of any kind. They have no means whatever of their own. They make their own living; they cost the Government nothing except this general appropriation for the Territory. I ask that this provision be made in their behalf.

Mr. McFADDEN. Another reason in favor of the amendment is that as to the other reservations of the Territory provision is made for educational purposes. The omission is only as to this reservation. Last year this clause was amended precisely in accordance with the amendment now suggested by the gentleman from Indiana. Schools have been maintained there under the appropriation made last year. But if the appropriation be now refused, those schools must be discontinued, and great dissatisfaction will result.

Mr. LOUGHRIDGE. My only objection to the amendment is that I do not like to confine the Secretary of the Interior to any particular object when we appropriate money as an incidental fund for the Territory. I have no doubt that if this school is necessary and proper and legitimate, he will devote this amount to its maintenance; but I prefer to leave the matter with the Secretary of the Interior. I move, therefore, to amend the amendment so as to insert in lieu of the words proposed these words: "and for educational purposes."

Mr. SHANKS. The objection to that is that it would apply to other agencies where they have a fund. These people have no fund. That is the reason I ask the adoption of the amendment.

Mr. LOUGHRIDGE. The whole question will be in the hands of the Secretary of the Interior. If other agencies have a fund, of course this fund will not be appropriated there. The Delegate from Arizona [Mr. McCORMICK] asked a similar amendment in regard to his Territory; but the committee declined to assent to it, though they did not object to inserting the words "for educational purposes," leaving the matter to the discretion of the Secretary of the Interior.

Mr. McFADDEN. I am satisfied that if the amendment proposed by the gentleman from Indiana [Mr. SHANKS] should not be adopted, then, under the interpretation which will be given to this paragraph, not one dollar of this money will ever be devoted to educational purposes on the Colville reservation.

Mr. LOUGHRIDGE. I move, as a substitute, to insert after the word "Indians," in line 1623, the words "and for educational purposes."

The substitute was agreed to, and the amendment, as amended, was adopted.

The Clerk read as follows:

For insurance and transportation of annuities, and the necessary expenses of the delivery of the annuities and provisions to the Indian tribes in Minnesota and Michigan, $4,000.

Mr. LOUGHRIDGE. I move to insert in line 1636 the word "Wisconsin," between "Minnesota" and "Michigan."

The amendment was agreed to.

The Clerk read as follows:

For second installment of annuity, to be paid to Ouray, so long as he shall be chief of the Ute Indians, $1,000.

Mr. LOUGHRIDGE. I move at the end of line 1644 to add the following amendment:

The Clerk read as follows:

That the fund set apart in the Treasury of the United States by virtue of the fourth and fifth sections of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849, and for other purposes," approved July 29, 1848, shall be applied, under the direction of the Secretary of the Interior, for the use and benefit of the eastern band of the Cherokee Indians, to perfect the titles to their lands recently awarded to them by a decree of the circuit court of the United States for the western district of North Carolina; to the payment of such costs, charges, expenses, and liabilities attending their recent litigations in the said court as the Secretary of the Interior may determine to be properly chargeable to them; to purchase and extinguish the titles of any white person or persons within the general boundaries allotted to them by the said decree of said court, and for the education, improvement, and civilization of the said Indians.

Mr. RANDALL. I will reserve the point of order on that amendment until I hear some explanation from the Committee on Appropriations showing its necessity.

Mr. LOUGHRIDGE. I think I can explain it so that all objection on the part of the gentleman from Pennsylvania will be removed. The Cherokee Indians of North Carolina have a certain amount of money in the Treasury of the United States upon which they have been drawing interest annually for many years. Recently they have come into possession of five thousand acres of land in that State by decree of the court. They desire to go upon that land and improve it, and therefore it is they ask for this money for that purpose. The decree of the court which gives them the land also provided that some $30,000 of a lien upon it shall be paid by the Indians before their title shall be perfected. The counsel of the Cherokees of North Carolina have asked to be permitted to draw from their principal in the Treasury enough money for that purpose.

Mr. RANDALL. Thirty thousand dollars is only required to pay off this lien.

Mr. LOUGHRIDGE. It will take $30,000 to pay off the lien upon the land, but they ask for $50,000 out of the $80,000 of their money now in the Treasury to enable them to improve this land. It is their own money, and nothing is asked to be paid by the Government.

Mr. RANDALL. But it is rather an inconvenient time to pay it out.

Mr. LOUGHRIDGE. They have need of this money to improve their land, and it ought to be given to them.

Mr. RANDALL. I withdraw my objection.

The amendment was adopted.

The Clerk read as follows:

For general incidental expenses of the Indian service at the various agencies within the northern superintendency, including rent, fuel, light, stationery, and traveling expenses of the superintendent and agents, to be expended by the Secretary of the Interior, $2,000.

Mr. AVERILL. I move to add the following after line 1717.

The Clerk read as follows:

For continuing the collection of statistics and historical data respecting the Indians of the United States, under the direction of the Secretary of the Interior, $3,500.

Mr. AVERILL. That is one of the items of estimates sent in here from the Indian Department, but has been inadvertently omitted in this bill.

Mr. LOUGHRIDGE. That is correct. It was overlooked by the Committee on Appropriations.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. That, except where otherwise provided by law, not more than $6,000 shall be paid for salaries of employés at any one agency, in addition to the salaries of the agent and the interpreter, and not more at any agency than is absolutely necessary; and where Indians of the tribe can perform the duties they shall be employed; and Indian agents shall be required to state under oath, upon rendering their quarterly accounts, that the employés claimed for were actually and *bona fide* employed at such agency and at the compensation as claimed, and that such service was necessary; and that such agent does not receive, or has not received, directly or indirectly, any part of the compensation claimed for any other employé, or any pecuniary benefit therefrom: *Provided*, That when there is no officer authorized to administer oaths within convenient reach of such agent, the Secretary of the Interior may direct such returns to be made upon certificate of the agent: *And provided further*, That for the following agencies, namely, the Cheyenne River agency, the Spotted Tail agency, the Grand River agency, the Red Cloud agency, the Upper Missouri agency, the Kiowa agency, the Witchita agency, and the Yakama agency, the Secretary of the Interior may authorize an expenditure for employés in excess of the aforesaid limit, but in no case to exceed $10,000.

Mr. LOUGHRIDGE. I move the following substitute for that section.

The Clerk read as follows:

SEC. 5. That not more than $6,000 shall be paid in any one year for salaries or compensation of employés at any one agency in addition to the salaries of the agent, and not more at any one agency than is absolutely necessary; and where Indians can perform the duties they shall be employed; and the number and kind of employés at each agency shall be prescribed by the Secretary of the Interior; and none others shall be employed. Indian agents shall be required to state under oath, upon rendering their quarterly accounts, that the employés claimed for were actually and *bona fide* employed at such agency and at the compensation as claimed, and that such service was necessary; and that such agent is not to receive, and has not received, directly or indirectly, any part of the compensation claimed for any other employé: *Provided*, That when there is no officer authorized to administer oaths within convenient distance of such agent, the Secretary of the Interior may direct such returns to be made upon certificate of the agent: *And provided further*, That in case it should be necessary at any agencies to have more employés than provided for in this section, the Secretary may, by written order, authorize the increase necessary; but in no case shall the amount expended at any agency exceed $10,000 in any one year.

The substitute was adopted.

Mr. RANDALL. I move the following, to come in as an additional section.

The Clerk read as follows:

And that no purchase of goods, supplies, or farming implements, or any other article whatsoever, the cost of which shall exceed fifty dollars, shall be paid for from the money appropriated by this bill, unless the same shall have been previously advertised and contracted for as heretofore provided by law; and no payment of any part of the money appropriated by this act, or heretofore appropriated for the expenses of the Indian Department, shall be credited to any Government officer until the proper vouchers therefor shall first have been submitted to, examined, and authorized by the accounting officers of the Treasury: *And provided further*, That copies of all contracts made by the Commissioner of Indian Affairs, or any other officer of the Government, for the Indian service, shall be furnished to the Second Auditor of the Treasury before any payment shall be made thereon.

Mr. RANDALL. Now, in explanation of that amendment, I will say that there are three distinct purposes I have in view. In the first place, during the year 1873 there were goods purchased without contracts to the amount of $873,587.66—an enormous sum; and, as I am apprised, at prices far in excess of the real value.

Mr. PARKER, of Missouri. When did that occur?

Mr. RANDALL. In 1873. Last year the same thing occurred. There was the same law and the same practice.

Mr. LOUGHRIDGE. If the gentleman will make the amount $300, I will agree to that portion of the amendment.

Mr. RANDALL. Very well, I will make that the amount. I only want to prevent this enormous amount of purchases without contracts.

Well, sir, the second provision of my amendment will of course recommend itself to everybody. The third is that copies of all these contracts shall be placed in the hands of the Second Auditor, who settles for all these purchases, that he may have a copy of the contract by him, so as to see that the bills that come in are in accord with the contract made.

Mr. FORT. That is all right.

Mr. McCORMICK. I ask that the gentleman's amendment may be again read.

The amendment was again read.

Mr. McCORMICK. I wish to say to my excellent friend from Pennsylvania [Mr. RANDALL] that I will go as far as he will in anything that is practicable in the way of throwing safeguards around the expenditure of this Indian appropriation, which is very large and ought to be most thoroughly guarded. But I am afraid this provision would not be found practicable in far distant Territories. The Commissioner of Indian Affairs told me a few days ago that he is now paying on an average 20 per cent. more than he would have to pay if the payments were promptly made. All manner of delays occur. There are not only delays on accout of advertising and delays in communication, but delays in the board of peace commissioners and delays in the various Departments and Bureaus where these accounts have to go. I believe the Indians will never be able to get their supplies at a reasonable rate until the mode of payment is made more simple instead of more complicated than now.

Mr. RANDALL. I will read to the gentleman what I have had furnished to me in a letter bearing on this point, premising that I believe this would in a great measure do away with the necessity for deficiencies:

Heretofore the greater number of Indian agencies were remote from mail and telegraphic communications; and the Indians were wild, non-resident on reservations, and unmanageable; and it often became necessary for an agent to make purchases at an hour's notice for presents as a peace measure, or as an inducement toward the attainment of a particular object. This is all changed. There is not an agent in the service now who cannot with the commonest forethought estimate three months in advance for every item necessary for his agency. Troops are stationed at the agencies where the wilder Indians resort to protect the agents and the property of the Government; so that the contingencies which have up to the present time created the necessity for large expenditures without contract and thus left open a way to huge frauds no longer to exist, and there is no good reason why Indian agents should not be required to estimate in advance for everything they need. Then Congress will be certain of the amount to be expended each year when they appropriate a fixed sum. Now, a deficiency bill is a sure sequence of the regular appropriation bill each year. The officers of the Quartermaster and Commissary Departments of the Army are required to state in advance their requirements for each period, and are allowed to purchase nothing without special authority. No one will say, in view of the history of the Indian Bureau or the allegations against it, that this appropriation is not necessary.

I think that is a very full answer to the gentleman's objection. It is not my object to embarrass, and therefore I immediately agreed to the proposition to make the limitation $300.

Mr. PARKER, of Missouri. To my mind there is one very serious objection to the proposition of the gentleman from Pennsylvania, [Mr. RANDALL.] It strikes me that the effect of the adoption of that proposition in its present form would be that all of these supplies would be furnished by a few men in the older and larger cities of the country. I have been informed by the gentleman who represents the Territory of Arizona, and other gentlemen, that flour and many other articles can be furnished in that country on the ground—especially flour, which is now manufactured there—and supplied to the agencies much cheaper than the transported articles.

Mr. RANDALL. Why cannot we contract for these?

Mr. PARKER, of Missouri. Because I believe when you require supplies to be purchased in great quantities, if you advertise in that way, a few men coming here get the contracts, and few of these men away out on the frontier ever see the advertisement. And if they do, they cannot afford to come to where the contracts are made out and compete with these men who have large establishments in Philadelphia, Chicago, and at other points.

Mr. RANDALL. Allow me to say that I do not believe there are any contractors for the Indian service in Philadelphia.

Mr. PARKER, of Missouri. I will call the gentleman's attention to a circumstance I have knowledge of in his own city. As it happened, the Government derived benefit from it. A gentleman in Philadelphia, engaged in the business of manufacturing blankets, manufactured all the blankets that were supplied to these Indians for several years. He furnished a good blanket and at a reasonable price. I have no complaint to make as to that. But believing last year that as a matter of course he would get the contract, he went on and had the supply of blankets made up with the United States brand upon them; and as he could not sell them to anybody else, the consequence was that he was compelled to let the Government have the blankets for 10 per cent. less than they actually cost. Here is one instance where the whole supply of blankets was furnished by one man. Now if the Indians of Arizona and New Mexico can be furnished with blankets made by the Navajo Indians, made by their skill and industry, I prefer that it should be done rather than the contract should be given to contractors in the large cities of the Union. If you can get these supplies for these Indians from those men who are on the spot, from the pioneers who have gone out to tame the wilderness and desert, give those men the preference over the merchants of Saint Louis, Chicago, New York, or any other place. I believe, sir, that many of the articles required by the Government for the Indian service can be purchased on the ground and furnished to the Indians for less, considering the cost of transportation, than by any of the gentlemen who hold these contracts.

For this reason I believe I will oppose this amendment. I thought it was all right when the gentleman first offered it, but the tendency of it would be to put a monopoly of the whole business of furnishing supplies for the Indian service into the hands of gentlemen who see the advertisements, and who live near or in cities and are constantly on hand to make bids for these contracts.

Mr. RANDALL. I have nothing whatever to do with any contractors. I supposed that in offering this amendment I was rather striking at them, and preventing contractors, both large and small, from improperly making money out of the Indian Bureau. I still think the amendment would have that effect.

Now in reference to this subject I am at a loss to know why we should adopt a different policy in regard to the Indian Department from that adopted in reference to the Army. The Quartermaster's Department and the Commissary Department both provide in advance for the supplies that will be needed. They make estimates as to what will be required, and then they know exactly how much money they are going to spend. The object of the amendment is to prevent any expenditure of money without proper and due authority of law. As I stated before, there were in 1873 eight hundred and seventy-six odd thousand dollars expended without any authority of law, without any contract; and I have shown the House, and my statement stands uncontradicted, that in almost every instance these purchases were made at a price largely advanced over the contract price. I do not, sir, wish to prevent gentlemen living in the frontier settlements from selling their goods to the Government, but the gentleman cannot convince me that a man who happens to have a few goods out in one of the Territories can afford to sell them cheaper than a large contractor can, who has every facility for producing them and who is largely engaged in manufacturing the goods he sells.

Mr. McCORMICK. I think no one could for a moment suppose that the gentleman from Pennsylvania [Mr. RANDALL] introduced this amendment for any but the very best purpose; but I want to call his attention to the condition of affairs in my own Territory. There the military have been directed to drive the Indians on to reservations. They are now doing so with all the power they possess. Many of the Indians have been brought upon reservations, but it is impossible for the Commissioner of Indian Affairs to tell in advance how many will be upon reservations at any given time. He cannot possibly tell now many will come upon reservations next week or the week after, and therefore he cannot possibly estimate just what amount of supplies he must provide. This can be done in the case of the Army, because there the matter is reduced to a system; but everything on the frontier is unsettled and unorganized and unregulated, and we cannot tell from week to week what supplies may be needed for any one reservation, because it all depends upon the movements of Indians who are yet comparatively wild. I want the matter left in such shape that in case of any exigency or emergency there should be a sufficient appropriation.

Mr. RANDALL. What does the gentleman suggest? I say that in my judgment this expenditure of large sums of money without due authority of law is what brings criticism upon the management of the Indian Department. This amendment is in the right direction, and I hope it will not be objected to. I do not want to embarrass the Indian Department in its honest administration, and if it is found that this amendment will embarrass it, it can be stricken out in the Senate. But I would like to have it go in here, so that we can at least hear from the Department and know whether this is in contravention of the true interests of the Government.

The amendment was agreed to.

The Clerk read the following:

SEC. 6. That it shall be the duty of the Secretary of the Interior and the officers charged by law with the distribution of supplies to the Indians under appropriations made by law, to distribute them and pay them out to the Indians entitled to them in such proper proportions as that the amount of appropriation made for the current year shall not be expended before the end of such current year, so as to prevent deficiencies; and no expenditure shall be made or liability incurred on the part of the Government on account of the Indian service for any fiscal year (unless in compliance with existing law) beyond the amount of money previously appropriated for said service during such year.

Mr. LUTTRELL. I ask permission to go back and offer an amendment, to come in after the word "dollars," in line 1717, as follows:

And the sum of $5,000 is hereby appropriated for the construction of a hospital at Round Valley reservation, California.

I think this hospital is a necessity. While I was visiting that reservation I made inquiries, and ascertained that nearly 50 per cent. of the Indians on that reservation are afflicted with a loathsome disease. They have no hospital, no shelter, and in many instances the only shelter was grass or thatched huts. The physician there, a very estimable gentleman, informed me that it was utterly impossible for him to cure these Indians or prevent the spread of this disease, unless he could have a hospital in which he could keep them until they recovered. Humanity demands that this amendment should be adopted. There are on that reservation from seven to eight hundred human beings, 50 per cent. of whom are suffering in this way. I have a letter from the agent, which I received yesterday, reporting to me that two hundred and nineteen of that number are blind from the effects of this disease. The appropriation which I ask for is very small, and

humanity demands that we shall establish a hospital for the cure of the afflicted ones. There are one hundred and twenty-five females and ninety-four males, making a total of two hundred and nineteen, that are now blind from this disease.

Mr. LOUGHRIDGE. I move to amend the amendment, so as to take that amount out of the incidental fund for California.

Mr. LUTTRELL. I will accept that amendment to the amendment. I merely want to have some provision made for a hospital on this reservation.

Mr. SHANKS. I hope the amendment will be adopted. I know the condition of that reservation, and that there is a necessity for a hospital there.

The amendment, as modified, was agreed to.

The Clerk read as follows:

SEC. 7. That all appropriations made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons employed in the Indian service, and for various articles provided for by treaty stipulations, may be diverted to other uses for the benefit of various Indian tribes, within the discretion of the President, and with the consent of said tribes expressed in the usual manner; and that he cause report to be made to Congress, at the next session thereafter, of his action under this provision: *Provided*, That the office of board of peace commissioners is hereby abolished, and the balance of the appropriations heretofore made for the same which are unexpended, is hereby covered into the Treasury.

Mr. PARKER, of Missouri. I move to strike out the proviso in the section just read.

Mr. HALE, of Maine. I make a point of order on it.

Mr. RANDALL. Was not that proviso reported from the committee?

Mr. PARKER, of Missouri. It was. The sub-committee put it in; but on consultation with the Secretary of the Interior—we did not consult with him in the first place—he informs us that this board should be permitted to remain; that it is doing a good work. I think nobody objects to striking out this proviso.

Mr. RANDALL. I object to it. I think that board is utterly useless, and I want to abolish it.

Mr. HALE, of Maine. I make the point of order that this proviso proposing to abolish this board is new legislation, and therefore not in order in an appropriation bill. This peace commission exists in pursuance of law.

The CHAIRMAN. In the opinion of the Chair the point is too late.

Mr. HALE, of Maine. I rose and made the point of order when the section was first reached, but the gentleman struck in at the same time. Before any debate was raised I stated that I made the point of order.

The CHAIRMAN. Upon that statement of the gentleman the Chair will rule that the point is in time, and that it is well taken.

Mr. RANDALL. I would like to have the gentleman tell us who are the peace commissioners; let him name them.

Mr. PARKER, of Missouri. I do not remember all their names. One is General Clinton B. Fisk, of Saint Louis, a republican in politics.

Mr. RANDALL. I do not care about their politics.

Mr. PARKER, of Missouri. Another is General Sibley, a democrat. The thing is pretty well divided.

The CHAIRMAN. The proviso has been ruled out of order.

Mr. RANDALL. I would inquire if one of these peace commissioners is not an officer of a railroad, that has a direct interest with reference to certain Indian lands?

Mr. PARKER, of Missouri. To whom does the gentleman refer?

Mr. RANDALL. I allude to the chairman of the board, who is secretary and treasurer of the Atlantic and Pacific Railroad Company. I want to know whether there are not certain lands in connection with this Indian reservation which will accrue to that company in case of certain decisions of the court. I want to direct attention to the matter, because I do not consider that he is a proper man to be upon that board. I know nothing against his character for integrity, but he certainly has an interest adverse to the interests of the Government and the people.

Mr. PARKER, of Missouri. I do not know to whom the gentleman has reference.

Mr. RANDALL. I refer to Mr. Fisk.

The CHAIRMAN. The proviso has been ruled out of order, and no debate upon it is in order.

Mr. PARKER, of Missouri. As the gentleman has asked me a question, I desire to answer it. I do not know anything about the private affairs of General Fisk. I know this, however, upon the statement of the Secretary of the Interior, that the members of this board of peace commissioners were appointed upon the recommendation of the different churches of the country. If there are improper men upon that board, the churches have made mistakes in their recommendations. But I am inclined to think that this board of peace commissioners is composed of good men. I do not know anything against them. General Fisk stands high as a citizen in the State of Missouri and in the city where he resides. All of these men work without any compensation whatever; it is purely a labor of love and charity and Christianity on their part.

Mr. RANDALL. Well, the churches are not always right in their recommendations. I am rather inclined to think that this is a bad year at best for Christian churches and ministers!

The Clerk read as follows:

SEC. 8. That the Secretary of the Interior cause to be prepared and delivered to the Public Printer, on or before the 1st day of November in each year, a tabular statement of the items paid out up to that date of the appropriations made for the Indian Department for the fiscal year previously ending, each item being placed under the appropriation from which it was paid, in such manner as to show the disposition made of each appropriation and the amount unexpended of each; also an itemized statement of the salaries and incidental expenses paid at each agency for the said year, and the appropriations out of which paid, and the number of Indians at each agency; and that the same be laid before Congress on the first day of the succeeding session; and that the report of the Commissioner of Indian Affairs, with the reports of agents, be printed and laid before Congress on the first day of the said session.

Mr. LUTTRELL. I move to amend by adding to the section just read the following:

Provided, That the Commissioner of Indian Affairs be, and he is hereby, authorized and required to let any Indian reservation to any competent and trustworthy person who will undertake to control, manage, and educate the Indians on such reservation, or belonging to any of the agencies by this bill contemplated, without cost to the Government, such person to give bond in such sum as may be prescribed by said Commissioner for the faithful performance of such duty.

Mr. PARKER, of Missouri. I reserve a point of order on this amendment, though of course I have no objection to allowing the gentleman from California to make his statement.

Mr. LUTTRELL. Mr. Chairman, I submitted this amendment this morning to the Commissioner of Indian Affairs, who finds no objection to it. I will state the reasons which influence me in offering it. In my own district there are two or three reservations, embracing the very best agricultural lands in the State of California. Many of the Indians there are good farmers, able and willing to perform just as much work as anybody. Yet, sir, we every year appropriate thousands of dollars to carry on those reservations, when in fact, as I am prepared to show, there is sold from the reservations a surplus of products—beef, bacon, pork, grain, hay, and vegetables. I have received communications from some of the most respectable men in my district, offering to take these reservations and carry them on, feeding, educating, and clothing the Indians, furnishing everything necessary, and without compensation from the Government, they being content with the surplus which they can obtain from the reservation. I send to the Clerk's desk to be read a letter from one of the most respectable citizens of my district, a man who can give bonds to the amount of $500,000, if necessary.

The Clerk read as follows:

SANTA ROSA, *November* 28, 1874.

DEAR SIR: Thinking that there might be some changes made in the Indian Department at Washington City in regard to the "Round Valley reservation," now under the management of one Burchard, I drop you a line, that should there be any I will make this proposition, to wit: I will take the reservation with what stock and fixtures there are on it; give the Indians all the privileges and advantages that can be given in obtaining educational and religious advantages; support, feed, and clothe them so that they may be comfortable in every respect, attending to all their necessary wants, for the term of five years, (with the privilege of ten,) including the live stock, lands, and fixtures, the proceeds after the Indians are cared for to be my own, not costing the Government anything. I will take account of all stock and invoice anything that may be there necessary to carry on said reservation, and will receipt for the same. And I will give any security the Goverment may require, and will bind myself to return all live stock and fixtures in number and good condition as I received them, with natural wear and tear excepted.

Your very obedient servant,

JOHN MATHEWS.

Hon. J. K. LUTTRELL,
Washington City.

Mr. LUTTRELL. Some seven or eight other citizens in my district have offered to take charge of those reservations and feed, clothe, and educate the Indians free of charge to the Government. The amendment leaves the matter discretionary with the Commissioner of Indian Affairs. I believe that by the adoption of the amendment hundreds of thousands of dollars can be saved to the Government annually.

Mr. LOUGHRIDGE. Does the gentleman propose to reduce these Indians to a state of peonage?

Mr. LUTTRELL. No, sir; but I will say to the gentleman that on one reservation which I visited last summer the Indians are worked just like peons; not only that, but, as shown by affidavits and by the confession of the agent himself, which I have here, the Indians are stripped, tied up, and whipped like dogs, just as was done in days gone by in the Southern States with the negroes. No negro in the South was ever treated worse than some of these Indians have been treated. Besides the affidavits, I have the admission of the agent himself that he does whip them.

Mr. LOUGHRIDGE. I presume that the gentleman, as deputy inspector, has reported all these things to the Department.

Mr. LUTTRELL. Yes, sir; I have. I say that the treatment of the Indians as now conducted is in many cases a system of slavery. I am opposed to whipping any man, be he black or white.

Mr. STARKWEATHER. Will the gentleman state the name of the agent who does this?

Mr. LUTTRELL. Rev. J. L. Burchard.

Mr. STARKWEATHER. On what reservation?

Mr. LUTTRELL. The Round Valley reservation.

Mr. STARKWEATHER. In California?

Mr. LUTTRELL. In California.

Mr. STARKWEATHER. Is he the agent now?

Mr. LUTTRELL. Yes, sir.

Mr. STARKWEATHER. When was he appointed?

Mr. LUTTRELL. Some two or three years ago.

Mr. LOUGHRIDGE. To what denomination does he belong?

Mr. LUTTRELL. The Methodist, I am sorry to say. He is also a republican. He was what was called a "southern democrat" during

the war; but at the close of the rebellion he became a republican, and the position he holds is his reward.

Mr. PARKER, of Missouri. I now insist on my point of order. I think the debate has gone far enough. My point is that this reservation as well as others is established by law, and that the amendment proposes to change existing law.

The CHAIRMAN. The Chair overrules the point of order.

The question being taken on agreeing to the amendment, it was not agreed to; there being ayes 27, noes not counted.

The Clerk read as follows:

SEC. 9. That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, and so forth, for and on account of the Indian service, whenever the value of the goods, supplies, and so forth, to be furnished, or the transportation to be performed, shall exceed the sum of $5,000, shall accompany their bids with a certified check, or draft payable to the order of the Commissioner of Indian Affairs, upon some United States depository or some one of such solvent national banks as the Secretary of the Interior may designate, which check or draft shall be 5 per cent. on the amount of the goods, supplies, transportation, and so forth, as aforesaid; and in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder shall forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury of the United States; but if such contract shall be duly executed, as aforesaid, such draft or check so deposited shall be returned to the bidder.

Mr. RANDALL. I move to strike out the words "and so forth," as I do not think such a vague indefinite term should be allowed to remain in any general appropriation bill. If there be no objection, I move that they be stricken out wherever they occur in the bill.

Mr. LOUGHRIDGE. I do not object.

Mr. GARFIELD. They ought to be stricken out wherever they occur.

The motion was agreed to.

Mr. STORM. I move to add as an additional section the following.

The Clerk read as follows:

That the security or securities upon the bond required by the act of February 27, 1851, to be given by each Indian agent before entering upon the duties of his office shall file a sworn statement with the Secretary of the Interior setting forth the nature and kind of property owned by such security or securities, the value of the same, and where situated; and no money appropriated by this bill shall be paid to any Indian agent hereafter appointed until the security or securities shall have filed such statement.

Mr. STORM. I hope there will be no objection to that amendment. It is proper that it should be adopted.

Mr. FORT. It is only providing that securities of these like all other officers shall make this necessary statement.

The amendment was adopted.

Mr. PARKER, of Missouri. I now ask to go back to page 9, line 189.

The Clerk read as follows:

Apaches:

For this amount, to subsist and properly care for the Apache Indians in Arizona and New Mexico, who have been or may be collected on reservations in New Mexico and Arizona, namely: for those in Arizona, $300,000; and for those in New Mexico, $100,000, $400,000: *Provided*, That this appropriation shall be expended only in behalf of those Indians who go and remain upon said reservations and refrain from hostilities.

Mr. PARKER, of Missouri. I move that be amended so it will read "Apaches of Arizona and New Mexico," so as to distinguish them from the Apaches in the western part of the Indian Territory.

The amendment was agreed to.

Mr. PARKER, of Missouri. I now ask to return to page 20, line 462.

The Clerk read as follows:

For interest on $390,257.92, at 5 per cent. per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the ninth and thirteenth articles of treaty of January 20, 1825, and treaty of June 22, 1855, $19,512.89.

Mr. PARKER, of Missouri. I move after the word "cents," in line 462, to add the following proviso:

Provided, That the Secretary of the Interior be, and he hereby is, authorized to pay out of this amount the sum of $500, and interest thereon from October 1, 1869, to January 1, 1875, $183.75, due William P. Lyon & Son for printing the laws of the Choctaw Nation.

The amendment was agreed to.

Mr. BUTLER, of Tennessee. I move the following as an additional section.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Secretary of the Treasury all stocks and evidences of indebtedness that may be due and held in trust by the Secretary of the Interior on account of the Creek orphan fund, arising under the provisions of the treaty with the Creek Nation of March 24, 1832; whereupon it shall be the duty of the Secretary of the Treasury to issue United States 5 per cent. registered bonds, with interest accruing on the same from July 1, 1874, and which said bonds shall be held in trust by the Secretary of the Interior, who may, at the request of the said orphans or their legal representatives, cause the same to be converted into money, to be applied for the benefit of the Creek orphans of 1832, or their legal heirs and representatives, in accordance with the provisions of said treaty, in such sums and at such times as may be required: *Provided*, That no part of said money herein provided for shall be paid or delivered until the Creek council shall, by act duly passed, and a certified copy thereof filed in the office of the Secretary of the Interior, certifying by name and amounts severally the persons entitled thereto as such orphans or their legal heirs, to whom it shall be severally paid: *And provided further*, That any excess that shall remain of said fund, after paying said orphans and heirs as hereinbefore provided, or so much thereof as may be necessary, shall be retained by the Government of the United States for the purpose of refunding to the Treasury of the United States the amount paid to and for certain loyal Creek refugees in pursuance of a joint resolution of Congress approved February 22, 1862; and that, further, any balance of said fund shall be placed in the treasury of the Creek Nation, and become a common fund of said Creek Nation, and become a national fund, to be used by them as they may in council determine: *And provided further*, That no officer of the Government of the United States shall either entertain, recognize, or pay to any claim agent, attorney, or pretended attorney any fee or compensation for any services rendered or pretended to have been rendered in the presentation of this claim.

Mr. RANDALL. I reserve the point of order on this amendment. The law has placed this money in the Treasury and provided that it shall remain there, and therefore this amendment is out of order, as it changes existing law.

Mr. BUTLER, of Tennessee. This is the unanimous report of the Committee on Indian Affairs, made upon the recommendation of the Secretary of the Interior. It is for the benefit of these Creek orphans. No controversy can arise about the justice of the claim. Those who were orphans at the time the claim originated have been paid, and the money should not be withheld longer from these Creek orphans. The Government has withheld this money, and now, these orphans having arrived at maturity, it should be paid to them just as it was paid to the others in 1832.

Mr. STORM. This is a very important matter, and as it is somewhat complicated I think we ought to consider it separately. If my colleague does not insist on his point of order I will renew it.

Mr. RANDALL. I make the point that this is new legislation, and therefore not in order on this bill. If this be the unanimous report of the Committee on Indian Affairs, it can be taken up and considered in its order when that committee is called for reports.

Mr. BUTLER, of Tennessee. It has been reported and is now upon the Private Calendar.

Mr. RANDALL. I have been informed this committee has a special assignment. I make the point of order that this is new legislation.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. COMINGO. I offer the amendment which I send to the desk.

The Clerk read as follows:

SECTION —. That in order to fulfill and discharge the obligations of the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw tribes or nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate, made on the 9th day of March, 1859, under the provisions of article 11 of said treaty, the Secretary of the Treasury is hereby authorized and required, upon the passage of this act, to pay to P. P. Pitchlyn and Peter Folsom, the authorized agents of said Choctaw Nation, or to either of them, out of any money in the Treasury not otherwise appropriated, the sum of $2,981,247.30, the amount of said award, with interest thereon at the rate of 5 per cent. per annum from the date of said award until the payment thereof, as herein provided; *Provided, however*, That the sum of $250,000, heretofore paid in part discharge of said award, shall be deducted from the amount at the date of said part payment; and that the payment of said award to said Pitchlyn and Folsom, or either of them, as herein directed, shall be in full satisfaction and discharge of all the claims of the said nation, and of those of the individual members thereof, on account of said award: *And provided further*, That the said sum shall be paid by said agents, under the direction and supervision of the United States Indian agent, to the claimants entitled thereto, as is provided and required by the twelfth article of said treaty of 1855: *And provided further*, That before the Secretary of the Treasury shall pay the said award to the said delegates, as herein provided, the national council of the Choctaw Nation shall pass an act in approval of this act, and shall accept the payment of the said award, as herein provided, as a full discharge and satisfaction of all the claims of the said nation, or of individual members thereof, on account of the said award.

Mr. STORM. I make the point of order on that amendment that it is new legislation.

Mr. LOUGHRIDGE. This amendment involves two or three millions dollars, and ought to be printed.

Mr. STORM. Meanwhile I reserve the point of order.

Mr. LOUGHRIDGE. I was about to remark that this involves about three million dollars, and ought to be printed. After the committee rises, I will move in the House that the amendment be printed, and the point of order can be reserved.

Mr. COMINGO. I have no objection to that being done.

Mr. LOUGHRIDGE. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. POLAND reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

Mr. LOUGHRIDGE. I move that the amendment last offered to the bill under consideration in Committee of the Whole be printed, and also that it be printed in the RECORD.

There was no objection, and it was so ordered.

RECUSANT WITNESS—R. B. IRWIN.

The SPEAKER. The Chairs lays before the House the following communication received from the Sergeant-at-Arms.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 14, 1875.

SIR: I respectfully report to you, and through you to the House of Representatives, that on the 9th day of January, 1875, a writ of *habeas corpus* was served upon me directing me to produce the body of Richard B. Irwin, detained in my custody, before Arthur MacArthur, one of the judges of the supreme court of the District of Columbia, on the 12th day of said January; that thereafter, on the 12th day of January aforesaid, the time for producing the body of said Irwin was further extended to January 14, at eleven o'clock a. m., at which time I appeared before the said Judge MacArthur and presented, through my attorney, Hon. Samuel Shellabarger, the warrant and resolutions of the House of Representatives upon which said Irwin was held in my custody. Whereupon, Judge MacArthur decided that no return would be received by him until the body of the said Irwin was produced in court.

Inasmuch, therefore, as the production of the said Richard B. Irwin by me would release him from my custody as an officer of the House of Representatives, and place him in the custody of the court, I asked for delay until to-morrow, January 15, at eleven o'clock a. m., to obtain further instructions from the House of Representatives.

All of which is respectfully submitted.

Very respectfully, your obedient servant,

N. G. ORDWAY.

Sergeant-at-Arms House of Representatives United States.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

Mr. MAYNARD. I would like to ask the gentleman from Massachusetts [Mr. DAWES] whether this witness is what the old law-books called *in carcere duro*? I make the inquiry because I have seen various statements in the public prints as to the manner in which he is kept and how he is entertained, &c.

Mr. DAWES. I find some difficulty in answering the question of the gentleman from Tennessee, owing to a defect in my early classical education, but I shall endeavor as well as I know how to answer him.

Mr. Speaker, the question raised by the communication of the Sergeant-at-Arms is a very serious one, affecting as it does the power of the House of Representatives, and it invokes the calm and considerate judgment of the House. It was admitted by the Committee on Ways and Means, before whom this was laid, that it was proper to be considered by the House rather than the committee, and that the House should give the Sergeant-at-Arms their instructions. He is required by the judge who has issued this writ, before any further proceedings are had upon it, to bring the body of Richard B. Irwin into court. It follows when he has done that and made his return upon the writ, that the witness is thereafter out of his custody and in that of the court; that the court has control over him and may make such disposition of him as it may deem proper. The law gives five days to answer the return, and as much longer time as the judge may deem proper. In the mean time the judge may consider what is a proper place to keep him in or may admit him to bail. The House will see at once that if it is the law of the land which the House of Representatives must obey, this witness, following the order of the court, has the door open to him for escape. With such an amount of money in his pocket and at his command as his own testimony shows, it would be a matter of pecuniary calculation whether it would be worth while to pay any ordinary bail.

I desire to state to the House the law on this matter and leave it for such action as the House may deem best. My own opinion is that the question is of so grave a character that it should be referred to the Committee on the Judiciary to report to-morrow, if it be possible, something that may go upon the record and be a guide to the House. I think this court, although it has appointed to-morrow at eleven o'clock to hear this question, would nevertheless, if the Sergeant-at-Arms declined to bring Irwin into court until the Committee on the Judiciary should report, allow further time. The statute requires anybody who applies for a writ of *habeas corpus* to set forth so far as he is able the grounds upon which the party is detained. The petition in this case, although it contains some matter that is not strictly true, does set forth with sufficient clearness that this party is detained by order of the House of Representatives because the House of Representatives has adjudged him in contempt for not answering questions put to him by a committee of the House and by order of the House; so that the petition upon which this writ was granted discloses the fact that he is detained in custody because this House has judged him in contempt.

The circuit court of the District of Columbia in the Nugent case, where a very elaborate opinion was given, and where all the authorities it seems to me were very elaborately considered, has decided that every court, including the Senate and House of Representatives of the United States, is sole judge of its own contempts, and that that court or any other has no jurisdiction to review the judgment of the Senate and House of Representatives upon that question. It seems therefore very strange to me that this judge, under this section of the statute, with the matter upon the record before him, should have decided that he had jurisdiction.

It seems to me that the court in that case applied the settled law of the land to it, and decided that the party was not entitled to this writ. This judge, however, has assumed jurisdiction, and has issued his writ. Sometimes courts issue writs improvidently, *ex parte*, upon applications made to them, without due consideration, and a very proper motion sometimes is to the court to dismiss the writ because it was improvidently issued. Counsel for the Sergeant-at-Arms have made that motion to-day and argued the case before the court and the court has dismissed their application, and as they understood it has substantially decided that the court has jurisdiction; the court overruled the motion, and required the Sergeant-at-Arms to make return. He has made a return, setting forth the order of the House and the grounds for that order; and that return the court has refused to receive unless he brings this party into court, and the court has intimated that having brought him into court he (the judge) will take charge of him, and judge himself of the fitness of the place to which he will order him to be committed or admit him to bail if he sees fit.

Mr. GARFIELD. I desire to inquire of the gentleman—and it is quite in the line of his argument—what the petition was for? Was it for a change of the place of confinement or for liberation?

Mr. DAWES. It is not usual to issue a writ of *habeas corpus* for a petition to change the place of confinement. I stated that the judge has intimated that when he got this man into his possession he would judge of the fitness of the place where he would keep him or admit him to bail, as he saw fit.

I read now from a decision of the Supreme Court of the United States, in 12 Wallace, page 400, in the case of Barth *vs.* Clise, sheriff:

When a sheriff, in obedience to a writ of *habeas corpus*, makes a proper return and brings his prisoner before the court which issued the writ, the safe-keeping of the prisoner while he is before it is entirely under the control and direction of the court to which the return is made. The sheriff is accordingly not responsible for escape of the prisoner while thus in the custody of the court and before a remand or other order placing new duties on him.

Now, Mr. Speaker, all this is the law of the land, which this House must obey, provided this court, in point of fact, has jurisdiction and authority to make the order; and whether the court has authority to make the order is the whole question involved in this case. It was suggested that the Sergeant-at-Arms might make his return that he has this person in court but still retain custody of him. The court then would be at issue with the House of Representatives upon the question whether it had jurisdiction, but could nevertheless force him out of the hands of the Sergeant-at-Arms.

Now, will any one say that an inferior court of the District of Columbia may exercise authority over the House of Representatives, and can say to this House that it may or shall not, according to the pleasure of that inferior court, pursue such investigation as the House in its judgment may deem wise and proper within its own jurisdiction? I do not mean to intimate by any of my remarks that this court has any desire or disposition to travel beyond its own conviction of duty. It may be acting, as I doubt not it is, with as pure motives as any of us. But I am calling the attention of the House of Representatives to the serious character of the question before us.

Mr. HALE, of Maine. The gentleman has referred to certain intimations of this judge as to what he would do if the Sergeant-at-Arms of this House makes the common return in a case of *habeas corpus* and brings the party before that judge. I would ask the gentleman if he has any intimation further from that judge as to what he will do, or what he will attempt to do, if the House directs its officer to make no further return?

Mr. DAWES. I have not. The Sergeant-at-Arms, through his counsel, deemed it wise to lay this matter before the House of Representatives, under whose order he was acting, believing that it involved a question of gravity enough to command the serious judgment of the House; for it is setting a precedent which lies right across the path that the House is pursuing. If properly decided, I think it will contribute largely to clear up any doubt that may arise in the minds of witnesses when they are before any committee of this House. My experience is that these doubts first arise before the committees. The most troublesome thing in the minds of witnesses when they are upon the stand is what is the exact jurisdiction of the committee or of the House. And in nine cases out of ten the first answer is that they doubt the authority of the committee.

Mr. TREMAIN. I desire to ask the chairman of the Committee on Ways and Means [Mr. DAWES] whether there has been any case in the District of Columbia where, upon a writ of *habeas corpus*, the court has attempted to inquire into the propriety or legality of an order of the House or of the Senate directing that a party should be held in custody for contempt?

Mr. DAWES. There has been no such case to my knowledge. I do not profess to be conversant with the authorities upon this subject so far as to enlighten the House. I will state, however, that so far as I know no court has ever attempted to go behind the judgment of either branch of Congress. There may be something different in the decisions of the State courts. But this is the first time that any judge has attempted to go behind the record of the judgment of either House of Congress.

Mr. BURCHARD. Has the attention of the gentleman been called to the petition that accompanies this writ? My recollection is that the petition does not disclose the fact that the witness is now confined for a contempt of the House. My impression is that it states that the witness is confined for safe-keeping, awaiting the action of the grand jury, under the statute of 1857. I wish the chairman would present that petition to the House. It may be that it does allege that he is held upon an order alleging him in contempt of the House.

Mr. DAWES. The attention of the committee was called directly to the point which the gentleman from Illinois [Mr. BURCHARD] makes. Unless my memory fails me very much, the petition clearly sets forth that he is held by the judgment of the House that he is in contempt for refusing to answer questions propounded to him by the Committee on Ways and Means and by order of the House. And it winds up by stating that he is to be so held, because he is adjudged in contempt, "to the end"—that is the phraseology of the petition—"to the end that proceedings may be instituted against him before the District court on indictment." But the petition sets forth clearly that he is held under the judgment of this House for contempt, because he refused to answer certain questions.

Mr. FINCK. I wish to inquire of the gentleman whether the Sergeant-at-Arms, in his return, did not disclose the whole record of our action here by which this witness is held in his custody?

Mr. GARFIELD. Has the gentleman a copy of the return?

Mr. DAWES. And besides the petition, the return itself brings

the whole matter before the court, and the court refused to accept the return unless it was accompanied by the body of the witness.

Mr. MAYNARD. In connection with the inquiry of the gentleman from New York, [Mr. TREMAIN,] I wish to call the attention of the gentleman from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Ways and Means, to a case that occurred in his own State a great many years ago, in connection with the investigation instituted by the Senate concerning the John Brown raid at Harper's Ferry. Some witnesses were arrested in that State by order of the Senate, and there were proceedings by *habeas corpus* had. The gentleman is more familiar with that case than I am, and he can tell us whether it throws any light on this question and to what extent.

Mr. DAWES. I would not from memory attempt to state what was the decision in that case. I would like to hear from my colleague, [Mr. E. R. HOAR,] who I think was upon the bench at the time, if I am not mistaken. He would be more able than I am to tell what were the facts in that case.

Mr. E. R. HOAR. I think there was nothing in that case that touches the question we are now considering. The Sergeant-at-Arms of the Senate in that case had employed a parcel of fellows to catch these men wherever they could find them. And the writ of *habeas corpus*, which I myself issued, was sustained on the ground that the prisoner was not in the custody of the Senate, that the Sergeant-at-Arms of the Senate could not depute his authority. That was the whole point of that case, and does not touch this case at all.

Mr. MAYNARD. Did the inquiry of the court on that occasion extend to the question of the authority of either House of Congress?

Mr. E. R. HOAR. It had no occasion to do so. The question was decided on the ground that the man who was professing to hold the party in custody had no lawful authority from the Senate of the United States, not being their officer.

Mr. SAYLER, of Ohio. I wish to inquire of the gentleman from Massachusetts [Mr. DAWES] whether precisely this question was not decided not very long ago by a circuit judge of this District; whether the judge did not expressly decide in a case precisely similar to this that the court had no jurisdiction to interfere with a commitment by the House for contempt?

Mr. DAWES. The Committee on Ways and Means understand that substantially such a decision has been made by another judge of the supreme court of this District. A writ of *habeas corpus*, as we understand, was obtained in that case; but when the return disclosed the ground upon which the party was held—which was the order of the House precisely as it is in this case—the writ was dismissed *instanter*, and the attorney who had applied for the writ received the reprimand of the court for omitting to make that fact known when he applied for the writ. In that case the body was not brought before the court.

Mr. HALE, of New York. I raise a question of order. Is there any question before the House?

The SPEAKER. The Chair has permitted the discussion to proceed, although no formal proposition has been submitted to the House.

Mr. HALE, of New York. As no motion is pending, will the gentleman from Massachusetts [Mr. DAWES] allow me to submit a motion?

Mr. DAWES. I desire first to submit the proposition of the Committee on Ways and Means.

Mr. HALE, of New York. I object to further debate, unless there is some proposition pending.

Mr. DAWES. Let the proposition of the gentleman from New York be read for information.

The Clerk read as follows:

That the communication of the Sergeant-at-Arms and the subject-matter thereof be referred to the Committee on the Judiciary with instructions to report thereon with all practicable dispatch; and that the Sergeant-at-Arms be instructed not to produce the body of Richard B. Irwin before any court, officer, or tribunal until the further order of this House.

Mr. KASSON. I wish to offer a substitute for that.

Mr. CESSNA. I desire to amend the motion of the gentleman from New York [Mr. HALE] by striking out the last clause.

Mr. DAWES. I have the floor, I believe. I simply yielded to have the motion of the gentleman from New York read.

Mr. G. F. HOAR. I desire to amend that motion.

The SPEAKER. It is not pending. The Chair understood that the gentleman from Massachusetts [Mr. DAWES] did not allow it to be offered, but simply to be read.

Mr. G. F. HOAR. I desire to give notice of an amendment, to refer the subject to a special committee of five.

Mr. HALE, of New York. I ask the Chair how the gentleman from Massachusetts can have the floor unless there is a question pending?

The SPEAKER. The communication of the Sergeant-at-Arms itself affords a basis of discussion. There might be some motion made in regard to it; as, for instance, to refer it to a committee, with or without instructions. But the Chair thinks the discussion is proceeding in a very natural manner upon the question, and that the House, prior to the discussion, need not be forced to a particular line of policy.

Mr. DAWES. In my previous remarks I alluded to the case of Nugent, decided in 1848 in the circuit court of this District. I had not then the book at hand; I have since obtained it, and I now read the head-note:

1. Every court, including the Senate and House of Representatives, is the sole judge of its own contempts; and in case of commitment for contempt in such case, no other court can have a right to inquire directly into the correctness or propriety of the commitment, or to discharge the prisoner on *habeas corpus*.

2. The warrant of commitment need not set forth the particular facts which constitute the alleged contempt.

3. The Senate of the United States has power to punish for contempts of its authority in cases of which it has jurisdiction; and an inquiry whether any person, and who, had violated the rule of the Senate which requires that all treaties laid before them should be kept secret until the Senate should take off the injunction of secrecy, is a matter within the jurisdiction of the Senate.

4. The Senate of the United States has a right to hold secret sessions whenever in its judgment the proceedings shall require secrecy, and may pronounce judgment in secret session for a contempt which took place in secret session.

Mr. DAWES. I yield to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. Mr. Speaker, when the subject of the imprisonment of Mr. Irwin was before the House a short time ago, I presented some views upon it without having had time to look into any book. Within the last half hour I have very hastily examined a few books on the subject, and I think the matter now before us is of enough importance to justify the presentation of some views and of some authorities in support of them.

It will be seen at once that the paper submitted to the House on behalf of the Sergeant-at-Arms presents questions of the utmost importance. It is a matter of very great moment to this House whether, when it directs that a contumacious witness shall be imprisoned for contempt, the authority of the House can be set aside on *habeas corpus* by a police judge of this city. If so, we shall be completely at the mercy of the judicial authority thus invoked. It seems to me that in some sense this House is a co-ordinate branch of the Government, and that its determination can no more be inquired into by a police judge than the determinations of such a judge can be inquired into by this House.

A MEMBER. Judge MacArthur is not a police judge.

Mr. LAWRENCE. That makes no difference. The police court, I believe, has the right to issue a writ of *habeas corpus*. It amounts to the same thing. I understood the writ of *habeas corpus* was issued by the police court, but in that it seems I am mistaken. But I do not mean to say anything disrespectful of any judicial officer of the District, for I have profound respect for and entire confidence in them all. No man can have more sincere respect for the judicial office than I have.

This paper presents two questions: First, as to the power of the House to punish for contempt; and, secondly, as to the power of the court over the Sergeant-at-Arms and the persons who may be imprisoned by our order. Upon the power of the House to punish for contempt I want to read an authority, for if we have the undoubted power to punish for contempt, it is a very grave question whether that power is not final and conclusive, and whether it can be inquired into by any other authority. The court and this House are co-ordinate branches of, or co-ordinate powers in, the Government.

The power of this House to punish for contempt is undoubted. It is no longer an open question.

Upon this question let me read what is said by a writer of great merit. Judge Hurd, in his work on Habeas Corpus, says:

The right of punishment for contempts by summary conviction is inherent in all courts of justice and essential to their protection and existence. A commitment under such *conviction* is a commitment *in execution*, and the judgment of conviction is *not subject to review in any other court* unless specially authorized by statute. *It cannot be attacked under the writ of habeas corpus*, except for such gross defects as render the proceeding void. (Hurd on Habeas Corpus, 412.)

The case of Holman *vs.* Mayor, &c., 26 Texas, 672, is a well-considered case on the same subject. Judge Hurd has collected and cited the cases which sustain the text of his work. The right of punishment for contempt "cannot be attacked under the *writ of habeas corpus, except for such gross defects as render the proceeding void*," says Judge Hurd. This refers to the power of courts to punish for contempts—the power at common law. But the power of legislative bodies to punish for contempts is equally well supported by authority.

I will refer to the recent valuable work of Judge Cooley on Constitutional Limitations, where this doctrine is held as to the power of legislative bodies to punish for contempt. On page 133 of his work it is said:

Each house may punish contempts of its authority by other persons, without express authority from the Constitution. (Anderson *vs.* Dunn, 6 Wheaton, 204; Burdett *vs.* Abbott, 14 East, 1; Stockdale *vs.* Hansard, 9 Adolphus and Ellis, 231; Burnham *vs.* Morissey, 14 Gray, 226; Slate *vs.* Matthews, 37 New Hampshire, 450.) But where imprisonment is imposed as a punishment, it must terminate with the final adjournment of the house; and if the prisoner be not *then* discharged by its order, he may be released on *habeas corpus*. (Jefferson's Manual, section 18; Prichard's case, 1 Levine, 165, in king's bench, 12 Charles II.)

I also refer to speaker of Legislative Assembly of Victoria *vs.* Glass, 3 Privy Council Appeal, 560, (1871,) and Doyle *vs.* Falconer, 1 Privy Council Appeals, 328.

These are well-considered cases, which affirm the power of legislative assemblies to punish for contempt.

Assuming then that this House has power to punish for contempt, the next question is whether a court has power to review the determination it may make. Upon that question I have an authority which, although it does not meet the question squarely and fully, yet is somewhat pertinent to the inquiry. It is the case of Hess

vs. Bartlett, 3 Gray, 468. It is a Massachusetts case, argued in 1855, by my able and learned friend from Massachusetts, [Mr. BUTLER,] and it was from his argument in that case possibly that he has learned some of the law—erroneous law, as I believe it to be—which he gave to the House the other day in his very able and powerful speech, but which I thought wrong in its legal conclusions.

Mr. CESSNA. I wish to notify the gentleman from Ohio that the gentleman from Massachusetts [Mr. BUTLER] to whom he alludes is not now present.

Mr. LAWRENCE. I supposed he was in the House; but whatever I say will appear in the RECORD and will be open to review. I know my friend from Massachusetts [Mr. BUTLER] will take no exception to the manner of what I say, even if he cannot agree with its matter. It is eminently proper that this whole subject should be referred to the Committee on the Judiciary; and the gentleman from Massachusetts will then have full opportunity to express his views upon it. I am in favor of sending it to the Judiciary Committee or to some proper committee to consider. I do not feel any doubt myself as to the proper course to be pursued by the Sergeant-at-Arms, but I am willing that so grave a subject shall have the careful consideration of a committee. And now allow me to present some authority on this question.

In Cooley on Constitutional Limitations, page 133, it is said:

> Independently of parliamentary customs and usages, our legislative houses have the power to protect themselves by the punishment and expulsion of a member, "*and the courts cannot inquire into the justice of the decision, or even so much as examine the proceedings to see whether opportunity for defense was furnished or not.*

In support of this he cites Hess *vs.* Bartlett, 3 Gray, 468.

This was a *habeas corpus* case, argued by my friend from Massachusetts, [Mr. BUTLER,] in 1855, for the relator.

Hess was arrested by a creditor and imprisoned for debt. He claimed a discharge on *habeas corpus* on the ground that he was a member of the Legislature, and that as such he was exempt from arrest. The jailer answered that Hess had been expelled from the Legislature. Shaw, C. J., said:

> This case arises upon the privilege of a representative to be exempted from arrest on mesne process, going to, returning from, or attending the General Court, (Legislature.) (Constitution of Massachusetts, chapter 1, section 3, article 10.) Can this be inquired into by *habeas corpus?* I think it can. It is a question of *personal privilege*, not of *the privilege of the house. If it were, it might be more questionable.* (Wilkes's Case, 19 Howell's State Trials, 981; Holiday *vs.* Pitt, 2 Strange, 985.) The question is whether the house have the power to expel.

I know this does not decide the precise question as to whether the Sergeant-at-Arms is bound by law to produce the body of Irwin, but it is a clear intimation that a judicial court cannot on *habeas corpus* inquire into a question involving "the privilege of the House." The moment it is made to appear by a return to a writ of *habeas corpus* and by the record of this House that Irwin is imprisoned for contempt in a matter clearly within the jurisdiction of the House, that moment the writ falls and the jurisdiction of the judicial court ceases. Hurd, in his work on Habeas Corpus, quotes an authority as follows:

> Although the body of the prisoner is usually returned with the writ, the reasons of the prisoner's detention are, however, sometimes returned *without actually bringing up the applicant;* as where he is charged with treason or felony, clearly expressed in the warrant of commitment, or *imprisoned* for any civil cause of action, or *in execution*. (10 Pet. C. L., 199, *n.*)

It makes no difference that Hurd refers to imprisonment by sentence or judgment of a court. It is the fact of legal imprisonment by an authorized sentence that excuses the production of the body of the applicant in *habeas corpus*. Irwin is now imprisoned by a competent tribunal in a matter within its jurisdiction. He has had his "day in court," his hearing in this House, and he is now, in the language of the book I have read, "imprisoned in execution." All this, shown by the record, is all the court can require; and when this is shown by proper return to the *habeas corpus*, the jurisdiction of the court is at an end.

The book I have read, it seems to me, is very strong evidence of what the law is in this case, but in my judgment it is eminently proper it should go to the Committee on the Judiciary, so that it can be fully discussed, and I am willing to concur in that disposition of it.

During the rebellion, where persons were held in custody of military officers as prisoners of war or for other cause, over which the military authority had undoubted jurisdiction during flagrant war and on the theater of warlike operations, even where battles were not being fought, it was a sufficient return to a *habeas corpus* to show these facts without the production of the body of the applicant. The courts so held, and their determinations make law. One court cannot on *habeas corpus* take from another of competent jurisdiction a party on trial, under arrest, or imprisoned for contempt. One court cannot defeat or interrupt the proceedings or process of another court of co-ordinate jurisdiction.

The *habeas corpus* statute has no reference to a case like this of Irwin. A similar statute was in force during the war, but it was not held to apply to arrests by competent military power in proper cases for such arrests. There are classes of cases, as this debate has shown, where the production of the body is not required, because when held by other competent power this defeats the jurisdiction in *habeas corpus*. The Government is never included in a statute unless expressly named, so the law-books say. And for the same reason this House is not included in the *habeas corpus* statute. It is not to be presumed that Congress lacks a power essential to the ends of justice and necessary for its own protection. The statute does not apply, because no court can have jurisdiction to revise a sentence of the House. It can only apply to cases of proper jurisdiction.

Mr. DAWES. I now yield to the gentleman from Connecticut.

Mr. HAWLEY, of Connecticut. I do not wish to quote authorities, although I have some before me. The gentleman from Ohio [Mr. LAWRENCE] has partly anticipated one or two points which I desired to make. I do not see so much complication in this case as some other gentlemen. If the Sergeant-at-Arms should make answer to the court that he held this man under full authority of the House of Representatives in proceedings against the prisoner for contempt, I would hold that to be the end of the responsibility of the Sergeant-at-Arms. He is not required to say anything further to that court, and the House and the Sergeant-at-Arms, both and all, may properly deny any further jurisdiction whatever to the court in the case. Of course there is not precisely involved the power of the House to punish for contempt; for it is not to be supposed that any judge for a moment would deny that. I do not know, therefore, precisely what is the difficulty of the case. If it is because the Sergeant-at-Arms has not proffered to the court a proper reply, then let him make a proper reply and offer it without the body of this person.

Some one will say, why not offer this answer with the body of the person in question? For this reason, that the court may—I do not know and I do not wish to be made certain of the matter one way or the other in advance—the court may, for aught I know, decide that the answer having been made and the body having been produced with the answer, the court will take that body and hold it according to its discretion. Should the court take that course, the result might be the discharge of this prisoner and his escape from the control of the House in a matter perfectly within its jurisdiction. We are not required to run any risk whatever. Our simple reply to the court is that we hold that man under our unquestioned power to punish for contempt. I do not care how brief or decisive the answer may be, for this House in this matter is a court of superior jurisdiction and is not required to enter into all the details. It is not required to plead specifically and in detail, one after the other, the resolutions of instruction to the Committee on Ways and Means and the orders given the Sergeant. The simple declaration that we hold this man under our authority to punish him for contempt is enough.

So far as that is concerned the question was most fully argued in an English case. The sergeant-at-arms of the House of Commons arrested a witness under the warrant of the speaker for refusing to come and testify before the House of Commons. It was held that the superior court, as the House of Commons was, was not under obligations to go into all the details in regard to it; but the plain statement that the man was so held was a sufficient answer.

As one of the limitations of the writ of *habeas corpus*, the "limitation resulting from the superior rights of other acting judicial tribunals" is thus stated in Hurd on Habeas Corpus, with many authorities to sustain the proposition:

> It is a rule essential to the efficient administration of justice that where a court is vested with jurisdiction over the subject-matter upon which it assumes to act, and regularly obtains jurisdiction of the person, it becomes its right and duty to determine every question which may arise in the cause, without interference from any other tribunal.

Some of my legal friends better acquainted with the law than I am will no doubt follow up this point. I am opposed to any further answer in this case as at present advised than that we hold the man under our undoubted power to punish for contempt. It should be borne in mind that this is a matter involving not this particular case alone, but involving seriously a right of this House deemed essential to their very existence by all legislative bodies.

Mr. TREMAIN. Will the gentleman allow me, in pursuance of his suggestion, to offer an amendment?

Mr. DAWES. Not now. I yield to my colleague on the Committee on Ways and Means, the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I wish to make a statement of the case, not an argument, in such a way as to avoid a great deal of unnecessary debate. Many of the observations which have been submitted relate to a state of facts which are not in this case. The difficulty, I apprehend, with the committee—I only speak, however, for myself—is that this proceeding is so specifically regulated by a statute of the United States. The statute regulates proceedings of *habeas corpus* without eliminating from its provisions either House of Congress. The writ may issue, it is provided in section 753 of the Revised Statutes, where the prisoner is in jail—

> Where he is in custody under or by color of the authority of the United States.

We assume that this witness is in custody of the Sergeant-at-Arms "under or by color of the authority of the United States." If that be admitted, then we ascertain what the next step is under the statute. Section 755 reads:

> The court or justice or judge to whom such application is made shall forthwith award a writ of *habeas corpus*, unless it appears from the petition itself that the party is not entitled thereto.

Who is to judge whether under that application the writ should be awarded? It seems to me that the court must judge whether the application is sufficient for awarding the writ. And if that be also conceded, then the judge may issue the writ when the witness is in custody under authority or by color of the authority of the United

States. And if it be further conceded that the order of the House of Representatives is of that color and the writ issues, then what is to be done? The next section provides that—

The person to whom the writ is directed shall certify to the court or justice or judge before whom it is returnable the true cause of the detention of such party.

There, then, is a duty prescribed to the Sergeant-at-Arms when the writ shall have been issued in accordance with the preceding section. Now, what is the next step? Section 758 says:

The person making the return shall at the same time bring the body of the party before the judge who granted the writ.

There you will observe that the statute of the United States says that if the return is made it shall be accompanied at the same time by the body of the witness. Now, if the judge is satisfied upon the facts that he ought to issue the writ, we cannot, I submit, make an issue with the judge except upon the ground that the judge has not the case properly before him. If these assumptions are correct, then in point of fact the return in this case was made to the court sworn to by the Sergeant-at-Arms, but the court declined to receive it because the body of the witness did not accompany the return. In that situation gentlemen will not fail to observe that the right of this body to punish for contempt is not involved. We are not advised that anybody disputes it or disputes the right of the House to hold this witness in custody. I submit that the only question before the House is, Have we the right under the provision of the Revised Statutes of the United States which I have read to prevent our Sergeant-at-Arms, by our order, from obeying the order of the court under the writ which the judge has issued?

Mr. G. F. HOAR. Has the gentleman considered the question whether any statute can control the power of the House in this matter?

Mr. KASSON. I have considered that question, and I apprehend that the mode in which the power of this House may be exercised is subject to regulation by statute under the Constitution of the United States.

Mr. ELDREDGE. Will the gentleman allow me to ask him a question?

Mr. KASSON. Certainly.

Mr. ELDREDGE. The question I desire to ask is by way of suggestion. I understood the gentleman to have put a question to the House as to whether the power of this House can or ought to be resisted by the Sergeant-at-Arms.

Mr. KASSON. No; whether the power of the court ought to be resisted.

Mr. ELDREDGE. Does not the question go to this extent: whether one House of Congress can set itself up and is in fact above the law and above the action of the whole Congress and the Executive of this Government? Is it not a question in fact whether the House can resist the law of the land?

Mr. KASSON. I have only stated the question as simply as possible, because I regard it as one arising directly under this statute which has been quoted; and so far as my own opinion is worth anything, I cannot but think that the statute intends in all cases arising upon arrests made under authority of the United States, or under color of the authority of the United States, to submit the question in the first instance to the judge whether the writ should issue; then, the writ having issued, the statute is specific that the body must accompany the return, and there is the point we are now discussing.

Now, to give a point to what I have said, I will state in the form of a resolution, without submitting it, what I think is within our power. It will be remembered that the case reported in 12 Wallace was the case of an action against a sheriff for the escape of a prisoner after he had produced the body. An attempt was made to make the sheriff liable in damages for that escape. The court there decided that he was not liable, because, having produced the body in court on writ of *habeas corpus*, the court had custody and not he, and that the court alone was responsible for that custody. Now, suppose this judge, the body being produced under the statute, should make an order for the custody of the body and in the mean time the witness should escape; who would be responsible? To avoid that difficulty and at the same time to assert the right of the House to the continuance of the custody of this party, and to give the Sergeant-at-Arms the right to obey the law, I suggest this resolution:

Resolved, That pending the proceedings on the writ of *habeas corpus*, the Sergeant-at-Arms is instructed to retain the person of the party in contempt in his custody.

Mr. ELDREDGE. Will the gentleman consider that that would perhaps be a violation of the law in regard to the production of the body of this party?

Mr. KASSON. No; it is no violation of the law.

Mr. ELDREDGE. Taken in connection with the decision to which the gentleman has referred, that a sheriff or sergeant-at-arms is not liable for the escape of a prisoner while *ad interim* in his custody, although properly in the hands of the court or judge——

Mr. KASSON. I understand the gentleman's point.

Mr. ELDREDGE. Allow me to finish my statement. Does not that imply at all events that during that period of time he, by virtue of law, is subject to the control of the court, and the court has a right to determine what shall be done with him under the circumstances? This is a proposition to decide beforehand that the court will not properly execute its duties as required by law and take proper charge of the prisoner. We have a right to assume that if he ought properly to be returned to the custody of the Sergeant-at-Arms, he will be so returned. Why should we put the House in the position of resisting the law and overriding the judgment of the court?

Mr. KASSON. I will answer the gentleman and should have answered him long ago, for the point of his question is not new, it has been raised before, that until the court makes the order somebody must have custody of the witness. The court has no power to make an order on our Sergeant-at-Arms, for he is not an officer of the court. If he were, and therefore under the jurisdiction of the court, he would be all right. But he cannot give an order to our Sergeant-at-Arms at all. Consequently, if he neglects to make any order to an officer whom he has the right to control, then under that decision the witness would be free from any control.

Mr. ELDREDGE. Is it not the presumption that the judge would do his duty? The objection I made to the resolution suggested by the gentleman is that we are asked in advance to prejudge the action of the court, and to go upon the presumption that the judge will not take proper care that the prisoner is secured and held until his decision upon the writ.

Mr. KASSON. I have only to say that we have a precedent where the court did neglect it, and the prisoner escaped. I desire again to call the attention of the House to this statement of the case, in order that the argument might be confined to what we ought to do under the Revised Statutes.

Mr. DAWES. I will yield to the gentleman from Indiana, [Mr. NIBLACK.]

Mr. NIBLACK. My attention was called to this case early in the session of to-day, and I was present during a very considerable discussion of it in the committee-room during the session of the House. I will not state what action the committee took upon the subject; but I will say that enough was said to make a very decided impression upon my mind in regard to the case.

It may have been that this writ was improperly issued; it may be that upon the application for the writ, had an argument in demurrer been made and the facts set out in the case, it would have been the duty of the court to refuse to grant it. But there seems to have been no resistance and no one appeared in reply to the petition at that point of the case, and the writ issued as a matter of course. An effort has been made in the court to have the writ quashed and the proceedings dismissed, because the facts set forth in the petition did not sufficiently warrant the court in issuing its writ. But that has been overruled, I understand, and the court insists upon the production of the body along with the return of the Sergeant-at-Arms to the writ.

Now, I am not prepared to prejudge the case in advance of what the judge may decide. It is perfectly clear that the court cannot properly discharge the witness if it shall appear upon the return made by the Sergeant-at-Arms that he is imprisoned upon the order of this House for a contempt of the authority of this House. But his petition alleges that he is erroneously imprisoned under a pretense in regard to the authority of this House.

The case, therefore, having reached this point without the interference of this House or any interference of counsel on behalf of the Sergeant-at-Arms, I think the fair way is to allow the proceedings to take their course, to let the returns be made, the prisoner be produced in court, and the whole matter examined. If then the judge holding proceedings in the case shall outrageously, erroneously, or in any other way dispose of the case in a way which we may think is against the law and in defiance of the authority of the House, or in contempt of it, it will be competent for us to deal with that judge and to rearrest the prisoner and so hedge about the case that he will not be interfered with subsequently.

I think, as suggested by the gentleman from Wisconsin before me, [Mr. ELDREDGE,] that it is bad taste to anticipate what the court may decide. On the contrary, I am disposed to take it for granted that the court will decide according to law. If it shall not do so, then it will be time for us to decide what ought to be done.

I wish to remark still further in this connection that I have from the first been in favor of the most rigorous treatment of this prisoner since he has been adjudged in contempt of the authority of the House. I am prepared to keep up that rigorous treatment and to deal with him until he will testify in regard to the matter about which he has been examined. But my desire to deal with him rigorously will not induce me to take proceedings here to obstruct what I think is the natural and regular course of the law.

Mr. HALE, of New York. I would like to inquire of the Chair if there is any question pending before the House?

The SPEAKER. The Chair understands the gentleman from Massachusetts [Mr. DAWES] to yield to allow a proposition of the gentleman from Iowa [Mr. KASSON] to be read.

Mr. HALE, of New York. The gentleman also allowed a proposition of the "gentleman from New York" [Mr. HALE] to be read.

Mr. DAWES. I believe I have the floor.

In order that there may be something before the House, I will move that the Sergeant-at-Arms be instructed in his return to the writ of *habeas corpus* to bring the body of Richard B. Irwin into court and to set forth as a part of his return that he retains him in custody by order of the House pending the hearing of the writ of *habeas corpus*.

The SPEAKER. The gentleman will reduce his motion to writing.

Mr. DAWES. I will do so.

Mr. HALE, of New York. If that motion shall be submitted, I desire to move as a substitute what I have had read.

The SPEAKER. That will be in order if the gentleman from Massachusetts [Mr. DAWES] should not call the previous question on his motion.

Mr. HAWLEY, of Connecticut. I have the permission of the gentleman from Massachusetts [Mr. DAWES] to have read a substitute which I desire to offer for his resolution.

The Clerk read as follows:

That the Sergeant-at-Arms be, and is hereby, directed to make careful return to the writ of *habeas corpus* in the case of Richard B. Irwin that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt, and that the Sergeant-at-Arms, taking with him the body of the said Irwin, shall nevertheless retain said Irwin and continue to hold him subject to the order of the House.

Mr. G. F. HOAR. I move to amend the motion of my colleague [Mr. DAWES] by striking out all after the word "contempt."

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 4213) to provide for compensating the officers of the Government in observing the transit of Venus; and

An act (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws, and to repeal moieties," approved June 22, 1874.

WITHDRAWAL OF PAPERS.

Leave to withdraw papers from the files of the House was, by unanimous consent, granted to Mr. ROSS in the case of Captain Frank Bett; to Mr. COX in the case of Mr. Callahan; and to Mr. SHELDON in the case of E. E. Saunders, of Louisiana.

CONTUMACIOUS WITNESS—RICHARD B. IRWIN.

Mr. DAWES. I have reduced my proposition to writing, and send it to the Clerk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms be instructed to return on the writ of *habeas corpus* that he brings with him into court the said Richard B. Irwin, and by the order of the House of Representatives retains the said Irwin in his custody pending the hearing upon the said writ.

Mr. HALE, of New York. As a substitute for the proposition of the gentleman from Massachusetts, [Mr. DAWES,] I offer the motion which has already been read at the Clerk's desk.

The SPEAKER. Does the gentleman from Massachusetts [Mr. DAWES] yield to the gentleman from New York for this purpose?

Mr. DAWES. Not just at this moment.

Mr. HALE, of New York. I ask that my motion may be again read for information.

The Clerk read as follows:

That the communication of the Sergeant-at-Arms and the subject matter thereof be referred to the Committee on the Judiciary, with instructions to report thereon with all practicable dispatch; and that the Sergeant-at-Arms be instructed not to produce the body of Richard B. Irwin before any court, officer, or tribunal until the further order of this House.

Mr. HALE, of New York. Mr. Speaker, I deprecate the discussion that has been precipitated here upon this subject. The questions involved are of too grave a character in both aspects—as involving the rights and liberties of the citizen and as involving the rights and privileges of this House—to be made the subject of a hasty, passionate, extemporaneous discussion here. For one I protest against such a discussion as inconsistent with the dignity of the subject and the dignity of the body which is dealing with it. The questions involved here are not new questions; they are not questions of to-day; they have been before the British Parliament and the British courts for more than three hundred years. It is of the highest importance that they shall be here settled finally and definitely, so far as concerns this body and the rights of citizens of the United States. Such a settlement can only be had by a fair and deliberate investigation before a committee.

Mr. ELDREDGE. I rise to a question of order. I submit that the questions pending here are of too much importance to be determined amid such confusion as prevails in this House.

Mr. DAWES. I accept as a substitute for my resolution the proposition offered by the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HALE, of New York. Mr. Speaker, have I lost the floor? I supposed that I was in the midst of what little I had to say.

Mr. ELDREDGE. I did not intend to take the gentleman off the floor. I wanted to hear what he had to say on this subject, and I raised the point of order that there was so much confusion we could not hear.

The SPEAKER. The confusion is made entirely by members of the House.

Mr. ELDREDGE. Well, then, it is against members of the House that my point is raised.

The SPEAKER. Especially those in the aisles, not in their seats.

Mr. HALE, of New York. Now, Mr. Speaker, my proposition is simply this: that the Judiciary Committee of this House, the committee specially charged with the disposition of legal questions, shall be charged with the consideration of this grave subject; that they shall give it their earliest attention, and shall report upon it to the House; upon which report we can act understandingly.

I was going to say that I would not agree my friend from Connecticut [Mr. HAWLEY] was entirely right in his proposition. Certainly I cannot agree with the proposition of the gentleman from Iowa [Mr. KASSON] that the statute disposed of this subject beyond question. As I understand, the statute of 1867 does not change the law in any respect in regard to the point upon which the gentleman was speaking. That has been the law of *habeas corpus* ever since the writ existed, that the body shall be produced. Therefore I say, do not let us pursue this discussion when there is such wide difference of opinion among members, but let us send it to the Committee on the Judiciary. If the House is not satisfied to send it to that committee, then let us send it to some other committee. I named that as the one which I considered the appropriate committee. I ask that my motion may be received and voted on.

Mr. DAWES. I will yield to the gentleman from New York to offer his proposition as a substitute for mine. Then the two will be before the House and it can take whichever it pleases.

Mr. TREMAIN. The gentleman yields to me to offer my proposition as a substitute for his.

Mr. BECK. I ask my colleague to yield to me.

Mr. DAWES. I yield to the gentleman from Kentucky who is a member of the Committee on Ways and Means.

Mr. BECK. Mr. Speaker, I desire to say a few words on this question. Reference has been made to the fact that the Committee on Ways and Means was called upon to consider it. I think that committee acted wisely in laying the whole matter before the House for its consideration and action. I do not regard it as a question merely involving Richard B. Irwin, or any other individual man. The question is, what will this House do in all cases of contempt? It may involve me to-morrow or any other gentleman upon this floor the next day, if you please; and for words spoken here which we thought we had a right to speak any of us may be ordered to jail by the authority of this House. The award of the writ of *habeas corpus* is the appeal of the citizen from the power which imprisons him, and it ought not to be taken away except for good substantial reasons. We have a law upon the subject. It is brief but pointed. Section 755 of the Revised Statutes declares:

The court or justice or judge to whom such application is made shall forthwith award a writ of *habeas corpus*, unless it appears from the petition itself that the party is not entitled thereto.

The judge has decided in this case, I understand, that it does not appear upon the face of the petition itself the party applying is not entitled to the writ of *habeas corpus*.

Section 755 concludes in these words:

The writ shall be directed to the person in whose custody the party is detained.

Section 758 of the same Revised Statutes provides that—

The persons making the return shall at the same time bring the body of the party before the judge who granted the writ.

That is the law passed by Congress and approved by the President; and I deny the power of this House to set it aside by its individual action. If the law is that the party making the return *shall* bring the body of the prisoner before the court, this House, acting independently of the Senate and of the Executive, ought not to assume the high prerogative of disobeying the law when it has joined in passing the law providing that the body of the prisoner shall be produced in court as part of the return to the writ.

Mr. Speaker, the great question which has agitated all freemen for the last eight hundred years, is whether any body on earth has the power to imprison a man and deny to him the right to apply to the court for a writ of *habeas corpus*. This man has applied to one of the courts of this District. He had the right to apply to the Supreme Court of the United States, the highest tribunal in the land. If he had done so, would it have been said by this House, when it had decided in accordance with the law of the land that the face of the petition did not disclose the fact he was not entitled to the writ and therefore granted it, that the Sergeant-at-Arms should not produce his body? Shall we say that this is only a little inferior court to which no respect should be accorded? I think not.

Mr. HALE, of New York. Let me ask the gentleman a question?

Mr. BECK. Of course.

Mr. HALE, of New York. Let me ask the gentleman whether, in his judgment, the statute of 1867 has in any respect changed the law—whether the law has not always been the same since the existence of the writ of *habeas corpus*?

Mr. BECK. It has always been the law. It is the leading provision in the old bill of rights. It has been the right of the citizen to demand the writ of *habeas corpus* since the time of Charles II. Indeed, it is a part of *Magna Charta* itself.

Mr. HALE, of New York. Undoubtedly.

Mr. BECK. If you do anything, take hold of the judge who issued the writ and bring him to the bar of the House, as he is the only one who, in this regard, is in contempt. The citizen has the right to apply for the writ. Take the judge, then, who issued the writ and bring him to the bar of the House for illegally issuing the writ in contempt of our rights and privileges to punish for contempts, but do not order your Sergeant-at-Arms to disobey the law by not producing the body of the prisoner.

If there is any contempt offered to our rights or our authority, it has been committed by the judge who issued that writ. Bring him to the bar. That is the way to test the question. There is your remedy. But do not disobey the law of the land, putting yourselves in contempt of the law you passed. Every citizen has the right to apply for the writ. The wrong is done by the hand that illegally grants it, if wrong is done.

Mr. ELDREDGE. Will the gentleman from Massachusetts yield to me for a minute?

Mr. HALE, of New York. I desire to ask the gentleman from Kentucky a question before he resumes his seat. I ask him this question if he will be gracious enough to hear me: He concedes that the statute of 1867 has not changed the law of *habeas corpus;* that that has always been the law. Now is the gentleman not aware that the Supreme Court of the United States has twice within the last twenty years—in the case of Abelman *vs.* Booth, 21 Howard, and Tarble's case, 13 Wallace—adjudged that under certain circumstances it was the duty of the officer of the United States not to bring the body of the prisoner pursuant to the exigency of the writ, but to make return of the fact that he held him by a paramount authority inconsistent with such production of the body. Does he forget that that has been the law as laid down by the highest tribunal in this land when he makes his furious declamation as to this House overriding the law?

Mr. ELDREDGE. The gentleman from Kentucky [Mr. BECK] allows me to answer the gentleman from New York, [Mr. HALE.] In those cases it was because of the fact that there was a different jurisdiction.

Mr. HALE, of New York. Precisely.

Mr. ELDREDGE. Here is a case where a court of the United States by virtue of its writ of *habeas corpus*, the highest writ of liberty against oppression, has to inquire into the action of the United States authority. It is not a question of paramount authority. It is not a conflict of jurisdiction. But here is a question of illegal imprisonment, and the inquiry is whether this man is illegally imprisoned by authority of the United States, if you please; and it does not involve the question decided in either of the cases to which the gentleman has alluded.

Mr. HALE, of New York. It is conceded, then, that there is an exception to the doctrine that the exigency of the writ must be obeyed. Now I will say to the gentleman from Wisconsin [Mr. ELDREDGE] that if he will examine the British authorities he will find that an utter exemption of the process of the Legislature or of either body of the Legislature has been distinctly recognized.

Mr. ELDREDGE. That is because of the omnipotence of Parliament, an attribute which the Congress of the United States never possessed.

Mr. TREMAIN. The gentleman from Massachusetts [Mr. DAWES] yields to me to offer the following amendment.

The Clerk read as follows:

That the Sergeant-at-Arms be instructed to make a return to the writ of *habeas corpus* showing in proper form that he holds the prisoner in custody under the order of this House adjudging him guilty of contempt, and that he be further instructed not to bring the body of the prisoner before the court until otherwise ordered by this House.

The SPEAKER. Does the gentleman from Massachusetts yield for that amendment?

Mr. DAWES. I do, that it may be considered as pending.

Mr. TREMAIN. I desire to say a few words. My colleague from New York [Mr. HALE] has anticipated what I was about to say in regard to the authority of the writ of *habeas corpus*. When in the State of Wisconsin a prisoner was held under the old fugitive-slave law and a writ of *habeas corpus* was issued for the purpose of obtaining his discharge, the Supreme Court of the United States, in a decision delivered by the late Chief Justice Taney, held that it was the duty of the officer holding the prisoner to make a return of the fact that he held him under the provisions of the fugitive-slave law, and then to refuse to bring him before the person issuing the writ. In a most thorough and elaborate discussion of the subject the learned judge holds that it would be the duty of the officer to protect his custody of the slave by all the power of the Government.

During the late war there were repeated cases arising in the State of New York, that will be found reported in our books, where, upon a *habeas corpus* seeking to obtain the discharge of a person, say, a soldier held as an alleged traitor or for some other alleged offense committed against the United States, the officer acting under the instructions of his superiors returned simply to the writ of *habeas corpus* that he held him under that authority, and refused in every instance to bring the body before the officer issuing the writ.

Mr. LAWRENCE. Under military authority.

Mr. TREMAIN. Now, I undertake to say in regard to the proceeding for contempt, the law is just as well settled that, where a court or a proper tribunal adjudges a party guilty of contempt, there is no power under a *habeas corpus* to inquire into the merits of the judgment so holding him in contempt. It is a well settled principle, to be found in most of the statutes and in all the rules of court on *habeas corpus*, that a court cannot by virtue of a *habeas corpus* inquire into the merits of the contempt.

What, then, is the effect of adopting the resolution that is offered? It is that the body of this party must be taken there; and when you take him there, then, under the decision in 12 Wallace, the court has jurisdiction over him. You surrender him to the judge.

Mr. DAWES. I do not wish to interrupt the gentleman from New York, but I will give him authority from Blackstone. Mr. Justice Blackstone, as quoted in the Nugent case, says:

I concur in opinion that we cannot discharge the lord mayor. The present case is of great importance, because the liberty of the subject is materially concerned. The House of Commons is a supreme court, and they are judges of their own privileges and contempts, more especially with respect to their own members. Here is a member committed *in execution* by the judgment of his own house. All courts, by which I mean to include the two houses of Parliament and the courts of Westminster Hall, are uncontrolled in matters of contempt. The sole adjudication of contempts, and the punishment thereof in any manner, belongs exclusively and without interfering to each respective court. Infinite confusion and disorder would follow if courts could by writ of *habeas corpus* examine and determine the contempts of others. This power to commit results from the first principles of justice, for if they have power to decide they ought to have power to punish; no other court shall scan the judgment of a superior court or the principal seat of justice. As I said before, it would occasion the utmost confusion if every court of this hall should have power to examine the commitments of the other courts of the hall for contempt; so that the judgment and commitment of each respective court as to contempts must be final and without control.

This case was decided in the circuit court of the District of Columbia, May, 1848, and reported in 8th Philadelphia American Law Journal, p. 107.

Mr. TREMAIN. That is the doctrine. You cannot, under a writ of *habeas corpus*, inquire into the validity of the judgment of a body having authority and which has ordered the party into custody, and therefore it is that that statute passed in 1867 in reference to a party held under the authority of the United States has no application whatever to a case where the party is held under the authority of a supreme court holding that party guilty of contempt against its privileges. It is not a case where the party is held by the authority of the United States. He is held by the paramount, supreme authority of the highest legislative body in the country adjudging him guilty of contempt.

Now, if you take the witness to the court under this resolution, then under the authority which has been cited from 12 Wallace you place him at the judge's order, give him into the custody of the court, and the judge can order a *posse comitatus* to enforce his order in reference to that custody. And for what purpose do you take the prisoner there? It is entirely inconsistent with your action here. I propose that the Sergeant-at-Arms shall make a respectful return to the writ of the court, and shall not take the body there unless the House so orders. If hereafter we find any reason because of the action of this judge for permitting the body to be taken before the court, it will be time enough to act upon the matter then. But I hope the House will not neutralize its own action by permitting the body to be taken before the court. I propose, therefore, that the Sergeant-at-Arms shall make a respectful return to the court, setting forth the acts and proceedings of the House, and when the judge has decided upon that it will be time enough for us to decide whether or not we will allow the body to be taken before the court.

Mr. DAWES. The three propositions now pending I think cover all the propositions on which the House should vote, and I therefore call the previous question.

Mr. E. R. HOAR. I ask my colleague to yield to me for a moment.

Mr. DAWES. I withdraw the call for the previous question, and yield to my colleague.

Mr. E. R. HOAR. Mr. Speaker, if the House of Representatives in passing upon this question acts itself in a judicial capacity, how does the question differ from this case: If I were a judge and were sitting in a court and a man were on trial before me for murder, and some other court under the same jurisdiction, we will suppose, should issue a writ of *habeas corpus* to bring him before that tribunal to decide upon the legality of my action and of my holding him, I think I should instruct the officers of my court to respectfully inform that other tribunal that I had occasion to keep him for the present, and that I should not suspend proceedings in order to send him to the other tribunal. It seems therefore to be a question whether the House of Representatives is executing a function by which it has the right to the presence of this man, to hold him for its own examination and its own adjudication upon the necessity of his presence and to decide how long he should be retained in that custody. If we have that authority, it would seem to follow that there could be no adjudication under a writ of *habeas corpus* by another department of the Government which should undertake to interfere with our action.

Mr. DAWES. I yield now to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. Mr. Speaker, a conflict between two independent and co-ordinate branches of the Government is something that always should be avoided. The Congress of the United States and the judiciary of the United States are independent and co-ordinate departments. It may very well be that this House has the power to hold the person in question absolutely and without any right of review by the judiciary department; but we ought not, it seems to me, to precipitate such a conflict, or to come to any decision upon such a question in a hasty and excited manner.

It is at least, sir, due from courtesy to the court that we adopt the proposition of the gentleman from Connecticut [Mr. HAWLEY] to instruct the Sergeant-at-Arms to return to the court the answer that this person is held by commitment of the House for contempt, that his body is brought before the court in order that such return may be made, but to further instruct the Sergeant-at-Arms to continue his custody until the further orders of the House. And I have no doubt that when that fact is suggested to the court we will be freed

from coming into contact with the judicial department of the Government. But if on the contrary the decision of the court should be that we have held this man unlawfully in custody and the court should direct his discharge, then when our officer reports that result back to us we can take such action as the duties and rights of the House require.

Mr. TREMAIN. Suppose that by that time this recusant witness should be on his way to Canada.

Mr. POTTER. The resolution directs the Sergeant-at-Arms to take the prisoner with him in making return to the writ, but nevertheless to continue to hold him in his custody until the further order of the House. The difficulty now is, as I understand the case, that the judge refuses to receive the return without production of the prisoner. But he may be produced and yet still retained in the custody of the House.

Many MEMBERS. Let us vote.

Mr. ELDREDGE. The gentleman from Massachusetts [Mr. DAWES] sent word to me that he would yield to me.

Mr. DAWES. I said if I had the opportunity.

Mr. ELDREDGE. The gentleman has the opportunity now.

Mr. BECK. And the gentleman promised to yield to me.

Mr. DAWES. I must yield to the gentleman from Kentucky [Mr. BECK] and the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. BECK. I will take but a moment; I have only a word to say. I do not differ from what has been said by the gentleman from New York, [Mr. TREMAIN,] that no court has the right to interfere with us in the punishment we may adjudge for contempt. But what I do say is this, that when a man has sent a petition to the court which the judge has said is sufficient ground for him to issue the writ upon, then the law requires that the person making return of that writ shall at the same time bring the body of the party before the judge who granted the writ. I do not want to violate that law. If, when our Sergeant-at-Arms shall bring the body before this judge, the judge shall in violation of his known duty take him out of our hands and deny our right to hold him in contempt, then I would impeach that judge. But I would not violate the law by withholding the man. I would obey the law, and then impeach the judge who denied the jurisdiction of this House. That is what I would do.

Mr. ELDREDGE. It seemed to be assumed in the very outset that we were to cast an imputation upon the judge who issued this writ of *habeas corpus*. Every proposition here proceeds upon the presumption that this judge did not intend to do his duty in the case.

Mr. DAWES. I do not think so.

Mr. ELDREDGE. I know Judge MacArthur very well; he is from the State of Wisconsin, and a purer judge does not live than he.

Mr. TREMAIN. I did not mean any such thing. But all I meant to say was that if we bring the body there we surrender our power; and it is not proper for us to do that.

Mr. ELDREDGE. I want to say further that I do not believe this House of Representatives is above the law of the land. I do not believe it has the power or the right to say that a law solemnly passed by the House of Representatives and the Senate of the United States, and approved by the Executive of this Government, is not to be obeyed by the members of this House as well as by the people of this country. I do not believe any such thing as that. How far the court may go into the question of whether this party has been guilty of contempt or not I do not care; that question may not be involved in the matter.

But the legality of this imprisonment is the question involved in this case. A citizen of the United States appeals to the highest writ of the land that his case may be inquired into. And yet we stand here saying in advance that if the judge shall act upon that contrary to our views we will impeach him. As one of the members of this House I wish to protest against any such doctrine, whether it be after or before the action of the judge. In my judgment Judge MacArthur will act upon this question according to his best judgment and as a pure and upright judge, and I want to give him an opportunity to so act.

I do not believe that a resolution of this House is equal to the law of the land; nor do I believe that we are above the law. If we undertake to imprison a man, to rob him of his liberty, or to murder him, I believe a writ of *habeas corpus* may arrest that action of this House, and that it ought to do it.

Mr. DAWES. I now call the previous question.

The previous question was seconded and the main question ordered.

Mr. DAWES. I withdraw my proposition and adopt that of the gentleman from Connecticut, [Mr. HAWLEY.]

The SPEAKER. The resolution of the gentleman from Connecticut will be read.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms be, and is hereby, directed to make careful return to the writ of *habeas corpus* in the case of Richard B. Irwin that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt, and that the Sergeant-at-Arms take with him the body of the said Irwin before said court when making such return, and retain said Irwin, and continue to hold him subject to the further order of this House.

Mr. GARFIELD. Take the body before the judge, in order to tell him that he cannot have it.

The SPEAKER. The gentleman from New York [Mr. HALE] offers as a substitute for the resolution that which the Clerk will read.

The Clerk read as follows:

Resolved, That the communication of the Sergeant-at-Arms and the subject-matter thereof be referred to the Committee on the Judiciary, with instructions to report thereon with all practicable dispatch; and that the Sergeant-at-Arms be instructed not to produce the body of Richard B. Irwin before any court, officer, or tribunal till the further order of the House.

The SPEAKER. The gentleman from New York [Mr. TREMAIN] moves to amend the proposition of his colleague [Mr. HALE] by substituting therefor what the Clerk will read.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms be instructed to make return to the writ of *habeas corpus* showing in proper form that he holds the prisoner in custody under the order of this House adjudging him guilty of contempt; and that he be further instructed not to bring the body of the prisoner before the court until otherwise ordered by this House.

The SPEAKER. The first question is upon the amendment moved by the gentleman from New York [Mr. TREMAIN] to the substitute moved by his colleague, [Mr. HALE.]

Mr. G. F. HOAR. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. G. F. HOAR. I move to amend the original proposition by striking out all after the words "proceedings against him for contempt." I think it is in order to perfect the original proposition before the question is taken upon any substitute for it.

The SPEAKER. No further amendment is in order pending the operation of the previous question.

Mr. G. F. HOAR. I moved that amendment before the previous question was called.

Mr. ELDREDGE. I desire to make a motion which I think is in order. I think the law should be executed; and therefore I move to lay this whole subject on the table.

The SPEAKER. The Chair thinks the amendment suggested by the gentleman from Massachusetts [Mr. G. F. HOAR] applied to the original proposition of the chairman of the Committee on Ways and Means [Mr. DAWES] which has been withdrawn.

Mr. G. F. HOAR. And I understood it also to apply to the proposition which he accepted.

Mr. DAWES. I offer no objection.

The SPEAKER. The motion of the gentleman from Massachusetts [Mr. G. F. HOAR] is to amend the resolution of the gentleman from Massachusetts, [Mr. DAWES,] as modified, by striking out the last clause, which will be read.

The Clerk read as follows:

And that the Sergeant-at-Arms take with him the body of the said Irwin before said court when making such return, and retain said Irwin and continue to hold him subject to the further order of the House.

The SPEAKER. The first question is upon the motion of the gentleman from Wisconsin [Mr. ELDREDGE] that the whole subject lie on the table.

Mr. ELDREDGE. I think that the law is clear and that the Sergeant-at-Arms should obey it.

Several MEMBERS. No debate.

The question being taken, the motion was not agreed to; there being ayes 16, noes not counted.

The question being then taken on the amendment of Mr. G. F. HOAR, it was agreed to.

The question then recurred on agreeing to the substitute of Mr. TREMAIN, which was again read.

Mr. HAWLEY, of Connecticut. That proposition states what it is unnecessary to affirm, if true, that we have adjudged Irwin guilty of contempt. Why is it not better, in order to avoid raising questions needlessly, to say merely that he is held under proceedings against him?

Mr. TREMAIN. The first resolution of the House on this subject adjudged him guilty of contempt.

Mr. HAWLEY, of Connecticut. We are not holding him to punish him.

Mr. TREMAIN. As the original resolution in its present amended form accomplishes substantially the object I had in view, I will withdraw my amendment.

The SPEAKER. The question now recurs on agreeing to the substitute offered by the gentleman from New York, [Mr. HALE.]

The question being taken, the substitute was not agreed to; there being—ayes 62, noes 79.

The question being then taken on the original resolution, as amended, there were—ayes 96, noes 51.

Mr. ELDREDGE called for the yeas and nays.

The yeas and nays were not ordered.

So the resolution, as amended, was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD moved that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ASHE: The petition of citizens of Lancaster, South Carolina,

for a post-route from Lancaster, South Carolina, to Charlotte, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. BASS: Memorial of the National Board of Trade, for revision of the laws relating to statistical information in regard to the commerce of the northern lakes, to the Committee on Commerce.

Also, the petition of citizens of Buffalo, New York, for the extension of the breakwater at Marquette Harbor, Lake Superior, to the Committee on Commerce.

By Mr. BEGOLE: The petition of A. S. Mathews and 17 others, of Oakland County, Michigan, for an amendment of the homestead law, to the Committee on the Public Lands.

By Mr. BUTLER, of Tennessee: The petition of Joseph R. Gibson, for bounty, to the Committee on Military Affairs.

Also, the petition of Susan Hutson, for relief, to the Committee on Military Affairs.

By Mr. CHIPMAN: The petition of William Bowen, for relief, to the Committee on the District of Columbia.

Also, the petition of Rebecca Dougherty, for relief, to the Committee on the District of Columbia.

By Mr. COTTON: The petition of citizens of Muscatine, Iowa, for the passage of the bill defining a gross of matches, to the Committee on Ways and Means.

Also, the petition of citizens of Muscatine, Iowa, for the repeal of the tax on matches, to the Committee on Ways and Means.

By Mr. DURHAM: The petition of citizens of Kentucky, for a post-route from Mackville to Perryville, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. GUNCKEL: The petitions of Joseph M. Hoffman, Alex. Larson, and Robert Quinn, for pensions, severally to the Committee on Invalid Pensions.

By Mr. E. R. HOAR: The petition of Charles Watson, of Massachusetts, for relief, to the Committee on Military Affairs.

By Mr. KASSON: The petition of Micajah Stout, of Madison County, Iowa, for a pension, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of citizens of Schuylkill County, Pennsylvania, for the restoration of the 10 per cent. duty taken off leading products in 1872, and for the passage of the currency bill of Hon. W. D. KELLEY providing for the issue of 3.65 convertible bonds, to the Committee on Ways and Means.

By Mr. NESMITH: The petition of citizens of Union County, Oregon, for the passage of the Portland, Dalles and Salt Lake Railroad bill, to the Committee on Railways and Canals.

Also, memorial of the Legislative Assembly of Oregon, for the establishment of certain post-routes, to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Legislative Assembly of Oregon, for the extinction of the Indian title to the Umatilla reservation, to the Committee on Indian Affairs.

Also, memorial of the Legislative Assembly of Oregon, that the State be reimbursed for expenses incurred on account of the provisional territorial government, to the Committee on the Territories.

Also, memorial of the Legislative Assembly of Oregon, for an appropriation of $30,000 to construct a military wagon-road from some point on Illinois River to Chetco, Curry County, Oregon, to the Committee on Military Affairs.

Also, memorial of the Legislative Assembly of Oregon, for an appropriation to construct a wagon-road from Ashland to Hot Springs, in southern Oregon, to the Committee on Military Affairs.

Also, memorial of the Legislative Assembly of Oregon, praying Congress to make all future issues of Government bonds taxable, to the Committee on Ways and Means.

Also, memorial of the Legislative Assembly of Oregon, asking Congress to place burlaps and jute on the free list, to the Committee on Ways and Means.

Also, memorial of the Legislative Assembly of Oregon, for an appropriation to improve Yam Hill River, to the Committee on Commerce.

Also, memorial of the Legislative Assembly of Oregon, for an appropriation to improve Coquille River, to the Committee on Commerce.

Also, memorial of the Legislative Assembly of Oregon, for an appropriation to improve Willamette River, to the Committee on Commerce.

Also, memorial of the Legislative Assembly of Oregon, for an appropriation to improve Nehalim River, to the Committee on Commerce.

By Mr. O'NEILL: Petition of mothers pensioned on account of services of their sons in the Army and Navy, for increase of pension, to the Committee on Invalid Pensions.

By Mr. RANSIER: The petition of citizens of Charleston, South Carolina, for the incorporation of the Eastern and Western Transportation Company, to the Committee on Railways and Canals.

By Mr. SCHELL: Memorial and other papers relating to the case of Townsend Harris, formerly minister to Japan, to the Committee on Foreign Affairs.

By Mr. SENER: The petition of George W. Payne and wife, of Spottsylvania County, Virginia, to be compensated for services rendered a sick soldier of the United States Army and for losses incurred during the late war, to the Committee on War Claims.

By Mr. THORNBURGH: The petition of William Rule, postmaster at Knoxville, Tennessee, for relief, to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE: The petition of Mary McMillan, for relief, and to be placed on the pension-rolls, to the Committee on Revolutionary Pensions and War of 1812.

IN SENATE.

FRIDAY, *January* 15, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented the petition of C. H. Barron & Co., and 16 others, of McGregor, Iowa, praying the passage of the pending bill defining a gross of matches; which was referred to the Committee on Finance.

He also presented a petition of citizens of McGregor, Iowa, asking for the repeal of the tax on friction matches; which was referred to the Committee on Finance.

Mr. ROBERTSON presented the memorial of Messrs. Campbell, Dowling, Richards, Finlay, McIver, and others, of Charleston, South Carolina, praying the incorporation of the Eastern and Western Transportation Company; which was referred to the Select Committee on Transportation Routes to the Seaboard.

He also presented a resolution of the Legislature of South Carolina, relative to the Freedman's Savings Bank; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Charleston, South Carolina, praying Congress to reimburse them for losses sustained by deposits made in the Freedman's Savings Bank; which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of citizens of Blair County, Pennsylvania, praying Congress to grant the prayer of the Texas Pacific Railroad Company for the indorsement or guarantee of interest on its bonds; which was referred to the Committee on Railroads.

Mr. CLAYTON presented the petition of John J. Murphy, guardian, &c., asking that a pension be granted to the minor heirs of Isaac N. Murphy, a soldier in the First Arkansas Regiment of Infantry in the late war; which was referred to the Committee on Pensions.

He also presented the petition of L. C. Obarr, late commissary sergeant First Regiment Arkansas Cavalry, asking for the payment of bounty; which was referred to the Committee on Military Affairs.

Mr. BOUTWELL presented the petition of Mrs. D. Jay Browne, asking compensation for services of her late husband as agent of the Patent Office; which was referred to the Committee on Claims.

Mr. MORTON presented the petition of William Cash, of Princeton, Caldwell County, Kentucky, asking for relief for property taken by the Army during the late war; which was referred to the Committee on Claims.

Mr. SPENCER presented the petition of Victoria C. Woodhull, Tennie C. Claflin, and James H. Blood, praying indemnity for false imprisonment by orders of a United States court; which was referred to the Committee on Claims.

Mr. KELLY presented a memorial of the Legislative Assembly of Oregon, in favor of Congress granting the right of way to the Portland, Dalles and Salt Lake Railroad; which was ordered to lie on the table, and be printed.

Mr. ALCORN presented the petition of Mrs. Hannah Waters, of Horn Island, Mississippi Sound, praying compensation for certain beef-cattle and swine taken from her during the late rebellion for the use of the United States Army; which was referred to the Committee on Claims.

Mr. BOGY presented a petition of manufacturers of matches, praying that the law imposing a tax on matches be repealed; which was referred to the Committee on Finance.

Mr. HAMILTON, of Texas, presented a memorial of citizens of the Chickasaw Nation of Indians, remonstrating against the proposed organization of a territorial government for the Indian Territory; which was ordered to lie on the table, and be printed.

Mr. BOREMAN. An adverse report was made by the Committee on Claims during the last session in the case of Frederick A. Holden, praying remuneration for property destroyed in Wayne County, West Virginia. I have some additional papers to present in the case. I ask for an order to withdraw and recommit the papers heretofore reported upon, with these additional papers, to the Committee on Claims.

Mr. SCOTT. May I ask the Senator whether there was an adverse report?

Mr. BOREMAN. Yes, sir; I stated that fact. This is additional testimony, with an additional statement by the petitioner sworn to.

Mr. SCOTT. Setting out what the additional testimony is?

Mr. BOREMAN. Yes, sir.

The VICE-PRESIDENT. The Senator from West Virginia asks that certain papers be withdrawn on which an adverse report has been made, and that the additional testimony in this case, with those papers, be referred to the Committee on Claims. The Chair hears no objection, and the order will be made.

WITHDRAWAL OF PAPERS.

Mr. GILBERT. I offer the following order:

Ordered, That the papers in the claim of Salvador Costa, for a vessel captured and destroyed by the naval forces of the United States, be taken from the Committee on Claims and referred to the Committee on Naval Affairs.

Mr. EDMUNDS. What is the object of that change of reference?

Mr. GILBERT. It is thought the case belongs to the Committee on Naval Affairs rather than to the Committee on Claims.

Mr. SCOTT. I will examine that and confer with the Senator from Florida before the order is finally made.

The VICE-PRESIDENT. Objection is made.

Mr. SCOTT subsequently said: I have examined the order offered by the Senator from Florida, [Mr. GILBERT] and I find that the petition which he wishes to take from the Committee on Claims and refer to the Committee on Naval Affairs, does not ask to do anything in the Navy or for the Navy; it is simply a demand for the payment of money for a boat taken by officers of the Navy; and while I should be glad to have the assistance of the Naval Committee in disposing of this case, I think it has had the proper reference, and the order ought not to be made.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is whether the order asked by the Senator from Florida shall be adopted.

The order was rejected.

On motion of Mr. MERRIMON, it was

Ordered, That Eli H. Garrett have leave to withdraw his petition and papers from the files of the Senate for use in the Pension Office.

Mr. CONKLING. I have in my hand a letter of John Graham, a citizen of New York, who asks me to move for an order allowing him to withdraw his papers, including a brief and a proposed act touching a claim of his, once referred to the Judiciary Committee, but receiving, as he says, no action there. I move that he have leave to withdraw his papers, copies to be left if it shall turn out that there has been an adverse report.

It was so ordered.

BUSINESS OF THE COMMITTEE ON CLAIMS.

Mr. SCOTT. I gave notice yesterday morning that I would call up a motion to which objection was then made to fix Thursday next for the consideration of bills from the Committee on Claims. I find in the RECORD this morning a notice given by the Senator from Maine [Mr. MORRILL] that he will on Monday next insist on taking up the legislative, executive, and judicial appropriation bill, and on continuing it until it shall be disposed of. In view of that notice, and knowing how successful my friend from Maine usually is in getting his bills before the Senate, I shall await the disposition of his notice before I again press mine.

REPORTS OF COMMITTEES.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (S. No. 940) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the memorial of Frank W. Jones, in relation to the fees of attorneys prosecuting claims for pensions, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Brenton Lewis, praying the passage of an act placing him on the pension-roll, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2674) granting a pension to John W. Wright, now at the National Military Asylum near Dayton, Ohio, reported it without amendment.

Mr. STEVENSON. I am directed by the Committee on the Judiciary, to whom was referred a resolution of the Legislature of California against the passage of the bill now pending for the confirmation of what is known as the "Santillan land grant," to report it back with the recommendation that it be indefinitely postponed.

Mr. SARGENT. I did not understand the report.

Mr. STEVENSON. The committee reported in favor of the indefinite postponement of the resolution.

Mr. SARGENT. How is the Senate to indefinitely postpone the resolution of a State Legislature?

Mr. STEVENSON. I should have asked that the committee be discharged.

Mr. EDMUNDS. That is all, and then the resolution goes on the files.

Mr. SARGENT. I have no objection to discharging the committee.

The VICE-PRESIDENT. The Chair supposed the proper way to put the question was on discharging the committee rather than on the indefinite postponement.

Mr. SARGENT. There was no resolution of the Senate and no bill for the action of the committee sent to it, but the committee ask to be discharged from the further consideration of the subject. I will not object, but only say that this Santillan claim is a monumental case, in my judgment, of a fraud, and abundant evidence of that fact of a documentary character could be furnished to the committee if an opportunity had been given; and I would have been much gratified if that opportunity had been afforded and the committee had branded it as it deserves. But as the committee ask to be discharged and there is no legislation pending, let it go for the present.

The report of the committee was agreed to.

Mr. DAVIS. I am directed by the Committee on Appropriations to report back with an amendment the bill (H. R. No. 3823) making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876. As there is but a single amendment it is unnecessary to have this bill reprinted. I give notice that at an early day I will call it up.

BILL RECOMMITTED.

On motion of Mr. PRATT, it was

Ordered, That the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty, be recommitted to the Committee on Pensions.

JOHN G. PARR.

Mr. SCOTT. I ask unanimous consent to move for the reconsideration and recommitment to the Committee on Pensions of House bill No. 1616, granting a pension to John G. Parr, of Kittanning, Pennsylvania. I understand the chairman of the Committee on Pensions consents that it shall be recommitted for the purpose of examination into an alleged error of fact.

The VICE-PRESIDENT. Is there objection to reconsidering the vote by which the bill was postponed indefinitely? The Chair hears none; and the bill will be recommitted to the Committee on Pensions.

ELIZABETH B. DYER.

Mr. SCHURZ. Mr. President, the Senator from Kansas made an adverse report yesterday from the Committee on Pensions on the bill (H. R. No. 3716) granting a pension to Elizabeth B. Dyer, and the bill was thereupon indefinitely postponed. With the consent of the Senator from Kansas, I move that the vote be reconsidered and that the bill be put upon the Calendar.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1132) to establish a branch mint of the United States at Omaha in the State of Nebraska; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1133) for the relief of Charles W. Preddy; which was read twice by its title, and with the accompanying papers referred to the Committee on Post-Offices and Post-Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1134) to establish certain post-routes in the State of Arkansas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1135) for the relief of Francisco V. De Coster, of Litchfield, Meeker County, Minnesota; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KELLY (at the request of the Delegate from Idaho) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1136) for the sale of timber land in the Territories; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1137) for the relief of Rosa O. Gantt; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1138) for the relief of Henry C. Preuss, administrator of Constantia Reeves; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1139) for the relief of William D. Bibb, of Mississippi; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1140) for the relief of Lucy C. Field; which was read twice by its title.

Mr. MORTON. I move that that bill be referred to the Committee on Claims and printed, and that the papers on file pertaining to the claim of Lucy C. Field be taken from the file and placed in possession of that committee.

The motion was agreed to.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1141) to amend an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1142) to provide for the sale of the Pawnee Indian lands in Nebraska; which was read twice by its title, and, with an accompanying communication from the Commissioner of Indian Affairs to the Secretary of the Interior, ordered to be printed, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1143) to provide for the sale of a portion of the Fond du Lac Indian reservation in Minnesota, and for other purposes; which was read twice by its title, and, with an accompanying communication from the Commissioner of Indian Affairs to the Secretary

of the Interior, ordered to be printed, and referred to the Committee on Indian Affairs.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1144) to prevent cruelty to animals in the District of Columbia; which was read twice by its title.

Mr. EDMUNDS. As that is a penal bill, I move that it be referred to the Committee on the Judiciary, and printed.

The motion was agreed to.

Mr. HAGER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1145) to provide for the sale of desert lands in Lassen County, California; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. KELLY. If the morning business is closed, I wish, if it be the pleasure of the Senate to allow me to do so, to call up and make some remarks upon the bill which I gave notice the other day that I would call up, or at least ask the Senate to take it up after the conclusion of the morning business to-day. Inasmuch as the Senator from Nebraska [Mr. TIPTON] has the floor at one o'clock and I desire exceedingly to make some remarks upon this bill, I should like to have it called up now.

The VICE-PRESIDENT. What is the number of the bill?

Mr. KELLY. It is Senate bill No. 331, providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge.

Mr. EDMUNDS. Does the Senator wish to take up this bill for final action to-day?

Mr. KELLY. No, sir.

Mr. EDMUNDS. Then I have no objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge.

Mr. KELLY. I ask the Clerk to read the bill as proposed to be amended. I do not wish to consume the time of the Senate in reading the original bill.

The CHIEF CLERK. The Committee on Railroads report an amendment, which is to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That the Portland, Dalles and Salt Lake Railroad, extending from a point on the Union Pacific or Central Pacific Railroad not farther east than Ogden nor farther west than Kelton, in the Territory of Utah, to Portland, in the State of Oregon, is hereby declared a military and post-road; and the Portland, Dalles and Salt Lake Railroad Company, by its own cars, appropriate for the service and approved by the Postmaster General and with its own rolling-stock, equipment, and management, without fee or reward, except as hereinafter mentioned, shall forever transport the United States mail, Army and Indian supplies, troops and munitions of war of every kind; and shall transmit all dispatches upon its telegraph line for the United States Government free of charge.

SEC. 2. That the Portland, Dalles and Salt Lake Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turn-outs, stations, and watering-places; and all other appurtenances, including furniture and rolling-stock, equal in all respects to railroads of the first class when prepared for business, with rails of the T or angle iron, and upon the narrow-gauge plan, three feet in width; with a telegraph line, constructed in a substantial manner, to be operated along the line of the said railroad. And the said company shall commence the work on such road within one year from the approval of this act, and complete the same within five years thereafter.

SEC. 3. That in consideration of the services herein agreed to be performed by the Portland, Dalles and Salt Lake Railroad Company, the United States guarantee, as hereinafter expressed, the payment of interest, at the rate of 5 per cent. per annum in gold coin, payable half-yearly, on the 1st days of January and July in each year, for the period of ten years, upon the construction bonds of said company, to the amount of $8 000 only for each and every mile of the main line of the said railroad, not including side-tracks. And for that purpose, and as evidence thereof, the Secretary of the Treasury is hereby authorized and directed to cause to be indorsed said guarantee of interest on behalf of the United States upon the construction bonds of said corporation to the extent mentioned in this section, for not exceeding in the whole seven hundred miles of single track from its terminal point, as the same shall be established upon the line of the Union Pacific Railroad or the Central Pacific Railroad, as hereinbefore stated, to the city of Portland, its western terminus.

SEC. 4. That whenever and as often as the said corporation shall have completed a section of its road of not less than twenty-five miles, it shall report such fact to the Secretary of the Interior, who shall thereupon cause an examination of the same to be made by three commissioners, to be appointed by him, who shall be paid for their services at the expense of said corporation; and if it shall appear by the report of said commissioners that such section has been completed substantially in accordance with the requirements of this act, then the Secretary of the Interior shall report that fact to the Secretary of the Treasury, who shall thereupon cause the said guarantee of interest to be indorsed on an amount of the above-described bonds of the said company equal to the said sum of $8,000 per mile on such completed section, and shall deliver the same to the lawful agent, attorney, or representative of said company. The said construction bonds shall be made payable by the said company in the city of New York at a specified time, not more than twenty years from the date thereof, with coupons attached for half-yearly interest, which shall also be made payable in the city of New York. All coupons attached to said bonds so indorsed and delivered, the time for the payment of which shall have elapsed before such delivery, shall be canceled and preserved, and the guarantee of interest on the part of the United States shall only commence with the half-yearly payment next after the indorsement and delivery of the said bonds to the said corporation at the rate aforesaid. No indorsement or delivery of such bonds shall be made by the Secretary of the Treasury upon the last two sections of twenty-five miles each of the said main line of railroad until it shall appear from the report of said commissioners that the same shall be completed according to the requirements of this act, and that effectual railroad connection has been made by said company as herein proposed from the Union Pacific or the Central Pacific Railroad to the city of Portland: *Provided, however*, That if the said company shall first construct those portions of its railroad known as the Portage Links, around the Cascade Falls and the Dalles of the Columbia, and complete the same before any other portion of the said road along the Columbia River, so as to facilitate navigation and lessen the expenses of transporting freight and passengers on said river, then and in that case it shall be the duty of the Secretary of the Interior, upon an application of the said company, to cause an examination of the same to be made by the commissioners, as herein provided; and if it shall appear by their report that either of those portions of said road has been completed as required by this act, then the Secretary of the Interior shall report that fact to the Secretary of the Treasury, who shall thereupon cause the said guarantee of interest to be indorsed on an amount of the above-described bonds equal to the said sum of $8,000 per mile of completed road over either of said portages, although the portion so constructed may not be equal to a section of twenty-five miles.

SEC. 5. That nothing herein contained shall be so construed as to prevent the said corporation from issuing and disposing of its bonds in accordance with the powers granted to it by the State of Oregon by an act dated October 15, 1872, or any act amendatory thereof; but all such bonds and the mortgages, trust-deeds, or other securities given to secure the payment thereof shall in all cases be subordinate to the rights and powers herein reserved to the United States. And the services to be rendered by the said railroad and telegraph line for the United States Government shall inhere in and become a part of the corporate existence of the said company; and shall be a lien upon and attach to the said railroad, its roadbed, rolling-stock, and equipments, and to the said telegraph line. And such services shall be performed by the said corporation, its assigns, and successors, whether such transfer or succession be made by voluntary act of said corporation, by act of the Legislature of the State of Oregon, by sale under process of any court of competent jurisdiction, or by any other form of legal adjudication whatsoever.

SEC. 6. That it shall be the duty of the Secretary of the Treasury to see that the said bonds be not indorsed and delivered as hereinbefore provided until it shall be made to appear that there are no liens of any kind, by mortgage, trust deed, or otherwise, upon any section of completed road, excepting such as expressly recognize the priority of right in the United States to have the services performed as specified in this act; and the United States shall in no event be liable for any part of the principal of said bonds; and the performance by the corporation of the services stipulated in this act shall be deemed to be a full payment of all claims of the United States for reimbursement of any sums paid as interest as aforesaid; and in case of refusal or failure to perform such services by the said corporation for the period of six months, the said corporation, its successors or assigns, shall forthwith become liable to repay to the United States all sums of money paid by them, after deducting a reasonable compensation for any services actually performed; and the United States shall have power to bring actions or suits in the circuit court of the United States for the district of Oregon against said corporation, its successors or assigns, to enforce such repayment by judgment or decree and execution thereon, with the right of appeal to the Supreme Court of the United States by either party; and the obligation to perform said services in the future shall, notwithstanding the said judgment, decree, and execution, remain in full force and effect against the said corporation, its successors and assigns.

SEC. 7. That if any officer, agent, or employé of the said corporation, its successors or assigns, shall willfully refuse to transport the United States mails, Army or Indian supplies, troops, or munitions of war over its railroad, or transmit any dispatches over its telegraph line, after the United States shall be entitled to have such services performed as specified in this act, such officer, agent, or employé shall be deemed guilty of a misdemeanor, and, on conviction thereof in any United States district court having jurisdiction of the offense, be punished by a fine not exceeding $500, or by imprisonment not exceeding six months.

SEC. 8. That the said company shall not unjustly discriminate in favor of or against any person or corporation in its charges for the transportation of persons or property over the said railroad or dispatches over the said telegraph line; nor in favor of or against any particular town or place on the line of said railroad; nor make any excessive charges or other undue use of the powers and privileges hereby granted to the said company.

SEC. 9. That the said company shall annually report a condensed statement showing its net earnings, 25 per cent. of which, after payment of interest due by the said corporation upon its bonds, shall be immediately invested in United States interest-bearing bonds, and the same shall constitute a sinking fund with which to redeem at maturity the principal of its first-mortgage bonds.

SEC. 10. That the United States make the several conditional grants herein, and the Portland, Dalles and Salt Lake Railroad Company accept the same, upon the condition that if the said company make any breach in the conditions hereof, and allow the same to continue for one year, in such case the United States may at any time, by Congress, do any and all acts necessary to insure a speedy completion of said railroad.

SEC. 11. That the acceptance of the terms and conditions of this act by the said company shall be signified in writing under its corporate seal, duly executed, pursuant to a vote of its stockholders first had and obtained; which acceptance shall be made within ninety days after the approval of this act, and shall be filed with the Secretary of the Interior.

SEC. 12. That in order to effectually enforce the rights and privileges specified herein, Congress may at any time add to, alter, or amend this act.

Mr. KELLY. As I said the other day when I notified the Senate that I should ask for the taking up of this bill to-day, I am induced to do so by instructions from the Legislature of the State of Oregon. I then said, and I repeat now, that my colleague and myself have been twice instructed by that body to do what we can to urge the passage of this bill. I would say, further, that the territorial Legislature of Washington Territory have memorialized Congress to the same effect; that the territorial Legislature of Idaho have done the same thing; and resolutions to that effect were presented by me the other day.

This bill was carefully considered by the Committee on Railroads at the last session, and on the 4th day of May reported favorably, accompanied by a report I should like very much, if I had the time, to have read; but I am well aware that the time of the Senate is taken up in discussing matters which perhaps may be deemed more important than this, although to the people of the Pacific Northwest it is of much greater importance than anything that is before this body.

Mr. President, the State of Oregon and the Territories of Washington and Idaho, which are embraced in the Columbia Valley, contain two hundred and sixty thousand square miles. To compare that with other divisions of the United States, I will say that in territorial extent that valley is greater than all New England, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, and Indiana combined, greater than all the States I have just named; and yet there is not any railway connection with that vast extent of country. It is a country rich in natural wealth; one of the best wheat-growing countries in the world; unexcelled for stock raising and wool

growing; it has forests of excellent timber, mines of gold, silver, copper, iron, and coal in great abundance; and yet, with all these natural advantages, it is almost entirely unsettled, because inaccessible to those who would willingly make it a home.

The census of 1870 shows that in that vast extent of country there were not quite one hundred and thirty thousand inhabitants, not sufficient for a single Representative in Congress, according to the present ratio of representation. The reason may be asked why it is that a country so productive, of such extensive resources, agricultural, mineral, and commercial, with a genial climate, unexcelled by any in the United States for its healthfulness, should remain comparatively uninhabited. I will state the reason why this is so. The early emigrants to Oregon crossed the plains, going in their teams drawn by horses or oxen, from the Missouri River to the Pacific coast, a journey of two thousand miles, requiring six months or more to accomplish it. That is the way it was peopled by the hardy pioneers who first settled in the country. At the present time one way of going there is by railway to Salt Lake Valley and thence by stage-coaches or wagons, a distance of five hundred miles, over the intervening sage-plains, before the principal settlements are reached. Another way of going is by passing over the Union and Central Pacific Railroads to San Francisco, and there taking the ocean steamers to Portland, making a sea-voyage of six hundred miles before arriving at the end of the journey. The only other way is by a tiresome stage-coach ride from the present terminus of the California and Oregon Railroad over a lofty mountain range and rugged road for a distance of three hundred miles.

The easiest way of reaching Oregon, and the one usually traveled, is by rail to San Francisco, and thence by the circuitous sea-voyage to Portland. And yet from Salt Lake Valley to the settled portions of Oregon is not nearly so far as it is to where the sea-voyage begins. From Kelton, in Salt Lake Valley, to San Francisco it is quite as far as it is to Astoria, in Oregon, and I need not add that a voyage on the ocean is regarded with undefined dread by emigrants with their families, who are unaccustomed to traveling by sea. It does seem to me that Congress ought to do something to lessen the difficulties of reaching this great and inviting portion of our country. Hitherto we have not received the beneficial legislation that other States have had to aid in the building of railroads.

In my judgment, what is asked for in this bill will really be more beneficial to the Government than to the company organized to construct this road. That company proposes to carry the United States mails, military and Indian supplies, and do all the transportation the Government requires, including the transmission of telegraphic dispatches, without any limit as to time, from and after the period when the road shall be completed. For all these services they ask that the Government of the United States shall pay the interest on the company's bonds at the rate of 5 per cent. on $8,000 per mile for ten years; the whole distance, however, not to exceed seven hundred miles, from Salt Lake Valley to Portland, making altogether the sum of $280,000 per annum, after the completion of the road, which the United States will be required to pay, and this sum for only ten years.

For several years prior to July last the contractors for carrying the United States mails from Kelton to Portland were paid $242,000. In July, 1874, a contract was let to carry them from Kelton to The Dalles for $67,900, but it happened to go to a straw-bidder, who forfeited his contract on the 1st of December last. The Postmaster-General since then entered into another contract, terminating on the 30th June, 1878, by which the mails will be carried from Kelton to The Dalles for $134,700 per annum, and I am well satisfied that this sum is quite as low as they can be carried by the present mode of conveyance. From The Dalles to Portland the cost of transportation is, I think, $16,500, making in all $151,200 now paid for carrying the mails over the line of the proposed railroad. For the transportation of military supplies, and telegraphic and signal services, over the same line the Government paid in 1873 the sum of $27,714, which no doubt is a less amount than will be hereafter paid annually for the same service. I have no data to show how much was paid during the past year for transportation of Indian supplies and annuity goods for the several Indian tribes on the different reservations in Oregon and in Washington and Idaho Territories, but certainly it was no inconsiderable sum.

If this bill should pass, and the Portland, Dalles and Salt Lake Railroad be constructed under it, all these services would be performed by the company without any payment or cost other than that paid as interest upon its bonds. In addition to all this, the mail-route from Boise City to Winnemucca could well be dispensed with if the proposed railroad were completed, for the mails could then be more speedily carried between those points by railway to Kelton and thence by the Central Pacific Railroad to Winnemucca than they are now carried by stage-coaches. The amount paid for this service is $47,000 per annum. To recapitulate what I have already stated in detail, the Government would pay to the Portland, Dalles and Salt Lake Railroad Company $280,000 annually for ten years, and receive in return services for which it is now paying $225,914 yearly; while these services for the Government would not be limited to ten years, but would be performed without any limitation as to time or amount, and with the absolute certainty that they would constantly increase in value and importance.

It now takes nine days in winter and seven in summer to transport the mails from Kelton to Portland. With this railroad completed it could easily be done in two, and at once it would become the great mail-route for the Columbia River basin, for Alaska, and for British Columbia; and commerce would be greatly increased between our own country and the British possessions on the north.

In addition to all this, the public lands, now almost valueless because inaccessible, would speedily be settled and occupied by men from the Atlantic States, many of whom are now desiring to go there to provide homes for themselves and their families.

Mr. President, this bill provides that nothing shall be paid by the United States Government to the railroad company, and no guarantee of interest shall be made until the road shall be completed as a first-class road and accepted as such; that is, until it shall be completed in sections of twenty-five miles. Whenever and as often as a section of twenty-five miles shall be constructed and accepted by commissioners appointed to examine it, then, and only in that case, will the Secretary of the Treasury be authorized to indorse upon the company's bonds a guarantee that the Government will pay the interest on $8,000 per mile of finished road, the interest to cease, as I before stated, at the expiration of ten years.

The bill further provides that this guarantee of interest shall not be indorsed upon the bonds of the company until it shall be made to appear that there are no liens of any kind whatever upon the road. It is also provided that the services to be rendered to the United States by the company shall inhere in and become a part of the corporate existence of the company and be a lien upon and attach to the road and its equipments, and be performed by the Portland, Dalles and Salt Lake Railroad Company, or its assignees or successors, whether such transfer or succession be made voluntary or by act of the Legislature of Oregon or by sale under process of any court. In short, every precaution has been taken by the Committee on Railroads to secure the Government against any loss and against all danger.

It may be said that the financial condition of this country is such that it would be impolitic to pass this bill at the present session of Congress. I do not think this a proper objection to be urged against its passage. It would hardly be possible to construct a section of twenty-five miles within a year from this time, and until that is done the Government will be under no obligation to pay anything as interest upon the company's bonds, nor indeed will it have anything to pay until six months after the indorsement by the Secretary of the Treasury. It will be apparent, therefore, that for at least a year and a half the United States will be required to pay nothing. Meanwhile I hope—indeed I have but little doubt—that the financial condition of the country and of the Treasury will be restored to a condition of comparative prosperity, and the Government quite able and willing to pay the small sum that might be due as interest upon the company's bonds, over and above the amount it will save in the transportation of mails and the performance of other services by the railroad company.

Much more I would like to say in support of this bill, but the expiration of the morning hour admonishes me that I must close my remarks upon it, and give place to the orders of the day. I shall take occasion hereafter, when the bill is again before Senate, to give other reasons in support of it, which for want of time I must now necessarily omit.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDING OFFICER, (Mr. INGALLS in the Chair.) The morning hour having expired, the unfinished business of yesterday is before the Senate.

Mr. MORRILL, of Maine. Before that is taken up, I wish to say a word. Yesterday, reporting the legislative, executive, and judicial appropriation bill, I took occasion to give notice to the Senate that at an early day I should ask the Senate to proceed to its consideration. I desire now to repeat that we have arrived at that period in the session when it is apparent I think to the Senate that the current ordinary and necessary business of the session must take precedence in the order of business; and therefore, with a view of economy of time and that we may make the most of the time between this and Monday next, I take occasion now to renew the notice I gave yesterday, that on Monday at one o'clock I shall invite the attention of the Senate to the consideration of this bill and move that it be taken up to the exclusion of the present order, and I should hope of any other business which might at that time be pressed upon the Senate. I greatly trust and hope that I shall have the countenance of the Senate in so doing.

Mr. SHERMAN. As I know that there are several Senators who desire to speak on the Louisiana question on both sides of the Chamber, I hope it may be taken as the unanimous sense of the Senate that we may meet to-morrow, sitting as late to-night as we can, so as to give Senators an opportunity to express their views on the Louisiana question. I think a great majority of the Senate will feel that it is necessary to support the motion of the Senator from Maine to take up the legislative appropriation bill on Monday. A clear understanding should be had on all sides that the speeches on Louisiana shall be made to-night and to-morrow. We might continue the session to-night if necessary for that purpose. I make no motion, but I suppose with general consent we may agree that no motion shall be made to-day to adjourn over, but that we shall continue the discussion to-day and to-morrow.

Mr. SAULSBURY. I will say to the Senator from Ohio that there are gentlemen who wish to discuss the question who are not now in the Chamber, and of course they ought not be concluded.

SWAMP LANDS IN LOUISIANA.

Mr. WEST. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Interior is directed to transmit to the Senate a statement of all lands listed to the State of Louisiana under the swamp-land act of Congress of March 2, 1849, in township 12 south, ranges 11 and 12 east, southeastern district of Louisiana, east of the Mississippi River; and that he accompany that statement with the documentary and other evidence upon which such lands have been declared swamp and overflowed under the act aforesaid.

Mr. DAVIS. I should like to ask the object of that resolution. Does it relate to lands near the mouth of the Mississippi?

Mr. WEST. O no; some lands within the corporate limits of New Orleans.

Mr. DAVIS. I have no objection.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4324) to authorize the change of the name of the Second National Bank of Jamestown, New York; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following bills; which were thereupon signed by the Vice-President:

A bill (H. R. No. 4213) to provide for compensating the officers of the Government in observing the transit of Venus; and

A bill (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws, and to repeal moieties," approved June 22, 1874.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. TIPTON. Mr. President, I desire to ask the indulgence of the Senate to this extent; it is so difficult to be heard in this Chamber unless the voice of the speaker is in the best possible condition for speaking, that I trust there will not be as much loud conversation on the floor of the Senate as there was yesterday while I was attempting to discuss this important resolution.

In the message of the President of the United States, transmitted to the Senate and laid on our tables yesterday, I find that a reference is made to the election of 1872 in Louisiana. The President says of that election:

The election was a gigantic fraud, and there were no reliable returns of the result.

I desire to interpose against that declaration of the message of the President of the United States an article which was addressed to him in the New Orleans Republican of January 24, 1873. This document is recorded in the book of testimony in the case of the report of the Senate Committee on Privileges and Elections in regard to Louisiana affairs. I find it in "Senate Reports, Louisiana Investigation, Third Session, Forty-second Congress," on page 274, and I desire to read a portion of it, in order to show clearly and conclusively that the President must be mistaken when he says that the Louisiana election of 1872 was a gigantic fraud. At that time the editor of his own organ in the city of New Orleans addressed to the President of the United States a portion of an editorial in the following language:

In our testimony we have so recently reviewed the positions of the parties contending for the control of the public affairs of the State, that it is unnecessary to comment further at this moment. But as it is rumored that the President is preparing his message with the most kindly sentiments toward the southern people, we deem it a duty to add the testimony of the Republican as impressing those sentiments more strongly upon him. This testimony cannot but from our stand-point be accepted as impartial. The Republican, then, assures the President that no people were ever more orderly and obedient to law than the people of New Orleans and Louisiana in the State and Federal elections recently held; that the relations between the races are kindly and cordial, the colored people voting by the side of the whites openly without military protection, State or Federal, and free from insult or molestation whatever. Difficulties which have arisen since the election are simply official, and are not alleged to have sprung from any force or fraud of the people. The controversy now pending has not arisen from the casting of the vote but from the counting of the vote. This vindication of order and harmony is not only proper for Executive consideration, but to counteract, so far as it may, the slander that New Orleans is under control of lawless mobs. This slander has not only prejudiced the mind of Congress, but has impeded immigration and excluded capital.

Now comes an important part of this document:

Whatever, then, may be the result of legal or political questions growing out of the Louisiana elections, the Republican deems it a duty to assure all whose opinion may have a bearing upon the political or commercial condition of New Orleans and Louisiana that the people, without regard to race, color, or previous condition, have demeaned themselves well and deserved well of the country for their conduct in the recent State and Federal elections.

I must call the attention of the Senate especially to these two documents; the President saying to us yesterday that the election of 1872 was a gigantic fraud; and his own mouth-piece, the official organ of the party in Louisiana, from the city of New Orleans, boasting of the harmony, of the cordiality, of the kindly feelings that exhibited themselves between the colored and the white people in that same election which was "a gigantic fraud;" and then repeating again, coming back to the same proposition after he had left it, and declaring that something more than common was due to the people of Louisiana for the manner in which they had carried that election which the President says was a gigantic fraud. This editor wrote this article for the President's special attention. He says the reason he writes it is that he does not want the President to fall into a mistake. He says he understands the President is preparing a message for Congress in a kind spirit, and he wishes him to understand that he cannot exhaust his powers of eulogy for the manner in which those people have conducted themselves in that election. I put it not too pointedly; I put it as it is when I read again the concluding part of that document:

The people, without regard to race, color, or previous condition, have demeaned themselves well, and deserve well of the country for their conduct in the recent State and Federal elections.

I stand by that instruction of the editor of the President's organ of that day, for it was written at a time when this tumult had not swept over the land, in which it was not necessary to prove that these people had been guilty of such frauds in that election as that the election itself was "a gigantic fraud." I put, then, the President's instructions from New Orleans, in January, 1873, as to the fairness, the quiet, the amicable relations existing between the voters of that State, regardless of race and color, without Federal protection and without the arms of the State of Louisiana, against his assertion in his message of yesterday that that election was "a gigantic fraud."

I now desire to call your attention to another part of the message which the President has just submitted to the Senate, and it is that in which he gives us to understand how and why the troops of the United States were in Louisiana and in New Orleans, and why they were called upon, and why they were used in the conflict in the Legislature on the 4th of January of this year. He says, in regard to that:

Troops had been sent to the State under this requisition of the governor—

That was in September—

and as other disturbances seemed imminent—

After the troops had discharged whatever duty he intended them to perform; after they ought to have returned to their barracks, wherever they were; after the troops having discharged their duty, should have been withdrawn from the State, he takes it for granted that he may leave them there. Why?

They were allowed to remain there to render the executive such aid as might become necessary to enforce the laws of the State, and repress the continued violence which seemed inevitable the moment Federal support should be withdrawn.

That then is just this: the President believes himself at liberty to use the Army of the United States—our Army, the people's Army—for the purpose of gratifying the governor of a State who wants to borrow the military of the United States and keep them under his control and in his possession until such time as he may find something for them to do. Thus they were left, and whatever explanation may be put upon that language in any other part of the message, that view of the question accords directly and entirely with the view of his right over the Army that was exhibited to the people of Louisiana two years before. When he gave them the Army two years before, it was precisely on this same basis. They said to the President: "There are rumors that there may be difficulties, and we therefore ask you for the use of the Army." Here he says they satisfied him that there might be difficulty and that they might want an army, and as he had an army, in the kindness of his disposition to his political friend, the governor of Louisiana, he says: "Certainly keep the Army there and perhaps an opportunity may offer when I may be able to use it." He seems to have desired that his soldiery should not rust out for want of use, and that whenever there is an opportunity for them to do something they should be on hand, that the governor should have the privilege without any requisition on the President, according to the Constitution, to use the Army. Therefore we have it understood that that use of the Army was given upon the same old basis of "Use it at your pleasure and return it when you are done with it."

How does that agree with the Constitution of the United States? The Constitution is explict that "the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence." No provision is made whatever for furnishing in anticipation. A governor may be timid, he may honestly believe he will need military; a governor may be despotic, and may desire to use military. In either case it may never be proper to allow the use of the military; but when he has them in advance, it has passed beyond the power of the President to judge. That will answer very well to satisfy and allay the feelings of his party friends in the South. "I left the Army there in order that the executive of Louisiana might have the advantage of it if he deemed it necessary to use it." And then further on in his message he says, in answer to

a dispatch of Governor Kellogg, that which will be very palatable at the North:

Your dispatch of this date just received. It is exceedingly unpalatable to use troops in anticipation of danger. Let the State authorities be right, and then proceed with their duties without apprehension of danger. If they are then molested, the question will be determined whether the United States is able to maintain law and order within its limits or not.

That is for northern consumption. When they gave them in the Durell case, the troops they gave were in anticipation of danger. When Casey asked for troops, it was in anticipation of danger. When Packard asked for troops, it was in anticipation of danger. When these troops were left with Kellogg, it was in anticipation of danger. And after the deed has been done, then very blandly and apparently honestly, your President says that it is exceedingly distasteful and unpalatable to use troops in anticipation of danger, and therefore that will sound very well at the North. Its counterpart will sound with his partisans at the South very palatable. In olden times we had an exhibition of politicians riding two horses at the same time. We have the same acrobatic feat—if that is the term, and there are enough gentlemen here who know whether it is or not—at the present time.

Now I wish to say one word in regard to how the olden doctrine of the Constitution has been obliterated, lost, and destroyed on this subject. I say to the Senate in advance that if a little corporation in the State of Louisiana to-day, whether it is for the purpose of operating a ferry-boat on a river, or for the purpose of controlling a market-house, or whether it is in reference to a slaughter-pen—and that would be a very appropriate subject to connect with their operations—any little handful of men incorporated in the State of Louisiana to-day, if you threaten them, if you send abroad in that community a report that perhaps they are not entirely safe, they honestly conceive that it is their business to draw a requisition on the President of the United States for the use of the Army! Senators, unless you have been looking into this precious document sent us by the President, some of you are taken by surprise that I should make an assertion of that kind in the face of the Senate and of the country. Ardent as I may be, impetuous sometimes, you never find me using documents without great care and discretion. Then you anticipate that I will prove this. I ask the Secretary to read what I send to the Chair.

The Chief Clerk read as follows:

[Telegram.]

NEW ORLEANS, *December* 10, 1874.

President GRANT, *Washington, D. C.*:

I transmit the following dispatch by request of Ex-Governor Wells, president of the returning board.

WM. P. KELLOGG.

NEW ORLEANS, *December* 10, 1874.

President GRANT:

Authentic information in possession of the returning board justifies them in believing that an attack is intended upon the Saint Louis Hotel, now occupied as a State-house, wherein the returning board holds its sessions, and where the returns of the late elections are deposited. The board has nearly completed a careful and impartial canvass of the returns, in compliance with law, and expect to make promulgations therefrom as soon as the same can be properly compiled. The members of the board are being publicly and privately threatened with violence, and an attack upon the State-house, which is likely to result in bloodshed, is also threatened. By request of the board, I respectfully ask that a detachment of troops be stationed in the State-house, so that the deliberations and final action of the board may be free from intimidation and violence.

J. MADISON WELLS,
President of State Returning Board.

Mr. TIPTON. There is the proof of the allegation which I make in reference to the demoralization of the republican party in the State of Louisiana, as respects the power of the President to furnish them the Army. There are a few clerks performing the clerical duty of adding up the election returns, making the footings, for the purpose of exhibiting the result in the State of Louisiana; and while those gentlemen in the discharge of their clerical duties in the Saint Louis Hotel are occupied, there are rumors that they may be disturbed in their deliberations, and they draw up a requisition on the President of the United States for the Army, hand it over to the governor of Louisiana, and the governor of Louisiana transmits it to the President of the United States, without note or comment, in order that these gentlemen may have their constitutional privilege under the Constitution of the United States of being protected in their clerical labor by the Army of the United States!

What next? The Army used for the purpose of enforcing order in Pennsylvania on election day, as was exhibited to the people of Pennsylvania in the canvass of 1871, when Governor Geary protested before the country in regard to the use of the Army for any such purpose; the Army used for election purposes in the State of New York in the same year, when Governor Hoffman protested against the interference of the Army; the Army used for the purpose of perambulating the State of Louisiana in charge of the marshal of the United States, while he is ostensibly engaged in enforcing the laws of the United States, and while he is really out electioneering for the party; the Army is used for the purpose of enforcing the mandates of a Federal judge; the Army used for the purpose of seizing State-houses at two o'clock in the morning; the Army used for the purpose of surrounding a State-house, in order that none but the faithful shall enter, in the year 1875; and now the Army is called upon for the purpose of assisting a returning board in counting and ascertaining the result of an election; and that seems to be the condition to which the country is reduced at the present time, in that portion of it at least, in regard to their understanding of constitutional privileges—so loose has been the practice of the Government in regard to the use of the Army.

On this subject of the duty of military men, in a message of the the governor of Illinois, I remember, two years ago he said:

I also deny that the officers of the Army have the right to determine the measure of the duties of any civil officer, under any circumstances whatever, or that their powers are increased by any emergency that can possibly happen in the affairs of any State. These are not, as they seem to suppose, the natural rulers of the people.

I hold that to be sound in regard to the Army officers of the United States, that they are not to judge in civil affairs in regard to what may be the interests of a State or the interests of individuals; but it is their business only in those cases to act their part where they act it exclusively under the Constitution and within the lines prescribed by the Constitution of the United States.

Again, the President attempts to prepare the country for the doctrine of a United States despotism. In this message he says:

That the courts of the United States have the right to interfere in various ways *with State elections*, so as to maintain political equality and rights therein, irrespective of race or color, *is comparatively a new and to some seems to be a startling idea;* but it results as clearly from the fifteenth amendment to the Constitution and the acts that have been passed to enforce that amendment as the abrogation of State laws upholding slavery results from the thirteenth amendment to the Constitution.

Here the startling doctrine is announced for the first time officially in the history of this country that the United States courts have jurisdiction over State elections. If State elections are not exclusively the privilege of the people, then what are our liberties worth? You tell me I may cast my vote as a freeman. After that vote is cast it must be counted. That vote for a State officer must be counted and ascertained by the authority of the individual State. After that vote has been ascertained by the authority of the individual State, then the persons elected under it must be permitted to hold their offices; and if a contest arises, the State courts are the only tribunals to which the question can be referred for adjudication: it may be perhaps by *mandamus*, it may be perhaps by the writ of *quo warranto;* but in all cases it must be to the court of my own individual State. If I am elected a member of the Legislature, I have the right under the constitution to be the judge, with my fellow-members, of who are eligible to seats in that body. The governor of my State has no power over that question. The governor of my State can have no power over that question. The President of the United States can have no power over that question. No State outside of my own State limits can have authority over that question. That is my question; it is the question of my neighbors; it is the question of my fellow-citizens. We in our individual capacity, in our own precincts, in our own townships, do our own voting; cast up the results according to our own State laws; and then purge our State Legislatures of those who are not entitled to seats as members by the authority of the individual and local State laws.

I remember well to have witnessed that scene in the Legislature of Ohio—for I was in the State-house every day during its continuance—at a time when the democrats had organized on one side of the house and the whigs had organized not ten feet away from the speaker's desk, and there were two legislative bodies pretending to be in session. A former United States Senator from Ohio, Mr. Pugh, was at that time interested in the proceedings of the democratic party. The Hon. Mr. Olds, a brother of a distinguished politician of Ohio, who has been in the other branch of Congress, was also an active politician. I remember seeing Mr. Pugh standing upon a desk addressing a speaker there, when ten feet away from him—Mr. Olds stood upon a desk addressing a speaker to the right, as though each individual was certain he was addressing the properly-constituted speaker of the house of representatives of the State of Ohio. If that difficulty could not have been settled amicably after two or three weeks of protracted struggle, even then the forces of the State of Ohio might not have ultimately been called upon for the purpose of forcing a settlement. But at that time nobody supposed that the proper way was to come to Washington and appeal to the President for the troops of the United States for the purpose of either overawing or ejecting any portion of the Legislature. It was a proposition too horrible to have been received at the time by any man. No, no, Mr. President, these are our own local questions. At the present time, when party spirit runs high, they may be considered of trifling moment, but after you shall have stripped this question of the inalienable rights of men, of the peculiar franchise of freemen; when you shall have stripped it of all extraneous political considerations, the people of this country will die upon the field of battle rather than ever concede to the doctrine of the President's message. Sir, when it comes down to that, you will get an issue square and straight; there will be no Mason and Dixon's line in such a contest as that. The question will not be a local question of slavery in three or four or ten States out of thirty. The question will not be a question of manufactures, that might cause the East to rise in mutiny. The question will not be a question of mining, that might cause Colorado and Nevada and California to defy the authority of the United States. But it will come to my hearth-stone, it will come to your hearth-stone, and it will come to the hearth-stone of every family in the limits of this Republic of ours; and you cannot divide the country then by Mason and Dixon's line, but all men

everywhere will have a deep interest in this question of local self-government by the people in their State capacities independent of the Government of the United States. Then, when it comes in that way, the people will settle it, and the distracting politicians will die politically before the power of the people.

If a President desires to strengthen his party, how would he work under this assumption of the message? Just as he has operated in the State of Louisiana. With that doctrine, suppose a President of the United States looks to his United States judge in Louisiana; he is interested in the passage of a great national measure. The Senate of the United States is almost a tie or entirely a tie upon that question. He appeals to his district judge in the State where the result is to be produced. He simply follows in the footsteps of Durell. He claims under the fifteenth amendment to the Constitution that he has an equitable right to enter into the question of the election of the officials of the State and settle that question. It is settled by the use of the Army according to the original precedent set in 1872. We stand upon the precedent and we use the Army, and we thus elect our Administration Senators and bring them into this Hall, and when the question is taken, by the bayonets we have worked out the problem and our political question has triumphed in the United States Senate.

With a man in the Presidency who has no such desire, with a man in the Presidency such as perhaps has generally occupied that chair, we may have no fear of such a result; but what do we know in regard to the future? If we may anticipate it by what we know of the past and the immediate present, the time may come in this Government, with a little more lawlessness, with a little more disregard of the inalienable rights of the citizen, with a little more contempt for the precious boon of local self-government and it treated as an abstraction, as belonging to an exploded theory of State rights, with a little more of that in the country the time may come when a tyrannical and despotic President of the United States will seize upon the privileges granted him by this message and by the practice of the party in power and thus hurl in ruin the fabric of our Government.

If this is to be decided by the courts of the land, a legitimate deduction from the fifteenth amendment, what of that? Why, this of that: whenever that is settled, whenever the United States courts shall say that such is a legitimate practice or may be a legitimate practice under the fifteenth amendment, then in this Senate and in the House of Representatives a proposition will be made to amend the fifteenth amendment of the Constitution, and it will be amended by the sovereign will of the people; for when the people passed the fifteenth amendment, intended to guarantee the right to vote of the colored man, they never for one single moment anticipated that by that act they were putting shackles upon States and putting States under the feet of Federal judges. That is my remedy. That is revolution through the ballot-box in answer to the omnipotent will of the sovereign people. Talk about sovereignty if you please; there is a principle of sovereignty, there is a principle of right as pure as ever God sent down from heaven to infuse life and vigor into the heart of man to impel him to patriotic acts and patriotic devotion—a principle which must live as original and must be protected as fundamental.

I think the whole judiciary of this country will not come to the conclusion that a question clouded in so much of uncertainty, that a question hedged around with so much of mystification, was ever a proposition worked out and developed by the brain of Judge Durell, of Louisiana. I think that the whole bar of the country, with devoted attention to constitutions and constitutional discussions, will never charge for one single moment that Judge Durell, without a book in his law or State library to guide him on the subject, had ever come to the decision of a question like that, which was to change the whole practice of the judiciary of the United States. You will not attribute that to Judge Durell. But as it has now emanated from the White House, I think the inference will have to be that it has to be fathered by the Cabinet of the President of the United States. If that is so, then I understand well enough, I understand perfectly what was meant by that order to Judge Durell. The marshal of the United States will sustain by the Army the mandates and the decisions of the United States courts; and then the next thing was to furnish the mandate, cut and dried. Let the judge be sure he has the Army, and then let him issue our mandate, and he father it!

If this is to be the practice and if the precedent is to be established, contemplate for a single moment the power which you have in the executive office in this nation. Is it true that we have sixty thousand office-holders? If we have sixty thousand office-holders, how many have we of expectants for office? Have we not ten for every office-holder? Go to your counties; remember who they are that appear there in your political discussions, remember who they are who perform the peculiar work of the primary elections. Are there not ten expectants for every office-holder? That would be six hundred thousand political missionaries, always working by day and by night, under the eye and the appointing power of the President of the United States—six hundred thousand. Then take all the marshals of the United States with the privilege and the power to control the Army. Then take all the governors with the privilege of borrowing troops and laying them away in barracks until an emergency arises. Then take all the corporations and take all the returning boards and give them troops also—they have as much right to them as the others have—and then what is the power of the President through the marshals of the United States? Then look into your courts. Your judicial circuits occupy all the territory of the United States. You have your judges everywhere, and those judges have the power to sit in judgment on State elections, says the message which we are considering to-day, and that is a part of the power of the President, if this doctrine is true. Well, then, you have also as you have at the present time your subsidized newspapers, those that are receiving money from the Treasury for services performed or services that they would perform if they were required. Then you have all that other class of newspapers that are the partisan oracles of the party in power, and you have them all under the moneyed consideration, "be careful what you say or the golden stream that otherwise might be caused to turn itself through your office shall be averted and turned aside." With that influence in addition to the rest, what power has the President of the United States—and when I speak of the President I speak of the representative of a party; I mean the party in power. Then when it comes here you all know how we struggle, how restive we become under the lash of party discipline. You all understand it. "You have been there yourselves; you anticipate me;" your minds are full of the subject; you all understand how restive you become when you are informed that this notion which is so tenaciously entertained by your constituency has not been favorably considered by a party caucus. How restive you become when your instructions from home say "Stand by that bill, a State's salvation depends upon it," when you are informed that such is not just the opinion of the omnipotent, omnipresent, and all-wise caucus.

I say then this is an additional instrument of political power, dangerous to the people, and to be resisted in every proper, constitutional, and legitimate way. Under such an administration as Jefferson's, under such an administration as preceded Jefferson's and immediately followed Jefferson's, no such power was ever supposed to attach to the executive authority of the United States. Thomas Jefferson, even if he had had sixty thousand office-holders, would have claimed no power over them. When he appointed a man, he appointed him to discharge a specific duty. He swore him into his office, turned his back upon him, and knew him never again unless he was charged with peculation, and then he simply knew him on the day of political execution. The doctrine of Thomas Jefferson was capacity, fidelity, trust; but that is seldom asked at the present time. It is a concomitant that merely may be submitted to; it is an incidental that may be slightly respected. What was the doctrine in the last campaign? Is he a worker; can he go down among the shanties in the fifth ward, and is he a power in the saloons? That was just as high a recommendation as virtue, better than fidelity and manly honor. The party! it must be preserved. Jackson said, "the Union! it must be preserved."

I believe the honorable Senator from Illinois in the discussion of this question talked very much about war. He fancied that somebody was going to fight, and wherever he found the man who was restrained by fetters he talked to him more about war, much as a pugilistic child would who seemed to be all uncomfortable and "spoiling" for want of a physical contest. War, forsooth! Where would the Senator go for war? To the people of the South? And if he were to go to the people of the South for an exhibition of war, where over all that land would he find room sufficient to pitch their tents if they did not pitch them upon the graves of their fallen countrymen?

He would go to the South for war; to a people despoiled of all their substance in the past, having accumulated nothing since the time of the desolation. Any child can go to war against such a prostrate, fallen, submissive foe as that. He would go to war with the people who have no peculiar institution now for which to wage a contest. I say that Massachusetts and New England might afford to revolt. I say that the Northwest may afford to revolt; but I say that the people of the South are a people who never will be the first to revolt, but only to strike when they have been smitten. What have they now? They have an agricultural interest. That agricultural interest is so great that it binds them and unites them with the destiny of the agricultural interest of the North, of the East, and of the West. What have they besides? They have a manufacturing interest. That is tied up in the manufacturing interests of New England. They have a mineral interest; that is tied up with the interest of Nevada, of California, of the green mountains of the West. They have a commercial interest; and that is tied up with the cities of New York and of Philadelphia and of Baltimore. All these interests are now a common interest. They have nothing peculiar to them, only that they are at the present time the victims of a political tyranny from which in a short time they hope that the better judgment of the North will emancipate them. That is the people with whom the honorable gentleman proposes to have a war. Indiscreet men they have; who wishes to live and fatten on their desolation? Libelous men they have; who wishes to soil his political hands by their garbage? Only they who have a taste for and a natural disposition for such refreshments. They have men among them as editors who are intemperate, but of course we have no intemperate editors at the North; of course we have no seditious men at the North; of course we have no desperate men in the city of New York, and other cities of the North; but it is all there, and there is where the volcano is to explode.

Just here, unless I should forget it, the honorable Senator I believe

contended that the democratic party of this country had been forty years in power, and the result, the *finale*, the grand climax, the magnificent *denouement*, was the destruction of the country. O, what a slight honor can be awarded them for that in point of time! The republican party, of which the honorable Senator is such a distinguished leader at the present time, has accomplished that in twenty-four months in the State of Louisiana. Twenty-four months against forty years! The race is improving; but before they were able to accomplish that they had to educate the prince of darkness up to the standard so that he could comprehend the situation and do justice to the occasion.

Following the example of the honorable Senator, I will return to a point upon which I have already animadverted. I say that when the President of the United States left the Army in Kellogg's keeping, in Kellogg's barracks, in order that when he wanted them he could order them, the President ought to have understood what was likely to be the use that would be made of them. Says this message, as innocently as though the President expected anybody to believe him, that really he knew nothing of this matter until he heard it through the public papers. He ought to have supposed that perhaps they would use the Army for the purpose of seizing a State-house. Why? Because they had used it for seizing a State-house two years before. Is not that a legitimate deduction? He might have supposed that they would probably use it to silence democratic editors, because Casey, collector of customs, had told him that they would like to have a little sprinkling of military down there, for an editor was trying to turn the public against them. He might have supposed that the troops might have been used for the purpose of turning the tide in their favor, for he had been shown before in documents that it was necessary to give it in order to turn the tide in their favor. He might have anticipated that it would be used for purposes, perhaps, of organizing political meetings; because what part had the Army not played in New Orleans more than two years ago? The army more than two years ago was stationed around a political convention that was held in the custom-house, and United States troops were drawn up in the custom-house. That was no question between republicans and democrats; it was in the republican party itself. It has differed about everything else, but it has never differed in regard to the use to make of the Army. The President might therefore have supposed that they would organize political meetings with the Army of the United States, as they had done heretofore. This act was denounced in the message of Governor Warmoth, and the appeal was made to the consideration of the whole country.

Now, with all this done against the people of Louisiana, I contend that their forbearance has been great. I contend that, after all this turbulence thrown upon them, they, in the language of the editor from whom I have quoted to-day, deserve well of the country for the manner in which they have behaved themselves. I say further on that subject that everything with them was at stake when the question came of the Army controlling their elections.

A few days ago the honorable Senator from Wisconsin, [Mr. HOWE,] not now in his seat, said that he had forgotten for the time being the Declaration of Independence. I have no doubt about that. It was an honest admission. I only fear that his party has also forgotten the Declaration of Independence; and I do think, if I were in the attitude of the people of Louisiana, I would feel comfort and consolation from reading its immortal truths. Therefore I shall ask the Clerk to read that portion of the Declaration of Independence which I send to him, for it seems to have been written not for one age, but for all time, and to be especially applicable to the present condition in the State of Louisiana.

The Chief Clerk read as follows:

When a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government. * * * * *

The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

* * * * * * * * *

He has * * * sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation.

* * * * * * * * *

In every stage of these oppressions, we have petitioned for redress, in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Mr. TIPTON. Mr. President, that is rather a new production. I have no doubt but Senators may like to have it read; and it may have misled some of the people in the State of Louisiana. It says there are times when it is the duty—not only the privilege—when it is their right and their duty to throw off a government. It also asserts, among other things, that standing armies are distasteful to a free people in time of peace. It also protests against combinations with those who would oppress, and says that in every stage of these oppressions they have petitioned for redress in the most humble terms, and their repeated petitions have been answered only by repeated injury. I remember an illustrious example of this two years ago in the case of the people of Louisiana. They sent a committee of one hundred distinguished men of their State, men trusted by the people of Louisiana, for the purpose of holding a conference with the President of the United States. They were met by a dispatch from the Attorney-General saying that they need not come; that the mind of the President was made up and would not be changed. These are the circumstances under which their petitions have been met. If, therefore, they should come to the conclusion that Kellogg was a prince whose character was "marked by every act which may define a tyrant," and that he was "unfit to be the ruler of a free people," you need not be astonished, and if they would also add to the declaration that he is not fit to breathe the air of freedom, I do not think that should be a cause for any gentleman to say that they who uttered it mean assassination.

Before concluding my remarks I wish to indulge in rather a discursive manner, having been confined so closely heretofore to the subject of debate. The honorable Senator from Indiana [Mr. MORTON] said in his place here that murder was organized for the purpose of destroying the republican party in the South. I felt that if ever there had been an organization for the purpose of destroying the republican party by murder, that organization would now disband forever. Inasmuch as the republican party has destroyed itself, their occupation would be gone, and gone forever.

But we are also told that in that Legislature in Louisiana the conservatives called upon the military of the United States. That is certainly a conclusion to which the gentleman comes who has a peculiar idea in regard to responsibility. What were the facts in the case? Suppose that a bomb-shell had been cast into that hall where the house of representatives was attempting to organize, and suppose the presiding officer of that Legislature had seized the bomb-shell before it exploded and hurled it out into the lobby among the rabble that were there, for the purpose of expelling them; what then? Would you have charged him with having originated the mode of controlling a Legislature by the use of bomb-shells? No, sir; he would take advantage of your criminal act to save himself and his fellow-men and cast the bomb-shell out among the rabble where if it exploded at all it might perform its work there. Or if General De Trobriand had called at the private residence of Speaker Wiltz and if General De Trobriand had been on a hunting excursion, as southern gentlemen sometimes are, and if his pack of hounds had followed him to the premises of Speaker Wiltz, and after he entered the parlor and while he was engaged in conversation with the speaker if his hounds had raised a disturbance with the watch-dog of the speaker's mansion, what would the speaker be likely to do? He would ask him politely if he would please step to the hall and call off his dogs; and that is all Speaker Wiltz did. He found the hounds, the political hounds, of this officer of the Army belaboring and setting upon his officers of the peace in the lobby, and knowing that the owner of the dogs could do more with them than anybody else, said he, "General De Trobriand, will you please step out into the hall and call off your dogs?" [Laughter.]

And then not only one Senator but all the Senators who have brains and whose reputation in the country will as a matter of course cause the populace to believe all that emanates from their gigantic intellects get together, hold a consultation, and say, "Well, we think after mature deliberation that that one fact that Wiltz called upon the military will be sufficient to checkmate the whole democracy of the country," when all that had been done was to call off the hounds. And that is the political sagacity, and that is political fairness, and that is an index of the honor from which it springs! The honorable Senator from Indiana [Mr. MORTON] as well as the honorable Senator from Illinois [Mr. LOGAN] had much to say, O! they had tomes to say, they had volumes to circulate, on the question of intimidation; and if they could find a district in the United States where there was no colored vote polled, there they flaunted the record before us and said "Intimidation! Intimidation!" They went into the district of Hon. A. H. STEPHENS, the recent vice-president of the Confederate States, and "there," they say, "is an evidence of intimidation that will answer all you gentlemen; we refer you to the fact that the African was not permitted to vote in the district of Mr. STEPHENS, and why? O! intimidation." What was the reply? The Africans met in convention and declared that they would vote for Mr. STEPHENS, and there were consequently none to vote against him. I ask the Clerk to read a note from Mr. STEPHENS on this subject, to show how far intimidation affected the colored people in his district.

The Chief Clerk read as follows:

There was no party opposition to me at either of the elections, the one last fall or the one in February, 1873. At the last election I was nominated by the regular democratic convention. The republican convention met afterward, and by their action indorsed the nomination. All the leading republicans in the district voted for me.

ALEXANDER H. STEPHENS.

Mr. TIPTON. Mr. President, this is humiliating; this is sorrowful; this causes any man sorrow who ever has been personally attached to any of these gentlemen, to say nothing of politically affiliated with them in their better days, to say of the Senate of the United States that such claptrap as that has been resorted to in order to prove

intimidation; that whenever they find a man like Alexander H. Stephens, who has the affection of the colored population of his district to such an extent that they met together and renominated him after the conservatives had taken him up, and they all vote for him, then the cry is made that here is a man elected and there was no opposition, because they were afraid to vote against him. That is the stuff out of which all the argument and much of the eloquence of gentlemen has been developed in the last few days.

Now, in regard to intimidation, the idea is here, the idea is everywhere with the party, that unless the old slavery question in some bearing can be worked up right now, unless this African subject can be appropriated and the water turned upon their mill-wheel, their grinding will cease. That is the feeling. The honorable Senator from Wisconsin [Mr. HOWE] indicated it the other day when he said in his place here that in three months after the colored man had his rights guaranteed and protected both the political parties of the country would be disorganized, meaning thereby that they would have no stock in trade to keep them together after that. Inasmuch as the democratic party does not seem to use that stock in trade to any great extent, and inasmuch as our republican brethren are those who deal in this stock, that explains to me the reason why they are never going to let this question cease. Why is it? They have had the power here to pass the civil-rights bill and settle this question forever. They have had the power in the other House; they have had the power in the Senate; and yet they have not settled it. They say that after it is settled, in three months they will be disbanded. They do not want to disband, and therefore they do not want to settle it. That is the legitimate conclusion. They cannot reply to that. That is the legitimate conclusion. The facts are against them. The records of the Senate are against them. But when it is necessary to hoodwink the colored man, they can pass a civil-rights bill through the Senate, and then go to the country and say, "Boys, now to the rescue; we have passed the bill through the Senate; send us back to the House, and we will put it through the House also." But they come back to the House and they do not put it through the House, and the bill fails. Then the next year, I suppose, the House can pass it and the Senate can give it the goby. Thus floating before the country is the idea of a civil-rights bill; but they never have given a civil-rights bill to their African friends who stand by them in their political organization. They are doubled-faced in this matter; they are Janus-faced; they are attempting to look both ways; and the country begins to understand them.

You said by your Senate bill that you proposed to go into our States, and you intended to lay your hands upon our hotels, and you would let us understand that our hotels should be run as you dictated. You dare not do that. Too many men keep hotels and sell whisky for you to be able to afford it. [Laughter.] You cannot give up the pabulum on which you have flourished. Forty-rod liquor is too powerful an engine in carrying elections to be disregarded in a civil-rights bill. You said by that bill, which you have advocated here, that you would go into our States by the authority of the Government of the United States, with the stars and stripes floating, with the drums beating, and you would give us to understand that you would revise our systems of education. Too many men send children to school; you dare not do it, and you have not done it. You can put it through one body, but you dare not undertake to put it through the other.

You said in your discussion of that bill that you would know whether there was any such thing as State sovereignty or State lines, and you said you would come into our States, the States of the people, and that you would there legislate in regard to their theaters, their places of amusement, and you would see whether they devoted their money to the erection of theatrical buildings and then undertook to control who should go to the theater. O, why do you not pay some attention to the erection of churches and dot them over this land? Why do you not go out as missionaries in behalf of the Gospel? But no; you feel that the great educator of the people is the theater, the exhibitions of the Black Crook, and higher displays of theatrical genius and decency; and, therefore, that all the people throughout the land may have the benefit of theaters, you will go out and organize them and regulate them under the laws of the United States.

You said you would come into our States, and that you would undertake to regulate the use of our cemeteries. Well, when you come, come prepared; we will give you the hospitality of our cemeteries with a great deal of pleasure, [laughter,] but never, while the breath of freedom is breathed by us, never while the rights of freemen are dear to us, will you control the use of our cemeteries in our States. Our people are humane; our people are kind; our people if left alone are merciful; but our people are executioners of vengeance when they are probed by your bayonets. Let them alone. They will control education as they have controlled it in all time past. Let them alone. They will erect as few theaters as they may think necessary, and then they will not call upon you or trouble you in regard to their control. Let them alone, and the hospitality of their hotels will be for the wayfarers of the country; but force them, and after that see what will happen!

What do I propose as a remedy for these troubles? I propose in Louisiana that you call home your Army. What would be the result of that? I will tell you what would be the result of that. Such a state of things would finally come about as exists in Georgia, where white men and colored men all unite in sustaining STEPHENS unanimously for a seat in the House of Representatives. Call home your Army, and the first result will be the triumph of the conservatives politically in Louisiana. Very well. Colored men for a year or two may not hold office; but the colored man that has been in the rice-fields of Louisiana, the colored man who has toiled in the sugar-plantations of Louisiana, will not be harassed by a carpet-bagging politician as their governor; and I mean that in no offensive sense. All those gentlemen who are here and who are from the South understand me in that. I suppose we are all carpet-baggers in this country. New England has carpet-bagged all the West and Northwest, for her population is everywhere. That is legitimate. But this offensive carpet-bagging system, the pouring out all our political lazzaroni on their shores, is what I protest against.

The first result might be power in the hands of the conservatives down there; and what would be the next result? The colored man would go to his rice-field; he would go to his sugar-plantation; he would work, work, work, prepare to educate his children, prepare himself to discharge the duties of political life. He would not be left long in that attitude. O, no; an independent democratic conservative candidate would come up. He would say to the regular democratic nominee, "Sir, I dispute your right to the votes of this district; I am going to run myself;" and what would he do? Go right to the colored element, conciliate it—gentlemen, you know how that is done—conciliate the colored element, get all that vote for himself. They would not be assassinated, for then they would be voting for a conservative. He would be a shrewd, bolting conservative, and he would say to his political friends in their caucus, "Let us put one-half colored men on our ticket, and we will draw the whole colored vote to us." Then the regular democratic conservative nominee on the other side would say to his friends, "Let us put three-fourths colored candidates on our ticket, and then we will beat these fellows at their own game." The result would be in a short time that no ticket could be elected in Louisiana which did not have a number of prominent colored men upon it, and the only danger would be that everybody that was elected might be colored, because everybody would be singing peans to the glory of the colored voters, and how bravely the colored troops had fought. [Laughter.]

That is common sense. I am borne out in that by the experience of every man in this nation. I say the only salvation for the colored people, the dawn of happiness, of prosperity, is for those spirits of turbulence to be driven out of the South and your Army called home.

Mr. President, I desire to conclude the speech which I have had the privilege of making in the hearing of the Senate this morning, by referring to yet one or two more of the positions occupied by the honorable Senator from Illinois. I have thought that he dealt very harshly with the gentlemen on the other side of this Chamber. He has remembered, for he knows, what old democracy is. A man of his advanced years, who was so long in the service of that old hard-shell Bourbon democracy, knows what were the leading, fundamental principles of their creed in years long since gone. He therefore undertakes to arraign the democracy of the present day, and charges them with all he is familiar with of stratagem, of treason, and of spoils. Mr. President, I see the subject through a different pair of glasses. I understand it thus: In years gone by there was a whig party and a democratic party. They had organizations. They were the antipodes of each other. They fought their political battles. They had banks; they had tariffs; they had distribution of the proceeds of the public lands; they had questions of the policy of the day in which they flourished to quarrel about. They have both long since passed away. The principal part of these old democratic leaders drifted into the republican party, and now I could point them out all around these seats. Why, there is scarcely a man here, excepting some of the very young Senators, but was formerly of the old democratic party. They carried the abuses of the old democratic party into the republican party, and the new democracy, the superior democracy, the democracy of the Cincinnati and the Baltimore platforms, have had to combine against these olden democrats for their political destruction. In the State of Massachusetts BENJAMIN F. BUTLER was the old democratic representative of the republican party. The young democracy, the Cincinnati-platform democracy, gave him his quietus in the last fall election. The honorable Senator from Illinois [Mr. LOGAN] is the leader of the republican party of the Senate and of the United States. He was for years the bone and sinew, the brains, the will, and the authority of the old Bourbon democracy; but in the State of Illinois last fall the young democracy, the Cincinnati-platform democracy, laid the prospects of that Senator in the shade by electing a young, new democratic Legislature, based upon the principles of the rights of the people and local self-government. I say, therefore, that it is not astonishing that the honorable Senator should feel somewhat hard toward the new democracy, that is driving the old leaders to their political graves.

Of the platform of this new democracy suffice it to say, it contains a plea for the political equality of all men, for the Union of the States, for universal amnesty, for local self-government, for a purified civil-service, for equal taxation, for a return to specie payment, for justice among nations, and for the supremacy of the civil over the military power.

But, Mr. President, very honestly and very candidly, I say in my

place I regret it. He may say to me, "That is not particularly your concern;" but I do regret that a man of his position before the country should deem it necessary to attack the stricken people of the South in the manner in which he has during this whole discussion. Senators from the South have been so attacked, they have been so denounced, they have been so pressed, (if you look for the pressing to the reports that will go out of these speeches,) that I scarcely know how they will be able to face a chivalrous, bold, and fighting constituency; and I have fancied that the object was to take advantage of the circumstances under which they were placed here. I did feel that a great injustice was done to the Senator from Georgia [Mr. GORDON] the other day, when there seemed to be a studied effort to irritate and to goad that faithful representative. At that very time he had sent a dispatch to the people of Louisiana in which he had called upon them in words positive and unequivocal, "Bear all your tribulations; suffer, even suffer to manacles; but resist not the authority of the United States." While the honorable Senator from Georgia, in the spirit of the Cincinnati platform—of amity, of friendship, and healing of wounds, the spirit of conciliation, the spirit of magnanimity, the spirit of chivalry and of honor—was thus attempting to throw oil upon the troubled elements, that he should thus be attacked was to me most astounding, especially as he had just placed the fetters of peace upon hands that illustrated his valor in battle. The people of the country will understand it. Men are not to be badgered now from the North any more than it was once said, in the days of slavery, that they were not to be badgered from the South. We now stand upon a common platform, we now occupy the same position, and the people will apply the corrective. The people at the polls will give it the quietus; and the people of the North everywhere are determined that this everlasting tirade, this ebullition of hate, this pouring forth of blood, this varnishing of the skulls of a previous war and keeping them for future use, this playing on the bones in the Senate of the United States, this shaking of the skeletons before the Senate and the country, shall cease. That thing has been tried. That game was played in Illinois last fall. The honorable Senator—I know how eloquent he was; I know how persistent he was; I know how like an angel he was, flying from one portion of heaven to the other with the republican trumpet blowing the tocsin of war, telling about Penn's revolution, about the maimed and the decrepit soldiers of the South making a desperate effort to straighten up once more for the purpose of attacking the liberties of Illinois; I know how much of that speech was made to his people. They heard it; they treated him like a gentleman; but they voted for the modern democracy!

It was so, Mr. President, (Mr. SCOTT in the chair,) in your own State of Pennsylvania. You had been the author of thirteen volumes, printed on foolscap, containing reports of outrages in the South. That document had gone all over Pennsylvania. You had at least from one hundred thousand to five hundred thousand of a majority—probably one hundred thousand majority for Hartranft. It was an immense multitude that no man scarcely could number and expect to live. The books were carried in peddlers' packs all over the State. They were read for thirteen nights in succession, one volume every night, at the miner's cabin, around the doors of the furnaces, among the poor, impoverished laborers in the mines of Pennsylvania; but they saw through the flimsy disguise. They simply went to the polls on election day and registered their edict that a party that proposed to live on blood when they were scarcely able to live for want of bread should go to political pandemonium; and that edict stands registered at the present time.

I leave this question with the Senate. I am in favor of the passage of the resolution of the Senator from Missouri, [Mr. SCHURZ,] in order that the Judiciary Committee, in a cool, fair, manly, and dispassionate manner, may look into the subject, and I trust without partisan bias be able to come to the conclusion that there is a government of the people in Louisiana in abeyance; that the duty of this Government is to call home her Army, and no longer aggravate and exasperate the people of that State.

Mr. FRELINGHUYSEN obtained the floor.

Mr. LOGAN. I ask the Senator from New Jersey to yield to me for a moment. I do not wish to detain the Senate, nor do I wish to make any remarks in criticism or reply at all to what has been said by my friend from Nebraska; but inasmuch as he suggested to me that there was a democratic Legislature in my State, I ask permission to have a telegram read from that Legislature on this question.

The Chief Clerk read as follows:

SPRINGFIELD, ILLINOIS, *January* 14, 1875.

Senators LOGAN and OGLESBY,
United States Senate:

The house of representatives has just laid a democratic resolution alleging unlawful interference in Louisiana on the table—83 to 62.

S. M. CULLOM.

Mr. LOGAN. I desire now to have read a certified copy of a telegram that was sent to the President of the United States, putting another phase on this case, showing now that the other side want the Army. I only ask that it be read.

The Chief Clerk read as follows:

NEW ORLEANS, *January* 14, 1875—8 p. m.

TO U. S. GRANT,
President:

Seeing from your message that the interference by the military on Monday, the 4th, with the organization of the house of representatives of Louisiana was unauthorized by you, I now, as speaker of said house, ask you to direct the military to restore the *statu quo* existing at the time General De Trobriand ejected certain members from the house, in order that the house of representatives may proceed in the discharge of its duties without molestation.

LOUIS A. WILTZ,
Speaker of the House of Representatives of Louisiana.

A true copy.
LEVI P. LUCKY,
Private Secretary.

Mr. TIPTON. I have to say that I hope that will be granted, and that these gentlemen will not be humiliated by going back and undoing their tyrannical work.

Mr. FRELINGHUYSEN. Mr. President, I feel constrained to make a few calm remarks in this debate for the purpose of correcting a delusive impression which I fear is being made upon the people of the South, and for the purpose of counteracting, to the extent of my feeble ability, an injury which I believe is being done by positions here taken to the best interests of the country.

The allegation is made openly and repeatedly in the Congress of the nation, in the assemblies of the people, and in the public journals, that there has been inaugurated, has long continued, and now exists a system of outrage, murder, and assassination at the South, the deliberate design and purpose of which is to deprive American citizens of their constitutional rights. It is not for me to say that this allegation is true; that would be but the opinion of an individual; but I will very briefly call attention to some of the considerations which seem to prove the charge.

While it is true that "common rumor," to use a rough maxim, "is a common liar," yet the calm and deliberate conclusions of an impartial community, gathering their information from a hundred different sources, are entitled to much of the consideration that belongs to truth; and I feel that I may say that a large part of the community at the North believe that allegation to be true, and that the plain people of the country, who love their country better than any party, have painful apprehensions that it is true.

The fact that a large number of those against whom this system of terrorism is alleged to be directed omit to exercise the cherished right of voting, are discontented and seeking to remove from their homes, is further evidence of the truth of the charge.

The fact that some of the white people of the South who recently manifested their dissatisfaction with this Government by open revolt have since the close of the war displayed their hostility toward those who favored and sustained the Government by the organization of a secret order known as the Ku-Klux, who are proven by thirteen volumes of testimony to have been guilty of the most diabolical crimes, and that now another order is founded on the antagonism of race, as the name of "White League" alone sufficiently shows, is some evidence that the charge is true. We have the evidence of there having been several slaughters at the South, resulting in death to many of those toward whom this terrorism is directed, as that at Red River, that at New Orleans, that at Vicksburgh, and at other localities.

Then, too, we have the testimony of living witnesses officially before this tribunal, under the sanction of oath averring before us that the charge is true. The Senator from Louisiana [Mr. WEST] reluctantly and under a sense of painful duty, told us the charge was true. The Senator from Texas, [Mr. FLANAGAN,] who has lived nearly seventy years with the people of the South, who has no ends to answer excepting fidelity to the country, tells us that the one-half has not been told. His colleague from the same State [Mr. HAMILTON] does not contradict him. The Senators from Arkansas and from Mississippi are here, and they have not yet risen to say that the allegation is false.

Then, sir, we have the testimony of General Sheridan, that brave and patriotic man, the hero of many a battle-field, whose name and memory will be cherished by the American people long after most of us are forgotten. He tells us, with all the directness and frankness of a soldier, that the atmosphere which his high duty compels him to breathe is filled with violence.

Sir, I have in my possession a compilation of hundreds of instances of violence, gathered from the public press, giving place and date and name; but I will not refer to them, because their use would be met with the assertion that they were mere newspaper stories; but which while uncontradicted cannot fail to add to the conviction that a system of violence does prevail.

And last of all, under the duty imposed by the Constitution upon the President to communicate to Congress from time to time information of the state of the Union, we have the deliberate statement of the Chief Magistrate that this allegation of outrage and wrong is true. Now, sir, it will not do to attempt to "whistle down the wind" a charge sustained by such proof.

This charge that a system of violence has existed and does exist should have been met by every Senator, without distinction of party, with an impartial and firm determination to know the truth, rather than by a cold and vacant denial. It should have been met by a united effort to exhaust the whole power of the nation to bring to speedy punishment these violators of law, rather than by justification, extenuation, and derision. One Senator tells us that the allegation is an insult to the people of his section; and I suppose that is to stop action when law is trampled under foot. He tells us that "only in rare and isolated instances" does violence occur.

Another Senator says:

I do not vindicate murder; I do not vindicate violation of law; but I hope that the people of all countries, including Louisiana, will never tamely submit like cravens and cowards to be oppressed without a show of resistance.

If, sir, there is any more craven and cowardly way of resisting even oppression than by assassination and murder, I have yet to learn it.

Another Senator attempts to hold the charge up to derision, and tells us "the outrage business is played out; that the people have heard that song until it fails to be music to their ears; that the republican party have an outrage-mill; and that these stories are part of their political machinery."

When such astounding statements of systematic violation of law as are presented here are thus met by Senators, no one should wonder at the saturnalia of crime. If the Senate and House with one voice and one heart should denounce these atrocities, and, casting party to the winds, let the world know that we were determined law should reign supreme, there would be order at the South in sixty days.

If this charge of violation of law be true and such things be tolerated, we see before us the ruin of this Republic. This system of organized crime may accomplish the partisan purpose to which it is directed; but it is yet true, as has been well said, that laws that are enrolled in the chancery of heaven cannot be repealed by any popular vote, and He who enacted them cannot be reached by any bribe or moved by any terror. In the violation of that simple law of right and wrong which is written in letters of light on the shrine of creation, and on all our hearts, you may read the downfall of the generations of nations that have figured upon earth. The crimes of the Roman republic were lost in the greater crimes of the empire, and both were ruined. The revolutions of France, the vibrations between anarchy and tyranny in the Greek republics, only prove that no matter what be the form, government cannot be maintained but by maintaining virtue.

Our fathers, when they laid the foundations of this nation, made a compromise with vice, and it well-nigh cost the life of the Republic. Too patriotic to inscribe upon the pages of their Constitution that word which is the sum of all iniquities; too logical, when establishing a government based on the equality of man, to recognize different grades of citizenship or civil privileges, they yet did tolerate slavery; and the result has been that for every tear-drop that in response to the lash of the task-master has trickled down the cheek of man, there has been demanded a drop of the heart's blood of the sons of those who thus struck hands with a great national wrong.

We should learn wisdom by experience. We have come to a national epoch. The rebellion is over; there has been enough of suffering and of torture; the storm is passed, but the current still runs strong. There are animosities, antagonisms, hostility; and the question for us is whether, come weal or woe, we will stand by the right, or whether we will suffer the Republic to drift away to that destruction which has met every nation that did not withstand the tide of vice.

The people of our country have inscribed on their Constitution three principles: universal freedom, universal suffrage, universal citizenship. There they are. They are the trophies of the war. To purchase them three hundred thousand young men, as good as any of us, lie to-day cold and stark in death. Time has brought its alleviations, but to-day thousands of hearts are shrouded in sorrow. We Senators at yonder rostrum have assumed the solemn obligation to do all we can to maintain and enforce in letter and in spirit those three great amendments of the Constitution. Has it been done? Is it being done? Is there a citizen of the North who would to-day be willing to live under such citizenship as the colored people of the South are subjected to? These are questions each Senator of right determines for himself. But if these amendments did not exist, how plain is the path of policy and of duty At the Revolution the population of the country was three million; it is now forty million. The number of the colored people to-day is four millions eight hundred thousand. I do not say that in a like period to that which has elapsed since the Revolution the colored population will amount to forty million; but I do say that they will amount to twenty million; and the question is, as a matter of mere public policy, aside from all constitutional amendments, whether they should be reasonably elevated, educated, and made a thrifty and industrious population, a blessing to themselves and to society, or whether they shall be an ignorant and degraded race, rising occasionally in revolt as the lingering sparks of manhood are fired by some new wrong—whether they shall rise to the dignity of creatures of God or become a mass of moral degradation pestilential to society.

Let us remember that the object of government is not to minister to the pride or to feed the luxury of men, but its true end is to elevate, refine, and humanize all who are brought under its influence. If we did not intend to give these people the rights of citizens, we should have left them slaves. If we did not intend to give them the protection of the law, we should have left them that protection which the lord gives his vassals. Look at their history. They were brought here by the cupidity of our fathers. They have been docile and obedient to law; they have not been pensioners upon our bounty. They have cleared our forests, reclaimed our morasses, and every year they bring $150,000,000 worth of cotton—the equivalent of gold—to the wealth of the nation. Without return they have supported in affluence a large portion of the people of this country. They have educated their children. They have helped to fight our battles. They are not indebted to us. And, sir, besides, it is the height of folly for a people to quarrel with its labor, for that is its wealth.

But all these plain and clear obligations of the Constitution, of duty, and of policy are met by one plea, which I have heard iterated and reiterated when each of the three amendments and when any law for its enforcement has been before the Senate, until the plea has become vapid and nauseating. That plea is, "We do not want social equality." That plea is a fraud or a delusion. There is not, there never has been, and never can be any such thing as social equality. The richest and most influential man in society cannot take a cup of tea with the poorest and humblest old lady in the country without her consent. Social relations depend upon reciprocal consent; they depend upon taste; they depend upon the affinities of the mind; they depend upon the arbitrary will of individuals, which no statute can control. Look at it, sir. The most uncouth, illiterate, degraded, and uninviting white men in the land, if not felons, have now and ever have had full and equal civil and political rights. Has this fact compelled anybody to associate with that class? Has it created social equality? No; on the contrary, in this country where we do not recognize any grades of citizenship, society has risen to a refinement, a culture, and an elevation that it has not attained in those lands where grades of citizenship are recognized. That plea is either a fraud or a delusion.

The people of the South had better not be deceived; for the people of this country intend that sooner or later there shall be equal citizenship here. They intend that the plea, "I am an American citizen," shall be respected in every nook and corner of the country just as much as it is upon the deck of a man-of-war. Do not be carried away by any ephemeral excitement; the rights of citizenship have cost too much ever to be surrendered. If this system of violence goes on at the South, you will see no political divisions at the North. Democrats are just as good men as republicans, and when they come to understand the situation will be as determined as republicans to have the law triumphant in this country. There are associations and traditions connected with the history of the three great amendments which appeal to the hearts of all our people. They will remember that the same blanket covered a lamented son and the colored soldier on the morass; that they shared their waning canteens together; that they bore for each other the last message of affection, and even bivouacked in death together; and our people will say: "We have submitted that those who have a chartered right to equal citizenship shall not have the full advantage of that public education they are taxed to support; we have submitted that when they travel they shall be thrust into the bunk or cattle car; we have submitted that they shall eat their rations at the curb-stone instead of the common inn; we have submitted that they shall be buried upon the roadside and not be permitted burial in that public grave-yard which they are taxed to maintain; but we will not submit that their lives be tortured by apprehension and terminated by violence." That will be the sentiment of the democrats and republicans at the North.

Be not deceived. In 1860 there were democratic leaders who sympathized with the then approaching rebellion. They told the South that there would be a divided North; that military forces would not be permitted to pass through certain States, and that there should be no coercion; but as soon as the old flag was fired upon, the rank and file of the democrats cast to the wind the pledges of their leaders, and manfully fought, and died, too, for their country. If the people of the South gets the impression from anything said here that there will be at the North any sympathy with or toleration of the system of violence, that seems to prevail at the South, they will be deceived.

A distinguished Senator said the other day that we should conciliate the South. Let me say to the Senators from Southern States that I remember that we have a common ancestry and measurably a common history, and I hope a common destiny. That I remember that they made a great mistake and have been disappointed; and while I am glad that they were, my American manhood forbids that I should ever exult over their disappointment. But, sir, let me say that I am opposed to any system of so-called "conciliation" because that is not to their advantage or the interest of the country. What we all want, and must have, is a government of law and equal citizenship everywhere. Conciliation! No, Mr. President; that administration of affairs which depends upon the will of the governed, and not on the will of the governing power, is not government. We want no jelly-fish system, that rests on conciliation; we want a government of bone and vertebræ, which does not "bear the sword in vain," which is a "terror to evil-doers." Let it be the sam in every section.

It has been eloquently and truly said that the hand which breaks down our laws is the hand of death unbarring the gates of pandemonium and letting loose upon the land the crimes and miseries of hell; and if the Most High should stand aloof and not cast a single ingredient into our cup of trembling, it would yet be one of insufferable woe; but He will not stand aloof.

Mr. President, the subject of the prevalence of crime and lawlessness at the South, and especially in Louisiana, and the supreme necessity of averting anarchy, constitutes the atmosphere through which alone you can correctly see and judge of those transactions of the 4th of January, which have excited the country. Sending Federal soldiers at all to a State which was peaceful, which was in a normal condition, would find no defenders on this side of the Chamber. Having the

soldiery reinstate one government for another, as was done on the 14th of September, and which has met approval by the country, has only been approved because of the abnormal condition of society at New Orleans; and those utterances, here and elsewhere, which characterize the conduct of the General Government as if the theater of action had been in a peaceful State, where the law was supreme, where every citizen was a conservator of the peace, are a simple perversion of the true situation and calculated to weaken a government which every citizen of every party is bound to strengthen.

This much I wished to say: that those who wish to look at the transactions of the 4th of January as they really were may take a proper stand-point to view them.

I think the reflecting people of this country must be painfully impressed with the injustice that has been done to the President and to General Sheridan in this debate. The President, it is clear, has only been influenced by the most humane and patriotic motives. He called upon Congress for direction, and Congress in effect told him to recognize and to sustain the Kellogg government. He told us that he had recognized that government, and that he would continue to do so unless we directed to the contrary; and we were silent. He has, as a faithful man, done the best he could; and it seems to me that it is ungenerous and unjust to seek to excite toward him public prejudice or odium. Time and again, when massacre seemed to be impending, he has averted it.

As the 4th of January approached the whole country was filled with anxiety. The telegraph constantly informed us of the condition of affairs there; and when the day was passed without violence the nation was relieved. It was that modest, retiring, and indomitably brave man who has so often and so signally averted impending peril to his country who was the instrument to turn aside that threatened sorrow and disgrace. And to classify him with Napoleons, and Cæsars, and Cromwells, and oriental despots; to say to the country that he may yet fill the corridors of the Senate with troops to control legislation; to suggest that it may be necessary to refuse appropriations to the Army or disband it because he, of all men in this world, is unfit to be its commander, is ungenerous and unjust.

Mr. President, before considering the proceeding of the 4th of January, let me say a word as to the powers of this nation known as the United States of America. The democratic party up to 1860 had so cultivated and distorted beyond proportion the doctrine of State rights that their theories culminated in James Buchanan's sending, on the 4th of December of that year, a message to Congress, stating that after serious reflection he had arrived at the conclusion that Congress had no power to coerce a State which attempted to withdraw from the Union. The erroneous theories culminated in that message, but the baneful effects of that doctrine can only be arrived at by estimating the blood and treasure the doctrine of State rights has cost the country. From the State-rights stand-point it is difficult to discover what the military can lawfully do. No, Mr. President, this is a nation, and not a general agency of thirty-seven independent sovereign States. By the Constitution the States are denuded of many of the incidents of sovereign power. They can of themselves make no agreement or treaty with other States. They can have no foreign relations. They can have no army or navy, and even the militia, when in service, is under the control of the Federal Government. The States, by the surrender of these powers, would be unable to maintain their organization against insurrection from within and invasion from without. The great common power to which the States look for protection from domestic violence and foreign invasion is the United States.

All the power which the United States possesses in this regard is set forth in the fourth section of the fourth article of the Constitution. The provision is brief, but contains vast powers. The United States Government guarantees three things to the several States, in consideration of their having surrendered the incidents of sovereignty. It guarantees to them government, security, order. It guarantees to the States government. This the United States is to see that each State has, whether the Legislature or the governor of the State ask the interference or not.

Every State is interested that there should be government in each. The relations of the States are so intimate that anarchy in one would be to the injury of all; and besides, as the citizens of the several States are citizens of the United States, they have a right that anarchy shall not exist in any. Then, too, the United States has a system of laws and government extending into each State, and its laws and government cannot be enforced in the State that is in a condition of anarchy, and the obligation is on the United States to see to it that anarchy does not exist anywhere; and this whether the governor or the Legislature make a call or not.

The United States, whether the Legislature or governor ask it or not, whether they like it or not, is also to protect the several States from invasion. All are interested that the State should not be devastated by a foreign foe. All the citizens of the United States are interested in this, because as citizens of the United States they have rights, property, and privileges in the State to be protected. And the United States of its own motion is to afford this security.

The United States is to do one thing more, on the application of the Legislature or governor. The State having surrendered its rights to an army or navy, the United States is to render its aid in protecting from domestic violence.

Now, who is the United States? Is it the executive, or is it the judiciary, or is it Congress? It is all combined, and it is each of these three branches acting separately within its constitutional province. The Government which the United States guarantees is to be republican in form. Should a State pass a law tending to create an aristocracy, as that the judgeship should be hereditary, it would be the duty of the judiciary to declare that law void; and in that case, fulfilling this guarantee, the judiciary is "the United States." If all government in a State should be broken down, as after the rebellion, so that it became necessary to organize new governments, then the legislative power acts, and Congress is "the United States." If there is domestic violence in a State and the President is called upon by the Legislature or the governor to suppress it, he fulfills the guarantee, and he, acting in his province, is "the United States."

Mr. President, a republican government is not only one in which the representatives elected by the people govern, but is one in which the succession or continuance of organized authority shall be in accordance with the law of the land. That is quite as essential to a republican government as that the governing representatives shall be elected by the people. If by fraud or force, or both combined, this succession or continuance of organized authority according to law is interfered with, and the sovereign power is seized by intruders, that is a subversion of government and so is a subversion of a republican form of government, and the United States by that branch of the Government to which the duty appropriately belongs may interfere.

The highest and most atrocious breach of the peace, the most disastrous domestic violence, is that which prevents the lawful succession or continuance of organized authority.

It is worse than murder, rapine, or arson, because it strikes at the heart of government. If the usurper of power at the imminent moment the transfer or succession of government is being made can, by stratagem, by a *coup d'état*, wrest it from those designated by law, what folly is it to have armies to protect lawful government! For why should usurpers ever peril their lives to get that power which they can get by seizing, stealing, thieving? Why clothe sovereign power with a coat of mail, if you leave a joint in the harness open where the spear of the usurper may reach the very heart of government?

Let the United States Senate be careful that in its commendable hostility to the interference of the military with the civil authority it does not give countenance to the much more dangerous enemies to civil authority. The usurper of civil authority, whether by force or fraud, is entitled to no sympathy whether their treason be arrested by civil or by military agency; and the State that is delivered from the usurpation has suffered no wrong.

Unless we are careful, this nation with its thirty-seven State Legislatures may by our defense of those who through stratagem attempt to seize the government of Louisiana do greater injury to civil liberty than could ever in this land be done by the military power.

Mr. President, the military power of this country in the hands of the people is but that of a mouse under the paw of a lion. In countries where the people have little power, and where they are not the rulers, and where there are large standing armies, there may be danger from military power; and is it not true that the perils and dangers to civil liberty which there exist have been adroitly and skillfully transferred by some debaters to this country. It seems to me that I can hear the brave man of the West laugh at the idea of twenty-five thousand solders a few months from the people imperiling the liberties of their country! There is much of affectation in this pretense of danger to liberty from our Army. I think the trumpet has given in this case an uncertain sound.

Now, Mr. President, I have a few words to say in reference to the 4th of January. Remember the state of partisan feeling at New Orleans, as manifested by the murders and assassinations that had occurred. Remember that within ninety days an armed band of insurgents had overturned the government of the State of Louisiana; that they had shot down the police and trampled under foot the civil authorities; that they had murdered in the streets fifty citizens; that the governor himself only saved his life by fleeing to the custom-house. Remember that this insurrection was held in abeyance, but had not been exterminated; that it was like a subterranean fire that had been stamped out at one point, but was ready to burst out at another at any minute.

As that day approached, these insurgents had a definite purpose and definite plan for accomplishing their purpose.

Their purpose was at the imminent moment, when the sovereign power was being transmitted from one set of representatives to another, to seize the reins of government by stratagem and by force, and thus overturn a government which had been recognized by the courts of the State and by the Federal courts, by the Congress of the United States, by the President, which had existed for two years, and which this same party had within ninety days successfully seized, but were not suffered by the Federal Government acting through the military power to hold. That this was their purpose is manifest; first, by what occurred on the 4th of January, of which hereafter; second, by what McMillan, who was elected to the United States Senate by the McEnery legislature, told Mr. Foster, one of the committee which went to New Orleans. While sitting in the legislative hall, McMillan told him that their plan was that the newly-elected senators were to

join themselves with those who claimed to be elected to the senate in 1872, and thus they would have the senate. They were then to obtain the house of representatives in the manner we shall see; and that then the two houses would recognize McEnery as governor. Thus a revolution formerly attempted by force and defeated with the approbation of the whole country was to be effected by stratagem.

I am much mistaken if the Senator from Maryland [Mr. HAMILTON] the other day did not say in the Senate that if that Legislature had not been driven out, Kellogg would not have been governor for an hour. The purpose was by a *coup d'état* to effect that which they had failed to effect by arms and by bloodshed, and some of the people are thrown into a convulsion of excitement when this purpose fails. If the revolutionary stratagem had succeeded and been tolerated, it would have been a lamentable precedent for anarchy in a country where there are thirty-seven such legislative bodies, where power is annually succeeding from one set of representatives to another.

Now, how were the insurgents to get possession of the Legislature? The senate was to be easily managed. The democratic senators did not join their associates, but staid out of the senate to join the democratic members elected in 1872, when the house should have been secured.

How was the control of the house to be obtained? The plan of the insurgents and the outrageous violation of law are sufficiently manifested by a statement of the law and by what they did. There were two ways, and only two, by which any person could become a member of the Legislature—by his being named on the roll prepared by the clerk of the former house or by his being declared to be a member of the Legislature after it had been organized. Those are the only two possible ways in which any one can be a member of the Legislature of Louisiana. The statute that regulates this subject is the twenty-fourth section of the act of November 20, 1872, which declares in these words—

> That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly; and it shall be the duty of said clerk and secretary to place the names of the representatives and senators elect, so furnished, upon the roll of the house and of the senate respectively; and those representatives and senators whose names are so placed by the clerk and secretary respectively, in accordance with the foregoing provision, and none other, shall be competent to organize the house of representatives or senate.
>
> Nothing in this act shall be construed to conflict with article 34 of the constitution.

Let us see if there is anything in the act interfering with the thirty-fourth article of the constitution. The thirty-fourth article of the constitution provides that—

> Each house of the General Assembly shall judge of the qualification, election, and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

The act of 1872, you see, does not conflict with the constitution, but affirms it. The constitution says that none but the house shall determine the qualifications and elections of members. There was no house when this action was taken; there had been no organization. But the constitution further provides that the manner in which a contest shall be conducted shall be prescribed by law; and the law of 1872 does provide the manner, and expressly says that none, no matter whether in fact elected or not, unless their names appear upon the roll which is made out by the returning board and sent to the secretary of state and given by him to the clerk, shall take part in the organization of the house.

There were one hundred and two members on the roll who answered to their names; fifty-two, a majority of them, were republicans; fifty were democrats. By no possibility could that house under a party vote have had other than a republican organization. That was one of the difficulties the conspirators had to contend with.

There was another difficulty. The law provided that the clerk of the previous house should hold over, in the language of the act, "to facilitate the organization of the new house," and should hold over, as the act says, "until a clerk shall have been elected and qualified to succeed him." The former clerk, then, was the representative head of that assemblage of persons returned to the Legislature. It was he who should call the roll; it was he who was to preside until the house was organized by the election of a speaker. The language of the act is this:

> That, for the purpose of facilitating the organization of their respective bodies, the secretary of the senate and the chief clerk of the house of representatives shall hold over and continue in office from one term of the General Assembly to another until their successors are duly elected and qualified.

These laws were set at defiance.

Mr. MORTON. Will the Senator allow me to ask him a question?

Mr. FRELINGHUYSEN. Certainly.

Mr. MORTON. I desire the Senator to state whether under that law there was any authority for the election of what is called a temporary chairman or speaker to organize the house?

Mr. FRELINGHUYSEN. Certainly there was not; because there was an express provision of law that the clerk of the former house should hold over until his successor was appointed, for the purpose, in the language of the act, of "facilitating the organization of the house."

Mr. MORTON. I will ask the Senator still further if he understands the operation of that law and the practice of legislative bodies to be that the clerk himself is to act as the presiding officer until the organization is complete.

Mr. FRELINGHUYSEN. I certainly understand that the clerk is to preside until a speaker was elected.

Mr. President, these laws were set at defiance. The clerk was in his chair performing the duty of organization when a member usurped his duty. Mr. Billieu nominated Mr. Wiltz as temporary chairman. Billieu put the motion, which he had no more right to do than I had. He declared the motion carried and Wiltz elected. You, sir, might with equal authority have pronounced that judgment. There never was a grosser usurpation. Wiltz was not elected chairman of that house for these three reasons: First, because Billieu had no right to put the motion, or decide the vote; second, because he refused to call the yeas and nays. Mr. Foster told me that the demand for the yeas and nays was made. The constitution, by the thirty-sixth article, provides that "each house of the General Assembly shall keep and publish weekly a journal of its proceedings, and the yeas and nays of the members on any question, at the desire of two of them, shall be entered on the journal." A clerk was to hold over to keep the journal. There is the constitutional provision. There was a demand for the yeas and nays and there was a refusal. Wiltz was not elected the chairman of that house for the further reason that there were fifty-two men there opposed to him, as we have the right to infer, and not more than fifty in favor of him.

Mr. BOGY. I will ask the Senator if Mr. Billieu was a member of the Legislature, that is, one of the persons whose names were on the list furnished by the former clerk?

Mr. FRELINGHUYSEN. I understand he was one of those.

Mr. BOGY. If he was a member, it was according to the usage.

Mr. FRELINGHUYSEN. If he was elected a member of the Legislature, he was not elected speaker, and he undertook to perform the province of speaker by putting a motion and declaring that motion carried, and that too when another, provided by law, was presiding and when the motion was not carried.

Mr. BOGY. Did the law to which the Senator alludes authorize the clerk to put motions to the vote of that body? The law, if I understand it, only made it the duty of the clerk to call the roll of the members. It is the usage in the Western States—I know it is in my State—for a member whose name has been called to nominate a person, and he puts the question to the members whose names have been recognized as members, and it is not put by the clerk.

Mr. FRELINGHUYSEN. If the Senator from Missouri had done me the honor to listen to what I said, he would have understood my view.

Mr. BOGY. I will state to the Senator that I have listened to his speech with great attention and great pleasure, because I think he is making a very able speech indeed.

Mr. FRELINGHUYSEN. I am much obliged to the Senator.

The law expressly provided that the clerk should be continued over for the very purpose of facilitating the organization; that he should remain clerk until his successor was elected; that is, remain clerk until a speaker had been elected and they proceed to the election of a clerk. It would be a strange arrangement for the organization of legislative bodies if it was the province of one hundred and two men whose names were on the roll each to put a motion, each one to say "It is carried," and possibly have one hundred and two different results. That would be an organization into chaos!

Mr. MORTON. Will the Senator allow me to call his attention to the fact that at the time that man made the motion to elect Wiltz as temporary chairman none of them had been sworn in by the clerk?

Mr. FRELINGHUYSEN. Not one. None of them were sworn in before the republicans left in any other manner than according to Dr. Franklin's plan of asking a blessing upon the whole barrel of pork. They were not sworn in, as I understand, otherwise than by Wiltz declaring them to be sworn.

But, Mr. President, let us proceed. What use is there in raising a question whether Billieu had a right to put a motion or not, when the constitution provided that they should call the yeas and nays when they were demanded, and when they were refused and refused just because there was a majority against the motion?

Immediately on Wiltz's taking the chair, Mr. Trezevan was declared elected clerk. There was yet no permanent organization of the house. Then Mr. Billieu again moved that five persons who claimed to be elected, but whose names had not been placed upon the roll, should be sworn in as members; and this by the usurping speaker was declared carried. Another demand for the yeas and nays was made, and it was refused. They were not members of that house because they were not on the roll, and there was no house organized which could admit them. What a farce to say that five members who claimed contested seats could be admitted when there was no house organized, no committee appointed, nobody to look at the testimony, to look at the credentials, and when the law of the State expressly said that they should not be admitted until after there was an organization. What a farce to pretend that these men were members of that house when the person who put the motion expressly refused to call the yeas and nays, and when we have a right to infer that there were fifty-two against their admission and only fifty in favor of it.

Then, sir, we have this case: Here are five persons assuming without authority to exercise the sovereign power of the State of Louisiana; fifty democrats join with them, making fifty-five, which changes

the political complexion of the house, there thus being fifty-five democrats and fifty-two republicans, and thus by this legerdemain those men who had been defeated in their revolutionary project, with the approval of the country, by the Army of the United States, on the 14th of September, have subverted that government and placed themselves in the seat of power. The case is like this: Say there were seventy-one Senators of the United States and three vacancies; of the seventy-one, thirty-six were democrats and thirty-five were republican, and suppose that the republican members should come into this Chamber with three men and should apply to the Vice-President to put a motion that those three men be admitted as Senators and sworn, and he refusing some republican rises in his seat, puts the motion, and declares it carried. If some Senator objects and demands the yeas and nays, the demand is refused. The motion is declared carried and these three men are admitted. Now, the republicans would have the majority, they having thirty-eight members and the democrats but thirty-six. That is the case before us. It is revolution. Suppose, to make the case nearer parallel, that the same republican party within ninety days had by open violence by an army of ten thousand men in the streets of Washington attempted to subvert this Government; that they had made a democratic President flee to the house of some friend to protect his life; that they had stricken down fifty men in the streets; would this not make the atrocity more apparent, if not more aggravated? That is this case.

Mr. President, the grave allegation which has fired the American heart that the Federal soldiery have driven five members of the Legislature of Louisiana from the legislative hall wants the essential ingredient of fact and truth. They were not members of the Legislature. They were only members of a conspiracy to subvert the government. Are they to remain there? If they are, it is a successful rebellion against lawful authority. They must be removed; but how? Had they shot five republicans in their seats, then it would have been proper, I suppose all will admit, to have removed the five intruders by force.

But we are told they used no violence. Ah! Mr. President, if I drop the arsenic into the cup of my associate I use no particular violence, but the result is death. So these men used the violence necessary to accomplish the conspiracy intended to be to that government, ay, and to many of the people, death. And such would have been the result had their purpose not been averted. They committed violence upon the rights of the people of Louisiana. It was their right that the continuing clerk should facilitate the organization of the house until his successor was elected. It was their right that a majority and not a minority should speak for the body. It was their right that every decision should only be made by a call of the yeas and nays when they were demanded. It was their right that none but those on the roll should take part in the organization. They used violence enough. But how are they to be removed? Shall the sergeant-at-arms remove them? He and his associates seem to have been, by previous arrangement, parties to the lawless proceeding. And, besides, there is no sergeant-at-arms to an assemblage not organized.

As those who sought to subvert the government had invoked the military power to sustain themselves, shall Governor Kellogg seek the aid of that power?

I am opposed to the interference of the military power with civil authority in time of peace. But those who were removed were not clothed with civil authority; they were intruders; they were attempting themselves unlawfully to wrest civil authority from those to whom the law gave it; and it was not a time of peace. The fires of insurrection which time and again had broken forth were only slumbering; and if their conspiracy had been successful, it would no doubt again have brought devastation and death.

I am opposed to any intervention of the military power which might even be perverted into a precedent in other times and under other circumstances.

The question is whether Governor Kellogg, following the example of his adversaries, was authorized to seek the aid of the military, and that is all the question before us or before the people. In answer to that question I will ask another, and end my remarks on this subject. Let me ask who is there here, had he been chief magistrate of Louisiana intrusted with the solemn duty of preserving the government of that State, of preserving its peace, of preserving the lives of its citizens—who, seeing now that that government has been preserved, that peace has been preserved, that the lives of the citizens have been protected—who is there who would to-day take the responsibility of undoing, were it possible, what was done at that critical moment? I would not take that responsibility.

Mr. SAULSBURY. Mr. President, my only apology for occupying any portion of the time of the Senate to-day is the importance of the subject brought to our attention by the resolution now under consideration. I do not rise for the purpose of entering into any defense of the democratic party, which has been arraigned by gentlemen on the other side of the Chamber. I have regard and attachment for the party to which I belong, and on all proper occasions shall be ready to enter upon its defense and meet any accusation that may be made against it. But, sir, the relative claims to public confidence of the great parties of this country have recently been submitted to the judgment of the country. Upon the judgment which has been rendered the democratic party is willing to stand. I have no doubt that every accusation which has been brought against that party in this debate by the Senator from Wisconsin, [Mr. HOWE,] the Senator from Indiana, [Mr. MORTON,] and the Senator from Illinois, [Mr. LOGAN,] has been repeated time and again in every portion of the States they represent; and the reiteration of those charges here is simply the repetition of what has been alleged before their constituencies over and over again. They were made prior to the late election, and failed to have their effect upon the very communities with which these Senators are most particularly acquainted, and I doubt not that they will be wholly unable to reverse the verdict which was rendered in November last against the party to which they belong. It is therefore unnecessary that I should enter into any defense of the democratic party or attempt to repel any of the charges and accusations that have been brought against it in this debate.

But, sir, it was ingenious on the part of our friends, it was eminently ingenious on the part of the Senator who immediately preceded me [Mr. FRELINGHUYSEN] to enter into these allegations against the democratic party, to recount again the story of wrongs which they repeated at the hustings in order to divert public attention from the great public crime that has been committed in the invasion of the legislative halls of one of the States of this Union. I have no doubt that the purpose, the object, the intent in bringing these railing accusations against the democratic party, which has ever been the conservator of peace and the defender of the Constitution of the country, was if possible to counteract the effect which the recent military interference in Louisiana has had upon the public mind. But, sir, I apprehend it will not have that effect. In my judgment the people of this country look at this question calmly and dispassionately. It is not a question which they can lightly contemplate or from which they can be diverted by partisan appeals. Throughout this broad land the people seem to apprehend the fact—I hope not too late—that their liberties are in danger. I am not surprised that there has been a profound impression made upon the public mind by what took place in New Orleans on the 4th instant. It would have been surprising if there had not been a public feeling of indignation elicited by the great wrong that has been done. I do not regret that there has been a general dissatisfaction and protest against this crime of greatest magnitude. The conduct of the military authorities, under whosesoever order they may have acted, strikes at public liberty, strikes at the very foundation of our system of republican government; and unless the people of this country were prepared to give up their liberties, it should not be a matter of surprise that they regard such action with indignation and alarm.

I am not surprised that there has been protest in this Senate; I am not surprised that there has been in this Chamber vehement denunciation of the action of the military authorities and of those under whose orders and direction they acted; but I regret exceedingly that that condemnation has come almost exclusively from this side of the Chamber. I regret that our republican friends have not joined with us in denunciation against this great wrong. I regret it, because I believe it would greatly have aided in putting a stop to such military interference with the organization and existence of State Legislatures. It would have been a sublime spectacle to have witnessed a united Senate upon a great question like this, involving the very existence of the rights of the States of this Union. It would have been a sublime spectacle, when the liberties of the country had been invaded, if this Senate with a united voice had put the seal of condemnation upon it. I regret, therefore, that our friends on the other side of the Chamber have felt it their duty to make this a party question. Sir, it is not in itself a party question. There was nothing connected with this act on the morning of the 5th of January which properly made it a party question. The rights of a sovereign State had been trampled under the foot of the military power of this country; and when that news reached this Chamber there was nothing in the question that ought for a moment to have given it a party coloring. It was true that this military interference had taken place during the existence of a republican Administration. It was true also that the Executive, if we can believe the telegram of the Secretary of War, had given it his approval. Nevertheless that was not obligatory upon Senators on this floor. Notwithstanding that invasion had taken place under an Administration to which they had adhered, and notwithstanding the President may have been so unfortunate as in an unguarded moment to have given it his approbation and to have authorized the sending of a telegram to General Sheridan by the Secretary of War saying "that the President and all of us approve your conduct," still, though the President may have thus become committed to this act, no member of the Senate was so committed. The military interference was an exceptional act, one that could not have been anticipated in the regular and orderly administration of the Government. Therefore, when the question came here on the morning of the 5th of January, I repeat, there was nothing binding upon any member of either side of this House to approve or justify it in any particular. I regret that Senators in the presence of such danger to liberty, that Senators on the other side of the Chamber when they were made aware of the fact that the legislative halls of a sovereign State had been invaded by the military power and the legislative department of the government of that State interfered with, did not rise at once above all party feeling and unite with us in the condemnation of an act so perilous and wrong in itself. Sir, what would have been the action of the men who preceded us in

this Chamber in such an hour? Suppose such action had occurred in the days when Webster and Clay and Clayton and Cass were here? Unless I have greatly misunderstood their character and their devotion to free institutions, their condemnation would have been prompt, emphatic, and determined.

Mr. SHERMAN. I do not wish to interrupt the Senator; I simply wish to ask him for permission, as we are approaching the usual hour of adjournment, to move for a recess to seven or seven and a half o'clock, or any hour that will be agreeable to him. Or would he prefer to go on now?

Mr. SAULSBURY. I will say to the Senator that I wish to accommodate myself to the pleasure of the Senate. I should be glad to have spoken at an earlier hour of the day.

Mr. SHERMAN. I think there is a feeling in the Senate that the debate ought to go on this evening in order to accommodate any Senators who may desire to speak. I will only make the motion in case the Senator from Delaware assents. If he desires to go on now, I shall have no objection.

Mr. HAMILTON, of Maryland. I ask the Senator from Ohio whether there is a determination to close this matter to-morrow?

Mr. SHERMAN. I understand the Senator from Maine has given notice that he intends to move to take up the legislative appropriation bill on Monday, and that has precedence not only by right, but by parliamentary usage. He has given us notice to that effect twice. I suggest a recess to promote the convenience of those who wish to speak; but if the Senator from Delaware prefers to go on now, I will withdraw the motion.

The VICE-PRESIDENT. Does the Senator from Delaware yield for the purpose indicated?

Mr. SAULSBURY. I will yield, that whatever is agreeable to the Senate may be done.

Mr. SHERMAN. Then I move that at half past four o'clock to-day the Senate take a recess until half past seven o'clock.

The motion was agreed to.

Mr. MORRILL, of Maine. I suppose it is understood that the evening is exclusively for debate.

Mr. SAULSBURY. It is within ten minutes of the time fixed for the recess.

Mr. SHERMAN. Very well; if the Senator does not wish to go on till the evening, I move that the Senate now proceed to the consideration of executive business.

The VICE-PRESIDENT. If the Senator from Ohio will withdraw his motion for a moment the Chair will lay before the Senate a House bill for the purpose of reference.

HOUSE BILL REFERRED.

The bill (H. R. No. 4324) to authorize the change of the name of the Second National Bank of Jamestown, New York, was read twice by its title, and referred to the Committee on Finance.

EXECUTIVE SESSION.

On motion of Mr. SHERMAN, the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened; and (at four o'clock and thirty minutes p. m.) the Senate took a recess until half past seven o'clock.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senate resumes the consideration of the resolution offered by the Senator from Missouri, [Mr. SCHURZ,] upon which the Senator from Delaware [Mr. SAULSBURY] is entitled to the floor.

Mr. MERRIMON. I perceive that the Senate is very thin, not a quorum of Senators being present; and I move that the Senate do now adjourn.

The question was put on the motion to adjourn, and it was declared not to be agreed to.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. MERRIMON. I call for the yeas and nays on the motion to adjourn.

The PRESIDING OFFICER. The result having been announced, the Chair thinks it is too late to call for the yeas and nays.

Mr. EDMUNDS. After debate, the motion can be made again in a minute.

Mr. SAULSBURY. Mr. President, when I gave way for the motion to take a recess this afternoon, I was trying to impress upon the Senate and upon the country this fact, that there was no occasion whatever, when this question first came to the Senate, for making it a party question. I was trying to show that the members of the Senate on the other side of the Chamber were not responsible for this act of the military power of this Government, that they could not reasonably have anticipated that any such act as interference with the existence of the Legislature of Louisiana would have taken place during the administration with which they are connected.

Mr. MERRIMON. Will the Senator yield? I again move that the Senate adjourn.

Mr. SAULSBURY. I give way.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate do now adjourn.

The question being put, it was announced that the noes appeared to prevail.

Mr. MERRIMON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. I should like to know, as I was not in——

Mr. EDMUNDS. Debate is not in order on a motion to adjourn.

The PRESIDING OFFICER. The Chair cannot decide whether the Senator from Ohio is in order until he states his proposition.

Mr. EDMUNDS. Nothing is in order on a motion to adjourn.

Mr. THURMAN. The Senator perhaps loses something by objecting to my being heard.

Mr. EDMUNDS. I do not object.

Mr. THURMAN. I only wish to know whether there was any understanding among Senators that we were to proceed now, or whether the recess was simply taken by a mere vote. That question will govern my vote on this motion.

Mr. EDMUNDS. I do not know myself. I was not in when the recess was ordered, and I have no information on that topic.

Mr. THURMAN. Then I have to say that in my judgment if Senators will not pay the Senator who has the floor the respect of coming to hear him, his friends are perfectly justified in adjourning the Senate.

Mr. SCOTT. If there was any understanding, I think it might be stated as the understanding that the session this evening was for debate alone; that no business would be transacted.

Mr. SAULSBURY. I will say this: I had taken the floor and spoken about ten minutes when the Senator from Ohio, not now in his seat, [Mr. SHERMAN,] asked me whether I would give way for a recess. I hesitated; I certainly was reluctant to do so; but feeling the delicacy of the position of a gentleman in regard to forcing himself on the attention of Senators, after manifesting some reluctance to it, I did consent to allow a motion to be made providing that a recess be taken. I wish to say, in reference to the remark of the Senator from Ohio, who is not in his seat, that he would not press the motion without my consent, that I gave way because I feel a delicacy in pressing myself upon the attention of Senators at any time, and I do not care now particularly about the attention of Senators to hear anything I have to say.

But whenever there is a motion made on the other side of the House, when I am speaking on the floor, that I shall give way for a recess, and I yield to their suggestions, I think there is something due to myself that they should be present at least and not manifest entire indifference to the discussion. I do not make speeches to the galleries. That is not my sphere. Whatever speeches I make for outside use are made to my own constituency; and so far as I am concerned, I could go on now and make a speech that would be read by my immediate constituents as well as if the Senate were full. I shall yield to the pleasure of the Senate now whether I shall go on or whether I shall be allowed to wait until to-morrow.

The PRESIDING OFFICER. Does the Senator from North Carolina insist on his motion to adjourn?

Mr. MERRIMON. I do.

The PRESIDING OFFICER. The yeas and nays having been ordered, the roll-call will proceed.

Mr. EDMUNDS. I hope, by unanimous consent, I may be permitted to say a word.

The PRESIDING OFFICER. If there be no objection, the Senator from Vermont will be allowed to proceed.

Mr. EDMUNDS. I should be glad to know what are the wishes of the Senator from Delaware upon this subject. The Senate is aware that the chairman of the Committee on Appropriations gave notice that on Monday morning we must proceed with the appropriation bills, and therefore this subject will have to be disposed of, as it now stands, to-morrow; and with the press of matters to-morrow, and the other gentlemen who may desire to speak, I should be glad to know, before I vote, what the wishes of the Senator from Delaware are, in view of the pressure there will be upon our time to-morrow in respect of the other gentlemen upon his side and upon this side of the Chamber who may desire to be heard.

Mr. SAULSBURY. I am sure that question need not have been asked by the Senator from Vermont. I do not think it necessary that I should express any preference. The other day a gentleman on the other side obtained the floor at four o'clock and desired an adjournment to the next day that he might make a speech. I have said enough to indicate my views in saying that I reluctantly yielded to what seemed to be the wish of some Senators this afternoon. I would much have preferred concluding my speech, and I said so to my friends around me, rather than have to come here this evening; but I certainly prefer to make a speech to the Senate and not to empty benches. I am in the hands of the Senate; they have placed me in this predicament; I shall not place myself out of it.

The PRESIDING OFFICER. The roll-call will proceed.

The Chief Clerk proceeded to call the roll, and Mr. ALLISON answered to his name by voting in the affirmative.

Mr. GORDON. If I can say a word by unanimous consent——

The PRESIDING OFFICER. The chair hears no objection.

Mr. GORDON. I simply wish to say to those Senators who are present that if it should appear to-morrow that more Senators wish to speak than can be heard, it would be proper to agree that this debate should be prolonged till the close of Monday's session at least. I am anxious to be heard once more; I think it necessary that I

should be heard; and yet there are a number of Senators here who have already indicated to the Senate and to the Chair their desire to speak, and I am satisfied those who wish to speak cannot all be heard to-morrow. I shall yield to others rather than intrude myself, though I am very anxious to be heard once more on this question.

Mr. WINDOM. The chairman of the Committee on Appropriations being absent, being a member of that committee myself, I desire to say that I am confident he intends to press the appropriation bills on Monday. We have twelve appropriation bills yet to pass, and it will be necessary to bring them to the attention of the Senate and press action on them. I am quite sure he would not consent to any arrangement of the kind now proposed, and I shall have to object to it in his absence.

Mr. SCOTT. Having stated what I understood to have been the impression of the Senate when it took the recess, I do not wish to be construed as having any desire that the Senator from Delaware shall go on to-night against his wishes But the recess having been ordered for the very purpose of permitting a larger number of Senators to address the Senate on the question now pending than could otherwise have addressed it in a view of the notice given by the chairman of the Committee on Appropriations, I supposed every Senator who attended to-night came with that expectation, and that the understanding that the session was only for debate would have its effect upon the attendance. Certainly those of us who came with the expectation of listening to the Senator from Delaware are guilty of no disrespect to him, but are rather disappointed if we shall not be permitted to hear him. But if he says he does not desire to go on, those who wish to speak will have to take the consequences if the time is shortened by their absence.

Mr. THURMAN. Go on with the roll-call.

The PRESIDING OFFICER. The Clerk will proceed with the call of the roll.

The Chief Clerk resumed and concluded the call of the roll, with the following result:

YEAS—Messrs. Allison, Clayton, Cooper, Edmunds, Gordon, Hamilton of Maryland, McCreery, Merrimon, Ransom, Scott, Sprague, Thurman, Wadleigh, and Windom—14.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Bogy, Boreman, Boutwell, Brownlow, Buckingham, Cameron, Carpenter, Chandler, Conkling, Conover, Cragin, Davis, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Hager, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Johnston, Jones, Kelly, Lewis, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Saulsbury, Schurz, Sherman, Spencer, Stevenson, Stewart, Stockton, Tipton, Washburn, West, and Wright—59.

The PRESIDING OFFICER. Before announcing the result of the vote, the Chair will state that at the expiration of the morning hour to-morrow the resolution proposed by the Senator from Missouri will be taken up as the unfinished business, and upon that the Senator from Delaware will be entitled to the floor. Upon the motion to adjourn the yeas are 14, and the nays none; so the motion prevails, and the Senate stands adjourned until twelve o'clock to-morrow.

The Senate thereupon (at seven o'clock and forty-six minutes p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 15, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

FREEDMAN'S BANK—PURCHASE OF PROPERTY FOR GOVERNMENT.

Mr. DURHAM. I am directed by the Committee on Banking and Currency to report two bills—one a bill (H. R. No. 4322) amending the charter of the Freedman's Savings and Trust Company, and for other purposes; and the other a bill (H. R. No. 4323) authorizing the Secretary of the Treasury to buy certain property for the use of the Government of the United States. The first of these bills is accompanied with reports and exhibits of the sub-committee upon the Freedman's Savings and Trust Company. I desire to have these bills printed and recommitted.

Mr. BROMBERG. Not to be brought back on a motion to reconsider. I shall object unless on that condition.

Mr. DURHAM. I ask, then, unanimous consent that Monday the 25th instant, after the States have been called, be set for the consideration of these bills.

Mr. BROMBERG. I object.

Mr. RANDALL. I must reserve a point of order with reference to one of those bills—that providing for the purchase of buildings.

The SPEAKER. Neither bill can be reported for consideration without unanimous consent.

Mr. KELLEY. I desire to object with reference to the other bill—that relating to the Freedman's Bank.

Mr. HOLMAN. I object to both.

The SPEAKER. Then all the gentleman can do is to have the bills printed and recommitted, not to be brought back on a motion to reconsider.

There being no objection, the bills were reported, read a first and second time, and ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

CHANGE OF NAME OF A NATIONAL BANK.

Mr. SESSIONS, by unanimous consent, introduced a bill (H. R. No. 4324) to change the name of the Second National Bank of Jamestown, New York; which was read a first and second time.

Mr. SESSIONS. This bill has the unanimous approval of the Committee on Banking and Currency, and I ask that it be put on its passage at once.

The bill was read. It provides in the first section that the name of the Second National Bank of Jamestown, New York, be changed to the City National Bank of Jamestown, New York, provided the board of directors of the bank shall accept the new name by resolution of the board and cause a copy of such resolution duly authenticated to be filed with the Comptroller of the Currency within six months after the passage of the act; all expenses of the change, including that of printing and engraving, to be paid by the bank.

The second section provides that all debts, demands, liabilities, rights, privileges, and powers of the Second National Bank of Jamestown, New York, shall devolve upon and inure to the City National Bank of Jamestown, New York, whenever such change of name is effected.

Mr. HOLMAN. Is this simply a change of the name of a bank?

Mr. SESSIONS. It is.

Mr. HOLMAN. Not of location?

Mr. SESSIONS. No, sir; not at all.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. SESSIONS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURVEYS OF THE TERRITORIES.

Mr. DONNAN, from the Committee on Printing, reported back without amendment the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed one thousand extra copies of the report of the Committee on the Public Lands on the subject of the geographical and geological surveys of the Territories west of the Mississippi; five hundred copies to be for the use of the Department of the Interior, and five hundred copies for the use of the War Department.

IRRIGATION.

Mr. DONNAN also, from the same committee, reported back the following resolution, with an amendment.

The Clerk read as follows:

Resolved, That there be printed for the House of Representatives five thousand copies of the report of the commissioners of irrigation appointed under act of Congress entitled "An act to provide for a board of commissioners to report a system of irrigation for the San Joaquin and Sacramento Valleys in California," approved March 3, 1873.

Mr. DONNAN. The amendment reported from the committee is to strike out "five" and insert "three," so it will read "three thousand copies."

The amendment was agreed to; and the resolution as amended was adopted.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF CLAIMS BY FOREIGN GOVERNMENTS.

Mr. DONNAN also, from the same committee, reported back the following resolution, with amendments.

The Clerk read as follows:

Resolved, That the documents transmitted by the Secretary of State to the Committee on War Claims of the House of Representatives, relative to the mode of examining and allowing claims by foreign governments be, and are ordered to be, printed under the direction of the Clerk of the House, who is hereby directed to cause translations to be made into the English language of so much of said documents as are in foreign languages; and that additional copies of said documents be, and are hereby, ordered to be printed.

Mr. DONNAN. Now report the amendments.

The Clerk read as follows:

After the word "documents," in line 9, insert the words "relating to the subject aforesaid."

Strike out all after the word "languages," in the ninth line, as follows: "Of so much of said documents as are in foreign languages, and that additional copies of said documents be and are ordered to be printed."

Mr. DONNAN. It will be seen by the House that the first amendment restricts translations to the subject-matter only; that is, as to the manner of paying claims by foreign governments; and the second amendment strikes out the extra copies, as it is believed the usual number of copies will be sufficient.

Mr. HOLMAN. In the confusion I did not exactly understand what this resolution is about.

Mr. DONNAN. It refers to a series of reports sent to the Secretary of State and to the Committee on War Claims, relating to the method of payment of claims by foreign governments.

Mr. LAWRENCE. It is all right.

Mr. HOLMAN. I understand the request is only to print the usual number of copies.

Mr. DONNAN. We strike out the provision for extra copies.

The amendments were severally agreed to; and the resolution as amended was adopted.

Mr. DONNAN moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE BILLS.

Mr. HAWLEY, of Illinois. I now call for the regular order of business.

The SPEAKER. The regular order of business being called for, the morning hour begins at twenty minutes past twelve o'clock, and reports of a private nature are first in order from the Committee on Military Affairs.

CHARLES MARKLEIN.

Mr. ALBRIGHT, from the Committee on Military Affairs, moved that that committee be discharged from the further consideration of the bill (H. R. No. 1745) for the relief of Charles Marklein, late sutler of the One hundred and Seventy-eighth Regiment New York Volunteers, and that the same be referred to the Committee on War Claims.

The motion was agreed to.

LYDIA BENJAMIN.

Mr. ALBRIGHT also, from the same committee, submitted an adverse report on the petition of Lydia Benjamin, widow of David Benjamin; which was laid on the table, and ordered to be printed.

J. W. DREW.

Mr. YOUNG, of Georgia, from the Committee on Military Affairs, reported back the bill (H. R. No. 3873) for the relief of J. W. Drew, late additional paymaster United States Army, with amendments.

The bill, which was read, authorizes and directs the proper accounting officers of the Treasury of the United States to allow to J. W. Drew, late additional paymaster United States Army, in the settlement of his accounts for the months of November and December, 1868, the sum of $20,319.88 for disbursements made on vouchers lost in transmission.

The amendments reported from the committee are as follows:

Line 8 strike out the word "the" and insert "such sum as he may show not exceeding the."

Line 10 before the word "lost" insert "alleged to have been."

And add the following proviso:

Provided, That such accounting officers shall be satisfied such disbursements were made, and in determining the same secondary evidence may be received.

Mr. YOUNG, of Georgia. I ask that the report of the committee be read.

Mr. WILLARD, of Vermont. I make the point of order that this matter must first be considered in Committee of the Whole House on the Private Calendar.

Mr. YOUNG, of Georgia. This bill does not require any appropriation of money from the Treasury. If the gentleman will hear the report read he will see such is the case. The evidence shows that this money is in the Treasury in favor of this party and that no additional appropriation is required to be made.

The SPEAKER. The point being made, the Chair will be compelled to sustain it. The bill directs an allowance to this paymaster of $20,319.88.

Mr. YOUNG, of Georgia. The evidence shows that this money is already in the Treasury in favor of this paymaster, and the bill does not provide for making any additional appropriation.

The SPEAKER. Under the rules this is one of the bills which is required to have its first consideration in the Committee of the Whole House on the Private Calendar.

The bill and amendments were referred to the Committee of the Whole House on the Private Calendar, and with the accompanying report ordered to be printed.

GEORGE A. ARMES.

Mr. GUNCKEL, from the Committee on Military Affairs, reported adversely on the bill (H. R. No. 3949) authorizing the restoration of George A. Armes to the rank of captain; and the same was laid on the table, and the report ordered to be printed.

LAND CLAIMS IN MISSOURI.

Mr. BUCKNER, from the Committee on Private Land Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 3599) to confirm certain land claims in the State of Missouri; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL S. MERSHON, JR.

Mr. HAYS, from the Committee on Naval Affairs, reported back the bill (H. R. No. 210) for the relief of Daniel S. Mershon, jr., and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Claims.

The motion was agreed to.

ADVERSE REPORTS.

Mr. SCOFIELD, from the Committee on Naval Affairs, reported adversely on the following; and the same were laid on the table, and the accompanying reports ordered to be printed:

The joint resolution (H. R. No. 36) providing for an inquiry into the condition of the United States Navy; and

The bill (S. No. 745) for the relief of Philip S. Wales, medical inspector in the United States Navy.

Mr. RUSK, from the Committee on Invalid Pensions, reported adversely on the following; and they were severally laid on the table, and the accompanying reports ordered to be printed:

The petition of Mary Sleigle;

The petition of James W. Huff;

The case of Thomas Willse;

The bill (H. R. No. 2835) granting a pension to Priscilla Griffith;

The petition of Ann W. Osborn, for a pension;

The bill (H. R. No. 1864) granting arrears of pension to A. S. Howard;

The bill (H. R. No. 2905) granting a pension to Francis Armstrong;

The petition of Margaret R. Clune;

The bill (H. R. No. 696) granting a pension to Alice Mullaly, mother of John Mullaly, Company C, Second Wisconsin Cavalry Volunteers; and

The bill (H. R. No. 1836) granting a pension to Thomas J. Acra.

WILLIAM R. DUNCAN.

Mr. STRAWBRIDGE, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4325) granting a pension to William R. Duncan; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL P. EVANS.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4326) granting a pension to Samuel P. Evans; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. GODFREY HUNTER.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4327) granting a pension to W. Godfrey Hunter; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGET LEAFFY.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4328) granting a pension to Bridget Leaffy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. SMALL.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4329) granting a pension to William H. Small; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL C. COOPER.

Mr. STRAWBRIDGE also, from the same committee, reported adversely on the petition of Samuel C. Cooper; and the same was laid on the table and the accompanying report ordered to be printed.

CYPHERT G. GILLETTE.

Mr. MARTIN, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4330) granting a pension to Cyphert G. Gillette; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH ANN CROSBY.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 4331) granting a pension to Sarah Ann Crosby; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MARTIN also, from the same committee, reported adversely on the following cases:

The petition of George Young and others;

The bill (H. R. No. 2007) granting a pension to Luther C. French, late assistant surgeon Fourth Regiment Michigan Volunteers;

The petition of Charles A. Overfelt; and

The petition of O. M. Ball.

FANNIE E. RECORDS.

Mr. THOMAS, of Virginia, from the same committee, reported a bill (H. R. No. 4332) granting a pension to Fannie E. Records, widow of Albert B. Records; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES ROUNSFELL.

Mr. THOMAS, of Virginia, also, from the same committee, reported a bill (H. R. No. 4333) granting a pension to James Rounsfell, private in Company K, One hundredth New York Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM T. SIMMS.

Mr. CRITTENDEN, from the same committee, reported a bill (H.

R. No. 4334) granting a pension to William T. Simms; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY C. TOY.

Mr. CRITTENDEN also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3884) granting a pension to Mary C. Toy; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUIS C. CHASE.

Mr. EAMES, from the Committee on Patents, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1350) to enable Louis C. Chase to make application to the Commissioner of Patents for an extension of letters-patent for an improvement in buckles; and the same was laid on the table, and the accompanying report ordered to be printed.

MRS. CHRISTIANA L. WILLIAMS.

Mr. EAMES also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 4202) to enable Mrs. Christiana L. Williams, administratrix of the estate of C. W. Williams, deceased, to make application to the Commissioner of Patents for an extension of letters-patent for improvements in canal locks and gates.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EAMES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANN JENNETTE HATHAWAY.

Mr. PARKER, of New Hampshire, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1317) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion.

The bill was read. It provides that Ann Jennette Hathaway, as executrix of the last will and testament of Joshua Hathaway, deceased, of Milwaukee, in the State of Wisconsin, have leave to make application to the Commissioner of Patents for an extension of the letters-patent granted to Joshua Hathaway for improved device for converting reciprocating into rotary motion under date of April 3, 1860, for the term of seven years from and after the expiration of the original term of fourteen years for which said letters-patent are granted; such application to be made in the same manner and to have the same effect as if the same had been filed not less than ninety days before the expiration of the aforesaid original term of said patent. And upon such application, so filed, the Commissioner of Patents shall be authorized to consider and determine the same in the same manner, upon giving the same notice, and with the same effect as if the application had been duly filed within the time prescribed by law, and as if the original term of said patent had not expired, should the same expire before he has reasonable time to inquire into the facts and make his decision; provided that no person shall be held liable for the infringement of said patent, if extended, for making use of said invention since the expiration of the original term of said patent and prior to the date of its extension.

Mr. HAWLEY, of Connecticut. Is there a report accompanying that bill?

Mr. PARKER, of New Hampshire. There is a report, and I ask that it be read.

Mr. HAWLEY, of Connecticut. There ought to be some explanation of that bill.

The Clerk read the report.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PARKER, of New Hampshire, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN HAZLETINE.

Mr. PARKER, of New Hampshire, also, from the same committee, reported a bill (H. R. No. 4335) authorizing John Hazletine to make application to the Commissioner of Patents for extension of his patent on a new and useful water-wheel; which was read a first and second time.

The bill, which was read, provides that the Commissioner of Patents, on due application made therefor, may extend the patent of John Hazletine for the further time of seven years from and after the passage of the act, and that the said patent so extended shall have the same effect in law as if originally granted for the term for which it shall be so extended; provided that the patentee shall have no right to damages from any parties who may have infringed on said patent between the expiration of the original patent and the extension.

Mr. STARKWEATHER. I would like to have some explanation in reference to that bill.

Mr. PARKER, of New Hampshire. The case is a very clear one; let the report be read.

The Clerk read the report.

Mr. PARKER, of New Hampshire. I move the previous question on the bill.

The previous question was seconded and the main question ordered.

Mr. HALE, of New York. When did this patent expire?

Mr. PARKER, of New Hampshire. About three years ago. This man has been before Congress during all that time.

Mr. HALE, of New York. He has been diligent, then?

Mr. PARKER, of New Hampshire. He has.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PARKER, of New Hampshire, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RUDOLF EICKEMEYER.

Mr. EAMES, from the same committee, reported back, with an amendment, the bill (H. R. No. 3924) to enable Rudolf Eickemeyer to make application to the Commissioner of Patents for an extension of letters-patent for a machine for stitching linings into hats.

The bill grants leave to Rudolf Eickemeyer, of Yonkers, in the State of New York, to make application to the Commissioner of Patents for an extension of the letters-patent granted to him for a machine for stitching linings into hats, of date the 9th day of August, 1859, for the term of seven years from and after the expiration of the original term of fourteen years for which said letters-patent were granted, such application to be made in the same manner and to have the same effect as if the same had been filed not less than ninety days before the expiration of the aforesaid original term of said patent; and upon such application, so filed, the Commissioner of Patents shall be authorized to consider and determine the same in the same manner and with the same effect as if the application had been duly filed within the time prescribed by law, and as if the original term of said patent had not expired: *Provided*, That no person shall be held liable for the infringment of said patent, if extended, for making use of said invention since the expiration of the original term of said patent and prior to the date of its extension.

The amendment was to add to the bill the following:

And that such application shall be made to the Commissioner of Patents within ninety days from and after the passage of this act.

Mr. SMITH, of New York. I call for the reading of the report.

The report was read; setting forth that letters-patent were granted to Rudolf Eickemeyer August 9, 1859, for a machine which is adapted only for stitching linings into hats; the patent expired on August 9, 1873. The law relative to extensions of letters-patent requires that applications be filed not more than six months nor less than sixty days prior to the expiration of the patent. The petition of Eickemeyer should have been filed prior to May 12, 1873, but was not filed until May 27, 1873, owing to a misunderstanding between the applicant and his attorney. The applicant came to Washington on April 17, 1873, one hundred and fourteen days before the expiration of the patent, for the purpose of having the application for the extension prepared for filing. His attorney understood that he was first to examine the case and make a report of his opinion in relation thereto, and to await further direction before preparing and filing the application for an extension. The applicant, however, supposed that the application was to be promptly prepared and filed by his attorney, and had no idea, until a few days prior to the date on which he did file it, that such had not been done. The patent is now wholly owned by the applicant, and the extended term will inure solely to his benefit. During the time he was developing his invention he was supporting himself and family on wages of nine dollars a week. Before the issue of his patent he was obliged to convey one-half interest therein to parties who would defray one-half of the cost of obtaining the patent; and subsequently, in 1859, being in debt, he was compelled at different times to sell portions of his interest, leaving as his remaining interest one undivided sixth part of the patent. The parties having the controlling interest failed to render the invention remunerative to any considerable extent, and the aggregate sum received by the applicant, less expenses, was only $2,945.

Prior to this invention all linings of hats were sewed in by hand, and a good operator could sew linings into not exceeding three dozen hats per day, at a cost of twenty-five to twenty-seven cents per dozen. With this machine an operator of equal skill can stitch linings into from forty to fifty dozen hats per day, at a cost of from three to four cents per dozen, showing an actual saving of at least twenty cents per dozen. Upon these facts, the committee are of opinion that the prayer of the applicant should be granted, and therefore recommend the passage of the accompanying bill.

The amendment reported from the committee was agreed to.

The question was upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. BECK. I understand that this applicant is entitled to only one-sixth of this patent if he gets this extension; that he first disposed of one-half of it and then of the balance down to one-sixth, so that five-sixths of it belong to persons who did not invent any thing.

Mr. EAMES. There is no evidence of that kind before the committee.

Mr. BECK. Does not the report so state?

Mr. EAMES. It makes no statement of that kind. The bill itself authorizes the original inventor to make this application, and if the patent shall be extended it will inure to his benefit. I think the report says that it belongs solely to the inventor.

Mr. BECK. Does not the report itself say that he sold one-half of it to other persons, and then was compelled to sell other portions, so that now he has but one-sixth left?

Mr. EAMES. The report states that he was the sole inventor and is now the sole owner of the patent. If the patent shall be extended, it will inure to his benefit. I think he was obliged to sell all but one-sixth of the original patent in order to introduce the invention itself into use. But the extended patent will inure solely to the benefit of the inventor himself.

Mr. BECK. I had supposed of course that if the patent should be extended it would inure to the benefit of those who own the original patent. But I am told by gentlemen about me that it does not. I am inclined myself to vote against all renewals of patents that have run long enough, whether the invention is worth anything or not. If the inventor has made nothing, that shows that the invention is of no value.

Mr. HAWLEY, of Connecticut. I wish to inquire of the gentleman from Rhode Island [Mr. EAMES] whether parties interested in the manufacture of hats by the use of this machine have had no notice of the hearing, or whether the application has simply been considered *ex parte*.

Mr. EAMES. I think there has been only an *ex parte* hearing; but I believe there is no opposition to the extension. Let me say further that this case comes within the rule which the committee and the House have generally followed in cases of this kind. This is a patent granted prior to the act of 1861 for fourteen years. Prior to the passage of that act the patentee had the right within a certain time to go before the Commissioner and ask an extension for seven years. It was only through a misapprehension on the part of the counsel of this patentee that his application was not made until some days after the patent had expired. He now comes here bringing himself within the rule which the committee has uniformly acted upon. He shows that he has made a useful invention; that he has not been properly remunerated; that he made reasonable efforts to have his patent renewed; and that it was through no fault of his that he lost his opportunity to go before the Commissioner and apply for a renewal. The committee unanimously recommend the passage of this bill.

Mr. NIBLACK. I do not understand anything of the merits of the case, but some years ago I happened to be a member of the Committee on Patents for, I believe, all of one Congress and a portion of another. We had at that time, in 1860-'61, a good deal of legislation on the subject of patents; we revised the whole patent system. I then came to the deliberate conclusion, which has been confirmed by subsequent experience on the subject, that very few patents indeed ought to be renewed. During my service here as a member I do not recollect voting for the extension of more than half a dozen patents; and upon further reflection and observation I am inclined to think I made a mistake in voting for the renewal of some of those.

I want to announce that as a rule I am opposed to all these renewals. I think that all applications of this kind ought to be scrutinized closely, and nothing except the clearest evidence of a meritorious case—such as a unanimous report from the Committee on Patents—would induce me to vote for the renewal of any patent. I do not say this for the purpose of opposing the extension in this particular case, but to try, so far as I may have any influence, to put the House upon its guard with reference to this class of cases.

Mr. EAMES. The gentleman will allow me to say that this patent was granted in 1859 before the change of the law and when there was a right on the part of the patentee to make application for renewal.

Mr. NIBLACK. I understand that there is an application pending before the Committee on Patents for the renewal of certain sewing-machine patents. That is a subject in which some of my constituents feel great interest. I would be pleased to hear from the gentleman from Rhode Island as to what action the committee has taken or is likely to take in regard to those patents.

Mr. EAMES. I do not know that I am at liberty to make such a disclosure. I will state, however, that as yet there has been no definite or final action by the committee on that subject.

Mr. NIBLACK. Are we likely to have any final action of the committee, either favorable or adverse, before the expiration of the present Congress?

Mr. EAMES. I think so.

Mr. PARKER, of New Hampshire. I wish to say a word in reply to the gentleman from Indiana, [Mr. NIBLACK.] I believe the gentleman has admitted that he has voted for some six extensions during the last eight or ten years. Now, I think the Committee on Patents during this Congress have had before them perhaps two or three hundred applications of this kind; and we have reported favorably upon only eight or ten. So I think the gentleman from Indiana has been disposed to go further in the way of extending patents than the Committee on Patents.

Mr. NIBLACK. Well, sir, my experience on the subject extends over ten or twelve years; and certainly I have not gone very far in voting during that time for only six extensions. But I desire to get some information upon the question of these sewing-machine patents—a question in which every woman in the land has an interest.

Mr. PARKER, of New Hampshire. This case has nothing at all to do with that question.

Mr. NIBLACK. I want to know whether we are likely to have any report, either favorable or adverse, upon that subject during the present Congress.

Mr. EAMES. I think I am at liberty, as a member of the committee, to say to the gentleman from Indiana that there will probably be a final report of the committee on that question during this session. I do not feel at liberty to express here my own opinion as to that extension, for or against it.

Mr. MAYNARD. I wish to ask the gentleman from Rhode Island whether the fact as stated by the gentleman from New Hampshire, that out of some two hundred or more applications for extensions only a small number have been acted on favorably, does not show that there is in the public mind a feeling that the patent system has been unduly extended, that the public is required to pay royalty for everything valuable to an extent far beyond any advantage that may accrue by way of encouraging inventors, and whether there ought not to be, in his opinion, some further limitation of the law of patents for the relief of the public.

Now, the gentleman knows in the matter of the history of inventions the greatest and most useful have been the result of the age, of the time; that different minds, working in different parts of the world upon the necessity which the general public felt, have come to the same conclusion independently of each other. In determining which has technical priority of invention, no one man should be entitled to such overshadowing benefits and advantages as have been derived by some inventors. Take, for instance, the sewing-machine needle and the planing machine and others of a like character. Does not the gentleman think there should be some further limitation in this matter of renewal of patents with a view to the relief of people generally?

Mr. EAMES. I will state in reply to the gentleman from Tennessee that there is a bill now pending before the Committee on Patents, and while they have this question under consideration it hardly comes here on a bill of this kind where the patentee simply seeks to come in under a provision of law existing in 1859 at the time his patent was granted. I think so far as the general question of the gentleman from Tennessee is concerned, without undertaking to speak for the community outside of the committee, that there has been a very careful examination and scrutiny of every case referred to the Committee on Patents before any report has been made to this House for its action. How the feeling may be outside the gentleman from Tennessee can judge as well as I can. I can only say here and now that this matter is before the committee on a general bill referred to them, and whenever their report is made it will be before the House for the fullest consideration as to the changes which ought to be made in the law in respect to what the gentleman has referred. I now demand the previous question on the pending bill as amended.

The previous question was seconded and the main question ordered.

The House divided; and there were—ayes 31, noes 54.

Mr. EAMES demanded tellers.

Tellers were ordered; and Mr. EAMES and Mr. COX were appointed.

The House again divided; and the tellers reported—ayes 45, noes 67.

So (no further count being demanded) the bill was rejected.

Mr. COX moved to reconsider the vote by which the bill was defeated; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN A. MONTGOMERY AND HEPBURN M'CLURE.

Mr. CRUTCHFIELD, from the Committee on Patents, reported a bill (H. R. No. 4336) for the relief of John A. Montgomery and Hepburn McClure with the recommendation that it do pass; which was read a first and second time.

The bill, which was read, authorizes and requires the Court of Claims to hear and determine the claim of John A. Montgomery and Hepburn McClure, owners of a certain patent journal-box used by the Government of the United States on certain vessels of war and gun-boats during the late civil war without license, and to ascertain what compensation is due them; such judgment so rendered by said court shall be paid out of moneys appropriated or thereafter to be appropriated to pay the judgments rendered by said court.

Mr. HALE, of New York. I make the point of order against that bill that it contains an appropriation and must, under the rules, go to the Committee of the Whole House on the Private Calendar.

The SPEAKER. The Chair sustains the point of order, and the bill and report will be referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

E. W. BLACKINTON.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported a bill (H. R. No. 4337) for the relief of E. W. Blackinton, postmaster at Blackinton, Massachusetts; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

CHANGE OF REFERENCE TO WAR CLAIMS.

Mr. HAWLEY, of Illinois, also, from the same committee, reported back the following cases, and moved their reference to the Committee on War Claims; which motion was agreed to:

A bill (H. R. No. 3559) for the relief of James A. Stewart, of Fulton County, Georgia;

A bill (H. R. No. 3951) for the relief of William Lavery; and

A bill (H. R. No. 1503) granting relief to Agnes and Maria de Leon, heirs of Rebecca L. de Leon, for rent of house for United States troops.

CAPTAIN CHARLES S. REISINGER.

Mr. HAWLEY, of Illinois, also, from the same committee, reported back a bill (H. R. No. 4062) for the relief of Captain Charles S. Reisinger, and moved its reference to the Committee on Military Affairs.

The motion was agreed to.

WILLIAM S. STEVENS.

Mr. HAWLEY, of Illinois. I ask to report back for reference to the Committee on War Claims a communication from the Secretary of War in the case of William S. Stevens.

The SPEAKER. The papers must be in possession of the Clerk before the change of reference can take place. Otherwise it would lead to irregularity.

Mr. HAWLEY, of Illinois. I understood such changes of reference were made upon the floor by simply giving notification of the fact, without having the papers presented.

The SPEAKER. On the contrary, the Chair has never permitted it to be done in a single instance, because it might lead to great irregularity.

WILLIAM L. NANCE.

Mr. HOLMAN, from the Committee on War Claims, reported a bill (H. R. No. 4338) for the relief of William L. Nance, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

BENJAMIN GRATZ.

Mr. LAWRENCE, from the Committee on War Claims, submitted an adverse report in the case of Benjamin Gratz; which was ordered to be printed.

Mr. BECK. I move the reference of that report to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

CHARLES H. FRANK.

Mr. LAWRENCE also, from the same committee, reported a bill (H. R. No. 4339) for the relief of Charles H. Frank, with a substitute; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

JOHN KELLY.

Mr. LAWRENCE also, from the same committee, reported adversly on the bill (H. R. No. 2523) for the relief of John Kelly; and the same was laid on the table and the accompanying report ordered to be printed.

LIEUTENANT PHILO SCHULTZE.

Mr. LAWRENCE also, from the same committee, reported back a letter from the Secretary of War, in relation to the claim of Lieutenant Philo Schultze and others; and the committee was discharged from the further consideration of the same, and it was referred to the Committee on Military Affairs.

TRUSTEES OF BETHEL COLLEGE.

Mr. HAZELTON, of Wisconsin, from the same committee, reported adversely on the bill (H. R. No. 909) to reimburse the trustees of Bethel College, and moved that the same be laid on the table.

Mr. ATKINS. I ask that the bill be referred to the Committee of the Whole on the Private Calendar.

The bill was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM S. STEVENS.

Mr. HAZELTON, of Wisconsin, also, from the same committee, reported adversely on the petition of William S. Stevens, for relief; and the same was laid on the table, and the accompanying report ordered to be printed.

NEW MEXICO MILITIA CLAIMS.

Mr. KELLOGG. I am instructed by the Committee on War Claims to report a substitute for the bill (H. R. No. 1505) authorizing the Secretary of War to ascertain and report the amount necessarily expended by the Territory of New Mexico in organizing, equipping and maintaining the militia force during the rebellion, and to ask that the substitute be put upon its passage.

Mr. HAWLEY, of Illinois. I make the point of order that the bill should have its first consideration in Committee of the Whole.

Mr. KELLOGG. There is no occasion for this bill going to the Committee of the Whole. There is no appropriation in any part of the bill.

The SPEAKER. This is a public bill, and it requires unanimous consent to report it on Friday.

Mr. KELLOGG. It is for individual supplies, and I supposed it was a private bill.

The SPEAKER. The Chair only judges from the title. It is "a bill authorizing the Secretary of War to ascertain and report the amount necessarily expended by the Territory of New Mexico in organizing, equipping, and maintaining the militia forces during the rebellion." The Chair does not know what would constitute a public bill if that does not.

Mr. KELLOGG. The bill, if passed, would operate on individuals.

The SPEAKER. All bills operate on individuals.

Mr. KELLOGG. I withdraw the report.

ORDER OF BUSINESS.

Mr. YOUNG, of Georgia. I insist on my motion that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. BUTLER, of Massachusetts. Will the gentleman yield for a moment, to allow me to ask for the printing of a report?

Mr. YOUNG, of Georgia. I am willing to yield to the gentleman for that purpose.

The SPEAKER. The gentleman must withdraw his motion absolutely or insist on it.

Mr. YOUNG, of Georgia. Then I withdraw the motion.

OVERCHARGE OF DUTIES.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, presented a report to accompany the bill (H. R. No. 3828) to provide judicial remedies for overcharge of duties on tonnage and imports; and moved that the same be printed and recommitted.

The motion was agreed to.

D. W. M'CLUNG.

Mr. MORRISON, from the Committee on War Claims, reported a bill (H. R. No. 4340) for the relief of D. W. McClung; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW JACKSON.

Mr. MORRISON also, from the same committee, reported the bill (H. R. No. 4341) for the relief of Andrew Jackson; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALMONT BARNES.

Mr. SMITH, of Pennsylvania, from the Committee on War Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 815) for the relief of Almont Barnes; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN AMMAHE.

Mr. COBURN, by unanimous consent, from the Committee on Military Affairs reported back, with the recommendation that it do pass, the bill (H. R. No. 3391) directing the Second Auditor to settle the pay and bounties account of John Ammahaie or Ammahe, and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LOWELL A. CHAMBERLIN.

Mr. COBURN also, by unanimous consent, from the Committee on Military Affairs, reported back the joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlin; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADJOURNMENT OVER.

Mr. GARFIELD. I rise to make a privileged motion. I move that when the House adjourns to-day it be to meet on Monday next.

On agreeing to the motion, there were—ayes 86, noes 35.

Mr. BUTLER, of Massachusetts, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 124, nays 88, not voting 76; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Ashe, Atkins, Averill, Barry, Bass, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bright, Bromberg, Brown, Burchard, Burleigh, Burrows, Roderick R. Butler, Caldwell, Amos Clark, jr., John B. Clark, jr., Comingo, Cook, Cox, Crittenden, Crossland, Danford, Davis, Dawes, Dobbins, Durham, Eames, Finck, Giddings, Glover, Gooch, Gunckel, Gunter, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Hynes, Kelley, Kellogg, Knapp, Lamar, Lamison, Lawrence, Leach, Lewis, Lofland, Lowndes, Magee, Marshall, Martin, McLean, Milliken, Mills, Mitchell, Moore, Morrison, Myers, Niblack, O'Neill, Orth, Hosea W. Parker, Pendleton, Perry, Pratt, Randall, Richmond, Robbins, Ellis H. Roberts, Ross, Milton Sayler, Schell, Scofield, Shanks, Lazarus D. Shoemaker, Sloan, A. Herr Smith, H. Boardman Smith, William A. Smith, Southard, Stanard, Standiford, Stephens, Stone, Storm, Swann, Thompson, Thornburgh, Waddell, Waldron, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Willie, Ephraim K. Wilson, James Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—124.

NAYS—Messrs. Albright, Banning, Barber, Barrere, Bradley, Buckner, Buffington, Benjamin F. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Clayton, Stephen A. Cobb, Coburn, Cotton, Crutchfield, Curtis, Donnan, Duell, Dunnell, Farwell, Field, Fort, Frye, Hagans, Gerry W. Hazelton, John W. Hazelton, Hendee, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Kasson, Lawson, Loughridge, Lowe, Lynch, Alexander S. McDill, McKee, McNulta, Merriam, Monroe, Neal, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Thomas C. Platt, Rainey, Ransier, Ray, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Sessions, Sheats, Sherwood, Small, J. Ambler Smith, John Q. Smith, Snyder, Sprague, St. John, Strait, Strawbridge, Todd, Townsend, Tyner, Vance, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, John M. S. Williams, William Williams, William B. Williams, and Woodworth—88.

NOT VOTING—Messrs. Archer, Barnum, Bundy, Cannon, Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Conger, Corwin, Creamer, Crooke, Crounse, Darrall, DeWitt, Eden, Eldredge, Foster, Freeman, Garfield, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Havens, Hays, Hersey, Hooper, Hurlbet, Kendall, Killinger, Lamport, Lansing, Luttrell, Maynard, McCrary, James W. McDill, MacDougall, Morey, Negley, Nesmith, Niles, Nunn, O'Brien, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Potter, Purman, Rapier, Read, William R. Roberts, James C. Robinson, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sheldon, Sloss, Smart, George L. Smith, Speer, Starkweather, Stowell, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Tremain, Walls, Wilber, Charles G. Williams, and Jeremiah M. Wilson—76.

Mr. GARFIELD moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SMITH, of New York. I desire to refer a bill.

The SPEAKER. The motion of the gentleman from Georgia [Mr. YOUNG] is pending, that the House resolve itself into Committee of the Whole on the Private Calendar.

CLOSE OF DEBATE.

Mr. KELLOGG. Pending that motion I move that all debate upon the bill pending, being the bill (H. R. No. 782) for the relief of the officers and crew of the United States ships Wyoming and Ta-Kiang, be closed in one hour.

Mr. MYERS. Say one hour and a half.

Mr. WILLARD, of Vermont. Debate ought not to be limited on this bill. On Friday last those favoring the bill had the entire time at their control and disposal, and it seems not quite fair that the opponents of the bill should have no chance to be heard upon it.

Mr. MYERS. I had control of the time, and I yielded a large part of it to the opponents of the bill.

Mr. HAWLEY, of Illinois. I think the time was about equally occupied by the friends and opponents of the bill.

The SPEAKER. The motion of the gentleman from Connecticut [Mr. KELLOGG] cannot be made under the rules. The Chair understood the gentleman to move that debate be limited to one hour and that the debate be under the five-minute rule.

Mr. KELLOGG. O no, sir; my motion was simply to limit the debate to one hour.

The SPEAKER. Under the rules the first man who gets the floor in Committee of the Whole is entitled to one hour. If the gentleman cuts off all general debate, then the five-minute debate runs on the bill until the committee agree to rise and report it to the House.

Mr. HAWLEY, of Illinois. I hope we shall limit debate on this bill to half an hour.

The SPEAKER. If that be done, then the five-minute debate will run until the committee directs that the bill be reported to the House.

Mr. MYERS. I object to any such limit to debate. I prefer that the debate be limited to one hour and a half and speeches confined to half an hour.

The SPEAKER. That cannot be done. There are two classes of speeches known to the rules of the House in point of length, one is an hour speech and the other a five-minute speech. Anything else must be agreed to by unanimous consent.

Mr. MYERS. Then I desire to make this suggestion which I think will meet the approval of the House that all general debate on the bill be limited to one hour and a half.

Mr. HAWLEY, of Illinois. I hope that will not be done. This bill occupied the whole of our last session on private bills, and there are other bills of importance of a private nature.

Mr. MYERS. It had a right to do so, for this is a question of some importance.

Mr. LAWRENCE. Let us have two hours for debate upon the bill.

Mr. KELLOGG. There are several other bills of a private character pending in Congress which are also of importance.

Mr. MYERS. I desire to say to the House that only forty-eight minutes were occupied last Friday on this bill. It did not take the whole day. My hour had not expired when the committee rose.

Mr. HAWLEY, of Illinois. I move to amend the motion to close debate so as to limit the debate to one hour—general debate for half an hour and the balance of the time in five-minute speeches.

The SPEAKER. That motion is not in order.

Mr. HAWLEY, of Illinois. We can limit the general debate to half an hour.

The SPEAKER. That is in order.

Mr. HAWLEY, of Illinois. Cannot we limit the whole debate to one hour?

The SPEAKER. The Chair thinks not. You cannot limit the five-minute debate on a bill. The pending proposition is that all general debate close in one hour, and that question is not debatable.

Mr. KELLOGG. Then I object to debate.

Mr. MYERS. With the permission of the House, I will say that if the debate is limited to one hour the opponents of the bill will occupy it, and they have already had most of the time that has been allowed for debate on the bill yielded to them. Let the time be one hour and a half. I offer that amendment to the motion of the gentleman from Connecticut, [Mr. KELLOGG.]

The SPEAKER. The question is upon the amendment offered by the gentleman from Pennsylvania to make the time one hour and a half.

The amendment was agreed to.

The motion of Mr. KELLOGG, as amended, was then agreed to.

The question recurred upon the motion that the House resolve itself into Committee of the Whole on the Private Calendar; and being put, it was agreed to.

OFFICERS AND CREW OF WYOMING AND TA-KIANG.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. G. F. HOAR in the chair,) and resumed the consideration of the bill (H. R. No. 782) for the relief of the officers and crew of the United States ships Wyoming and the Ta-Kiang.

The CHAIRMAN. By order of the House, all general debate on this bill is limited to one hour and a half.

Mr. MYERS. I have twelve minutes of my hour remaining, but I do not intend to occupy them, and now yield the floor absolutely with the hope that I shall have the privilege of answering such arguments as may be advanced against this bill before the hour and a half closes.

Mr. WILLARD, of Vermont. If the committee will give me their attention I do not propose to detain them at any great length, but only sufficiently to set forth the facts in the case. What I have to say about this bill will relate mainly to the Japanese fund, and only incidentally to whatever right these claimants may have upon the bounty of the Government.

This fund or a great portion of it has been in the hands of the Secretary of State since I have been in Congress at least, a period of six years. During that time the Committee on Foreign Affairs of the House, of which I have had the honor to be a member, has claimed, and I believe it has succeeded in persuading the House, that the measures looking to any use of this fund or any disposition of it should be considered in that committee.

During the second session of the Forty-second Congress the Committee on Foreign Affairs made a report to this House in respect to this fund. The report was made by Mr. Banks, who was at that time and had been for many years the chairman of that committee. I hold a copy of the report in my hand and will summarize it in the debate, and then I may ask to have it printed as a part of my remarks. It had been known for many years that there was difficulty in gaining access by the commercial nations of the world to some of the interior ports of Japan. After some of those ports had been opened by treaty and by general understanding to the commerce of foreign nations, the American frigate Wyoming and the merchant-ship Pembroke were fired upon in 1863 in one of the straits of the Japanese waters. The first attack was made upon the merchant-ship Pembroke while peaceably pursuing her commercial business. Afterward an American man-of-war was sent to punish the Japanese for this insult and injury to a peaceable commercial vessel, and that ship was also fired upon, and in the course of the engagement which ensued two of the Japanese or piratical vessels, whatever designation we may give them, were sunk, and a fire was opened pretty indiscriminately upon some shore batteries. That was in 1863.

Subsequently the French government, the English government, the Netherlands government, and the United States government, represented by their embassadors and ministers at Japan, agreed to assist the government of Japan in punishing the rebellious prince who had erected these fortifications, shut up these forts and closed these straits. An expedition was fitted out and sent for that purpose. So far as the United States is concerned that expedition consisted of a chartered steamer called the Ta-Kiang, with forty men and three guns on board. That was the whole American force that participated in that expedition. The French naval force consisted of three vessels of war, with sixty-four guns and eight hundred and fifty men. The English fleet numbered ten war vessels, with one hundred and sixty-four guns and twenty-eight hundred and fifty men, including marines and engineers. The Netherlands had four war vessels, with fifty-six guns and nine hundred and fifty men. That expedition completely demolished the shore batteries of this rebellious prince, and severely punished him and those who allied themselves to him. I think but one person was wounded on the American chartered steamer Ta-Kiang.

As the result of that attack the rebellious prince agreed to pay an indemnity to the powers that joined in the expedition of $3,000,000, one-quarter of it being given to each of them. The United States thus became entitled to $750,000. In the treaty or convention which was made October 22, 1864, it was stipulated that that sum was to include all claims of whatever nature for past acts of aggression, whether indemnity or expenses entailed by the operations of the allied squadrons. Mr. Pruyn, who was at that time our minister to Japan, in a communication to Mr. Seward dated November 28, 1863, in speaking of the negotiations which resulted in this convention, says:

I stated distinctly [to the Japanese governors] I made no demands for the insult to our flag in firing on the Pembroke nor on the Wyoming before any provocation was given, as I wished to leave that for the decision of the President; but that I would be prepared to receive any propositions which the government might be disposed to make.

In another place in the same communication he says:

I then reminded the governors of what I had said about the insult to our flag, stating that I did not wish to demand any money indemnity, though I wished the daimio punished; that if the government were disposed to offer a sum which would provide annuities for the families of the dead and for the wounded of the Wyoming, I would, for the purpose of giving further proof of friendship and moderation, take the responsibility of settling the entire case on such basis; but I made no specific demands, preferring, unless some offer was made, to await instructions.

In a communication from the same minister, in which he inclosed a copy of the convention, he says:

The British minister and myself, prior to meeting the Japanese commissioners, had agreed on $2,000,000 as the sum to be paid, and would have had no difficulty in its division among the powers interested. But some difference was suggested as

likely to arise from the considerations whether the moral support afforded was not entitled to weight in such adjustment, and I did not feel that it was incumbent on me to interpose any objection to this view, as the moral support afforded by the United States was considerably in excess of the material support I was enabled to give. I therefore readily agreed to the reference of this delicate question to the home governments, with the understanding that a memorandum which I prepared should be signed and accompany the convention, so as to provide an equitable basis, if any should become desirable or necessary by reason of payment of the indemnity being demanded by them. I assented the more readily to the proposition of the envoy of his Imperial Majesty the Emperor of the French to fix the amount at $3,000,000, because I thought it more likely to lead to the substitution of a port as a material compensation for the expenses of the expedition.

Bear in mind that our minister was ready to fix it at $2,000,000 at the start, but he assented readily to the proposition of the Emperor of the French to fix it at $3,000,000.

Should the Tycoon be averse to the opening of another port, and fail to make such offer in lieu of the payment of indemnities and expenses, the amount agreed on will not be regarded as unreasonable. But should he make the offer, it will be at the option of the four powers to accept it in full or in part payment, and in that event a moderate pecuniary fine may be imposed.

The treaty itself contains this stipulation, to which I desire to call the attention of the committee:

3. Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer, in lieu of the payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki or some other eligible port in the inland sea, it shall be at the option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the condition above stipulated.

I read those paragraphs, Mr. Chairman, for the purpose of showing that the American minister in the preliminary negotiations out of which this convention grew, and in the convention itself, expressly stated that a money indemnity was not what was sought.

Now, Mr. Chairman, I call attention again to the fact that this expedition was comparatively an inexpensive one to our Government; in other words, that the indemnity could not in any view of it whatever have been looked upon as compensation for the expenses incurred by our Government in this expedition.

The aggregate claim for all injuries to American citizens and property in Japan was stated by the American minister in December, 1863, after this expedition, at $30,000. Demands were made for $32,000, exclusive of damage done to the Pembroke, which was fixed by the Japanese government at $10,000, and which I may say here was settled as an independent matter and not included in the treaty. So that the whole amount of damages claimed by the United States by way of expenses, or in any other way, as growing out of that expedition, could not have exceeded in any event $42,000. And yet by this treaty (if it is to be insisted upon and we are to hold this money) we have received $750,000.

The Secretary of State, Mr. Seward, says in a communication to the Committee on Foreign Affairs, in a letter of January 8, 1868, that "pursuant to the stipulations of the treaty with Japan of 22d October, 1864, in which the United States was a party, this Government has received from the Japanese government, without substantial equivalent, as its share of the indemnity stipulated to be paid by that government, the sum of $600,000 in gold." And since that period the balance of this indemnity has been paid.

Now, sir, as was stated in the debate one week ago, this matter has before been brought to the attention of this branch of Congress. The Committee on Foreign Affairs at the time this report was made submitted a proposition to remit the payment of the then unpaid installment of this indemnity. After a full discussion the House passed the bill, but it failed to receive the assent of the Senate, and did not of course become a law. It was not acted on in the Senate at all, as I understand.

Mr. TREMAIN. Did that bill provide for retaining anything?

Mr. MYERS. It provided for retaining one-half and releasing the other half.

Mr. WILLARD, of Vermont. I prefer to state the matter myself, and let the gentleman correct me afterward, if he deems it necessary. It provides for relinquishing to the Japanese government the unpaid installment, which I think was one-third of the whole sum.

Mr. STARKWEATHER. If it does not interrupt the gentleman, I would like to put an inquiry to him. Minister Pruyn, in his communication, spoke about receiving a part of this fund, so as to guarantee an annuity to the survivors of the six persons who were killed on board the Pembroke. I want to know whether the gentleman's idea is to give up that part of the minister's claim which seemed to be based upon such an annuity, which is the substance of this bill.

Mr. WILLARD, of Vermont. It is not at all the substance of this bill.

Mr. STARKWEATHER. So far as it goes.

Mr. WILLARD, of Vermont. No, sir. In respect to that I will say that I am not proposing now an entire disposition of this fund. What I am endeavoring to show is that this fund was not given to us for any such purpose as that contemplated by this bill, whatever else may have been the purpose for which it was given. The paragraph to which the gentleman has called my attention, and which I have already read, is contained in a letter from Mr. Pruyn to Mr. Seward, in which he speaks of his interview with the Japanese governers in respect to it, and in which he said that "if the Government were disposed to offer a sum which would provide annuities for the families of the dead and for the wounded of the Wyoming," he "would, for the purpose of giving further proof of friendship and moderation, take the responsibility of settling the entire case on such basis."

Mr. STARKWEATHER. Will not the basis on which the Committee on Foreign Affairs have gone go so far as to give up the whole of this, so that there will be no annuity, on the basis of which that communication was made—no annuity for the survivors of those who lost their lives in that engagement?

Mr. WILLARD, of Vermont. When that question is presented by any bill, whether reported by the Committee on Foreign Affairs or otherwise presented to the House, it will be a proper time to discuss it. I am not questioning here whether a pension should be granted to the widows and orphans of those who were killed upon the Wyoming, or whether anything by way of annuity, which would be kindred to a pension, should be granted to them. I am simply saying that there is nothing in this treaty, nothing in the negotiations out of which it grew, nothing in the situation of the matter as it now stands which warrants us in using this money for such a purpose as is contemplated by this bill.

I am clearly (and I have no hesitation in making the declaration) in favor of paying the larger part of this fund—whether enough should be retained to make some provision, as suggested by the gentleman from Connecticut, or not I am not prepared to say—but I am clearly in favor of returning the larger part of this fund to the Japanese government. I had personal occasion to know, at the time the matter was under discussion in a former session of Congress, that the Japanese representatives here were very earnestly desirous that we should at least not exact the residue of that indemnity. It has been, I think, a recommendation made by every Executive since the treaty was entered into, certainly since the money has been in the custody of this Government, that we should certainly pay it to Japan or do something with it entirely acceptable to Japan. Mr. Seward himself stated in the letter to which I have called attention that we had received this money without substantial equivalent; and therefore, having received it without substantial equivalent, the conclusion would follow as a matter of course that we ought to return it.

Now, Mr. Chairman, the case stands like this, so far as the great bulk of the money is concerned: Here were four strong powers (our Government I admit being but weakly represented) who had their hands upon the throat of this weak power, and they exacted from it as a ransom—the word does not sound pleasantly I know when we are speaking here—as a ransom, as though we held it in subjection, as though the lives and liberty of its people were wholly in our hands, and they could not escape from destruction unless they offered us ransom—that as ransom Japan should give $3,000,000. When we take that in the light of the correspondence which the American minister at that time had with our Government, we see that it was exacted only for the purpose of securing better commercial relations with Japan in the future, that he had not thought at that time this money was ever to be paid to our Government. At one time he was ready to consent to $2,000,000, but afterward went up to $3,000,000 on the suggestion of the French minister, because his object was to secure better commercial relations with Japan in the way of opening their ports, mentioning in particular the port of Simonoseki. I believe it has been the policy of this Government for the past six years to cultivate the most friendly relations with Japan in every particular.

Mr. STARKWEATHER. Let me ask the gentleman a question at this point, as he is a member of the Committee on Foreign Affairs, and of course has studied the question. It appears that England, France, and the Netherlands furnished five hundred or one thousand men and several vessels. Now, let me ask the gentleman whether he thinks the indemnity, so far as they were concerned, was more than it ought to be for furnishing that large body of men? Was it more than their actual expenses, considering the number of vessels and men furnished? Were not our own losses, although we had not as many vessels, quite as great as that of the other powers?

Mr. WILLARD, of Vermont. We had no loss at all.

Mr. STARKWEATHER. I mean loss of men.

Mr. WILLARD, of Vermont. In this expedition not a man was lost.

Mr. MYERS. But the treaty covers both expeditions.

Mr. WILLARD, of Vermont. I understand that; but in this expedition the Americans did not lose a single life.

Mr. STARKWEATHER. I refer to loss of life on board of the Wyoming.

Mr. WILLARD, of Vermont. When the Wyoming was sent out to resent this insult and to chastise the Japanese for having fired upon the United States ship Pembroke, I think four men were killed; but in this expedition out of which this indemnity grew the Americans had only a single chartered Japanese vessel with forty men and three guns. There were, I think, some two thousand men in the expedition on the part of other powers, with two or three hundred guns altogether. I suppose if we had a large force there in that expedition which caused us to spend a large amount of money perhaps we ought to have been indemnified for that expense. As Secretary Seward has said, however, we ought not to have this fund, because the expedition so far as we were concerned was attended with no heavy expense. He further stated that we received this money without any substantial equivalent, and it ought to be returned.

Mr. TREMAIN. I understood the gentleman from Pennsylvania to say that this indemnity was not merely to cover the expenses of

the expedition to which the gentleman from Vermont refers but also the loss of men on board the Wyoming. I should like to know as a matter of fact how that is.

Mr. WILLARD, of Vermont. The terms of the treaty include all claims of whatever nature for past aggressions on the part of the Mikado, which of course covers the loss on the Wyoming.

Mr. TREMAIN. I understand this bill does not provide for pensions in the case of the persons who were killed, but prize-money only.

Mr. WILLARD, of Vermont. Precisely; prize-money.

Mr. MYERS. Permit me to answer that question.

Mr. WILLARD, of Vermont. I would rather not. Now to return to the point on which I was speaking at the moment I was interrupted by the gentleman from Connecticut. I will say we have been endeavoring by treaty stipulations in various ways for the last six years to cultivate closer and more friendly relations with Japan. We have at the same time exacted a large money indemnity, a ransom which, as I have before stated but which cannot be too often repeated in the hearing of the House, has been declared by the chief officer of the State Department we received without any substantial equivalent. Now that certainly is dealing with a power with which we desire to cultivate friendly relations in a very hard and exacting spirit, and a spirit certainly with which I should suppose the American Congress would have no sympathy whatever.

Now, sir, as I do not like to detain the committee, and have already detained it longer than I expected, let me call the attention of the committee to the provisions of the bill. It takes out of this fund $125,000—

To be distributed among the officers and crew of the United States ship Wyoming, and officers and crew who manned the Ta-Kiang on the 5th, 6th, 7th, and 8th days of September, 1864, the same to be distributed as sea-pay to the officers and crew attached to the Wyoming, according to the pay-roll of said ship on the 16th day of July, 1863; and to the officers and crew detached from the United States ship Jamestown, and who manned the Ta-Kiang, according to the pay-roll of said ship on the 5th, 6th, 7th, and 8th days of September, 1864: *Provided*, That the provisions of this act shall be held and taken to be in full satisfaction for all bounty, ransom, or prize-money, or claim therefor, on the part of the officers and crews aforesaid, under any and all existing laws of the United States or regulations of the Navy Department, for the destruction of piratical vessels at Simonoseki, on the 16th day of July, 1863, and bombarding the forts erected at the straits of Simonoseki, in September, 1864. And if any of the officers or crews aforesaid shall have received any bounty, ransom, or prize-money for the service aforesaid, the same shall be deducted from the amount to be paid such officer or seaman under the provisions of this act: *And provided further*, That no money shall be paid to any assignee of the mariner, but only to the mariner or his duly authorized attorney in fact, or, in case of his decease, to his legal representatives, excluding any assignee.

It is said in the report of the Committee on Naval Affairs that—

As these ships were not, strictly speaking, "enemy's ships," the bounty of $200 allowed by the act of July 17, 1862, for each person on board of "any ship or vessel of war belonging to an enemy," sunk or otherwise destroyed in an engagement, if of equal or superior force, cannot be claimed as an absolute right.

So that this bill is based upon the theory that these persons have not any right to any of this money as prize-money; that it cannot be given to them as a matter of absolute right; and, as I understand, the gentleman from Pennsylvania, [Mr. MYERS,] in opening the case, has presented it mainly as a gratuity; in other words, that we have received this large amount of money, that we have it on hand, that nobody is better entitled to it than these men, and therefore that we give it them. I cannot agree to any such logic as that. If these men have a right to this money, very well; then they ought to have it. If they have not a right to this money, it should no more be given to them than any other money. But I claim, Mr. Chairman, that they have no more right to this money than they have to any money that is in the Treasury of the United States. If they have any right to this money it must grow out of the treaty, and the treaty expressly says that this is for the expenses—"the expenses" entailed by the operations of the allied squadron, or for the ransom, if you please, of Simonoseki. I take it that does not give those persons who may have been engaged in that expedition any right to this money because it was given as a ransom for Simonoseki.

If any part of this should be given to anybody other than to the Japanese government, I agree it may be given with some propriety, with some justice, as an annuity to the widows and children of those who were killed on the Wyoming. Of course they are not entitled to a pension unless it should be given to them specially, because this was not a war; although it seemed from some of the remarks made here the other day that it was about the most extensive naval war we had had for many years; and I expected before long to see this chartered steamer Ta-Kiang, with its forty men and three guns——

Mr. BUTLER, of Massachusetts. One gun.

Mr. WILLARD, of Vermont. Three guns.

Mr. BUTLER, of Massachusetts. Only one that could be used.

Mr. WILLARD, of Vermont. I say that I expected before long to see this Ta-Kiang painted by some fine artist, and either adorning one of our panels here or hung up over the approaches to our galleries as matching Perry's Victory on Lake Erie, or some other of the great historic naval achievements which have made our supports on the sea famous for all time. It seemed that gentlemen thought it was one of the most illustrious engagements in which American mariners ever participated.

Mr. STARKWEATHER. I would like to ask the gentleman, while he is belittling this engagement——

Mr. WILLARD, of Vermont. Let the gentleman wait a moment. And I am not certain but it would be a legitimate purpose if we were to take $10,000 or $15,000 or $20,000, and appropriate it for the purpose of making forever famous this splendid achievement of the American Navy.

Mr. STARKWEATHER. Let me ask the gentleman if there was not as large a loss of life on the Wyoming, in proportion to the number of men engaged, as there was on any one vessel, with one exception, during the last war?

Mr. WILLARD, of Vermont. I am speaking of the Ta-Kiang.

Mr. STARKWEATHER. I am speaking of the Wyoming.

Mr. WILLARD, of Vermont. We are speaking of different vessels.

Mr. MYERS. I wish to ask my friend a question. He has read the treaty. Now, does not the treaty, by its provisions, include the acts of aggression in June, 1863; that is, the battle with the Wyoming?

Mr. WILLARD, of Vermont. We have no misunderstanding about the treaty. It does provide for all of those aggressions, and whatever damage was suffered by the Wyoming in that engagement ought to be compensated for out of this fund; and if annuities ought to be paid to the relatives of the deceased soldiers and mariners who were killed in that engagement, they ought to be paid out of this fund. I agree to that. It does cover that aggression, but it does not erect this engagement into a war with an enemy's vessels, by which you can come in here with this fictitious claim for prize-money to be distributed among the crew. I think it very likely that there would be hesitation now if the question were entirely a new one whether prize-money should be given any more on the sea than on land; whether the soldier who risks his life in storming a battery is not as much entitled to receive prize-money for it as the mariner or sailor who risks his life in a conflict with ships upon the ocean. If it were a new question, I think possibly there might be as much reason for granting prize-money in the one case as in the other. Certainly no argument in favor of prize-money would apply to a case like this, because when you attempt to carry the question of prize-money beyond its proper realm, beyond its strict statute of limitation, then the question which I have indicated will at once arise.

Now, sir, to close in brief I have to repeat what I have said, that this fund is not in our hands for any purpose like this. It is in our hands, I believe in justice, for the purpose of returning it to the Japanese government if they will accept it; certainly it is in our hands for no other purpose except to pay the actual losses which the Government sustained or which individuals sustained by reason of these aggressions; and I hold that you cannot with any justice in dealing with this fund say that the men who engaged in this performance of their duties, either as sailors or officers of the United States Navy, are entitled to anything more out of this fund than indemnity for what they actually suffered. I trust you will not carry the doctrine of prize-money beyond its limitations for the purpose of taking from this fund a sum which ought to be returned to Japan, and a very large sum of money. I yield the residue of my time to my colleague on the Committee on Foreign Affairs, its chairman, [Mr. ORTH.]

The following is the report of the committee referred to by Mr. WILLARD:

The Committee on Foreign Affairs, to whom were referred several bills to provide for the appointment of a secretary of legation at the court of Japan; to appoint student interpreters at that court; to compensate the Japanese government for the United States legation buildings in Japan; concerning unpaid installments of the indemnity fund, with several communications from the Secretary of State upon the same subjects, have considered the same, and report them to the House for consideration, with a statement of the origin and character of the Japanese indemnity fund.

Commercial intercourse between Japan and Christian nations was commenced by Commodore Perry's expedition from the United States in 1852. A treaty of peace and amity between the United States and Japan was signed the 31st of March, 1854. This was the first treaty made between Japan and foreign powers. It opened the ports of Simoda, in the principality of Idzu, and Hakodadi, in the principality of Matsai, to American vessels, and secured to Americans the freedom of the country within the limits of seven Japanese miles from an island in the harbor of Simoda. It also authorized the appointment of consuls for the United States at Simoda. After an absolute prohibition of communication with foreign nations for two hundred years, diplomatic intercourse was established by the United States. The Portuguese and Dutch had enjoyed the privilege of sending one or two vessels a year to Japan from an early period, but with very limited trade and no intercourse with the people. The success of the United States led England and Russia to send expeditions to Japan, and in the year following the negotiation of the American treaty the same advantages were granted to England, Russia, and Holland. A convention negotiated by Commodore Perry June 17, 1857, opened the port of Nagasaki, in the principality of Hizen, and secured the right of citizens of the United States to reside permanently at Simoda and Hakodadi. In July, 1858, Mr. Townsend Harris negotiated a commercial treaty for the United States upon the basis of that negotiated between the United States and China in 1854. This treaty permitted the residence of diplomatic agents at Yedo, and the appointment of a minister of Japan, to reside at Washington, and consuls at all ports of the United States. The ports of Kanagawa, Nagasaki, Nee-egata, and Hiogo were opened in succession at different periods of time to American vessels. Americans were allowed to reside at Yedo and at Osaca for purposes of trade. Religious freedom was secured to Americans, and places of public worship were to be protected by the Japanese government.

Intercourse was thus established with the principal Christian nations after an isolation of more than two hundred years. Great opposition was made to the new policy of Japan by some of the native princes, who were sustained by their retainers among the lower orders of the people. The period immediately following the negotiation of the commercial treaty by Mr. Harris was one of violent disorders; the Tycoon was assassinated, one of the principal officers of the foreign legations was murdered, and several legation buildings were burned. The native princes held in their pay masses of the people, who endeavored to intimidate native merchants and destroy the trade with foreigners. Small traders and workingmen were organized against the supporters of the new policy and those engaged in foreign commerce, and some of the most prominent silk merchants were assassinated during the period.

The rebels against the liberal policy of the Japanese government seized the forts, and some of the principal naval posts, and made war upon all foreign vessels. The American frigate Wyoming and the merchant-ship Pembroke were fired upon in 1863. In 1864 Choshu, Prince of Nagato, who ruled the provinces of Suwo and Nagato, having absolute possession of the Japanese fortifications which commanded the straits of Simonoseki, and having with him the person of the Mikado, or spiritual ruler, refused to recognize the validity of the treaties concluded by the Tycoon with foreign powers, and closed by force this chief passage to the principal inland sea of the empire.

In this controversy the Tycoon desired at first to conciliate the anti-foreign party, and was disposed to yield to their demands; but he was relieved from that necessity by the support which the treaty powers gave to his government. At his request the forces of the United States, Great Britain, France, and the Netherlands in Japanese waters jointly determined to open the straits by force. The campaign opened on the 4th of September, 1864, and lasted five days. The fleets destroyed the batteries commanding the straits, blew up the magazines, threw shot and shell into the sea, carried away seventy cannon, and obtained an unconditional surrender from Prince Choshu, who agreed to pay the expenses of the expedition.

The treaties were ratified by the Mikado, as they had been before by the Tycoon, thus uniting the two elements of power existing in the government of Japan, and the liberal foreign policy of the Tycoon was firmly established. The government of the Tycoon, preferring to assume the expenses of the expedition, which Choshu had agreed to pay, entered into the convention of October 22, 1864, stipulating to pay the four powers $3,000,000, "this sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnity, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons." The whole sum was to be paid quarterly, in installments of half a million dollars each.

One million and a half of dollars have been paid under this convention, and one million and a half of dollars remain unpaid. The Japanese government asked to have the payment of the balance deferred until 1872, because of its utter inability to meet the demands made upon it pursuant to the convention; its obligations to the allied governments being, however, fully recognized.

The Secretary of State informed the Committee on Foreign Affairs, by letter dated , 1872, that the whole amount to be paid under the convention to the four powers was $3,000,000; and it was stipulated that it should be paid in installments of one-sixth of the whole amount. Three installments have been paid to the several powers, amounting to $1,500,000; three remain unpaid, the principal of which amounts to $1,500,000, the share of the United States therein being $375,000.

Of the amount already paid by the government of Japan, one-fourth part has been received by the United States; which, being placed to its credit with Baring Brothers, of London, yielded the sum of £88,881 10*s.* 10*d.* This, transferred to New York, produced in currency the sum of $586,125.06. These funds were invested in 10.40 bonds of the United States at par. The accruing interest has been invested in the same class of bonds. This sum now amounts to $705,000 in registered bonds. The Secretary of State, in a communication, (Senate Executive Document 58, Forty-first Congress, second session,) says that he is not aware of any claims against this fund.

In a letter dated January 8, 1868, addressed to the chairman of the Committee on Foreign Affairs, the Secretary of State (Mr. Seward) made this statement: "That pursuant to the stipulations of the treaty with Japan of the 22d of October, 1864, to which the United States was a party, this Government has received from the Japanese government, *without substantial equivalent*, as its share of the indemnity stipulated to be paid by that treaty, the sum of $600,000 in gold. This amount has been invested in United States registered bonds, and awaits such disposition as Congress may direct."

The aggregate claims for all injuries to American citizens and property in Japan was stated by the American minister in December, 1863, at $30,000. Demands were made for $32,000, exclusive of the damage done to the Pembroke, which was fixed by the Japanese government at $10,000. (Pages 463 and 475, Diplomatic Correspondence 1864-'65, part 3.) So that the whole amount of damages claimed by the United States would not exceed $42,000 up to December, 1863.

The naval force of the United States on the coast of Japan in September, 1864, was the Jamestown, with two hundred and eighteen men and twenty-one guns, and a chartered steamer, Ta-Kiang, with forty men and three guns. The James, town was assigned to the defense of the port of Yokohama, and the Ta-Kiang formed part of the expedition to Simonoseki. The French naval force consisted of the Semiramis, Dupleix, and Tancred, with sixty-four guns and eight hundred and fifty men. The English fleet numbered ten war vessels, with one hundred and sixty-four guns and twenty-eight hundred and fifty men, including marines and engineers. The Netherlands had four war-vessels, with fifty-six guns and nine hundred and fifty men.

It appears from this history that the indemnity fund was intended to satisfy "all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnity, ransom of Simonoseki, or expenses entailed by the operations of the allied squadrons." The Government of the United States has already received a sum which, with the interest thereon, amounts to more than $700,000. All the claims for injuries sustained by this Government in consequence of the operations of Nagato do not amount to $40,000. The expenses incurred by the Government of the United States by the participation of the chartered steamer Ta-Kiang in the operations against Simonoseki in 1864 cost the Government only a few thousand dollars.

The claim is, therefore, as stated by the late Secretary of State, Hon. William H. Seward, substantially without equivalent. It is confidently believed by the Committee on Foreign Affairs, after a very careful consideration of the circumstances of the case, that the United States may wisely remit the unpaid installments of this indemnity fund without injury to the Government or the people. It is believed that such a policy will result in the establishment of more intimate relations between this Government and the government of Japan, and ultimately prove of great benefit to the commerce of the two countries and accelerate the progress of civilization.

The committee unanimously report a bill releasing the government of Japan from the payment of the installments of the indemnity fund remaining unpaid, and recommend its passage.

Mr. BUTLER, of Massachusetts. How much time has the gentleman got to yield?

Mr. WILLARD, of Vermont. I do not know.

Mr. ORTH. It is not my purpose to detain the House at any great length upon this question.

The CHAIRMAN. The Chair understands the gentleman from Vermont to yield the remainder of his time to the gentleman from Indiana.

Mr. WILLARD, of Vermont. Yes, sir; I yield the residue of my time to the chairman of the Committee on Foreign Affairs.

Mr. ORTH. Mr. Chairman, it is not my purpose to enter at any very great length into the merits of the question now before the committee. My colleague on the Committee on Foreign Affairs from Vermont has stated very fully the history of this entire transaction, and I will simply add a very few words in reference to the precise object of the bill now under consideration and the questions of law involved in it. We have received this money, and the questions how we have received it and what we should do with it are merely incidental. The bill before us provides that a certain amount of money shall be paid to the officers and crews of certain American vessels—not as prize-money, because as such they have no legal right to one dollar of this money or to one dollar of the money in the national Treasury. It comes up then by way, as my colleague on the committee has very appropriately said, of a gratuity; and if the officers and crew of the Wyoming are to have any pay whatever from this General Government for what was done in opening of the port of Simonoseki, they ought to be paid out of the general Treasury of the country. If this bill made that provision I doubt whether it would find one-half the advocates that it does now.

Now, in order to do this thing, it is provided in the bill that we shall lay our hands not upon the money in the national Treasury, but upon this Japanese fund. It is a very easy thing to be liberal with other people's money. It is a very easy thing to be charitable when it costs nothing, and hence in that view it is well enough that we should glance at the history of this case and at the manner in which this money was acquired. Seven hundred and fifty thousand dollars is a very large sum of money. It was placed in our State Department, not in the Treasury, and neither this Congress nor any of our predecessors have yet felt themselves authorized to cover it into the Treasury. Why? Because Secretary Seward told us that we have received it without returning any just equivalent. We have from the moment we received it up to this hour regarded it as a sacred trust. What to do with it we have not yet fully made up our minds. In dealing with the government of Japan in this matter we must recollect that we were associated with the governments of Great Britain, France, and the Netherlands. Indemnity came to all these governments at the same time and under the same circumstances. So far as I am informed, the other three governments have never taken any steps with regard to returning this money, but it must be known that the expenses of each one of those governments in this case were one hundred fold more than ours. Great Britain had one hundred and sixty-four guns and twenty-eight hundred and fifty men; France had sixty-four guns and eight hundred and fifty men; the Netherlands had fifty-six guns and nine hundred and fifty men, while we had only forty men and three guns.

Mr. MYERS. I desire to ask my colleague on the committee a question. France had sixty-four guns and eight hundred and fifty men; England had one hundred and sixty-four guns and twenty-eight hundred and fifty men. Does the gentleman think that France should have been paid this indemnity in proportion to the number of men and guns that she employed?

Mr. ORTH. We got an equal share of the money without any distinction as to the number of men and guns employed.

Mr. MYERS. Because the power of the Government was there.

Mr. BUTLER, of Massachusetts. Because our one gun——

Mr. ORTH. There were three guns.

Mr. BUTLER, of Massachusetts. Only one, if you please. It was because our one gun, as the British admiral certified, did as much service as any one fleet.

Mr. ORTH. No doubt about that. But that is not the question here or there.

Mr. BUTLER, of Massachusetts. Yes, it is.

Mr. ORTH. This money came to us. Thus far we may have hesitated in returning it to Japan out of a feeling of delicacy toward the governments connected with us in its acquisition. That the amount exacted from the Japanese government was unconscionable and enormous must strike every just man. Three million dollars for what? Because one of the governors of a portion of Japan, too strong for the power of the Tycoon, had set himself up to disregard the treaties made with our Government and with other governments. We were called upon by the Tycoon to assist in punishing his daimio, and we did so. When the question of money came up the Japanese government said "We will give you $3,000,000." We took it; but under what circumstances? Three of the most powerful nations of this earth were there with their hundreds of guns and hundreds and thousands of men, threatening the weak and semi-civilized nation of Japan, until they had extorted from it a sum of money, the very idea of keeping which puts the blush of shame on the cheek of every man. Now, is this Republic of ours to become a buccaneer, to roam over the world to avenge supposed insults to the American flag and have them wiped out by dollars and cents? Thus far, thank God, in our history no such page has been written.

Mr. BUTLER, of Massachusetts. How with the Barbary powers?

Mr. ORTH. There was war then. But that question is not now before Congress. We have thus far steadily kept this money from going into the public Treasury to be paid out as other moneys are. We have kept it invested and set apart, because for the last twelve years the feeling with every administration, with every Secretary of State, has been that this fund is surrounded by circumstances which make it a little more sacred than ordinary dollars and cents. The question as to what to do with this money will come up in the future.

The question directly before us to-day is whether we shall use this money thus acquired and held by us and hand it over to persons who have no legal claim upon it. That is the whole question to be settled by the passage of this bill, whether we shall take the money thus acquired and thus held and pay it over to officers and a crew who

have no legal claim upon it, and thus put the entering-wedge into the disposition of this fund. Sir, I hope and trust this Government will never permit that to be done.

I promised that I would say but a word or two in this matter, simply in furtherance of the views so clearly set forth by my colleague on the committee, the gentleman from Vermont, [Mr. WILLARD.] I hope and trust that the good sense of this House will see that this bill does not pass.

Mr. BUTLER, of Massachusetts. Before I go on I desire to yield fifteen minutes of my time to the gentleman from Pennsylvania, [Mr. MYERS,] who reported this bill.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BUTLER] is entitled to forty-five minutes, of which he yields fifteen minutes to the gentleman from Pennsylvania, [Mr. MYERS.]

Mr. MYERS. I do not know that even fifteen minutes are needed to reply to the attack on this bill made by my friend from Vermont, [Mr. WILLARD.] There is but one question before the committee. We now have a fund of nearly $1,000,000 secured to us by a solemn treaty, known as the Japanese indemnity fund. This result is due to the sailors who secured it by two hard-fought battles, one in June, 1863, and one in September, 1864, when they were aided by foreign powers. These sailors not only won this fund, but reopened the ports of Japan to us, secured untold benefits to our commerce, and prevented a bloody war. Now, do they deserve to have the equivalent of prize or bounty-money, which if open war had been declared would have been theirs under the law? The Committee on Naval Affairs unanimously say that they do. The House at the last session so said and so voted. The gentleman from Vermont [Mr. WILLARD] tries to persuade us that this question was always held by the Committee on Foreign Affairs as a matter peculiarly pertinent to their jurisdiction. I am a member of that committee, but claim no such peculiar province for them. In the Senate four reports have been made in favor of the bill.

That question being determined, out of what fund should this bounty-money for these sailors come? The argument opposed to us looks to prevent their obtaining it from this fund; and then if they attempt to get it out of the Treasury, they can more readily be beaten, as we all know it would be much more difficult to obtain it in that manner. If their claim be just, as I have already contended, then the money most appropriately should be paid from the very fund which is the result of their exploits and gallantry, the bloodshed and the lives lost, without which it would not be ours to give.

We were virtually at war with Japan. The Mikado, siding with the rebel prince who fired on our vessels in violation of treaty obligations, declared the ports closed against foreigners, and the Tycoon, yielding his authority, joined in the edict, although faintly protesting that he was powerless without the aid of the treaty powers. Our flag was insulted and assaulted from powerful vessels bearing the Japanese flag as well as from forts and batteries on their shore. In volume 2, Executive Documents, page 1106, will be found the Mikado's order to expel the foreigners and sweep them away as with a broom, and the Tycoon's order submitting to it. On page 1124 of the same volume the British chargé d'affaires says this edict "is unparalleled in the history of all nations, civilized or uncivilized;" that it is in fact a declaration of war by Japan itself against the whole of the treaty powers and the United States. Minister Pruyn (page 1121) wrote to the Japanese authorities that "even to propose such a measure is an insult to my country *and equivalent to a declaration of war.*"

The treaty itself provides for the "indemnities of war" and recites that the Tycoon was powerless.

No war, indeed, gentlemen say! yet six Americans were killed in a bloody battle fostered by the ruler of Japan and six or seven severely wounded; and forsooth we are not even to retain the indemnities of war paid us, nor the expenses of the expedition stipulated for in the treaty, one of which in honor and equity would be the payment, if need be, out of our Treasury of just such bounty or prize-money as we were giving to men who sunk or captured vessels in our own war of the rebellion.

The treaty recites that this indemnity was to cover the acts of aggression and hostility in June, 1863, the time of the Wyoming fight.

So imminent was a war with Japan, that the Wyoming, the only vessel we could spare at that time, was sent out there, and while our other sailors, those who were engaged against the rebellion, were obtaining bounty and prize-money, frequently under technicalities of law, when they did not even partake in the contest, these brave men, with those of the Ta-Kiang in the subsequent and no less important battles of September, 1864, have as much right to our most grateful consideration.

Gentlemen say we ought to repay this money to Japan. I happen to remember as much about the history of this case as my colleagues upon the Committee on Foreign Affairs. My distinguished colleague, now chairman of the committee, [Mr. ORTH,] was out of Congress at that time; he ought to have been here. Mr. Mori, the Japanese minister, not denying that the rebellious prince had paid a large part of this money, earnestly represented that it would promote good feeling for us to remit the unpaid balance of our half. It is in the stipulation made by Mr. Pruyn that his dominions should be imperialized. Some of them were confiscated. Mr. Fisher, United States consul at Kanagawa, informed me that the money so far as obtained for the first half was chiefly obtained from Nagato, and yet we are now proposing to give this very money, with interest, back to Japan. I am in favor now, as I was then, of remitting the half. What more in reason can be asked? But I do not propose to give back more than Japan asks. This would be an insult rather than an act of friendship.

Mr. ORTH. The remarks just made by my colleague on the committee [Mr. MYERS] may cause an impression that the Japanese government has asked the return of this money. Certainly that government has never made such a request.

Mr. MYERS. I will distinguish the minister from the government in what I am saying. Mr. Pruyn writes to me that—

> The first agreement was made between the Daimio Nagato and the naval officers, and was subsequently assumed by the government of Japan. * * * The Japanese government was of course unwilling to recognize a treaty made with him, as if he were an independent prince. Our war and expeditions against him were justified on the ground that he was a rebel whom the government could not subdue.

By turning to part 3, Diplomatic Correspondence, 1863-'64, page 553, it will be seen the sum was to be paid by the Tycoon "in behalf of Choshu;" and the treaty speaks of the "ransom of Simonoseki," his town—of course paid by him. I am friendly to Japan, and have already spoken highly of their great advance in civilization, largely the result of keeping open their ports; but if we shall ever give back this fund, at least keep all that is due for the wrongs done, all that may compensate for the lives lost, and the achievements of the men of those American vessels.

It is said here, however, that this is a trust fund. Sir, if there was ever a mode in which we have done especial wrong to our citizens, it has been under our treaties. We bartered away their claims for French spoliations. For over seventy years they have knocked at the doors of Congress unsuccessfully; and just as the Senate and House were about to do what was right by them, the Alabama treaty came in, and some one stopped the French spoliation bill, sending it to the Judiciary Committee to inquire whether, if we paid the insurance companies under that bill, we might not commit ourselves and be obliged to pay their claims which footed up dollar for dollar with interest we had presented to and received from Great Britain. Why not give this money back to England? We have not paid it according to the trust. Then there is the Chinese indemnity fund. We recovered $-00,000 for the aggressions upon our citizens; $400,000 of this is left for whom? Under the leadership of the gentleman from Vermont we have refused year after year almost the only claim of American citizens that remains upon that fund. Why not offer that back, too? O, yes! It is a "trust fund!" Our duty and our trust here are for the American people. Our duty is not to decry the gallant services of sailors like these, who won brilliant battles. I do not care whether it was with one ship and one gun or with a dozen. To the moral force and power of our Government, which first opened the ports of Japan, we added in the last battles but a few guns, but they were telling ones, and won the thanks and admiration of England and the other treaty powers. Hear what one of these sailors who participated in the Wyoming fight wrote a day or two ago to the gentleman from Maryland, [Mr. ARCHER:]

> We received and returned their fire at pistol-shot range, sustaining the loss of six killed and five wounded, our ship being badly cut up. We fought against great odds, the Wyoming mounting but six guns, while the enemy mounted at least thirty-five. Therefore why should we not receive some notice from our country for this affair? Have not the widows and orphans of these brave men who freely gave up their lives for the country's honor a greater claim upon the indemnity fund than Japan?

How does Japan look at a matter of this kind? But the other day she recovered, not from an enemy, not from rebels, but because of the assaults of Chinese savages in Formosa, $700,000, paid by the Chinese government. One hundred and forty thousand dollars as "consolation money!" I ask gentlemen who oppose this bill what "consolation money" is there here for the widows and orphans of the men killed upon the Wyoming?

England looks more rigidly to the punishment of wrongs upon her citizens. She made Japan pay $100,000 for the murder of Mr. Richardson, a member of her legation, which occurred about the time of the Simonoseki outrages.

Several learned gentleman have read to us very carefully from parts of our treaty that in it the foreign powers say the receipt of money from Japan was not their object. That is true, and they therefore gave Japan the option to open a port at Simonoseki or some other eligible port in the inland sea. Not only did the Tycoon fail to make such an offer, but the ports of Hiago and Osaka, stipulated by the Harris treaty to be opened in January, 1863, were kept closed for five or six years after that time. Let us be just to Japan, but be careful lest we do injustice to our own people, and especially to the defenders of our flag.

I cannot close better than by reading the views expressed to me in a letter by our late minister, Robert H. Pruyn, who, if diplomacy won for us this fund, is certainly entitled to the credit of it. Listen to what Mr. Pruyn says:

> I think the United States have done right in releasing the government of Japan from the obligation to pay the balance. * * * * * * *
> But whatever may be done, provision should be made for our brave seamen whose exposure and blood secured it. They were banished to that distant sea while their associates were securing prize-money at home, and justice and common honesty require this recognition of their services.

The bill is a just one. It comes from a committee which has given it full and fair examination, and has its unanimous sanction. It was

passed by the House in the last Congress, reported favorably by the Senate, but not reached in time for passage. Shall we not stand by that record? Let us do justice to those brave men, and the country will applaud the act.

Mr. BUTLER, of Massachusetts. Mr. Chairman, I would I could get for a few minutes the attention of the House to a matter which, while of small importance when considered by itself, has, from the extraordinary course taken by some portion of the Committee on Foreign Affairs, become a matter of very great importance.

Let me first state the circumstances out of which this money came to us and the grounds of our claim. I admit there is no legal right to this money. If there was, they should not be here to-day asking a law to be passed.

It is talked of as if this was never done before. That is an argument to the prejudice. I have in my hand, which was used on a former occasion, a list of precedents. When the Guerriere was captured by the Constitution Congress allowed $50,000; and for the capture of the Java $50,000. For the capture of the Peacock by the Hornet Congress allowed $25,000. All these were gratuities. For the capture of the brig Detroit the captors were allowed $12,000. In the capture of the Reindeer and Avon by the Wasp, the amount allowed was $50,000 and twelve months' wages. For Le Duc Montebello, Le Petit Chance, and L'Intrepide, captured by Captain Porter, Congress allowed the whole value of the captured vessels. By act of Congress, in the case of the British vessels captured on Lake Erie, Congress allowed $255,000, the value of the vessels, to be distributed as prize-money. In addition, $5,000 was given to Perry, besides his share of the prize-money. Congress also allowed for British vessels captured on Lake Champlain $400,000—the value of the vessels. That was in our infancy, when our expenses outside of war were not more than $2,500,000 a year. In the case of the capture of the Levant by the Constitution the amount allowed was $25,000. For the Algerine vessels captured by Decatur the amount allowed by Congress was $100,000. Here is where your *cestui qui trust* for semi-barbarians comes in. The pirates of Algiers were not treated by our forefathers as though they had any such sacred trust. When they captured our seamen we sent out and captured their vessels, battered down their ports, and paid our seamen for doing it.

Now I have shown what the precedents are. The next point to which I wish to call the attention of the House is what happened here. The Japanese undertook in their savage fury to have their junks run down and burn American vessels. They undertook to control the entrance to the ports of their country through the straits of Simonoseki. We sent a war vessel there to open those ports. This was in the midst of our war, when we had not any war vessels to spare. Under these circumstances the Wyoming went there and engaged these batteries, single-handed and alone, fought and destroyed them, and sunk the Japanese junks, and these peculiar friends of the Committee on Foreign Affairs went down, as they ought, under the water in very great numbers. What happened next? The Wyoming had more men killed and wounded in that expedition in proportion to the crew than the average upon Lake Champlain, Lake Erie, or in any battle which made us famous as a naval nation. Next year all the leading maritime nations of the world made a joint expedition, the French vessels carrying sixty-four guns, the British two hundred and thirty, and the Dutch sixty, I believe. The officers of the allies sent up there to make an attack came to the captain of the American vessel and said, "Won't you take part with us?" He said, "I cannot without the order of our minister;" and our minister there at Japan said, "You take part." Then came another trouble, and that trouble was that the Jamestown, a sailing vessel, drew so much water that she could not get within sight of the batteries of the enemy. The captain said to Lieutenant Pearson, "I am ordered to take a part. Will you not take this little chartered steamer, the Ta-Kiang, armed with a twelve-pound howitzer, which would shoot about half a mile? Won't you go up there and act as tender to the British fleet?" "No," said Pearson, "I will do no such thing; but if you will give me eighteen men from the Jamestown and its thirty-pound gun and Sharp's rifles for each man, I will go there and take a share in the engagement." "Well," says Captain Price, "I am not authorized to do that. But if you choose to do so you may, taking your own risks." Thereupon they took the one gun of the Jamestown, a thirty-pounder, on board the Ta Kiang, a little cockle-shell of a steamer, drawing four feet of water, and Pearson went up on her, and when the action came on he lay by means of his light draught right under the forts, and every shot told. And he did such excellent service that—what happened? Why they sent here the Representative from Vermont to laugh at him and belittle him. That is how he is repaid. They sent a member of the Committee on Foreign Affairs to sneer at him and talk about the little war and the little bravery and the little courage and the little action. It takes little to appreciate little in this world.

But how did the British government appreciate it? I have it here stated in the volume of diplomatic correspondence. The action was so brave, so gallant, the action of our Navy was so illustrious, I have a right to say the British commander came on board that little cockle-shell after the three days' fight was over and personally thanked Lieutenant Pearson for his gallant services. More than that. He sent home and asked the Queen, in consideration of those gallant services, to do what never was done to an American before or a citizen of any other nation fighting beside the British forces. The Queen ordered to be sent to him the decoration of the military division of Knight Companions of the Order of the Bath. But our Constitution forbids our officers to take any foreign order, and the decoration could not be accepted. I will read the dispatch of the British minister on that occasion.

WASHINGTON, *December* 21, 1864.

SIR: I had the honor of addressing you a note on the 17th instant under the instruction which I had received from Her Majesty's government, requesting the United States Government to convey to Lieutenant Pearson the acknowledgment of the lords commissioners of the admiralty for the ready co-operation which that gallant officer afforded to Vice-Admiral Sir A. L. Kuper during the operations in which the combined forces of Great Britain, France, the Netherlands, and the United States had recently been engaged in the straits of Simonoseki, in Japan.

It is now my pleasing duty to state to you that the Queen is desirous of evincing her high appreciation of the zealous co-operation of Lieutenant Pearson, and of the conduct of the United States naval forces on the occasion in question, by nominating Lieutenant Pearson a companion of the military division of the Order of the Bath; and her Majesty trusts that the President of the United States will be pleased to allow that officer to accept the honor which Her Majesty is desirous to confer upon him.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c.

Now, sir, such is the way Great Britain looks upon these services, and such is the way Vermont looks upon them—I beg pardon, I should have said part of Vermont.

Then, sir, what further was done? Although we had but one effective gun there, yet our Navy had done such good service that when the allied powers came to make their treaty they allowed us a full share of one-quarter as a punishment upon these savages for burning American vessels, for shutting out American commerce, and for firing on the American flag. They gave us one-quarter, although we had but one gun there doing duty. And having given us that one-quarter, what happened? It was paid to the State Department; and there has not been power enough in Congress to get it out of the hands of the State Department and into the Treasury, because Mr. Seward said "Don't do it now," and he was received with the highest consideration in Japan because of having kept it out of the Treasury of the United States.

Now I want this to be put into the Treasury of the United States. It is the people's money, earned by the blood of our sailors and earned by the destruction of our ships—earned from the savages that the Committee on Foreign Affairs think we had some trusteeship for. I never undertook the trusteeship of any savage nation, thank God. We have enough savages in our own borders without going outside.

Now that is the condition of things. Nobody denies it. This fund of $700,000, now by interest grown up to $850,000, was paid to us as indemnity for men's lives, for the orphanhood of children, the widowhood of women, the destruction of commerce, and the outrage on our flag; and they tell us we ought to blush for having taken it.

Ay, men that have so little appreciation of valor as to think that our sailors ought to blush when they take money won by their own valor! Money should only be got by carrying on business in a small way in a grocery. That is the only money fit to take.

I insist, sir, that the life of an American seaman, the widowhood of an American woman, the orphanage of an American child, made so by savages, should be paid for by those savages to any amount of money as punishment that we choose to inflict upon them. But, sir, we are told when we go to inflict this punishment with the other civilized nations of the world that these are savages, and we must not defend our sailors and our commerce against them; and when our brave sailors do a good deed, there is some man found to belittle them and bring them down to his own level.

Mr. MYERS. The British government demanded $100,000 for the murder by the Japanese of Mr. Richardson, of their embassy, and they obtained it.

Mr. BUTLER, of Massachusetts. Now, sir, this is a fund got by these men, obtained by their blood and valor, and we come here and ask simply that there may be a small portion of it divided among their orphaned children and widowed wives, and those of them who still live. There is their commander, a man from Pennsylvania, as good a man as ever trod the deck of a ship, a man who distinguished himself everywhere during the war. He has been offered the best decoration known to British heraldry—that of a Knight Companion of the Bath, and whatever the gentleman from Vermont [Mr. WILLARD] may think, he would give more than this whole sum to be enabled to accept that decoration; but the Constitution of the United States forbids his taking it, and unless we give him the right he cannot take it, although the Queen of Great Britain tenders it to him all the time. He comes here now and says "I do not want anything for myself more than the share which the law gives me in this prize-money, but I do ask for the poor men who were my crew something to compensate for the wounds they have received, and something for the widows and children of those who perished in the service of the Government."

And, sir, we are told that this was not a war. I can say to some of my friends that it was a long enough war for them and quite as large as they would have liked to take a part in. It was an action against a barbarous people, and was made in co-operation with other civilized nations. Now, if we choose to take the rest of this fund to educate the Japanese up to the point of civilization, perhaps they will at some time get up to the condition that the Committee on Foreign

Affairs now think they occupy in the world. I will not say what I think of that; but what I desire to be done is that this money shall be paid into the Treasury of the United States, and if you have anything to spare, give it to the men who were injured in this war, make good something of the losses of their blood, or use it to pay for some church burned during the war, some college that was wrecked during the war, some hospital, charitable or otherwise, that was destroyed during the war. If you propose to do that, my word for it you will find the same opposition brought against such a gratuity by the same gentlemen who are opposing this bill, and you will find them voting against it. Does not everybody know that some class of men will be found voting against such a measure?

I say again that here is a fund won by our sailors and given to us by their valor. It is our own property. If the Committee on Foreign Affairs had done its duty this money would have gone into the Treasury of the United States, and we come here and ask from that fund a small amount, $125,000 out of $800,000, for the men by whose blood and valor it was obtained. We are told that this is a sacred trust. Well, where is the bill by which the Committee on Foreign Affairs propose to execute this trust? Why are we here in the expiring days of this Congress without seeing any such bill? If the committee believe that it was their duty to bring in a bill to return this fund, why have they not done it? Why have not the Committee on Foreign Affairs provided either for covering this money into the Treasury or for refunding it to the Japanese government? Why do they keep it as a sweet morsel to be rolled under the tongue of the State Department for their purposes?

Mr. ORTH. The gentleman is aware that this sum is invested in Government bonds and is not used by the State Department at all.

Mr. BUTLER, of Massachusetts. O, yes! I understand that. It is invested in Government bonds, and I want to save the interest upon $125,000 of this amount on which we pay interest day by day. Does the gentleman quite know where these bonds are? I do not. They may be loaned to be the bottom of the circulation of some national bank, for aught I know. I have known bonds to be loaned in that way. I only say this: There it is accumulating and the people are paying interest on this money, and with the threat that after we have paid interest on it long enough the whole money shall be turned over to these barbarians to enable them to build more forts to burn our merchant vessels. I will not do it. I want to stop at least $125,000 of it, if no more, and then trust to the good sense of some future Congress to put the rest into the Treasury. For our part we agreed to an amendment to this bill by which the rest of the money was to be paid into the Treasury of the United States. But the astute gentlemen of the Committee on Foreign Affairs made a point of order upon that portion of the bill, so that the money could not be paid into the Treasury. They will not do anything with it. They are like the dog in the manger; they will not eat, themselves, nor allow anybody else.

The CHAIRMAN rapped to order.

Mr. BUTLER, of Massachusetts. It was not my allusion to that dog, was it? I did not mean by any manner of means to apply the fable too far.

The CHAIRMAN. Gentlemen standing in the aisles will resume their seats, so that there may be order in the committee.

Mr. BUTLER, of Massachusetts. This matter has been twice submitted to Congress; each time it has received the support of the House. We have heard all these arguments before and the House has unanimously insisted upon sustaining our gallant sailors. It has gone to the Senate, and has been four times reported upon favorably there, but it has never been reached so as to have a vote upon it. I want to send it over there once more, in the hope that this time the Senate will act upon it. But whether they will or not, let us do our duty; let us take the same stand in regard to these sailors that our fathers did about the heroes of Lake Erie. Let us sustain them against Japan as our fathers sustained Decatur against Algiers and the Barbary powers generally. Let our seamen know that when they are ordered into action by any one who has the authority to order them into action their country at home is looking on, and if they will do their duty well, if they will carry the flag with its former glory and honor, they will find a grateful country which will take care of them, and of their children when they are orphans, and their wives when widows.

Let us teach that lesson to every Jack Tar that stands on the forecastle; let us say it to every naval officer that stands on the quarter-deck, so that when he is in distant unknown seas, in barbarous lands where his portion may be death, he is still to carry that flag as these men carried it, until our rivals for naval supremacy on the seas shall have extorted from them the great tribute which the Queen of Great Britain is willing to pay to this young commander, not then thirty years old, and who is here, it may be to fail, if fail he must, in the House of Representatives of his own countrymen, and under the Dome of the Capitol and the statue of Liberty, and that, too, on a plea in favor of the very savages against whom his guns were directed and whom he overthrew.

Why do they not tell the whole truth about this matter? We took this money from the Japanese government and the Japanese government levied a contribution on these pirates in order to make them pay their share of it; and nearly or quite one-half of the amount, over $1,200,000 of the amount, which they had to pay the civilized world, they levied on these daimios and the pirates their followers, who were overthrown in the straits of Simonoseki after three days' fight. It was not a holiday fight; but the little Ta-Kiang lay there with the glorious Stars and Stripes floating at her peak, and the gun that did good service threw shot after shot while the missiles of the enemy flew around her and the flag still floated and the glory of the American naval power on the earth was sustained.

We shall not have any more large naval fights; there will be no more large navies brought together in war. Hereafter, on account of steam, fights must be single-handed, ship to ship, or else ships against forts. Therefore, whenever we have the picture of any fight painted, I agree that it would be well, as suggested, to take ten or fifteen thousand dollars of this fund and appropriate it to pay for painting a cartoon of this glorious little fight. And in one corner of that cartoon I would have the Queen of Great Britain offering the Order of the Knight Commander of the Bath to Lieutenant Pearson. And on the other side of the picture I would have a portrait of a member of this House sneering at him for his bravery.

Mr. ORTH. Which one?

Mr. BUTLER, of Massachusetts. There will be no difficulty in picking out the right one. And would you add in another part of the picture the House of Representatives of the United States refusing to honor the bravery and courage of its officers and men, while the Queen of Great Britain is willing to honor even her great naval rival? Is that the voice you are going to send out to your sailors, that even if they win the honors of their great naval rival, Great Britain, and get orders and commendations from her, (under your Constitution they cannot receive them,) the House of Representatives will not give them any tribute, but only belittling speeches and belittling votes? I pray you, gentlemen of the House of Representatives, pause. I said when I began that this thing had got over and beyond the mere money sum of $125,000. It has come to be a question whether the House of Representatives will sustain the United States Navy against barbarians in foreign seas; whether you will recognize the services of your Navy; whether you will inspirit your naval officers and men, or whether you will prefer to them semi-barbarians, and a little more than *semi*, at that. It is for this reason I ask you to pause. It is for this reason I ask the attention of the House—not for myself, not alone for the cause of these men, though that is reason enough, but for the cause of the American Navy and the glory of the American flag upon the high seas, that its career in the future may be as honorable and may make our Navy as much respected as when in the times of Decatur and the war of 1812 it won itself a name among the nations of the earth.

Mr. MYERS. I now move that the bill be laid aside to be reported favorably to the House.

Mr. HALE, of New York. I move to amend the bill by striking out all after the enacting clause down to and including the words "thereof to" in the ninth line, and inserting instead the words "the sum of $125,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, which shall."

Mr. BUTLER, of Massachusetts. I will consent to that if the House will put it in that form.

The CHAIRMAN. Amendments coming from the committee are held to be first in order.

Mr. HALE, of New York. I do not understand the committee to propose any amendments.

Mr. MYERS. There are some formal amendments, but I supposed they were agreed to.

The CHAIRMAN. If there be no objection, they will be considered as agreed to. The question is on the amendment of the gentleman from New York, [Mr. HALE.]

Mr. HALE, of New York. Mr. Chairman, I have attempted by this amendment to separate two matters which are in this bill, and have been in the debate which has taken place upon it, strangely jumbled together, and which I think have no legitimate connection: First, the disposition of the Japanese indemnity fund now in our hands; second, the question of appropriate rewards or gratuities to the gallant sailors of the Republic. The gentleman from Massachusetts [Mr. BUTLER] has waxed exceedingly eloquent upon the merits of the Navy. The gentleman from Pennsylvania [Mr. MYERS] who preceded him was eloquent in the same direction. I have no disposition to take issue with these gentlemen or either of them. If it were in my power to express myself as loftily and with such magnificent eloquence as they discoursed on this subject, I certainly would not fail to do so. But I submit, Mr. Chairman, that between the merits of the United States Navy and the rewards due to our gallant sailors, and the question of the proper disposition of a fund which we hold under a treaty with Japan, there is no proper connection. I have therefore sought by my amendment to separate the two things, so as to bring the committee, and afterward the House, to a direct vote upon the naked question of reward or gratuity to our sailors.

My amendment is to strike out the first eight lines of the bill which provide for the disposition of a part of this Japanese fund, and to substitute the ordinary words of an appropriation out of the Treasury, the effect of which will be to make the bill a bill to reward properly the sailors engaged in these fights, and to separate that from the other question which lies back of it—the question of the good faith and honor of the nation in regard to this fund received through diplomacy.

Now, sir, if we are to do an act either of justice or of generosity to

our sailors, let us in Heaven's name do it like men, out of our own money, about which there is no question—money which is in the Treasury for that purpose, and over which we have control beyond the shadow of a doubt; but let us not take it from a fund as to which there is grave question whether we can do anything with it except to return it to the power from which we received it.

Time does not permit me to go into the discussion of the questions involved under the Japanese treaty and the action of our Government following it, as to what should be the disposition of this fund now in the hands of the State Department. But I believe (and in this I am in accord with the sentiment of I think every head of the State Department, and so far as I know every administrative officer who has had connection with the question from the time the money was paid into our hands to this time) that this money is in our hands without sufficient or proper consideration. I believe that there is but one course for an honorable, high-minded, noble nation to take in regard to it, and that is, at the proper time to return it, or at least the greater part of it, to the government from which it was received.

[Here the hammer fell.]

Mr. HAWLEY, of Connecticut. Mr. Chairman, I think the amendment of the gentleman from New York [Mr. HALE] makes a very proper distinction in this case. Here is a fund as to which our duties are somewhat doubtful, to say the least. To state the matter in the mildest manner, it is not certain what we ought to do with this fund. Here is a claim upon the Treasury in behalf of certain sailors, which is not quite a certain claim. It has not been established to my satisfaction that it is precisely analogous to previous claims which we have paid, though I am not very particular about that. But it is quite evident that if this were a claim standing upon its own merits, as the gentleman from New York desires it to stand, there would be a different class of arguments used in favor of it.

Now the logic of the gentlemen who support the bill in question is, "Here is a fund in regard to which the trust is somewhat doubtful, here is a claim the justice of which is somewhat doubtful, but we will make it all right by taking the doubtful claim out of the doubtful fund." It will very much help the elucidation of the question if the matter can be divided as gentlemen propose.

I desire to add but a word, and that is to put upon the record my protest against any disposition of this money except to return it to Japan. I am not so stubborn as to the manner of paying these sailors if there is anything like a reasonable excuse in the history of our Navy for doing it. I am willing to join in all the music and poetry and bell-ringing and cannon-firing that any man can devise in honor of the history of the Navy. It has chapters which thrill the pulse of every man. We are proud of it and wish the country to be proud of it, but when gentlemen sing its glories in this manner, winding up by saying "Give us so much money," they remind me of the wandering minstrels who sing the beautiful airs of Italy and then pass round the hat at the end of the music. "Glory to the Navy; give us $100,000." That is the song.

Now, sir, they tell us we must teach our Navy to do their duty by paying them. We are in danger of teaching the world quite a different lesson. We run the risk of saying to the world the rule of the United States is "Get what you may and keep what you have got." We made that treaty using these words, "inasmuch as receipt of money has never been the object of the said powers," and then take $3,000,000, confessedly seven times as much as the damage we have suffered.

Mr. MYERS rose.

Mr. HAWLEY, of Connecticut. I cannot yield; I have only five minutes. We have only $50,000 to pay and we take $750,000 to pay it with, and that, too, when we said the object of our operation was not the receipt of money.

The best thing we can do for the honor of civilization in treating with this nation, which has a marvelous history in the direction of civilization—barbarous, as the gentleman from Massachusetts [Mr. BUTLER] calls it—the best thing we can do with it is to say, "We will take no more than is necessary to vindicate our honor. You were fighting with your rebels there; it was one of your rebels who did it. We made you pay the money. It was seven times more than was necessary, and we will give you what remains over." I should like to say and have the historian say that Uncle Sam was always a gentleman.

[Here the hammer fell.]

The question recurred on the amendment of Mr. HALE, of New York.

The committee divided; and there were—ayes 77, noes 22.

So the amendment was adopted.

Mr. HOLMAN. I now move to strike out the enacting clause of the bill.

Mr. MYERS. I hope that will not be done.

Mr. HOLMAN. If any gentleman desires to discuss the bill further in its present form, I am not unwilling to allow the discussion to go on, and will withdraw the motion to strike out the enacting clause.

Mr. PLATT, of Virginia. I hope the gentleman will allow a direct vote to be taken on the bill itself.

Mr. HOLMAN. If it is the purpose of the committee to vote down this measure, the only way to reach a direct vote without further discussion or amendments is to move to strike out the enacting clause. As no gentleman seems disposed further to discuss the question, I renew the motion to strike out the enacting clause.

The committee divided; and there were—ayes 81, noes 60.

Mr. KELLOGG demanded tellers.

Tellers were ordered; and Mr. HOLMAN, and Mr. BUTLER of Massachusetts were appointed.

The committee again divided; and the tellers reported—ayes 74, noes 57.

So the motion was agreed to.

Mr. MYERS. I give notice that when we reach the House I shall demand the yeas and nays.

Mr. BUTLER, of Massachusetts. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair,

Mr. G. F. HOAR reported that the Committee of the Whole on the Private Calendar had under consideration the bill (H. R. No. 782) for the relief of the officers and crew of the United States ships Wyoming and Ta-Kiang, and had directed him to report the same back with the recommendation that the enacting clause be stricken out.

Mr. MYERS. Is it in order to move to disagree with the committee?

The SPEAKER. The first question when a bill is reported from the Committee of the Whole with the enacting clause stricken out is will the House concur. If the House concurs, the bill of course is dead. If the House non-concur, the bill is thereby recommitted to its original place on the Private Calendar. But pending that the gentleman may move to recommit the bill to a standing or select committee of the House with or without instructions.

Mr. HOLMAN. I call the previous question on concurring in the report of the committee.

Mr. MYERS. I desire to say a word.

The SPEAKER. Having entered the Hall just as the committee rose, the Chair does not know who made the motion to strike out the enacting clause.

Mr. HOLMAN. I made that motion.

The SPEAKER. Then the gentleman is entitled to the floor, and to try the sense of the House on the question of concurring with the committee.

The question being put on concurring in the action of the committee in striking out the enacting clause, there were—ayes 98, noes 51.

Mr. MYERS. I call for the yeas and nays.

Mr. BUTLER, of Massachusetts. I suggest to the gentleman that he do not insist on that call.

Mr. MYERS. I withdraw the call for the yeas and nays.

Mr. NEGLEY. I renew the call.

Mr. BUTLER, of Massachusetts. I desire to give notice that on Monday I will introduce a resolution to cover the Japanese indemnity fund into the Treasury.

Mr. NEGLEY. I rose in time to renew the demand for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 7; not a sufficient number.

So the yeas and nays were not ordered and the action of the committee was concurred in.

Mr. HOLMAN moved to reconsider the vote concurring in the report of the Committee of the Whole; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE CALENDAR.

Mr. HAWLEY, of Illinois. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. YOUNG, of Georgia. I call for a division.

The question being put, there were—ayes 59, noes 71; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. HAWLEY, of Illinois, and Mr. STORM.

The House again divided, and the tellers reported—ayes 87, noes 59.

So the motion was agreed to; and the House resolved itself into Committee of the Whole, (Mr. G. F. HOAR in the chair,) and resumed the consideration of the Private Calender.

D. B. ALLEN & CO.

The next bill on the Private Calendar was the bill (S. No. 439) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails.

The bill was read. It appropriates the sum of $21,543, out of any moneys in the Treasury not otherwise appropriated, for the payment of D. B. Allen & Co. for carrying the United States mails between New York and San Francisco in 1864 and 1865, during the suspension of the overland-mail service on the overland route, and provides that the same shall be in full payment for said service.

The report of the Committee on Claims was read, as follows:

The Committee on Claims, to whom was referred the bill (S. No. 439) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails, have had the same under consideration, and now present the following report:

The Senate Committee on Post-Offices and Post-Roads for the present Congress have submitted a report in this case, which was adopted by the Senate, and which your committee here adopt in the following words:

"The Committee on Post-Offices and Post-Roads, to whom was referred the memorial of D. B. Allen & Co., representing the Atlantic Steamship and the Pacific Mail Steamship Companies, for compensation for carrying the United States mails during the suspension of the overland mail service in 1864 and 1865, beg leave to report:—

"The suspension of the overland mail service, by reason of Indian hostilities on the plains, took place in 1864; that the amount paid for said service annually was $840,000, while $160,000 annually was paid to said steamship companies for carrying printed matter and such letters as might be marked to be specially sent that way.

"When the suspension occurred, leaving the entire Pacific slope without mails, the Postmaster-General applied to said steamship companies to carry the entire mails during the interruption of the overland route. The companies cheerfully complied, and for a period of about four months all mails of the United States for the Pacific were safely and expeditiously transported by them. For this service compensation is claimed.

"The matter has been submitted to the Postmaster-General, who reports that there is justly due D. B. Allen & Co. the sum of $21,543, in strict conformity to the spirit of the law.

"Your committee believe that said parties are justly entitled to a much larger sum; but that sum having been stated by the Postmaster-General as due, and as the parties mentioned prefer to take that sum rather than to provoke controversy and incur delay, will accept the sum in full discharge of the claim, report a bill for said sum. This claim would have been paid at the time the services were rendered if the Department had been in possession of funds with which to pay the same. A bill passed the Senate during the last Congress for the same purpose."

Your committee also report the additional fact that the same bill passed the Senate during the Forty-first Congress, and received the favorable action of the House Committee on the Post-Office and Post-Roads, and the bill that passed the Senate during the last Congress received the favorable action of the House Committee on Claims.

Your committee report back the bill and recommend that it do pass.

Mr. HAWLEY, of Illinois. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

PETERS AND REED.

The next business on the Private Calendar was the bill (H. R. No. 565) for the relief of Peters and Reed, naval contractors at the Norfolk navy-yard in the year 1860.

The bill was read. It authorizes and directs the Secretary of the Navy to cause to be paid to Peters and Reed the balances due them for labor done and material furnished at the Norfolk navy-yard, in 1860, upon the contracts with them personally, and the balances due them as the attorneys in fact of the contractors, John E. McWilliams and F. W. Parmenter, in said navy-yard, during the same time, amounting in the aggregate to $15,170.89, as certified by the engineer in charge and approved by the commandant in June, 1860; and for the purpose aforesaid appropriates the sum of $15,170.89 out of any money in the Treasury not otherwise appropriated.

Mr. LAWRENCE and Mr. STORM called for the reading of the report.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 565) for the relief of Peters and Reed, naval contractors at the Norfolk navy-yard in the year 1860, have had the same under consideration, together with the papers and vouchers in the case, and respectfully report:

The chairman of the sub-committee from your committee addressed a letter to the superintendent of Bureau of Yards and Docks of the Navy Department, and received the following reply:

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., February 9, 1874.

SIR: The Bureau has the honor to acknowledge the receipt of your letter of the 24th ultimo, inclosing certain papers, and asking information in reference to the claim of Peters and Reed, as attorney for F. W. Parmenter and John E. McWilliams, contractors for work at the Norfolk navy-yard.

The remote period at which this claim originated, and the incompleteness of the record, caused by the destruction of the yard during the late war, have caused some delay in answering your inquiries. The records of this Bureau have been carefully examined, with the following results:

On the 1st of July, 1859, a contract was made by the Bureau with John E. McWilliams as principal, and A. M. H. Peters, Washington Reed, and Holt Wilson as sureties, all of Portsmouth, Virginia, for the work necessary to complete the masonry of the victualing establishment at the Norfolk navy-yard. The price to be paid was ten dollars per thousand for laying the bricks, to be paid to John E. McWilliams or his attorney.

On the 26th of August, 1859, a contract was made by the Bureau with F. W. Parmenter, of Troy, New York, as principal, and Sidney D. Roberts and Julius H. Kroehl, both of New York, as sureties, for the construction, erection, and completion of an iron roof to the said victualing establishment. The sum to be paid for this roof was $18,000, to be paid to F. W. Parmenter or his attorney.

In both cases Peters and Reed were recognized as the agents and attorneys of the contracting parties.

With regard to the payments made on McWilliams's contract, it appears from the records of the Bureau that bills to the amount of $13,308.25 were made and paid, except a reservation of $2,661.65, and subsequently one-half of this reservation, $1,330.83, was paid. There is no evidence on the files of the Bureau that the bills for $2,758.73, $2,266.63, or the reservation, $1,330.83, have ever been paid.

The aggregate amount of McWilliams's contract is not stated, the price being ten dollars per thousand for laying the bricks, while the number is not stated; nor is there any information in the Bureau by which it could be ascertained, as all the books and papers in the yard were destroyed when the navy-yard was burned.

The only payments on Parmenter's contract for the roof on record in the Bureau are one of $7,200 and one of $3,600, making $10,800, and leaving a balance of $7,200 to make the $18,000.

It also appears from the records of the Bureau that the bill of $777.99, and one of $175, both for extra work on the roof, were authorized by the Bureau to be paid, but there is no evidence that either of these last three bills were paid.

The bill for $661.71, in favor of Peters and Reed, for bricks, is noticed on the books of the Bureau, but there is no evidence of it having been paid.

In February, 1860, the appropriation for this work was exhausted, and the contractors, through the commandant, applied for permission to go on and complete their work and wait for payment until Congress should make appropriations to pay their bills. To this the Bureau interposed no objection and the parties proceeded with the work and completed their contracts in a satisfactory manner.

In the annual report of 1860 the Bureau asked for an appropriation to pay outstanding liabilities, on account of the victualing establishment and to complete the building; the appropriation was made on the 21st of February, 1861, for payment of liabilities and completing the building, but it was not available until the 1st of July, 1861, prior to which time the act of secession was passed, and the navy-yard at Norfolk was taken possession of by the insurgents in April, 1861, and the Navy Department ceased to have a disbursing officer at Norfolk.

The United States again came in possession of the yard in the latter part of May, 1862; the buildings in the yard had been destroyed by fire and the dry-dock disabled, and, under the emergency created by the exigencies of the war, it became necessary for the Department to avail itself of all the unexpended balances of appropriations to the credit of the Norfolk navy-yard; these balances are all condensed in one sum, and the money expended where needed without regard to former special allotment. The dry-dock was repaired and put in working order, and such buildings and wharves as were indispensably necessary to meet the demands of the service during a state of war were put in order; these, with other objects of most imperative necessity, were paid for out of this general fund.

The above is all the information this Bureau has on this subject. It has no knowledge of the payment of or the correctness of the copies of those bills. If any of them have been paid it is probable that a reference to the books of the Fourth Auditor's Office would show it.

The papers are herewith returned.

I have the honor to be, very respectfully, your obedient servant,

C. R. P. RODGERS.

Hon. MARK H. DUNNELL, *of Minnesota,*
House of Representatives, member of Committee on Claims.

On receipt of the above communication from the Navy Department a letter was sent to the Fourth Auditor of the United States Treasury, to which the following reply was made:

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
February 11, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, inclosing the papers in the claim of Peters and Reed, with a report thereon from the Bureau of Yards and Docks of the Navy Department. The papers and report are herewith respectfully returned.

An examination of the records of this Bureau shows the same result as the report above mentioned, namely: There has been paid on account of work and material on the victualing establishment at Norfolk the sum of $24,108.25 only; and the bills now presented, amounting to $15,170.89, do not appear to have been paid.

I am, very respectfully, &c.,

WM. B. MOORE,
Acting Auditor.

Hon. MARK H. DUNNELL,
House of Representatives, member Committee on Claims.

The amount found due and unpaid in the above communications, as well as the items therein given, exactly agrees with the sworn vouchers found among the papers in the case; and also exactly agrees with the amount named in the bill.

Your committee find that there was due from the Government to the claimant, on the first day of January, 1861, on contracts made in 1859 and 1860, the sum of $15,170.89, and further find that this sum remains unpaid.

This indebtedness existed prior to the rebellion. While the claimants took no part in the rebellion, and voted against the ordinance of secession, it is not claimed that they were free from sympathy in the rebellion; yet as this claim had been recognized by the executive and legislative departments of the Government, and in view of the policy adopted by Congress in making payment of the claims of the census-takers of 1860, your committee recommend the payment of the claim. Your committee deem it the better policy to pay individual claims well sustained in fact and equity than pass a general law at the present time which shall admit a whole class irrespective of the merits of the several cases in the class.

Mr. DUNNELL. I move that the bill be laid aside to be reported favorably to the House.

Mr. STORM. This is a very old claim, and the statement by the Bureau of Yards and Docks is by no means very clear. I ask the gentleman why this claim should have been left hanging so long before any attempt was made to get a bill of this kind, and if the committee had any other evidence before them than is given in the papers embodied in the report?

Mr. DUNNELL. I fear I will not be able to make the matter any plainer than it is made in the report of the committee. This bill came before the Committee on Claims, and as chairman of a sub-committee of that committee I wrote to the Bureau of Construction, and received the reply that has been read. I also wrote to the Fourth Auditor, and the letter of the Fourth Auditor confirmed all that has been said in the letter from the Bureau of Yards and Docks. Those two letters show that there is due to these parties $15,170.89, and that no part of this money has been paid to them. This amount was due to these parties on a contract that was entered into in 1859. The contract was completed in 1860, and, as requested by the Navy Department, Congress, in 1860, made an appropriation to pay this identical sum of money. But prior to the time when the appropriation became payable the rebellion intervened, and these men were not paid because of a quasi participation in the rebellion.

The executive department and the legislative department of the Government have recognized this as a just claim, and the committee have, for reasons which they set out in the closing sentences of their report, deemed it best, on the merits of the case, that are unquestioned, to recommend the passage of this bill. There is not a deviation of one single mill between the amount set out in the petition and the amount shown to be due these parties, and the one letter confirms the other; the first letter confirms to a mill the amount set out in the other.

Mr. HALE, of New York. Mr. Chairman, I beg to say that I am very glad to see precisely the question raised by this bill presented to the committee and to the House, and that is the question whether the United States shall consent or refuse to pay an acknowledged indebtedness on a balance struck to a person who was a resident of the States recently in rebellion, on the ground that he had been a rebel against or an enemy of the United States—an indebtedness occurring before the war. That question I know has heretofore, to some extent, been considered an open one. I believe for one that the time has come to settle it once for all as a matter of principle, and I hope there remains nobody in this House or in this committee who is not in favor of paying the honest debts of the United States, whether the man to whom the debt is due was a rebel or a loyal man.

Mr. STORM. I agree with the gentleman on that point. I only

addressed the question I did to the gentleman from Minnesota because it struck me that this was a very old claim.

Mr. HAWLEY, of Illinois. I desire to state what I understand to be the facts in the case, inasmuch as the gentleman from Minnesota did not strike the right point in the case. As I understood the case in the committee, and as I now understand it, the party making this claim lived in the State of Virginia, and by a law of Congress all persons living within States in rebellion were cut off from applying to the Court of Claims or being paid by any Departments of the Government. It is simply because the statute of limitations runs against the claim that they could not bring it before the Court of Claims; but I understand the fact to be that the parties were loyal.

Mr. HALE, of New York. The report shows that they were disloyal.

Mr. HAWLEY, of Illinois. That was my understanding, and they were simply debarred from prosecuting their claim because they lived within the limits of a State which was in rebellion and the law of Congress deprived them of the right of either bringing suit in the Court of Claims or being paid by a Department.

No objection being made, the bill was laid aside to be reported favorably to the House.

DUNCAN MARR.

The next bill upon the Calendar was the bill (H. R. No. 2683) for the relief of Duncan Marr, a loyal citizen of Montgomery County, Tennessee.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Duncan Marr, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $8,024, the same to be in full satisfaction of his claim for wood and brick taken from him near Clarkesville, Tennessee, the quantity having been ascertained and reported on by the Quartermaster-General of the United States Army.

Mr. HOLMAN. I call for the reading of the report in that case.

The Clerk commenced to read the report.

Mr. HAWLEY, of Illinois. I understand that the gentleman from Massachusetts [Mr. DAWES] desires to bring before the House a question of privilege, and therefore I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. G. F. HOAR reported that the Committee of the Whole had had under consideration the Private Calendar, and had instructed him to report sundry bills to the House.

D. B. ALLEN & CO.

The first bill reported from the Committee of the Whole on the Private Calendar was the bill (S. No. 439) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails, with the recommendation that it do pass.

Mr. RANDALL. I was absent, Mr. Speaker, engaged in the performance of duties on the Committee on Banking and Currency, when this bill was considered in Committee of the Whole. This bill has been repeatedly before Congress since I have been a member and has been repeatedly defeated. My memory does not serve me to give accurately to the House the various objections which exist against the claim. I had them at one time and stated them to the House during a former Congress. I considered the reasons against the passage of the bill at that time and the House considered them as sufficient to justify adverse action on the claim. I will move therefore that the bill be recommitted to the committee from which it emanated with a view to have an adverse discussion upon it, at least so far as I am able to make it.

Mr. HAWLEY, of Illinois. The report of the Committee on Claims was presented and read to-day when the bill was before the Committee of the Whole and no member of the committee rose to make any objection to the bill; thereupon it was laid aside to be reported favorably to the House. In answer to what the gentleman says in reference to previous action upon this claim, I think I am well advised when I say that neither House has acted adversely upon it.

Mr. RANDALL. Has it not been before Congress before, and has it not been adversely reported on?

Mr. HAWLEY, of Illinois. Not so far as I can find from the records of the House.

Mr. RANDALL. I know I defeated it twice.

Mr. HAWLEY, of Illinois. If I have the floor, I desire to be allowed to proceed with my remarks. This claim has been reported upon five times favorably in the Senate and has passed the Senate three or four times. It was also acted on favorably by the Committee on the Post-Office and Post-Roads of this House. It was also acted on favorably by the Committee on Claims in the last Congress. It has now been acted on favorably, and I know of no reason why it should be recommitted. I believe the bill is a meritorious one. I have carefully examined it, and I think it ought to pass and ought not to be recommitted now.

Mr. HOLMAN. I wish to ask the gentleman whether the Committee on Claims in the last Congress reported favorably upon this bill.

Mr. HAWLEY, of Illinois. The records of the committee show that they did.

Mr. RANDALL. No; it was gotten out of that committee in some way or other.

Mr. HAWLEY, of Illinois. No, sir; the gentleman is mistaken. I call the previous question.

Mr. RANDALL. I hope the House will not second the previous question.

The SPEAKER. That will test the sense of the House upon the question as well as any other vote.

Mr. RANDALL. I have entered a motion to recommit the bill to the committee which reported it.

The SPEAKER. The gentleman's motion to recommit should be to the Committee of the Whole, from which the bill has been reported.

Mr. RANDALL. The Chair is corect.

The SPEAKER. The first question, if the previous question be seconded, will be upon that motion.

The previous question was seconded and the main question ordered. The question was put on the motion to recommit; and on a division there were—ayes 38, noes 65; no quorum voting.

Tellers were ordered; and Mr. RANDALL and Mr. BURROWS were appointed.

The House again divided; and the tellers reported ayes 25, noes not counted.

So the motion was not agreed to.

The bill was then ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PETERS AND REED.

The next bill reported from the Committee of the Whole was a bill (H. R. No. 565) for the relief of Peters and Reed, naval contractors at the Norfolk navy-yard in the year 1860.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

AFFAIRS IN SOUTHERN STATES.

Mr. G. F. HOAR. I have been instructed by the special committee on affairs in the Southern States, of which I have the honor to be chairman, to submit a report in writing, and to move that it be printed and recommitted to the committee. I desire to state further that at the same time that this report was authorized to be made the committee determined to proceed forthwith to the State of Louisiana to continue the investigation.

The motion was agreed to.

SESSION OF TO-MORROW.

Mr. MAYNARD. Will it be in order to move to set aside the order which was made some time since and earlier in the day that when the House adjourn to-day it be to meet on Monday next?

The SPEAKER. The motion to reconsider was agreed to in that case.

Mr. MAYNARD. I do not propose to reconsider the order. But cannot I introduce a substantive proposition to set that order aside and have a session on Saturday?

The SPEAKER. The Chair thinks it might be done in regard to future Saturdays, but not for the Saturday of the current week.

Mr. MAYNARD. If the Chair will entertain such a motion, I will submit it.

The SPEAKER. The Chair will hear the motion of the gentleman.

Mr. MAYNARD. It is that the order made during the session to-day, that when the House adjourns to-day it adjourn to meet on Monday next, be rescinded.

The SPEAKER. The Chair does not know how that can be done. The order was made and the motion to reconsider the vote agreeing to the order was laid upon the table.

Mr. MAYNARD. Is not that a proposition that may be rescinded by subsequent action of the House?

The SPEAKER. The Chair thinks not. The House has taken the only two votes that can be taken upon it, the direct vote affirming the order and then a vote tabling the motion to reconsider.

Mr. MAYNARD. Is there no possible method by which we can have a session to-morrow?

The SPEAKER. It is very difficult to get the House in a condition where it cannot hold a session, if the majority so choose. The House can take a recess till to-morrow, and carry the Friday session up to next Monday noon; but in no other way.

Mr. DAWES. I rise to a question of privilege, but before bringing it before the House I will yield to the gentleman from Pennsylvania, [Mr. ALBRIGHT,] who desires to introduce a bill for reference.

QUARTERMASTER'S DEPARTMENT.

Mr. ALBRIGHT, by unanimous consent, introduced a bill (H. R. No. 4342) in relation to the Quartermaster's Department, fixing its status, reducing its number, and regulating the appointments and promotions therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. Gentlemen who desire to have bills referred should remember that unless it is very necessary to have their bills

before committees on Monday morning, all the States will be called on that day for bills for reference.

Mr. MAYNARD. I rise to a privileged question.

The SPEAKER. The gentleman from Massachusetts is upon the floor on a question of privilege.

RECUSANT WITNESS—RICHARD B. IRWIN.

Mr. DAWES. I regret that I am compelled so frequently to ask the attention of the House to a matter that has consumed so much of our time. But it is due to an officer of this House if we impose upon him an unusual duty, not only to clearly and distinctly define the duty itself, but also to make known to those whom it may affect our determination to protect that officer in the discharge of that duty.

I have a report from him that in obedience to the order of the House made last night he, with counsel, appeared before the judge who had commanded him to produce in court the body of Richard B. Irwin, and there laid before the judge the proceedings of the House on yesterday upon the subject. He made return to the court as he was commanded, and fully set forth that he held Richard B. Irwin under an order of this House, growing out of proceedings wherein he had been adjudged guilty of contempt, and declined to produce his body in court. The judge was willing to hear a reargument of the case, and after deliberation delivered an opinion insisting upon the production of the body of Irwin in court. The case was continued until to-morrow for the purpose of further advisement on the part of the Sergeant-at-Arms. It was argued before the court that the order passed by the House last night did not require of the Sergeant-at-Arms that he should still retain the custody of Mr. Irwin; that it went no further than to command him to make as a part of his return the proceedings of the House under which he held the witness, inasmuch as a portion of the original order which did require him to retain the custody of this person was stricken out by order of the House. The original order was in the following words:

Resolved, That the Sergeant-at-Arms be, and is hereby, directed to make careful return to the writ of *habeas corpus* in the case of Richard B. Irwin that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt, and that the Sergeant-at-Arms take with him the body of the said Irwin before said court when making such return and retain said Irwin, and continue to hold him subject to the further order of this House.

It will be remembered that the House struck out of this order all after the word "contempt," so that as adopted by the House it reads in these words:

Resolved, That the Sergeant-at-Arms be, and is hereby, directed to make careful return of the writ of *habeas corpus* in the case of Richard B. Irwin that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt.

The counsel for Mr. Ordway construed this order as commanding him to make substantially that return and no more, and still to retain the body of Mr. Irwin. I so understood it, and it was not until my attention was called to it by counsel themselves that it occurred to me there could be any doubt on the point. I said to the counsel that I thought they, upon reading the proceedings of the House last evening, would entertain no doubt upon the subject; and they have proceeded to-day upon that construction.

It is due, however, to the Sergeant-at-Arms that, if we order him to hold the body of this man, we should say so in so many words. Under the advice of that officer's counsel the gentleman from Iowa [Mr. KASSON] has a resolution which he proposes to offer, which will make the duty of the Sergeant-at-Arms perfectly clear if the House shall determine to adhere to what was intended, I believe, to be its decision last evening.

I do not desire to discuss again the merits of this case. I would simply call the attention of the House to a single authority—a case decided by the Supreme Court of the United States—in which that tribunal expressly declares that it is the duty of such an officer as this, when a writ of *habeas corpus* is served upon him from another jurisdiction, to make known in his return that he holds the party in custody under the authority of the United States; and it is his duty thereupon to disobey the order of any other jurisdiction that seeks to take the party out of his custody. I read from the head-note in the case of Abelman *vs.* Booth and The United States *vs.* Booth, 21 Howard, 506:

3. When a writ of *habeas corpus* is served on a marshal or other person having a prisoner in custody under the authority of the United States, it is his duty, by a proper return, to make known to the State judge or court the authority by which he holds him. But, at the same time, it is his duty not to obey the process of the State authority, but to obey and execute the process of the United States.

In delivering the opinion of the court, Chief Justice Taney uses this language:

In the case before the supreme court of Wisconsin, a right was claimed under the Constitution and laws of the United States; and the decision was against the right claimed; and it refuses obedience to the writ of error, and regards its own judgment as final. It has not only reversed and annulled the judgment of the district court of the United States, but it has reversed and annulled the provisions of the Constitution itself and the act of Congress of 1789, and made the superior and appellate tribunal the inferior and subordinate one.

We do not question the authority of State court, or judge, who is authorized by the laws of the State to issue the writ of *habeas corpus*, to issue it in any case where the party is imprisoned within its territorial limits, provided it does not appear, when the application is made, that the person imprisoned is in custody under the authority of the United States. The court or judge has a right to inquire in this mode of proceeding for what cause and by what authority the prisoner is confined within the territorial limits of the State sovereignty. And it is the duty of the marshal or other person having the custody of the prisoner to make known to the judge or court, by a proper return, the authority by which he holds him in custody. This right to inquire by process of *habeas corpus*, and the duty of the officer to make a return, grows, necessarily, out of the complex character of our Government, and the existence of two distinct and separate sovereignties within the same territorial space, each of them restricted in its powers, and each within its sphere of action prescribed by the Constitution of the United States, independent of the other. But, after the return is made and the State judge or court judicially apprised that the party is in custody under the authority of the United States, they can proceed no further. They then know that the prisoner is within the dominion and jurisdiction of another government, and that neither the writ of *habeas corpus* nor any other process issued under State authority, can pass over the line of division between the two sovereignties. He is then within the dominion and exclusive jurisdiction of the United States. If he has committed an offense against their laws, their tribunals alone can punish him. If he is wrongfully imprisoned, their judicial tribunals can release him and afford him redress. And although, as we have said, it is the duty of the marshal, or other person holding him, to make known, by a proper return, the authority under which he detains him, it is at the same time imperatively his duty to obey the process of the United States, to hold the prisoner in custody under it, and to refuse obedience to the mandate or process of any other government.

Mr. HALE, of New York. I understood the gentleman from Massachusetts [Mr. DAWES] to say that Judge MacArthur had delivered a written opinion on this question. I ask the gentleman whether a copy of that opinion is in his possession?

Mr. DAWES. I did not mean to say a written opinion. I understand that it is an oral one.

Now, Mr. Speaker, if there is anything clear in judicial decisions it is that where a court has made a judgment upon a question of contempt, there is no appellate court, no superior court, that can revise its decision; in that respect it is the highest and the only tribunal that can pass upon the question; every other tribunal is in reference to that court and that question an inferior and a foreign tribunal.

Now, this supreme tribunal, *quoad hoc*, so far as this matter is concerned, having no superior, there being no court or power competent to review its decision, has decided that this man Irwin is in contempt, and has issued its warrant in obedience to its judgment, to hold him. Another tribunal, a foreign tribunal, has issued a writ of *habeas corpus* upon his petition. Now, whether his petition disclosed the fact that he was so held by the officer or not, the Supreme Court of the United States has decided that it is the duty, and the only duty, of the officer to disclose in a proper return that he does so hold the man by such a judgment, in making which we are accountable to no other tribunal whatever; and upon making it appear in his return, it is his duty to hold and retain this person and to disobey any mandate that requires him to release that custody.

Now, the Supreme Court has also said that if you bring this man into court in obedience to that writ, you do thereby and at that moment release him from your custody and lose all control over him. The Supreme Court has declared that it is the duty of the Sergeant-at-Arms to disobey any mandate of a court the effect of which is to release his hold of this prisoner; and therefore, if this House desires the further custody of its witness, the Supreme Court has told you how to retain that custody.

I have in my hand a copy of the petition for the writ of *habeas corpus* and also a copy of the return made to it, both of which I ask to have printed in the RECORD.

The documents are as follows:

To the honorable the Supreme Court of the District of Columbia:

The petition of Richard B. Irwin, a citizen of the State of California, respectfully represents, that he is now restrained of his liberty and detained in confinement by N. G. Ordway, Sergeant-at-Arms of the House of Representatives of the Congress of the United States; that the said N. G. Ordway claims to act under the authority of the House of Representatives and by virtue of an order issued to him by the Honorable JAMES G. BLAINE, Speaker of the House of Representatives, commanding him, the said Ordway, to take your petitioner into his custody and confine him in the jail of this District.

Your petitioner further shows that the material facts concerning his detention, as he understands them, are that he was summoned before the Committee on Ways and Means of the House of Representatives and questioned concerning certain matters alleged, but erroneously, to be relative to an investigation of an alleged improper use of money to obtain from Congress a subsidy for the Pacific Mail Steamship Company, which questions petitioner declined to answer, because the committee had no authority or legal right to propound them; that your petitioner was then taken into custody by the Sergeant-at-Arms of the House of Representatives, and on the 7th day of January, A. D. 1875, brought to the bar of the House, where certain questions were propounded to him, which he refused to answer, because the House of Representatives had no legal right to propound such questions; and on his refusal he was again ordered into custody and confinement, to the end that proceedings in due course of law might be instituted against him by the district-attorney of the United States for this District, under the act of January 24, 1857. (11 United States Statutes-at-Large, 155, 156.)

Your petitioner respectfully represents that his arrest and confinement are contrary to law and in violation of his constitutional and legal rights as a citizen of the United States.

Wherefore he prays, the premises being considered, that your honor will be pleased to issue a writ of *habeas corpus ad subjiciendum*, directed to the said N. G. Ordway, Sergeant-at-Arms of the House of Representatives, commanding him, at such time and place as your honor may signify, to have before you the body of the petitioner, to the end that the cause of his detention may be investigated, and that he be discharged from further detention, or such other relief be entered in the premises as to law and justice may pertain. And as in duty bound, &c.,

RICHARD B. IRWIN.

Richard B. Irwin, being first duly sworn, deposes and says that the facts set forth in the foregoing petition are true.

RICHARD B. IRWIN.

Subscribed and sworn to before me this 8th day of January.

CHARLES WATTER, *J. P.*

DISTRICT OF COLUMBIA, to wit:

THE PRESIDENT OF THE UNITED STATES:

To N. G. ORDWAY, Sergeant-at-Arms of the House of Representatives of the Congress of the United States of America, greeting:

You are hereby commanded to have the body of Richard B. Irwin, detained under your custody, as it is said, together with the day and cause of his being taken and detained, by whatever name he may be called in the same, before one of the justices of the supreme court of the said District, at the city hall, in the city of Washington, in the District of Columbia, on Tuesday, the 12th day of January, 1875, at twelve o'clock (noon) of said day, to do and receive whatever shall then and there be considered of in this behalf; and have then there this writ.

Witness Arthur MacArthur, one of the justices of said court, the 9th day of January, 1875.

By order of Justice MacArthur.

[L. S.]

R. J. MEIGS,
Clerk.

To Hon. ARTHUR MACARTHUR,
Justice of the Supreme Court of the District of Columbia:

The undersigned, Nehemiah G. Ordway, Sergeant-at-Arms of the House of Representatives of the United States of America, respectfully represents, that in obedience to the command of the within writ of *habeas corpus ad subjiciendum* the undersigned makes the following return, to wit:

That ever since the first Monday in the month of December, in the year of our Lord 1873, the undersigned has held and still continues to hold; the office of Sergeant-at-Arms of the House of Representatives aforesaid; that the said House of Representatives was in session at the time of the arrest of Richard B. Irwin, the relator named in said writ, and was for a long time before that, and also thereafter, and at all the times hereinafter mentioned, lawfully in session.

That prior to the 21st day of December, A. D. 1874, and when said House was duly in session in the city of Washington and District of Columbia, the said House duly referred to one of its standing committees, to wit, to the Committee on Ways and Means, the investigation of a certain matter coming within the constitutional and legal cognizance of said House and within its power to make inquiry, and among which was investigation into, that is to say, the subject matter of the use and employment of money for the purpose of procuring legislation by the Congress of the United States in aid of the Pacific Mail Steamship Company; and that in order to facilitate and make effectual said investigation and inquiry when so duly in session as aforesaid, passed an order or resolution in the words following, to wit:

"*Resolved*, That the Committee on Ways and Means are hereby authorized and empowered to send for persons and papers and administer oaths in all matters from time to time pending and under examination before said committee."

And that afterward, and in virtue and pursuance of the authority of said resolution and of the power of the said committee acting as the duly-constituted organ of said House, the said committee duly summoned and caused to appear before it the said Richard B. Irwin to give testimony before said committee touching certain matters pertinent to the aforesaid subject-matter of inquiry then pending before said committee, and that the said Richard B. Irwin was then and there duly sworn according to law to give testimony before said committee pertinent to said subject-matter then and there under investigation as aforesaid before said committee, and that the said Richard B. Irwin was then and there required by said committee to disclose the names of the persons whom he employed to aid him in procuring the subsidy from Congress in 1872 for the Pacific Mail Steamship Company, and was asked by said committee what was the largest sum paid by him to any one person to aid him in procuring that subsidy; and that the said Richard B. Irwin, then being under examination as such witness as aforesaid, wholly refused to answer said question and to make said disclosure so required of him by said committee as aforesaid; which conduct and refusal to answer as aforesaid was by the said committee afterward, to wit, on the 21st day of December, 1874, and while the said House was duly in session, reported to the said House for its action thereon; and that the House of Representatives aforesaid thereupon then and there, in the exercise of its constitutional and legal jurisdiction and power and touching the subject-matter so reported to it by said committee, made and passed the following order, that is to say:

"*Ordered*, That the Speaker issue his warrant directed to the Sergeant-at-Arms attending this House or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Richard B. Irwin and him bring to the bar of the House to show cause why he should not be punished for contempt, and in the mean time keep the said Irwin in custody to await the further order of the House."

And that in pursuance of the order of said House last aforesaid this respondent, as Sergeant-at-Arms as aforesaid, by virtue of a warrant to him duly issued in pursuance of said last-mentioned order, brought before the bar of said House on the 6th day of January, 1875, and while said House was in session as aforesaid, the said Richard B. Irwin, who was then and there fully heard by said House upon the matter named in said order last mentioned, on which he was required to show cause as in said order stated; and that thereupon the said House adopted the following order, that is to say:

"*Resolved*, That the Speaker propound to the witness at the bar the following questions:

"First. Give the names of the persons whom you employed to aid you in procuring the subsidy from Congress in 1872 for the Pacific Mail Steamship Company.

"Second. What was was the largest sum paid by you to any one person to aid you in procuring that subsidy?"

And that upon and after the adoption of said last-mentioned order by the said House, to-wit, on said 6th day of January, 1875, and while the said House was in session, and the said Richard B. Irwin was so present at the bar thereof in pursuance of the action of said House in causing him to be brought before the bar of said House to show cause as aforesaid, the Speaker of said House propounded to him, the said Richard B. Irwin, the interrogatories in said last-mentioned order contained; and the said Richard B. Irwin then and there refused to answer the first interrogatory contained in said last-mentioned order; and that the said House, after having heard and considered the causes then and there shown by said Richard B. Irwin why he should not be punished for contempt of the authority of said House, and after the said Richard B. Irwin had refused to answer said first-named interrogatory in said last-mentioned order contained, to wit, on said 6th day of January, 1875, and after he had refused to answer the same before said committee as aforesaid, adopted in the premises aforesaid the order following, that is to say:

"*Resolved*, That Richard B. Irwin, having been heard by the House of Representatives pursuant to an order heretofore made, requiring him to show cause why he should not answer the questions propounded to him by the committee and by the Speaker of this House in obedience to its order, has failed to show cause why he should not answer the same; and that said Richard B. Irwin be considered in contempt of the House for failure to make answer thereto."

And that the said House of Representatives afterward, on the said 6th day of January, 1875, and while said House was still in session and in the exercise of its constitutional and lawful powers as the House of Representatives of the Congress of the United States of America, and in execution of the order and judgment of said House declaring "that said Richard B. Irwin be considered in contempt of the House for failure to make answer," passed the order following, that is to say:

"*Resolved*, That Richard B. Irwin be remanded to the custody of the Sergeant-at-Arms, to abide the further order of this House, and while in such custody he be permitted to be taken by the said Sergeant-at-Arms before the Committee on Ways and Means if he should declare himself ready to answer such questions as may be lawfully put to him, including those asked of him by order of this House; and while he shall so remain in custody, the Sergeant-at-Arms shall keep the witness in his custody in the common jail of the District of Columbia."

And that afterward, to wit, upon the same 6th day of January, 1875, in pursuance and execution of the order contained in the resolution last aforesaid, and in virtue of the authority and power thereby conferred and of all the premises aforesaid, JAMES G. BLAINE, he the said JAMES G. BLAINE then and there being the Speaker of said House of Representatives, executed, and Edward McPherson, he the said Edward McPherson then and there being the Clerk of said House, attested, the warrant of said Speaker, under the seal of said House, and prior to the arrest and detention of the said Richard B. Irwin delivered the said warrant to this respondent, as Sergeant-at-Arms of the said House, and that in obedience to the warrant aforesaid and the order and command of the House of Representatives of the United States of America, duly and lawfully made in open session of said House, this respondent, as Sergeant-at-Arms as aforesaid, and as in duty bound to do, did, on said 6th day of January, 1875, arrest and now holds the body of the said Richard B. Irwin in custody, and now here produces and exhibits the said warrant, precept, and order as the cause of the caption and detention by him as aforesaid of the body of the said Richard B. Irwin as part of this respondent's return.

And this respondent herewith also submits a duly-certified copy of the order of said House, passed on the 21st day of December, 1874, hereinbefore referred to, with a duly-certified copy of the warrant of the Speaker of said House issued thereon, as also duly-certified copies of the resolutions of said House passed on the 6th day of January, 1875, hereinbefore referred to.

The respondent having answered fully the said writ and shown that the legal custody of said Richard B. Irwin is in the said House of Representatives, under the due exercise of its constitutional jurisdiction, prays that this proceeding be dismissed, and the said custody of said House, and of this respondent as its officer, shall in nowise be interfered with by virtue of this proceeding.

NEHEMIAH G. ORDWAY,
Sergeant-at-Arms House of Representatives,
United States of America.

Subscribed and sworn to this 14th January, 1875, before

R. J. MEIGS,
Clerk.
By E. J. MIDDLETON,
Assistant Clerk.

FORTY-THIRD CONGRESS,
Second Session.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES, *December* 21, 1874.

On motion of Mr. DAWES,

Ordered, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Richard B. Irwin, and him bring to the bar of the House to show cause why he should not be punished for contempt and in the mean time keep the said Irwin in his custody to wait the further order of the House.

Attest:

EDWARD McPHERSON,
Clerk.
By ISAAC STROHM,
Assistant Clerk.

OFFICE OF THE HOUSE OF REPRESENTATIVES UNITED STATES,
December 21, 1874.

To NEHEMIAH G. ORDWAY, Esq.,
Sergeant-at-Arms, House of Representatives, United States.

SIR: The following order was this day adopted in the House of Representatives:

"*Ordered*, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Richard B. Irwin, and him bring to the bar of the House to show cause why he should not be punished for contempt, and in the mean time keep the said Irwin in his custody to wait the further order of the House."

Now, therefore, I, JAMES G. BLAINE, Speaker of the House of Representatives of the United States, do hereby command you to execute the foregoing order of the House.

In witness whereof I hereunto set my hand and caused the seal of the House of Representatives to be hereto affixed the day and year first above written.

[L. S.]

J. G. BLAINE,
Speaker.

Attest:

EDWARD MCPHERSON, *Clerk.*
By CLINTON LLOYD, *Chief Clerk.*

FORTY-THIRD CONGRESS,
Second Session.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES, *January* 6, 1875.

On motion of Mr. DAWES,

Resolved, That the Speaker propound to the witness at the bar the following questions:

First. Give the names of the persons whom you employed to aid you in procuring the subsidy from Congress in 1872 for the Pacific Mail Steamship Company.

Second. What was the largest sum paid by you to any one person to aid you in procuring that subsidy?

Attest:

EDWARD McPHERSON,
Clerk.
By ISAAC STROHM,
Assistant Clerk.

FORTY-THIRD CONGRESS,
Second Session.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES, *January* 6, 1875.

On motion of Mr. DAWES,

Resolved, That Richard B. Irwin, having been heard by the House pursuant to the order heretofore made requiring him to show cause why he should not answer the questions propounded to him by the committee and by the Speaker of this House in pursuance of its order, has failed to show sufficient cause why he should not answer the same, and that said Richard B. Irwin be considered in contempt of the House for failure to make answer thereto.

Attest:

EDWARD McPHERSON,
Clerk.
By ISAAC STROHM,
Assistant Clerk.

FORTY-THIRD CONGRESS,
Second Session.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES, *January* 6, 1875.

NEHEMIAH G. ORDWAY, Esq.,
Sergeant-at-Arms House of Representatives of the United States:

SIR: Whereas the House of Representatives this day passed a resolution as follows, to wit:

"*Resolved*, That Richard B. Irwin be remanded to the custody of the Sergeant-at-Arms to abide the further order of this House, and while in such custody he be permitted to be taken by the said Sergeant-at-Arms before the Committee on Ways and Means, if he shall declare himself ready to answer such questions as may be lawfully put to him, including those asked of him by order of this House; and while he shall so remain in custody the Sergeant-at-Arms shall keep the witness in his custody in the common jail of the District of Columbia."

Now, therefore, I, JAMES G. BLAINE, Speaker of the House of Representatives, do hereby command you to execute the order of the House as contained in said resolution, and the body of the said Richard B. Irwin to safely keep in your custody pursuant to the said order of the House of Representatives.

In witness whereof I have hereunto set my hand and caused the seal of the House of Representatives to be affixed the day and year first above written.

[L. S.] JAMES G. BLAINE,
Speaker.

Attest:
EDWARD MCPHERSON, *Clerk.*
By CLINTON LLOYD, *Chief Clerk.*

Mr. CESSNA. I want to put a question to the gentleman from Massachusetts, [Mr. DAWES.] Suppose that Judge MacArthur, after a full hearing of all the facts and a full examination of the law, should decide to remand Irwin to the custody of the Sergeant-at-Arms, do we thereby lose control of him?

Mr. DAWES. We should thereby regain control of him. But suppose the judge should decide otherwise?

Mr. CESSNA. Very well; is not the gentleman willing to trust the courts of the country to decide this question upon full examination of all the facts and the law?

Mr. HALE, of New York. I ask the chairman of the Committee on Ways and Means whether he has any information as to the grounds on which Judge MacArthur claims to act. My desire is to obviate any unseemly clashing between the jurisdiction of the two authorities.

Mr. DAWES. It is due to the court that I should say that neither the counsel for Mr. Ordway nor the committee nor anybody else has any opinion that this judge is desirous of doing anything beyond what seems to him to be his plain duty.

There is no intimation from any quarter I know of that the judge is acting otherwise than according to his convictions. So far as we learn his opinion it is this: that although the petition for the writ of *habeas corpus* may substantially set out the fact this man is held because of proceedings for contempt against him by the House of Representatives, and although he might be willing to concede if that stood alone upon the paper he would not go behind that, yet that the petition also contains an allegation that the proceedings for contempt were of such a character as ought not to have resulted in a judgment for contempt, namely: The allegation is that we put questions to him, both the committee and the House, which neither the committee nor the House was authorized to put to him, and therefore a refusal to answer those questions was not a contempt. The answer to that, made by the learned counsel who appeared for Mr. Ordway, and which seems to me to be conclusive, is that the House are the sole judges of what does constitute a contempt, and they have entered up judgment that they were authorized to put these questions, and refusal to answer them is a contempt, and therefore this man is properly adjudged in contempt. Therefore, whether it was frivolous for the judge of this inferior court to go behind or to be asked to go behind it and judge of the sufficiency of it, is to concede the whole case upon which the House of Representatives stands, namely, that they are the sole judges of what constitutes a contempt.

Mr. BUTLER, of Massachusetts. I ask my colleague to yield to me.

Mr. DAWES. Perhaps before my colleague speaks to the question it will be better to allow the gentleman from Iowa [Mr. KASSON] to offer his resolution, so that it may be before the House.

Mr. BUTLER, of Massachusetts. Certainly.

Mr. KASSON. Mr. Speaker, before sending up the resolution or it is read, in order it may be more readily understood, I wish to say that owing to the language of the statute, which seems imperative, in the opinion of the judge, that at the time of making the return the body should be produced, it has been thought expedient we should provide for the facts upon our record to be presented respectfully to the judge in person, under the advice of his counsel, when it is believed by the counsel and by the members of the committee who have considered the subject, the judge will then have before him the record of this tribunal, which meets any question of doubt which may arise on the allegations of the petition, while at the same time, not being a formal technical return, it does not raise the question of the production of the body. The object of these orders, therefore, is twofold: first, to make the duty of the Sergeant-at-Arms specific; and secondly, to treat with all proper respect the judge who has the question before him by having these facts presented to him. I wish to answer it upon careful consideration, and with the approval of his counsel, who I believe are well known to the members of this House as competent to give a sound opinion.

Mr. DAWES. Now let the resolution be read.

The Clerk read as follows:

In the matter of the proceedings against the Sergeant-at-Arms of this House for the production of the body of Richard B. Irwin, held in his custody for contempt of the House of Representatives.

Ordered, That the Sergeant-at-Arms, with the aid of counsel, make known to the judge issuing the writ of *habeas corpus* requiring the body of Richard B. Irwin to be brought before the said judge, that he, the said Sergeant-at-Arms, has said Irwin in his custody pursuant to an order of this House upon its judgment that the said Irwin was in contempt of the House of Representatives, and for no other reason. That the House of Representatives requires of him to retain the body of said Irwin in his custody until the said Irwin shall offer to purge himself of said contempt, as provided by the order of this House, and that he respectfully inform the judge that, as an officer of this House, he cannot disobey the orders thereof in this respect by releasing in any way or transferring said Irwin from his custody; and further

Ordered, That he exhibit to the said judge a copy of the order of this House, duly certified by the clerk, adjudging the said Irwin in contempt, and the warrant of the Speaker in execution thereof, together with a copy of this order.

Mr. KASSON. It is proper I should add that there is a clause in the petition falsely asserting the witness is held to await further proceedings under the statute of 1867, which requires the intervention of a court and grand jury. We understand the point which is made upon the mind of the judge. Hence the language here which we think both the Sergeant-at-Arms and the judge are entitled to have in due form that it was for contempt and for no other reason. I believe that is all I have to say.

Mr. DAWES. Before I yield to my colleague, as this discussion was somewhat protracted last night, now, in order that it may be as brief as possible, I ask him to specify the time he wishes to occupy.

Mr. BUTLER, of Massachusettss. I am not going to take a long time.

Mr. DAWES. When we get to talking, and I do not mean my colleague particularly, but all of us, it is hard to put a stop to it. Will my colleague be content with five or ten minutes?

Mr. BUTLER, of Massachusetts. Let me go on in my own time.

Mr. DAWES. Very well.

Mr. BUTLER, of Massachusetts. I had supposed, when the question of personal liberty, the question of the action of the writ of *habeas corpus* was to be discussed, we might at least have had it calmly, carefully, and fully discussed. And the reason why I thought so was that precedents that arise from the passions of men very frequently interfere, as precedents, with judgments of men long afterward; and I think there is no better illustration of this than the fact that is before the House that a radical republican quotes the decision of Chief Justice Taney in Booth's case as a rule of guidance in a republican House. If there was anything that was especially denounced at the time—I thought wrongfully then and I think wrongfully now——

Mr. DAWES. Will my colleague include in the criticism of that precedent a criticism of a decision of the present court in 13 Wallace, where it has been unanimously reaffirmed?

Mr. BUTLER, of Massachusetts. I understand that courts follow precedents, and I am glad to see that my colleague has got so good a shelter as he has.

But the case of Booth does not touch this case at all. Let us examine it a moment, free from all heat and passion. I certainly have not any. And I think, after the disclosures of the other day, it is very evident that I had no desire that Irwin should hold his tongue, in order to shield certain persons who have now been shown to have got a part of this money. They were not such friends of mine that I would undertake to interpose for them. But I speak for personal liberty, the right of the citizen at all times. What is the writ of *habeas corpus*? It is a great writ, a prerogative writ, not of the king but of the citizen, that wherever he is restrained of his liberty he may be brought before a judicial tribunal and have the cause of his restraint inquired into. That is the writ of *habeas corpus*, and when it is issued under the law, it is the bounden duty of the marshal of the United States to take the person before the proper tribunal and examine into the legality of his commitment. It was decided in the matter of Keeler—United States *vs.* Coolidge 1 Gallison—by one of the ablest judges, Judge Washington, that ever sat in a court, that it is in the nature of a writ of error to examine into the legality of the commitment; and the first requisite is that the body of the party, before any examination can be made, shall be brought into the court, and there be subject to the jurisdiction of the court for that purpose. For it would be idle for the court to proceed without having the body before the court. It is a writ of *habeas corpus*—"Have you the body? see that you have the body before the court." That is the very meaning of the name of the writ. And therefore the writ of *habeas corpus* is to have the body before a court of competent jurisdiction.

Now in the case *Ex parte* Booth the State court undertook to interfere with the jurisdiction of the United States court. There were two separate jurisdictions, separate, distinct, and foreign, one undertaking to interfere with the proceedings of the other—two governments undertaking to interfere with each other. Here there is no case of two governments. Here we are all parts of the United States Government. The court is a United States court and the case of Booth does not apply in any of its features. The case of Booth only settles that where a State court undertakes to interfere with a United States court by a writ of *habeas corpus*, it cannot do it any more than a writ of error can be brought into a State court from the decision of a United States court and *vice versa*; a United

States court cannot interfere with the jurisdiction of a State court on a State question, any more than a writ of error can be brought from a State court into a United States court. That case therefore does not at all apply.

Now, what is this case? Admit we are a court for this purpose—but that I should deny, if I were called upon for an opinion on that question—admit we are a court for this purpose; we adjudge a man to be guilty of contempt; if we have adjudged him guilty of contempt rightfully under the laws of the land, and it is to be presumed that we have done so, then the judge brings the man before him, and having him before him looks over our proceedings. If he says they are rightful, the man is to be remanded to our custody. If he finds them wrongful, then it is his bounden sworn duty to discharge him.

Now I want just to call the attention of the House to another point to show how the *habeas corpus* operates. There is another writ of *habeas corpus*. This is the writ of *habeas corpus ad subjiciendum*. But suppose it was a writ of *ad testificandum*. Suppose it was necessary to get Irwin before the court to get his testimony in a case of life and death. The court can send for him and take him from our custody, hear him as a witness, and remand him back. There is no difference in the action of the two writs, the writ *ad subjiciendum* and the writ *ad testificandum*.

Mr. LAWRENCE. The action of the latter writ is not to control the custody at all.

Mr. BUTLER, of Massachusetts. Pardon me; it is to control the custody of the witness for a particular purpose.

Mr. LAWRENCE. In subjection to the power that imprisons.

Mr. BUTLER, of Massachusetts. Pardon me; this is in subjection to the power that imprisons until that power is shown to be wrongful. Now in our State of Massachusetts, where some of our Massachusetts lawyers here have got their impressions, we have provided that the writ of *habeas corpus* shall not be qualified, in that it shall not issue *ex debito justitiæ;* that the writ shall not issue, but that the question shall be determined on petition, but after the writ has issued then there is never any power to interfere unless it be in troublous times. The Constitution of our country provides that the whole power of the Government cannot suspend the writ of *habeas corpus*, cannot interfere with its action; it provides that the privilege of the writ of *habeas corpus* shall not be suspended unless in case of rebellion or invasion the public safety requires it.

Mr. G. F. HOAR. I desire to ask my colleague a question.

Mr. BUTLER, of Massachusetts. I will hear it.

Mr. G. F. HOAR. Suppose a court of competent jurisdiction issues a writ of *habeas corpus ad testificandum*, and, when the man is taken before that court for the purpose of testifying, another court having the power to issue a writ of *habeas corpus* does it and takes that witness off the witness-stand out of the power of the court that is examining him and takes him into the other court to show cause for what he is doing. Is not that this case? Is not the House of Representatives detaining a witness in the course of its judicial proceedings until he will testify?

Mr. BUTLER, of Massachusetts. Now let me deal with that very point.

Mr. DAWES. I ask my colleague to be brief.

Mr. BUTLER, of Massachusetts. How can I get along when one colleague asks me a question and another wishes me to close my remarks? Suppose this man were actually testifying, and if he was wrongfully imprisoned by the first power, the one having possession of him, a writ of *habeas corpus* should issue for his body to take him before a court which would rightly decide that question. It is the very same question that was put to me by the learned gentleman from Ohio [Mr. LAWRENCE] in reference to a writ of *habeas corpus ad testificandum*. I say that you in order to get rid of the commitment could take the witness anywhere. The only question I want to raise here is whether one branch of Congress will attempt to suspend the writ of *habeas corpus*. There is no lawyer here who will look me in the face and say that the body of the man must not be brought before the court when the writ issues so as to have the right to his imprisonment inquired into.

Mr. LAWRENCE. Is there not a difference between suspending the writ of *habeas corpus* and allowing it to be carried into a case where the court has no jurisdiction, to defeat the judgment of the court that has jurisdiction?

Mr. BUTLER, of Massachusetts. Pardon me; that is a large question. The question whether the court has jurisdiction is one that you have no right to try. A judicial court has a right to try it, and we are to assume that that court will rightly determine it. Some one asks me, suppose they decide it wrong? Well, sir, courts may always decide questions wrong.

Mr. LAWRENCE. Is not this House the sole judge of the questions it shall put to a witness?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. LAWRENCE. In 1675 the House of Commons directed the lieutenant of the Tower to make no return to any writ of *habeas corpus*, and again in 1704 similar directions were given to the sergeant-at-arms. This will be found in May's Parliamentary History, page 76. And the author goes on to show that an order of imprisonment for contempt by either house of Parliament is final and conclusive and no court can go back of it. The power to imprison for contempt is an incident of legislative power. It is essential to its exercise. A judicial court can exercise no legislative power, neither as a principal or incidental authority. A court cannot therefore interfere with, or inquire into, or take control of legislative power. If it do so, it exercises our power—a legislative power. Can our decision in regard to the questions a witness shall answer be revised by a co-ordinate branch of the Government?

Mr. BUTLER, of Massachusetts. By no means.

Mr. LAWRENCE. That is what Judge MacArthur proposes to do.

Mr. BUTLER, of Massachusetts. No; he does not. He proposes to bring him forward and see whether you put any questions to him.

Mr. LAWRENCE. Then he proposes to go back of our sentence, and that he cannot do.

Mr. BUTLER, of Massachusetts. Pardon me; he does not do that He wants to see if there is any sentence, and he cannot adjudicate on that question until he has the body of the man before him. That is the whole of it.

Now, I would like to ask my colleague, the chairman of the Committee on Ways and Means, [Mr. DAWES,] if his committee did not send for the Surgeon-General of the Army and the Surgeon-General of the Navy to examine Mr. Irwin and see if he was in such a condition of health that he could be safely imprisoned in the common jail, and if both these eminent surgeons did not report on that question to the committee that he is not in a fit condition, and if the committee did not refuse to report that fact to the House?

Mr. DAWES. I will say to my colleague——

Mr. BUTLER, of Massachusetts. Just answer that question; I do not want anything else.

Mr. DAWES. Well——

Mr. BUTLER, of Massachusetts. How is it?

Mr. DAWES. My colleague——

Mr. BUTLER, of Massachusetts. No; answer my question.

Mr. DAWES. At the proper time I will report all the facts to the House.

Mr. BUTLER, of Massachusetts. If the man should die, it would be too late.

Mr. DAWES. I now yield to the gentleman from New York [Mr. TREMAIN] for ten minutes.

Mr. TREMAIN. There is no member of this House who has a higher regard for the writ of *habeas corpus* than myself. That writ was imported from England, and we took it with all its incidents. It was a part of the common law.

I took occasion yesterday to say that there were limitations to that writ beyond which it was not proper for any court to pass. I claimed that according to the well-settled law in England, and in America as determined by the Supreme Court of the United States, and in England as it was well settled at the time of the Revolution, the writ of *habeas corpus* could never be used to inquire into the validity of a commitment for contempt by a tribunal of competent jurisdiction. And I challenge any gentleman who assails that position to find a case in England or America where a prisoner has been discharged upon *habeas corpus* when he has been adjudged guilty of contempt by either house of Parliament or by the Senate or the House of Representatives of the Congress of the United States.

Mr. BUTLER, of Massachusetts. Will the gentleman——

Mr. TREMAIN. I have but ten minutes, and cannot yield for interruptions. The Supreme Court of the United States has deliberately determined that they would not grant a writ of *habeas corpus* where a prisoner was imprisoned for contempt. I refer to a case in 7 Wheaton, where the unanimous judgment of the Supreme Court was pronounced upon that question. From the petition of the petitioner it appeared that he was in jail, in the custody of the marshal of his district, under a commitment of the court for contempt. And the Supreme Court of the United States, in an unanimous judgment, declared that they could not and would not issue a writ of *habeas corpus* in such a case, because the judgment of a court upon a question of contempt was absolutely final and conclusive, because every presumption existed in favor of the validity and regularity of their proceedings, and because the writ of *habeas corpus*, if it could lie, would be in the nature of a writ of error to review the final judgment of a court of competent jurisdiction. In that case, *Ex parte* Kearney, the head-note is—

> The court will not grant a *habeas corpus* where a party has been committed for a contempt adjudged by a court of competent jurisdiction. In such a case the court will not inquire into the sufficiency of the cause of commitment.

In a most elaborate opinion the court says:

> If, then, we are to give any relief in this case, it is by a revision of the opinion of the court given in the course of a criminal trial, and thus asserting a right to control its proceedings and take from them the conclusive effect which the law intended to give them. If this were an application for a *habeas corpus*, after judgment on an indictment for an offense within the jurisdiction of the circuit court, it could hardly be maintained that this court could revise such a judgment, or the proceedings which led to it, or set it aside and discharge the prisoner. There is, in principle, no distinction between that case and the present; for when a court commits a party for a contempt, their adjudication is a conviction, and their commitment in consequence is execution; and so the law was settled upon full deliberation in the case of Brass Crosby, lord mayor of London. (3 Wilson, 133.)

In the case there referred to Lord Chief Justice De Grey said:

> When the House of Commons adjudged anything to be a contempt or a breach of privilege, their adjudication is a conviction, and their commitment in consequence is execution; and no court can discharge, on bail, a person that is in execution by the judgment of any other court. The House of Commons, therefore, having an authority to commit, and that commitment being an execution, what can this court

do? It can do nothing when a person is in execution by the judgment of a court having competent jurisdiction. In such a case this court is not a court of appeal.

The lord chief justice further said:

The courts of king's bench or chief barron bench never discharged any person committed for a contempt in not answering in the court of chancery, if the return was for a contempt. If the admiralty commits for a contempt, or one be taken up on *excommunicato capiendo*, this court never discharges the persons committed.

Mr. Justice Blackstone said:

All courts, by which I mean to include the two houses of Parliament and the courts of Westminster Hall, can have no control in matters of contempt. The sole adjudication of contempt and the punishment thereof belong exclusively, and without interfering, to each respective court. Infinite confusion and disorder would follow if courts could by writs of *habeas corpus* examine and determine the contempt of others.

The United States Supreme Court continues:

The argument of inconvenience has been pressed upon us with great earnestness. But where the law is clear this argument can be of no avail, and it will probably be found that there are also serious inconveniences upon the other side. Wherever power is lodged it may be abused. But this forms no solid objection against its exercise. Confidence must be reposed somewhere, and if there should be an abuse, it will be a public grievance, for which a remedy may be applied by the Legislature, and is not to be devised by courts of justice. This argument was also used in the case already cited, and the answer of the court to it is so satisfactory, that it would be useless to attempt any further refutation.

In the State of New York we have had this question up, and it received the decision of Judge Kent, where the court of chancery decided that a lawyer was guilty of contempt. Judge Spencer, a judge of the supreme court, issued a writ of *habeas corpus* to inquire into that committal.

Mr. BUTLER, of Massachusetts. And had him brought before him, did he not?

Mr. TREMAIN. He brought him up and discharged him. What next? The chancellor put him back in commitment.

Mr. BUTLER, of Massachusetts. As we might do.

Mr. TREMAIN. The chancellor treated the whole proceeding of Judge Spencer as absolutely void for want of jurisdiction. In the opinion of the court, delivered by Chancellor Kent, overruling the decision of Judge Spencer, one of his own brethren on the bench, he stated that the action of the judge inquiring into that commitment was wholly unauthorized and void. And afterward when the man Yates, who was the attorney who had been adjudged guilty of contempt, brought an action under our statute against the chancellor for ordering him back, (because there was a statute making it a penal offense to do so,) the court of error, by an almost unanimous judgment, decided that the proceedings of Judge Spencer in discharging him were absolutely void and without jurisdiction, and that no action would lie for that sentence.

I will refer, in the first place, to a few remarks of Judge Kent, (4 Johnson, page 69.) He quotes various cases showing that the court had no jurisdiction over a commitment for contempt adjudged by the House of Commons, saying that if there was an abuse of power it was only a case where confidence must be reposed somewhere, and that it could not be more fitly reposed in any body than in the highest judicial department of the Government. He refers to numerous cases in England concerning the exact point. He says, quoting a decision of Mr. Justice Blackstone:

That the sole adjudications of contempts and the punishments thereof belonged exclusively, and without interfering, to each respective court. That infinite confusion and disorder would follow if every court should have the power to examine the commitments of the other courts for contempts. That the judgment and commitment of each respective court as to contempts must be final and without control. It was a confidence that might with perfect safety be reposed in the judges and the houses of Parliament. That the objection as to abusive consequences proved too much, because it was applicable to all courts of *dernier resort*, and general convenience must always outweigh partial inconvenience.

Then Chancellor Kent concludes by saying:

I entertain the most perfect conviction that the law, as they declared it in this case, was well understood and definitely established as part of the common law of England at the time of our Revolution.

And then when the case came before the court of appeals upon the question whether or not the chancellor was liable to an action at the suit of the officer, it was decided in the case of Yates *vs.* Lansing (9 Johnson) that—

A person who has been regularly committed by the chancellor for a contempt, and afterward is improperly set at large, may be recommitted by an order of the court of chancery, reciting the original writ or attachment.

* * * * * * * *

The Supreme Court of the United States will not grant a *habeas corpus* where a party has been committed for a contempt by a court of competent jurisdiction.

Now in this case the writ was obtained either by improvident or intentional misrepresentation. The petition (which I have read) charges that Irwin was committed "to the end that he might be proceeded against before the criminal court of the District." That statement is entirely false. It suppresses, either intentionally or improvidently, the fact that this House had adjudged him to be guilty of contempt, which is the very gist of the whole matter, the essence of the whole thing. Now I submit that if you take this man there upon your return, you yield the entire jurisdiction over him. This House is the supreme and final judge of this matter. I have no feeling whatever about this question. If the House thinks proper to send the body before this judge, the judge may perhaps discharge the case on the ground that he is entirely without jurisdiction; and then the House might order Irwin into its custody again. But why go through the useless form of thus retaking the body instead of showing to that judge how he has been imposed upon, how he has been misled by the petition, as he would see from an authentic copy of the proceedings of the House showing that Irwin has been adjudged guilty of contempt. Hence I am in favor of the resolution of the gentleman from Iowa, [Mr. KASSON.]

Mr. DAWES. I yield to my colleague on the committee [Mr. BURCHARD] for five minutes; and then I will call the previous question.

Mr. BURCHARD. Mr. Speaker, believing that the Sergeant-at-Arms ought to obey the order of the judge in this case and that in obedience to the writ of *habeas corpus* he ought to produce the prisoner in court, I wish to say a word or two in reply to some of the remarks that have been made.

This is not a question as to the power of the House to punish for contempt. We all admit that; we all agree that the House has the power to punish for contempt, and to hold a witness in custody for contempt in accordance with its orders. But the question is whether, when a writ of *habeas corpus* has been issued under the statutes of the United States directed to the Sergeant-at-Arms, it is not the duty of the officer to produce the body of the prisoner before the judge in obedience to the writ.

The case of Abelman *vs.* Booth, in 21 Howard, has been quoted here. That does not decide this question. That decision related to the respective jurisdictions of the State and the United States. In that case it was held that the jurisdiction of the United States and of the State were each as distinct and exclusive, although both had jurisdiction over the whole territory of the State, as the jurisdiction of two contiguous States each within its own territorial limits. If it appeared that the prisoner was held under and in pursuance of the authority of the United States, the Supreme Court held that the State courts and authorities had no right to require the production of his body, and that the officer should simply make written return setting forth the Federal jurisdiction by virtue of which he, the prisoner, was in custody. But in this case the prisoner being held under color of the authority of the United States, it appears to me the case comes within the statute read yesterday by the gentleman from Iowa, [Mr. KASSON,] that his body is required to be produced in court by express provision of law.

I do not care for this matter so far as Irwin is concerned. I would prefer to hold him in jail until he shall make a full disclosure. I do not speak from any sympathy for him. But this is a question that rises above any such consideration. It is a question which I think this House ought to deliberately consider before passing upon it; for by our action now we establish an important precedent in relation to the rights of citizens, as well as the powers of the House of Representatives.

I call attention to Tarble's case, (13 Wallace, 397,) where the Supreme Court in reviewing the decision in the case of Abelman *vs.* Booth say:

All that is meant by the language used is that the State judge or State court should proceed no further when it appears from the application of the party or the return made that the prisoner is held by an officer of the United States under what, in truth, purports to be the authority of the United States.

* * * * * * * *

Their courts and judicial officers are clothed with the power to issue the writ of *habeas corpus* in all cases where a party is illegally restrained of his liberty by an officer of the United States, whether such illegality consists in the character of the process, the authority of the officer, or the invalidity of the law under which he is held. And there is no just reason to believe that they will exhibit any hesitation to exert their power when it is properly invoked.

There is a broad distinction between the case now before us and the case there cited. That was a question of jurisdiction between two governments, one of which actually held the prisoner under its own laws. This relates to the method of presenting to the court the fact that the prisoner is in custody by order of one branch of the legislative department of the same Government. When there is imminent danger of a collision between two co-ordinate branches of the Government, the legislature and the judiciary, we may well pause to see that we are right in our action; because if the resolution authorizing the Sergeant-at-Arms to hold this prisoner as against the writ is passed, and we are satisfied that our authority cannot be questioned or even inquired into in regard to any order of imprisonment we make, we must carry out that determination to the utmost, and assert and maintain the authority and prerogatives of the House and of legislative bodies at all hazards.

Several MEMBERS. Let us vote.

Mr. ELDREDGE. We on this side of the House have not been heard.

The SPEAKER. The Chair understands that the gentleman from Massachusetts [Mr. DAWES] declines to yield further, and demands the previous question.

Mr. CESSNA. I desire to offer an amendment, or at least to have it read.

Mr. ELDREDGE. I think that this matter is of too much importance to be passed upon without a single word from this side of the House. We are required to vote on the question, and we are entitled to say something upon it.

Mr. DAWES. I would be very glad to let this subject be discussed.

Mr. ELDREDGE. The gentleman from Massachusetts has not allowed a single man on this side of the House to speak.

Mr. DAWES. That is because the gentlemen here have taken up so much time.

Mr. ELDREDGE. This is an important question and we wish to be heard.

Mr. DAWES. I appreciate the remark of the gentleman from Wisconsin, but he sees the impatience of the House. If the majority desire to continue this discussion they can say so by voting down the demand for the previous question and I will not say a word.

Mr. ELDREDGE. I cannot believe there is impatience on the part of this House when the question of personal liberty is concerned and when it is proposed to suspend the writ of *habeas corpus*. I cannot believe that there is impatience in deliberating upon such a question.

The SPEAKER. The question recurs on seconding the demand for the previous question.

Mr. ELDREDGE. I hope the previous question will not be sustained.

The House divided; and there were—ayes 56, noes 73.

So the House refused to second the demand for the previous question.

Mr. MAYNARD. I move the House take a recess until twelve o'clock to-morrow.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin [Mr. ELDREDGE] as the parliamentary sequence of the last vote.

Mr. CESSNA. I hope the gentleman will allow me to offer my amendment.

Mr. ELDREDGE. I believe the amendment of the gentleman from Pennsylvania is one to which I will agree.

Mr. CESSNA. I ask to have it read.

The Clerk read as follows:

Strike out all after "Sergeant-at-Arms" and insert "be directed to produce the body of the prisoner before the court as commanded by its order and to obey its judgment in the premises."

Mr. ELDREDGE. Mr. Speaker, I am very much obliged to the House for this courtesy and favor. I am glad gentlemen are not as impatient as they were represented to be by the gentleman from Massachusetts, [Mr. DAWES,] and I think it is becoming that they are not impatient or hasty over so grave and all-important a question as the suspension of the writ of *habeas corpus* by this House. My democratic friends certainly cannot have forgotten the intense feeling and alarm which was created throughout the entire length and breadth of this country when they claimed that the President of the United States had illegally or inconsiderately suspended the writ of *habeas corpus*. The President of the United States may have had the right under some circumstances to suspend that great writ of liberty, but this House of Representatives has no power, right, or authority, under the Constitution or under any law whatever, to suspend or to interfere in any manner with it. It is a writ above and beyond the legal powers and jurisdiction of either branch of Congress.

I do not propose to occupy more than two or three minutes of the time of this House in what I shall say, though much of the time of all of us might be well spent in considering this grave subject. We cannot afford to determine this great question under a feeling of passion or excitement such as was exhibited last evening when this same question was being considered.

The gentleman from New York [Mr. TREMAIN] has argued the question as though the merits of it were before the House. He has shown that courts have decided correctly, in his judgment, in many instances. He has shown high authority where judges were trusted, and where they ought to have been trusted, and when their judgments were right and proper and according to the law. We have another occasion now before us where the judge ought to be trusted, in my judgment, with the full determination of the legal rights of this petitioner.

The only question, as I understand it, before the House at this time is what is the proper legal duty of the executive officer of this House, the Sergeant-at-Arms, in obedience to the writ commanding him to bring before the judge the body of Richard B. Irwin; what is the proper return for him to make to it? That is the only question now here; the only one with which we have anything to do.

With the merits, with all the questions that may be raised upon the return of the writ, with all the questions of legality or illegality of the imprisonment we have nothing at this time to do. The House has acted, and its work is done. There is no proposition to reverse or change its action. If it be legal or illegal, we are not now to consider. What is it that causes all this uneasiness, this sensitiveness? Are gentlemen afraid of what they have done? Do they fear the scrutiny of the judge? Is there any wrong done they would not have brought to the light? All the legal questions involved are to be passed upon by one of your own judges. The republican party created his office and made him judge, and you ought not to fear to trust him. And what has he done?

He has held, as it is represented, that he will require that there shall be a *proper* return to the writ of *habeas corpus*, and that as a part thereof the body shall be brought into court. Wherever was there any other, or *can there be any other, proper* return to the writ of *habeas corpus*? The statute is explicit, and there is no chance for cavil or mistake. *"The persons making the return shall at the same time bring the body of the party before the judge who granted the writ."* The person to whom the writ is directed shall certify the true cause of the detention and bring the body before the judge.

That is the law of the land. That is a statute not adopted by this House in an hour of passion and excitement, but by the deliberate action of the entire legislative power of this country.

I care not what the decision may have been in the Wisconsin case. It was much criticised at the time, and the State was in open revolution to the Government of the United States. If not the State, the entire party which sustained that action of the State court was considered at the time and was in fact in open declared rebellion and revolution against the Federal Government. The decision, however, does not conflict at all with the view which we take of this question now. The statute is subsequent. The law is now, whatever it was then, that the return shall be made by representing the facts and taking the body before the judge. I apprehend that statute was passed in order it might be made perfectly clear what should be the duty of the officer or the person holding the prisoner for whose benefit the writ was issued.

But further and beyond that and without regard to the statute, I undertake to say there never was either in England or America a proper return made to a writ of *habeas corpus* where the body, if in possession, was not taken before the officer who issued the writ. This is the very nature and office of the writ, and it is the only true and consistent execution of it. As early as 1771 the lord mayor of London was committed for contempt. I have the case here in the third volume of Wilson's Reports, page 188; and it is recited in the proceedings as a part of the return that the body is now here in the court before the judge issuing the writ.

And now here, at this day, (to wit,) Monday next, after three weeks from Easterday, in this term cometh the said Brass Crosby in his proper person, under the custody of Charles Rainsford, esq., deputy lieutenant of the Tower of London, brought to the bar here; and the said deputy lieutenant then here returneth, that before the coming of the said writ, (to wit,) on the 27th day of March last, the said Brass Crosby was committed to the Tower of London by virtue of a certain warrant under the hand of Sir Fletcher Norton, knight, speaker of the House of Commons, which follows in these words:

"Whereas the House of Commons have this day adjudged that Brass Crosby, esq., lord mayor of London, a member of this house, having signed a warrant for the commitment of the messenger of the house for having executed the warrant of the speaker, issued under the order of the house, and held the said messenger to bail, is guilty of a breach of privilege of the house; and whereas the said house hath this day ordered that the said Brass Crosby, esq., lord mayor of London and a member of this house, be for his said offense committed to the Tower of London: these are therefore to require you to receive into your custody the body of the said Brass Crosby, esq., and him safely keep during the pleasure of the said house, for which this shall be your sufficient warrant. Given under my hand the 25th day of March, 1771;" and that this was the cause of the caption and detention of the said Brass Crosby in the prison aforesaid, the body of which said Brass Crosby he hath here ready, as by the said writ he was commanded, &c. Whereupon, the premises being seen and fully examined and understood by the justices here, it seemeth to the said justices here that the aforesaid cause of commitment of the said Brass Crosby, esq., to the king's prison of the Tower of London aforesaid, in the return above specified, is good and sufficient in law to detain the said Brass Crosby, esq., in the prison aforesaid; therefore the said Brass Crosby, esq., is by the court here remanded to the Tower of London, &c.

And now what are we doing? What is the real question between this House and the judge? The judge requires that your statutes shall be obeyed; that your Sergeant-at-Arms shall do just what the Congress by its law says he shall do. He requires that the common law and common practice of the courts of England and this country in all such cases shall be followed and carried out. He demands that before he shall decide upon the question of the proper or improper imprisonment of this man he shall be in his presence and under his jurisdiction so that when he comes to a decision he shall be able to dispose of the case as he ought to dispose of it; that he shall be able to do what the law requires. And that is the only question we have to determine on the resolutions pending before us, unless we intend to prejudge the matter and determine what the judge himself shall decide when he comes to consider the case itself.

The gentleman from Massachusetts [Mr. BUTLER] has handed me May's Parliamentary Law, and referred me to page 76, where *habeas corpus* is treated of, and asked me to read the passage. May says:

The *habeas corpus* act is binding upon all persons whatever who have prisoners in custody, and it is therefore competent for the judges to have before them prisoners committed by the houses of Parliament for contempt.

I will not read any further. I suppose what follows is in the same line. Now, the question is can we, composing only one branch of the legislative body, holding a little brief authority, place ourselves above the Constitution and law? Can we, in contempt of the most sacred provisions of the law for the protection of life and liberty, take any persons that we please, imprison them as we will, condemn them to any punishment we see fit; and is there no power by which the prisoner sentenced and adjudged to punishment or imprisonment by us can have an inquiry into whether we have any law or jurisdiction or not? Is it to be tolerated that, whatever the functions of this House may be, when it can pass no law and has no power to change or alter any law, we can rise up and contemn all law? Is our jurisdiction above question or inquiry, when it is an axiom almost that the jurisdiction of all courts and tribunals are open at all times to be ascertained and determined? And shall it be conceded to the House of Representatives alone to strike down at its pleasure this great writ of right and liberty?

The gentleman from Massachusetts told us last night that if he were sitting as judge of the court and had adjudged somebody guilty of contempt, and some other court should say to him that it wanted to determine that question, he would tell that court that he had not got through with the individual; and he supposed that what he would do acting as a judge he would do acting as a member of

Congress. But it seemed to me he conceded all that is claimed by this prisoner when he determined after the writ was issued to remove the prisoner. It should indeed be a matter of no concern to us how the case should be determined, only so that it be according to law and for the preservation of the liberty of the citizen.

I do not know what Judge MacArthur will do. I had almost said I do not care what he shall do. I do not know this man Irwin. I never saw him until he was brought before the bar of the House. But it were better, far better, a thousand Irwins, guilty of a thousand contempts, should go unwhipped and unpunished altogether, or even sunk at once to the bottom of the sea, than that we of this House of Representatives, in a moment of anger or passion, should strike down this immortal writ of English and American liberty. Those of you who would here and now give away, impair, or suspend the writ of *habeas corpus*, cease your cry and denunciation of the President for whatever he has done or may do. He has, as I have remarked already, or may have, a right in some cases or under some circumstances to suspend it. But this House of Representatives cannot, without a violation of all law, under any circumstances or in any case.

The gentleman from Kentucky [Mr. BECK] desires me to yield a few moments to him, which I do.

Mr. BECK. I desire to offer a substitute for the pending resolution. I send it to the desk to be read, and will occupy only a minute in speaking to it.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to make careful return to the writ of *habeas corpus* in the case of Richard B. Irwin that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt, and that the Sergeant-at-Arms take with him the body of the said Irwin before said court when making such return as required by law.

Mr. BECK. I only want to say that that is the resolution adopted yesterday down to the word "contempt." The addition simply requires compliance with the statute, that the person making the return shall at the same time bring the body of the party before the judge who granted the writ. That is the law, and the resolution adopted yesterday has nothing added to it except what is required by that law in the very words of the law itself.

I desire a vote upon that proposition as a substitute for the resolution offered by the gentleman from Pennsylvania, [Mr. CESSNA.] I want to say just this: that the question is not up now as to the power of this court over our action. The gentleman from New York [Mr. TREMAIN] seemed to labor as though that grave question was up. It is not. The judge has taken this authority. He has granted the writ. If anybody is in contempt, he is in contempt for granting it. The prisoner is not in contempt for asking for it, and you cannot assume that the judge is in contempt for granting the prayer of that petition. The petition of Mr. Irwin is not before the House. We do not know what he alleged in it. He may have said that the House had judged him in contempt and ordered his ears to be cut off, or that he should be maimed or mutilated or to have inflicted upon him some other cruel and unusual punishment. This House does not know what he alleged in his petition. We do not know it officially, but the law says this: that the court of justice or judge to whom such application is made shall forthwith award a writ of *habeas corpus*, unless it appears from the petition itself that the party is not entitled thereto.

Now, sir, not knowing what this party alleged in his petition, we are not able to say that this judge has acted either in violation of his duty or corruptly in issuing this writ; and not proposing to interfere with the judge, I see nothing left for the House to do, if it proposes to obey the law, but to order that the body of this man, as required by law, shall be taken before the court. I have not had time to look up the discussion attending the adoption of the law of 1867, but in all human probability it was passed because a court or officer having a man in custody refused to bring the body before the court. The very difficulties that have been suggested in this discussion may have reqnired this law to be passed. But since 1867 the law has been made so that in the case of a writ of *habeas corpus* the body of the party shall be brought before the court. That is the law. No man can dispute it. If it is not a good law, let Congress repeal it and say that when a man is in contempt of the House of Representatives his body shall not be taken before the court; but while the law stands as it does, I want for one to obey it.

Mr. BUTLER, of Massachusetts. Will the gentleman from Kentucky allow me to ask him a question?

Mr. BECK. With pleasure.

Mr. BUTLER, of Massachusetts. I desire to ask him the same question that I put to my colleague, who is the chairman of the Committee on Ways and Means, and which he did not answer. Did the Committee on Ways and Means authorize the Surgeon-General of the Army and the Surgeon-General of the Navy to examine this man Irwin and see if his health and life would be endangered by being imprisoned in the common jail, and did those officers examine him and report that in their judgment, as professional men, it was the fact that it would?

Mr. BECK rose.

Mr. DAWES. I call my colleague on the committee to order if he discloses the proceedings of the committee.

Mr. BECK. I am compelled to decline to answer that question, because the Committee on Ways and Means have taken no action on that matter.

Mr. DAWES. I suggest to my colleague that he wait a little while until we do act upon it.

Mr. BUTLER, of Massachusetts. It will be too late if you wait until the man is dead.

Mr. DAWES. I agree with my colleague in that.

Mr. ELDREDGE. I yield now to the gentleman from Ohio, [Mr. FINCK.]

Mr. FINCK. Mr. Speaker, what is the precise question before the House? One of the committees of this House, under its authority, is engaged in the investigation of an important question. They have power to bring before them witnesses. This man Irwin being before them in accordance with this authority, and undergoing examination, declined to answer questions propounded to him by the committee. He was brought before the bar of the House, the House then acting in a judicial capacity. He was found in contempt of the House, and was put in the custody of the Sergeant-at-Arms, who was ordered to place him in the common jail of the District until he should answer the questions propounded. Now, if the House has jurisdiction in the case, if the witness was legally brought before that committee, and if the action of the House in finding him guilty of contempt was in accordance with the Constitution and the law, if these acts were correct, if we have the power to do what we have done, then the witness is still in our custody. He has refused to answer, and is held for contempt. Now what power is there to take him out of our hands? There is no jurisdiction in any court to disturb the imprisonment of that man so long as this House continues, until the 4th of March next. He may at any time purge himself by coming before the House and answering the questions which have been propounded to him.

Suppose there were a case pending before the Senate of the United States of impeachment of the President or any other officer, and that during the trial a witness was brought there who declined to answer the questions propounded to him by the Senate, and he was committed for contempt until he made answer; is it possible that there is power in any court in this District or elsewhere to take him out of the hands of the Senate and release him from imprisonment? Sir, I deny the jurisdiction of this court. It had no power to issue this writ. When the facts are placed in possession of the House, it will be found that this judge has exceeded his jurisdiction.

Sir, I am in favor of the liberty of the citizen; I am in favor of the right of *habeas corpus* as much as any man can be, and I will vindicate it and uphold it on all proper occasions; but I hold that this is a case in which we cannot obey the order of the judge.

Mr. ELDREDGE. I am sorry to see the gentleman from Ohio so wrong-headed on this question. He has endeavored to call the attention of the House back to the real question under discussion, and I apprehend he has failed as thoroughly as did the gentleman from New York, [Mr. TREMAIN.] Like the gentleman from New York, he discussed every question surrounding the real one and all but the real question. The gentleman from Ohio makes a similar mistake to that made by the gentleman from New York. He says that if we have jurisdiction and legally hold this man; if we have, according to the Constitution and law, committed him for contempt, then there is no power that can take him out of our hands. That is the very question, let me say to the gentleman from Ohio, [Mr. FINCK,] that this court will determine; and knowing Judge MacArthur as I have known him for many years as a circuit judge in Wisconsin, I have perfect faith that he will decide it according to the Constitution and the laws. But my friend says there is no power to take this man out of our hands. Temporarily, under a writ of *habeas corpus*, the court has the power to take him out of our hands. When an application is made to the judge for a writ of *habeas corpus*, he cannot deny that writ. It is an American right; it is an English right; a constitutional right; it is a right that we cannot and dare not deny.

Mr. TREMAIN. Allow me to ask the gentleman a question.

Mr. ELDREDGE. Not just now. Let me say further, this House has acknowledged the jurisdiction of the court by several resolutions, one or two of yesterday, and by its action of to-day, by its direction to its Sergeant-at-Arms to make a proper and respectful answer to this writ. As I said before, the only question is as to the return of the writ he ought to make. There was some misapprehension as to what the resolution is; some discussion in the court, as I understand, whether the House by that resolution refused to let the Sergeant-at-Arms take the body before the court. The resolution is silent upon the question. Some gentlemen seem to have understood it one way and some another way. I repeat again, the real question is, what is the proper return for our officer to make to this writ, properly, legally, and constitutionally issued? I will now hear the gentleman from New York, [Mr. TREMAIN.]

Mr. TREMAIN. I understood the gentleman to say that there was no power on the part of the judge to withhold the writ of *habeas corpus* upon the application for it.

Mr. ELDREDGE. I say unless the petition shall show that the petitioner is legally held.

Mr. TREMAIN. I want to call attention to the act of Congress. After providing that the petitioner shall set out by virtue of what claim or authority he is detained, it states that the court or judge shall order the writ unless it shall appear from the petition that he is not entitled thereto, Now this petitioner did not tell the truth, or he never would have got the writ. He has obtained it by fraud, and the question is whether he shall have advantage of the fraud.

Mr. ELDREDGE. The gentleman in his speech last night, and in the speech which he made to-day, has acknowledged the jurisdiction of the court to issue the writ. Now, unless some other gentleman desires to discuss this question further, I will call the previous question.

Mr. BURROWS. I desire to say a word or two.

Mr. ELDREDGE. I will yield to the gentleman from Michigan for five minutes.

Mr. BURROWS. I do not desire that time. I hold in my hand the first volume of Kent's Commentaries, where this question is discussed. Reference is made in it to the decisions of the various courts of the country, and among them a decision of the supreme court of Massachusetts in a case which seems to be very similar to this. I have sent for the authority referred to, but have been unable to obtain it. The Massachusetts house of representatives, the supreme court held, can commit for contempt a party who refuses to attend as a witness to testify before a committee of the house.

Mr. BUTLER, of Massachusetts. I know that case.

Mr. BURROWS. The case is like this precisely. The court held in that case—

And the supreme court of the State can inquire on *habeas corpus* into the propriety of the commitment.

Mr. ELDREDGE. I yield to the gentleman from Pennsylvania, [Mr. CESSNA,] who desires to move an amendment.

Mr. CESSNA. I offered an amendment some time since which has been read. In order to simplify proceedings, if it is desirable, I am willing to withdraw it at the point where it was offered and allow the gentleman from Kentucky [Mr. BECK] to offer his substitute, and then I will move to amend it by adding the following:

And that he be further directed to obey the judgment of said court in the premises.

I agreed to do this only if it met with the approbation of the gentleman from Wisconsin [Mr. ELDREDGE] in whose right I obtained the floor. I do not wish to argue the question.

Mr. KASSON. I wish to perfect the order which I offered, as I believe I have the right to do. I propose to insert after the words "that the said Irwin is in contempt of the House of Representatives in refusing to give testimony as a witness" the words "and is detained pending such examination."

The SPEAKER. The gentleman from Kentucky [Mr. BECK] moves to substitute for the proposition of the gentleman from Iowa [Mr. KASSON] that which will be read by the Clerk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms be, and is hereby, directed to make careful return to the writ of *habeas corpus* in the case of Richard B. Irwin that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt; and that the Sergeant-at-Arms take with him the body of said Irwin befor the said court when making such return, as required by law.

The SPEAKER. The gentleman from Pennsylvania [Mr. CESSNA] moves to amend the substitute of the gentleman from Kentucky [Mr. BECK] by adding thereto the words—

And that he be further directed to obey the judgment of said court in the premises.

Mr. BECK. I hope that will be voted down.

Mr. CESSNA. I desire to change the word "judgment" to "order;" so that it will read:

And that he be further directed to obey the order of said court in the premises.

The question was taken upon the amendment to the amendment; and upon a division—ayes 32, noes not counted—it was not agreed to.

The question recurred upon the substitute moved by Mr. BECK; and being taken, upon a division there were—ayes 72, noes 65.

Before the result of the vote was announced,

Mr. DAWES called for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. Before the vote is taken I ask that the proposition of the gentleman from Iowa [Mr. KASSON] be read.

The Clerk again read the motion.

The question was then taken on agreeing to the substitute of Mr. BECK; and there were—yeas 107, nays 64, not voting 117; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Averill, Banning, Barrere, Beck, Bell, Berry, Blount, Bowen, Bright, Brown, Buckner, Burchard, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cason, Cesana, John B. Clark, jr., Clements, Stephen A. Cobb, Cook, Corwin, Crittenden, Crossland, Crounse, Davis, Dunnell, Durham, Eames, Eldredge, Field, Giddings, Glover, Gooch, Gunter, Hagans, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Houghton, Hubbell, Hunton, Kasson, Kellogg, Knapp, Lamar, Lamison, Leach, Lofland, Lowe, Luttrell, Magee, Alexander S. McDill, McKee, McNulta, Milliken, Mills, Myers, Neal, Negley, Niblack, Orth, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Rainey, Ransier, Ray, Robbins, Rusk, Sawyer, Henry B. Sayler, Schell, Shanks, Sheats, H. Boardman Smith, Snyder, Southard, Standiford, Stone, Strait, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Vance, Waddell, Jasper D. Ward, Whitehead, Whitthorne, George Willard, William Williams, William B. Williams, and Willie—107.

NAYS—Messrs. Albright, Barber, Begole, Biery, Bland, Bromberg, Buffinton, Burleigh, Cannon, Amos Clark, jr., Crutchfield, Dawes, Donnan, Finck, Fort, Foster, Gunckel, Eugene Hale, Hamilton, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, George F. Hoar, Holman, Hyde, Hynes, Lawrence, Lawson, Lewis, Lynch, Marshall, Martin, Maynard, Merriam, Monroe, Morrison, Packer, Page, Phillips, Pike, Randall, Ellis H. Roberts, James W. Robinson, Lazarus D. Shoemaker, Small, A. Herr Smith, John Q. Smith, Sprague, Stanard, Starkweather, St. John, Storm, Strawbridge, Taylor, Thompson, Townsend, Tremain, Tyner, Marcus L. Ward, Wells, Wilber, John M. S. Williams, Ephraim K. Wilson, and James Wilson—64.

NOT VOTING—Messrs. Albert, Archer, Barnum, Barry, Bass, Bradley, Bundy, Burrows, Carpenter, Chittenden, Freeman Clarke, Clayton, Clymer, Clinton L. Cobb, Coburn, Comingo, Conger, Cotton, Cox, Creamer, Crooke, Curtis, Danford, Darrall, DeWitt, Dobbins, Duell, Eden, Farwell, Freeman, Frye, Garfield, Robert S. Hale, Harmer, Hathorn, Havens, Hays, Hendee, Herndon, Hersey, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Howe, Hunter, Hurlbut, Kelley, Kendall, Killinger, Lamport, Lansing, Loughridge, Lowndes, McCrary, James W. McDill, MacDougall, McLean, Mitchell, Moore, Morey, Nesmith, Niles, Nunn, O'Brien, O'Neill, Orr, Packard, Perry, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Purman, Rapier, Read, Richmond, William R. Roberts, James C. Robinson, Ross, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sheldon, Sherwood, Sloan, Sloss, Smart, George L. Smith, J. Ambler Smith, William A. Smith, Speer, Stephens, Stowell, Swann, Waldron, Wallace, Walls, Wheeler, White, Whitehouse, Whiteley, Charles W. Willard, Charles G. Williams, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—117.

So the motion was agreed to.

During the roll-call,

Mr. KASSON (having voted in the negative when his name was called) said: I change my vote to "ay," for the purpose of moving at the proper time a reconsideration, owing to the importance of this question as a precedent. I make this announcement that gentlemen may withhold the usual motion to reconsider and table, and I do not propose to interfere with the judgment in this particular case, but desire to bring up the question on Monday, so that it may be decided deliberately.

Mr. ELDREDGE. I shall, immediately after the result is announced, submit the motion to reconsider and table.

Mr. KASSON. I regard the precedent to be established by this action as very dangerous.

The result of the vote was announced as above stated.

Mr. ELDREDGE. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

The SPEAKER. That motion at this point is premature. The substitute of the gentleman from Kentucky [Mr. BECK] has been agreed to; but the House has not yet voted to agree to the original proposition as amended by the adoption of the substitute.

The question being taken on agreeing to the motion of Mr. KASSON, as amended by the substitution of the resolution offered by Mr. BECK, it was agreed to.

Mr. SMITH, of Ohio. I move that the House adjourn.

Mr. ELDREDGE. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

Mr. MAYNARD. I move that the House take a recess till half-past twelve o'clock to-morrow.

The SPEAKER. During the pendency of a vote, where the decision of the question has not been announced, though the division upon it has been announced, a motion for a recess or an adjournment cannot be interpolated; but it can be between the announcement of the result of a vote and a motion to reconsider. The Chair will therefore have to put the question on the motion to adjourn, which has precedence.

Mr. HOLMAN. What effect will the adoption of the motion to adjourn have upon the right to submit the motion to reconsider the last vote?

The SPEAKER. The right to reconsider will continue until the end of the next legislative day. But the Chair desires that members may perfectly understand this matter. If a motion to reconsider were entered and not decided, the operation of the resolution would be suspended. But this resolution has been agreed to; and now if the House should adjourn, the resolution will become operative because the motion to reconsider is not really pending, the motion to adjourn having necessarily been recognized by the Chair before the motion to reconsider was made. If the House now adjourns, it will be precisely tantamount to reconsidering the vote on this resolution and laying the motion to reconsider on the table; because the resolution is imperative upon the Sergeant-at-Arms, and will be operative upon him in his return to the court to-morrow.

Mr. ELDREDGE. I suppose that my motion to reconsider and table was made in good time.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDREDGE] first undertook to submit that motion when the Chair was about to put the question upon agreeing to the original proposition as amended by the adoption of the substitute. When that question had been put and decided, the gentleman from Ohio [Mr. SMITH] moved to adjourn; and this motion was of so high a character that the Chair was obliged to recognize it before the motion to reconsider.

Mr. ELDREDGE. Was not my motion a privileged motion?

The SPEAKER. The gentleman's motion was on substitution merely, not upon the final adoption of the proposition.

Mr. ELDREDGE. I rose, however, and remained on my feet for the purpose of making the motion.

The SPEAKER. But the gentleman from Ohio moved to adjourn first.

Mr. MAYNARD. I rise to a parliamentary inquiry—whether a motion to adjourn or a motion to take a recess has precedence?

The SPEAKER. Undoubtedly the motion to adjourn.

Mr. MAYNARD. Is it not in order to make a motion for a recess?

The SPEAKER. Not while a motion to adjourn is pending, because this motion is the highest recognized in the proceedings of the House. The Chair will again announce that if the House should now adjourn, the Sergeant-at-Arms will be instructed in accordance with the resolution offered by the gentleman from Kentucky, [Mr. BECK.]

Mr. CESSNA. But, Mr. Speaker, suppose the court should be in session all day to-morrow and Monday; could not the gentleman from Iowa make the motion to reconsider on Monday?

The SPEAKER. He could; and if the reconsideration should then be agreed to, further progress under the resolution might be arrested.

Mr. CESSNA. I hope, then, we shall finish this question to-night.

Mr. LAWRENCE. I wish to make a parliamentary inquiry. If the House refuses to adjourn——

The SPEAKER. If the House should refuse to adjourn, the first question will be to submit the motion of the gentleman from Wisconsin [Mr. ELDREDGE] to reconsider the vote by which the House agreed to the resolution, and to lay that motion on the table.

Mr. CESSNA. Let us do that.

Mr. MAYNARD. Would not the motion for a recess be higher than that?

Mr. LAWRENCE. If we take a recess until to-morrow, may not this whole subject come up again, so that the House might reverse the decision it has made?

The SPEAKER. If the majority desire it, of course they can.

The House divided; and there were—ayes 92, noes 34.

So the motion was agreed to; and accordingly (at six o'clock and forty minutes p. m.) the House adjourned till Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBERT: Memorial of the yearly meeting of Friends for the western shore of Maryland and adjacent parts of Pennsylvania and Virginia, held in Baltimore, in favor of settling national differences by arbitration instead of war, to the Committee on Foreign Affairs.

By Mr. ARMSTRONG: Memorial of the Legislative Assembly of the Territory of Dakota, for an appropriation to erect a prison, to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislative Assembly of the Territory of Dakota, for the establishment of a post-route from Yankton, via Jamesville, to Childstown, in Dakota Territory, to the Committee on the Post-Office and Post-Roads.

By Mr. BARRY: Papers relating to the claim of Allen White, to the Committee on Claims.

Also, the petition of J. H. Estes, for additional pay for carrying the mails in the State of Louisiana, to the Committee on Claims.

By Mr. CESSNA: The petition of citizens of Blair County, Pennsylvania, that Government guarantee the bonds of the Texas and Pacific Railroad Company, to the Committee on the Pacific Railroad.

By Mr. COBURN: The petition of the Indianapolis Academy of Medicine and other medical societies of Indiana, in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. COTTON: The petition of Mary D. Spackman, M. D., and Mary A. Parsons, M. D., of the District of Columbia, that the charter of the Medical Society of the District of Columbia be so amended as to allow all persons graduates from any regularly-chartered medical institution, to practice the profession legally, to the Committee on the District of Columbia.

By Mr. COX: The petition of William Kleingoelz, for a pension, to the Committee on Invalid Pensions.

By Mr. FOSTER: The petition of 400 citizens of Ohio, asking Congress to aid the construction of the Continental Railway, to the Committee on Railways and Canals.

By Mr. HAVENS: Papers relating to the claim of William M. Neece, of Marionville, Missouri, for the pay and allowances of a second lieutenant of cavalry, to the Committee on Military Affairs.

By Mr. HAWLEY, of Illinois: The petition of 500 citizens of Bureau County, Illinois, for the passage of the bill for the construction of the proposed canal from Hennepin to Rock Island, to the Committee on Railways and Canals.

Also, the petition of 300 citizens of Rock Island County, Illinois, of similar import, to the Committee on Railways and Canals.

By Mr. KELLEY: Petitions of citizens of Schuylkill County, Pennsylvania, for the restoration of the 10 per cent. duty taken off leading products in 1872, and for the passage of the currency bill of Hon. W. D. KELLEY, providing for the issue of 3.65 convertible bonds, to the Committee on Ways and Means.

By Mr. LEWIS: Petitions of citizens of the United States, for the refunding of the cotton tax paid in 1865, '66, '67, and '68, to the Committee on Ways and Means.

Also, the petition of sundry colored citizens of the South, praying that a Territory may be set apart where they may be safe from outrage and enjoy their civil and political rights, to the Committee on Freedmen's Affairs.

By Mr. NEAL: The petition of Jacob Weaver and others, for the passage of a law to equalize bounties, to the Committee on Military Affairs.

By Mr. O'NEILL: The petition of Greble Post, No. 10, Grand Army of the Republic, that seamen, firemen, coal-passers, and marines in service of the United States during the rebellion may receive a bounty of $8.33 per month for time of service, payable in money or land, to the Committee on Invalid Pensions.

By Mr. PACKARD: The petition of Enoch L. Folsom, for a pension, to the Committee on Invalid Pensions.

By Mr. SCOFIELD: The petition of A. C. Rhind, captain United States Navy, to be restored to his proper position on the list of captains in the United States Navy, to the Committee on Naval Affairs.

By Mr. STRAWBRIDGE: The petition of 13 medical societies of the State of Pennsylvania, representing over 600 members, asking increase of rank according to length of service for medical officers of the Army, to the Committee on Military Affairs.

By Mr. WELLS: The petition of the Match Manufacturers' Association, for repeal of the tax on matches, to the Committee on Ways and Means.

IN SENATE.

SATURDAY, *January*, 16, 1875.

Prayer by Rev. E. D. OWEN, D. D., of Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SCHURZ presented a petition of citizens of Saint Louis, Missouri, praying the passage of a law defining what shall constitute a gross of matches and providing for uniform packages thereof; which was referred to the Committee on Finance.

Mr. CLAYTON. I beg leave to present a memorial from 204 citizens of Arkansas who served as officers and soldiers in the Army of the Union. As the petition is short, I will read it:

We, the undersigned, Union soldiers in the late war of the rebellion, do hereby heartily indorse and approve the course of Lieutenant-General Sheridan in Louisiana. We are residents of Arkansas, and know the statements made by him concerning the condition of Union men and the terrorism existing in this State to be true in every particular; and that we, the men who served the cause of the Union, carry our lives in our hands to-day, as we have done for the past ten years. We ask the soldiers of the Union who live north of Mason and Dixon's line, irrespective of party, who love the Union cause and revere the Government they so freely offered their lives to save to stand by the cause of the Union, the Constitution, and the laws. With the same feelings and governed by the same motives we are to-day the devoted adherents of human liberty, law, and order as we were then. We denounce the statement made in the Little Rock Gazette of the 10th instant as infamously untrue as regards the sentiments of the Union soldiers of Arkansas.

I move that the petition lie on the table.

The motion was agreed to.

Mr. MORRILL, of Vermont. I ask leave to present the memorial of James Crutchett, Charles Rousseau, J. E. W. Thompson, John Carroll Brent, and numerous other property-holders of Washington, representing that the Baltimore and Ohio Railroad Company use and occupy the streets and obstruct the avenues on the north and northeast of the Capitol, and obstruct various streets: First street and Delaware avenue, from K street north to the foot of Capitol Hill; the crossing of Massachusetts avenue and North Capitol street; the occupancy of D street from Delaware to New Jersey avenue as a general freight depot for the loading and unloading of freight, cattle, hogs, and passengers in the streets on both sides, thereby stopping the filling and grading of said avenues and streets; also preventing the building of an improvement on any of the squares within this large and desirable portion of the city, and many other pretty strong circumstances against the Baltimore and Ohio Railroad. I move its reference to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. CAMERON presented a petition of 125 American merchants and seamen of the port of New York, a petition of 127 merchants and seamen of Norfolk, Virginia, and a petition of 31 seamen of Norfolk, Virginia, praying such legislation as will secure to the sailors and seamen the benefits and advantages of the marine hospital service; which was referred to the Committee on Commerce.

Mr. HITCHCOCK presented a petition of the Free Young Men's Benevolent Association of the District of Columbia, praying to be given authority to sell, in lots, abandoned cemetery grounds, square No. 272 of Washington, District of Columbia, the proceeds to be applied to the expense of providing and maintaining a new place of burial for the bodies removed from said square and for future interments in the new place of burial provided by the association; which was referred to the Committee on the District of Columbia.

Mr. PRATT presented the petition of William Royal, an invalid pensioner, praying to be rated in the second class; which was referred to the Committee on Pensions.

He also presented the petition of Joseph H. Kavanagh, an invalid pensioner, praying to be rated in the second class; which was referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN, it was

Ordered, That Abraham Palmer have leave to withdraw from the files his invalid-pension discharge.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Public Lands, to whom was referred the bill (S. No. 1083) granting the right of way for a railroad and telegraph line to the Puyallup Valley Coal Company, and for other purposes, reported it with amendments.

BILLS INTRODUCED.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1146) to authorize the issuance of a patent for a quarter section of land in the State of Michigan; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 565) for the relief of Peters and Reed, naval contractors at the Norfolk navy-yard in the year 1860;

A bill (H. R. No. 1317) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion;

A bill (H. R. No. 4202) to enable Mrs. Christiana L. Williams, administratrix of the estate of C. W. Williams, deceased, to make application to the Commissioner of Patents for an extension of letters-patent for improvements in canal locks and gates; and

A bill (H. R. No. 4335) authorizing John Hazletine to make application to the Commissioner of Patents for extension of his patent for a new and useful water-wheel.

The message also announced that the House had passed the bill (S. No. 439) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails.

BUSINESS OF THE MORNING HOUR.

Mr. ANTHONY. Mr. President, I ask leave to offer a resolution. It is intended to expedite the disposition of business and to prevent the consumption of time arising from a contest among different Senators as to what bill shall be taken up. If it should be the pleasure of the Senate to pass it to-day, we might commence immediately under the rule. Let the resolution be read for information, and I ask for its present consideration.

The Chief Clerk read the resolution, as follows:

Ordered, That during the remainder of this session, after the call for resolutions shall have passed, business on the Calendar shall during the morning hour be called for by committees in the order in which they stand on the list of committees, and so from day to day; but no committee shall have more than one day in succession.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. SAULSBURY. I wish to inquire if the intention is under that resolution to take up from the Calendar any bills the consideration of which may be objected to?

Mr. ANTHONY. The idea is that each of the committees in the order in which they stand on the list of committees, beginning with the Committee on Privileges and Elections and then the Committee on Foreign Relations, and so on, shall have the morning hour for one day to bring up whatever business the committee thinks most important.

Mr. BOREMAN. Whether the consideration be objected to or not?

Mr. ANTHONY. Under this resolution, bills would not be liable to be put over by a single objection.

Mr. SAULSBURY. If a bill is not completed during the morning hour, as a matter of course it would go over

Mr. ANTHONY. It does not infringe on the day after the morning hour. The right of the committee expires at one o'clock and the next day the next committee takes the morning hour.

Mr. MORRILL, of Maine. I suggest the propriety of amending the resolution so as to make the five-minute rule now applicable to a certain other class of business in the Senate apply to that. I move that amendment.

Mr. SHERMAN. The only objection to that is that the Committee on Foreign Relations, say, might bring up a very important bill and then we would be subject to the five-minute rule. I ask the Senator whether that might not be dangerous in cutting off debate?

Mr. ANTHONY. It is hardly possible that very important matters, unless they are matters unobjected to, can be disposed of in the morning hour. If the Committee on Foreign Relations should bring up an important matter that required debate, it would be impossible to consider it fully in the morning hour. Therefore the committee would not be likely to take that course, but would be likely to select from the Calendar that class of business which they thought could be easily disposed of in the morning hour.

Mr. SHERMAN. I have no objection to the rule as it stands proposed by the Senator from Rhode Island; but when it is proposed to ingraft on that the proposition of the Senator from Maine to make a five-minute rule upon every bill that might be reported during the morning hour, that goes too far, I think. I have no objection to the resolution as first proposed.

Mr. ANTHONY. I am indifferent about the five-minute part of it. I am rather inclined to it, although I did not propose it; for I have always observed that when we had a five-minute rule prevailing, if a Senator had anything to say that in his judgment ought to be said, he always had permission to go on. I have never known a five-minute rule to be abused.

Mr. MORRILL, of Maine. I am not strenuous about my amendment. It occurred to me that it was proper enough, as it was a class of business which we were to transact during the morning hour, and nobody would expect to get a bill through that was open to very lengthy debate.

Mr. EDMUNDS. My friend from Maine had better withdraw his amendment.

Mr. MORRILL, of Maine. Very well; I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn and the question is on agreeing to the resolution.

Mr. DAVIS. I understand the resolution refers to business on the Calendar. If that be so, I have no objection to it. I would ask the mover of the resolution if it is the intention to go to the Calendar each morning after the call for resolutions shall have passed?

Mr. ANTHONY. To go to the Calendar each morning, but to allow each committee, in the order in which the committees stand on the list of committees, to select such business as that committee may think is most important.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The VICE-PRESIDENT. If there be no further morning business, the Chair will call up the unfinished business of yesterday, being the resolution of the Senator from Missouri, [Mr. SCHURZ.] On that question the Senator from Delaware [Mr. SAULSBURY] is entitled to the floor.

Mr. ANTHONY. I suppose the unfinished business of yesterday comes up at one o'clock, does it not?

Mr. SHERMAN. I do not think that the new rule ought to commence to-day, because the committees are not prepared for it.

Mr. SARGENT. No; we had better go on with the unfinished business at once.

Mr. ANTHONY. If the Committee on Privileges and Elections are prepared, they might present their business now under the resolution.

Mr. MORTON. That committee is not prepared with anything this morning.

Mr. SHERMAN. None of the committees is prepared. As a matter of course, this resolution takes us all by surprise.

Mr. ANTHONY. Very well; I have no objection. Let the rule, by unanimous consent, not be enforced to-day.

The VICE-PRESIDENT. If there be no objection, the execution of the order will be postponed till Monday.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. SAULSBURY. Mr. President, when the remarks which I was submitting yesterday were interrupted by the motion for a recess, I was attempting to show that there was nothing in the information which we had in reference to the condition of affairs in the State of Louisiana on the morning of the 5th instant to have constituted the military interference with the Legislature of that State a question of a party character; and I was expressing my regret that a party turn had been given in this debate to the question presented to us by the resolution of the Senator from Missouri, or the resolution which preceded it offered by the Senator from Ohio. It is very probable that in attempting further to enforce this position I may repeat some of the views which I expressed yesterday.

The interference with the organization of the Legislature of Louisiana was an act of the military power of the Government, directed by William P. Kellogg. It was an act, so far as we had information on the subject, exclusively of the military authorities, which did not necessarily connect the President of the United States directly with it. The military commander at New Orleans was under no obligation to obey the order of Mr. Kellogg, unlawful in itself; he was not his commander-in-chief; and if the President of the United States had not given direction for this act, he could not be held responsible for the act. The fault of the President, if fault there be, was, according to the information which we now have, originally an indiscretion on his part in having placed the Federal troops at the disposal of Mr. Kellogg, claiming to be the governor of Louisiana. He became, however, indirectly responsible, by placing the military authorities of the country under the command of such a man.

As Commander-in-Chief of the Army of the United States, he ought to have known that such a delegation of his authority was wrong toward the Army and would be used to the prejudice and oppression of the people. I am inclined to believe, after reading the message of the President, that if he did not anticipate that such would be the use made of the soldiers in New Orleans by Kellogg, he was perfectly willing they should be so used if it became necessary to perpetuate the Kellogg usurpation and aid the republican party. But if this were not the case, his failure to condemn the military interference with the Legislature, and the excuse he makes for the acts of Kellogg, is an approval of the outrage, which commits him to it as fully as if it was perpetrated by his express orders and direction.

Had President Grant condemned the military raid on the Legislature and openly disavowed the act and punished the perpetrators, he would not have been held responsible to public opinion for anything except the indiscretion of placing the military commander at New Orleans in subordination to such a man as Kellogg. But his failure to disavow the crime and his extenuation of its guilt amounts to an approval and justification of the act. But, sir, even the complicity of the President with this great wrong, whether that complicity had been by express order directing its commission or by approval after the crime had been committed, or, if you please, by a failure to condemn it, would not of itself have implicated his whole party. While it is true as a general rule that the political party supporting the Administration is held responsible for the action of its President, still, I apprehend, if such action is of an exceptionable character, not such as could have been anticipated, his party does not become involved in his act until it is indorsed and approved by his party.

If I am right in these views, there was no reason of a party character which ought to have prevented the republican Senators from uniting cordially with us in disapproving of the military interference with the organization of the Legislature of the State of Louisiana; and when the resolution of the Senator from Ohio on this subject was introduced on the 5th instant republican Senators could with great propriety not only have united in calling upon the President for information, but also in denouncing the great wrong which has been done. Such a course on their part would have commanded the admiration of the country. It would have been a devotion to the Constitution and to republican institutions that would have met the approval of mankind and been regarded hereafter as an illustration of the attachment of the Senate to the great principles of republican liberty. Such a course might have caused republican Senators to have broken with the President; but I apprehend that it would have been more likely to have brought the President back to a proper respect for the Constitution, and instead of breaking with the President the result would have been to cause him to pause in his attacks and to restrain the attacks of his subordinates upon the constitutional liberties of the people of this country. The President is not so vain, I apprehend, as to suppose that he could, against the wishes of the republican members of the Senate, take his party with him and be sustained in any act which is an infringement of the rights of the States. Should he be so infatuated, he would find himself the leader of but a small faction of his party, the mere chief of a few camp-followers, who would adhere to him for the sake of the crumbs that fall from the rich man's table. He will, I apprehend, even with the adherence of republican Senators, find it very difficult to sustain himself in this act, because while the President may not be directly responsible for this military intervention in the halls of the Legislature of Louisiana, yet inasmuch as he had so disposed of a part of the Army that it could be used for that purpose and did not take precautions to provide against such a use of the military forces which he had placed under Mr. Kellogg, he became indirectly responsible. In speaking of this act, therefore, I speak of it as an act of the President because the President was the Commander-in-Chief of the military forces and the President alone had the right to dispose of those forces, and having disposed of them in a manner which caused them to do this injury to the people of Louisiana and of the whole country, the President, while he may not be directly, is indirectly responsible.

I repeat that even with the adherence of the republican members of the Senate the President will find it difficult to sustain himself in this act, because I do not believe that the great body of the republican party are so indifferent to their liberties, so indifferent to the continuance of republican government in this land, as to justify and approve and indorse military interference with the Legislature of Louisiana, notwithstanding republican members of the Senate may desire to carry their party in that direction.

The question, therefore, as it came to us on the 5th instant, was not a party question. It ought not to have been so considered. It was emphatically an American question, involving the very fundamental principles of American liberty, and it ought to have been so treated by the Senate. It is still such a question, rising far above party interests; and if I mistake not the murmuring of discontent throughout the land, it will be so considered by the people of the country. I regret exceedingly that there should have been any division of sentiment in this Chamber in reference to what I consider the greatest outrage of the times, the greatest public crime of the day.

I regret it the more because the division of opinion here, will be calculated to divide the opinion of the country to some extent. While I have no doubt that the general voice of the American people will be heard in condemnation of the wrong, yet I regret that there should be any division of public sentiment in reference to a crime of such magnitude against public liberty as that which has been perpetrated in New Orleans. This quasi indorsement of the action of the military authorities in invading the hall of the house of representatives of Louisiana, and expelling therefrom five members, at the point of the bayonet, will weaken, to a certain extent, the attachment of those who follow the lead of gentlemen who give it their indorsement to republican institutions, and prepare their minds to accept and approve of a centralization of power in this Government.

Upon the issue the two parties in the Senate are joined, the democratic party condemning, disapproving, denouncing in most emphatic terms this invasion of the rights of a sovereign State of this Union, while our republican friends, by their quasi indorsement of and failure to disapprove this great wrong, have placed themselves on the other side. The issue then is, whether republican government is to continue in this land, whether the reserved rights of the States are to be respected, or whether the executive department of the General Government shall at pleasure by military power control the organization and existence of State Legislatures. That is the question distinctly made. That we may properly understand this issue, let us look fairly at the facts as they are known to exist.

For two years there has existed over the people of Louisiana a government, not of their choice, but forced upon them and sustained over them by the power of the Federal Government. Against the existence of this government the people of Louisiana have protested in every possible way. They have appealed to the President, but have been repulsed with insult and denied a respectful hearing; and for the truth of that assertion I refer to the telegram of the Attorney-General, informing the committee of two hundred who were appointed by the democrats of New Orleans to come and see the President, in which telegram the Attorney-General told them that their visit would be useless; that they need not come; that the President had made up his mind, and the sooner they acquiesced in his determination the better. That was the substance of the telegram.

They have petitioned Congress for a redress of grievances, but their appeal has been unheeded. They have been left to the tender mercies of a rapacious and cruel government, sustained over them by the military power of the Government of the United States. They have been restive and dissatisfied under such a government, and would have been unworthy the name of men if they had been otherwise. I know that in this debate there have been intimations and declarations that they ought to have submitted; that they ought, in the language of Senators, to have surrendered to Mr. Kellogg. But, sir, I say here, standing in my place in the Senate of the United States, that if the people of Louisiana firmly believed that Mr. Kellogg's government was forced over them, that he was not their choice, that there was a premeditated determination to place the usurper over them and to trample out their liberties by Federal power, they would have been unworthy the name of men if they had not protested in every conceivable and possible form; if they had not been restive and dissatisfied and manifested that dissatisfaction in every possible and proper way.

I do not unite in the cry that these men of Louisiana ought to have tamely surrendered their liberties even at the dictation of the President of the United States. Why, sirs, if they had done so, they would have been far less worthy of freedom than our fathers who, at the command of King George and even at the dictates of the British Parliament, were not willing to be made slaves; and in uttering this sentiment that I am glad they would not tamely consent to be slaves, I but give expression to the noble sentiments of Pitt in the British Parliament, when he declared: "I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of the rest."

This was their condition when the election came off last fall. The people of Louisiana knew full well that a large majority of her suffering citizens were hostile to the Kellogg usurpation, and would vote, if an opportunity was offered, against its continuance over them; but they also knew that the whole machinery of the election was in the hands of Kellogg and his subordinates. They knew it would be impossible to procure a fair election. But there was no other chance to escape from the oppression, and they determined to try the ballot as the only remaining hope for them.

The election came off, was conducted very generally by the minions of Kellogg, and the result was better than the people had anticipated. The opposition to the usurpation elected a very decided majority of the Legislature, about twenty majority according to the count of the votes at the time; but Kellogg had arranged a returning board to suit his purposes. If he failed in the election, he was determined not to fail in counting out his opponents. Every one knows that the returning board manipulated the returns until they were enabled to count in a majority of one for the republican party in the house of representatives by refusing certificates to five democratic members who were elected and whose case they referred to the house after it should be convened.

These were the circumstances which preceded the meeting of the Legislature of Louisiana on the 4th of January. Let us look at what took place at that organization. We were informed by telegraph, and it is not denied, in fact it is admitted, I believe, in the dispatches of General Sheridan and in the message of the President of the United States, that the military forces of the United States were placed in and around the capitol of the State on the morning of the 4th; that they were placed under the control of Mr. Kellogg as their commander-in-chief; that no man was admitted into the hall of either house, especially of the house of representatives, without the permission of Mr. Kellogg; that the Federal forces were there to enforce his mandates and his decrees. Now what a picture for republican government. The State-house, in which the Legislature was to meet to transact business, prior to the assembling of the Legislature was taken possession of by Federal soldiers so that no man could enter that State-house except by the permission of their superior officer, Major-General Kellogg. These are the facts.

Now I ask Senators to look at that picture in this land which we call a land of liberty. I ask Senators, can any man under any state of circumstances excuse an act like that, where the members of a State Legislature are allowed to enter their halls for the purpose of legislating for the State only by the permission of Federal military power? That was the initiative step toward the organization of the Legislature on the morning of the 4th of January.

Then what occurred? By the very kind consideration of Mr. Kellogg the democratic members were permitted to take seats in the hall of the house of representatives. The hour of twelve o'clock came—the hour for organizing; the clerk of the last house of representatives was present and called the list, and immediately a motion was made by a member-elect of the house that Mr. Wiltz should be temporary chairman, and he put the question, and declared it carried, and Mr. Wiltz took his place as temporary speaker of that house. It is objected and brought in here as a justification, as an excuse, as a palliation for the military interference, that the clerk of the last house did not put the motion. This is a mere quibble. I do not know what has been customary in other States; but I had once the honor of being a member of the Legislature of my own State, and know full well how we organized. We did not even have a clerk to call any roll. The members met in the hall of the house, and some member-elect made a motion that Mr. A B be temporary speaker. The motion was put and carried. Somebody else made a motion that another member act as clerk, and then the names of the members-elect were handed in, and we proceeded to organize the house without the assistance of any officer of the preceding Legislature.

After Mr. Wiltz had become speaker the organization was completed; but before the permanent organization of the house was completed a resolution was passed admitting five gentlemen who were then present, who had been candidates for election, and whose cases had been referred to the house of representatives by the returning board, against whom there was not even a contest, no persons claiming the seats but themselves; and I am justified in saying that by a letter from Hon. Randall Gibson, a member of the next House of Representatives, addressed to Mr. BECK and published in the papers. He says:

> The five members admitted to their seats, after Wiltz had been elected temporary speaker and had sworn in all the members whose names were on the roll furnished by West, had not, it is true, been returned by the returning board, but they had been declared elected by the careful commissioners of election in their parishes. Their right to their seats was not contested. Nobody at any time disputed their right to their seats. The board took no action in the matter. It simply referred these parishes to the house of representatives, not as contested parishes nor disputed parishes. All the board could do under the infamous law creating it was to canvass and compile, to reject or admit certain members. They did not reject these members nor admit them; they declined to act. These five members were therefore in the house, and clearly entitled to their seats, which were not contested. They were not admitted till after all the members on the roll had been sworn in and qualified. Wiltz was elected permanent speaker by fifty-five votes, two having been cast for Hahn, and one blank, making fifty-eight present, or two more than a quorum.

It is objected that these gentlemen were not entitled to seats because they were not on the list, because the returning board had not declared them elected, but had referred the cases of the parishes which they represented to the house of representatives, and the right of these five gentlemen was to be passed upon by the house. In reference to the right of these five members to sit in that house, there was no person claiming their seats. After the temporary organization of the house after the members had been sworn in, these five gentlemen were properly admitted to seats by formal resolution of the house. They were sworn in and became members of the body.

After Mr. Wiltz had been sworn in by the judge, what did he do? He called upon members to stand up and be sworn in; and here let me say that every member of that house, whether democratic or republican stood up and was sworn in as a member. There was no failure to recognize Mr. Wiltz. He was recognized by the republican members of that house as speaker, and they accepted from him the oath of office. There was a perfect recognition of that house as organized by the republican members of the house themselves. They stood up and took the oath of office from Mr. Wiltz as the speaker of that house.

Mr. Wiltz, as speaker of that house, after the organization had been completed, after he had been elected by a quorum of the votes of the entire Legislature, conducted the proceedings of that body for two hours after the meeting, and a part of the republican members were present all the time. It was at the expiration of two hours subsequent to the meeting of the Legislature that the military commander entered that house to interfere with it.

But it is objected that he had been there before; that Mr. Wiltz, the speaker of that house, had called on General De Trobriand to speak to a disorderly crowd in the lobbies; and that is used as an argument to sustain Federal interference with the existence of a State Legislature.

Mr. SHERMAN. I suppose the honorable Senator wants the facts. I desire to introduce a statement made by three members of the House of Representatives on the very point. No republican was sworn in, and no member of the house had been sworn. Here is what they state in their report:

> Mr. Wiltz, as temporary chairman, administered the oath to the members *en masse*, amid the protest of the republican members.

Mr. BAYARD. Now, if the honorable Senator pleases, on the assumption of the temporary organization by Mr. Wiltz, he administered the oath, which was administered by their rising, to one hundred and two members, as I think. I have the authority of a respectable eye-witness to state that there were three members of the present House of Repsesentatives of the United States from Louisiana, Mr. MOREY and two others, and when Mr. Wiltz called on the members to stand up and be sworn in under the temporary organization, seven or eight of the colored members in the back part of the room did not rise, and that these republican members of the House of Representatives of the United States, being present, went to them and caused them to get up, so that the whole body was sworn in by what is termed their rising.

Mr. SHERMAN. On the contrary, I read the testimony of three members of the House of Representatives of the United States who were present.

Mr. BAYARD. I speak of members of the House of Representatives who were present also.

Mr. SAULSBURY. Mr. President——

Mr. SHERMAN. I simply wished to correct the statement of the Senator from Delaware.

Mr. SAULSBURY. I see from the preparations of the Senator from Ohio that he proposes to follow me at some time in this debate, and I should prefer, therefore, that any remarks he may have to make on this subject may be deferred until he occupies the floor. But I say to the Senator from Ohio that I will pay some respect and attention to the report of the sub-committee of the House of Representatives before I am through with my remarks, if the time permits.

I have spoken, Mr. President, of the manner in which the State-house was surrounded prior to the meeting of the Legislature, and I want to put in this further remark, that Mr. Kellogg, while he permitted the military force to admit the democratic members of that house to their seats, expected by the show of force, expected by the military array surrounding that house, to intimidate the members. He failed. And it was not until after that failure, after he found that the freemen of Louisiana elected to her Legislature were not to be intimidated by a show of force, by the appearance and glitter of military parade around them, that he came to the determination to order the dispersion of the house, as Cromwell ordered the dispersion of a British Parliament.

The President of the United States says that he knew nothing of this transaction until after it occurred, and I am willing to concede that this is true; but I have before said, by his having disposed of the military forces in a manner in which they might be so used, by his failure to condemn the act after it has been perpetrated, by his quasi indorsement of the act, by the excuse which he makes for it, he is committed to the act, and I think in the judgment of his countrymen he will not escape. If we may believe the telegram of the Secretary of War, it was so indorsed by the President, for he emphatically says "the President and all of us approve." But I am willing to take the statement of the President, that he did not know himself until the morning of the 5th that the act had been done; but he knew that the act was liable to be done, for he had so disposed of the military forces, had so placed them under an irresponsible agent that they might be so used; and the act of his subordinate, Mr. Kellogg, becomes his own act, and for that act he must be held responsible before the country, and for that act his party will be held responsible if they attempt to indorse and approve it.

This act of the military power of the Goverment, no matter by whose order, whether by the President or by General Emory or by Kellogg, we on this side of the Chamber unhesitatingly and most emphatically condemn and denounce. This invasion of the right of a sovereign State to be free from interference in her Legislature the President of the United States does not condemn but excuses and palliates. This attempt to make the military superior to the civil power republican Senators in this debate defend by excuses made for the act; and one Senator yesterday in argument—I refer to the Senator from New Jersey [Mr. FRELINGHUYSEN]—put in the plea of justification. While other Senators plead in confession and avoidance, the Senator from New Jersey put in the plea of justification.

What, then, is the issue presented? It is nothing less than this: Shall the right of the Legislature of a State of this Union to meet and organize and perform the functions pertaining to the law-making department of the State government be controlled by the military force of the Government of the United States? That is the issue. Those who defend the interference in Louisiana maintain the right of the Federal Army to invade the sanctity of legislative halls, to control their organization, to determine who shall and who shall not be members, and expel and drive out such members as are obnoxious to themselves or those under whose order they may at the time be acting. Never in the history of a free people was a question of more alarming import presented for their consideration. It strikes at the very foundation of liberty and menaces the existence of republican government in this land. In vain has a Constitution been written; in vain have the limitations of Federal power been inserted in that instrument; in vain have our boasts of free institutions, local self-government, State rights, and security as freemen been made, if we are the slaves of power and hold all our rights by the tenure of Executive pleasure; if the President, as Commander-in-Chief of the Army of the United States, either by his own order or by a delegation of his authority to another, may use the Army or any part of it to determine who shall constitute the members of a State Legislature.

Think, Senators, of the consequences involved in this issue. Under our system of government, most if not all our laws for the protection of life and property are made by the Legislatures of the States. State laws regulate all the domestic relations; all marital rights; the descent of property; the punishment of crime; in short, the duties, responsibility, and rights of the citizen. They regulate the administration of justice, and measure and distribute the burdens of government among the people. Nearly every right which we enjoy and every duty we are required to perform are determined and regulated by State laws. If the character of the Legislature of a State may be controlled by a military commander or by the President of the United States, or by any other person or number of persons whomsoever not responsible to the State, where is the security against oppression, where is the guarantee of right, the protection against wrong? I repeat, sir, never was so important a question presented to the American people. Involved in this question is the continuance of republican government in this land; involved in this question is the centralization of all power in the hands of the Federal Government; involved in this question is the right of every man to be free; because once concede that the General Government has absolute power and it may put the fetters upon us all; it may trample upon the rights and liberties of every citizen; it may become a depotism of the worst character.

This is a question which addresses itself not exclusively to the people of Louisiana. They are the immediate sufferers by this act; they perhaps feel it more keenly than any of the rest of us, because they are the eye-witnesses of the destruction of their liberties. But it is a question for the people of this whole country; it becomes an American question, a question that addresses all of us, the people of every State in this Union. Mr. Evarts said in his speech at the Cooper Institute the other evening:

> Well, now, I don't exactly like the form of argument addressed to citizens of the United States—as we all are—that we must not be unconcerned or careless about this action in Louisiana, for it may be repeated in New York. [Cries of "Never!" "Never!"] I don't like that form of argument to citizens. I tell you, fellow-citizens of the United States, that when it is done in one State it is done in all. [Applause.] The United States, it is our boast, in its frame of government, is vital in every part, and cannot be hurt in one part without injury to all.

That is not the language of a partisan. Mr. Evarts is a republican; he has sustained this Administration, I think, in acts that it ought not to have been sustained in; but when the great issue is presented to his broad mind, rising above the feeling of the partisan he gives expression to the patriotism that wells up in his heart; he looks to his country, its future destiny and the future happiness of its citizens, and he says in emphatic words that this is a question that is addressed to us all. I wish his example had imitators all over this country. I am inclined to believe that there are men everywhere in this land who will respond to the noble sentiment which I have read; but I regret exceedingly that that sentiment finds not a proper response on the other side of this Chamber.

Now, sir, what is our form of government? I heard yesterday from the Senator from New Jersey that we were a nation. I have no objection to the use of that term in a proper acceptation of it, but if by that term is meant to convey the idea that this is a government where all power is centralized in Washington, in the Congress of the United States and in the President of the United States and in the Supreme Court of the United States, then I repudiate the term. Our form of government is a federal form of government, dual in its character. We have a General Government of limited and delegated and enumerated powers. Every power which can be rightfully exercised by the General Government or any department of the General Government is enumerated in the Constitution of the country. Whenever it steps outside of that instrument, whenever it attempts to carry out or exercise any power which is not expressly delegated in the Constitution or such as is necessary to carry into effect the granted powers, it becomes a trespasser upon the rights of the States and upon the rights of the people.

Our fathers, when they made this Government, were jealous of central power. They had fought the battles of the Revolution against central power; they had won the freedom which we have inherited and heretofore enjoyed because of their resistance to the exercise of central power; and when they came to frame the Constitution, the States of this Union that were represented in the convention were careful to limit the powers which could be exercised by the General Government. They were not willing to trust even to the forms of constitution which obtained in some of the old countries, but they insisted on a written constitution, where every power which was granted should be expressed. When they consented to the formation of the Union, they gave to the General Government all the power that was necessary to carry out the objects for which it was created; but they put it in the written bond itself that they reserved to the States and the people every right that was not conceded to the General Government and not inhibited to the States, so that the residuum of power withheld from the Central Government belongs to the people of this country and to the States of this Union.

Therefore, when I heard yesterday from the Senator from New Jersey [Mr. FRELINGHUYSEN] that we are a nation—meaning, as I thought at the time, to convey the impression that as a government we might exercise almost unlimited power, I was alarmed at the sentiment that this Government was to become a centralized despotism, that the States of this Union were to be depleted of the rights which they had heretofore enjoyed, and that American citizens were to hold their rights and their liberties at congressional and executive pleasure.

Mr. President, under the form of government which our fathers created for us we have been a free and a happy people. Our Government is not yet one hundred years old; yet we have grown up from three millions of people to a population of over forty millions; the territory which was formed into States at the time of the adoption of the Constitution, lying as a little strip of land along the Atlantic coast, has extended its borders until it sweeps over distant hills, over prairies and mountains, and stretches to the far-off Pacific. Our land has until recently been the abode of a free and contented people, and such a bright example of prosperity, that multitudes from the old countries have come to our shores to share the blessings of liberty which we enjoy. Such has been our condition. We have been a free people; we have been a happy and contented people; and now, I ask, are we to give up this freedom, this happiness, this contentment that we have heretofore enjoyed? Are we to consent that our State governments shall be blotted out, that their powers shall be curtailed, that the rights of the States and the rights of the citizens shall be held exclusively at the pleasure of the President of the United States, or of Congress, or of the General Government in all its departments combined? or are we to look for protection to life and liberty to home laws under State institutions? Are we hereafter to depend not upon our own Legislatures but upon the laws that may be enacted in this Hall? If a President of the United States or the military power of the Government of the United States, whether at the dictation of the President as Commander-in-Chief or any subordinate of his, may enter the halls of the Legislature of a State and disperse at the point of the bayonet the men who constitute that Legislature, tell me not that you enjoy the rights of freemen. It is mockery and madness to suppose so. If that is to be the rule, why mock the people of this country with the form of home government? If that home government is to be controlled in all its branches by the Federal power, it is a sham, a delusion, and a cheat to hold out to the people the idea that they have home rule, that they have State governments, if those governments are to be controlled exclusively by military power at the dictation of the President of the United States or of anybody else.

I repudiate the idea that the rights of the States of this Union as they have heretofore existed cannot coexist with the rights of the General Government. There is no necessity for conflict between State rights and the proper exercise of the powers granted to the General Government. Each of them, if kept within its proper sphere—if the Federal Government is confined and restrained in its actions to the powers granted by the Constitution and exercises and attempts to exercise no other, there will be no conflict between State rights and the Federal power, but each of them will move on in its own proper orbit orderly and in harmony like the planets in the heavens. There will be no conflict, there will be no discord, but there will be perfect agreement, and the happiness that we have heretofore enjoyed will be continued and perpetuated and handed down to the latest ages of posterity. But, sir, there have always been in this country men who were in favor of what they called a strong central government. At the time the Constitution was formed there were honest men, patriots, noble men, who thought we ought to have a strong government. They had not tested the experiment of republican government with restricted federal authority. They had not tried it. They were fearful it would not work, and they honestly thought it was necessary to confer greater powers on the General Government in the formation of the Federal Constitution. They had seen the weakness of the Confederacy under the Articles of Confederation, and they thought it was necessary to confer upon the General Government greater powers than were contained in the Constitution. They were honest men, noble, high-minded, patriotic, able men as the country ever produced. But because there were men in that convention who had never tried the experiment of republican government, and who thought without the experience we have that it was necessary to confer on the Government greater powers than were contained in the Constitution, furnishes no argument for those who now seek to strengthen the General Government at the expense of the States.

After the men who were opposed to a strong Government had shaped the Constitution in the form in which they handed it down to us, this desire for a strong government still existed, and the men who entertained that desire sought to obtain by a construction of the provisions of the Constitution that which had failed to be incorporated in its provisions by the convention. But happily for the country a Marshall sat on the supreme bench. He had grown up with the Constitution. He had lived at the very time of its formation. He had taken counsel with the members of that convention and imbibed their spirit. He knew their purpose; he knew their intent and object; and he stood up in the interpretation of the Constitution for the purposes it contemplated, and gave to it such construction as was intended by the framers of the instrument. Sir, he was a great man, a great jurist, and especially upon what was intended to be embodied in the Constitution no man at his day or since, in my judgment, has understood the question as thoroughly as Marshall.

Thus we have been saved until the present time from central power. There have been inroads upon the rights of the States; there have been impingements upon the right of the citizen; but the broad question is now presented in a more alarming aspect than it was ever pre-

sented before. The question now is whether the General Government shall have the power to control the Legislatures of the States, to enter their halls and displace members elected to those bodies. That is the question now presented. It is a question of power sought to be exercised by the General Government, which will subvert our republican institutions if the people of this country do not condemn and oppose it.

But, Mr. President, I will pass on now to notice the excuses which have been made by our friends on the other side in this debate for this military usurpation. There has been, I believe, but one gentleman who has put in the plea of justification; but every Senator on the other side who has spoken has sought to excuse these acts and to draw off public attention from the enormity of the crime that has been perpetrated against public liberty by interposing excuses for the acts of the military commanders and for Mr. Kellogg and for the President. I propose to notice some of the excuses which have been made.

One excuse is the irregularity of the organization of the Louisiana Legislature. It is said that the organization was irregular, because the clerk of the last house did not organize the new house; that he did not submit and determine the vote upon every motion made during the organization; that he was not only the secretary to call the roll, but the president of the house to put the questions. Is not that puerile? Is not that one of the flimsiest pretexts ever offered in justification of a wrong? How could any lawyer go before a jury in a criminal prosecution and attempt to obtain a verdict of acquittal for his client by putting in a plea of so flimsy a character as that? No lawyer would undertake it.

But now, how inconsistent our republican friends are in these positions! They insist that it was absolutely necessary that the names should be on the list furnished by the secretary of state, and they insist that there was a statutory provision that the clerk of the last house should continue in office and call the roll, and, mark you, that provision, as I am informed, but I have not had time to look over the law of Louisiana, goes no further; it does not provide that he shall do anything more than call the list; it does not authorize him to preside at the organization or do any other act than call the list, as I am informed. I say how inconsistent are our republican friends, for this is not a novel question in this Senate. It has been here before. This provision in the law of Louisiana continuing the clerk of the last house in office is not a constitutional provision. If I am informed aright, it is but a statutory provision; it is a mere declaration on the part of a preceding Legislature that such shall be the case. A statute of the State of Louisiana simply continues the clerk, with power to call the roll furnished him by the secretary of state. There his duty ends; and I say that it was perfectly competent in Mr. Billieu to make the motion that Mr. Wiltz be speaker, and to put that question to the house himself. There was nothing in the statutes of the State to prohibit it; and yet our republican friends insist that there was irregularity in the organization of the Legislature of Louisiana sufficient to excuse military interference, because, forsooth, the clerk, after calling the list of members, did not put the question on Mr. Billieu's motion and decide himself whether it was carried or not.

Now, let us see the position of our friends on a former occasion. I repeat, this question is not a novel one here. It has been here before, and every member of the Senate has voted upon it. I refer now to the case from Alabama of Sykes *vs.* Spencer. The Senator from Alabama [Mr. SPENCER] will pardon me for alluding to a case in which he was personally interested. I do so because it will illustrate the inconsistency of republican Senators, and show what they thought of such a question only a short time ago.

In the State of Alabama the constitution provides that the lieutenant-governor shall preside in the organization of the senate; it provides that the speaker of the last house shall remain in office until his successor is elected and qualified. These are not mere statutory provisions, but constitutional provisions which a Legislature could not disregard with impunity. The provision of the Alabama constitution is:

> SEC. 6. The house of representatives, when assembled, shall choose a speaker and its other officers; and the senate shall choose a president, in the absence of the lieutenant-governor, and its other officers; each house shall judge of the qualifications, elections, and returns of its own members, but a contested election shall be determined in such manner as shall be directed by law. The president of the senate and the speaker of the house of representatives shall remain in office until their successors are elected and qualified.

That is the sixth section of article 4 of the constitution of Alabama. Now let us look at the facts. The facts are not disputed that in the Legislature which elected Mr. SPENCER, who was awarded a seat in this body at the last session of the Senate after a contest, the senate and the house of representatives did not meet at the place where the Legislature usually meets, at the State-house, provided by law; the lieutenant-governor did not preside in the organization of that senate; the speaker of the last house of representatives did not preside over the organization of the house of representatives that elected Mr. SPENCER; but these officers presided over the organization of another Legislature which meet at the State-house in Montgomery, composed of a majority of members in each house, having the certificates of election from the secretary of state, and which Legislature elected Mr. Sykes as a Senator from that State. When we urged these matters against the admission of Mr. SPENCER to a seat in this body that the legislative bodies who elected him were not legally constituted under the provisions of the constitution of Alabama, how were we met? That these were mere questions of form; that it made no difference if the Legislature that elected Mr. SPENCER, instead of going to the capital of the State, went to the United States court-room; that it made no difference if the lieutenant-governor was not present and did not help organize the senate of that State; that it made no difference if the speaker of the last house of representatives was not present. It was contended by our friends on the other side that these were all matters of form and not matters of substance. So they seated Mr. SPENCER against Mr. Sykes, who had been elected by a Legislature which had complied with every requirement of the constitution in the organization of the legislative bodies that elected him.

The positions of Senators sometimes come home to plague them. How are they going out before the country now to justify the military invasion of the rights of Louisiana and the dispersion of the Legislature? Can they justify it upon the bare, bald plea that the organization was irregular, because, forsooth, the clerk of the last house of representatives did not put the question when the motion was made to elect a speaker? How can they justify that invasion of the rights of a soverign State when they are confronted with their own acts in admitting to a seat on this floor a gentleman who was elected by a Legislature that met and organized in contravention of constitutional provision? So far as the Legislature of Louisiana is concerned, there is no constitutional provision in reference to the organization of the houses, except that it confers upon each house the right to judge of the elections, returns, and qualification of its members. It is a mere statutory provision in Louisiana; whereas in Alabama I repeat, it was a constitutional provision, which in the contested case to which I have referred was considered as a mere matter of form, wholly disregarded, and treated as a nullity.

But, Mr. President, suppose there was any irregularity in the organization of the house of representatives of Louisiana, I submit to the Senate is that a justification for the interference of the military power of the United States? What business has the United States to interfere with the organization of a house, whether it be regular or irregular? What right has the General Government to become the arbitrator in a question of that kind and to disperse a State Legislature, to determine its existence, simply because there may have been irregularities in the organization of the house? It is trifling with this grave subject to interpose such quibbles.

Mr. SARGENT. Will the Senator allow me to ask him a question?

Mr. SAULSBURY. Yes, sir.

Mr. SARGENT. Suppose it were an ascertained fact that domestic violence or insurrection had intrenched itself in one house of a Legislature, is there any sacredness in a State capitol or in the room where that assembly meets, where an illegal assembly is intrenching itself, that puts it beyond that provision of the Constitution of the United States which requires the General Government to protect a State against domestic violence?

Mr. SAULSBURY. If there is domestic violence anywhere which the State authorities are impotent to overcome, and if the Legislature be in session and calls upon the President under section 4 of article 4 of the Constitution, he has a right then to interpose, or in the absence of the legislative department of the government and it cannot be convened, if there is domestic violence in the State such as the State authorities cannot control, then the governor may call on the President, who may then interfere. I admit that is in the Constitution. I would be glad if my friends on the other side of this question would look carefully to the Constitution for its limitations upon Federal power as well as for modes by which to evade those limitations. Was there any such domestic violence on the 4th of January in the house as to warrant an interference of the military power? Is it sought to be placed on that ground? What says General Sheridan in his dispatch? That the Legislature peacefully assembled. I have not time to refer to his dispatches; they are contained here in the papers accompanying the President's message. There is no pretense that there was such domestic violence as is contemplated in the Constitution for an interference by the General Government. On the contrary, the only manifestation of turbulence at all was in the galleries, and a simple word hushed them into silence. Was that a state of insurrection, of domestic violence?

Mr. SARGENT. A word of whom?

Mr. SAULSBURY. A word of General De Trobriand.

Mr. SARGENT. I do not like to interrupt my friend, but I wish to ask him a question.

Mr. SAULSBURY. Certainly.

Mr. SARGENT. I wish to ask the Senator if he thinks that the word that was spoken by General De Trobriand was asked for simply because he was standing there a single individual, or because his word was enforced by the whole Army and Navy and the constitutional power of the United States in the view of those who invoked him?

Mr. SAULSBURY. I will say to my honorable friend that I am not a discerner of the thoughts and intents of the heart of any man. I cannot tell what the motive was. It might have been respect for a military commander; it might have been because they were fearful that the military power of this Government, as they had seen and felt its oppressions before, might be brought in upon them; but the fact is that a simple word of General De Trobriand did produce quiet in the lobbies. And yet we are asked to believe that there was domestic violence which justified Federal intervention!

What will the people of this country say when the Senator from California goes out to justify this military invasion of a sovereign State upon the plea of domestic violence, and when he gets up and tells them there was trouble in the gallery, and that a single word of a military chieftain hushed them into silence? The people of this great country will laugh at such an argument. I am sure it will never have the effect that it may be designed to have. I repeat again, if there were irregularities in the organization of the Legislature of Louisiana, what right had the General Government to interfere? What right had General De Trobriand to march in a file of soldiers and with fixed bayonets drive from that Legislature the five men who were there as members of that Legislature, who had been sworn in as members of that Legislature, and who, by the admission of all parties, were rightful claimants to seats in that body? I want this question to be understood, and I think the people of this country will understand it, and that no sophistry, no evasion of the real question, will divert the public mind from the real issue involved in this case. That is one of the instances where there was irregularity in the organization of the Legislature. But then, says another Senator in excuse, in palliation, or in justification of this act, there was an attempt to overthrow the Kellogg government. Upon what is that based? The members of the Louisiana Legislature met peacefully and quietly, according to General Sheridan. They had a right to meet; nobody questions that. How do Senators find out that they were going to overthrow the Kellogg government? There is no question that Kellogg knew his acts had been acts of usurpation; he knew that he deserved impeachment if there was a democratic Legislature to do it. He feared that such might be the case, and there is the secret of the whole concern. If there had been no apprehension on the part of the President of the United States that his pet governor would be turned out; if there had been no apprehension on the part of Mr. Kellogg that he would be impeached and put out of his office, then there would have been no military intervention in all probability. It is said that it was in contemplation to overthrow the Kellogg government when there had not been an attempt on the part of this Legislature to do any unlawful act. They were peacefully assembled, says General Sheridan. But, say Senators, they intended to overthrow the Kellogg government; and that is their excuse for this military interference. If the governor was liable to impeachment, is there any objection to that? Did not you as a Senate try the President of the United States a few years ago on articles of impeachment regularly preferred? Is it not one of the functions of a legislative body to prefer articles of impeachment against public officers high or low, and if found guilty to turn them out? Suppose then their object was to impeach and turn Kellogg out, does that excuse this military interference? But, says another Senator, they intended to do it by violence. Where is the proof of that? There is no proof whatever. There is no evidence before us even that Kellogg would have been impeached. But I express it as my opinion that he ought to be impeached if there was a Legislature to do it, and I have no doubt the gentlemen who constituted the Legislature of Louisiana and were driven from the hall of the house had the nerve to do their duty. For that reason I suppose, if they had had the requisite majority in the Legislature, knowing all the great crimes of William Pitt Kellogg, they would have impeached him and turned him out of office; but there is not a particle of evidence that they intended to turn him out by revolutionary means—by violence, by force. Gentlemen draw on their imaginations. Because there had been an overthrow of this government on the 14th of September, they infer from that that it was the intention of this Legislature to use violence against Kellogg.

I do not desire to take up too much of the time of the Senate, but I desire to say in reference to the President of the United States that I am pleased with the tone of his message. While I believe the President of the United States, by not rebuking this act of usurpation of the military power, by placing the military power of the country in the hands and under the control of William Pitt Kellogg, and by the quasi approval and indorsement which he gives to it in refusing to denounce it in fitting terms, and by his failure to punish the men who did it and to remove them from that field, is indirectly responsible, yet I am willing to accept the President's message as a disclaimer of any knowledge that this thing was to be done. I believe the President stated what is true, that he had no knowledge of what was done before the morning of the 5th instant, and I admit that he should not be held responsible for a direct order commanding this thing to be done, but is simply responsible for making it possible and likely to take place by placing the soldiers under Kellogg without proper orders to prevent it. But I say very frankly I am pleased with the tone of the President's message. I am pleased with it because it is free from a defiant spirit to the Senate and the country. The President has heard the murmurings of discontent, and apparently yields to the protests of his countrymen. We had been given to understand that he was to assume the responsibility. The telegram of the Secretary of War to General Sheridan said that "the President and all of us approve your acts," and Sheridan assumed the responsibility for the action of the military authorities at New Orleans. We had been given to understand by rumor that there was a defiant tone in the President's message, and I am glad that when it came here it came in a respectful tone, becoming the President of the United States. Sir, he had heard the murmurs of discontent in this land, and I am glad the "man of iron," as he is sometimes called, quailed before the gathering storm. I am willing to do justice to the President; I am not disposed to do him injustice. I know not what are the reasons of the subdued tone of his message; I do not know whether the rumor that it was modified to prevent a breach in the Cabinet is true or not; but I am willing to say, to the honor of the President, that he spoke in his message in proper and respectful terms, and in a proper and respectful spirit, such as becomes the leader of a great people.

But I have a right to deal with the facts which the President brings before the country as an excuse and justification of the Kellogg usurpation and the military interference which have taken place in New Orleans. He brings before us the fact of the installation of Kellogg and the hostility to his government, and we have a right to deal with that question. Let us look at that matter for a moment. How was Kellogg installed? It is as familiar to the Senate as household words. We have had a committee, the Committee on Privileges and Elections, who have dealt with that question, and I have here the report before me. I know what that committee says; every Senator here knows what it says. The committee said emphatically that Kellogg was not elected. Even the Senator from Indiana, [Mr. MORTON,] in his minority report as chairman of that committee, did not claim that Kellogg had been elected. The Senator from Wisconsin, [Mr. CARPENTER,] the Senator from Illinois, [Mr. LOGAN,] the Senator from Rhode Island, now in his seat, [Mr. ANTHONY,] and other Senators on that committee expressly declared in their report that Kellogg was not elected. I need not read it. I will, however, read a paragraph:

> Your committee are, therefore, led to the conclusion that if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State. Considering all the facts established before your committee, there seems no escape from the alternative that the McEnery government must be recognized by Congress, or Congress must provide for a re-election.

That committee was emphatic that it would never do to continue this man Kellogg, who had been installed in office under the decree of a Federal judge by Federal bayonets, for he was not elected. The returns before them demonstrated that fact, and that committee, though every man of them a republican, spoke out as honest men and said that this man Kellogg had not been elected and that the party acting with him was not elected. That is the fact. Now, how did he get into office? He was not elected to the office. Then how did he get there? Judge Durell, at the hour of midnight, in his own chamber, without a case before him, entered a bald decree, directing the marshal to take possession of the capitol of the State, and Federal bayonets enforced the decree. That is how Mr. Kellogg became Governor; that is how he became, I had liked to have said, the tyrant over Louisiana. How came this decree to be enforced by bayonets? That decree was made on the night of the 5th of December, 1872. How came the Federal forces there to enforce his decree? Telegrams from Attorney-General Williams had directed on the 3d of December that the mandates of the Federal court should be enforced. I am not here to charge the President of the United States with any complicity with Durell or that the Attorney-General was in complicity with Durell, but I do say that it is a very striking fact that on the 3d a telegram was sent to the military authorities to enforce the decrees of the Federal court and on the 6th a decree was enforced at the hour of two o'clock in the morning by Federal bayonets which took possession of the State-house in Louisiana and installed Kellogg and his government, excluding the legally-elected Legislature of the State. These are facts drawn from the report of the committee itself. I need not read them in detail.

I desire, however, Mr. President, to call your attention to another fact. The President of the United States portrays the deplorable condition of Louisiana, the restiveness of the people of Louisiana, the dissatisfaction at the Kellogg government. He tells you of the horrible condition of things which rumor says exists there, for the President cannot have any more information about it personally than I have. He derives his information from reports made to him, and the world is filled with reports. He tells you from these rumors or these reports that are made to him and the Department of Justice that there is bloodshed, murder, violence, and intimidation in that State, that the people are turbulent and restive. The Senator from Louisiana the other day depicted in glowing terms the material disadvantages of the people; that they were poor; that their levees were broken down; that commerce had fled from the wharves and streets of the cities of Louisiana, and he even intimated that the Treasury of the United States would have to be opened to feed, year after year, the people of that State under this *régime* of Kellogg. That is the beautiful picture that is exhibited both by the President and the Senator from Louisiana. Why, let me ask, does that state of things exist? That was not the state of things a few years ago, even under the corrupt administration of Warmoth there. I remember well after Senator Blair had arraigned Governor Warmoth, the Senator from Louisiana came in next morning with a written speech, a eulogy upon that man, and said that he had brought order out of chaos and that tranquillity and peace and prosperity were the result of his administration; and he paid a glowing tribute to the administrative abilities of Governor Warmoth.

And yet in two short years the Senator from Louisiana tells us that his people are poor, that their taxes are heavy, that they are unable

to pay them, that their levees are going down, and that they will have to be fed out of the public Treasury. Why is this? Why this discontent, this restiveness, this poverty, this wretchedness in Louisiana? I will tell you, sir. You forced over the people of that State a government not of their choice. You forced over the people of Louisiana a usurping government that is eating out their substance, depriving them of their liberties, and they are restive, and I am glad they are restive and dissatisfied. I should be sorry to see the day come when the people of any State in this Union would tamely submit to be ruled by a government not of their choice but a government placed over them by the decrees of a Federal judge enforced by Federal bayonets. I do not want my republican friends to suppose that I am in favor of bloodshed and riot and murder, and all that. I am a man of peace; my conscience as well as my hands are unstained by human gore; but I want to see the freemen of this country restive and demanding their just rights, and I want to see in the White House and in the Senate of the United States a respect for their just rights and a disposition to restore them to the liberties of which they have been robbed.

Senators, this dissatisfaction on the part of the people of Louisiana would not have been the case if you had not displaced Mr. McEnery, the lawfully elected governor of Louisiana, and the Legislature elected with him; if you had not driven them out, denied them admission to the capitol of their own State, but permitted the government of their choice to be established over the people of Louisiana. I do not draw on fancy for that sketch; I look at what is said by your own committee:

> It is the opinion of your committee, that but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board, and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people—

Ah, sir, there would have been none of this restiveness, none of this dissatisfaction, according to the judgment of a republican committee of this Senate, composed of able lawyers, if the McEnery government had been permitted to go into operation; it would have been acquiesced in. Why? Because the conviction would have rested upon the minds of the people of Louisiana that that was the rightful government; and they would submit to-day, as the people of this country will always submit, to a government of their own choice; but they have not tamely submitted to Kellogg, and they ought never to submit tamely to a government which is not of their own choice.

But this is not all. Mark what the committee say further:

> And that government would have entered quietly upon the exercise of the sovereign power of the State.

That is what the committee of this body say, that the McEnery government would have been acquiesced in by the people and would have entered quietly upon the exercise of the sovereign power of the State.

But, say Senators on the other side, and it is repeated in the message of the President of the United States, but for fraud Kellogg would have been elected. They do not say he was elected, but that except for frauds committed he would have been. That is mere opinion, and I oppose to that position the opinion of Judge Trumbull, who made a report as a member of your committee. He said there were no such frauds as had been alleged and that there had been no such frauds as could invalidate and render void an election. But I have not time to cite his report; I only refer to it. But I ask, suppose there were frauds in a State election, what right had the Federal Government to interpose? Suppose there had been frauds in the State of Maryland, what right would the President of the United States, with the military power of the United States, or Congress, or any other Department of the Government of the United States have to interpose to settle the question of fraud in the State of Maryland or the State of Louisiana or any other State? None whatsoever.

How do they arrive at this question of fraud? The committee say they believed it. How did they arrive at it? Because it was generally conceded, as the report says, that Warmoth's defection from the republican party, from the support of General Grant, and his adhesion to Mr. Greeley amounted to twenty thousand votes. Why? Warmoth had been their governor, they knew his political machinations as a republican, and they inferred that he would play the same game against them that he had played for them; but there is no proof except some vague rumors and manufactured affidavits. There was no legal proof which the committee could get hold of. I have no doubt the committee believed what they said, that there were frauds; but I repeat, if there were frauds it was not a question for Congress or a question for the President or even for a Federal court to interfere with. It was a question belonging exclusively to the State.

But in this report it is admitted that Kellogg's government was set up by Federal interference. That is admitted. It has been kept in existence since by Federal interference. Those facts are admitted in this report. They are impliedly admitted in the President's message. I want to direct attention to the Durell order, which was the basis of the Kellogg government. The committee say that it was indefensible in every point of view. I will not now read the strong, emphatic language of the committee, but I will read the language of the Senator from Indiana [Mr. MORTON] on that point, for he too, I am glad to say, condemned the action of Judge Durell. Said that Senator:

> The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim. The only authority he had in the matter grew out of the act of Congress of 1870 to enforce the fifteenth amendment, and the act amendatory of that passed in 1871, which gave to the courts of the United States jurisdiction in all cases in law and equity arising under the former act.

There is the condemnation of the Senator from Indiana, and I apprehend that there is not a republican Senator on this floor who will undertake to defend the order or action of Judge Durell. The fact is the country has condemned it; the republican party has condemned it. For fear of impeachment in the house of his friends, he has resigned his commission and taken shelter in obscurity. The whole country condemns the action of Judge Durell, and I have no doubt it is condemned by his whole party. Now, I ask, how can the President of the United States be excused in maintaining a usurpation set up by Durell's order while you condemn Durell and condemn the order?

Mr. President, I do not desire to trespass much longer on the attention of the Senate, and I therefore shall pass several topics upon which I had proposed to speak to the Senate; but there are some other matters to which I must refer.

Another excuse assigned in justification of the military interference or as an excuse therefor is an alleged purpose to overthrow the republican party in the South by bloodshed and murder and intimidation. That has been the refrain from the other side of this Chamber in this whole debate, that there was violence, murder, intimidation throughout the Southern States and particularly in Louisiana, the purpose of which has been to get control of those States and prevent them voting for a republican candidate in 1876. It has been alleged in debate that there was such a purpose existing in those States, to justify or to excuse or palliate this invasion of the sovereign rights of a State. Military dispersion of a State Legislature is justified or excused on the assumed ground that a purpose exists somewhere among white-leaguers or somebody else, by intimidation, by murder, by bloodshed, to carry out the object of overthrowing the republican party in those States. Sir, that has been the burden of the speeches made on the other side of this Chamber. I find in the RECORD of this morning a speech which occupied nearly two days in delivery, and for the first time in the history of the Government I find a cartoon displayed in the public record of the debates of this body, a bloody-head and rawbones cartoon. For the first time, I am told, in the history of this Government has that taken place. Now, we had better send for a Matt Morgan or a Nast. If we must have cartoons in the record of the debates of Congress, let us have them by master hands. I refer to it now to show the burden of the speeches which have been made by gentlemen of the republican party. They are filled with cries of bloodshed, and murder, and intimidation, and assassination, the object being, I suppose, to perpetuate their power by drawing upon the fears of the people of this country. It will not have that effect, nor will this display of the rawhead and bloody-bones in the CONGRESSIONAL RECORD, in the speech of the Senator from Illinois, have the effect to alarm the people of this country and prevent them from voting the democratic ticket.

I do not now refer to the speech of the Senator from Illinois for the purpose of attempting to answer his arguments. The arguments of that Senator could have been answered in a very few words. The speech is not an argument, it is rough denunciation of the democratic party, nothing else, the exhibition of rawheads and bloody-bones; and that emblem is a fitting motto for the speech in which it is incorporated. I would say if the speeches which we have heard from the republican side of the Senate during this debate are the type of the speeches that are to be rung out in the next presidential campaign, the party to which the Senator from Illinois belongs will deserve the name of "the party of rawhead and bloody-bones." I have no doubt that the Senator from Illinois, in his canvass last fall through the State of Illinois, did dwell upon these topics, and that his speech here is a *résumé* and rehash of the arguments which he made before the people of his State. Such arguments did not have a very potent influence there, as appears from the returns of the election in that State. Republican Senators raise the cry that there is to be bloodshed, there is to be murder by White Leagues or somebody else, that makes it necessary for the Federal forces to interfere with and overthrow the existence of a State Legislature. The conclusion to be drawn from the arguments which have been addressed to this subject by the republican side of this Chamber is that this plea is to be put in to excuse military interference and to be the character of their speeches in the next presidential canvass.

I am fearful that there is another meaning to this cry of bloodshed and murder; that it is not simply to be confined to carrying an election. I have heard it rumored—I will not say it is true—that a design exists of remanding certain States of this Union back to the condition in which they were before they were restored to representation in these Halls, and that this cry of murder and of bloodshed, this exhibition of rawheads and bloody-bones, is to prepare the public mind of this country for taking military possession of Louisiana, Arkansas, Mississippi, Alabama, and other States—how far it extends rumor does not say—and remitting these States back, in order that they may not cast their votes in the next presidential election against the republican party. I do not say that this is the object of this cry of blood and murder in this Chamber, but common rumor has given out that such things were in contemplation; and, if so, it is a natural inference that one of the objects proposed in this discussion of this grave question, by appeals to the fears of the timid, is to pre-

pare the public mind for acquiescence in the proposed design. And there are significant facts to which I wish to draw the attention of the Senate in the instructions to General Sheridan. I will now read the dispatch which directed him to go into the Southern States on a tour of observation. There are some very significant expressions in that dispatch of Secretary Belknap, by direction of the President of the United States, to General Sheridan. Here is the dispatch:

[Confidential.]

WAR DEPARTMENT,
Washington City, December 2, 1874.

GENERAL: The President sent for me this morning, and desires me to say to you that he wishes you to visit the States of Louisiana and Mississippi, and especially New Orleans, in Louisiana, and Vicksburgh and Jackson, in Mississippi, and ascertain for yourself, and for his information, the general condition of matters in those localities. You need not confine your visit to the States of Louisiana and Mississippi, and may extend your trip to other States—Alabama, &c.—if you see proper; nor need you confine your visit in the States of Louisiana and Mississippi to the places named. What the President desires is to ascertain the true condition of affairs, and to receive such suggestions from you as you may deem advisable and judicious.

Inclosed herewith is an order authorizing you to assume command of the Military Division of the South, or of any portion of that division, should you see proper to do so. It may be possible that circumstances may arise which would render this a proper course to pursue. You can, if you desire it, see General McDowell in Louisville, and make known to him confidentially the object of your trip; but this is not required of you. Communication with him by you is left entirely to your own judgment.

Of course you can take with you such gentlemen of your staff as you wish, and it is best that the trip should appear to be one as much of pleasure as of business, for the fact of your mere presence in the localities referred to will have, it is presumed, a beneficial effect.

The President thinks, and so do I, that a trip South might be agreeable to you, and that you might be able to obtain a good deal of information on the subject about which we desire to learn. You can make your return by Washington and make a verbal report, and also inform me from time to time of your views and conclusions.

Yours, truly, &c.,

WM. W. BELKNAP,
Secretary of War.

General P. H. SHERIDAN,
Chicago, Illinois.

There are some significant expressions in that dispatch. Where was General Sheridan? He was up North; I believe at Chicago. Why select General Sheridan? Why pass by General McDowell, already commander of that department? Why not communicate with General Sherman in reference to this matter? I think the telegram of General Sherman, subsequent to this order, shows that he was not consulted, and had no connection with the sending Sheridan South. Why should General Sheridan be sent to Louisiana, to Mississippi, to Alabama, and to other Southern States? I speak of these facts in connection with this rumor of a contemplated movement to take military possession of those States to prevent their voting the democratic ticket in 1876. I do not assert that that is true; I only assert that common rumor says that; and when I think of the rumors I find in this dispatch and in the subsequent action of General Sheridan, what would seem to sustain the suspicion that there was a purpose to be accomplished.

But, Mr. President, an excuse has been made for this wrong to the people of Louisiana that the South has been rebellious in spirit; that the South has not been quiet. There never was a more patient, suffering community in the world. They have been oppressed as no people ought to have been oppressed, and they have submitted as no people ought to have been compelled to submit to hardships that ought not to have been placed upon them. I think they have been exceedingly patient—entirely too patient under all the oppressions that have been heaped upon them.

I do not propose to discuss this question longer. If I could say a word to my republican friends on the other side that would induce them to unite with us in opposing this measure of usurpation in Louisiana and in bringing back the Administration to what it ought to be—one respecting the just rights of the States of the Union—I would say to them to go to their President. They have influence with him; they bask in his smiles; they enjoy his confidence. Go to the President and tell him to pause; tell him not to trench upon the reserved rights of the States or upon the liberties of the people; tell him to banish all idea of a re-election; to dream not of an empire founded upon the ruins of a republic. Hold up before him the Constitution of his country, and bid him read that all the powers not delegated to the General Government, and not prohibited to the States, are reserved to the States and to the people. If Senators will do this, and can induce the President and his party to pause in their assaults upon the rights of the States and the liberties of the citizen, this Republic may still live and prosper, republican institutions may yet continue in this country, and from foreign climes may continue to come to our shores the oppressed and down-trodden of other lands. Even our broad expanse of public domain may, in the ages to come, be filled with the homes of a people happy and contented, and from hill-top and vale, from prairie and mountain-side, may go up the pæans of gladness, the songs of a free, prosperous, and happy people. But if the strides of Federal power are not staid, if the Constitution of the country is disregarded, then the rights of the States will ultimately be absorbed by the General Government, which will end in central despotism, and the path from the republic to an empire will be strewn with the wrecks of human hopes, and the last expectation, perhaps the last desire of the world for republican institutions, will have disappeared.

Mr. CLAYTON. Mr. President, I am glad that the attention of this Senate, and more especially of the people of this country, is at last being directed to the investigation and consideration of the deplorable and disgraceful condition of affairs existing in some of the States of this Union. While I had thought that such bloody events as those which transpired at Colfax, at Coushatta, and at New Orleans, in the State of Louisiana; at Trenton, in the State of Tennessee; and at Vicksburgh, in the State of Mississippi, ought to have called public attention to this question sooner, yet I am glad that at last that attention has been arrested.

And I am glad, too, that the event which seems more than all others combined to have arrested this public attention was one which was not marked with bloodshed, but one which grew out as I believe of a sincere desire on the part of the officers of this country to maintain the public peace. I hope that the attention of the Congress of the United States, at the expense of all other business, will continue to be directed to the investigation of this question until the facts are gathered from all the dark places of the South and held up to the public gaze.

I hope that the people of this country, the whole people, will make one earnest, persistent, unremitting effort to bring to light the naked truth which now lies covered up in the South, and almost smothered by all the devices which human ingenuity in the interest of crime can heap upon it. I hope the people will get at the facts, then calmly deliberate on the situation before they render a verdict which must, for good or evil, so vitally affect the welfare of this country.

That there is wide-spread disorder and violence in the South, I think few will deny. That law and order ought to reign supreme where disorder and violence now usurp control, I think every fair-minded man will admit. No matter how much we may disagree as to the doings and sayings of our Chief Magistrate, to one expression I think we can all say "Amen," and that is, "Let us have peace." Unfortunately, even here in this Chamber we cannot agree as to what constitutes peace; how it should be brought about and maintained.

Our democratic friends say that where they have the power in the South peace already exists. While I shall take occasion to controvert that proposition, I say that if that be peace indeed, then I can see how it may be secured there. Let the republican party of the South disband its organization and surrender unconditionally into the hands of the democracy the exercise of all political power; let the republican leaders, especially those who were born in the North, get beyond Mason and Dixon's line at whatever sacrifice, or put padlocks upon their mouths and smother in their bosoms those sentiments for which so many of them fought and so many others bled; let the colored citizen of the South remain in the fields and workshop upon election day and leave our democratic friends the privilege of representing him, not a three-fifth representation but a full representation; let none but white men sit in the jury-boxes, and none but white children have the advantage of the public schools—let these things be done and some others that I might name, and then you would have in the South what our democratic friends here would term "profound peace!" But in my opinion it would not be that peace which the Scripture tells us "passeth all understanding," but rather akin to that which reigns in a man's house at night, when he awakes to find the burglar's pistol at his head and the injunction in his ears to remain perfectly quiet and not disturb himself. In that case there would be no noise, no confusion; the neighbors would not be disturbed, no one would be hurt, perhaps, though a little transfer of property might take place. It would be that kind of peace which existed in the South before a majority of the people of this Union in the manner laid down by law and the Constitution deposited in the ballot-boxes their votes for Abraham Lincoln and not for John C. Breckinridge. Louis Napoleon by force and violence overthrew the republic of France which he was sworn to protect, and in its stead he erected an empire. He called that peace; but subsequent events have shown that it was not peace but war, bloody, cruel war, civil as well as foreign. In my opinion the peace that these gentlemen propose to establish in the South would be very much of the same character. Are the people of this country prepared to purchase such a peace at such a price? I hope not. If they are, I, for one, am prepared to say that that peace which reigned when George III ruled this country had better never have been disturbed.

So far from assenting to the proposition that peace is the result of democratic rule, I must take the very opposite. I assert, with the light of history before my eyes, that the democratic party in the South is a party of disorder, intolerance, and violence. I need not go so far back as to call your attention to the time—I think it has already been done by the Senator from Illinois, [Mr. LOGAN]—when under a democratic administration, at the dictation of the democracy of the South, an attempt was made to fasten slavery upon the unwilling people of Kansas. Need I call your attention to the time when the democracy, having failed to poll the required number of votes to elect their candidate for the Presidency, plunged this nation into one of the most gigantic civil wars known to modern times, the evil effects of which are being felt all over this nation to-day, and are the very causes of the condition of affairs in Louisiana which we are this moment considering?

It is not altogether the thing nowadays, I believe, to refer to that portion of the history of our country included between the firing on

Sumter and the surrender at Appomattox. I shall therefore pass over that; but I desire to call your attention to a later period. Do you not remember, sir, after the belligerents of both sides had disbanded, how the democracy of the South, with the blood of the rebellion scarcely dry upon their garments, demanded of this nation that the reins of Government should be immediately placed in their hands, and that they should be allowed to fix the status of the late slaves without interference on the part of the Federal Government? When you call to mind their black codes, their labor and vagrant laws, how they resisted in every way any attempt not alone to give the colored man the ballot, but to even allow him to testify in the courts—when you call these things to mind, you may well imagine, Mr. President, what that status would have been. But they failed in this. Then what followed? It must be fresh in the minds of all that in many of the Southern States a secret organization, perhaps the most bloody and damnable ever known in any civilized country, sprang into existence. You remember how difficult it was to call the attention of the people of this nation to that organization. You remember that during two years, by reason of secrecy, of perjury, and all the appliances of organized crime, this organization ran over the liberties of some of the States of this Union, leaving blood in its pathway wherever it went; and yet the people of this country could not be made to believe that it was more than a myth, a phantom conjured up by radical brains to carry elections by. We were told then that we were engaging in "the outrage business"—not perhaps in that language, but that was the meaning of it. I think perhaps when two more years have rolled away we may convince a too incredulous people that what was the Ku-Klux organization of yesterday is the White League organization of to-day. Perhaps after a few thousand more human lives are sacrificed the people of this country may be convinced of that fact.

But, sir, after we were enabled, in the face of great opposition from the other side of this Chamber, to tear aside the veil which hid the hideous features of this monster and direct the public eye to it, what was the course of the democracy then? When they could no longer hide it they undertook to excuse it; they said they did not know anything about it; but these things, if they did exist, were the result of radical misrule in the South, of increased taxation, of negro office-holding, &c.

Mr. President, you heard the Senator from Illinois [Mr. LOGAN] call attention to some testimony which was given, I think, by the Senator from Georgia [Mr. GORDON] before the Ku-Klux committee. You recollect that that Senator under oath said that the Ku-Klux organization may have existed in 1866 or 1867. If that is so, why was it that they raised these excuses of bad government under reconstruction? For did not reconstruction follow some time after that? In the State of Arkansas, as early as the fall of 1868, at a time when the debt of that State had not been increased one single dollar, at a time when no officer was charged with malfeasance or misfeasance in office, at a time when with the single exception of one State senator and five representatives there was not in all the departments of the government of that State a single colored man in office—at that time this organization was able to draw to its ranks in Arkansas as many as thirty thousand men. I am aware of the responsibility which rests upon me when I make that declaration. It was my business at that time, while I had the honor of being chief executive of that State, to inquire into that organization and make myself familiar with it. By means of the employment of one of its officers I was enabled to get the constitution, the ritual, the signs, the grips, and the pass-words of the order. This enabled me to put the key in the hands of my detectives, whereby they could enter their dens, participate in their proceedings, and accompany them upon their expeditions. It was a dangerous work; one poor fellow lost his life in the attempt, the horrible details of which I wish I had time to recount. I will say in brief, that after having obtained their secrets, he was so indiscreet as to write to me, which letter, through the connivance of the postmaster, himself a member of the Klan, was delivered to an officer of the order. The sentence of death was immediately passed upon him, which was that night carried into execution by a detachment of the Klan, who arrested him and carried him to an abandoned farm, where he was compelled to kneel at the brink of an open well. He was told if he had any prayers to say, to do so at once. He replied he could not pray; whereupon a member of the Klan, who was a leader in the church, volunteered to do so for him. After an affecting prayer the command was given to fire. His body was riddled with bullets and cast into the well.

At this time a Presidential election was pending, and although I was possessed with full information concerning the acts and intentions of the organization, so determined was I that it should not be said that among my first acts as chief executive of the State I had put the militia in the field to control elections, I resolved to suspend the suppression of this murderous clan until after the elections were over. But in making that resolve I was more severely tried than I ever expect to be again. I was the recipient nearly every day of reports of murder and violence all over the State, a few cases of which I will now enumerate, but only a few of the most prominent cases.

A. M. Johnson, a member of the Legislature, was shot in the back by Ku-Klux in ambush while he was in the act of accompanying his wife and children to the steamboat landing to be conveyed beyond the danger which he felt in the very air. Stephen Wheeler, a State senator, while riding along the road in a buggy with another gentleman, was arrested by mounted Ku-Klux and carried into the brush. At he went there, he determined to take one desperate chance for life; he sprang into a brier thicket near by, and in doing so was fired upon and badly wounded. He fell. They left him for dead while they pursued his comrade. After a great many hardships and dangers, he succeeded in making his way into Little Rock.

A. J. Millen, another member of the Legislature, while following the hearse containing the dead body of his wife, was fired upon from ambush by these "gentlemen" of the mask, and severely wounded.

E. J. Parker, another member of the Legislature, while sitting at his window, was fired upon from without and severely wounded, having upon a previous occasion lost an arm in precisely the same manner in another county of the State.

James Hinds, a member of the Congress of the United States, while peaceably riding along the road in company with Hon. Joseph Brooks to attend a public discussion, was fired upon and instantly killed by a member of the Klan who was also secretary of the democratic county committee; and Hon. Joseph Brooks, whom I see present in this Chamber, was at the same time severely wounded; he carries in his body to-day the lead that he received on that occasion. I will say here that the very gentleman who did this deed, a few days before participated in what was called a peace meeting of the democracy; he took a prominent part in it; he was so anxious to convince the country that the democracy were peaceable. After he killed this member of Congress and wounded Hon. Joseph Brooks, he rode leisurely back to the county-seat near by, put his horse away, set his gun in a corner, and went to bed and slept there until morning. Although many of the citizens of that town knew that he had done the deed, he slept there quietly until the morning, and then leisurely had his horse saddled and rode off. I learned afterward that the Ku-Klux passed him from county to county until they passed him beyond the line of the State of Arkansas into the State of Texas.

These are a few of the prominent cases which transpired during that memorable campaign. If I were to recount the many other cases of officers, and especially of poor unoffending negroes, who were murdered and outraged at that time by this organization, I should fatigue your ear and occupy more time than I can devote to this branch of the subject. I will say, however, that after the election was over and the militia of the State was called out to grapple with this monster and make him unloose his hold from the throat of the State, the Little Rock Gazette, the then organ of the Ku-Klux of the State and the present organ of the democracy, with the very impudence of Satan himself, charged me with making war upon a peaceable and unoffending people! Mr. President, if making war upon murderers and assassins who knew no law and respected no human rights was making war upon a peaceable and unoffending people, then I plead guilty to the charge, and I am only sorry that that public sentiment which would not believe that these things existed at that day prevented me from making that warfare as thorough and complete as I desired and as the interests of humanity demanded.

But we are told, and I have seen a dispatch within the last two or three days from a gentleman who I believe signs himself "A. H. Garland, governor of Arkansas"—I say he signs himself in that way—in which he says to the President, "We have no Ku-Klux or white-leaguers in Arkansas;" and he goes on to say that he has called the attention of the grand jury to a petition which I introduced this morning from 204 Federal soldiers, who seem to take a somewhat different view of the case. "We have no Ku-Klux or white-leaguers in Arkansas." All I have to say is that if Ku-Klux and white-leaguers only existed in name, then perhaps they have no Ku-Klux or white-leaguers in Arkansas. Now, mark what I say, Ku-Klux and white-leaguers are only used by the democracy of the South to obtain power. When they get the power in their own hands, then their Ku-Klux and white-leaguers are suddenly transformed into State militia. It is a great deal more convenient to have them operate as State militia. They are armed by the State, equipped by the State, provided with ammunition by the State; and what was once a grand cyclops of a Ku-Klux Klan, by a little stroke of the pen of the governor becomes a captain of a company of State militia. Under the sacred forms of law they are then enabled to trample more effectually on the rights of peaceable people. I say to A. H. Garland, who styles himself "governor of Arkansas," that the men who rallied to the Ku-Klux Klans of 1868 and 1869, who afterward became white-leaguers, are the men who to-day constitute the great bulk of his State militia, and it is very disingenuous for him to say "we have no Ku-Klux or white-leaguers in Arkansas," when he knows they have merely changed their name. And it is very natural for the New York Tribune to say "at last we have a governor in Arkansas who knows his business!"

I desire to make some further remarks in answer to the proposition asserted on the other side of this Chamber, that wherever democracy has the power in the South peace does prevail. I take just the opposite view of that proposition. I propose first to call your attention to the State of Kentucky, subject to the uninterrupted rule of the democracy for the past ten years. I think at one time they carried that State by a majority of some ninety thousand. What a splendid opportunity was afforded to the democracy in this State to demonstrate what they assert as true in this Chamber. I propose to call in an authority upon the subject of the peace which reigns in Kentucky, which is not republican, not tainted by carpet-baggery or

scalawaggery, but a high-toned, southern, Kentucky, conservative authority. I propose to read from the Louisville Courier-Journal, a paper of national reputation and of unquestioned respectability. I quote:

The law against carrying concealed weapons is a dead letter. Every coward and bully goes armed. Every case of manslaughter goes unpunished. Every case of shooting with intent to kill passes by as an amusing episode, provided there is no funeral. Even the most atrocious, cold-blooded, deliberate, malignant, dastardly assassinations have left no mark on the statute-books except the mark of acquittal purchased by money or intimidation. Red-handed murderers occupy places of responsibility and trust. * * * There are at this moment fifty cases of homicide on our criminal docket, which ought to be recorded as murder cases, where the defendant is at large on bail, with the least possible danger of an adverse result. There are five hundred cases of petty shooting with intent to kill which will never come to trial. * * * In a word, there is no security for life, because there is no law for those who take it, in Kentucky, and has not been this many a year.

Mr. President, is that a description of peace?

Mr. MORTON. What is the date of that?

Mr. CLAYTON. I had occasion to make allusion to this extract in a speech that I delivered in September before a mixed audience of republicans and democrats in Little Rock. At that time I clipped the extract from the paper. I looked in the Library this morning, but I find that the numbers there do not run quite so far back as that.

Mr. STEVENSON. Where does the Senator read the extract from?

Mr. CLAYTON. From the Louisville Courier-Journal. But I have another here, if the Senator desires it, of very near the same character.

Mr. STEVENSON. I did not hear the Senator when he commenced.

Mr. CLAYTON. I apprehend no one will deny that this is a correct extract. I take the responsibility of saying that it is. I cannot give the exact date, but it was some time either in the latter part of the summer or early part of the fall of last year.

I come now to the State of Texas, which has lately been under the democracy. It is true some people think there was some little informality attending the manner in which they got possession of that State, but I will not dwell upon that now. I read from another democratic authority, and I am informed by the Senator from Texas [Mr. FLANAGAN] that it is the oldest authority of the kind in the State, and therefore it is not tainted with carpet-bagism. I read from the Houston Telegraph:

The laws are not enforced; prisoners in the clutches of the law are seized by irresponsible mobs and surreptitiously hung. Thieves, robbers, and murderers are a terror to good citizens, inasmuch as they justify and possibly take part in these summary proceedings. Doubtless these proceedings are winked at, if not connived at, by the officers. It is not possible that a sheriff gives up his prisoner, unless with a willing or a half-willing consent. It is quite certain lawlessness must be stopped, or we shall retrograde in population, in purse, and the Texas of which so many proud things have been said may become a danger and a dread to all travelers and would-be settlers in her borders.

Is that a description of peace? And was it a peaceable thing for a company from that State to invade the State of Louisiana and participate in that most terrible massacre which took place at Coushatta?

I come now to the State of Tennessee, handed over by treachery some five years ago to democratic rule. Here, too, has been a good chance for the democracy to demonstrate what our friends have said about the peace which exists in the democratic States of the South. I will read now from the official report of the United States district attorney for the western district of Tennessee in relation to that horrible affair which took place in Trenton, in Gibson County in that State, last fall. This communication is addressed to the Attorney-General of the United States:

In reply, I have the honor to say that from affidavits now on file in my office the following facts appear: Since the election on the 6th of August last, bands of men, armed and in disguise and known as the Ku-Klux Klan, have been riding through certain portions of Gibson County, in this district, almost every night, committing outrages upon the colored people, in some instances whipping them and in others threatening to kill them; and on Saturday night, August 16, a number of colored people were shot at on their return home from church by certain of these masked men. An old negro named Joshua was severely whipped, and at the same time was told by the Ku-Klux that they should again visit him on Saturday night, August 22. Thereupon on that night several of his colored neighbors started to go and assist the old man in defending himself, and on the way thither were met by a party of men, armed, mounted, and in disguise, who first fired upon them, they returning the fire, and either killing or wounding a mule, whereupon both parties fled.

This is, as I suppose, "the conspiracy to take the lives of the white citizens of the neighborhood," for which "sixteen negroes were committed to the jail of Gibson County in this State," referred to in Governor Brown's telegram. The next day, Sunday, the State authorities commenced arresting the black men in the vicinity, almost indiscriminately, taking, among others, two colored preachers out of their churches. The prisoners so arrested were confined and guarded to await their preliminary trial the next day. During that night some of these prisoners were taken out of the building in which they were confined, by some of the guard, and by means of threats, and in one instance by hanging the prisoner to a tree, confessions were extorted from them, which confessions, so obtained, were used as testimony against them in their examination before the committing court.

That is bad enough of itself, without going further; but I shall proceed further. I still read:

During Monday and Tuesday, August 24 and 25, sixteen black men were committed to the jail of the county; fourteen as criminals, the other two as witnesses against them. They were conducted on foot to the jail, a distance of eleven miles, bound together with trace-chains about their necks secured by padlocks, twelve being committed on Monday and four on Tuesday, while the sheriff's posse who conveyed them thither were mounted. On their way to the jail, on Monday, two attempts were made by armed men in disguise to obtain possession of these colored prisoners, twelve in number, but the attempts were unsuccessful. Fourteen of the prisoners were confined together in a small cell in the jail, two being left in the hall of the jail. On Tuesday night, August 25, a band of masked men, armed and generally mounted, variously estimated to number from seventy-five to one hundred and fifty, surrounded the jail, forcibly entered it, took out those sixteen colored prisoners, tied them together with ropes, marched them a few hundred yards distant to a bridge crossing a small river, and commenced shooting them indiscriminately, then and there killing four and wounding others, one of whom has since died of his wounds, and some are known to have escaped.

Mr. COOPER. Will not the Senator from Arkansas permit the Clerk to finish the reading of the report?

Mr. CLAYTON. I want it.

Mr. COOPER. The whole of it?

Mr. CLAYTON. I should have done so if the Senator had not asked for it; but you have heard a great deal said, sir, in the public prints of the noble manner in which the authorities of Tennessee came to the rescue and undertook to punish these criminals. The remainder of this report will show you how they did that thing, and I shall ask the Secretary to read it.

The Chief Clerk read as follows:

As soon as these facts were properly brought to my attention by those who could testify positively in the matter, on the requisite affidavits being made, I caused United States commissioner's warrants to issue to the marshal of this district for the apprehension of such of the parties as I believed to be guilty from the testimony then in my possession, as provided in the acts of Congress passed respectively May 31, 1870, and April 20, 1871, upon which several of the parties so charged fled the country, and nine were arrested on the charge of violating certain sections of said acts of Congress.

These nine prisoners were allowed bail. A full examination, of two days' duration, was had before the commissioner; many witnesses were examined; three able attorneys appeared in their defense; and no effort was spared to make the examination full, fair, and complete. Three of those charged by the warrants were released by the commissioner, and six of them were held under bonds to await the action of the grand jury. Our court convened on the 21st ultimo, since which time these matters have been diligently inquired into by the grand jury of this district, and sixteen men have been indicted already, and others probably will be as soon as the testimony can be adduced. I have great difficulty in securing proof against the parties engaged in this transaction, and in some instances witnesses do not obey the process of the court, and I am obliged to have writs of attachment issued in order to secure their attendance. Such, in brief, are the facts as shown in the manner above stated, and the testimony before the grand jury does not, in any material points, contradict them, and the above are, in a few words, "the steps * * * taken for the prosecution of the parties charged with the outrage committed in Gibson County."

As to "what necessity, if any, there is * * * for proceedings on the part of the United States to punish the offenders in that case," I have respectfully to submit that the crime committed was an open and palpable violation of the acts of Congress above referred to, attended with circumstances of the most revolting and aggravating character, and if any crime has been committed in this district since my appointment as prosecuting officer thereof which emphatically calls for action on the part of the United States, this is *par excellence* that crime.

I should consider myself grossly derelict in the performance of my official duties had I taken no steps for the vindication of the laws thus grossly outraged. Besides, I received from your office a letter or circular of date September 3d, ultimo, "issued by the authority of the President, and with the concurrence of the Secretary of War," signed by yourself and directed to me, officially directing me, in view of such circumstances as are detailed in this communication, "to proceed with all possible energy and dispatch to detect, expose, arrest, and punish the perpetrators" of such crimes, and my action in these matters seems to me to be fully warranted by the express directions contained in said letter or circular.

If, however, your communication is intended to inquire what necessity, if any, there is in my judgment for commencing these prosecutions on the part of the United States in view of the fact that some of the parties supposed to be guilty had been indicted in the State court, I have to say that I am reliably informed that only a small number of those indicted in this court are indicted in the State court at all for this offense; and even if they all were, as I understand the law, while the State court undoubtedly has jurisdiction of crimes such as these committed against the dignity of the State, so have the Federal courts of like crimes committed against the peace and dignity of the United States; yet I conceive the offenses to be distinct, being violations of separate and distinct laws, each complete in itself, and the punishment of a violation of one of such laws does not vindicate an outrage upon the other. There are numerous instances in which the single act committed may be a violation of State and Federal statutes in this manner, in which a prosecution of the one offense is no bar to the prosecution of the other.

As to the prosecution of the parties in the State courts, I am reliably informed that the forty-one men supposed to be guilty are there indicted, not for murder, but under the section of the code of the State cited in Governor Brown's telegram to the President. These men also are all indicted in the State court in a joint indictment. Section 4014 of the State code provides that, "in the trial of all criminal prosecutions above the grade of petit larceny, the State is entitled to ten peremptory challenges, and the defendant, if the charge is of felony punishable with death, to thirty-five challenges, and in all other cases to twenty-four." The decisions of the supreme court of the State go to this extent, that where "a conviction might affect the life" of the defendant, he is entitled to the thirty-five challenges. (State *vs.* Humphries, 1 Tennessee, 306; Hooper *vs.* State, 5 Yerger, 422.) And where several defendants are jointly tried, each of them is entitled to the number of peremptory challenges allowed by law, as though he were tried separately, and although his codefendants should pass the juror challenged. (Hill *vs.* State, 2 Yerger, 246; Blackburn *vs.* Hays, 4 Coldwell, 227; Allen *vs.* State, 7 *ibid.*, 357.)

This, then, gives those defendants in the State court each thirty-five peremptory challenges under the law, amounting in all to fourteen hundred and thirty-five, besides the numerous challenges for cause. There is, moreover, no law of the State compelling those defendants to sever upon their trial, nor by which the State can change the venue, without the consent of the defendants. It will be perceived how very difficult, if not impossible, it will be to ever bring those defendants to a trial upon the indictment found in the State court. But the same objection does not apply to a trial of the guilty parties in the Federal court of this district, as the peremptory challenges therein are but twenty for each defendant, and there are twenty-one counties from which the Federal jury is summoned. There are also various grounds of prejudice, which will readily suggest themselves to you, existing in the local court which could not exist in this court, and I am well convinced the parties indicted here can have a full, fair, and impartial trial.

I have endeavored thus fully to answer your communication, in order that you may be made fully acquainted with the facts and circumstances of these cases, and in order that you might be better enabled to form your conclusion in the premises. I shall most cheerfully comply with any instructions received from your office relative to these prosecutions. Begging pardon for so much delay in answer to your communication,

I am, very respectfully, your obedient servant,

W. W. MURRAY,
United States Attorney.

Hon. GEORGE H. WILLIAMS,
Attorney-General, Washington, D. C.

Mr. CLAYTON. Now, Mr. President——

Mr. COOPER. Will the Senator let that document be read through?

Mr. CLAYTON. Let me go on with my remarks first.

Mr. COOPER. Let the Clerk finish reading the whole document.

Mr. CLAYTON. I will give the Senator, after I finish, all the opportunity to read documents that he wants; and I am under obligation to him for calling for the reading of the rest of this report. Some of you perhaps have seen the assertion throughout the newspapers, especially the so-called independent papers, that the authorities of Tennessee were taking the necessary steps to bring these murderers to justice. Now, I want to show what steps were taken, and I will call your attention to what has been read. Some of you may not have heard it distinctly. In the first place, after these offenses were committed, the United States district attorney undertook to try them before the United States court, whereupon the governor of the State—and if I do not state it correctly the Senator from Tennessee will please correct me——

Mr. COOPER. Do I understand the Senator to say that the United States court started the prosecution?

Mr. CLAYTON. It started a prosecution.

Mr. COOPER. The State authorities had taken control and had drawn the indictments over a month before the United States court intervened.

Mr. CLAYTON. If I make any misstatement, I am glad to be corrected. I have no doubt but what the Senator from Tennessee is more familiar with the facts than I am. I do not want to misstate anything. I want the facts. At any rate the United States court undertook to take jurisdiction of those offenses, whereupon the governor of Tennessee called upon the President or Attorney-General to withdraw all proceedings in the United States court and allow the State courts to settle these questions. Now, I will ask the Senator from Tennessee whether the governor of his State was not present with the State district attorney when these indictments were found in the State courts?

Mr. COOPER. He was on the ground within twenty-four hours.

Mr. CLAYTON. And at the trial?

Mr. COOPER. Yes, sir; and at the trial.

Mr. CLAYTON. That is what I wanted to know. Let us see how these men were brought to punishment. It seems that the law of Tennessee, in cases affecting the life of any citizen, allows the defendant thirty-five peremptory challenges besides others for cause. Is that true?

Mr. COOPER. Yes, sir.

Mr. CLAYTON. It also allows offenders to be indicted separately or jointly. Is that true?

Mr. COOPER. No, sir; they must be indicted jointly for offenses of the same character committed by all together.

Mr. CLAYTON. Then it remains a joint indictment?

Mr. CONKLING. They may have a separate trial if they so elect, probably.

Mr. COOPER. I did not hear the remark of the Senator from New York.

Mr. CONKLING. I suggested that probably the parties indicted could demand a separate trial, although indicted jointly.

Mr. COOPER. Yes; for cause the trial can be separate of course.

Mr. CLAYTON. Now let me proceed. I think I understand this part of the question. Now here were forty-one prisoners about whom the governor of the State was conferring with the district attorney, who were indicted jointly. Each prisoner having thirty-five peremptory challenges, it follows that the forty-one would have fourteen hundred and thirty-five peremptory challenges, besides those for cause. And in addition to that, if the district attorney should happen to sympathize with the gentlemen, he can exhaust ten more for each, making in all about eighteen hundred challenges, independent of those for cause. Now, who supposes that these forty-one criminals are going to separate their trials? A separation cannot be had under the laws of Tennessee unless the defendant asks for separation. These forty-one criminals can go into that court and they can exhaust over fourteen hundred peremptory challenges. The State attorney, if he should happen to sympathize with any of them, as I think he does—I will not say why I think so; he is a very good democrat—the district attorney can exhaust ten more, making eighteen hundred challenges under the laws of Tennessee. And they cannot go to another county to get jurors, can they?

Mr. COOPER. Not without the consent of the defendants.

Mr. CLAYTON. Not without the consent of the defendants. That is what I wanted to know. They cannot change the venue, can they?

Mr. COOPER. Not without the consent of the defendant.

Mr. CLAYTON. Not without the consent of the defendant. Then I say these eighteen hundred challenges will cover nearly all the freeholders, if not quite, in that county. Is that correct?

Mr. COOPER. No, sir; we vote thirty-five hundred in that county, and every voter is a juror.

Mr. CLAYTON. Suppose, then, we take it at thirty-five hundred. Here are eighteen hundred out of thirty-five hundred. Is the county democratic or republican?

Mr. COOPER. Republican slightly, I think.

Mr. CLAYTON. I have heard the reverse. I would like to know about that.

Mr. COOPER. I should have said that it is slightly democratic.

Mr. CLAYTON. I have heard it asserted that it is very largely democratic.

Mr. COOPER. It has a large republican vote, but the majority is probably slightly democratic.

Mr. CLAYTON. My friend now says it is slightly democratic. Therefore it takes nearly one-half of these thirty-five hundred; and the Senator puts a large figure.

Mr. SPENCER. How many white republicans are in the county?

Mr. CLAYTON. Yes, how many white republicans are there?

Mr. COOPER. I think very few. I do not know. There is one district probably from which these men who are indicted come which is altogether republican. They come from what is called Skullbones, and they are all republicans there.

Mr. CLAYTON. Then it seems these republicans are nearly all negroes?

Mr. COOPER. There are white republicans in Skullbones.

Mr. CLAYTON. I am speaking about the republicans in the county.

Mr. COOPER. Yes; they are nearly all negroes in the county.

Mr. CLAYTON. Now we find eighteen hundred democratic freeholders in that county, and the rest are negroes.

Mr. COOPER. The negroes are all competent jurors, too.

Mr. CLAYTON. No doubt of it; but when eighteen hundred negroes come into the jury-box, with those democratic criminals to challenge them, does any one believe a negro would be allowed to sit in such a case?

Mr. COOPER. Does the honorable Senator say that those men were indicted by the Federal court alone?

Mr. CLAYTON. No.

Mr. COOPER. Two-thirds of them were indicted by the State court.

Mr. CLAYTON. I would not be surprised if that was so. I have heard it said that the men whom the State court indicted were not, indeed, after all, the perpetrators of the crime.

Mr. COOPER. But six were indicted both by the State court and the Federal court.

Mr. CLAYTON. How many were indicted in the Federal court?

Mr. COOPER. I think six were indicted in the Federal court and discharged by the Federal court.

Mr. CLAYTON. Discharged by the Federal court?

Mr. COOPER. Yes; dismissed for want of jurisdiction; and it has been said that they were republicans.

Mr. CLAYTON. That is the first time I ever heard that any of these men indicted were republicans. I think the Senator is mistaken.

Mr. COOPER. I have only heard the rumor.

Mr. CLAYTON. But I have heard it charged that the men indicted by the State court were not the men who committed these crimes.

Mr. COOPER. They were exactly the same who were indicted by the Federal court; precisely the same.

Mr. CLAYTON. They could not be precisely the same, because the Federal court only indicted a small number and the State court indicted forty-one.

Mr. COOPER. But the men indicted by the Federal court were indicted by the State court. That is what I say.

Mr. CLAYTON. The eight or ten indicted by the Federal court may have been indicted too by the State court.

Mr. COOPER. Yes, sir; they were.

Mr. CLAYTON. But a great many others were indicted. Now I want to come back to this question. I do not want to get away from it. I want to ascertain how these men, whether they are republicans or democrats, are to be convicted before that court. Eighteen hundred men can be challenged, fifteen hundred peremptorily and a large number for cause.

Mr. COOPER. Will the Senator allow me to tell him that that has been the law of Tennessee since the constitution of 1834; and since this transaction has happened the governor, himself a democrat, has called the attention of the Legislature to that law and has suggested its amendment, and earnestly besought them to remedy it.

Mr. CLAYTON. I do not say who is responsible for this law. I have not said who is responsible for it. I am not on the question of responsibility for laws on the statute-book; but it seems to me that as the democratic party has been in power there for five years, they might have amended these laws if they are imperfect, and that they ought to have done it.

Now, Mr. President, I have the official vote of Gibson, which the Senator at first said he believed was republican.

Mr. COOPER. I was thinking of Carroll County when I said that I thought it was slightly republican. I was mistaken in the county.

Mr. CLAYTON. First he said he thought it was republican. Then he said he thought it was slightly democratic. Now, Greeley's Almanac says that the last vote in Gibson County was 2,814 democratic—nearly 3,000—and 750 republican. Therefore it is slightly democratic.

Mr. COOPER. Have you got the last census?

Mr. CLAYTON. Here is the last record, from which you find that you have in that county seven hundred and fifty republicans who could sit upon the trial of these cases, provided they were not challenged, and they are negroes nearly all of them. Does anybody suppose that they would not be challenged? If they do, they have more

credulity than I have. Does anybody suppose those criminals will not challenge the most respectable democrats, too, who are sitting upon that jury? If you do, you have more credulity than I have. I say that, with the light of this information before us, it is almost certain that none of those men could be convicted in the State courts of Tennessee; and I say further, if any one of those men should be convicted for the murder of negroes, it would be the first instance that I know of where any democrat was convicted in Tennessee or any other Southern State for the murder of a negro.

Mr. COOPER. Then, Mr. President, I have to say it is because of the want of information of the Senator from Arkansas. There are many such cases.

Mr. CLAYTON. How many cases are there in your own State?

Mr. COOPER. A good many.

Mr. CLAYTON. Name one.

Mr. COOPER. I do not propose to do that. I propose that you shall inform yourself.

Mr. CLAYTON. I would like for you to name one. I assert here, and I know what I assert with all the responsibility of a Senator upon me, that in the State of Arkansas, of the five hundred and eighty-seven democrats who have murdered and attempted to murder negroes, in no single instance has any one of those offenders been made to suffer the extreme penalty of the law. Does the Senator from Georgia [Mr. NORWOOD] know of any instance in his State where a white democrat has been executed for killing a negro? He does not reply.

Mr. NORWOOD. The honorable Senator seems to be upon a general investigation to-day. I supposed he rose to inform the Senate of what he knew, and not to interrogate others as to what they know.

Mr. CLAYTON. I am seeking information, and naturally go to the Senator from Georgia.

Mr. NORWOOD. The Senator had better inform himself before he attempts to instruct the Senate and inform the country. The Senator from Georgia will be heard from further after the Senator from Arkansas gets through.

Mr. CLAYTON. I am seeking information, and if the Senator does not desire to give it, I, of course, will not find fault. I would like to go further, and ask the Senator from Kentucky [Mr. STEVENSON] if he knows of any instance in his State where a white democrat has suffered the extreme penalty of the law for the murder of a negro?

Mr. STEVENSON. I think the Senator from Arkansas had better inform himself what the laws are before he interrogates other Senators. Does he know what the law of Kentucky is?

Mr. CLAYTON. I do not know what the law is, and I am seeking information.

Mr. STEVENSON. Just now you said you did not know of a Southern State that had inflicted the extreme penalty of the law. I will tell you Kentucky has done it time and again.

Mr. CLAYTON. Has any white democrat suffered death for killing a negro?

Mr. STEVENSON. I do not intend to let the Senator interrogate me in that manner. I say that I refused while governor to interfere with the punishment of white men for the murder of negroes.

Mr. CLAYTON. Does the Senator intend to lead the Senate to believe that he knows of many cases in Kentucky where white democrats have been executed for the murder of colored men?

Mr. STEVENSON. In the execution of the law it is only in Arkansas I believe that they look to the politics of the criminal. Kentucky looks not to the politics of the criminal. Kentucky punishes republicans as she would democrats and democrats as she would republicans. Perhaps it is different with you; it is not in Kentucky. Now I say I would scorn myself as either governor or a citizen to inquire whether I should excuse a criminal for his politics, and therefore I cannot answer whether Kentucky has punished democrats or republicans. She has punished all if they have been convicted under the law, as far as I know.

One more word. I said to the Senator that he had better read the law. He wants to know whether they have ever been hung? Kentucky's criminal law leaves it to the jury to say whether they shall be imprisoned for life or whether they shall be hung. In regard to that punishment, while I do not intend to excuse Kentucky—God forbid!—there have been in Kentucky, as everywhere else, men acquitted who ought to have been convicted, and I do not intend for any party purposes to dishonor myself or to dishonor my country by saying that Kentucky is free from all blame for that; but if you want to compare notes between Kentucky and Arkansas, either in the punishment of crime or in purity of the administration of the government, I am ready for you whenever you want to enter into that comparison.

Mr. CLAYTON. It seems the Senator is through with his speech, but he has not answered my question. It seems he is not able to answer it.

Mr. STEVENSON. Tell me what it is.

Mr. CLAYTON. Just one minute, if you please.

Mr. STEVENSON. I am ready to give an answer to any question.

Mr. CLAYTON. I want to go on with my remarks.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Chair would remind Senators that these colloquies are out of order. Senators must address the Chair.

Mr. CLAYTON. I asked for information. So far as relates to what the Senator from Kentucky says about the law being executed in Kentucky, I leave him and the editor of the Courier-Journal to fight that question out. The editor of the Courier-Journal says it is not executed, and red-handed murderers roam at large over that State. You have heard what I read.

Mr. STEVENSON. I did not hear what the Senator read, and I am sorry I was not in at the time.

Mr. CLAYTON. The Senator can read it, then, in the RECORD to-morrow, and can answer it at his pleasure. I propose, with the permission of the Chair, to go a little further right here in seeking for information. If the Senator from Mississippi [Mr. ALCORN] were here, I would ask him if he knows of any instance where a white democrat has been executed for murdering a negro in his State; but he is not here, I see. I will ask the honorable Senator from South Carolina [Mr. ROBERTSON] if he knows of any such instance? He does not know of any. I will ask the Senator from North Carolina [Mr. MERRIMON] if he knows of any such instance?

Mr. MERRIMON. Yes, sir.

Mr. CLAYTON. How many?

Mr. MERRIMON. More than one.

Mr. CLAYTON. How many?

Mr. MERRIMON. More than one. I cannot call them to mind at this moment, but I recollect one not long ago.

Mr. CLAYTON. Can you give the names of the parties?

Mr. MERRIMON. I do not recollect the names, but I believe the case was tried at Wilmington and the man was executed. Not more than six months ago two men were tried and convicted for killing a man in Johnson County. They were sentenced to death, and the republican governor commuted their sentence to imprisonment for life. They are in the penitentiary now.

Mr. CLAYTON. The Senator speaks of cases, but he cannot give the names.

Mr. MERRIMON. While the Senator is on that point, I would like to read a statute. I believe he, or some other Senator, asked me the other day what was the provision of the statute of North Carolina touching the killing of a slave. Our statute provided before the war that the offense of killing a slave should be homicide, and "shall partake of the same degree of guilt when accompanied with the like circumstances as homicide at common law." More than that, where a slave was charged with a capital offense, our statute required that his master should defend him and that he should pay the costs of the defense.

Mr. CLAYTON. The Senator says he knows of one case——

Mr. MERRIMON. I say I know of more than one case. There have been repeated cases in North Carolina where the law has been executed on white men for killing black men.

Mr. CLAYTON. How recent are they?

Mr. MERRIMON. The one I gave you a while ago occurred not more than two years since.

Mr. CLAYTON. Can you give any other case since the war?

Mr. MERRIMON. I gave you another just now.

Mr. CLAYTON. I said a case where the extreme penalty of the law was executed.

Mr. MERRIMON. I gave you a case which happened not more than two years ago, where a party was executed for killing a negro.

Mr. CLAYTON. One case.

Mr. MERRIMON. There are other cases.

Mr. CLAYTON. And that was a white man, if I understood the Senator.

Mr. MERRIMON. If I had time to look up the records in North Carolina I could find many such cases.

Mr. CLAYTON. I should like much to see them.

Mr. MERRIMON. There is no distinction made in North Carolina in the administration of justice. The whole judiciary at one time, with one exception, I believe, were republicans. There are two or three exceptions now. The supreme judiciary is altogether republican. We have a republican governor and a democratic Legislature. Peace prevails from one end of my State to the other. The republican governor in sending his message to the Legislature in November last congratulates the people of the State and all parties upon the peaceful condition of our affairs.

Mr. CLAYTON. I believe the Senator said he was a republican governor. I think men differ somewhat about that. I have heard a difference of opinion expressed as to whether the governor of North Carolina was a republican or not.

Mr. MERRIMON. He is one of the most ultra republicans in North Carolina. I do not reckon anybody ever questioned that except the Senator from Arkansas.

Mr. CLAYTON. Suppose that is so; does that change the question I have asked so far as his pardoning out this man was concerned? Is not that but another instance where the extreme penalty of the law was not enforced?

Mr. MERRIMON. I suppose he was satisfied that the extreme penalty of the law ought not to be imposed in that case. I do not know anything about it, only that the governor did commute the sentence to imprisonment for life.

Mr. CLAYTON. I would like to ask the other Southern Senators if they know of any instance where white democrats have been executed for the murder of negroes? I do not hear any further answer to my question. Now, suppose I would ask this question: Does any Senator here from a Southern State know of any instance where

negroes have been executed for the murder of white men? If that question were to be answered the whole of this day would probably be occupied in enumerating the instances. They have not only been executed by the officers of the law, but they have been executed by the hundreds, and I may say by the thousands, by men who were acting under Judge Lynch's authority. When a colored man murders a white man, it is heralded all over this country, from one end to the other. When a white man murders a colored man, it scarcely makes a ripple upon the surface of the locality where it takes place, much less beyond.

But I was going on to say——

Mr. COOPER. Will the Senator now allow the reading of that document to be finished?

Mr. CLAYTON. What does the Senator desire to have read?

Mr. COOPER. Both the executive communication and then an account of what was done in the Federal courts—the district attorney's communication.

Mr. CLAYTON. I have just read that.

Mr. COOPER. No; I mean the last communication from the district attorney.

Mr. CLAYTON. I am afraid this printed matter will take too much time to read. I would prefer that the Senator would get up and state the substance of the communication.

Mr. COOPER. No; let it be read.

Mr. CLAYTON. It is very long.

Mr. MORTON. Let the Senator from Tennessee have it read as a part of his speech.

Mr. CLAYTON. Yes; I suppose the Senator proposes to address the Senate on this subject, and he can then bring it in.

Mr. COOPER. O, no; let it all come together.

Mr. CLAYTON. Let the Senator just state briefly what it contains. I would prefer that.

Mr. COOPER. If you give it to me, I will state exactly what it contains.

Mr. CLAYTON. It is not necessary to read it. The Senators all have it on their tables. [Handing Senate Executive Document No. 12, Forty-third Congress, second session, to Mr. COOPER.]

Mr. COOPER. I will state it, with the permission of the Senator. It is as follows:

EXECUTIVE DEPARTMENT,
Nashville, Tennessee, September 18, 1873.

His Excellency U. S. GRANT,
President of the United States, Washington City D. C.:

There were sixteen negroes committed to the jail of Gibson County, in this State, charged with a conspiracy to take the lives of the white citizens of the neighborhood. On the night of the 25th of August, 1874, a party of disguised men violated the jail and took these prisoners forcibly from the jailer and killed four and wounded two, the remainder escaping and now being at large——

Mr. CLAYTON. I must decline to have that read. I see the Senator is reading what I refused to have read. Therefore I decline to yield longer. Let the Senator take his own occasion to have this read, if he desires it, or refute what I have said.

Mr. COOPER. Mr. President, did not the Senator yield to me?

The PRESIDING OFFICER. The Chair understands the Senator from Arkansas to decline to yield further.

Mr. COOPER. Can the Senator do that? I make that point of order. Having yielded the floor to allow me to take it, can he now take me off the floor?

Mr. CLAYTON. I said if the Senator would make a short statement of the gist of what this communication contained, he might do so; but I declined to have the communication itself read on account of the time it would occupy that I wanted to devote to other matters. Now, it seems that, instead of making that short statement, the Senator proceeds to read at length these communications. Therefore, I decline to be further interrupted by the Senator.

Mr. COOPER. Then the point of order is to be settled by the Senate.

The PRESIDING OFFICER. If the Senator from Arkansas declines to yield further the Chair will be compelled to rule that he is entitled to the floor to the exclusion of the Senator from Tennessee.

Mr. COOPER. On that, I respectfully appeal from the decision of Chair.

The PRESIDING OFFICER. The Senator from Tennessee appeals from the decision of the Chair; and the question is "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. CONKLING. May I inquire what the decision of the Chair was?

The PRESIDING OFFICER. That the Senator from Arkansas is entitled to the floor.

Mr. SHERMAN. I suppose by temporarily yielding the floor a Senator does not yield it entirely.

Mr. COOPER. The Senator yielded the floor for the express purpose for which I was proceeding to occupy it. It is a matter on which I want the decision of the Senate.

Mr. SHERMAN. I think the rule is that where a Senator yields the floor as a matter of courtesy and politeness, he may claim the floor at any time he desires. That seems to me to be the proper rule.

Mr. BAYARD. May I state, as a contribution of fact, as a witness of the occurrence, that the Senator from Arkansas had the floor, and upon the application of the Senator from Tennessee he yielded the floor to the Senator from Tennessee for the purpose of allowing him to make a certain statement, which is here in writing. Now, the question is whether, having given him the floor for that purpose, he has the formal right to resume it at any period of the statement without waiting for the statement to be concluded. That is a question for the decision of the Chair. I may state that there are other apt rules which could govern the case, the rule of that personal decorum which, having given assent to make a statement, would not, even did the formal rule permit, violate the permission implied on yielding the floor. That is not the question for the Senate to decide; that is a law for the breast of any Senator to decide, a question of personal courtesy, what is due himself; but it is, for the purpose of formal and regular debate, whether, when the floor has been yielded formally and deliberately in order to have a statement made, it can be suddenly, at the will of the person yielding it, resumed to the exclusion of the matter which it was understood should be presented to the Senate.

Mr. CONKLING. As this interrupts the Senator from Arkansas, I shall venture to move to lay this appeal on the table, which motion I shall submit in one moment. I wish first, however, to make this remark: I suppose, if insisted upon, the rule is that no Senator can yield the floor unless he yields it absolutely. Very likely that is true. If, however, he chooses to yield the floor subject to his own resumption, and no objection is made, that, by the usage of the Senate, if not by technical parliamentary law, is his right. Therefore the Senator from Arkansas, as I understand, occupies this position: He yielded to a brother Senator for a purpose, meaning to resume the floor himself. That Senator proceeds at such length, or in such direction, that the Senator entitled to the floor chooses to resume it, and so announces. The Chair sustains his right; and in that ruling the Chair, in my judgment, decides what has always been decided in both Houses, with no instance that I ever heard of to the contrary. I move to lay the appeal from the decision of the Chair on the table.

The PRESIDING OFFICER. The Senator from New York moves to lay upon the table the appeal from the decision of the Chair made by the Senator from Tennessee.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas is entitled to the floor.

Mr. CLAYTON. Mr. President, I was about proceeding to call your attention to that democratic peace which exists in certain States of this Union where they have the control of affairs. I had got as far as Tennessee. I was recounting that terrible massacre which took place at Trenton, when I was led from the line of my remarks by the colloquy that followed. I have read to you a description of that massacre. You have seen it in the public prints. You will all unite in condemning it as being a most horrible thing, a disgrace to civilization and a disgrace to this country. I proceeded to show you how it would be almost utterly impossible under the laws of Tennessee to convict those forty-one men who were indicted. But I was about to go further and show you the condition of peace which exists in that State. Was it a peaceable thing for four hundred men from the State of Tennessee to invade the State of Mississippi some time last summer upon the frivolous pretext of a negro riot there which had no existence? Was that a peaceable thing for the citizens of a democratic State to do? Four hundred men started on a steamboat from Memphis, armed and equipped, and invaded the State of Mississippi at Austin, and sent back for re-enforcements. Then about four hundred more prepared themselves to go to the scene of action. When the first four hundred got there and deployed their forces and marched into the town, they found no one there to break the peace but themselves.

Is that a condition of democratic peace? Take the affair which took place at Somerville, in the State of Tennessee, where three companies of men went from Memphis to that town, armed and equipped, to put down what they called a negro riot, and when they got there found the mayor in bed asleep and no one aware of any riot, no one but these armed men being present to break the peace. Was it a peaceable condition of affairs in Georgia for a company of armed men called, I believe, the "Georgia Tigers"—an appropriate name, but not so appropriate perhaps as "Georgia hyenas"—to invade the State of South Carolina last summer on some frivolous pretext connected with a negro rising, which they found to have no existence when they got upon the ground?

I might go on and read a communication which I have from a citizen of that State, who is a United States commissioner, which would also show the condition of peace which exists in Georgia, but I am admonished that the time is flying rapidly away, and that other Senators desire to speak besides myself.

I have shown you that in these four States at least, where the democracy have the power, there is no peace, no security for life or for property. When you take into consideration their acts of violence and murder in other States of the South to gain possession of the State governments, you can well imagine what kind of peace we should have if the democracy were in power throughout the Southern States. "Do men gather grapes of thorns, or figs of thistles?" Are we to look for peace from the party which resorts to murder and violence to obtain possession of political power? I think not. Are we to turn over to their Ku-Klux Klan, their White Leagues, and their State militia the colored people of this country, amounting to nearly

four millions of our population, for protection? That would be to imitate the shepherd who killed his faithful watch-dog and called in the wolves to take charge of his flock. I hope, Mr. President, that that day is not going to come into this country, or if it does come that it will not continue long.

No, Mr. President, we have got to have law in this country, and we have got to have the laws enforced. Murderers and assassins never yet stopped their villainies of their own volition; and your murderers and assassins in the South, if left to themselves, if "let alone," as they say they want to be, they never will stop their murders and their encroachments upon the rights of peaceable citizens. It is an old saying that a dog which has once been caught killing sheep is never cured of the propensity; and I say that a democratic ruffian in the South that has once dipped his hands in the blood of a colored man can never be broken of that habit unless his neck is broken—a remedy rarely adopted under democratic rule in this country, if ever adopted at all, although I believe Senators here can instance three or four cases where it has been adopted in the South.

Mr. President, has it come to this, that men can be murdered by the hundreds and the thousands in portions of this Union without redress? I hope not. I believe it is said that Solon, the Athenian lawgiver, when asked on a certain occasion what government was the best, replied: "That government where an injury done to the meanest subject is an insult to the whole constitution." I very much fear that if that test was applied to some of the governments of the South they would fall far below that definition of a government. The massacre at Colfax, in the State of Louisiana, where thirty-nine men were taken out two by two and deliberately shot, was not only an insult to the people of that State, but an insult to the whole constitution of this country. The massacre at Trenton, of which I have just spoken, was not only an insult to the State of Tennessee, but it was an insult to every State of this Union. The massacre at Vicksburgh, where some seventy or one hundred citizens were killed, was not only an insult to the State of Mississippi, but it was an insult to the whole people of this Union. And so I might go on and enumerate case after case which were not only insults to the whole constitution of this country, but if committed on foreign soil would have led to immediate reparation or war.

Mr. President, we might as well look the facts squarely in the face. This trouble in the South is the same old "irrepressible conflict" of which you have read many years ago.

There is much more that I would like to say on this subject; I have many documents here that I should like to have read, but I know that I am occupying more time than I ought to occupy when I consider that this debate is probably to close to-day. I will therefore conclude by saying that the honorable gentleman who under the Constitution of this country is selected to preside over the Senate, and whose seat you are now temporarily filling, has among the many acts of a useful and laborious life undertaken to hand down to posterity a true statement of some of the most interesting and important events that have marked the history of this country. He has seen fit to style that great work of his The Rise and Fall of the Slave Power in America. I have no doubt that when he undertook that task he believed, as the great mass of the people of this country believed, that the slave power in America had indeed fallen never to rise again. But, sir, the sooner the people of this country shake off that delusion the better in my opinion it will be for them. The slave power of this country is not dead. It lives, it moves, it struggles, it aspires to wield the rod of empire over this country. Slavery has many names, but always carries the same weapons, among which are prejudice, proscription, intolerance, and violence. By the vigorous use of those weapons it has been enabled to regain almost all its lost ground in the South. To-day the slave power of this country holds in its grasp practically all of the South except three States—the State of Louisiana, the State of Mississippi, and the State of South Carolina. The former, being the most important of the three, is now naturally the battle-field. That won, then follow Mississippi and South Carolina. Then with a united South, with a larger representation in Congress than they had before the war, with the alliance of some of those States of the North which heretofore assisted them to power, you will find that the slave power, instead of being dead, will be the ruling power of this nation. I hope and trust that that may never be. I hope and trust that the honorable gentleman who has undertaken to write the history of the rise and fall of the slave power in this country may have his years so prolonged, and that God may so order events, that he may yet have the opportunity of recording upon the last pages of his history that peace, security, and equal rights prevail all over this country—north and south, east and west. And when that day comes, if ever it shall come, then he may chronicle the fact that at a certain period the slave power came into existence; at another it was the controlling power of this nation; at still another it plunged the nation into war and fought a desperate fight for supremacy; and that at last it fell never to rise again.

Mr. SHERMAN. Mr. President——

Mr. CONKLING. Does the Senator from Ohio wish to proceed to-day?

Mr. SHERMAN. As to that, I am entirely at the pleasure of the Senate. On Monday next the Senator from Maine [Mr. MORRILL] has given notice of his intention to call up the legislative and executive appropriation bill, and I will not stand myself in the way of taking up that bill at the hour indicated by him. If the Senate is disposed to postpone this debate until after the consideration of that appropriation bill, I have no objection.

Mr. STEVENSON. I hope the Senator from Ohio will postpone his remarks now. I shall join him in insisting upon action on that appropriation bill on Monday, and I think we shall soon put that through, and then we can resume this debate. I do not intend to let this debate put the appropriation bill out of its place. Many of us desire to hear the Senator from Ohio; and if it would suit him as well, he can no doubt go on next Tuesday, or as soon as the appropriation bill is acted on, when we can take this matter up again.

Mr. PEASE. I hope that the Senator will agree to let this debate go on. I am very desirous to make a speech upon this subject myself.

Mr. SHERMAN. To-night or to-day?

Mr. PEASE. I should prefer under the circumstances that we adjourn, take up the appropriation bill on Monday, and resume the discussion of this question next week. I am satisfied that no more important question can claim the attention of the Senate than this question of the present condition of the South, and especially of Louisiana. I know that there are a number of Senators who are anxious to speak upon that question; I wish to speak myself; and I hope that the question will be postponed for the present, and that we shall take up the appropriation bill on Monday, and resume this discussion on Tuesday or Wednesday, or at the earliest period practicable.

Mr. SHERMAN. Then, retaining the floor on the Louisiana resolution, as it is manifest it is not the desire of the Senate to conclude it to-night, I yield to my friend from Maine to move to take up his bill, so that there shall be no struggle about the appropriation bill on Monday. I will claim the right to speak on the Louisiana question after the conclusion of the appropriation bill.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Chair understand the Senator from Ohio to submit a motion to the Senate?

Mr. CONKLING. He yields to the Senator from Maine to submit the motion to take up the appropriation bill.

Mr. MORRILL, of Maine. I move that the Senate now proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. MORTON. I wish to say one word.

The PRESIDING OFFICER. The Chair will state the question. The Senator from Maine moves to lay aside the pending resolution and proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. MORTON. I desire to give notice that after the disposition of that appropriation bill I shall ask the Senate to take up and proceed with the consideration of the constitutional amendment reported by the Committee on Privileges and Elections. I am not willing to have the consideration of that subject much longer delayed.

Mr. COOPER. May I appeal to the Senator from Maine to allow me just five minutes?

Mr. SHERMAN. I have not yielded the floor on the Louisiana question, and will proceed with my remarks if the Senator from Indiana objects to the arrangement proposed.

The PRESIDING OFFICER. The Chair understands the motion to be that of the Senator from Maine to lay aside the pending resolution and take up the appropriation bill indicated by him.

Mr. SHERMAN. I think we can probably arrange it in this way. I do not wish to stand in the way of the proposition of the Senator from Indiana; but at the same time it is manifestly cruel to the Senate to require six or seven Senators to speak this evening on the Louisiana question. So far as I am concerned I care very little, for I can soon finish. I shall be disposed to vote for the motion of the Senator from Indiana to take up his proposition; but I ask him if he will not consent that one day more be given to this Louisiana question after the disposition of the appropriation bill, and then we can proceed to the consideration of the matter referred to by him?

Mr. GORDON. Allow me to ask the Senator whether he thinks we can get through the Louisiana debate in one day?

Mr. SHERMAN. I think one day and one evening will suffice.

Mr. GORDON. I doubt that very much.

Mr. SHERMAN. I think that is reasonable anyhow.

Mr. GORDON. I would prefer, rather than agree to that, that the business should go on, so far as I am concerned. I think it is the general wish here to get through with the appropriation bill and then resume this debate for a brief time.

Mr. STEVENSON. I suggest to the Senator from Georgia that the Louisiana debate will occupy more than one day; and on the special message the question of its reference is debatable. I consider that the best thing we can do now is to adjourn; let the appropriation bill be taken up on Monday and disposed of. I do not want to interfere with my friend from Indiana, because I think his measure is an important one.

Mr. MORTON. Mr. President——

The PRESIDING OFFICER. The Chair understands that this discussion is entirely informal and proceeding only by unanimous consent, the question being on the motion of the Senator from Maine.

Mr. COOPER. I appeal to the Senator from Maine, and ask him

to withdraw his motion in order that I may have the facts laid before the Senate in one of the cases referred to by the Senator from Arkansas. Do I understand the Senator from Maine and the Senator from Ohio to object?

Mr. MORRILL, of Maine. I am on the floor by the courtesy of the Senator from Ohio. If he yields to me absolutely, very well.

Mr. SHERMAN. No; I simply yield for the Senator's motion, in order to expedite the public business. I think my honorable friend from Tennessee can wait until Monday or Tuesday.

Mr. COOPER. May I not have five minutes to place the facts before the Senate?

Mr. SHERMAN. By unanimous consent it may be done, I suppose.

Mr. COOPER. I do not propose to make a speech; I will take some other occasion for that; but I want some facts presented.

Mr. SHERMAN. I do not think under the circumstances I ought to yield to the Senator from Tennessee, because he has had a good part of the document read already during the course of the remarks of the Senator from Arkansas.

Mr. MORRILL, of Maine. I desire to say just one word in connection with my motion, so that there may be no mistake about the order of business. I do not expect this appropriation bill, although it is the largest of the series of bills, to occupy a great deal of time; I hope not, at any rate. But I expect to have two other bills ready soon, which will take, I trust, but a brief period; and I should hope that the Senate, before this class of business is interrupted again by the subject now before it, would allow me to finish whatever appropriation bills are ready on Monday.

Mr. MORTON. One word. This is the second week of this debate. I certainly should be sorry to prevent any Senator from expressing his views upon the subject if he desires to do so; but I believe, and I must say to the Senate, that I will on the conclusion of this legislative appropriation bill ask the Senate to proceed to the consideration of the proposed amendment to the Constitution, believing that there is no more important subject that can be brought to the attention of the Senate; and if, after the Senate has concluded its deliberation on that subject, it is then desired to resume the debate on the Louisiana question, I certainly shall have no objection.

Mr. MERRIMON. I hope the Senator from Maine will withdraw his motion. I should like to say something on the Louisiana question. I have not been able to join in the debate of the last week or ten days, but the people of the South have been so denounced and maligned that really I think as a matter of courtesy the Senate ought to allow every southern Senator who desires to speak an opportunity to be heard. They know more about this matter than anybody else. I hope the Senator from Maine will not press his motion.

Mr. JOHNSTON. I hope very much it will not be the will of the Senate to take any step to cut short the debate on the Louisiana question. If it is a matter really of importance that the legislative appropriation bill should be taken up and disposed of, I hope the Senate as soon as it is disposed of will resume the consideration of the Louisiana question. The Senator from Ohio I understood to make that suggestion, that when the appropriation bill is through this subject should be resumed and proceeded with to its close. I desire very much that that should be done. I wish myself to address the Senate on the subject, and I trust the majority of the Senate will not interpose in the way of any Senator who desires to speak. I propose therefore that when the legislative appropriation bill is through, the Louisiana case be taken up again and then disposed of without any further interruption. I trust the Senator from Maine will agree to that.

Mr. MORRILL, of Maine. So far as I am concerned, of course that will be at the option of the Senate. It is now a question simply of the order of business. After this appropriation bill shall be disposed of, it will be for the Senate to consider what the next business shall be. I say to my honorable friend from Virginia that it is not within my power to make any arrangement in regard to the suggestion he has made.

Mr. SHERMAN. Having the floor, I yielded to my friend from Maine to make his motion which I think the public business demands. The desire of myself and other Senators to make speeches on the Louisiana question is a matter of little importance compared to the appropriation bills. I am willing to go on to-night, but the Senate is evidently disinclined to that, and I think we had better take up the appropriation bill.

Mr. RANSOM. I desire to say to the Senate that I trust the request of the Senator from Virginia will be acceded to, that after the appropriation bill of the Senator from Maine has been passed by the Senate, this debate will be resumed. It is already manifest that a number of gentlemen on both sides of the Chamber desire to be heard further upon this question. As for myself I must say to the Senate that I feel it to be my duty to speak on the Louisiana question. I have sat here in silence for nearly three years and not trespassed on the Senate. It is late this evening; other gentlemen have the floor; numbers have expressed their very great desire to be heard; and I say to the Senate that I feel it to be my duty to ask to be heard upon it. I feel that I should be wanting in all that is due from me to the people whom I undertake to represent on this floor, if I did not ask to be heard. I trust the Senate will accede to the request of the honorable Senator from Virginia.

Mr. SCHURZ. It seems to be the general desire, in the first place, that this debate should be continued so as to give to several Senators who wish to speak an opportunity to do so. I have not any objection to that. On the other hand, everybody seems to be anxious also to do the most necessary business of the sessions. I think we might by general consent agree that on Monday the appropriation bill be taken up, and that we continue this debate after it shall have been disposed of.

Mr. MORRILL, of Maine. In any consideration of the order of business, this principal fact should be observed, that we are now on the 16th day of January, and there are only about six weeks left of this session of Congress, and but one appropriation bill has yet passed both branches of Congress; the other twelve remain yet to be considered. Every Senator must see that it has now become an absolute necessity to consider these measures when they are in a condition to be considered, and if we do not practice the utmost economy of time we shall be pressed into the last days of this sesson under such circumstances that it will not be possible for us to conduct the public business with anything like propriety.

Now, if there is a general desire to consider this question further, you ought not to lose one minute, in my judgment. This is as precious an hour as you will have to consider it, and here are gentlemen on all hands desirous of discussing it. Why not proceed this evening and let them make their speeches to-night? Certainly, when there is as great a desire as there seems to be to discuss the question, if gentlemen do not make the utmost economy of time, there will soon be a struggle for the floor here under circumstances which will be unfavorable to the continuation of this debate which has been procrastinated now two weeks, for it will be opposed to that business which every Senator on this floor will be constrained to admit must of necessity have precedence.

Mr. STEVENSON. Why cannot the Senator from Maine take up the appropriation bill now?

Mr. MORRILL, of Maine. My honorable friend who sits near me [Mr. MORTON] has a proposition which he desires to present, and it should be remembered that this discussion has already consumed a very large proportion of the time which this Congress has to give to any question—a great deal larger than it will have for the consideration of any other question that comes before us.

Mr. STEVENSON. I hope the Senator from Maine will insist upon taking up his appropriation bill now, and it can at least be read to-day. I think we have made great progress already. There are but two appropriation bills, as I understand, ready now for the Senate, and they can both be disposed of, in my judgment, on Monday if we begin now.

Mr. MORRILL, of Maine. Why not go on with this debate to-day?

Mr. STEVENSON. Because I think there are a great many gentlemen, who have engagements this evening, who want to hear the Senator from Ohio. That is the reason. We can have this bill read, in which they do not feel any interest.

I must, however, enter my protest to one thing, and that is the declaration that the appropriation bills are more important than this discussion of the Louisiana case. I think that the time has come for us to know how far this Government is to exist as a free representative republic; and it is useless for gentlemen on the other side to expect to silence Senators on this question, because the debate can come up on an appropriation bill legitimately. We had better go on in a friendly spirit and take up the appropriation bill now. We can finish both the legislative bill and the fortification bill on Monday, and then we shall be clear of appropriation bills for some time. There can be no objection to that, and then we shall all have the pleasure of hearing the Senator from Ohio when he comes to discuss the Louisiana question.

Mr. MORRILL, of Maine. Of course I will institute no comparison between the importance of this question and the appropriation bills; the latter is an absolute necessity. I have not made up my mind yet that this is a crying necessity at this time after these two weeks of debate, but in my judgment it will be regarded by the country as trivial to a very great extent, and that it has other considerations than those of pressing public importance; and after having listened two full weeks to this debate, I doubt exceedingly whether there is any public concern which demands that any question which is clearly of a public character shall be put aside for its consideration. I am willing to go on with the appropriation bills at any time when it is the pleasure of the Senate; but I do not intend on any question which I have charge of to hesitate, the moment that I think it is ready to be brought to the consideration of the Senate, to oppose it to this proposition which has now consumed so large a share of the time of the Senate. That I say in reply to my honorable friend who attaches more importance to this question than he does to the subject of appropriations at this session of Congress.

Mr. STEVENSON. I wanted my honorable friend to take up the appropriation bill now. I beg him at this very minute to take it up. I want to give precedence to appropriations.

Mr. MORRILL, of Maine. Well, if there is such an anxious desire to elaborate more largely upon this question of such profound public importance, I want to know why not go on with that now? As there are so many people here aching to go on, anxious to tell their constituents about the magnitude of this question, its gravity, and how constitutional liberty is in it, and how the usurpations of this Gov-

ernment ought to be rebuked and further denounced, why not go on now if you are ready?

Mr. COOPER. Will the honorable Senator withdraw his motion?

Mr. MORRILL, of Maine. I will not yet. My motion is to proceed on Monday with the legislative appropriation bill. That does not stand in the way of your proceeding until to-morrow morning.

Mr. COOPER. We will go on.

Mr. SHERMAN, (to Mr. MORRILL, of Maine.) After you give way, I will go on.

Mr. MORRILL, of Maine. I give way. I withdraw my motion.

Mr. SHERMAN. This little debate has at least convinced every member of the Senate that time is not only precious to us but precious to the people of the United States. When Senators expressed a degree of impatience at listening to an argument on Saturday night, I felt a desire to postpone the consideration of this question; but I was willing to do so only upon one condition, that it should not delay any practical measure of legislation or postpone any appropriation bill. But as it is manifest that if we are to engage in the discussion of the Louisiana question any further, we must speak as we can, by day or by night, I will commence what I have to say at the most inconvenient hour of the day, just at the time when dinner invites, and at a time when we are usually in the habit of separating.

Mr. President, the first matter that I wish to call your attention to is the gross injustice that has been done——

Mr. NORWOOD. Will the Senator from Ohio yield for a motion to adjourn?

Mr. SHERMAN. No, sir.

Mr. NORWOOD. He can have the floor on Monday.

Mr. SHERMAN. I cannot do that, because it would displace the appropriation bills if I were to be entitled to the floor on Monday.

Mr. DAVIS. I would suggest to the Senator from Ohio, if it suits his convenience, to give way to an adjournment with the understanding that he shall have the floor when the two appropriation bills which have been mentioned are disposed of.

Mr. SHERMAN. I think it is idle to talk now of such an arrangement. There is other business standing at the heels of this. I am willing to go on now or after a recess. The only motion I will give way to now is a motion to take a recess, if any Senator thinks he would rather go home and get his dinner and come back.

Mr. PEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. SHERMAN. I would rather go on now, I think. We are here on Saturday night, and we might as well carry on this Louisiana debate and close it Sunday morning.

The VICE-PRESIDENT. The Senator from Ohio is entitled to the floor.

Mr. SHERMAN. Mr. President, the first matter I wish to bring to the attention of the Senate is the gross injustice that has been done in this debate to the President of the United States, to General Sheridan, and I may say to the republican party. I doubt if the history of this country has furnished a parallel to the character of declamation and arraignment of these high officers upon grounds so false, frivolous, and causeless. My colleague, on the day after the transactions of the 4th of January, hastily introduced a resolution, addressed to the President, not couched in the usual language of courtesy, calling for official information in regard to matters that had occurred in Louisiana on that day. No objection was made to its passage, but only that it should be put in the usual form. At once a heated debate occurred in which language of the most violent character was uttered, perhaps by none more than the generally calm and dignified Senator from Delaware, [Mr. BAYARD.] When I come to look over his speech and notice the marked language uttered by him, and compare it with the actual facts now before us, I must express my amazement that he should have uttered such language upon even the alleged facts then before him, and especially in the absence of all official information or statements from the high officers he arraigns. In speaking of General Sheridan the Senator uttered this language:

> Now, sir, I ask the Senate and the country to listen to the tone of this officer and see, when you have read his dispatches to the Administration here, who shall say whether he is even fit to breathe the air of a republican government.

Again he says:

> Ah, Mr. President, if there was the tone that under other administrations animated the Executive of this country, he would never sign his name again as Lieutenant-General of the United States Army.

In other words, General Sheridan is denounced not only as unfit to breathe the air of a republican government, but as having committed an act of such moral turpitude, such gross outrage, that he ought at once to be dismissed from the service of the United States as Lieutenant-General of the Army. So my honorable friend in the heat of the excitement of this debate has arraigned the President of the United States in language scarcely less severe. He says:

> There is not in that State one case of abuse of power, of peculation, robbery, and filthy dishonesty, with which the history of its government is filled in the last two years, in which his displeasure has ever been signified by the removal of an improper official, not one word of rebuke.

Again, sir, he says:

> The President of the United States was advised of it; he was kept well informed of it, and his semi-official utterances, made known to the people, were that, no matter what frauds should be accomplished by this board, they should be maintained at every cost, or that "somebody should be hurt" in case interference was attempted with their nefarious proceedings.

Again he says of the President and General Sheridan:

> Where do we see them now? Overthrown and cast down by the furious lawlessness, by the unlawful ambition, of these two officials whom I have named, the creature and the creator.

Such is the language used by the Senator from Delaware about the President of the United States and the Lieutenant-General of the Army.

My friend from Missouri [Mr. SCHURZ] also was in hot haste to pass judgment against these high officers and the republican party. After near one week's debate the resolution was adopted calling on the President for information. Up to that hour the President's voice had not been heard; the Senate was in utter ignorance of the material facts in this controversy until the message came in; and yet my friend, not satisfied with the declamation that had been uttered, eagerly entered the lists before the President could possibly reply to our call, and with studied rhetoric, carefully written and conned over, which must have consumed in preparation all the time that elapsed since the events of the 4th of January—refusing to wait, saying at the outset of his remarks that we know enough already to characterize the transactions of the 4th of January—not waiting for the very information that we all voted to call for, entered the debate and joined in the accusations. Sir, he would not have done this to the meanest culprit that walks your streets; and yet he would thus array, try, and condemn his fellow-soldier, without a hearing and without the facts. Sir, when I heard his statement of facts, I knew at once that his argument, based upon such a statement, was utterly unreliable and undeserving of any consideration whatever. Read the first page or two of his speech, containing his statement of facts—the basis upon which his argument rests; note the omissions of material facts now known to us and the distortions of other facts; contrast this statement with the real facts now communicated to us, and the gross injustice of his arraignment becomes so palpable that no reply to it is necessary. It will stand as additional evidence of his ability, and also as a monument of hasty but gross injustice to high officers of the Government, his compatriot soldier, and to the republican party that has honored him with all the trusts that it could confer upon him.

Nor was this injustice confined to these halls. The same arraignments extended as if by preconcert all over the United States. The governors of States sent forth their views on this subject in messages to Legislatures. They would not wait for the ordinary current of events. I have here an extract from the message of Governor Parker, of New Jersey, in which he denounces the action of the President of the United States as a usurpation, upon alleged facts totally at variance with all the material facts now known to us. But the most remarkable production is a speech made by Governor Allen, of Ohio. I shall not say how far this speech is colored by the peculiar circumstances under which it was made, at a banquet given on the 8th day of January, when he as an old Jackson Democrat probably felt very buoyant and very happy. In that speech he is reported by a friendly paper in speaking of Louisiana as saying:

> The whole of the vote was cast; a conservative majority was elected. Some dispute as to the returns of the election arose, as has been the case hundreds of times. This dispute, under the constitution and the laws, could only be settled by the legislative body which the people had elected. How was it settled? It was settled in the old way of despotism, settled by an armed body, settled by the Army of the United States paid by your taxes, settled by a man who was ordered there *for his lawless military despotism*—

Alluding to General Sheridan—

> And now, after having turned out enough of the elected members of the triumphant party to give to the minority the control of the law-making power of that State, he wants to make a big job, and he telegraphs to the President of the United States that *every white man in the three States is a bandit* and outlaw, and in order to get rid of them by a short, quick process, so that there will be no trouble in the future, he wanted to pursue precisely the course Cornelius Sylla pursued with triumphant party, for he slaughtered one hundred thousand citizens of the other party. Having done the deed he was found dead, rotten in his bed from head to foot and eaten up with worms.

That is the opinion of Governor Allen of General Grant and General Sheridan. But that is not all. To fan the excitement a meeting in the great commercial city of our country was suddenly held and organized under a call that was a palpable falsehood, and is now shown by the message to be a palpable falsehood. The statement made in that call was as follows:

> The legislative body of a sister State, peaceably assembled, has been broken into and dispersed by Federal troops acting under orders from the President of the United States.

Every affirmative proposition in this call is an absolute falsehood, admitted now to be so, shown to be so by the message of the President of the United States; and yet upon this call, in the heat and excitement of the moment, able men, men who stand high in the confidence of the people of this country, met in public meeting at the Cooper Institute and denounced General Grant and all authority. I believe that the time will come when some of the gentlemen who participated in that meeting will deeply regret this gross injustice that under the heat of excitement, created by false information and for political effect, was done by them.

Now, sir, what was the occasion of all this denunciation? What caused this commotion? We have now the facts. They are stated

in the message of the President of the United States and also in the various documents which have been spread before the public. We know the height and depth and breadth of the offense that was committed on the 4th of January in New Orleans. What has the President done that was illegal or wrong? What act or order of his is complained of? What power has he exercised that was not plainly, palpably his duty? He ordered some of the troops to New Orleans to preserve the public peace and to suppress domestic violence. This was done upon the legal requisition of the governor of Louisiana. He was as ignorant as we were of what was done there. He gave no order or direction which contemplated what was done. He sought to avoid the use of troops in Louisiana, and in August last withdrew them. The result was an armed and treasonable overthrow of the government of one of the States. By the general approval of the people of the United States he suppressed that rebellion and restored the State government, and that without shedding a drop of blood. The troops were left there to preserve the public peace and were appealed to and relied upon by both parties. Such was his offending and no more, and for this he was arraigned upon false information by honorable Senators, governors, and citizens. For this he is compared with Sylla and all the brutal tyrants of ancient and modern times.

And how about Sheridan? What had he to do with the events of the 4th of January? Absolutely nothing. He was present as a spectator, just as the committee of the House was present. He had authority by virtue of his rank to assume command, but he did not do so, for he did not anticipate the lawless seizure by Wiltz and his confederates of the organization of the house of representatives of Louisiana. It was not until nine o'clock that night, when actual fighting was imminent, that he assumed command. The next day he sent to the President indignant telegrams, but these were no part of the events of the 4th of January, and I will have occasion to refer to them further on.

And yet Grant and Sheridan are accused of dispersing a legal Legislature by the Army of the United States in such hot haste that they would not wait to know the facts, and with such language of vituperation as would be used against the basest criminals, and by Senators, governors, and citizens who have characters at stake. Sir, they have overdone this business, and the sober second thought of just men will turn these accusations against the accusers.

Now let us examine what did occur in New Orleans on the 4th of January last; and we have two prominent facts to deal with: first, the illegal, violent, and revolutionary seizure by Wiltz and the minority of the house of representatives of Louisiana of that house and its organization; and, second, the expulsion by General De Trobriand, an officer of the Army of the United States, acting under the orders of Governor Kellogg, of five men claiming to be members of that house, but having no right to participate in its organization. This is the *gravamen* of the charge against that officer—the whole of it.

Let us look now a little more closely at the law which governed the organization of that house. A material and vital question in this controversy is whether that house was organized or in any sense a legal legislative house at the time the expulsion of the five alleged members took place. I understand my colleague to affirm that it was. I deny it; and there is one material question in this case. If that was a legal assembly, a house of representatives authorized, and those men had a right to participate and vote—if it was then duly and legally authorized as a house of representatives, I would admit that the conduct of General De Trobriand was totally unjustifiable and that Governor Kellogg had no right to disperse them, and that no order from any authority whatever could interfere with the organization or with the conduct or action of that house once legally organized. But there is the question——

Mr. THURMAN. Allow me to interrupt my colleague for a moment. He says that is all the question. I say it was organized; but that is a matter for discussion hereafter. Does my colleague mean to affirm that, whether that organization was irregular or regular, any irregularity authorized an officer of the Army to enter and take out five claimants to seats, and men who had been elected to that body, some of them by a majority of over 1,000 votes? Where is the authority for the interference of the Army, whether the organization was regular or irregular?

Mr. SHERMAN. I will give my colleague my precise view of it in my own order of time and in the order of events, and he will see before I get through exactly what my opinion is on all these points.

He alleges as the basis of this complaint that the house of representatives was duly and legally organized as a legislative body when these five men were ejected, and that these five men had a right to participate in that organization. That brings me to the consideration of the election law of the State of Louisiana. This law has been so often read that I do not think it necessary for me to read it again. It is sufficient to say that the law of Louisiana is like the law of most of the States, and that under the law of Louisiana a returning board was organized composed of five men—in this case I am told of two democrats and three republicans, all of whom but one, I believe, were natives of the State of Louisiana—it was organized according to law, and it had the right to pass upon the returns of members. It was the duty of this board to make out a list of the members, and that list was handed to the secretary of state; by him it was communicated to the clerk of the old house, who by law was the temporary presiding or organizing officer of the body. That list was made out in due form. It contained on it one hundred and six names, and of these one hundred and six persons one hundred and two appeared in the hall of the house at the hour and on the day designated by law. Of these, it is admitted on all hands that fifty-two were republicans and fifty democrats. This division of the body into two parties is a fact that will be recognized by all. It is admitted that fifty-two men, calling themselves republicans, met together and nominated as their speaker Mr. Hahn, and that fifty met together and nominated as speaker of the house Mr. Wiltz. Then we here have the palpable fact that out of one hundred and two men whose names were entered upon the roll and who answered to their names on that memorable 4th of January a majority, fifty-two, were republicans, who had nominated Mr. Hahn as candidate for speaker, a minority; of them, fifty, were democrats, who had named Mr. Wiltz for speaker. Those one hundred and two men had the sole right to vote then and there for speaker or for anything else. Will my colleague admit that?

Mr. THURMAN. No.

Mr. SHERMAN. I say then he shows the weakness of his argument, because now he is driven to say that men who were not entered on that roll, whose election was disputed, had a right to go there with or without law and vote; and there is the point—the initial point.

Mr. THURMAN. I do not say that men had a right to go there with or without law. I have said no such thing. I say that I will demonstrate, if I am capable of demonstrating anything, that those five men were as much entitled to their seats, and to participate in that organization, as my colleague and myself are entitled to seats on this floor; and I will prove it by the constitution and laws of Louisiana.

Mr. SHERMAN. I have the law of Louisiana here, and we will start upon this initial point fair and right. This question is to be decided by the law of Louisiana, and by no other law; and here the statute is plain:

> *Be it further enacted, &c.*, That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly, and it shall be the duty of said clerk and secretary to place the names of the representatives and senators-elect, so furnished, upon the roll of the house and of the senate, respectively, and those representatives—

Now mark it—

> those representatives and senators whose names are so placed by the clerk and secretary respectively, in accordance with the foregoing provisions, *and none other*, shall be competent to organize the house of representatives or senate.

If this is to be tested by the law of Louisiana, here you have it. The one hundred and two men who responded to their names on the roll-call on that memorable day were the only men in all the world who had a right to participate in the organization of that house; and no man, whether elected or not, no man, whatever might have been his title, under the law of Louisiana was entitled to vote there except those men who were returned and who answered to their names when the roll was called.

That is the initial point, and as I hear the argument of my colleague I do not see how he will get over that. The one hundred and two men were present in bodily form; they answered to their names. Fifty-two had already in an informal way designated their choice for speaker. Fifty of them had also designated their choice. A majority were republicans and in favor of the election of Hahn. What next? By the law of the State of Louisiana the clerk performs certain functions in presiding over that body during its organization. This law has already been read:

> That for the purpose of facilitating the organization of their respective bodies, the secretary of the senate and the chief clerk of the house of representatives shall hold over and continue in one office from one term of the General Assembly to another, and until their successors are duly elected and qualified.

I do not rest my position solely upon this law, because the precise character and duties of the clerk are not defined. And I do not discuss this case upon technicalities. I rest it upon the fundamental principle that the majority had the power in that body to control its organization, to elect its speaker, to elect its clerk, to control the organization, and that nobody else had the right to appear there until other members were admitted legally and formally after the organization was perfected. Whether the clerk was to preside or not could not change the right of the majority to organize the house, though his right to preside was an important provision to secure a regular and orderly organization. The law of the State of Louisiana, like the law of Congress, like the law of many of the States, thus provided for a temporary presiding officer in order to guard against the very evils that have grown out of the attempted usurpation of Wiltz. But the fundamental and controlling principle was the right of the majority of those named on the roll and then present to decide who should be speaker cannot be questioned. But, sir, what occurred? The roll was called, and then suddenly, without notice, by preconcert, a man by the name of Wiltz was nominated by, I suppose, a member of the house as temporary speaker, an officer unknown to the law of Louisiana. Suddenly, without a legal vote, he rushed up to the chair, seized the gavel, and declared himself temporary speaker of that body. At once there was a call for the vote. By what vote was he elected? Did anybody vote for him more than the forty-nine other democrats

beside himself? No man pretends it. Any man who says that there is any evidence, by inference or otherwise, that Wiltz was elected by the majority of that assemblage there who were entitled to vote, says what is plainly and palpably false. Of the one hundred and two men whose names were on the roll, Wiltz never received, by shout, by sanction, by uplifted hand, or in any way, the votes of more than forty-nine others besides his own. That we all know; and yet against the known wish of the majority, already ascertained in an informal way, he went up and seized possession of the chair, took the gavel, drove the clerk away, and assumed authority there.

Let us go a little further. Who voted for him? Does my colleague say that the republicans voted for Wiltz? No. He may say that these five men voted for him, but the law of Louisiana declared that they should not participate in the organization. They had no right to vote, and he could not possibly have received any but the forty-nine votes of his associates and his own vote, fifty in all. Who declared him elected? Nobody. He declared himself elected. He was a usurper from the very beginning. By what authority did he act? By the authority of violence, by the authority of impudence, by the authority of the minority, and not the authority of the majority. The majority of the names on that roll, and who had the right to control that organization, never voted for him. He never was elected speaker even of that temporary organization. The facts upon this point are stated in various sources of information. I am glad to say that on this point no one of them varies. They are all of the same bearing. The statement made in the telegram of General Sheridan is borne out in every particular by all the other statements which have been made and submitted to Congress.

There is one principle in this Government which I think my colleague will agree with me upon, and that is that in this Government of the people, by the people, and for the people, the majority must rule. Here was a designated body of one hundred and two men authorized by law to do a particular thing, to organize that house. Any successful overthrow of that majority is a denial of the very basis and corner-stone of our republican institutions. Now let us see how important this elementary principle of our Government is. I will ask the Secretary to read one or two paragraphs from Cushing's Manual on Parliamentary Law.

The Secretary read as follows:

115. In all collective bodies of men, assembled and acting together for the purpose of deliberating and deciding upon any subject, or for the purpose of electing to any office, it is an admitted principle that whatever is done or agreed to by the greater number shall stand as the act or the will of the whole. This principle assumes, as its basis, the absolute and perfect equality of all the individuals, one with another, who enjoy the right of suffrage, in the possession of the elements essential to the determination of any act to be done, or to the formation of any judgment to be pronounced, or to the effecting of any election to be made, as the act, judgment, or choice of the whole.

116. This equality being conceded and, as the foundation of a system of government, it can neither be denied in fact nor questioned in principle—it is easy to conclude, first, that the knowledge and wisdom of the greater number—taken promiscuously, will be superior to the knowledge and wisdom of any smaller number of the body of men; and, secondly, that as whatever is done or resolved by the greater number affects and operates upon the individuals themselves composing it equally with the others, that which is so done must necessarily possess the quality of justice in a higher degree than the act or resolution of any smaller number would be likely to possess. It is upon these grounds that the common sense of mankind recognizes the authority of the majority as the only solid foundation of all popular government.

Mr. SHERMAN. I also ask the Secretary to read on page 167, sections 412 and 414.

The Secretary read as follows:

412. The rule of decision, in all councils and deliberative assemblies whose members are equal in point of right, is that the will of the greater number of those present and voting—the assembly being duly constituted—is the will of the whole body. Hence whatever is regularly agreed upon by a majority of the members of a legislative assembly is a thing "done and past" by that body. Where the assembly is equally divided, there is, of course, not a majority in favor of the proposition which is put to vote, and that proposition is consequently decided in the negative."

Mr. INGALLS. Will it suit the convenience of the Senator to yield to a motion for a recess?

Mr. SHERMAN. I do not care.

Mr. INGALLS. I move that the Senate take a recess until half past seven o'clock.

Mr. SHERMAN. I have no desire on the subject. I would as soon go on now as at any other time.

Mr. INGALLS. I thought it might suit the convenience of the Senator. If he does not desire it, I will withdraw the motion.

Mr. SHERMAN. I am so much a lover of the regular order of business, and I am determined so rigidly from this time until the close of the session to adhere to it, that I am willing myself to speak at the most unseasonable and worst hour in the whole twenty-four in order that I may hereafter stand by the rules and push forward the business of the session.

The VICE-PRESIDENT. Does the Senator from Kansas withdraw his motion?

Mr. INGALLS. I withdraw the motion.

Mr. BAYARD. I ask the Senator from Ohio if he will yield the floor to me for the purpose of making a motion of adjournment. I desire that he shall continue his speech at his own convenience in proper time; and he had better do it on Monday, I think.

Mr. SHERMAN. I have no objection to the Senate adjourning, if it sees fit; I proposed that some time ago, but in the pressure of business I think we had better go on. I have no objection to the motion being acted upon by the Senate.

Mr. BAYARD. Then, Mr. President, I move that the Senate do now adjourn.

The motion being put,

The PRESIDING OFFICER declared that the motion appeared to be agreed to.

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 16; as follows:

YEAS—Messrs. Bayard, Cooper, Davis, Dennis, Fenton, Gordon, Hager, Johnston, McCreery, Merrimon, Pease, Ransom, Saulsbury, Schurz, Sprague, Stevenson, and Thurman.—17.

NAYS—Messrs. Allison, Boutwell, Clayton, Cragin, Ferry of Michigan, Flanagan, Gilbert, Howe, Ingalls, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Scott, Sherman, and Windom—16.

ABSENT—Messrs. Alcorn, Anthony, Bogy, Boreman, Brownlow, Buckingham, Cameron, Carpenter, Chandler, Conkling, Conover, Dorsey, Edmunds, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Jones, Kelly, Lewis, Logan, Mitchell, Norwood, Patterson, Pratt, Ramsey, Robertson, Sargent, Spencer, Stewart, Stockton, Tipton, Wadleigh, Washburn, West, and Wright—40.

So the motion was agreed to; and (at five o'clock and five minutes p. m.) the Senate adjourned.

IN SENATE.

MONDAY, *January* 18, 1875.

Prayer by Rev. E. D. OWEN, D. D., of Washington.

The Journal of the proceedings of Saturday last was read and approved.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives on Saturday last were severally read twice by their titles, and referred to the Committee on Patents:

The bill (H. R. No. 1317) to enable Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion;

The bill (H. R. No. 4202) to enable Mrs. Christiana L. Williams, administratrix of the estate of C. W. Williams, deceased, to make application to the Commissioner of Patents for an extension of letters-patent for improvements in canal locks and gates; and

The bill (H. R. No. 4335) authorizing John Hazeltine to make application to the Commissioner of Patents for extension of his patent for a new and useful water-wheel.

The bill (S. R. No. 565) for the relief of Peters and Reed, naval contractors at the Norfolk navy-yard in the year 1860, was read twice by its title, and referred to the Committee on Naval Affairs.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of the Treasury, in obedience to a resolution of the Senate of the 11th of June, 1874, as to the necessity of an assay-office at Portland, Oregon; and also as to the expediency of removing or abolishing the assay-office at Boise City, Idaho; which was referred to the Committee on Finance, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MORTON. I present the memorial of Hon. Jesse J. Brown, of New Albany, Indiana, on a very important question connected with the tariff, accompanied by a letter. I move that this memorial be printed and referred to the Committee on Finance, together with the accompanying letter.

The motion was agreed to.

Mr. FENTON presented the petition of Samuel Strong, praying that the board of audit for the District of Columbia be required to settle all claims, as provided by "an act for the government of the District of Columbia, and for other purposes," approved June 20, 1874; which was referred to the Committee on the District of Columbia.

Mr. SCOTT presented three petitions numerously signed by citizens of Schuylkill County, Pennsylvania, praying Congress to restore the 10 per cent. duty taken off certain foreign products in 1872, and also praying for the passage of the currency bill introduced by Hon. WILLIAM D. KELLEY, providing for the issue of 3.65 convertible bonds; which were referred to the Committee on Finance.

Mr. SPENCER presented the petition of James E. Slaughter, of Alabama, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. PRATT presented the petition of Edward B. Rollins, a soldier of the war of 1812, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. INGALLS. I present a petition numerously signed by citizens of Nemaha County, Kansas, asking that Moses Shepherd, a soldier of the war of 1812, may be granted a pension. As the committee have

already reported a bill on this subject, I move that the petition lie on the table.

The motion was agreed to.

Mr. INGALLS presented a petition of numerous soldiers and sailors of the volunteer forces, now residents of Smith County, Kansas, asking for the passage of an act providing for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. MORRILL, of Maine, presented the petition of Hiram Sawtelle, guardian of Lydia J. Church, orphan child of the late Nathaniel G. Church, who was a private in Company E, Third Regiment Maine Volunteers, praying that a pension may be granted to Lydia J. Church; which was referred to the Committee on Pensions.

He also presented the petition of G. W. Stedham and John R. Moore, Creek delegates, praying the payment of certain moneys arising from the sales of undivided reserves by the Government; which was referred to the Committee on Indian Affairs.

Mr. FLANAGAN presented the petition of Joseph F. Minter, of Texas, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented the petition of William Kearney, of Texas, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented the petition of John Withers, of Texas, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. CONKLING presented a memorial of H. Clay Espey and others, citizens of Washington, District of Columbia, remonstrating against the establishment of a depot on the south side of Massachusetts avenue on square 681, by the Baltimore and Ohio Railroad Company, where that company now proposes to establish it, and praying that it be obliged to select another and more suitable site north of that avenue where there will be less danger of accidents; which was referred to the Committee on the District of Columbia.

Mr. SCHURZ presented the petition of Anton Tschudi, late a musician in Company A, Eighteenth Regiment United States Infantry, praying to be allowed a pension on account of an accident occurring to him at Atlanta, Georgia, by which his leg was broken, necessitating amputation; which was referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

Mr. OGLESBY. I move that leave be granted to withdraw the papers accompanying the petition of E. B. Clemson filed at the second session of the Nineteenth Congress. I make the motion because, among the papers filed in the Senate, there is one that must be used in a trial in the district court of the United States for the southern district of Illinois. The trial comes on during this week, and I want the papers withdrawn, by the permission of the Senate, so as to forward them for evidence in that trial. I make that motion.

Mr. EDMUNDS. Why should it be done?

Mr. OGLESBY. The papers were put here in order to get a new location of a bounty-land warrant about which there had been a mistake. The petition was sent from the House here, and Congress passed a bill giving him the right to locate one hundred and sixty acres, in place of one hundred and sixty acres that the location was made upon through error. In order to get that mistake corrected, he filed, with his petition, a patent, and it is on file here now. A suit is pending about that quarter-section in the southern district of Illinois, at Cairo. I have these facts from Mr. BURCHARD, a member of the other House; and the parties only want to get the patent withdrawn in order that it may be used as evidence at the trial in Cairo.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the memorial of Courtlandt Parker, administrator *cum testamento annexo*, of George W. Anderson, deceased, asking reimbursement for certain stock in a mining company alleged to have been seized and sold under illegal decrees of the United States courts for the southern district of New York, reported a bill (S. No. 1147) for the relief of Courtlandt Parker, as administrator of George W. Anderson, deceased; which was read, and passed to a second reading.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 696) referring to the United States Court of Claims for adjudication and determination a claim for the past and future use of an invention and letters-patent thereon, and now in general use by the Post-Office Department in the postal service of the United States of America, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2875) authorizing the use of certain evidence, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of the State of Kansas, memorializing Congress to pass an act to give to all United States courts of districts bordering on the Indian Territory concurrent jurisdiction with the western district of Arkansas, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a memorial of the State central committee of the union republican party of South Carolina, in reply to certain allegations contained in a memorial of the so-called tax-payers' convention of that State, heretofore presented to Congress, in respect to excessive taxation imposed by the present State government, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee to whom was referred a resolution of the Legislature of California, in favor of the formation of a commission to adjust losses sustained by A. P. Jackson and others by being ejected from certain lands covered by a Mexican grant, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

He also, from the same committee, to whom was referred a memorial of the Legislature of Arkansas, asking reimbursement in the sum of $500,000 for moneys expended in military operations to preserve the peace in that State in 1868 and 1869, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom were referred the bill (S. No. 1013) explanatory of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874, and the bill (H. R. No. 3622) to amend the act to establish the judicial courts of the United States, approved September 24, 1789, in relation to bonds of clerks of the courts of the United States, reported adversely thereon, the provisions of both these bills having been included in a bill already reported; and they were postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1103) relating to the approval of bills in the Territory of Utah, asked to be discharged from its further consideration, and that it be referred to the Committee on Territories; which was agreed to.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes, reported it with amendments.

Mr. NORWOOD, from the Committee on Pensions, to whom was referred the petition of William Williams, of Pittsburgh, Pennsylvania, late of the First Battalion Pennsylvania Cavalry, praying to be allowed a pension, submitted a report accompanied by a bill (S. No. 1154) granting a pension to William Williams, late captain First Battalion Cavalry Pennsylvania Volunteers.

The bill was read and passed to a second reading, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1148) to remove the political disabilities of James E. Slaughter, of Mobile, Alabama; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1149) declaring the meaning of an act approved March 9, 1868, relative to a patent for induction apparatus and circuit breakers; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1150) to establish a mint for the coinage of gold and silver at Indianapolis, in the State of Indiana; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1151) to remove the political disabilities of Dr. D. B. Conrod, of Virginia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. LOGAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1152) to authorize the construction of a bridge across the Mississippi River at or near the "Grand Chain;" which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. BOGY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1153) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. HAMILTON, of Maryland, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1155) removing the political disabilities of W. E. Wysham; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

ANN R. VOORHEES.

Mr. HAMILTON, of Texas. I move to reconsider the vote of the Senate of January 5, 1875, by which the bill (H. R. No. 2355) granting a pension to Ann R. Voorhees was indefinitely postponed, and, with the papers in the case, recommitted to the Committee on Pensions. I ask unanimous consent to this.

The VICE-PRESIDENT. The Senator from Texas asks unanimous

consent to reconsider the vote indefinitely postponing the bill named and to recommit it, together with the papers in the case, to the Committee on Pensions. Is there objection. The Chair hears none.

CLAIM OF E. D. BARKER.

Mr. HAMLIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Claims be directed to inquire into an alleged loss by robbery of Edward D. Barker, late deputy collector of internal revenue in the Territory of Dakota, and to report by bill or otherwise.

Mr. HAMLIN. I now submit certain affidavits and statements in relation to the transaction, to go with the resolution. I move their reference to the Committee on Claims.

The motion was agreed to.

EXTENSION OF PATENTS.

Mr. ALCORN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Patents be instructed to inquire whether the patent No. 31252, granted to J. J. McComb, of Liverpool, England, on the 29th of January, 1861, for improved cotton-bale tie has been extended by the Commissioner of Patents; and if so, upon what notice, and whether any further legislation is necessary to provide for giving to those interested in opposing the extension of patents sufficient notice of the application for such extension.

CALL OF COMMITTEES.

The VICE-PRESIDENT. If there be no further resolutions, according to the order made on Saturday the Chair will call on the committees for the selection of business on the Calendar for action. The Chair will first call on the Committee on Privileges and Elections.

Mr. MORTON. I have no business to present this morning in the morning hour.

The VICE-PRESIDENT. The next committee in order is the Committee on Foreign Relations. [A pause.] There seems to be no response from that committee. The Chair will call next upon the Committee on Finance.

NATIONAL BANKS WITHOUT CIRCULATION.

Mr. SHERMAN. There are quite a number of bills on the Calendar from the Committee on Finance, and I will take this occasion to ask that they be disposed of in their order. Most of the reports are adverse reports and they ought to be got off the Calendar. The first bill is on the first page of the Calendar, the bill (S. No. 71) to authorize the organization of national banks without circulation. That is superseded by legislation passed since the bill was reported. I move that it be indefinitely postponed.

The motion was agreed to.

WITHDRAWAL OF BONDS BY NATIONAL BANKS.

Mr. SHERMAN. Then on the next page is the bill (S. No. 147) authorizing national banks that have decided to reduce their capital stock to withdraw a proportion of bonds upon retiring their own circulating notes or depositing lawful money of the United States in the proportion provided by law. I move that that be indefinitely postponed.

The motion was agreed to.

REDEMPTION OF 3 PER CENT. CERTIFICATES.

Mr. SHERMAN. The next is on the same page, being the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary loan certificates and for an increase of national-bank notes," approved July 12, 1874. I move that that be indefinitely postponed.

Mr. SARGENT. What is that bill?

Mr. SHERMAN It is one of a series of bills relating to the organization of national banks which have been superseded by our free banking law of the present session.

The VICE-PRESIDENT. The question is on the motion that the bill be indefinitely postponed.

The motion was agreed to.

RESUMPTION OF SPECIE PAYMENTS, AND FREE BANKING.

Mr. SHERMAN. The next bill on the Calendar from our committee is on the bottom of page 4 of the Calendar. It is the bill (S. No. 124) for the resumption of specie payments, and for free banking. That is reported adversely, and is superseded by the legislation already had. I move that it be indefinitely postponed.

The motion was agreed to.

REFUNDING OF INTERNAL-REVENUE TAXES.

Mr. SHERMAN. The next is on the top of page 5, being the bill (S. No. 408) to provide for the refunding of internal-revenue taxes improperly assessed and collected. That was reported adversely by the Committee on Finance. I move that it be indefinitely postponed.

The motion was agreed to.

NATIONAL CURRENCY.

Mr. SHERMAN. The next is on the same page of the Calendar, being the bill (S. No. 396) to amend the act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864. I will let that stand over to the next call, at the suggestion of a colleague on the committee. It may be necessary to amend it somewhat.

The VICE-PRESIDENT. The bill will be passed over.

THE COINAGE ACT.

Mr. SHERMAN. The next is the bill (H. R. No. 2878) to amend the twenty-fifth section of the coinage act of 1873.

Mr. SARGENT. My impression is that that is the bill taking off the coinage charge.

Mr. SHERMAN. That is superseded.

Mr. SARGENT. I hold in my hand a letter of the Director of the Mint, not written supposing that this bill would come up, in which he makes this suggestion; after asking me to send him a copy of the bill, he says:

It will probably be necessary to pass the bill in order to get rid of the charge for copper alloy, a very insignificant item but which will make a slight difference between the market and coining value of free gold bullion.

I think we had better perhaps lay over this bill for further examination, or else let it be passed, as it can do no harm. It is a mere question of alloy.

Mr. SHERMAN. The committee report it adversely. If the Senator desires it to stand on the Calendar, very well.

Mr. SARGENT. The committee, judging from the other bill they reported, have probably changed their minds as to the propriety of it.

Mr. SHERMAN. We have repealed the coinage charge, but not the alloy charge.

Mr. SARGENT. This is a mere fragment left by inadvertence. This bill perhaps had better be passed.

Mr. SHERMAN. I will look into it.

Mr. SARGENT. Very well; let the bill be passed over.

The VICE-PRESIDENT. The bill will remain on the Calendar.

JOHN HENDERSON.

Mr. SHERMAN. The next bill is the bill (H. R. No. 1955) for the relief of John Henderson, of New Orleans. The committee reported adversely, and I move that it be indefinitely postponed.

Mr. WRIGHT. I suggest to the Senator from Ohio that that bill went upon the Calendar at the request of the Senator from Louisiana, who is not now in his place, and therefore perhaps it had better be passed over.

Mr. SHERMAN. The adverse reports, it seems to me, had better be taken off the Calendar.

Mr. WRIGHT. I have no objection. I only suggested that because of his absence. I do not think there is anything in the bill that should induce us to pass it.

Mr. SHERMAN. It had better go off the Calendar. I move that it be indefinitely postponed.

The motion was agreed to.

E. BOYD PENDLETON.

Mr. SHERMAN. The next bill of ours is on page 12, which was reported adversely. It is the bill (S. No. 653) to relieve E. Boyd Pendleton, late collector of internal revenue of the fifth district of Virginia. I move that it be indefinitely postponed.

The motion was agreed to.

J. E. D. COUZINS.

Mr. SHERMAN. The next bill in order is on page 12 of the Calendar, the bill (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis. I ask that it be considered. The bill was reported favorably.

The bill (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis, was read the second time, and considered as in Committee of the Whole. It provides for the payment to J. E. D. Couzins, of Saint Louis, Missouri, of $2,000 in full for services rendered to the Government of the United States in the detection and conviction of counterfeiters of United States Treasury notes.

Mr. EDMUNDS. Is there a report?

Mr. SHERMAN. The report is pretty long. This is a case where peculiar services were rendered in the time of Secretary Chase. The bill was strongly recommended by Secretary Chase and approved by the Secretary of the Treasury, but the money could not be paid there because it was an old claim. The facts are all stated in the report, and if Senators desire to hear it, it can be read.

Mr. EDMUNDS. It is not necessary to take up the time in reading the report. It is all right.

Mr. SHERMAN. The Senator from Michigan made the report. It is only a small sum.

Mr. EDMUNDS. Why can it not be paid out of the current appropriations?

Mr. FERRY, of Michigan. There was no money at the time applicable to the purpose. That was the reason why the then Secretary of the Treasury was unable to pay this gentleman. Secretary Chase afterward gave that as the reason, and he wrote a letter to the then Secretary of the Treasury, who is the present Senator from Massachusetts, [Mr. BOUTWELL,] recommending the payment of a sufficient amount. The committee thought $2,000 was a very small amount for the services rendered.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MINT LAWS.

Mr. SHERMAN. The next bill in order is on page 19 of the Calendar, the bill (S. No. 777) to amend the fifteenth and sixteenth sections of the act entitled "An act revising and amending the laws relative to mints, assay offices, and coinage of the United States," approved February 12, 1873. That is a bill in which I think the Senator from California is interested.

Mr. SARGENT. I suggest that this bill might be passed over now, so that we may have time to look at it and see which one the Director of the Mint refers to.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. The bill will be passed over.

TAXES ON CIRCULATION OF STATE BANKS.

Mr. SHERMAN. The next is the bill (S. No. 731) to reduce tax on circulation of State banks to an amount equal to that paid by national banks. That is reported adversely, and I move that it be indefinitely postponed.

Mr. DAVIS. I should prefer that the bill remain on the Calendar, if the Senator has no objection.

Mr. SHERMAN. The object of this call is to get rid of these bills and clear the Calendar. It is lumbering up the Calendar to keep on it all these bills.

Mr. DAVIS. This is a bill that the people whom I in part represent feel a good deal of interest in; and there are two or three Senators probably who, if there is an opportunity during the session, may want to speak upon it.

Mr. SHERMAN. I shall not object to its remaining on the Calendar if the Senator says any gentleman wishes to be heard upon it.

The VICE-PRESIDENT. The bill will remain on the Calendar.

NOTES OF GOLD BANKS.

Mr. SHERMAN. The next bill in order is on page 20 of the Calendar, the bill (H. R. No. 975) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary loan certificates and for an increase of national-bank notes," approved July 12, 1870, which was reported adversely. I move that it be indefinitely postponed.

Mr. SARGENT. I should like to have that bill read.

The bill was read. It proposes to amend section 3 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, so as to read;

SEC. 3. That upon the deposit of any United States bonds, bearing interest payable in gold, with the Treasurer of the United States, in the manner prescribed in the nineteenth and twentieth sections of the national-currency act, it shall be lawful for the Comptroller of the Currency to issue to the association making the same circulating notes of different denominations, not less than five dollars, not exceeding in amount 90 per cent. of the par value of the bonds deposited, which notes shall bear upon their face the promise of the association to which they are issued to pay them, upon presentation at the office of the association, in gold coin of the United States, and shall be redeemable, upon such presentation, in such coin: *Provided*, That no banking association organized under this section shall have a circulation in excess of $1,000,000.

Mr. SARGENT. I feel great reluctance to taking up any of the time which is devoted to committees in the morning hour; but I wish to call the attention of the Senate to the fact that this bill is very important to the banks which pay their notes in gold, which now are principally, I believe entirely, located in the Pacific States and Territories, but which by our approach toward specie payments may be enticed into other States and probably finally will be the form of bank which will be the most prominent.

The only proposition in this bill is that banks paying gold shall have the same amount of currency issued to them in proportion to the amount of bonds which they file in the Treasury that non-specie-paying banks are allowed. In the one case it is now ninety cents on the dollar; in the case of gold banking it is only eighty cents on the dollar. It seems to me that the credit of the nation is well enough established. It is now at least 16 per cent. above the value of paper, making 36 per cent. margin for gold notes if this matter is equalized. The credit of the Government is well enough established for us to go upon this 20 per cent.; or even the 10 per cent. between ninety and one hundred would be sufficient to guarantee the Government in its suretyship on these gold notes.

I think that the operation of the original section is such as to discourage and fetter the organization of banks of this character. It has been a matter of constant complaint on the part of our business community and of those who are engaged in this banking that the amount of currency they received was but 80 per cent. of the bonds deposited, while other banks receive 90; and they complain of it not merely as a matter of comparison that others were having higher privileges, but that it was embarrassing to their business, that it was a great hardship which the Government put upon them. There have been petitions after petitions sent to us on this matter, and letters from business men who do not write unless they feel that there is a necessity for their request being heard.

I do not think that any good reason can be given why this measure should not pass. It has passed the other House, and I trust the Finance Committee will allow this bill, which simply puts these banks on an equality with the others, to pass. If we asked for any superior privileges, if we claimed that there was a merit in banks paying gold, that they ought to be encouraged and have exceptional privileges, then exception might be taken to such an argument; but certainly it is fair and reasonable for us to ask that banks so paying gold shall have at least the privileges which are given to others who simply redeem in depreciated paper. I therefore hope that the bill may pass.

Mr. SHERMAN. The Committee on Finance considered this matter fully and understand it perfectly. The whole case arises out of a discrimination that is made between the amount of notes issued to gold banks and to currency banks. Under the law as it now stands, when a bank is organized on the currency basis it may receive 90 per cent. of the amount of its bonds in circulating notes, while the gold bank receives but 80 per cent.; and the reason for this distinction is palpable. In the first place, when a currency bank starts it must buy bonds at from 15 to 16 per cent. premium. On the basis of bonds at that price in currency value, they can only issue 90 per cent. of the principal of the bonds in circulating notes; so that the security of the note-holder is a bond worth 26 per cent. more than the amount of the notes issued upon that security. When we came to organize gold banks, when the price of bonds and the price of gold was about the same, so that bonds might be bought at about the par of gold or a slight increase only, we, necessarily, to make the system homogeneous, only authorized the issue of 80 per cent. of the amount in gold notes. That makes the security of a gold note stand on precisely the same footing as the security of a currency note. The currency note for one dollar is secured by a bond which is worth $1.27, while when a gold note is issued for one dollar it is secured by a bond worth $1.20.

Mr. SCHURZ. Will the Senator from Ohio permit a question?

Mr. SHERMAN. I should like to get through with my explanation.

Mr. SCHURZ. It bears on the Senator's argument right here.

Mr. SHERMAN. Very well.

Mr. SCHURZ. The difference which he states undoubtedly exists; but is it not also certain that as the premium on gold declines the market value of bonds will also approach par, and that therefore in the same measure the difference will disappear between the two cases?

Mr. SHERMAN. That was the next point I was going to make.

Mr. SCHURZ. Another question in connection with this is, would it not be well, under present circumstances, to afford some facilities to gold banks that will encourage their establishment, for it will evidently be a thing working favorably in the direction of specie payments?

Mr. SHERMAN. I think just the contrary. If in four years, as we all now anticipate and as the people I think have generally made up their minds, there will be no difference between gold and paper, then there will be no difference between a gold bank and a currency bank, but all will stand upon the same footing under the general law. This, therefore, is a mere temporary measure, to give an advantage to a gold bank over a currency bank.

My own judgment is that these temporary laws ought not to be passed, and the Committee on Finance upon this point was unanimous that we ought not to change the relations which now exist between the gold banks and the currency banks. They are on the same footing now practically, and as we approach specie payments all banks will be organized not as gold banks nor as currency banks, but all will be organized upon the same footing under the national-currency act, and the notes of all will be redeemable practically in gold.

To show that we did not desire to discriminate against the gold banks we have repealed that provision inserted in the old law which limits the amount of circulation of a gold bank to $1,000,000, and now the gold banks are in every respect on the same footing with the currency banks. The discrimination between the 90 and 80 per cent. is caused by the fact that there is now in market value an actual discrimination between the currency note and the gold note. The difference between the currency note and the gold note being now about equal to the difference between the amount that is issued in the one case of currency notes and of gold notes in the other, I think the law had better stand as it is. There is no practical difficulty. Indeed, I am assured by the constituents of the Senator from California that the chief difficulty in the way of the organization of gold banks is now removed. Some of the banks that are now organized in California may without too great a sacrifice enter into the national banking system, and I hope they will do so.

This question has been maturely considered. I do not think this bill ought to pass; at all events it ought not to pass during the morning hour, because it will create considerable confusion. If the Senator desires it to go over so as to call the attention of the Senate to it hereafter at a time when it may be debated, I have no objection to that.

Mr. SARGENT. If the bill were to be passed over now instead of being acted upon, I should fear that we may not reach it again. Perhaps I might as well allow it to be indefinitely postponed at once. Under the rule which we have adopted it is provided that the committees may call up their bills for action and for debate during the morning hour. The Senator has very forcibly presented everything that could be said against this bill, and yet it seems to me that his arguments fall short, and that there are good reasons, which must strike the Senate, why the bill ought to pass.

As we approach specie payments, by the argument of the Senator, this discrimination becomes greater against these gold banks, because the other banks which now pay merely currency, and are authorized to redeem in currency will still be authorized to do it; and banks which always have paid in gold will hereafter have to do it,

and are required to do so by their charters. They will have to disincorporate and reincorporate under the currency law, or else they will be compelled still to pay in one hundred dollars in coin bonds to give but eighty dollars in currency, because by the very provision of their charter they are not allowed to pay in any lawful money except gold. Now, though gold be worth paper and paper be worth gold, and they be entirely equal, nevertheless these banks cannot pay over their counters currency without forfeiting their charters. They will be compelled, therefore, to put themselves under the general currency law and go out of existence as gold banks. This being so, it must be admitted that there is great discrimination against them.

Furthermore, the 20 per cent. which was originally exacted was exacted at a time when the credit of the Government was low. It was then supposed to be necessary to the security of the Government. The Senator shakes his head. If I remember, the organization of the gold banks was at a time when there was a depreciation of about twenty to twenty-two and a half cents.

Mr. SHERMAN. I shook my head to correct the Senator on that point. The bill was passed in 1870, and at that time gold stood just about as it does to-day. We have not approached a single step toward specie payments from 1870 to this hour. Senators will probably remember that gold stood then at about 110 to 112, and that was the reason for the distinction.

Mr. SARGENT. There have been fluctuations backward and forward, and the Senator, who is usually correct in his figures, may be correct in that matter. Gold has been worth as much since, and it was worth more just before that. Suppose the bill had passed a year or two before, you would not have thought of exacting more than 20 per cent. Whenever the fluctuations shall turn so that gold is nearer to paper, then if 20 per cent. was right when gold was higher it becomes a hardship, and the nearer you approach specie payments the greater the hardship is. It costs just as much capital to buy the bonds for a gold bank as it does to buy the bonds for a currency bank. The gold banker cannot go into the market and get his bonds any cheaper than the man who wants to start a currency bank. He has to put down for every dollar of the national bonds just as much valuable property as the man who wants to buy them for any other kind of a bank; and, therefore, it seems to me the argument with regard to the cost of the bonds is rather specious than otherwise.

So far as the wishes of the people of my State are concerned, I speak with great confidence. I know to what the Senator alludes. The Bank of California, which has a capital of $4,000,000 or $5,000,000, has been excluded by the limitation which has heretofore been put upon gold banks, limiting their amount of circulation to $1,000,000, from going into the system, because it would be compelled to give up three-fourths of its business; but that limitation finally, after years of trouble, has been taken off. We think it would be a great advantage to our coast, to its general moneyed interests, to induce a large, stable, able corporation like that, with immense resources, to adopt the national currency, and adopt it in its best form of the national gold note; and finally, after numerous discouragements, after fighting step by step and calling back bills which had been indefinitely postponed and putting them on the Calendar—after making the fight myself in the other House several years—finally, at this session, under a more liberal feeling toward gold banks or some motives of general policy, Congress has taken off that limitation. Is that to be used as an argument why other discriminations against gold banks shall not be taken off?

I say the only question is whether the Government, when it takes one hundred dollar bonds, has sufficient to redeem its pledge to make good the default of the bank to redeem the currency in case of its failure, when it gives out only 90 per cent. on currency. If it has sufficient security, that is the only question to be considered. Does the chairman of the Committee on Finance or any other Senator say that the Government, with $100 of its own interest-paying gold-bearing bonds, has not sufficient security for ninety dollars of gold notes? Then let us put it upon that plea, and that only, and say the Government cannot afford to do that in view of contingencies. I believe, however, that that is ample security to the Government, and you want no more than the security to the Government, because it is a fetter on the business of our coast.

Mr. MORRILL, of Vermont. May I be permitted to ask the Senator from California a question?

Mr. SARGENT. With pleasure.

Mr. MORRILL, of Vermont. I know that the Senator from California, like myself, stands on hard-pan. We have already adopted a policy looking toward ultimate resumption of specie paying on the part of all the banks. Now I desire to put it to the Senator from California whether he does not perceive that to allow these gold banks to issue gold notes will actually swell the amount of currency and will therefore inflate the currency, so as to make it somewhat difficult for those banks which are not specie-paying banks to resume four years hence?

Mr. SARGENT. I certainly must say to the Senator that I do not see that at all. I do not see how an obligation payable instantly in gold, as these notes are, over the counter, and have been for years, can be an inflation of the currency, unless the same argument would apply to the gold mines of California, and we should be required to stop digging out gold and coining it for fear of inflating the currency!

Mr. SHERMAN. I hope the Senator will allow this matter, which in all probability cannot be acted upon to-day, to be passed over until the next call, so that I may secure the passage of a bill which I desire and which is important for immediate purposes.

Mr. SARGENT. I want a vote on this proposition.

Mr. SHERMAN. Let it go over.

Mr. SARGENT. Then it goes to the Greek Calends. I should like to have a vote on the bill.

Mr. SHERMAN. I move, then, that it be indefinitely postponed. The Senator cannot have a vote on the passage of the bill now, because even if it is to be passed it ought to be amended. It had better pass over to another call. I will call it up in the course of time if the Senator wishes, but I want to pass this morning a bill that is important.

Mr. SARGENT. Very well, I will defer to the Senator and let it stand over to the next call or seek an earlier opportunity to call the attention of the Senate to it.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. The bill will be passed over.

BANK EXAMINERS.

Mr. SHERMAN. The next bill reported by the Committee on Finance is a matter upon which I should like to have the action of the Senate. It is the bill (H. R. No. 3825) to amend the national-bank act, and fixing the compensation of national-bank examiners.

The Senate, as in Committee of the Whole, proceeded to consider the bill. The Committee on Finance had reported an amendment, to strike out all after the enacting clause and insert:

That section 5240 of the Revised Statutes of the United States be so amended that the latter clause of said section, after the word "chancery," fixing the compensation of persons authorized to make examinations of national banks, be amended so that the same shall read as follows, namely: "That all persons appointed to be examiners of national banks, not located in the redemption cities specified in section 31 of the national-bank act, shall receive compensation for such examinations as follows: For examining national banks having a capital less than $100,000, $20; those having a capital of $100,000 and less than $200,000, $25; those having a capital of $200,000 and less than $300,000, $30; those having a capital of $300,000 and less than $400,000, $35; those having a capital of $400,000 and less than $500,000, $40; those having a capital of $500,000 and less than $600,000, $50; those having a capital of $600,000 and over, $75; which amounts shall be assessed by the Comptroller of the Currency upon and paid by the respective associations so examined, and shall be in lieu of the compensation and mileage heretofore allowed for making said examinations."

Mr. SCOTT. I think I can explain the bill in a moment so that it will be intelligible. The present provision in reference to the compensation of examiners of national banks reads thus:

And every person appointed to make such examinations shall receive for his services at the rate of five dollars per day for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined.

It will thus be seen that the compensation of the examiners is daily pay and mileage. This bill fixes a specific sum to be paid for each examination and cuts off the mileage, but exempts from the operation of the bill the redemption cities, for reasons which are stated in a letter of the Comptroller of the Currency accompanying the bill, which I desire to have read. It is with the bill among the papers. I may state, while the Clerk is looking for the letter, that the substance of it is that the bill as now reported will give to examiners of banks outside of the redemption cities practically about the same amount of annual salary that they now receive, while it will prevent the abuse of which complaint has been made, of charging very large mileage for traveling from one portion of the country to another. The reasons are stated in the letter of the Comptroller of the Currency why it should not apply to the redemption cities. There the salary is much larger than that paid to examiners who travel through the country. If this bill were made applicable to banks in the redemption cities, it would make the salaries so small as to deprive the Department of the services of examiners whom they deem it important to have in those cities.

Mr. EDMUNDS. I wish to suggest to the Senator from Pennsylvania that as I heard the amendment read it speaks of amending section 5240 to come in after the word "chancery." I am unable to find any word "chancery" in section 5240. It may be there, but I am quite unable to find it. I suggest that the amendment ought to be corrected in that respect.

Mr. SCOTT. Unless there is an error in either the printing or the citing of the section, the language is correct.

Mr. EDMUNDS. The section is correct, but the word "chancery" referred to does not exist in the section, according to my observation.

Mr. SHERMAN. Let the letter be read, and we will examine this point.

The Chief Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, January 7, 1875.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d ultimo, enclosing H. R. No. 3825, "An act to amend the national-bank act and fixing the compensation of national-bank examiners," with the request that I will examine the same and return it with suggestions for the consideration of the committee; and in accordance therewith I return the bill with amendments written upon it. The rates provided in the bill as amended correspond, as a rule, to the rates which have been collected from the national banks for almost the entire period since the organization of the system. In the redemption cities, where the proportion of surplus to capital and of deposits to capital and surplus is very much larger than in the country banks, the rates have been much higher. The aggregate amount collected from the forty-eight national banks in the city of New York during the last year was $8,400, and the amount collected from the fifty-three national banks in Boston for the same period was $7,650. One bank in the city of New York pays fifty dollars

for its examination, and all the others pay from one hundred to three hundred dollars. The examiners for the cities of New York and Boston were both appointed upon the nomination of the clearing-houses of those cities respectively; and the assessments in Boston have been made in accordance with a schedule prepared by the clearing-house, with the intention of paying the examiner a salary of $5,000 and his assistant $2,500. The compensation of the examiners in these and the other redemption cities is not excessive, and it would be almost impossible to devise a schedule of rates which would seem to be reasonable and yet afford adequate compensation to examiners in these cities. I have therefore thought best, in returning the bill, to exclude from its provisions the compensation to be allowed to examiners in the redemption cities, as without the amendment suggested it would be impossible to obtain the services of competent examiners. If passed without amendment, the bill would authorize the payment of only $2,990 in New York, and $3,510 in Boston, for salaries of examiners and their assistants in those cities.

I am, very respectfully,

JNO. JAY KNOX,
Comptroller.

Hon. JOHN SCOTT,
Of Committee on Finance, United States Senate.

Mr. SCOTT. There is a misprint in the amendment. The word "chancery" ought to be "comptroller."

The VICE-PRESIDENT. That correction will be made in the amendment of the Committee on Finance.

Mr. HAMLIN. I should like some information of the committee which has reported this bill. I do not possess the requisite knowledge myself, and am not therefore able to tell whether the scale of prices proposed is just. I presume it is, or it would not have received the approbation of the committee. I can conceive that as a rule it may be correct; but here is a bank examiner in a given State and he is called upon by the Treasury Department to examine a small bank, it may be where the compensation is lowest, and I believe that is twenty dollars, in a remote section of the State. He may be obliged to travel hundreds of miles, and his expenses of travel may be more than the compensation that he receives for the service that he performs. Will the scale on the whole be sufficient to overcome such cases as may exist of the character which I have named? If it be as a whole what will furnish a fair compensation, I have no objection to the bill; but if it be not, if you have only fixed the scale upon the ground that the sums therein named are to be paid in a regular examination, you ought to provide, it seems to me, in the bill against the contingency to which I have alluded, to wit, the examination of a single bank in a remote section of a State hundreds of miles away from the examiner, where his expenses would exhaust his compensation. It seems to me there ought to be some provision to meet such a case as that.

Mr. SHERMAN. The answer is, that the bill will not materially change the aggregate pay of these examiners, taking the year through, but it will prevent complaints that have occurred in regard to the gross charges for expenses, mileage, &c., and prevent controversies by making the charge specific. It will leave the pay of the bank examiner practically about what it is.

Mr. HOWE. Will the Senator say whether he thinks under the amended bill the same amount of service will be rendered, that the examination will be as thorough and as careful?

Mr. SHERMAN. I have no doubt of that. The chief trouble now is about the mileage. The banks have to pay all these expenses.

Mr. SCOTT. With the consent of the Senator from Ohio, I desire to say that my attention has been called to the question whether this bill which has been prepared by the Comptroller of the Currency, while it may correct the amounts to be paid to the examiners outside of the redemption cities, does provide in sufficiently explicit terms for the payment of those located in redemption cities. I think that inquiry is of sufficient importance, as the morning hour has about expired, to permit this bill to go over for the purpose of examining that question.

The VICE-PRESIDENT. The morning hour has expired.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 15th instant approved and signed the following acts:

An act (S. No. 743) to remove the political disabilities of Dabney H. Maury, of Virginia; and

An act (S. No. 744) to remove the political disabilities of Charles M. Fauntleroy, of Virginia.

SELF-GOVERNMENT IN LOUISIANA.

The VICE-PRESIDENT. The unfinished business of Saturday is now in order, being the resolution of the Senator from Missouri, [Mr. SCHURZ,] upon which the Senator from Ohio [Mr. SHERMAN] is entitled to the floor.

Mr. SHERMAN. In pursuance of the statement made by me on Saturday of my disposition never to stand in the way of any practical business of legislation, I will yield the floor for the present to the Senator from Maine who wishes to move to take up an appropriation bill, hoping that when the Senate resumes the consideration of the Louisiana case I shall be allowed to finish my remarks.

Mr. MORRILL, of Maine. I move to postpone the resolution and all prior orders and proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

Mr. MORRILL, of Maine. If I could flatter myself that I could get the attention of the Senate, I should say a few words in the way of general statement as to what the bill contains before it is read. I ask unanimous consent that the amendments may be acted on as they are reached in the reading of the bill. That will facilitate matters.

The VICE-PRESIDENT. That will be done if there be no objection.

Mr. MORRILL, of Maine. I will state, in a general way, what the bill is in its amount. This bill, as reported to the House of Representatives by the Committee on Appropriations of that branch, appropriated $20,031,712.99. As it passed the House of Representatives, it appropriated $18,422,442.99. As recommended by the Committee on Appropriations of the Senate, the amount is $18,791,954.99; which is a net increase of $369,512 over the bill as it passed the House of Representatives. This increase is attributable chiefly to the wants of the service in the assay offices and in the Departments of the Government here at Washington.

I will state further that the bill, as compared with the same bill last year, is a reduction from last year of $1,966,300.

To these general statements I will add simply that the bill is brief, and free in all respects from any matter of legislation not precisely germane to the bill. With these general statements, I ask that the Clerk proceed with the reading.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Clerk will proceed with the reading of the bill, and the amendments reported by the Committee on Appropriations will be acted on in their order as the reading of the bill proceeds.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was in section 1, lines 22 and 23, in the appropriation for the salary of the "principal clerk, principal executive clerk, minute and journal clerk, and financial clerk, in the office of the Secretary of the Senate," to strike out "$2,592 each" and insert "$3,000 each."

Mr. EDMUNDS. I should like to ask the chairman whether that is an increase of salary or only a rectification of amounts?

Mr. MORRILL, of Maine. That is an increase of salary, and there is a similar increase on the third page, in line 41, and there is a decrease of the corresponding officers of the House of Representatives on the eighth page. These clerkships in the two branches correspond to each other in their duties. The clerks in the House of Representatives, it will be seen, stand some five or six hundred dollars a year higher than those of the Senate. That was an increase made last year against the vote of the Senate and against the recommendation of its committee. The increase in these salaries on our side is in order to adjust that inequality between these offices. That is the purpose of it, and to get the control of the question and have some consideration of that subject of the equalization of the salaries of the clerks of the two branches.

Mr. MORRILL, of Vermont. I desire to ask the Senator from Maine a question, whether the action of the committee does not reduce the pay of the clerks of the House and raise the clerks of the Senate?

Mr. MORRILL, of Maine. I have just stated that. My honorable friend was not giving attention, I think.

Mr. MORRILL, of Vermont. I was giving attention, but could not hear the Senator.

Mr. MORRILL, of Maine. I stated that fact, and that the object of this was to correct that inequality between the officers in the two branches whose duties are corresponding. The House increased their's last year, I may say against the protest of this side, but it having been increased, it is not fair that the inequality should exist. In one way or the other it should be corrected, either by the reduction of the salaries on the other side or an increase of the salaries on our own. The only way that occurred to the committee to get at that question was in this mode.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment reported by the Committee on Appropriations was in lines 40 and 41, to increase the appropriation for the salary of the assistant postmaster and mail-carrier of the Senate from $1,728 to $2,088 each.

The amendment was agreed to.

The next amendment was after line 60 to insert "clerk to the Committee on the Judiciary, $2,220," among the officers, &c., receiving an annual salary in the service of the Senate.

The amendment was agreed to.

The next amendment was in line 71, to strike out "one" and insert "to pay Kate Dodson," so as to make the clause read:

> And to pay Kate Dodson, female attendant in charge of ladies' retiring-room, $720.

The amendment was agreed to.

The next amendment was to insert after the word "month," in line 74, the words "during the session of Congress," so as to read:

> Telegraph operator, at the rate of $100 per month, during the session of Congress, $700.

Mr. MORRILL, of Maine. I desire to present to the Senate the question raised by this amendment. It is in harmony with the law as it now stands, by which the so-called "departmental tele-

graph" was established, and therefore the committee felt constrained to make the appropriation accordingly. The statement about it is that it is not quite fair to the young gentlemen who are employed here during the session, the business necessarily involving more or less skill, to put them on a salary of $100 a month, and at the end of the session make them look for such other employment as they can get. I submit the question to the Senate whether they will insert these words. If it be not done, they will be paid $1,200 salary for the year.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. CONKLING. I wish now to ask the Senator from Maine, that amendment being rejected, if it effects the purpose of giving the young gentleman who is the operator here $100 a month?

Mr. MORRILL, of Maine. That is my understanding that it will be so.

Mr. CONKLING. Without any further amendment?

Mr. MORRILL, of Maine. Yes, sir.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in lines 76 and 77, to increase the total appropriation for the compensation, &c., of officers and others receiving annual pay in the service of the Senate from $139,836.80 to $144,048.80.

The amendment was agreed to.

The next amendment was in line 82, to increase the appropriation "for stationery and newspapers, (including $5,000 for stationery for committees and officers of the Senate, and $100 for postage-stamps for the Secretary of the Senate,") from $14,250 to $14,350.

The amendment was agreed to.

The next amendment was to strike out after the word "dollars," in line 84, the words—

And hereafter clerks of committees of either branch of Congress (except those whose salaries are fixed by specific appropriations) shall be paid not more than five dollars per day, and during the session only.

The amendment was agreed to.

The next amendment was in line 117, to insert after the word "that" the word hereafter; so as to make the proviso read:

Provided, That hereafter, whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated.

The amendment was agreed to.

The next amendment was in lines 135 and 136, to strike out the words, "while such positions are held by the present incumbents, and no longer;" in line 36 to strike out the words "six hundred;" in line 138 to strike out the words "three thousand" and to insert the words "two thousand five hundred and ninety-two;" so as to make the clause read:

Chief clerk and journal clerk of the House, $3,000 each; two reading clerks, assistant journal clerk, and tally clerk, $2,592 each.

The amendment was agreed to.

The next amendment was in lines 178 and 180, to reduce the appropriation for salary of the first assistant postmaster of the House from $2,088 to $1,800.

The amendment was agreed to.

The next amendment was in line 186, to reduce the appropriation for the salary of two stenographers for committees of the House from $5,000 to $4,200 each.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Maine to the phraseology in line 196, "One telegraph operator, at $100 per month during the sessions of Congress."

Mr. MORRILL, of Maine. I move to strike out the words "during the sessions of Congress." That refers to the telegraph operator on the House side.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in lines 205 and 206, to reduce the total appropriation for the compensation of officers and others receiving annual compensation in the service of the House of Representatives from $229,190.70 to $224,470.70.

The amendment was agreed to.

The next amendment was in line 302, to strike out the word "five" and to insert "four," and in line 303 to strike out the words "three thousand six hundred" and insert "two thousand eight hundred and eighty," so as to make the item read:

For four watchmen in reservation numbered two, (being the Smithsonian grounds,) $2,880.

Mr. HAMLIN. It is known to all Senators that the grounds around the Smithsonian Institution are spacious, very large. It is known also that those grounds are visited at all hours of the day and at all hours of the night by a great many persons; and it is within my own knowledge in the past few years that watchmen have had severe duties to perform within those grounds. I inquire of my colleague what is the information upon which the committee have reduced the number of watchmen there? My judgment is that the reduction had better be made somewhere else than there where they are really and absolutely needed.

Mr. MORRILL, of Maine. That all may be, but the committee contemplate an amendment in regard to the police force of the District, which we think will relieve a great deal of this kind of duty Congress pays two-thirds of the expenses of the Metropolitan police of this District, and in addition to that we police our own grounds. There is no reason in the world why the duty of policing these public grounds should not be devolved upon the Metropolitan police. We propose to devolve upon the Metropolitan police the whole police duties in regard to the public grounds. We think that will relieve the matter very much.

Mr. HAMLIN. Let me ask my colleague if the additional duties to be done by that police in the public grounds will be fully equivalent to the one watchman here dismissed?

Mr. MORRILL, of Maine. Very much more.

Mr. HAMLIN. Then I am satisfied.

Mr. MORRILL, of Maine. We hope in the end to relieve ourselves of all this special service. There is no reason why there should be any special policemen anywhere on the public grounds.

Mr. HAMLIN. I am satisfied.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 368, to strike out for "repairs, $4,000" in the item for "contingent expenses of the Department of State;" and in line 372 to reduce the total appropriation for that item from $21,570 to $17,570.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment reported by the Committee on Appropriations was in line 543, to reduce the appropriation for the salary of the Commissioner of Internal Revenue from $6,000 to $5,000.

Mr. SCOTT. I desire to ask of the chairman of the Committee on Appropriations what reason there is for reducing this salary, which has stood at these figures since the creation of the office in 1866, I believe; and especially what reason there is for the concluding clause, which I will mention as connected with this, which not only reduces the salary for the next fiscal year, but also for the remainder of the present fiscal year, for which appropriation has already been made?

Mr. MORRILL, of Maine. It does not affect that.

Mr. SCOTT. Yes—"that hereafter the salary of the Commissioner of Internal Revenue shall be $5,000, and no more." I should be glad to hear any explanation there may be on the subject, and whether this reduction has the approval of the Secretary of the Treasury.

Mr. SARGENT. The chairman of the committee has handed to me a letter from the Secretary of the Treasury relating to this matter; and I will state to the Senate that the committee, in passing over this bill, without any idea of being personal to any particular officer or hurting anybody's feelings, ascertained from this and the statute-books that the salary of the Commissioner of Internal Revenue is $6,000—$1,000 more than that of the First and Second Comptrollers, whose duties are enormous in their responsibility and magnitude; and they thought, on general public considerations, that this salary might be reduced to $5,000 and he be put on a level with these officers, who are the highest in pay in the Treasury Department, except the Treasurer of the United States, who has the responsibility of so many millions in coin and paper, and that no injustice would be done to any one by it. The committee were aware that during the early years of the office of Commissioner of Internal Revenue, when the amount of our collections ran to half of a thousand million dollars per annum, when the system was new, when the objects of taxation were very various, when but a very small proportion of the whole amount was collected by stamps, when decisions were required to be hourly made by the Commissioner of Internal Revenue which required careful study, a sense of great responsibility, and the most thorough impartiality, to save the Treasury, and not to infringe the rights of individual tax-payers, a salary of $6,000, or even $8,000, could have been afforded by the Government to secure the very highest talent. But that time has passed by in the opinion of the committee. Now the duties of this office are more in the way of routine. We have taken off large branches of internal revenue; we have simplified others; we collect nearly everything by stamps. I might say practically everything is now collected by stamps. The principles of the application of the revenue law are understood. There are no longer those immense throngs in the ante-chamber of the Commissioner of Internal Revenue anxious for the decision of their tax appeals or for information in the law. Where we ourselves were formerly in the habit of receiving ten or a dozen letters a day directing our attention to the construction of the internal-revenue laws and were compelled to consult the Commissioner of Internal Revenue, we now do not receive that number in three months. In fact, the office, on account of the simplification of it and the removal of duties, has come down so that it would be doing it more than justice to say that it is equal in its responsibilities to that of the First or Second Comptroller. The committee so thinking, not having any idea of exciting anybody's wrath or of provoking personal letters to members of the Senate, complaining that this was intended as a strike at a single official, without perhaps estimating sufficiently the great difficulty of getting anything like economy where a salary is concerned, where a salary has been fixed heretofore by any statute, without weighing these difficulties, did suggest in the modest form in which it appears in this bill that the salary be fixed hereafter at $5,000. I do not think the criticism of the proviso applies because an appropriation bill takes effect from the beginning of the fiscal year, and legislative provisions follow the

same rule unless there is an express direction that it shall be otherwise. But in order that there might be no question in reference to that, when the attention of the committee was called to the subject this morning, I was authorized to modify the succeeding amendment, in case this was adopted, by providing that from and after the 1st day of July, 1875, the salary of the Commissioner of Internal Revenue shall be $5,000. I make that statement in order to relieve the present amendment of the difficulty which might be supposed to arise from that view.

I have said that it is very difficult to reduce a salary when it has once been put at a high figure, no matter though the duties of the office may become merely nominal; but I do not mean to assume that the duties of the Commissioner of Internal Revenue are merely nominal. I know that they are very important and very well discharged indeed by the present officer, but we cannot get much support outside of this Chamber, and perhaps we shall soon ascertain whether we get any in this Chamber, to a proposition to cut down salaries. I desire that the Clerk may read the letter which has been sent by the Secretary of the Treasury referring to this $6,000 salary and objecting to its being reduced further. The Secretary of the Treasury undoubtedly conscientiously thinks this salary is not too large, and I do not know that it is except in comparison with others.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
January 16, 1875.

SIR: On page 23 of House bill 3818 I observe an amendment introduced by your committee, reducing the salary of the Commissioner of Internal Revenue from $6,000 to $5,000.

While I am disposed to favor every measure of economy practicable and consistent with the public interest, I do not perceive that there is any reason why the salary of the Commissioner of Internal Revenue should be now reduced. The duties and responsibilities of that office are very great, and I am unable to see that they are likely to be less so. It may be that the salaries of other officers of this Department by comparison with this appear to be too low; but it seems to me that this is no reason for reduction of the Commissioner's salary.

I have the honor to be,

B. H. BRISTOW,
Secretary.

Hon. LOT M. MORRILL,
Chairman Committee on Appropriations,
United States Senate.

Mr. MORTON. Mr. President, if I understand correctly the nature of the office of Commissioner of Internal Revenue, it is one of great responsibility and requires for its successful discharge great industry and sound judgment. This officer has charge of the collection of something over one hundred millions of our revenue, and difficult questions are constantly arising before him. It seems to me that for the discharge of this responsible duty, so intimately connected with the successful management of the Government and the supply of revenue for carrying it on, the salary now fixed by law, $6,000, is not too large; and while I shall generally concur with the committee in their amendments, I must beg leave to dissent from this. I hope this amendment will not be adopted.

Mr. BAYARD. I am surprised that the amendment should be proposed by the Committee on Appropriations, although the only reasons that can be alleged for it have been, I think, urged by the Senator from California. The comparative business of this office with the amount of ability required and the responsibility devolved on the proper administration of this office, requires, in my opinion, that it should be coupled with a fair compensation. The present compensation of this officer I consider too low. If my views were to be considered in this matter, it would be increased instead of being diminished. I am glad to bear my testimony to that which it probably is not necessary that I should speak of, the ability and the high character which have been brought to the performance of the duties of this most responsible office by the present incumbent. This is the very pivot upon which our whole excise depends. The success of the excise system of the United States depends almost entirely upon the capacity for administration of the Commissioner of Internal Revenue. If an incompetent or an unfaithful or any indiscreet officer were at the head of that Bureau, the loss to the Treasury would be incalculable.

It is perfectly true that there was a period in the history of the laws of this country when there were more multifarious and more complicated duties devolved upon the officer than now. It is also true that the place was very ably filled; but we all know of one very distinguished incumbent, Mr. William Orton, that he was absolutely unable to apply such abilities as his to the public service, receiving such pay as the office then gave, although it was a sum higher than it is at present. That we lost such services as Mr. Orton's, for which the Government of the United States paid him perhaps five or six thousand dollars and for which a private corporation is very glad to pay him six times six thousand dollars, is an illustration merely that the Government cannot expect to have the highest grade of individual services for less money than can be obtained for them in private life.

I merely make this contribution of information from my side of the Chamber, from my point of view, in speaking of this question, to the hope that the amendment of the committee may not be concurred in, but that if any change is to be made there will be an addition to the salary of this officer, and not a diminution.

Mr. SCOTT. While we all desire cordially to co-operate with the Committee on Appropriations in making all proper reductions in the public expenditures, I think we can hardly concur in the propriety of making the reduction in this particular instance. It is to be borne in mind that while the character of the business in the Internal Revenue Office is very much changed, as stated by the Senator from California, there has also been another change in the character of the business of that office. It is not very long since the office of assessor was abolished, and the duties of the former assessors devolved entirely upon the collectors. The consequence of that change has been that nearly all the appeals, indeed I think all the appeals which were formerly made by persons assessed to the assessors, come directly to the Department and have to be acted upon by the head of the Bureau; so that in that respect the change of the law made a year or two ago has very much increased his duties.

There is one other thing to which I wish to call attention. The Senator from California states what I have no doubt will be borne out by all who are familiar with this office, that its duties are well discharged. The present officer entered the revenue service originally as a collector and came from that service to the office of deputy commissioner of internal revenue, and has for some years discharged the duties of head of the Bureau; and if there were no other feature about his service, his experience and his knowledge both of the laws involved and of the duties of subordinate officers would of itself justify us in continuing the salary at the amount originally fixed by the law, for we have all recognized the propriety of giving to officers of long experience, of fidelity, and of success in the discharge of their duties, a larger salary than would be given to those who are unfamiliar with those duties.

I made the inquiry, not supposing that there had been any feeling elicited in any place. I was not aware until the Senator from California spoke of somebody's wrath being excited that there was anything else in this matter than an inquiry as to what was true public policy. I was not aware that any letters had been written to anybody, but was informed of the letter written by the Secretary of the Treasury. I do not know whether the Senator from California intended to convey the idea that anybody was angry. Certainly I was not. In making the inquiry, I wished to get at the facts, and made a proper appeal to the chairman as to what induced the committee to reduce the salary. I think the considerations already stated are such as to render this at least bad economy, and I hope the amendment will not be concurred in.

Mr. HAMLIN. I concur in the closing remarks of the Senator from Pennsylvania. I think there has already been enough said on this matter to justify us in coming to the conclusion which he indicated; but yet I want to trouble the Senate a moment. So far as my knowledge of the present incumbent is concerned, I think him an able and efficient officer; but irrespective of that entirely, with no regard whatever to the incumbent, I hold that the ability requisite for the place, the responsibilities and the duties imposed, demand a man in that position whose services are worth to the country all the compensation the law now gives. That is my judgment, and I think if you will measure that compensation by that of all the other Departments you will find that he is now in the receipt of a less sum than any other one. True, the Comptrollers, who are very responsible officers, who have very responsible duties to perform, and who I believe give very great satisfaction to the country by the manner in which those duties are discharged, are yet in positions vastly less responsible than those of the Commissioner of Internal Revenue. So important is this office, that it is familiar to us all that on several occasions the matter has been agitated, if not seriously considered, whether its importance did not demand that it should be created into a separate Department and made one of the Departments of Government, with a Cabinet minister attached to it. I confess, when I look at the other Departments and the responsibility which attaches to them and look at this, I think I can see as great a propriety in making it a separate Department, with a Secretary as its head, as there is for some of the Departments which now exist, and I am quite sure that we have in existence to-day no Department that any Senator would say could be dispensed with. Although the number of millions of dollars that go through the Treasury is very large, I think the responsibility and the duties incumbent upon that officer are of that complex character which require as much integrity, as much experience, as the Treasurer, and, tried by any rule, while I say the millions that go through the Treasury are large, taking all the responsibility of the two cases, I can see no reason in the world why the compensation of the Commissioner of Internal Revenue should not to-day be equal to that of the Treasurer. Still I think the Treasurer is entitled to what he receives. Looking at it candidly I think this amendment ought not, and as I trust will not, prevail.

Mr. SARGENT. I only want to say one word in reply to the Senator from Pennsylvania. I believe I did say that the committee did not intend to excite anybody's wrath. Quite a number of letters had been called to the attention of the committee, written by the Commissioner, wherein it was charged that the reduction was intended as a personal affront to him, or that it had that effect. I was merely repelling that idea, and saying that we had no such intention. It might be a personal inconvenience to him, as to any other man, to get a less salary, but it was not intended as a personal affront. I presume the Committee on Appropriations need not say even this of its motives. Perhaps the word "wrath" might better have been "indignation." So far as the committee are concerned about this,

I think we pretty much gave up the proposition when we received the adverse letter of the Secretary of the Treasury on the matter. I do not care to prolong the debate at all. The question is with the Senate; and if it is not thought desirable to economize in this direction, we must try and see if we cannot economize in some other, and I hope we shall have better luck.

Mr. MORRILL, of Vermont. It is very rarely that I oppose any proposition for the reduction of expenditures on the part of this body, but this seems to me a case of a very small reduction in the bill of $1,000. It strikes me as being aimed at an individual alone. No one has said that this gentleman who is performing the duties of his office is not competent; is not a man of integrity; that he does not understand the duties of his office. I believe if he were to be taken away from the office to-morrow, it would be almost impossible to supply a man of equal ability at the salary that we now pay. As was said by the Senator from Pennsylvania, the duties of the office have increased within the last year or two, in consequence of the abolition of the office of assessor throughout the country. It does appear to me that we can hardly afford to put the salary of a man who receives at least one-third of all the revenues of the country at a less rate than he has heretofore had. If the proposition was to reduce all salaries, then it might have my support; but I do not conceive that in this particular the salary of the Commissioner of Internal Revenue stands above other salaries. I therefore shall be compelled to vote against this amendment.

Mr. FLANAGAN. It seems to me that the Commissioner ought to be very much gratified that this amendment was proposed, for it has simply caused a high compliment to be paid him by the Senate. Every Senator who has testified in the case speaks in the very highest terms as to his qualifications and everything of the kind. There could be only one idea advanced beyond, which my distinguished friend from California omitted in the first instance, and it is rarely that anything escapes him. He might have said, I suppose, that at the time this $6,000 salary was recommended and enacted the nation was rich, and it being now poor, it ought to be reduced. That idea would not do very well for me. I hope we are progressing and that we are becoming better able to pay the $6,000 now than we were when we originally agreed to pay it. I think from all the evidence and everything I have seen in my interviews and business with this gentleman that he ought to be continued at this salary beyond a question.

Mr. BOGY. I hope to see the day when this Bureau will be abolished entirely, and if not, that it will be made into a Department, with a Cabinet officer at its head. The internal revenue now amounts to upward of $100,000,000 a year. Nine-tenths of that revenue is derived from taxes imposed upon western and southern products. About seven-tenths are derived from the West and I presume about two-tenths from the South. This revenue is obtained from three articles that are made; that is, from alcohol, malt liquors, and tobacco, and the three amount to about $100,000,000. I therefore hope that the day is not far distant when this Bureau will cease to exist, or if it shall continue to exist, that it shall be raised to the dignity of a Department, with one of the Cabinet officers at its head, when revenue which is now partial and collected in a manner which is very detrimental to the West and the South will become more general. I want one or the other. At this time our great States of the West are borne down by this enormous taxation, and we feel it very sensibly. However, this is not a proper occasion to discuss that subject. I would say, however, that under the present circumstances I am opposed to the reduction of the salary of the present officer. As the revenue is derived largely from products raised in the West, I have had occasion to transact much business with that Bureau, and I can say that the gentleman who occupies the office now is an efficient, attentive, and I think a remarkably competent man for the position. I would therefore oppose any reduction of his salary, and I hope at the same time that the day may come when the Bureau will be entirely abolished.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on agreeing to the amendment.

The amendment was rejected.

The Chief Clerk resumed the reading of the bill.

The next amendment was in line 552, to reduce the total appropriation for salaries in the Internal Revenue Bureau from $336,340 to $335,340.

Mr. SARGENT. On behalf of the committee I withdraw that amendment. It is superseded by the refusal of the Senate to adopt the amendment in line 543.

The PRESIDING OFFICER. The amendment will be regarded as withdrawn.

The next amendment was in line 553, after the word "dollars" to insert the following proviso:

Provided, That hereafter the salary of the Commissioner of Internal Revenue shall be $5,000 and no more.

Mr. MORRILL, of Maine. Let the Senate non-concur in that amendment. As the amendment in line 543 has been disagreed to, the proviso should be stricken out.

The amendment was rejected.

The next amendment was in lines 556 and 557, to increase the appropriation for dies, paper, and stamps for the internal-revenue service from $450,000 to $500,000.

The amendment was agreed to.

The next amendment was to insert after line 574—

That there shall be established in and attached to the Department of the Treasury a Bureau, to be denominated the Bureau of Commerce and Statistics; and the President of the United States shall, by and with the advice and consent of the Senate, appoint a chief of the said Bureau, who shall be styled Commissioner of Commerce and Statistics, and whose duty it shall be to gather, collate, and annually report to Congress statistics and facts relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries, the construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads, and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freights and passengers, and the tonnage transported; and the Commissioner of said Bureau shall be paid for his services at the rate of $3,500 per annum; and the Bureau of Statistics in the Treasury Department is hereby transferred to, and made a part of, the Bureau of Commerce and Statistics created by this act; and all the duties now by law performed in the said Bureau of Statistics are hereby transferred to the Bureau of Commerce and Statistics, and made a part of the duties of the said Commissioner; and the officer now in charge of the Bureau of Statistics, together with the several clerks, messengers, and laborers employed in the said Bureau of Statistics, are hereby placed under the direction and supervision of the Commissioner of Commerce and Statistics; and the reports now by law required to be prepared and published monthly in the said Bureau of Statistics shall hereafter be prepared and published quarterly under the direction of the said Commissioner; and the accounts and returns in relation to tonnage, and to the registration, enrollment, and licensing of vessels, now required by law to be made by collectors and other officers of the customs to the Register of the Treasury, shall hereafter be made to the Commissioner of Commerce and Statistics; and all the duties now by law devolving upon the Register of the Treasury in relation to attesting marine documents and issuing the same to collectors and other officers of the customs, and to preparing annual statements of the tonnage of the United States, are hereby transferred to the Bureau of Commerce and Statistics, and made a part of the duties of the said Commissioner; and the several clerks and messengers now employed in the office of the Register of the Treasury upon the duties herein mentioned are hereby placed under the direction and supervision of the said Commissioner; and for the purpose of carrying this provision into effect there is hereby appropriated, for the fiscal year ending June 30, 1876, the following sums, namely:

Mr. BOUTWELL. I ask that the question be first taken on so much of this proposed amendment as has now been read. Let it be separated at this point.

Mr. MORRILL, of Maine. There is no objection to that.

The VICE-PRESIDENT. The question is on agreeing to the amendment read.

Mr. MORRILL, of Vermont. Before the question is taken I desire to have some explanation of this amendment.

Mr. STEVENSON. I understand that the Senator from Massachusetts intends to make a motion to strike it out.

Mr. CONKLING. The question is on putting it in, which is a stronger motion.

Mr. MORRILL, of Vermont. It appears to me that this is a very extraordinary proposition to be brought in on an appropriation bill.

Mr. MORRILL, of Maine. As the honorable Senator wants information he should wait until he has an opportunity to hear it. I think he would be more enlightened and probably would not then have so much to say.

Mr. CONKLING. He may not want to be embarrassed by the facts.

Mr. MORRILL, of Vermont. I did not rise until the President of the Senate proposed to put the question. I thought it ought not to pass until there had been some explanation, and I only stated that I desired information.

Mr. CONKLING. The Senator from Vermont is following the usage of the Senate; the Senator from Maine is not.

Mr. STEVENSON. I hope the chairman of the committee will explain the increased cost of this new bureau, if there is any.

Mr. MORRILL, of Maine. The Senator will try to do so. There is not any increase. I do not think there is the slightest occasion for taking any alarm about there being anything new or extraordinary about this amendment. We have had for many years, since 1853, I think, a Bureau of Statistics in the Treasury Department; and that is this Bureau. The new feature, which is an addition to the Bureau of Statistics, with which we are all familiar, I hope, is that the officer at the head of the Bureau of Statistics, who originally was denominated director of the Bureau, is now to be called "Commissioner of Commerce and Statistics," and to the duties which devolve upon the head of the Bureau of Statistics is now added the collection of statistics of internal commerce, and to it are transferred all the duties which devolve upon the head of the Bureau of Statistics.

There is a further provision in regard to the transaction of business. It will be seen that it is provided that a class of duties which devolve upon the Register of the Treasury, such as registering the tonnage of the country, is transferred to this bureau and taken from the Register's Office. That is true also of certain work which has been done in the office of the Commissioner of Customs. The object is that this bureau shall be made more efficient and at the same time that other Bureaus shall be relieved from certain duties where in the experience of the Department they were found to be doing the same work two or three times over. That, I believe, is substantially the statement.

It is therefore not new legislation, but it is legislation upon the old basis, adding an additional duty in the way of gathering statistics upon another subject which is not now provided for, that I am aware of, by any provision of law, and adding an officer distinctively at the head of the Bureau. I believe, as the law now stands, the Bureau, which was created by the act of 1853, if I am right about the date, had, as I have already remarked, at its head a director. Some two or three years ago that head was dropped out, and since that

time an officer of the Treasury has been appointed at the head of the Bureau to perform the duties. I suppose he has been detailed, some one of the clerks; I am not aware how that is, but that is substantially the substance of this provision. Retaining all there was of the old Bureau of Statistics, it has been arranged so as to add a new duty, and at the same time to take from other Departments or Bureaus the duties which belonged to them and devolve them upon this. I will say to my honorable friend from Kentucky that it does not enlarge the service, so far as expenses are concerned, in any particular except as to the salary of the Commissioner.

Mr. BAYARD. Am I to understand from my friend from Maine that this amendment does, then, create a new office?

Mr. MORRILL, of Maine. Substantially; that is, there is now at the head of this Bureau an officer provided by the discretion of the Secretary of the Treasury.

Mr. BAYARD. There is an officer termed the Chief of the Bureau of Statistics.

Mr. MORRILL, of Maine. Yes, and in his place we put an officer at the head of this Bureau, and denominate him "Commissioner of Statistics and Commerce," with a salary of $3,500, being $1,000 more than is now paid to the officer who now does that duty.

Mr. BAYARD. What becomes of the officer who is now the Chief of the Bureau of Statistics?

Mr. MORRILL, of Maine. He is probably an officer of the Treasury, detailed for that duty, and probably will retain his original place in the Treasury; but I cannot speak as to that. My honorable friend from Massachusetts will probably be able to explain the practical working of the Department in that respect.

Mr. BOUTWELL. When I made the motion to divide the amendment, I was about to ask the chairman of the Committee on Appropriations whether he has any communication from the Secretary of the Treasury advising this change.

Mr. MORRILL, of Maine. I will say precisely upon that point this: As this bill came from the House there was no provision of any kind made for the Bureau of Statistics. The House had inadvertently or otherwise—I am not able to say—made no appropriation for the Bureau of Statistics. My attention being called to that fact, the question was, ought that service to be left out. Upon inquiry of the Secretary of the Treasury he was of opinion that it ought to be provided for. The Committee on Appropriations therefore had no option; it was their duty to provide for it. It is a service provided for by law and it was not for us to judge whether that service was proper or not. I may say that the Secretary of the Treasury was also of the opinion that this Bureau of Statistics was not precisely the thing it ought to be; that it was in the respects to which I have adverted inefficient. There was no authorized head, no legally established head, except what was given it by detail. But the difficulty was that a great variety of the duties being performed in this Bureau were absolutely being done in other Bureaus of the Treasury Department and therefore duplicated in this. For instance, there was in the office of the Register of the Treasury all the tonnage of the country registered and then re-reported and registered again in this Bureau, and, as anybody can see, at very great expense. The same thing is true of all that information which comes from the custom-houses, collected there by clerks and then redigested in this Bureau of Statistics. Our attention was called particularly by the Secretary of the Treasury to this fact, and it was upon information from the Secretary of the Treasury that this provision was constructed.

The only question that occurs to me which is at all interesting to the Senate is this: Do you want to retain the Bureau of Statistics? Are you willing to add to it the duty of collecting the statistics of the internal commerce of the country for which no provision is now made by law? If you are, then I think you will see that this amendment may very likely meet your views upon that subject. It does add, as I have already stated, $1,000 to the present expenses, and that is the increase in the salary of the Commissioner, who is paid as the head of this Bureau $1,000 over that salary which is paid to the clerk who has performed this duty heretofore.

Mr. MORRILL, of Vermont. I hardly perceive whether this new amendment is for the purpose of getting rid of the present chief officer of statistics or not.

Mr. MORRILL, of Maine. I will say to my honorable friend, by no means at all. I do not know who the officer is. He is not in it, for my understanding of it is he is only a clerk detailed for that purpose. It will not interfere with him at all if this amendment passes.

Mr. MORRILL, of Vermont. Then, if it is not for the purpose of getting rid of him, does the Senator suppose that he would discharge his duties any better by increasing his salary?

Mr. MORRILL, of Maine. No, sir, probably not; but my honorable friend will see that this amendment proposes additional duties.

Mr. MORRILL, of Vermont. I perceive that very plainly, and I am very certain that if this amendment shall pass, if the expenditures of the Government are not increased by it this year they will be increased next year. This Bureau, with all the duties devolved upon it by the present amendment, cannot be run for the amount that it is here proposed to appropriate; and within five years it will cost at least $260,000, if not $300,000, for the support of this Bureau of Commerce and Statistics.

Mr. MORRILL, of Maine. I will say to my honorable friend on that point that I am inclined to think the tendency will be to increase the expenditures.

Mr. MORRILL, of Vermont. I have no doubt of it.

Mr. MORRILL, of Maine. All I can say about that is the present basis does not authorize any increased expenditures beyond what I have said.

Mr. MORRILL, of Vermont. The whole design of the amendment seems to me to be to snatch business from some of the other Bureaus of the Treasury Department in order to create a new one, and I think it would be very improperly snatched from the Register of the Treasury. There the records are and have been since the foundation of the Government. Why shall they not remain there? Why shall we have two offices to which to go and hunt up the records in relation to tonnage?

Mr. MORRILL, of Maine. Allow me on that very point to make one single suggestion. Take the question of statistics relating to the tonnage of the country, and it will be found that the returns made by the Register of the Treasury give you one amount; then take the estimate made by the present Bureau of Statistics, and the amounts differ between three and four hundred thousand tons. Now, certainly somebody is at fault.

Mr. MORRILL, of Vermont. The Senator from Maine, who undoubtedly has given this subject more attention than I have, asserts that the officer at the head of the Statistical Bureau has to copy the returns from the officers of customs and from the Register. Can there be any returns in relation to statistics that will not have to be copied from some place or other? Of course it is a mere question of copying, and as to the correctness of one or the other, I do not understand that this Bureau of Statistics will have any more power to correct returns than the Register of the Treasury.

But this amendment goes very far into other subjects. We are to have statistics and facts in relation to foreign nations, in relation to the railroad systems of this and other countries; we are to have all the facts in relation to the actual cost, and construction, and operation of railroads, the actual cost of transporting freights and passengers on railroads, and on canals, and on rivers and other navigable waters. That is all very well; but how can it be done unless we have a sufficient force to perform the service? Clearly, if we pass this amendment, we may impose a necessity on the Government to establish a bureau with sufficient force to gather all these facts. Perhaps they will send one or two clerks abroad every year. I do not know how it is to be obtained otherwise, unless it is to be obtained from the returns and documents sent to the Secretary of State; and if so, those can be copied as well under the present system as under this new one proposed to be adopted. As a whole I am opposed to establishing the *nuclei* of new bureaus and departments, which are very sure to grow largely and rapidly, and increase the expenditures of the country without any apparent limit.

Mr. WINDOM. Mr. President, I have devoted some attention to this subject, and I believe, if Senators will give it their attention for a few moments, the objections which are imagined to exist to the amendment will vanish.

It is thought that it is the establishment of a new bureau. I want to say that there is no new bureau established. We have to-day a Bureau of Statistics. We propose that there shall simply be a reorganization of that Bureau, giving to it some additional duty—so that there is no new office established.

It is suggested that the expense is very largely increased by this amendment. I will say to the Senate that the appropriation proposed is only $1,000 larger than the sum we have appropriated for several years, and that appropriation is made to pay a respectable salary to the head of the Bureau.

It is suggested again that it is for the purpose of getting rid of one of our present officers. Probably I have had as much to do with this amendment as any member of the Committee on Appropriations, and I have no such intention or desire. I believe I can safely say that it did not enter into the view of the committee at all in making this recommendation.

I want to say, in addition, that this suggestion is not one introduced by the Committee on Appropriations without consideration, nor is it based upon their judgment alone. The select committee appointed by the Senate nearly two years ago, of which I had the honor to be chairman, in investigating the transportation question, felt at every point the great necessity of some means of obtaining information with reference to our internal commerce, to the great movements of commerce in this country; and that committee, after giving the subject full consideration—I cannot state whether the full committee was present, but I know more than a quorum was—unanimously recommended the adoption of a measure like this for the purpose of obtaining this additional information.

The House of Representatives in acting upon the bill, as the chairman of the committee has stated, dropped out of the appropriations entirely those relating to the Statistical Bureau. Without those appropriations, Congress and the Secretary and the country can know nothing whatever of our foreign commerce. Then if this amendment, or at least a portion of this amendment reported by the Committee on Appropriations, be not adopted, we shall place ourselves in the position of utterly ignoring, not only the internal commerce of the country but also the foreign commerce, of ignoring all those facts

drawn from our commercial experience on which we base our legislation with reference to tariffs and very many other important questions, because if there be no Statistical Bureau to present them there is no way by which the facts relating to foreign commerce will be presented to the country or by which Congress can have their benefit in acting upon matters of legislation.

The Committee on Appropriations deemed it wise at least to have these facts and statistics relating to foreign commerce; but in addition to them, after a careful consideration of the subject they deemed it to be important also that in a country whose internal commerce is probably fifty times greater than its entire foreign commerce, some little attention at least should be given to preparing statistics upon it; and we have therefore imposed this additional duty and changed the name of the Bureau; and that is all there is in the amendment, with the exception of an additional $1,000 as compensation to the officer who has these additional and more important duties devolved upon him.

Now, Mr. President, a few words as to how we expect to be able to discharge these additional duties without a larger appropriation than we had last year. I want to call your attention to one peculiarity in our collection of statistics. We have now with reference to one branch of these statistics, the tonnage division, two distinct tonnage divisions in full operation in the Treasury Department, one in the office of the Register of the Treasury, and the other in the Statistical Bureau of the Treasury. Each of these divisions requires distinct and different reports from the custom-houses of the country, and each of them employs its own clerks and each makes its reports, and the Secretary of the Treasury in communicating to Congress and the country the tonnage of this country sends in both the reports from the Register's Office and from the Statistical Bureau; and, as was said by my honorable friend from Maine, they differ very widely. I will give you an example of this difference.

The Statistical Bureau reports the tonnage of the State of Maine at 565,842 tons. The Register's Office makes the same tonnage 438,616 tons, making a difference in the tonnage of the State of Maine alone of 127,226 tons, all reported from the Treasury Department, and it sending us distinct reports from two divisions of tonnage. In the State of Massachusetts the difference between the reports of these two tonnage divisions is 37,278 tons. In the State of New York they differ 685,478 tons, one of them, the Register of the Treasury, reporting the tonnage of the ports of New York at 1,711,501 tons, and the Bureau of Statistics reporting it at 1,026,023. In Pennsylvania the difference between these two divisions is 160,761 tons. Taking the aggregate difference between them in reporting the whole tonnage of the country, it is 204,769 tons.

Now, for the purpose of knowing absolutely nothing about the tonnage of the country, as these discrepancies show, we have two tonnage divisions in full operation in the Treasury Department, each of them requiring separate and distinct reports to be made to it. One thing that we propose to do by this reorganization is to place the tonnage division of the Register's Office where it belongs, in the Statistical Bureau, thereby avoiding the expense of eleven clerks who are now engaged on that duty there, and requiring of these clerks the additional duty which we have mentioned, to give us some information about the internal commerce of the country. The fact is that this tonnage division of the Register is, so to speak, a lost child in that Bureau. It does not belong there at all. That Bureau has now one hundred and eighty-seven clerks. Eleven of those clerks are employed in this tonnage division, and one hundred and seventy-six upon matters relating to finance. The duties of the Register of the Treasury are with reference to receipts and expenditures, bonds, coupons, and currency, including greenbacks and fractional currency. That is the peculiar duty of that Bureau; and the tonnage division, I think I can safely say, has no more real relation to the Register's Office of the Treasury than it has to the Indian Office in the Interior Department.

We ask to have these duplicate duties cease, and that the clerks who are now employed in duplicating this work shall be transferred to this Bureau, not to a new bureau, but to the reorganized Bureau, and perform the new and additional duties which we impose upon them. We propose also to save some expense by requiring only quarterly reports to be made instead of the monthly reports now required to be made by the Statistical Bureau. The whole proposition, so far as it is presented in this amendment, amounts simply to the reorganization of the duties of certain persons engaged now in preparing statistics relating to our foreign commerce, and adding to them such duties as will give us information in reference to our internal commerce.

I think I may safely say that there is not another great commercial nation on the earth that has always and persistently and utterly ignored all information with reference to its own internal trade. There is no other nation whose internal trade is so great as ours; but I think I may say to any gentleman who will attempt to investigate this subject and to ascertain, in response to the demands of the people of this country for some cheaper means of communication, what the facts are bearing on that question, that he will find himself utterly incapable of ascertaining anything about it, because nobody gives it any attention; there is no Bureau, no officer, no act of Congress, no anything anywhere in this country that gives us information upon that point.

The committee believe that it is important, in view of these great interests of our country; in view, as I have said, of the fact that the internal commerce of the country is at least fifty times greater than our foreign commerce, and bears directly on all the interests of our people; in view of the fact that millions of them are demanding legislation on this very subject of our foreign commerce, that we should be at least willing to spend an additional thousand dollars in order to procure by this reorganization facts to be laid before the people of the country which bear on the subject.

My honorable friend from Vermont has suggested that it will ultimately increase expenditures. Possibly it may do so somewhat in the future; but if it does, I ask you, sir, if it is not important enough to justify some additional expenditure. I think it will not do it for the present, and not materially do it for several years; but if it should increase them a few thousand dollars, is it not of sufficient importance that we know something of this internal commerce to justify that expenditure? Why, sir, if it cost $100,000 more per annum or $500,000 more, it would be, in my judgment, money well expended. I believe that if we had some means of presenting officially every year to foreign countries a knowledge of the gigantic internal trade of our country, it would add enough more to the credit of this nation abroad to infinitely more than pay the little expenditure that it would cost to gather these statistics. England has done it for years. She has studied by every means in her power to obtain information with reference not only to her foreign but to her internal trade. Boards of trade have been organized; special bureaus have been organized for each of the departments of her internal trade. There is for the railroad transportation alone a bureau which takes into consideration that subject only and presents its facts yearly. Instead of absolutely refusing to know anything about it or to do anything on the subject, she has organized a department that has charge especially of her commerce, and that is divided into various bureaus, and the statistics and facts are presented so that when her legislators legislate upon that subject they know upon what they are legislating.

We ask that this organization may be made, so that we may know something about the subject, and may be prepared to answer the demands of the people who ask of us cheaper means of transportation in this country, in addition to the duties already performed by the Bureau of Statistics.

Mr. BOUTWELL. Mr. President, if the confusion and discrepancy existing in the Treasury Department are as stated by the Senator from Minnesota, then I think there is an additional reason why we should have more complete information upon the subject than we have at present before we proceed in the business of legislation. And if it be true that the returns of the tonnage of the country for the same period of time and upon the same facts differ so materially, as presented by the Register of the Treasury and by the Chief of the Bureau of Statistics, then I think the country has reason to be thankful that we have had two sources by which we are enabled to ascertain the facts which, if everything had been in one channel, probably we never should have ascertained, that there were great inaccuracies in this business that required a remedy. If that be true, then there should be the most searching inquiry into the Treasury Department, and especially in these two Bureaus, for the purpose of ascertaining where the difficulty is; and I submit that under these circumstances the Senate cannot proceed safely to legislate until the Secretary of the Treasury has been called upon for an explanation of these discrepancies and an opinion as to what ought to be done to prevent their recurrence in the future. I am not able to state precisely the process by which it will be explained; but I have not the least doubt that there is in the Treasury Department a perfect explanation of these differences, which probably are not discrepancies, but only different statements upon different facts, those facts being communicated to these different offices for different purposes.

The saving that is contemplated by this proposition is absolutely nothing. The information to be obtained additional to that for which the law now provides is absolutely nothing. This is but a process, of course without any intention upon the part of anybody. If I knew nothing except that which I knew before I came upon the floor of the Senate, I should believe that this was but an expression of that natural and common rivalry which exists in the Departments of the Government between subordinates who are struggling for preferment and desire to create offices occasionally in the Bureaus and to create Bureaus for the purpose of furnishing official employment; and it is well enough to remember—and here I think I can repeat what was said by a member of the French Assembly after the fall of the Third Napoleon, when discussing the condition of things: "We have sometimes a monarchy, sometimes an empire, sometimes a republic; the government changes, but the bureaus are immortal." That is true of this Government. Whatever changes of administration take place, the Bureaus are immortal and they are powerful. If there are evils existing and they are pointed out, it is the most difficult thing to remedy them. You may change administrations, but the existence and especially the power of the Bureaus continues. Therefore I am not for creating any more of them than are absolutely necessary for the performance of the proper functions of Government.

Now, if the Senate will look at the law creating the Bureau of Statistics, they will find the purpose stated to be this:

The collection, arrangement, and classification of such statistical information as may be procured, showing or tending to show, each year, the condition of the

agriculture, manufactures, domestic trade, currency, and banks of the several States and Territories.

This language is not precisely that which has been employed by the Committee on Appropriations with the intent of giving authority to the Bureau to be created to procure statistical information concerning the internal trade of the country as carried on by river, lake, and canal and railway; but in that short section, which for its brevity at least is superior to that proposed by the committee, there is ample power given to the Secretary of the Treasury to require all the returns that are contemplated in the amendment proposed by the committee. The language is:

Showing or tending to show, each year, the condition of the agriculture, manufactures, domestic trade, &c.

Can anything be more ample? Can any power be more complete? Can any authority in its extent be more exhaustive? Does it not comprehend the entire territory of the country? Does it not embrace every form of domestic trade? And if you employ language which is more specific with reference to details, you only limit the power of the executive department of the Government to obtain the information you desire.

Now, sir, there is the office of the Register of the Treasury, a Bureau of the Government that is ingrained in the Government; the Government could hardly exist without such an office; and in that Bureau there is a division devoted to the registration of the tonnage of the country from information derived from the collectors of the several customs districts, whose duty it is to register the vessels and make returns to the Secretary of the Treasury. In this Bureau this information has been placed from the first. It is there a continuous record. You propose by sudden, and I say not only sudden legislation, but legislation without previous sufficient inquiry, to break off this business and transfer it to a Bureau which you are to create, which has no necessary existence in the necessary functions of the Government, and may be destroyed or changed at the option of the Legislature at any time.

A word now as to the saving of expense. The collectors of the several customs districts are required by law to make returns to the Secretary of the Treasury, for record in the office of the Register of the Treasury, of certain facts concerning the tonnage of the country. This provision is outside of the law establishing the Bureau of Statistics; but in the law creating the Bureau of Statistics the same information is to be furnished by the same officers, with certain other additional and valuable information, for statistical purposes to the chief of the Bureau of Statistics. The existing provisions of law merely impose slight additional duties upon the collectors of customs in the different districts, nothing whatever upon the Treasury Department here. The information comes to the chief of the Bureau of Statistics directly from the collectors of customs, and the information required by the Register of the Treasury comes also directly from the collectors of customs. Therefore there is no economy of time or of money in the Treasury Department at Washington by the creation of this new bureau.

We have now, Mr. President, all the legal means of obtaining all the information that is proposed by this amendment; there is no economy of money or of labor in the Department at Washington, in consequense of, or to proceed from, this amendment; and therefore, for one, I see no reason why this new bureau should be created. If the present Chief of the Bureau of Statistics is not a competent officer for the place in which he is, there is power in the executive department of the Government to remove him and put another man in his position; but for myself I am free to say that the present Chief of the Bureau of Statistics has reduced the expenses, I think at least 30 per cent., since he came to the head of the Bureau. The business has been in that period of time, as shown from an examination of the records of the office, materially increased, and my experience both as Secretary of the Treasury and in my present place has been that whenever I have applied to the Chief of the Bureau of Statistics in writing for any information it has been promptly and accurately furnished. If the experience of others has been different, or if the experience of the Department at the present time is different, there is a remedy for that evil much easier than the creation of a new bureau.

I hope therefore that so much of the proposed amendment as has been read will be rejected. The remaining branch of the amendment proposed by the committee merely furnishes the ordinary appropriations for the support of the Bureau of Statistics, and I am of course of the opinion that the Senate ought to concur in that part of the amendment.

Mr. WINDOM. Mr. President, a very few words in reply to some suggestions of the Senator from Massachusetts. He tells us that bureaus are immortal, and that no matter if evils be pointed out it is the most difficult thing in the world to get rid of them. I think that the honorable Senator has well illustrated that fact. We have pointed out difficulties in this Bureau; we have attempted to show you that much more information can be obtained for the same money; but the honorable Senator gets up before the Senate and insists that this old organization shall be immortal and that there shall be no amendments to it. I think there could not be a better illustration of that argument.

I am not in favor of making a new bureau. The committee have, as I said before, recommended no new bureau; but they have found that additional duties can be specifically imposed upon this bureau without any material increase of cost, and that is what they ask here—duties that are believed to be very important. The honorable Senator tells us that the law as it now exists provides for obtaining statistics with reference to domestic trade, and that that is as broad as it can be. That Bureau has been in existence for many years and no such statistics have ever been presented. If, as argued by the honorable Senator from Massachusetts, the present law covers this point, if it includes all the duties which we mention in this amendment, then as a matter of course the amendment cannot materially increase the cost. If the same duties are required now—and we only specifically mention them so as to compel their performance—there certainly can be no very great increase of cost. But I have no faith, judging from the past, that under the existing law we shall ever receive information on this subject. The business men of the whole country in their representative capacity have petitioned Congress to give them the means of obtaining information on this subject. The National Board of Trade for years has passed resolutions urging it, nearly all the boards of trade in the country who have spoken upon it urge that some information be obtained with reference to our internal commerce. The committee believing that this can be obtained at a very small cost, that a reorganization can be made which will simply prevent duplication of duties and give us the information, have recommended this amendment. I believe that it is demanded by the country, and I hope that it may be adopted.

Mr EDMUNDS. Mr. President, the leading and chief objection that I have to this amendment, without going into its merits at all, is the fact that it imports into this bill what seems to me to be entirely new legislation. It provides for an entirely different method of administering one department of the Government. I have always maintained, and I believe the Senate has thought, that we ought not to do this sort of thing in an appropriation bill; and for many sessions hitherto until this one the Committee on Appropriations, or some other Senators, have brought forward a rule to operate for that particular session, which would exclude legislation upon appropriation bills. We have not any such rule now, but the same theory upon which we have adopted such rules is of course just as forcible as it ever was. Therefore it appears to me that, whether this provision is wise or unwise, we ought not to load up an appropriation bill, which ought to be confined to carrying out existing laws and regulating the disbursements of moneys provided for by law, with provisions of this character even if they are ever so good. It is not wise in the sense of regard to good legislation. If you may establish this department or bureau of commerce in this bill, then you may establish a bureau of justice, you may put in penal laws, you may regulate courts, you may provide different methods of collecting the revenue, or do anything that the other committees of the Senate have in charge and upon which they report in bills that are put upon your Calendar. Therefore, without going into any consideration as to whether this is or is not a good provision in and of itself, I do not see any ground for its being in this bill stronger than the grounds upon which half the business on the Calendar might be put into this bill. It may be very good or it may not; but it is an independent departure, so to speak, from the ordinary course of appropriations, and as such it ought to stand, like other matters of legislation on your Calendar and before the committees, upon its own merits and not be carried as a passenger in this bill for the appropriation of money. For this reason, and without expressing any opinion against or for the merits of the thing itself, I hope the amendment will be disagreed to.

Mr. THURMAN. Mr. President, the Senator from Minnesota says that this amendment creates no new Bureau, that it simply reorganizes a Bureau now in existence at an increase of a thousand dollars a year expense, which is trivial enough, and changes the name, with the addition of some further duties in the collection of statistics. He has given us no reason why those additional duties might not be imposed upon the existing Bureau, nor can any one say why they may not be. He has given us no reason why, if a thousand dollars more is necessary for the expenses of collecting these statistics, that money may not be appropriated for the support of the existing Bureau. I fancy, Mr. President, that the whole truth of this business, the whole essence of this thing, is in the change of name. Words are sometimes very potent, and the real substance of this thing is in the word, it is in the name. Every Senator knows that for some time past—for several years past—there have been persons asking, some of them almost clamoring, for a department of commerce and a minister of commerce, a new department in the Government, a new minister to take his seat in the Cabinet, a new and increased prominence to be given the subject over which that minister is to preside. I fancy that this change of the name is simply laying the foundation for a new department of this Government, a new Cabinet minister to be called the minister of commerce, or some equivalent name. That might seem to be small business, although we do know that every department you create in the Government is soon filled with subordinate officers and clerks, and the expenses of the Government are thereby largely increased. We had an Attorney-General's office once, and it cost the Government but very little. We have a Department of Justice now, and it costs the Government about three millions of dollars a year. You have a Bureau of Statistics now. Convert it into a bureau of commerce, transform that into the department of commerce, put a minister of commerce at the head of it, and that bureau will soon cost you a million or more dollars a year.

And yet that will be the very least of the expenditure that will result from the measure, for behind this, far transcending all the expense of your department, lies the proposition for such an indefinite expenditure under what is called "the commercial power," once called "the vagrant power" in the Constitution, that the present indebtedness of this country is in danger of being doubled, if not trebled, if all the schemes that are in people's brains shall have practical execution.

I have seen these Departments grow up, I have seen Bureaus and the like grow up before to-day; and I know by what sly steps they do grow. I know that no Department springs into existence at once like Minerva from the brain of Jove. It is first a bureau, then a commissionership or something of that kind, and then a Department of the Interior or a Department of Justice, and finally we shall have, if this thing is to go on, your department of commerce and your Department of Education, and the Lord knows what other departments we shall have in the course of time if Congress does not set its face against this thing.

Although this may seem to be a very small thing, although it may seem to be simply a change of name, I hope the Senate will vote it down. If there is anything of substance in the business, it requires no new bureau, it requires no new change of name. If there are any statistics that ought to be obtained by the Government, you can charge the present officer with obtaining them; if there are any discrepancies in the reports of officers that ought to be removed, you can provide by legislation for their removal. There is no necessity for laying the foundation here in this proposed bureau of a new department of the Government, and have after that an expense so great that no man can foresee its limits.

Mr. CONKLING. The Senator from Ohio says that these growths spring like Minerva from the brain of Jove.

Mr. THURMAN. No, I say they do not spring like Minerva.

Mr. CONKLING. I beg the Senator's pardon; I thought he did. He said they were first a bureau and then a department. I did not know that Minerva began as a bureau and ended as a department; and therefore I was surprised at what he said; but it seems I misunderstood him.

I arose, however, to ask the Senator's attention to another remark which I am sure he did make, which was that once we had an Attorney-General's Office that cost very little, and now we had a Department of Justice that cost $3,000,000. I wish the Senator, if he will, in justice to himself and to the facts, to explain what he means by that. Surely he does not intend to convey the idea that the Department of Justice costs any such sum. He must include in making it up the cost of all the courts of the country, of the marshals of the United States, of the entire judicial service of the country, and that judicial service is not essentially different in its cost from the service as it was before the Department of Justice was created. If it is, if it has grown and augmented as the country has grown, that growth, I think the Senator will admit, has not depended upon the creation of the Department of Justice; or, in other words, it is not true in any sense that the Department of Justice, more than the Attorney-General's office, had it continued so to be called, has created this expense or improperly increased it. If the Senator has any information to the contrary of that, I should be glad if he would give it. If, however, he means, as I understand him to mean, that the expenses of all the courts, of the entire judicial establishment of the United States, amount to the sum he speaks of, I should be very glad to know that. I never heard before that the Department of Justice, in any sense in which that term may be used, cost any such sum of money.

Mr. THURMAN. Surely nobody could have understood me as saying that the mere *personnel* and the incidental expenses of the Department of Justice cost $3,000,000, or anything like it.

Mr. CONKLING. I think I can repeat precisely the Senator's words. He said "We had once an office of the Attorney-General that cost but very little; now we have a Department of Justice and it costs three million dollars," or, as he expressed it, "three millions of dollars."

Mr. THURMAN. I do not know that it is necessary to explain that; I do not think anybody could have misunderstood it, and I think my language was strictly accurate. But I shall not go into any controversy with the Senator from New York upon a question of language. That is very certain. If it were germane to this subject, I think I could show how the expenses which come under the control of the Department of Justice, and therefore belong to it and which were referred to by me, have been prodigiously enhanced since the creation of this Department of Justice, and in my judgment (although there are certain general causes for them for which certainly the head of that Department is in nowise responsible) I think there are other matters for which that Department is responsible by which they have been greatly enhanced.

But, sir, I do not see fit to take up any time in that; it is not necessary. We do know that it is in the nature of Departments to increase expenditures, and if this is, as I fancy or fear it is, the mere foundation-stone for a new department, we do know that when that department shall be created, not only will the expenses incident to it, its immediate expenses, the expenses of the *personnel* of the department and its contingent expenses, be far more than the expenses of the present Bureau, but what is worse, behind that, and to bolster up which this department is sought, comes an expenditure that no man can foretell the limits of.

Mr. EDMUNDS. Mr. President, the expenses of the Department of Justice, as they appear in this bill, which is perhaps a fair average with other years, are $80,760, and the contingent expenses $15,500, making about $96,000; and then when you add the appropriation for official postage-stamps, (which, as we know, is nothing except carrying the letters of the Department through the mail by putting a stamp upon them,) $10,000 more, you have a little over $100,000. The expenses of the courts of the United States, which are precisely the same as they were before the establishment of the Department of Justice, so far as the act establishing that Department has any application to them, if it has any application to them at all—if I may state it in that way—are guided and regulated each year according to the state of prosecutions and suits that are instituted in the various district and circuit courts of the United States; and the last appropriation for that is undoubtedly that to which the Senator from Ohio alluded. There was an appropriation of $3,000,000 for the expenses of the courts of the United States, not for the expenses of the Department of Justice, but they are the judicial expenses of the courts of the United States, covering salaries, fees, witnesses, jurors, transportation of prisoners, and everything of that character. The difficulty about the Department of Justice, if there be any, is that it has not carried out the full idea that belonged to it in its institution. You will find in this very bill, under the head of the Department of Justice, an appropriation for an Assistant Attorney-General of the Post-Office Department, a Solicitor of Internal Revenue, a Naval Solicitor and Judge Advocate-General, an examiner of claims, and so on. These people, although nominally under the direction of the Department of Justice, are really just what they were before the Department of Justice was established, and that is independent, subordinate law-officers belonging to these respective Departments, who give their opinions and determine upon the issuing of contracts, patents for land grants, internal-revenue questions, and so on, without any reference of the subject to the Department of Justice as such. That, in my opinion, is a misfortune. The idea that Congress entertained when this Department was established, and I believe without respect of party it was thought to be a good one, was that the Department of Justice should be the law department for the whole Government, and that obligations by the United States or grants by the United States or whatever it was which depended upon the determination of questions of law should not go into effect until the Department of Justice should have given a responsible opinion upon them. The mischief that now exists, and I think it is a mischief, is that all these things go on much as they did before, without the Department of Justice having a direct and controlling opportunity to determine whether in a doubtful or disputed case a land grant or a postal contract or a remission of some fine in the Internal Revenue Department, &c., should take effect.

I hope when we come to that branch of this appropriation bill that we shall so shape the appropriations, if it be possible, as to make the Department of Justice what it ought to be, the responsible and controlling law department of the Government for every Department that there is in it. If you only mean to have an Attorney-General as you did before, who should pronounce opinions which should be demanded from him by the Chief Magistrate of the Union and the heads of the Executive Departments when called upon, and stop there, you do not need the amount of machinery you have got now. But if you mean, as was intended when this Department was created and as the law declares, that all doubtful questions of law and disputed claims should, before they were acted upon, be brought under the consideration of that Department as having a controlling voice in respect to the administration of the law, then we ought to say so, and cut off these quasi independent upon the face of the statute and really independent officers in fact in these other Departments, who give their opinions and guide the administration of the Departments in most important and doubtful questions without any reference to the Department of Justice at all. But, Mr. President, this is of course incidental to the subject we now have in hand. The Senator from Ohio, as he has stated, did not mean to say that the expenses of the Department of Justice proper had been $3,000,000 or that it was in any great sense greater than were the expenses of the Attorney-General's Office before. It is only greater in the respect that some of the law officers that the other Departments had before this Department was created have been in name as well as in substance transferred to this Department, and their salaries, &c., go into this general head, when before they went in under the head of the Treasury or the Interior or the Post-Office, and so on. That is all there is to that.

But, to return to the question before us, I repeat that I think we ought not in this body, if we are careful in respect of the true mission of an appropriation bill, to import into it a legislative provision which provides for setting up a new bureau or a new department of any character whatever, no matter how good it is. It is not the place for it, for if it be the place for it, it is the place for every bill on the Calendar which we may determine upon discussion is proper to be put upon it as an amendment. That view, it seems to me, ought to guide the votes of all Senators, irrespective of the question that may be involved in the merit of the proposition itself, to take it out of this bill.

Mr. MORTON. Mr. President, if the information to be acquired by this contemplated bureau is important enough to justify the establishment of it, I think the objections are substantially answered. Is this information important? I think it is. I think the information to be acquired by this bureau is necessary to the solution of some great

questions before the people—questions that cannot be settled one way or the other without the fullest information which can be acquired except by some system and by some expenditure of money. So far from the establishment of this bureau necessarily involving the Government in vast expenditure, it may have the other effect. The complete information that may be acquired may defeat the dangerous schemes to which the Senator from Ohio has referred. To act upon the great questions of transportation and of commerce that are now pressing upon Congress, and will continue to press for years, we must have the most complete and full information that can be obtained; and no difference what that costs, it is indispensable to the proper settlement of those questions.

Now, Mr. President, if you want this complete, full information, how are you going to get it? By making it an incidental duty of some Bureau already established that has other and more important duties to perform? Certainly not. You will get something in that way, but you will not get the complete discharge of this duty that you want. To get the complete discharge of this duty you must make it the first and the only business of a Bureau for the special purpose. If you attach it as an incidental duty to some other Bureau, it will be imperfectly performed. So far as the increased expense is concerned, that is a mere bagatelle. Is this the best way to acquire this knowledge? I think it is; and if it is the best way, that ought to settle the question, in my judgment. I shall vote for the amendment proposed by the committee.

Mr. WRIGHT. Mr. President, I concur in what has just been said by the Senator from Indiana. In my opinion very few propositions have been made to the Senate at this session which are likely to be more important than the one now presented for our consideration.

It is objected to by the Senator from Vermont [Mr. EDMUNDS] that this legislation is not advisable for the reason that it is what he terms legislation upon an appropriation bill. I think my votes in this body will show that I have been as much opposed to that method of doing things as any person here. It is proper to remark in this connection that we have had by our laws what we know and denominate as a Bureau of Statistics; it was made a Bureau I believe in 1866, but it was existing, if not under that name, at least in form for a number of years before as the Bureau of Statistics. By this appropriation bill as it comes from the House of Representatives the Bureau is abolished, or at least there is no appropriation made for its continuance. The question submitted to the committee, as I suppose, and submitted to us now here is whether we shall concur with the action of the House in substantially abolishing the Bureau.

Mr. BOUTWELL. I perceive, if the Senator from Iowa will excuse me, that he is proceeding under a misapprehension of the motion which I submitted. By that motion, if it prevails, the customary appropriation for the support of the Bureau of Statistics will remain in the bill as proposed by the committee. This only relates to what is extraneous to the particular appropriation for the support of the Bureau. I do not object, indeed I am in favor of making the customary appropriation for the support of the Bureau.

Mr. DAVIS. If my friend from Iowa will allow me one moment, I will explain that if this clause is struck out, then we have no jurisdiction over the Statistical Bureau at all, because the other House has struck it out of the appropriation bill, and the only way you can reach it, even if you want the change, will be by putting this clause in the bill.

Mr. WRIGHT. I understand that this is true, that by the appropriation bill as it comes from the House there is no appropriation made for the Bureau of Statistics. If this is not included, something else must be included or there is no appropriation for the Bureau at all. I so understand from the chairman of the committee; I so understand from the Senator from Minnesota who has the matter particularly in charge.

Mr. BOUTWELL. Perhaps we could understand better by going to the bill itself. The provisions of the amendment of the committee are on the twenty-fourth, twenty-fifth, and twenty-sixth pages of the printed bill. My request, which was acceded to, was when the reading had reached line 625, which it will be seen is before the appropriations for the support of the Bureau of Statistics, that the question should be first taken upon so much of the proposed amendment as preceded line 626. If that amendment should not be concurred in by the Senate, we should then be called on next to pass upon what is contained in lines 626 to 633 inclusive, which has not yet been read, within which limits are the usual provisions for the support of the Bureau of Statistics. Therefore, in all fairness, I think the question has not been before the Senate as to whether we will support the Bureau of Statistics as organized according to the usual course of appropriation, but whether we will create a different bureau and whether we will transfer to that different bureau certain duties that are now performed in the office of the Register of the Treasury.

Mr. WRIGHT. It still remains, Mr. President, as I said, that as the bill comes from the House there is no appropriation for the Bureau of Statistics; it is not in except by the amendment as proposed by the Committee on Appropriations of the Senate. I understand perfectly well the point the Senator from Massachusetts makes, but I was answering the position taken by the Senator from Vermont that this was new legislation upon an appropriation bill. I said that, as the bill came from the House, there was no appropriation in any form for the Bureau of Statistics. The Senate committee has made a recommendation that, in my judgment, instead of being new legislation is only an appropriation in another form to carry out existing laws. That is the point which I make. If it shall occur that we shall vote down this proposition, it is true we can take up the second clause and put that in; but suppose we do not do that, then the Bureau of Statistics is out of the way entirely.

Mr. BOUTWELL. No; we all agree that that shall be done.

Mr. WRIGHT. Not necessarily. That may be so or may not be so. I answer the point made, so far as this being new legislation is concerned, by the fact that there is nothing on the subject in the bill as it came into the hands of the Senate committee, and they report this, not as new legislation, but upon a subject that has been universally in these appropriation bills, and they merely change the form of it.

Now, it is suggested that so far as the Bureau of Statistics is concerned, it is sufficiently broad under the law as it stands to cover this entire subject. It will be found by reference to the last section of the chapter on the Bureau of Statistics that you have in that language all that is said with reference to internal commerce. The preceding sections relate to our foreign commerce, and hence you will find that in section 336 it is provided that "the Chief of the Bureau of Statistics shall, under the direction of the Secretary of the Treasury," make certain reports each year to Congress, first, second, third, fourth, and so on, relating to our foreign commerce and to our navigation. The last section of that chapter, however, provides:

> The Chief of the Bureau of Statistics shall collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity.

That is, the prosperity of the manufacturers of the country; but the new matters that are introduced in this provision by the amendment proposed by the committee are entirely unprovided for by the law as it now stands.

The fears that some Senators entertain that this may grow into a department, I do not share; for if I did entertain them, I should have no objection to it if it should become necessary, to advise us of the growing and increasing internal commerce of this country.

Mr. President, it is remarkable that in this nation of forty millions of people, with our vast extent of territory, with our growing and constantly and rapidly growing internal commerce, there is no department, no bureau, no organization in all this land by which Congress can be advised of the extent of that commerce and its increase. In view of the great and momentous questions that are pressing upon Congress at this time and likely to press more and more every year touching our transportation, touching what is due in the way of legislation in regard to that internal commerce, it seems to me that Congress ought to make some provision by which we can be advised of what this commerce is, of its growth and its extent. At present there is no law under which it can be done.

Because there is a provision inserted here merely changing the name of this Bureau, it is suggested that there is an apprehension that it will grow into a department. I do not share in any such fear; and I think it would be a sad commentary upon the growth of our commerce in this country if, when it is proposed that we add merely a bagatelle of $1,000 increase of salary to these officers, we should deny an opportunity to furnish to Congress and the people information upon this vast and rapidly growing question.

Sir, I stand by the committee. I am not certain that all the provisions of this amendment are such as should be passed; but the main object, the main provision, the main thought in it I am in favor of, and I trust the Senate will adopt the amendment, or at least adopt the principle embodied in it.

Mr. SCOTT. I should like to ask the Senator from Iowa a question in reference to the assertion he makes about the power of the present Bureau. Section 335 reads:

> SEC. 335. The purpose of the Bureau of Statistics is the collection, arrangement, and classification of such statistical information as may be procured, showing or tending to show, each year the condition of the agriculture, manufactures, domestic trade, currency, and banks of the several States and Territories.

It seems to me under the authority there to collect statistics of domestic trade an appropriation to enable it to be carried out confers no additional authority.

Mr. WRIGHT. I answer that that section is that the purpose of the Bureau of Statistics is so and so; but how is this purpose to be carried out? In the manner provided for in the succeeding sections which limit and define the power of the Bureau of Statistics.

Mr. EDMUNDS. Read the last section and see how it is limited.

Mr. WRIGHT. It limits itself to foreign commerce except in the last section.

Mr. BOUTWELL. The Senator from Iowa will see, I think, if he examines the two sections of the statute critically with reference to each other, section 335 and section 342 together they furnish all the power to the Bureau of Statistics to gather information upon the subject of internal commerce and all the power necessary to enable the officers of the Treasury Department to communicate to Congress. Section 335 in declaring the purpose of the Bureau sets forth that one of its purposes is to collect statistics relating to the internal commerce of the country:

> SEC. 335. The purpose of the Bureau of Statistics is the collection, arrangement, and classification of such statistical information as may be procured, showing, or tending to show, each year the condition of the agriculture, manufactures, domestic trade, currency, and banks of the several States and Territories.

If the mere multiplication of words were a power in a statute except for confusion in the construction of the statute, then I admit there would be more merit in the amendment proposed by the committee than there is in the section as it stands. But can anything be more clear than that the purpose with which the Bureau of Statistics is clothed is to collect information in regard to the domestic trade of the country? Does not that include the transportation of every commodity, whether of domestic or foreign origin, upon lake, canal, highway, and railway? Does it not comprehend everything which is the subject of transportation and every means of transportation by which anything can be carried? Therefore the power of the Bureau of Statistics under the law is ample for all the purposes demanded by those who favor the amendment proposed by the committee.

Mr. WINDOM. Allow me to ask the Senator a question. Why did he not when he was Secretary of the Treasury give the law that construction?

Mr. BOUTWELL. Ah! an easy question to ask. In the first place, during my time there was never any agitation of this subject; consequently my attention was never called as a matter of administration to this provision of the law. In the next place, if it had been so called, there was never any money at the command of the Secretary of the Treasury by which this provision of the law could be executed. But when now we are called to the consideration of the power of the Bureau of Statistics, we find that there is ample authority for doing what gentlemen say they desire to have done, and the only additional thing necessary is an appropriation to execute this law, which may be made by Congress, on the recommendation of the Committee on Appropriations, without interfering with that wise idea which should control all legislation, that no new power should be granted in an appropriation bill. That is the reason why this provision has never been executed. I was saying that the power exists to collect this information. Section 342 imposes upon the Chief of the Bureau of Statistics certain duties which are thus set forth:

> The Chief of the Bureau of Statistics shall collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity."

Here is ample power in section 335 to collect this information, and most comprehensive instructions in section 342, under the head of "The Bureau of Statistics," to communicate this information to Congress, covering precisely the subject which is now under consideration in the Senate, and it only remains to give to the Secretary of the Treasury additional clerical force in order that the Chief of the Bureau of Statistics may do the work you desire to have done, and there is no necessity for further powers, no necessity for a new bureau; there is no necessity of imposing additional language upon the pages of the statute-book. All you want is money.

Mr. OGLESBY. Mr. President, if this debate shall contribute to directing the attention of Senators and of the country to the importance of the great question of internal traffic, of home products, of home trade, of home commerce, and withdraw for a little while our attention from foreign trade and foreign commerce, it will not have been in vain. If a resolution were passed by this body, directed to any Department of the Government, asking for information about the trade, about the productions of the United States for the year 1874, the reply to that resolution in all probability would be that no Department of this Government had any information on the subject. With reference to our tariff laws, with reference to our custom duties, we have year after year and quarter of a century after quarter of a century been collecting information about foreign commerce and have almost wholly and entirely overlooked internal trade. The Senator from Minnesota states to this body and to the country to-day that the internal trade and commerce of the United States is fifty times larger, fifty times greater in magnitude and value than the trade of the United States with all foreign countries. And yet if I were called upon by one of my constituents of the West for specific information upon this internal commerce, I should be at a loss to make an intelligible response.

The object of this amendment, proposed by the Senate Committee on Appropriations, is to indicate, if it shall do nothing more, that the people of the United States expect from this Government ample and correct information hereafter upon these internal questions. Year after year, month after month, tables of statistics are laid before the country by your Bureau. Not a word about railroad transportation; not a word about river transportation, or almost not a word; nothing about the products of the country; nothing about the great cotton and corn and wheat and rye regions, territorially speaking; nothing about the production of our meats; nothing about the traffic over the railroads and rivers; nothing to show, so far as the public can see it intelligently, any comparison with the different routes of transportation through the country. If this amendment shall be adopted and a commissioner of the bureau of commerce and statistics shall be put in the Treasury Department, whoever he may be, he will know after this debate, he will find out after this day, that he will be expected to direct his attention toward the internal trade of the country. We want to know something about the railroad traffic, and I care not how soon the day shall come when the great railroads of the country, when the corporations managing and operating those railroads, shall be brought face to face with this question. Has the General Government the right to demand information from them, and has the General Government the right to require of them to report their trade, report their charges, report the operations of their roads, report the stock they have issued, report the management of these great interests of the country, that they may under the laws of the country and under the authority of the National Government be laid before the American people?

The railroads have largely been chartered by States and some few by the Territories; but they are in operation in every direction to-day, carrying millions and hundreds of millions of property; and the great Government under which they live has never yet called upon them, has never yet demanded information from them, and we have never yet exercised the right and power to demand of them, reports of their operations both as to their charges for freight and for passengers. It is high time that the people of the United States shall know whether there is power and authority in this Government to bring information from the great carrying corporations, whether they are operating upon land or operating upon water. It is high time that we knew the magnitude of the internal traffic of the country.

Now, what does this amendment provide? The amendment proposes:

> The President of the United States shall, by and with the advice and consent of the Senate, appoint a chief of the said bureau, who shall be styled commissioner of commerce and statistics, and whose duty it shall be to gather, collate, and annually report to Congress statistics and facts relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries.

I wish to know, as one citizen of this country, the railroad systems to-day in operation in Europe as well as in our own country. I am willing to vote the necessary appropriations that may be asked for to get that information in a tangible and an authentic shape, so that we may know the railroad systems of other nations as well as the railroad systems of our own country, for the purpose of comparison as to the manner of the construction as well as the manner of the operation of the roads, to see whether we are spending money here extravagantly and lavishly, and that we may know whether these carrying corporations, operating upon water or land, are working their lines as compared with the operation of lines in foreign countries extravagantly and unreasonably, and therefore imposing upon the commerce of the country, upon the productions of the country, high if not extravagant and unreasonable rates.

The doctrine is held forth here, and with some confidence, too, that competition between railroads is to cease; that lower rates and lower charges are not to come of competition; that that day has passed by; that combinations will root out and destroy that great element of competition upon which we once relied for fair rates in the transportation of freights and passengers. If that doctrine shall ultimately prove to be the true one, that combinations can crush out competition, then we want some other standard of comparison to get at the rates charged by these corporations for the transportation of the products of our country.

Not there, however, is this Commissioner of Commerce and Statistics to stop; but he is to go further:

> The construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads, and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freight and passengers, and the tonnage transported; and the commissioner of said bureau shall be paid, &c.

I should like to know what would be the reply to a resolution introduced here and sent to one of our Departments about the tonnage transported on our great lines of railway? The presidents of the roads make their annual reports, and upon them the country must rely. They are laid before the country voluntarily, for there has been no authority ever exercised by the Government of the United States over this question yet. I would willingly vote the necessary appropriations to furnish to this Bureau additional clerks and additional means for getting these great facts from every quarter of the country, so that they might be annually or quarterly laid before the people in such shape as that we can compare the charges made for the transportation of the passengers and products of the country with the charges of railroads in foreign countries, and one railroad with another railroad in our own land.

The magnitude of this question, Mr. President, I think, if it shall not to-day arrest the attention of Congress, will in a few years claim it, and claim it most seriously. The question is too grave, the interests at stake are too vast and important to admit of much longer delay. The quicker we take steps in earnest here to direct the attention of the Government toward the collection of information demanded by this amendment the better. I hope the day is not far distant when the national Congress will declare by law its power under the Constitution, not only to require from railroad and other transportation companies an account of their modes of operation, but to authorize companies to construct railroads through the States of the Union, directly empower them to cross State lines and build railroads, so that we may have national lines for the transportation of the products of the East and of the West.

As the matter now stands, evidently the Commissioner of Statistics thought it was his duty to report only in regard to manufactures and foreign commerce; and if attention has been chiefly directed in that line, what we want to-day is information upon the internal commerce of our country. What we want to-day is information about the trade of our own country; and if this amendment will do no further good, it

will at least, if this Bureau of Statistics shall be perpetuated, direct inquiry toward those important subjects.

Mr. EDMUNDS. I wish to ask the Senator from Illinois, with his permission, if his attention has been called to the three hundred and forty-second section of the Revised Statutes, which, as the law stands now, directs the Chief of the Bureau of Statistics to obtain certain information.

Mr. OGLESBY. The Senator from Massachusetts read that a few moments ago.

Mr. EDMUNDS. Now, will the Senator be kind enough to explain to the Senate in what respect it is that this amendment in this bill enlarges the subject provided for in that section? That is what puzzles me.

Mr. OGLESBY. I will state. I have just read that this Commissioner of Statistics and Commerce is expressly required by this amendment to give us information upon facts relating to commerce with foreign nations and among the several States and the railroad systems of this and other countries, which he is not in that section.

The construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads, and on canals, rivers, and other navigable waters of the United States.

Mr. EDMUNDS. Yes; but what does my friend do with these words in the section:

The Chief of the Bureau of Statistics shall collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity.

That is, the prosperity of the trades and businesses of the United States. Why, do not these words "transportation of products" cover every branch of the inquiry into the subjects to which my friend has so properly alluded as being of great importance? If I could see that it does not, then I should be in favor in some proper bill, in some proper way, and immediately, of concurring in his view that we ought to have the information.

Mr. OGLESBY. The honorable Senator from Vermont understands the force of that language. To his mind it is very clear; but it has failed as a statutory enactment ever to have made any impression upon the Commissioner of Statistics. He evidently did not understand that it had any reference to the productions or to the trade and commerce of our country. I think that the language of this amendment will come within his comprehension, or within the comprehension of the Treasury Department, or within the comprehension of whoever shall be put in charge of that Bureau. My only apprehension is that the Senator from Minnesota in agreeing to this amendment, as I understand he does, which comes to us from the Committee on Appropriations, has not gone far enough. My own opinion is that the magnitude of the subject would justify Congress in going somewhat further than giving the Bureau the limited power that is conferred upon it by this amendment; but I am satisfied to vote for it and will sustain the amendment of the Committee on Appropriations because I honestly believe it is a step in the right direction, that this American people now can feel that their Government will take at once immediate steps to investigate this question and to lay before the country the magnitude of its great internal trade.

Mr. SARGENT. I ask unanimous consent to offer the following resolution relating to the conduct of debate on appropriation bills:

Resolved, That, during the present session, it shall be in order at any time to move a recess, and pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate. And no amendment to any such bill making legislative provisions, other than such as directly relate to the appropriations contained in the bill, shall be received.

Mr. EDMUNDS. I think that had better go over until to-morrow.

Mr. SARGENT. I will call it up to-morrow; and in the mean time let it be printed. I will simply remark that it is the same rule that was adopted at the last session.

Mr. EDMUNDS. I rather think I am in favor of it.

The VICE-PRESIDENT. The proposed resolution will be printed, if there be no objection.

Mr. RANSOM. I present an amendment to this bill to be referred to the Committee on Appropriations. It is to provide for the assay office at Charlotte, North Carolina.

The VICE-PRESIDENT. The amendment will be received and referred to the Committee on Appropriations.

Mr. MORRILL, of Maine. Let us have the vote now.

The VICE-PRESIDENT. The question is on the amendment of the Committee on Appropriations, commencing with line 575 and ending with line 625.

Mr. BAYARD. Is the question on the motion of the honorable Senator from Massachusetts to strike out from line 575 to line 625?

The VICE-PRESIDENT. The Senator from Massachusetts asked for a division of the question.

Mr. EDMUNDS. I think it is one single amendment reported by the committee which cannot be divided, but I do not make any point of order.

Mr. BAYARD. I understand that the Senator from Massachusetts moved to non-concur in that portion of the amendment reported by the Committee on Appropriations which is contained between lines 575 and 625 on pages 24 and 25. That is the present motion, as I understand, before the Senate. I hope the Senate will concur in that motion. Without denying for an instant the desirability of the information with which this new officer is charged, without failing in the least to appreciate the value and importance of correct statistical information in regard to the internal affairs of this great country in order that we may have the fullest knowledge praticable of the manufactures and the various interchanges between our own people and as accurately as they have been obtained in regard to foreign intercourse, at the same time, I do not see how it is to be reached if, as is stated by the honorable chairman of the committee who has the bill in charge and as I understood also by the Senator from Minnesota, the machinery to produce all this is simply to increase one officer's salary by the small addition of $1,000 and to change his name from "Chief" of a Bureau to "the Commissioner" of a Bureau.

Mr. WINDOM. Will the Senator allow me to correct him, for he misunderstood me?

Mr. BAYARD. Certainly.

Mr. WINDOM. I did not mean to say, and I think I did not say, that the machinery could be found in that, but that by the reorganization we could save the clerical labor that was necessary to perform this additional service.

Mr. BAYARD. I do not find in this amendment the provision for any additional machinery, except it be the single officer who is to be placed at the head of this Bureau. The Department practically exists now. There is a Bureau of Statistics under the charge of an officer detailed by the Secretary of the Treasury, and such I think has been the law since 1866.

Mr. WINDOM. I will inform the Senator where we get this new clerical service, if he desires me to do so.

Mr. BAYARD. Certainly.

Mr. WINDOM. We transfer from the Register's Office of the Treasury the tonnage division, which is now duplicating duty with the Statistical Bureau, and by not duplicating that duty we get the additional service.

Mr. BAYARD. I quite agree with what fell from the honorable Senator from Vermont, [Mr EDMUNDS,] that an appropriation bill is not the proper place for original legislation of this kind. If the proposition contained in this amendment is as far-reaching and important as has been stated by the honorable Senator from Illinois who spoke last—and I am not disposed to deny the correctness of any of his assertions in that respect——

Mr. MORRILL, of Maine. If the Senator will permit me, the Senator from Illinois was reading from the bill that proposes to establish a department of commerce and not from this amendment.

Mr. BAYARD. The honorable Senator from Illinois was reading from a bill, and the Senator from Maine misunderstood my application of the remarks of the Senator from Illinois. I was about to say that if this broad, important, far-reaching subject is to come before Congress and to take the form of legislation, it should do so, in my opinion, by a separate bill and not by ingrafting a Senate amendment on one of the House bills of appropriation. I felt fully the force of what was said by the Senator from Vermont on that subject, that this method of legislation was, so to speak, vicious, and that it was much better, if this bureau is to be organized, to make it efficient for the broad and varied purposes which have been referred to by the Senators from Minnesota and Illinois and others, I believe. Then, I think it should not be passed in the shape of a mere amendment to an appropriation bill. But in its present shape, what does it amount to? There are certain heads of information which are referred to in this amendment, and the officer proposed to be created is charged with collecting statistics on those sundry heads. In the report of the Secretary of the Treasury submitted to Congress at its present session there is contained the report of this same Chief of the Bureau of Statistics. The hasty and perhaps imperfect examination which I have been able to give the report discloses that a great many of the subjects-matter which are referred to in the amendment of the committee are already touched upon, if not absolutely embraced within, the present labors of this Bureau of Statistics in the Treasury Department. If the creation of a new bureau were to stop with the nomination of a single officer, to take the place of the one now existing and this petty increase of salary, the same result could equally be reached without any change in the name or in the pay of the official who now directs this branch of the public service, by simply charging him by resolution of Congress with the duty of adding certain other heads of statistics to those which he now has under his care.

If it may be said that this would increase his labors, the answer is increase his clerical force. I have not heard that there is incompetency charged upon the officer who has been for many years at the head of this Bureau. On the contrary, all the information that I have upon the subject redounds to his credit both as a man of character and as a man of ability; and in the congress of statisticians which he attended in Europe he was not found defective or wanting among that class of men whose abstruse labors are so little understood and so very little appreciated. If there be a necessity growing out of any incompetence upon the part of persons connected with this or any other branch of the public service, the remedy is not by legislation but it is by the removal of an incompetent or inefficient officer. If, on the contrary, the capacity, the character, the industry, and the worth of this head of Bureau and of those associated with him are not denied but you simply desire to have new fields of labor added

to this officer, increase his clerical force, call upon him simply to take cognizance of new heads of statistical information, and you will obtain it just as accurately and as fully as you do those now which are submitted to him by law. If there be such radical defect in the present organization of this Bureau of Statistics as calls for remodeling it, or the establishment of a bureau on a greater scale, then I submit properly and rightly it should take the shape of a separate measure, thoroughly digested, and recommended by the Department in which the labors are to be executed; but nothing of the kind has been yet proposed. It seems to me that you are merely to unshape the present system, and do it in the most inefficient manner, if the objects which certain Senators have declared to be the intent of the amendment be really kept in view.

As I said before, the report of the Chief of the Bureau of Statistics, which is to be found from page 520 to page 597 in the annual report of the Secretary of the Treasury for the year 1874, will disclose the fact that it touches many of the heads referred to by the amendment; and if the information already taken by this officer be not sufficiently thorough or enlarged, nothing is more easy than to direct his attention so that he shall extend his observations and the tables which he presents to the country on the various heads referred to in the amendment. But I should be unwilling to see this present amendment adopted, which would not have the effect of creating any greater efficiency than the present machinery of the Treasury Department, but on the contrary would be open to the objection that you attempt a broad and important movement, upon the expediency of which I do not propose now to decide, in a very inefficient and hasty manner. There is nothing here from the Treasury Department. We have had the experience of the late Secretary of the Treasury, whose amendment is now before the Senate, in which I am endeavoring to express my concurrence, but before we undertake to create this Bureau and create it by dislocating the present machinery of this Department without adding at all anything of value, merely by changing a name and advancing a salary, for that is the only machinery sought for by this amendment—I say until we have the information from the Department I think it would be far wiser for Congress to delay their action, and not attempt in this way to reach a subject the importance of which I am disposed entirely to concur in.

I believe also that, by a careful comparison of the language of the statutes under which this Bureau of Statistics is organized and finds its power with the amendment proposed here by the committee, it will be found that we are simply in many cases reiterating the duties already charged upon the officers who make up this report to us on statistics, and that therefore the proposed amendment of the committee is simply superfluous; but I look upon it, as was said by the Senator from Ohio, that this is but the entering-wedge for the creation of new offices, new bureaus, the cost of which, the extent of employment in which, is entirely unmeasured and indefinite.

I hope, therefore, that the motion of the Senator from Massachusetts to have the Senate non-concur in all that portion of the amendment embraced within the lines indicated by him may meet the approval of the Senate.

Mr. BOUTWELL. I will change the form of my motion, which I understand will make it more in conformity with the rules of the Senate, to strike out so much of the amendment proposed by the committee as is included in lines 575 to 625 inclusive.

Mr. SCOTT. I am unwilling to be placed in the seeming attitude of opposing the acquisition of the information provided for in this amendment. I want it. I want it just as broadly as the Senator from Illinois wants it, and I do not wish by voting to strike this out to seem to prevent any Bureau, or the present Bureau, from acquiring it.

Now, two points seem to be made, if I understand them correctly, by those who advocate the adoption of this amendment. The first point is a want of sufficient power in the present Bureau of Statistics to procure this information; and the second point is that a large amount of clerical labor in the present Bureau is simply engaged in duplicating or, if I understand it, in copying the returns of the registry of vessels, &c., in the office of the Register of the Treasury. When I am in order I think I shall offer an amendment to this provision. If it cannot be done now, I shall at some subsequent stage of the proceedings move to amend by striking out all down to the words "to gather," in line 581, and inserting this language:

That it shall be the duty of the officer in charge of the Bureau of Statistics to gather, collate, and annually report to Congress, &c.

Following that with the very duties that are imposed here on the head of this proposed Bureau, so that if there be any doubt about the present power of the head of the Bureau of Statistics to gather this information, we will confer that power upon him. If, then, he has not sufficient clerical force to do so, I suppose that the matter of employing the clerks now in his Bureau is one of administration, and under the control of the Secretary of the Treasury; and if they be engaged in duplicating information which is there, it will be in his power to change them and have them employed in getting this information once and giving it to us through the Bureau of Statistics instead of having them engaged in copying it twice. I do not know that it is in order at this time to offer to amend the amendment.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The amendment of the Senator from Massachusetts is to strike out a certain portion of the amendment reported by the committee.

Mr. SCOTT. Then it would not be in order to add these words.

The PRESIDING OFFICER. It would be in order to move to perfect the portion proposed to be stricken out.

Mr. SCOTT. The motion of the Senator from Massachusetts is to strike out all from line 575 to line 625. I shall vote for that amendment, giving notice that I will offer the amendment which I have indicated.

Mr. DAVIS. I shall detain the Senate one moment only. The other House is considering the bill making appropriations for rivers and harbors, and if the question were asked, what is the commerce of any river in the country, the Mississippi or the Ohio, there is no person from whom and no place where that information can be obtained in this Government. If a gentleman were asked what is the commerce of the Hudson, it could not be told; for a record of it is not kept in any place where it can be got at in this Government. It occurs to me, from the fact that we are asked almost daily to make appropriations for the improvement of navigable rivers, that this consideration should bear heavily upon the question now before the Senate, that we might know whether there is any commerce there or not? That question is asked in regard to the Ohio, which probably has more tonnage than the whole foreign commerce of the country. There is nobody, there is no place, where that information can be obtained, except that, I believe, in 1870, Mr. Roberts, an engineer, did make an estimate. For these reasons I believe it important that the information should be given.

Mr. STEVENSON. I am pained to disagree with the Committee on Appropriations on this amendment. I have no doubt that the information sought is valuable. It gives us a knowledge of the productive industries of the country, which, when published and circulated among the people, would be of great value; but I think all that can be done by the present system. My friend from West Virginia says we cannot get it. In many of the States they have it. I have in my room now a pamphlet showing the internal commerce of the Ohio River in all its details. But I pass all that by. The Constitution commits the subject of commerce to Congress. I am willing to let this present Bureau exercise itself in all public matters of information which can be useful; but I am unwilling to create a new Bureau. Our past experience is that the tendency of these Bureaus is always to magnify themselves. They are small in the beginning, only requiring a few thousand dollars; but they may require $10,000, or $15,000, or $20,000, or $100,000, in less than five years. Past experience shows that the moment you create a Bureau, that Bureau desires to be equal with other Bureaus. You get up a rivalry of self-improvement in the Bureaus; and past history, this year and every year, shows when these Bureaus ask for additional clerks and additional employés, one of the arguments is that another Bureau has them, and they, of course, must be supplied too. Now, if you can get this information under the present system of the Treasury Department, why not adhere to it? Why not adhere to that which has acted well in the past? If your statistician is not a good one, change him. I do not see and I have not heard yet an argument why we should create a new Bureau. Admit all that my friend from West Virginia says about the importance of the information, why can it not be had now?

Mr. DAVIS. I understand my friend from Kentucky to say that this amendment creates a new Bureau. I know he did not mean that.

Mr. STEVENSON. It creates a new officer, to be called the "Commissioner of Commerce and Statistics," I believe.

Mr. DAVIS. It provides for an officer in the place of the one who now fills the position, or the same one may be continued. It creates no new office whatever, no new Bureau whatever; it changes the name only, and gives an additional amount of statistics for him to gather, that is, in regard to the internal commerce of the country.

Mr. STEVENSON. It creates a new Bureau, because it says "a bureau of commerce and statistics." That does not exist now.

Mr. DAVIS. My friend knows that there is now a Bureau of Statistics.

Mr. STEVENSON. I do not know that. I know there is a man in the Treasury Department whose business is to collect statistics, but he is not entitled "Commissioner of Commerce and Statistics," and it is not, as I understand, a separate Bureau.

But that is a small matter, Mr. President. The point I suggest to my friend from West Virginia is, why, under the present management, can we not get all the information that is susceptible of being had? What is the difficulty? None whatever; and I say, let us adhere to the Bureau now established. *Obsta principiis.* Resist this thing in the beginning. There are thousands and tens of thousands and perhaps millions of people starving for bread in this country; and we have promised the people to be economical. This is a poor way of showing the sincerity of our professions, because, my word for it, if you establish this Bureau, although you only increase it a thousand dollars now, you will have it increased, in less than five or ten years, $20,000, or $50,000, or $100,000. There are Bureaus that a few years ago were satisfied with twenty clerks that now want one hundred, and some that have one hundred want two hundred; and when you ask them why, the answer is, "Another Bureau has so many." Now, I say that if we can reach the practical object which was intended by the establishment of this officer in the Treasury, which was the gathering of information of every character which

shall go, when furnished to the people, to show them the amount and character of our internal commerce, do not let us break it up; let us adhere to it, and thereby stop even the increase of $1,000. My own opinion is that, if you undertake to adopt this amendment, you will see in five years an increase of this day's work of $100,000 annually.

Mr. EDMUNDS. With the permission of the Senator from Maine, as it is necessary, I move that the Senate proceed to the consideration of executive business. There are some matters necessary to be attended to.

Mr. ROBERTSON. I ask the Senator to withdraw his motion for a moment, to allow me to offer an amendment to this bill.

The PRESIDING OFFICER. The amendment will be received, and referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORRILL, of Maine. I desire to offer a resolution simply to confine the debate on this bill to-morrow to five minutes. That is the ordinary rule, and I give notice I will call it up in the morning.

Mr. EDMUNDS. Let it be read. Perhaps there is no objection to it.

The Chief Clerk read as follows:

Resolved, That, during the present session, it shall be in order at any time to move a recess, and pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate.

Mr. MORRILL, of Maine. I do not think there is anything in this bill which Senators desire to debate at length.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. STEVENSON. I object.

The PRESIDING OFFICER. The resolution will go over.

Mr. EDMUNDS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at four o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 18, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at sixteen minutes after twelve o'clock.

VALUABLE FRUITS AND PLANTS.

Mr. HOSKINS introduced a bill (H. R. No. 4343) to encourage the production of new and valuable fruits and plants; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

HUNDRED-DOLLAR NOTE LIMITATION.

Mr. MERRIAM introduced a bill (H. R. No. 4344) to prevent the issue of United States and national-bank notes in denominations greater than $100; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

TAX ON BANK DEPOSITS.

Mr. MERRIAM also introduced a bill (H. R. No. 4345) limiting the tax on bank deposits as relates to collection of drafts, checks, &c.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

USE OF DEAD-LETTER OFFICE INFORMATION.

Mr. MERRIAM also introduced a bill (H. R. No. 4346) authorizing the use of information received through the Dead-Letter Office, when its use will prevent or punish crime; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM C. EDMONDSON.

Mr. STORM introduced a bill (H. R. No. 4347) granting a pension to William C. Edmondson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERFERENCE OF UNITED STATES SOLDIERS IN LOUISIANA.

Mr. STORM also presented resolution of the house of representatives of the Legislature of Pennsylvania, relative to interference by United States soldiers in the organization of the Legislature of Louisiana; which was referred to the Committee on the Judiciary, and ordered to be printed.

CURRENCY

Mr. BIERY introduced a bill (H. R. No. 4348) to define and amend the national-currency act, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed

PROTESTING COMMERCIAL PAPER.

Mr. BIERY also introduced a bill (H. R. No. 4349) to establish a uniform system for protesting commercial paper; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. CELESTE M'GOWAN.

Mr. CESSNA introduced a bill (H. R. No. 4350) granting a pension to Mrs. Celeste McGowan, now Freitet, widow of Lieutenant James F. McGowan, late of the United States Navy; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

PROSPECT HILL CEMETERY, YORK, PENNSYLVANIA.

Mr. MAGEE introduced a joint resolution (H. R. No. 141) authorizing the Quartermaster-General of the United States to provide headstones for the graves of soldiers interred in Prospect Hill Cemetery, at York, Pennsylvania; which was referred to the Committee on Military Affairs, and ordered to be printed.

JUDGE OF DISTRICT COURT OF WESTERN DISTRICT OF PENNSYLVANIA.

Mr. MOORE introduced a bill (H. R. No. 4351) for the relief of the judge of the district court for the western district of Pennsylvania; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM HARPER, JR.

Mr. ALBRIGHT introduced a bill (H. R. No. 4352) for the relief of William Harper, jr.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPORT ON EPIDEMIC CHOLERA.

Mr. STRAWBRIDGE submitted a concurrent resolution authorizing the printing of one thousand extra copies of the Surgeon-General's report on epidemic cholera; which was, under the rules, referred to the Committee on Printing.

E. A. KEITH AND OTHERS.

Mr. WADDELL introduced a bill (H. R. No. 4353) for the relief of E. A. Keith and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SURVEY OF CATAWBA RIVER.

Mr. VANCE introduced a bill (H. R. No. 4354) to provide for surveying the Catawba River, in the State of North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FRENCH BROAD RIVER, NORTH CAROLINA.

Mr. VANCE also introduced a bill (H. R. No. 4355) for continuing the survey of the French Broad River, in the State of North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WESTERN JUDICIAL DISTRICT OF SOUTH CAROLINA.

Mr. CARPENTER introduced a bill (H. R. No. 4356) to establish the western judicial district in the State of South Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DEPOSITARIES UNDER ACT OF AUGUST 6, 1846.

Mr. CAIN introduced a bill (H. R. No. 4357) to amend an act to construe the act of March 2, 1853, to allow all depositaries designated under act of August 6, 1846, &c.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MATERIALS FOR PUBLIC BUILDINGS.

Mr. FREEMAN introduced a bill (H. R. No. 4358) authorizing the Supervising Architect to use his discretion in selecting materials for public buildings in certain cases; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JUDICIAL OFFICES IN GEORGIA.

Mr. WHITELEY introduced a bill (H. R. No. 4359) to provide an additional district judge, district attorney, and marshal for the State of Georgia, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL LIFE INSURANCE COMPANY.

Mr. BROMBERG introduced a bill (H. R. No. 4360) to amend an act entitled "An act to incoporate the National Life Insurance Company of the United States of America," approved July 25, 1868; which was read a first and second time.

Mr. RANDALL. I ask for the reading of that bill.

The bill was read at length.

Mr. BROMBERG. I do not know of any committee that has particular charge of insurance business. This company was chartered in

the District of Columbia, and I suppose the bill should go to the Committee on the District.

The bill was referred to the Committee on the District of Columbia, and ordered to be printed.

NEW JUDICIAL CIRCUIT.

Mr. WHITE introduced a bill (H. R. No. 4361) to establish a judicial circuit of the districts of Georgia, Alabama, and Florida; which was read a first and second time.

Mr. BROMBERG. I ask that the bill may be read at length.

The bill was read at length, and was referred to the Committee on the Judiciary, and ordered to be printed.

JOHN J. BROWN.

Mr. WHITE also introduced a bill (H. R. No. 4362) for the relief of John J. Brown, of Morgan County, Alabama; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OHIO AND ALABAMA AGRICULTURAL COMPANY.

Mr. SHEATS introduced a bill (H. R. No. 4363) to authorize the Commissioner of the General Land Office to issue a patent to certain lands therein named, to the Ohio and Alabama Agricultural, Manufacturing, and Mining Company of South Lowell, Alabama; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CONFIRMATION OF TITLE TO LANDS.

Mr. SHEATS also introduced a bill (H. R. No. 4364) providing for the confirmation of title to certain lands in Alabama; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RELIEF OF UNITED STATES MARSHALS.

Mr. SHEATS also introduced a bill (H. R. No. 4365) for the relief of United States marshals, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IRA OBAR.

Mr. SHEATS also introduced a bill (H. R. No. 4366) for the relief of Ira Obar, of Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Z. P. MORRISON.

Mr. SHEATS also introduced a bill (H. R. No. 4367) for the relief of Z. P. Morrison, of Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RELIEF OF UNITED STATES MARSHALS.

Mr. DARRALL introduced a bill (H. R. No. 4368) for the relief of United States marshals; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDUCATION IN WASHINGTON CITY.

Mr. MONROE. I introduce a bill at the request of a citizen of the District. It is a bill to promote education in the city of Washington.

The bill (H. R. No. 4369) was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

B. C. SAWYER.

Mr. BANNING introduced a bill (H. R. No. 4370) for the relief of B. C. Sawyer, administrator of the estate of John Aiken, deceased, of Pittsburgh, Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRANCH UNITED STATES MINT AT CINCINNATI.

Mr. BANNING lso introduced a bill (H. R. No. 4371) to establish a branch of the Mint of the United States at Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

IRA B. GIBBS.

Mr. BANNING also introduced a bill (H. R. No. 4372) providing for the payment of salary and expenses to Ira B. Gibbs, special agent of the Pension Bureau; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. LEE HUMFREVILLE.

Mr. LAWRENCE introduced a bill (H. R. No. 4373) to authorize the President to reappoint J. Lee Humfreville to his original position and grade as captain of the United States cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROSECUTION OF CLAIMS.

Mr. BECK introduced a bill (H. R. No. 4374) to regulate the appearance and compensation of agents and attorneys prosecuting claims or demands before Congress and the Executive Departments of the Government, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. RANDALL. I would like to hear that bill read.

The Clerk read the bill.

SAMUEL HAYCROFT AND JAMES E. SHEAN.

Mr. READ introduced a bill (H. R. No. 4375) for the benefit of Samuel Haycroft and James E. Shean, of Hardin County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB KAUFMAN.

Mr. READ also introduced a bill (H. R. No. 4376) for the relief of Jacob Kaufman, of Hardin County, Kentucky, for goods taken and destroyed during the late war by the Federal soldiers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RETIREMENT OF NATIONAL-BANK NOTES, ETC.

Mr. WHITTHORNE introduced a bill (H. R. No. 4377) for the retirement of national-bank notes and the substitution in lieu thereof of Treasury notes, and for the reduction of the interest upon the public debt; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. RANDALL. I call for the reading of that bill.

The Clerk read the bill.

COLLECTION OF ABANDONED PROPERTY.

Mr. WHITTHORNE also introduced a bill (H. R. No. 4378) to amend the third section of the act approved March 12, 1863, to provide for the collection of abandoned property, and for the prevention of frauds within the collection districts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. RANDALL. I call for the reading of that bill.

The Clerk read the bill.

NANCY H. BLACKNELL.

Mr. ATKINS introduced a bill (H. R. No. 4379) granting a pension to Nancy H. Blacknell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. PAULINE JONES.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 4380) for the relief of Pauline Jones, widow of Alexander Jones, late of Company E, Second North Carolina Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM D. WILLIAMS.

Mr. SAYLER, of Indiana, introduced a bill (H. R. No. 4381) granting a pension to William D. Williams, of Indiana; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

OLIVER H. YORK.

Mr. SAYLER, of Indiana, also introduced a bill (H. R. No. 4382) for the relief of Oliver H. York, late a private in Company I, Sixth Ohio Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSMISSION OF PUBLIC DOCUMENTS.

Mr. FORT introduced a bill (H. R. No. 4383) to provide for the transmission by mail of public documents at the same rate of postage now charged on newspapers; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

EMILLIA O. BLACK.

Mr. MARTIN introduced a bill (H. R. No. 4384) granting a pension to Emillia O. Black; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARTIFICIAL LIMBS FOR DISABLED SOLDIERS, ETC.

Mr. MARTIN also introduced a bill (H. R. No. 4385) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERASTUS LATHROP.

Mr. MARTIN also introduced a bill (H. R. No. 4386) for the relief of Rev. Erastus Lathrop, late chaplain Indiana Mounted Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EXTRA PAY TO OFFICERS.

Mr. McNULTA introduced a bill (H. R. No. 4387) to further extend the benefits of section 4 of an act making appropriations for the support of the Army for the year ending June 30, 1866; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. McNULTA called for the reading of the bill, and it was read.

ELIZABETH LANNING.

Mr. McNULTA also introduced a bill (H. R. No. 4388) to grant a pension to Elizabeth Lanning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. HYDE introduced a bill (H. R. No. 4389) to amend subdivision 3 of section 4692 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE PENDLETON.

Mr. HYDE also introduced a bill (H. R. No. 4390) granting a pension to George Pendleton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

V. B. BOWERS.

Mr. HYDE also introduced a bill (H. R. No. 4391) for the relief of V. B. Bowers, postmaster at Bucklin, Linn County, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PAYMENT OF ARMY OFFICERS.

Mr. HAVENS introduced a bill (H. R. No. 4392) authorizing the Secretary of War to pay certain Army officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS ALLEN.

Mr. WELLS introduced a bill (H. R. No. 4393) for the relief of Thomas Allen, of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARKANSAS CLAIM.

Mr. GUNTER introduced a bill (H. R. No. 4394) in reference to indebtedness due the State of Arkansas from the General Government; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FRED. W. SMITH.

Mr. WILLARD, of Michigan, introduced a bill (H. R. No. 4395) granting a pension to Fred. W. Smith, of Jackson, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. C. BARKER AND W. W. WILLIAMS.

Mr. HUBBELL introduced a bill (H. R. No. 4396) for the relief of C. C. Barker and W. W. Williams; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES H. CRIPPIN.

Mr. BURROWS introduced a bill (H. R. No. 4397) granting a pension to Charles H. Crippin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE BOARD.

Mr. BRADLEY introduced a bill (H. R. No. 4398) granting additional jurisdiction to the Light-House Board; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COTTON CLAIMS.

Mr. HANCOCK introduced a bill (H. R. No. 4399) authorizing minors, married women, and others laboring under disability to sue twelve months from and after the removal of such disabilities, to file their claims for cotton illegally seized; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAN JACINTO RIVER, TEXAS.

Mr. MILLS introduced a bill (H. R. No. 4400) making an appropriation to deepen the water in the channel between San Jacinto River and Bobin Channel in Galveston Bay, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

S. T. MARSHALL.

Mr. McCRARY introduced a bill (H. R. No. 4401) for the relief of S. T. Marshall; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

QUIETING LAND TITLES.

Mr. McCRARY also introduced a joint resolution (H. R. No. 142) to provide for bringing suit to quiet title to certain lands; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. RANDALL called for the reading of the bill, and it was read.

T. B. DICKEN.

Mr. KASSON introduced a bill (H. R. No. 4402) for the relief of T. B. Dicker, Company C, Fifth Regiment Kansas Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICAJAH STOUT.

Mr. KASSON also introduced a bill (H. R. No. 4403) granting a pension to Micajah Stout, of Madison County, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COURT OF CLAIMS.

Mr. HOUGHTON introduced a bill (H. R. No. 4404) to confer certain jurisdiction on the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WAGON-ROAD ACROSS SIERRA NEVADA MOUNTAINS.

Mr. LUTTRELL introduced a bill (H. R. No. 4405) granting right of way for a wagon-road across the Sierra Nevada Mountains below the snow line, and for other purposes; which was read a first and second time.

Mr. LUTTRELL. This bill is accompanied by resolutions of the board of supervisors of Butte County and the county officers of that county.

The SPEAKER. Nothing but the bill is in order. It will be referred.

Mr. LUTTRELL. I desire, however, to say that the bill is also accompanied by a petition signed by about one thousand of the most responsible and respectable citizens of Butte and Plumas Counties.

The SPEAKER. No debate is in order during the morning hour of Monday.

Mr. LUTTRELL. While I do not indorse the bill at all, yet, as I believe in the right of petition, I introduce it by request.

The bill was referred to the Committee on the Public Lands, and ordered to be printed.

LAFAYETTE RRIGGS.

Mr. DUNNELL introduced a bill (H. R. No. 4406) granting a pension to Lafayette Briggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISA J. HARMON.

Mr. DUNNELL also introduced a bill (H. R. No. 4407) granting a pension to Louisa J. Harmon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANN P. DERRICK.

Mr. DUNNELL also introduced a bill (H. R. No. 4408) for the relief of Mrs. Ann P. Derrick, widow of W. S. Derrick, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SPECIAL DISTRIBUTION OF SEEDS.

Mr. LOWE introduced a bill (H. R. No. 4409) to enable the Commissioner of Agriculture to make a special distribution of seeds; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ENCOURAGEMENT OF TIMBER CULTURE.

Mr. PHILLIPS introduced a bill (H. R. No. 4410) to amend an act entitled "An act to encourage the growth of timber on western prairies;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

W. H. POWELL AND F. A. M'DOWELL.

Mr. PHILLIPS also introduced a bill (H. R. No 4411) for the relief of William H. Powell and F. A. McDowell; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ELKANAH HUDDLESTON.

Mr. PHILLIPS also introduced a bill (H. R. No. 4412) for the relief of Elkanah Huddleston, late first lieutenant in Company A, First Regiment Kansas Colored Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL B. HANWAY.

Mr. PHILLIPS also introduced a bill (H. R. No. 4413) for the relief of Samuel B. Hanway, late second lieutenant Company F, Third Regiment Indiana Home Guards; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARK W. DELAHAY.

Mr. PHILLIPS also introduced a bill (H. R. No. 4414) for the relief of Mark W. Delahay; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FOURTH AND FIFTH INDIAN REGIMENTS.

Mr. PHILLIPS also introduced a bill (H. R. No. 4415) for the relief of the officers of the Fourth and Fifth Indian Regiments; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CUBA.

Mr. HAGANS introduced a joint resolution (H. R. No. 143) in relation to Cuba; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

BIG SANDY RIVER, WEST VIRGINIA.

Mr. HEREFORD introduced a bill (H. R. No. 4416) making an appropriation for the improvement of the Big Sandy River, in West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GUYANDOTTE RIVER, WEST VIRGINIA.

Mr. HEREFORD also introduced a bill (H. R. No. 4417) making appropriation for the improvement of the Guyandotte River, in West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELK RIVER, WEST VIRGINIA.

Mr. HEREFORD also introduced a bill (H. R. No. 4418) making an appropriation for the survey of Elk River, in West Virginia, from its mouth to Braxton Court House, in said State; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS BLAIR, UNITED STATES ARMY.

Mr. ELKINS introduced a bill (H. R. No. 4419) for the relief of Thomas Blair, first lieutenant Fifteenth United States Infantry, United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JUAN AUGUSTE TRENCHARD.

Mr. ELKINS also introduced a bill (H. R. No. 4420) for the relief of Juan Auguste Trenchard, for the destruction of property by the United States troops; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSÉ ARMIJO Y PEREA.

Mr. ELKINS also introduced a bill (H. R. No. 4421) for the relief of José Armijo y Perea, for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

J. HOWE WATTS.

Mr. ELKINS also introduced a bill (H. R. No. 4422) for the relief of J. Howe Watts; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JOSÉ JESUS VIGIL.

Mr. ELKINS also introduced a bill (H. R. No. 4423) granting a pension to José Jesus Vigil; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGE OF NAMES OF STREETS IN WASHINGTON.

Mr. CHIPMAN introduced a bill (H. R. No. 4424) to change the names of certain streets in the City of Washington, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REFORM SCHOOL DISTRICT OF COLUMBIA.

Mr. CHIPMAN also introduced a bill (H. R. No. 4425) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia, and to provide for the care of juvenile offenders against the laws of the United States; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON AND SUITLAND RAILROAD COMPANY.

Mr. CHIPMAN also introduced a bill (H. R. No. 4426) to incorporate the Washington City and Suitland Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SALE OF INTOXICATING LIQUORS IN THE DISTRICT.

Mr. CHIPMAN also introduced a bill (H. R. No. 4427) to license, tax, and regulate the sale of intoxicating liquors within the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

The SPEAKER. Bills and joint resolutions will be received for reference from members who were not present when their States were called.

LIEUTENANT GEORGE M. M'CLURE.

Mr. WOODWORTH introduced a bill (H. R. No. 4428) to restore Lieutenant George M. McClure to the active list in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INCREASE OF DUTIES ON UMBRELLAS AND PARASOLS.

Mr. MYERS introduced a bill (H. R. No. 4429) to amend the tariff laws by increasing the duties on umbrellas and parasols; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SURVEY AND SALE OF TIMBER LANDS OF THE UNITED STATES.

Mr. AVERILL introduced a bill (H. R. No. 4430) to regulate the survey and sale of the timber lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGE OVER THE MISSISSIPPI AT MEMPHIS.

Mr. LEWIS introduced a bill (H. R. No. 4431) to authorize the construction of a bridge across the Mississippi at Memphis, Tennessee; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REFORM OF THE GREGORIAN YEAR.

Mr. ELLIS H. ROBERTS (by request) introduced a bill (H. R. No. 4432) to reform the Gregorian year; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

FITZ JOHN PORTER.

Mr. GARFIELD introduced a joint resolution (H. R. No. 144) in regard to alleged new evidence in the case of Fitz John Porter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TESTS OF AMERICAN STEEL, ETC.

Mr. HALE, of Maine, introduced a bill (H. R. No. 4433) making appropriations for tests of American steel, iron, and other metals; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON LOUISIANA AFFAIRS.

Mr. HALE, of Maine. I also enter a notice of motion to reconsider the vote by which the report of the Select Committee on Affairs in the South was recommitted.

Mr. RANDALL. Can that be done under the present call?

The SPEAKER. It can. The entering of a motion to reconsider is of the highest privilege, and may even take a gentleman off the floor. It could not be done during the sixty minutes absolutely constituting the morning hour, but after that it is in order.

JOHN L. SMITH.

Mr. KASSON introduced a bill (H. R. No. 4434) giving certain authority to the accounting officers of the Treasury in the case of John L. Smith; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INDUCTION APPARATUS AND CIRCUIT BREAKERS.

Mr. PIKE introduced a bill (H. R. No. 4435) declaring the meaning of the act approved March 9, 1868, relative to a patent for induction apparatus and circuit breakers; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

HENRY B. BROWN.

Mr. PIKE also introduced a bill (H. R. No. 4436) for the relief of Henry B. Brown; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RELIEF OF CERTAIN CITIZENS OF THE DISTRICT.

Mr. PELHAM (by request) introduced a bill (H. R. No. 4437) for the relief of Samuel Strong and other citizens of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CHESAPEAKE AND OHIO RAILROAD COMPANY.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 4438) for the relief of the Chesapeake and Ohio Railroad Company of Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DAVID BIRDSALL.

Mr. SMITH, of Virginia, also introduced a joint resolution (H. R. No. 145) authorizing the Court of Claims to take jurisdiction of the claim of David Birdsall for alleged infringment of a patent of said Birdsall by the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RICHARD B. IRWIN.

Mr. KASSON. I enter a motion to reconsider the vote by which the House on Friday adopted a certain resolution touching Richard B. Irwin.

UNITED STATES COURTS IN NEBRASKA

Mr. SENER. On the 11th of December last the House, on the motion of the gentleman from New York, [Mr. COX,] directed the Committee on Expenditures in Department of Justice to inquire into certain alleged corrupt expenses of United States courts in Nebraska. I present a report from the committee, and move that the report be printed and lie on the table, and that the committee be discharged from the further consideration of the subject.

The motion was agreed to.

NANNIE D. FOSTER.

Mr. POTTER introduced a bill (H. R. No. 4439) granting a pension to Nannie D. Foster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SMITH H. HILDRETH.

Mr. SMITH, of New York, introduced a bill (H. R. No. 4440) for the relief of Smith H. Hildreth, of Chemung County, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETITION OF WORKINGMEN IN THE DISTRICT.

Mr. O'BRIEN, by unanimous consent, presented the petition of the workingmen of the District of Columbia, praying Congress for relief; which was referred to the Committee on the District of Columbia, and ordered to be printed.

AFFAIRS IN ALABAMA.

Mr. COBURN. I ask unanimous consent that the committee which is examining into the affairs in the State of Alabama have leave to sit during the sessions of the House.

Mr. RANDALL. I would like to amend that motion by adding the the words "with open doors."

Mr. COBURN. We do not ask that.

Mr. BUCKNER. But we ask for it.

Mr. RANDALL. I object to the gentleman's request unless the doors are to be open to the public. Every man in this country has the right to know what the committee does.

The SPEAKER. The gentleman objects, and that is sufficient.

Mr. COBURN. I move to suspend the rules so as to make the order.

The SPEAKER. There is a motion to suspend the rules already pending which comes over from Monday last.

EXPENSES OF THE VISIT OF THE KING OF HAWAII.

The SPEAKER. When the House adjourned on Monday last a motion was pending, made by the gentleman from Ohio, [Mr. GARFIELD,] the chairman of the Committee on Appropriations, to suspend the rules and pass a bill in regard to the visit of His Majesty the King of the Hawaiian Islands. That motion is now before the House.

The bill was read. It proposes to appropriate $25,000 to defray the expenses attending the visit of His Majesty the King of the Hawaiian Islands and suite in the United States; that amount, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State and vouchers to be filed in the Treasury Department, a statement thereof to be reported to Congress by the Secretary of State.

Mr. RANDALL. If that bill is upon its passage, I ask the yeas and nays upon it.

The SPEAKER. The question is first, "Will the House second the motion to suspend the rules?"

The question was taken; and on a division there were ayes 98, noes not counted.

So the motion to suspend the rules was seconded.

The question recurred upon the motion of Mr. GARFIELD to suspend the rules and pass the bill.

Mr. RANDALL. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 76, not voting 48; as follows:

YEAS—Messrs. Albert, Albright, Averill, Banning, Barber, Barrere, Barry, Bass, Begole, Buffinton, Bundy, Burchard, Burleigh, Roderick R. Butler, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Cox, Creamer, Crounse, Crutchfield, Danford, Darrall, Davis, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Eames, Eldredge, Farwell, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Houghton, Howe, Hubbell, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Knapp, Lamar, Lamison, Lansing, Lawson, Lewis, Lofland, Lowe, Lowndes, Lynch, Maynard, Alexander S. McDill, James W. McDill, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niblack, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Rainey, Ransier, Rapier, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Stanard, Starkweather, Stephens, St. John, Strawbridge, Swann, Charles R. Thomas, Christopher Y. Thomas, Todd, Townsend, Tremain, Tyner, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehouse, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Wood—164.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Bromberg, Brown, Buckner, Burrows, Cain, Caldwell, Cannon, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Durham, Field, Finck, Fort, Freeman, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunter, Leach, Loughridge, Luttrell, Magee, Martin, McLean, Milliken, Mills, Neal, Nesmith, O'Brien, Hosea W. Parker, Phillips, Randall, Read, Robbins, Shanks, Sherwood, J. Ambler Smith, Southard, Standiford, Stone, Storm, Strait, Thompson, Thornburgh, Vance, Waddell, Waldron, Whitthorne, Charles G. Williams, Willie, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—76.

NOT VOTING—Messrs. Barnum, Bradley, Bright, Benjamin F. Butler, Amos Clark, jr., Clinton L. Cobb, Crooke, Curtis, Eden, Frye, Harmer, Hersey, George F. Hoar, Hoskins, Kendall, Killinger, Lamport, Lawrence, Marshall, McCrary, MacDougall, Merriam, Mitchell, Morrison, Niles, Nunn, Page, Purman, Ray, William R. Roberts, James C. Robinson, Ross, Schell, Scofield, Sessions, Sheats, Small, George L. Smith, Speer, Sprague, Stowell, Sypher, Taylor, Walls, Wheeler, Whitehead, Ephraim K. Wilson, and Jeremiah M. Wilson—48.

So (two-thirds voting in favor thereof) the rules were suspended and the bill (H. R. No. 4441) was passed.

ORDER OF BUSINESS.

The SPEAKER. The hour of two o'clock having arrived and this being the third Monday in the month, the Committee on the District of Columbia is entitled to the floor.

AFFAIRS IN MISSISSIPPI.

Mr. CONGER. I desire to ask unanimous consent to move that the committee appointed to investigate into the troubles in Mississippi be allowed to make a partial report with testimony, and have it printed and recommitted to the committee.

There being no objection, the motion was entertained and agreed to.

Mr. CONGER moved to reconsider the vote by which the motion was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. NEGLEY. The gentleman in charge of the business of the Committee on the District of Columbia yields to me to ask unanimous consent that on Wednesday, after the morning hour, a bill amendatory of an act authorizing the construction of a bridge across the Mississippi River at Saint Louis, Missouri, may be considered for not exceeding one hour.

Mr. BLAND. I object.

TEXAS PACIFIC RAILROAD.

Mr. SYPHER, by unanimous consent, presented a copy of an argument on the Texas Pacific Railroad made before the Committee on the Pacific Railroad; which was ordered to be printed, and referred to the Committee on the Pacific Railroad.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. MARSHALL, from the Committee on Appropriations, reported a bill (H. R. No. 4442) making appropriations for the support of the Military Academy for the year ending June 30, 1876; which was read a first and second time, ordered to be printed, referred to the Committee of the Whole on the state of the Union, and made a special order for Tuesday, the 26th instant, after the morning hour, and from day to day until disposed of.

Mr. BUTLER, of Massachusetts. I ask that all points of order be reserved upon the bill.

PACIFIC OCEAN MAIL SERVICE.

Mr. LOUGHRIDGE. I ask unanimous consent to submit the following resolution of inquiry for adoption at this time:

Resolved, That the Postmaster-General be requested to communicate to this House the name, nationality, and dates of arrival and departure at the terminal and intermediate ports of all steamships carrying the mails between California and China, including the branch line to Shanghai, under contracts with the Post-Office Department, from January 1, 1873, to the present time; the amounts paid for said service, and the dates of payment; also, whether the additional service authorized by the act of June 1, 1872, has been begun, and if not, when the contractors will be ready to perform said additional service, fully and regularly, in accordance with the terms of the act authorizing said additional service and the contract made in pursuance thereof; also, at what period the contractors will complete and put in commission the four American-built iron steamships of forty-five hundred tons register, called for by their proposals accepted by the Postmaster-General in August, 1872; also, whether all the steamships employed by said contractors in said service have been kept up at all times, by alterations, repairs, and additions, fully equal to the best state of steamship improvements attained, as required by said contracts; also, whether any delays and irregularities have occurred in the arrivals and departures of said steamers, and if so, whether any and what fines and penalties have been imposed as required by said contracts; also, whether any and what portion of said service on the main or branch line has been performed by steamships not wholly of American construction or of less tonnage than required by the respective contracts.

Mr. RANDALL. I object to that; we have already got about enough of it.

BRONZE FOUNTAIN, CITY POST-OFFICE.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 4443) to authorize the removal of the bronze fountain by Reinhardt from the lobby of the city post-office; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SENER. I call for the regular order.

The SPEAKER. The regular order being called for and the hour of two o'clock having arrived, the Committee on the District of Columbia are entitled to the floor for the purpose of submitting reports. The Chair will call the attention of the House to the new rule in relation to the Committee on the District of Columbia, which was in operation but one day last session. Previous to the adoption of that rule the Committee on the District of Columbia was entitled to the third Friday of each month from two o'clock p. m. The new rule changed it to the third Monday. The Chair at that time gave a construction of the rule to this effect: the District Committee is entitled to the floor at two o'clock, but it is not entitled to put bills upon passage under a suspension of the rules, nor during the time the committee is reporting can a motion to suspend the rules be entertained. In other words, the committee have precisely the same right on the third Monday that they previously had on the third Friday of the month. No motion to suspend the rules from a member outside of the Committee on the District of Columbia will be in order, nor can a member of the committee move to put a bill on its passage under a suspension of the rules.

Mr. CHIPMAN. I ask unanimous consent to introduce and have referred to the Committee on Appropriations a bill and accompanying papers, and that they be printed.

The SPEAKER. Does that come from the Committee on the District of Columbia?

Mr. CHIPMAN. It does not; but it relates to a matter which is of interest to the people of this District.

The SPEAKER. That is not in order. After the committee is called for reports, business from the committee is in order, and none other

LOUISE HOME.

Mr. CHIPMAN. I am instructed by the Committee on the District of Columbia to report a bill to incorporate the trustees of the Louise Home, and for other purposes.

The bill (H. R. No. 4445) was received, and read a first and second time.

The first section of the bill provides that James M. Carlisle, George W. Riggs, and James C. Hall, of Washington City, in the District of Columbia, and Anthony Hyde, of Georgetown, in said District, and their associates and successors, shall be created and constituted a body-politic and corporate in law, by the name and style of the trustees of the Louise Home; and by that name may sue and be sued, implead and be impleaded, have perpetual succession, and shall and may take, hold, manage, and dispose of at all times, real and personal estate, and shall and may do and perform all other acts and things necessary or appropriate, and no other, for the execution of the trusts created and conferred on them in and by a certain deed from William W. Corcoran, of the city of Washington, to them, which is dated on the 21st day of November, 1869, and was recorded on the 15th day of December, 1870, in liber numbered 630, beginning at folio 458, one of the land records of the county of Washington, in the District aforesaid, to which reference is made for greater certainty; the intent of the charter of incorporation being that the same shall be in execution of the trusts in said deed declared and set forth, and not to any other intent or purpose whatever.

The second section provides that the buildings and grounds connected therewith, and all property held by said trustees for the purposes of said trust, on the square numbered 196, shall be free from all taxes and assessment by the municipal authorities or by the United States, so long as the same shall be held and used for the purposes of the said trust.

The third section provides that the said trustees and their associates and successors shall be authorized and empowered, for the uses and purposes of said institution, to close that part of the public alley, fifteen feet wide, in said square which opens on Massachusetts avenue; provided that the said trustees pay for the ground inclosed in said alley at the assessed rate of the ground contiguous to the same in said square, and expend the amount thereof in grading and paving the residue of the public alley therein, or pay the same, *pro rata*, to the holders of property fronting on said alley, according to the number of front feet, if a majority of the owners of said front feet shall so elect.

Mr. BUTLER, of Massachusetts. Is not this bill open to a point of order in that it exempts property from taxation?

The SPEAKER. The Chair thinks not. The bill enacts that the property "shall be free from all taxes and assessments by the municipal authorities or by the United States so long as the same shall be held and used for the purpose of the said trust." The Chair does not think that would make the bill obnoxious to the point of order.

Mr. RANDALL. It puts no money into the Treasury and takes none out.

Mr. BUTLER, of Massachusetts. The United States will have to pay a portion of the taxes.

The SPEAKER. Undoubtedly there may be an expense indirectly in such a connection, but the Chair thinks that is too remote to found a point of order upon.

Mr. RANDALL. If this bill should not pass, this property would not pay any money into the Treasury of the United States.

Mr. CHIPMAN. This is purely a private charity, calling for the expenditure of no money on the part of the United States.

Mr. BUTLER, of Massachusetts. It also provides in the third section for taking public property.

The SPEAKER. Strictly speaking, the third section of the bill is liable to the point of order which the gentleman makes, if he insists upon it. That section authorizes the trustees "to close that part of the public alley fifteen feet wide in said square which opens on Massachusetts avenue."

Mr. CHIPMAN. Then I move to strike out that section.

The SPEAKER. That would not free the bill from the point of order, if insisted upon.

Mr. BUTLER, of Massachusetts. I insist upon the point of order.

The SPEAKER. The bill will then be referred to the Committee of the Whole on the state of the Union.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis.

3.65 DISTRICT BONDS.

Mr. CHIPMAN, from the Committee on the District of Columbia, reported as a substitute for House bill No. 4026 a bill (H. R. No. 4444) to amend an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874; which was read a first and second time.

The bill provides that the second sentence of the seventh section of the act of June 20, 1874, shall be amended so as to read as follows:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

The bill also provides that registered bonds may be issued in lieu of coupon bonds, as provided in said act, or exchanged for coupon bonds already issued, and that the interest of said bonds shall be payable at the Treasury of the United States.

Mr. CHIPMAN. I am instructed to present a report in writing. I ask to have it read.

The Clerk read the report. It states that the object of the bill is to carry out the recommendations of the sinking fund commissioners for the District of Columbia, appointed under the act of Congress approved June 20, 1874, and to secure the results aimed at by that act. By the seventh section of that act the faith of the United States was intended to be pledged that the United States would, "by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as would do so, provide the means necessary to pay" the interest and principal at maturity. At some stage of the bill, however, two important words were dropped out which it is the object of this bill to restore. The sinking fund commissioners in their report (Executive Document No. 1, part 6, House of Representatives, page 120) say:

It will be observed that the language of the act as it finally passed is rendered somewhat obscure by the omission of the words "do so" where they appear in brackets. * * * The defect in the wording of the law and the absence of such an express and explicit guarantee by Congress as would satisfy counsel to whom it was referred have prevented the bonds from being taken as an investment by various financial institutions in the larger cities, and being thus dependent upon the local market for support has caused them to sell for a less price than was anticipated when the act was under consideration.

It appears from the report of the Joint Investigating Committee of June 20, 1874, (CONGRESSIONAL RECORD, page 5328,) that these words "do so" were in the bill recommended by them, but for some unaccountable reason were omitted from the act as engrossed.

The second provision suggested by the bill is that registered bonds be authorized in lieu of coupon bonds, when desired.

Upon this point the sinking fund commissioners say:

It would much conduce to the convenience of the holders of these bonds that authority be given by Congress for the issue of registered in lieu of coupon bonds, when desired, and that the interest on both classes be made payable through the officers of the Treasury of the United States.

The committee recommend this, as it is the unvarying custom of Congress to make such provision in all Government bonds; and as the United States guaranteeing these bonds have entire control over them and should retain it, the committee thought it best to make them registered as well as coupon. It is a great convenience and protection to holders to possess a bond that may not be stolen or destroyed; and for investment by trustees and others acting in a fiduciary capacity it is an important matter to be able to obtain registered bonds.

The commissioners for the District of Columbia, in their annual report to Congress, (page 10,) call especial attention to this matter, as follows:

We venture to call the attention of Congress to the comprehensive and careful report of the commissioners of the sinking fund, and especially to their suggestions relating to the ambiguity in the act of June 20, 1874, respecting the guarantee by the United States of the 3.65 bonds authorized to be issued in payment of certificates of indebtedness issued by the board of audit, and to their recommendation that the interest on the 3.65 bonds be made payable in coin.

The commissioners again invite attention to the subject in a recent communication to the Speaker of the House of Representatives, January 11, 1875:

The sinking fund commissioners report that up to December 1, 1874, there have been converted into these bonds claims to the amount of $2,088,168.73, (Report of Commissioners, page 122,) there being about seven hundred claimants, as stated by the commissioners to your committee. The report of the board of audit shows that there have been issued certificates of audit amounting to $6,858,727.18, which are convertible into 3.65 bonds. In addition to the foregoing, the board of audit report claims outstanding, convertible into 3.65 bonds when audited, amounting to $3,147,787.48, making a total, if all the claims filed are allowed, of $10,006,514.66 to be ultimately converted. This will be raised somewhat by claims disallowed and by claims for work being done payable in these bonds; but the ultimate issue under the act of June 20, 1874, will not materially vary from the amount stated by the board of audit.

Mr. BLAND. I raise a point of order upon this bill.

The SPEAKER. The Chair does not see anything in the bill which either by direction or indirection increases the obligations of the United States. There are two provisions: one is to correct a clerical error; the other is to provide that these bonds may when desired be registered instead of coupon bonds. The bill can in no event take money out of the Treasury; it would rather save it, if anything. The Chair does not sustain the point of order.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time and passed.

Mr. CHIPMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDUSTRIAL HOME SCHOOL.

Mr. HAGANS, from the same committee, reported back the memorial of the officers of the Industrial Home School; moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the memorial was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTHERN MARYLAND RAILROAD.

Mr. ELDREDGE, from the same committee, reported a bill (H. R. No. 4446) to repeal the act entitled "An act for giving the assent of Congress to the subscription of the District of Columbia to the stock of the Piedmont and Potomac Railroad Company," approved May 23, 1872, and for other purposes; which was read a first and second time.

The bill was read.

The first section provides that the commissioners of the District of Columbia, or their successors in office, be authorized and directed to subscribe to the capital stock of the Southern Maryland Railroad Company the amount heretofore authorized to be subscribed to the Piedmont and Potomac Railroad Company by an act of the Legislative Assembly of the District of Columbia approved August 19, 1871, and confirmed by an act of Congress approved May 23, 1872, and that the same shall be submitted to a vote of the people of the District of Columbia at an election to be held in the several election districts of the District of Columbia as such districts existed prior to the present form of government; which election shall be held April 15, 1875, under the direction and supervision of the commissioners or their successors in office, who are authorized and empowered to appoint judges of elections and other officers necessary to carry out the election. The expenses of the election are to be borne by the Southern Maryland Railroad Company, and to that end the company prior to the ordering of the election by the commissioners or their successors are to deposit with them an amount sufficient to pay such expenses.

The second section provides that the commissioners or their successors shall canvass the votes cast at said election; and if it shall appear that a majority of the votes cast are in favor of the subscription, then the commissioners or their successors shall subscribe to the capital stock of the Southern Maryland Railroad Company, in behalf and in the name of the District, the amount heretofore authorized to be subscribed to the Piedmont and Potomac Railroad Company; provided that the commissioners or their successors shall not issue any bonds of the District for the subscription, nor become responsible therefor, until the Southern Maryland Railroad Company shall have completed their railroad from St. Mary's River, in St. Mary's County, Maryland, and effected a junction with the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company within the District of Columbia, so that the people of the District and the Government of the United States shall have direct communication by rail with the deep waters of the harbor of St. Mary's River aforesaid.

The third section provides that for the purpose of enabling the Southern Maryland Railroad Company to effect a junction with the Baltimore and Ohio Railroad and the Baltimore and Potomac Railroad within the District of Columbia, the Southern Maryland Railroad Company is authorized and empowered to extend its road into and within the District of Columbia at or near the Eastern Branch of the Potomac River, with all the privileges, immunities, rights, and powers granted by Congress to the Baltimore and Potomac Railroad Company by the act entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Potomac Railroad within the District of Columbia," approved February 5, 1867; provided, however, that said railroad company shall not enter into and upon any grounds or property of the United States.

The fourth section provides that upon the completion of said Southern Maryland Railroad and its junction with the said Baltimore and Ohio Railroad and Baltimore and Potomac as aforesaid within said District of Columbia, the said commissioners or their successors, in order to provide for the payment of said subscription, are thereby authorized and directed to issue the registered and coupon bonds of the said District of Columbia, which shall express on their face the object of their issue, and shall be signed, registered, and delivered to the said Southern Maryland Railroad Company under such regulations as shall secure a proper record to be kept of their action in the premises, and shall be redeemable in thirty years after their date, and shall bear 6 per cent. interest, payable semi-annually, to the amount of said subscription theretofore authorized to be subscribed to the Piedmont and Potomac Railroad Company, to wit: $600,000 and no more; provided, however, the said railroad shall be completed within two years from the passage of the act, otherwise the same will be null and void.

The fifth section provides that the commissioners of the sinking fund shall receive all the dividends which may be declared upon the shares of the capital stock of the said company held by the said District, to be applied to the interest on said bonds as the same shall accrue; and in case there shall be any surplus after the payment of said interest, then the balance shall be carried to the credit of the sinking fund for the extinguishment of the principal when the same shall have matured. And in case there shall be any deficiency in the amount of dividends aforesaid to meet the interest on the same as the same shall become due, then there shall be levied on the property in said District other than the property of the United States a tax sufficient to pay the same.

The sixth section provides that the said commissioners or their successors in office shall cause this act to be published in two of the daily newspapers in the city of Washington for two weeks prior to and including the day of said election, the expenses of which advertisement shall be borne by the said Southern Maryland Railroad Company as part of the said election expenses.

Section 7 provides that the act of Congress entitled "An act giving the assent of Congress to the subscription of the District of Columbia to the stock of the Piedmont and Potomac Railroad Company," approved May 23, 1872, be repealed, and the District of Columbia is prohibited from issuing any bonds or subscribing any money in aid of said Piedmont and Potomac Railroad Company.

Mr. WILSON, of Iowa. I raise the point of order against this bill.

The SPEAKER. What point?

Mr. WILSON, of Iowa. Section 3 gives the right of way, while the whole bill contemplates throwing the District of Columbia into bankruptcy, when of course the Government of the United States will have to assume the whole District debt.

Mr. FORT. Besides, the bill takes money out of the Treasury.

Mr. ELDREDGE. Nothing of the sort.

Mr. WILSON, of Iowa. Does not the United States pay the expenses of the District of Columbia?

Mr. ELDREDGE. Not at all.

Mr. WILSON, of Iowa. It has to pay all its debts.

Mr. ELDREDGE. Not a cent.

Mr. WILSON, of Iowa. If it contracts this debt it will certainly have this to pay at least.

Mr. ELDREDGE. If the gentleman will hold still a moment he will see exactly what the bill is. It expressly provides this railroad shall not occupy any of the lands of the United States.

Mr. SMITH, of Ohio. But it gives the right of way.

Mr. ELDREDGE. The Southern Maryland Railroad is to furnish the expenses, even the expense of election, and not a cent is to be paid by the United States.

The SPEAKER. The point made by the gentleman from Iowa the Chair apprehends has reference to the third section, which the Clerk will again read.

The Clerk read as follows:

SEC. 3. That for the purpose of enabling the said Southern Maryland Railroad Company to effect a junction with the said Baltimore and Ohio Railroad and the Baltimore and Potomac Railroad within the District as aforesaid, the said Southern Maryland Railroad Company is hereby authorized and empowered to extend its road into and within the said District of Columbia at or near the Eastern Branch of the Potomac River, with all the privileges, immunities, rights, and powers granted by Congress to the Baltimore and Potomac Railroad Company by act of Congress entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Potomac Railroad within the District of Columbia," approved February, 5, 1867, chapter 29: *Provided, however*, The said railroad company shall not enter into and upon any lands the property of the United States.

The SPEAKER. The Chair thinks it excludes the taking of United States property.

Mr. WILSON, of Iowa. Did not the other railroad company get the right of way?

The SPEAKER. The language of this bill expressly excludes the grant of that right.

Mr. WILSON, of Iowa. How do they expect to get into the District of Columbia without the right of way?

The SPEAKER. The question is not upon coming into the District of Columbia, but going upon public property within the District. The United States does not own the whole of the District of Columbia, and the question is not whether they go upon any property in the District of Columbia owned by the United States.

Mr. WILSON, of Iowa. They cross the streets in the District of Columbia, which are partly owned by the United States?

The SPEAKER. The Chair thinks that would be hardly United States property in this sense, any more than going through the streets of the city of Baltimore or the city of Boston.

Mr. WILLARD, of Vermont. It seems to me there is one good point against another section of the bill, which provides for an election—that this shall be submitted to a vote of the people of the District. Of course, in the first instance, the expenses of the election will be borne by the United States.

Mr. LEACH. No; they will not. It is provided in express terms that they shall not.

Mr. ELDREDGE. The bill provides expressly that the company shall deposit the expenses of the election before any step is taken in that direction. The company are to pay all the expenses of the election and are to make a deposit previously for that purpose.

Mr. WILSON, of Iowa. But that might be struck out, and the expenses left to be borne ultimately by the United States.

The SPEAKER. The Chair thinks the bill has been drawn with a great deal of skill to avoid points of order.

Mr. ELDREDGE. I know it has, Mr. Speaker.

The SPEAKER. This does not involve any charge upon the Treasury; nor if the clause were struck out would it involve that.

Mr. WILSON, of Iowa. Did not the Chair once rule on this same

point that if the bill were so drawn that a relevant amendment would entail expenses on the United States, the point would lie against it?

The SPEAKER. Yes; but that would not be the case here. If this were struck out, it would simply leave the judges without any pay; and if there was a provision moved to make the United States liable, it would be the duty of the Chair to rule the amendment not in order.

As to the point of the gentleman from Iowa that the United States would become ultimately liable, that is another question, which parliamentary law does not deal with. The question whether, as the effect of the legislation before the House, an appropriation may not be involved; whether by some contingent law-suit or construction the United States may not be held in damages—that question is not for the parliamentary law to determine. The bill itself does not involve an expenditure by the United States, nor would an amendment striking out the proviso if carried, involve it. It would simply then result that these judges would have no pay.

The point made by the gentleman from Illinois, [Mr. FORT,] that if the District of Columbia is allowed to go into debt the United States would ultimately have to pay it, may be very strong as a point of probability as to the matter of fact; but as a parliamentary point it does not lie.

The Chair does not really see that the point lies against the bill.

Mr. WILLARD, of Vermont. I suppose it will be open by and by to move to lay the bill on the table.

Mr. ELDREDGE. I believe I have the floor, and hope before I sit down to be able to satisfy every member as to the propriety of this bill.

On the 23d of May, 1872, the Congress of the United States authorized the District of Columbia to subscribe to the capital stock of the Piedmont and Potomac Railroad Company. This was to have been done within two years. That company has taken no steps to avail itself of the advantages of the law. The people of the District of Columbia, with more unanimity, I apprehend, than in any other instance—certainly any within my knowledge—have applied to Congress to be allowed to subscribe the same money to the Southern Maryland Railroad Company. I hold in my hand the memorial of the citizens of the District of Columbia, signed by the principal men in the District, to the number of nineteen or twenty hundred. Among the names are those of George W. Riggs, Marshall Brown, Richard Wallach, Moses Kelly, Alexander R. Shepherd, George Taylor, J. Van Riswick, H. M. Hutchinson, and others, enough to make up two thousand names of the principal business men and property-holders of the District of Columbia.

Mr. SMITH, of Ohio. What is the amount proposed to be subscribed?

Mr. ELDREDGE. Six hundred thousand dollars. The bill has every guard that could suggest itself to the minds of the committee or that was suggested from any other quarter. It provides that not one dollar shall be paid until the road is completed. It provides further that there shall be an election at which the people of the District of Columbia shall have an opportunity to vote their approval of the subscription of this money to the Southern Maryland Railroad, their approval of the transfer from the road to which it was originally applicable to the Southern Maryland Road.

In this memorial are set forth the reasons why the people desire to make this subscription to this road. The road is already graded and bridged, with most of the culverts completed for the whole length or nearly the whole length of the road to its junction with the Baltimore and Ohio Road. It is a road of vast importance to this District, and it is a road of vast importance to the United States. The Secretary of the Navy appointed a commission to make an examination with reference to this road and with reference to a coal harbor, and that commission reported that the port of Saint Mary's, St. Mary's River, is the best port for that purpose that there is in the United States. It brings the people of the District of Columbia within two and a half hours of water communications connecting directly with the sea, and brings them within eighty-six miles of the Atlantic Ocean.

Perhaps gentlemen have experienced during the last few days something of the inconvenience in Washington of not having this means of communicating with water that does not freeze. It is said, and I suppose with truth, that it will bring us the mails from two to three hours earlier than they can be brought by any other route to Washington; and that when the river is frozen, as it is now, it will bring the city into convenient connection with the oyster business and various other interests which are very important to the District of Columbia.

Mr. RANDALL. Will the gentleman allow me to ask him a question?

Mr. ELDREDGE. Certainly.

Mr. RANDALL. Where are they going to bring the mails from two or three hours sooner if this road be completed?

Mr. ELDREDGE. From any place.

Mr. RANDALL. I thought it was only from St. Mary's.

Mr. ELDREDGE. From every place in the United States that comes in that direction. The people of the District of Columbia are almost unanimously in favor of transferring this subscription to this road; and if no one desires to say anything on the subject I will call the previous question on the bill.

Mr. STORM. What is the amount of the subscription?

Mr. ELDREDGE. Six hundred thousand dollars.

Mr. STORM. What is the length of the road?

Mr. ELDREDGE. About eighty or ninety miles, I believe.

Mr. E. R. HOAR. If the gentleman from Wisconsin will allow me, I desire to state, in the form of a question, what I understand the facts to be.

Mr. ELDREDGE. I will hear the gentleman.

Mr. E. R. HOAR. I wish to inquire whether this District of Columbia is not now substantially bankrupt; whether it has not a debt upon it which its citizens are wholly unable to pay, and if a proposition is not pending before Congress for the assumption of that whole debt by the United States; and whether we propose to have, this District being in this condition, the government of which has been abolished and put in commission by this Congress, undertake to pledge its credit and enter into a scheme to build a new railroad within its borders, adding $600,000 to the $20,000,000 debt of the District which they want Congress to pay? I will ask him why, if anything of this kind is needed, the honester and fairer way is not to apply directly to the United States to build the railroad, and let this District government, which has been abolished, not come into it? I will ask him, if the people of this District are so much in favor of the construction of this road, why the gentlemen who have signed this memorial do not subscribe stock and furnish their own means, instead of pledging what they call the credit of the District to an amount which the United States will at some time be called upon to pay?

Mr. ELDREDGE. Well, that is a pretty long question, and I do not suppose the gentleman desires to have an answer. The debt of the District I do not understand to be any such sum as the gentleman has stated. I do not understand, sir, that the people of this District are bankrupt. I have no such information or belief. On the contrary, I believe that if the United States would pay its proportion, according to the value of its property, of the taxation and debt of the District of Columbia, no community in the United States would be better off to-day than this community. It is this conflict between the liability of the people of the District and the Government of the United States that is the most embarrassing thing with which they have to contend.

Now, the gentleman asks why the men who sign this memorial do not subscribe the money. I suppose he can answer that question as well as I can. Here are nearly two thousand of the business men of the District and the property-holders of the District asking that they may be permitted to transfer this sum which Congress permitted them to subscribe to the Piedmont and Potomac Railroad to the Southern Maryland Railroad. I will ask the Clerk to read the memorial of these citizens, which states the facts more concisely and succinctly than I can, and states pretty fully the reasons why they desire the passage of this bill.

The Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the undersigned, citizens of the cities of Washington and Georgetown, in the District of Columbia, who represent every branch of industrial pursuits in the said cities and District, respectfully represent that they are deeply interested in the completion of the Southern Maryland Railroad at an early day as practicable.

That the said railroad company has been actively engaged in the construction of said railroad from the city of Washington to Point Lookout, at the confluence of the Potomac River with the Chesapeake Bay. That it has completed the greater part of the grading, bridging, and culverts, and that in consequence of the recent panic in the money market and the extraordinary stringency which exists, the company has been unable to press the work to an immediate completion.

Your memorialists further represent that this line will furnish a short and expeditious route, not over two hours and a half from Washington, to the deep waters of the harbors of Saint Mary's River and Point Lookout, and a short and convenient outlet to the sea. That besides a very large traffic it will necessarily pour into Washington, it will open three large and fertile counties for the daily supply of luxuries that abound in them to the markets of Washington and Georgetown.

That to the Government of the United States it will afford a swift and certain route for the transportation of coal and every species of supplies at all seasons of the year, and in time of war, as a strategic line, it will prove of incalculable value. It is calculated that if this line had been in operation during the late civil war, it would have saved the Government several million dollars and a large number of lives.

Your memorialists represent that, in view of the immense impulse it will give to every description of business within the District of Columbia, they desire to lend their aid to the immediate completion of this work.

They therefore pray your honorable bodies to pass an act authorizing and directing the authorities of the District of Columbia to divert to the Southern Maryland Railroad the amount of the subscription authorized and directed to be made to the Piedmont and Potomac Railroad by an act of the Legislative Assembly of the District of Columbia approved August 19, 1871, and ratified and confirmed by an act of Congress approved May 23, 1872. The said Piedmont and Potomac Railroad Company not having availed itself of the provisions of said acts, your memorialists pray that it may be diverted to the Southern Maryland Railroad. And your memorialists will ever pray, &c.

Mr. ELDREDGE. Mr. Speaker, the board appointed by the Secretary of the Navy made their report, using this language:

The board cannot express an opinion as to the defensibility of such points upon the Saint Mary's River as upon further examination might prove to be the most desirable one for a naval coaling depot, while it unqualifiedly recognizes the importance of such a depot, accessible at all seasons of the year to vessels of the greatest draught of water, and of easy defense, in communication by shortest routes of transportation with the great bituminous and anthracite coal fields of Virginia, Maryland, and Pennsylvania, as from such a depot of supply the necessary prerequisite to the maintenance of our steam vessels of war and transports in all contingencies and emergencies would be secured, and from which coal may be shipped to points within the United States and elsewhere throughout the world when desired.

Commander Foxhall A. Parker, United States Navy, who commanded the gun-boat flotilla on the Potomac in 1864-'65, in a note to the President of the board remarks—

There could be no better place for a coal depot than the Saint Mary's River, and exactly where I had mine during the civil war; easy of access day and night, plenty of water, and always as smooth as a mill-pond.

Mr. GUNCKEL. Will the gentleman allow me to ask him a question?

Mr. ELDREDGE. Certainly.

Mr. GUNCKEL. I understand the gentleman to deny that the debt of the District is $20,000,000.

Mr. ELDREDGE. O! it is not necessary to go into that question. I said that was my opinion.

Mr. GUNCKEL. It is important to have the truth. The report of the commissioners of the District of Columbia on page 269 shows these figures:

The aggregate of the ascertained debt of the District may be stated as follows:

Funded debt	$8,883,940 43
Eight per cent. certificates	1,522,400 00
Certificates of the board of audit	6,858,727 18
	17,265,067 61

Adding to this the unadjusted claims, makes a total of $20,412,855.09.

Now, I want to ask the gentleman whether this is not a proposition to submit to a vote of a people largely made up of colored people who are not property-holders, a proposition to permit them to add to this $20,000,000 debt of the District $600,000 more, which they will come to some future Congress and ask the United States to pay in whole or part? It is simply a question whether Congress chooses to appropriate that amount, for the United States will be called upon to pay it just as surely as we pass the bill.

Mr. ELDREDGE. O, there is nothing of that sort. I do not know but that colored men will vote upon the question. If they do, I am not responsible for that. If the gentleman feels it on his conscience, I do not at this time intend to impugn his action heretofore or the opinions which he entertained. This is a proposition to submit the question to the people of the District whether they will divert this sum already subscibed to the Piedmont and Potomac Railroad to the Southern Maryland Railroad. That is the proposition, and that is all there is of it. The people desire this road and request this privilege. I do not know but there may be colored men upon the list of signers to this memorial, if they are among the property-holders, and I see no reason why they may not have the right of petition, since you have made them American citizens, as well as anybody else.

Mr. GUNCKEL. Yes, I did help make them American citizens, and I glory in the fact. I would give them the same rights as to petition and suffrage as are given the whites, but I object to forcing taxation in any such way, and especially in a case when I believe the taxation will ultimately come not on the people of the District alone but the whole people of the United States. And as to the colored voters, I always understood the complaint of the South to be that under impartial suffrage the colored people who own no property impose taxation on the whites who hold all the property, and I thought it singular that my democratic friend from Wisconsin sought to repeat the same thing here in the District of Columbia.

Mr. ELDREDGE. I do not know but what that is the complaint of the South. But that has nothing to do with this case.

Mr. PELHAM. The complaint of the South is rather that the money which has been voted to railroads is given to them before they are built and is wasted. By this bill the money is not given to the road until it is built from beginning to end.

Mr. GUNCKEL. Then I would say——

Mr. ELDREDGE. I hope my friend will not find fault with this bill nor fail to help us in the passage of it, because it will allow the colored population of the District to vote upon it. I hope that is not his objection to it.

Mr. SMITH, of Ohio. I understand the gentleman from Wisconsin to say that the Government of the United States is responsible for a part of the debt of the District of Columbia.

Mr. ELDREDGE. I did not say any such thing. I said that if the question of the liability of the Government upon its property and the liability of the District upon its property in the payment of taxes was fairly adjusted, the United States would pay in proportion to the amount and value of its property as well as the District; and I think it ought to.

Mr. SMITH, of Ohio. I understand that this is a proposition to permit the District to increase its indebtedness $600,000.

Mr. ELDREDGE. The gentleman misunderstands it then. The District is to be permitted to transfer its subscription to this road and take the bonds of the road, and to be entitled to whatever dividends may be received from it. It is thought by many that this will at once be a paying road, and that instead of costing the District anything it will really add to the revenues of the District. The bill provides that the interest upon the bonds shall be 6 per cent., and that when the dividends are beyond 6 per cent. the surplus shall go to the sinking fund to liquidate the bonds.

Mr. FORT. Did the gentleman ever hear of a case where a subscription of this sort ever yielded any dividends?

Mr. ELDREDGE. I say that it will not increase the liabilities of the District one iota. They have already authorized the subscription of this $600,000 to the Piedmont Railroad Company, and this bill simply allows them to transfer it to the Southern Maryland Railroad Company.

Mr. GUNCKEL. The other has lapsed.

Mr. MERRIAM. Is it not a fact that the Potomac Railroad is now dead?

Mr. ELDREDGE. I am told by a gentleman near me that it is not dead. I do not know whether it is alive or dead.

Mr. GUNCKEL. Why not introduce a bill to allow these people to subscribe for this road, and not change from one road to another?

Mr. ELDREDGE. Why does not the gentleman do it himself?

Mr. GUNCKEL. I do not want to.

Mr. WHITTHORNE. Does the Potomac Railroad antagonize this proposition?

Mr. ELDREDGE. I am not aware that it does; I have not heard so. Let me say to the gentleman, if he wants an answer, that this subject has been made public through the newspapers; I have here a paper with a full statement of the case. It has been fully ventilated, and nothing of the kind has been brought to the attention of the committee. It has been pending before the Committee on the District of Columbia ever since the commencement of this session. I think if there had been any antagonism from the source he suggests we certainly should have heard of it. We have heard of nothing of the kind.

Mr. WHITTHORNE. If the rights of the Piedmont Railroad Company are not forfeited, ought not their rights to be protected in this bill?

Mr. ELDREDGE. The gentleman has asked a question, to which I will say that I do not think the Piedmont Railroad Company desires to avail itself of this subscription. I understand they do not. It is probably too late for them to do so, because the time is about out for them to build their road and avail themselves of this subscription. This proposition requires the Southern Maryland Railroad to be built within two years, and not one cent is to be subscribed or one cent expended in taking a vote until the road is built. I have never seen a bill more completely guarded in all the matters which might suggest the criticism of this House than is the bill now pending. We have endeavored to guard against everything.

Mr. MERRIAM. Allow me to suggest one point. You propose to ask the guarantee of the District of Columbia for this road.

Mr. ELDREDGE. No, sir; we do not propose any such thing. This, however, would probably make them liable.

Mr. MERRIAM. It is equivalent to a guarantee.

Mr. ELDREDGE. The gentleman evidently does not understand the case at all, or he would not ask that question. The proposition is to allow the District of Columbia to issue bonds to the railroad company and take its stock.

Mr. MERRIAM. Who is to pay for it?

Mr. ELDREDGE. The bonds of the District are to pay for the stock, and the District is to hold the stock to reimburse itself for the bonds it has issued.

Mr. MERRIAM. In other words, the Government must finally pay for it.

Mr. ELDREDGE. O, no; not anything of the sort; there is nothing of that kind in it.

Mr. MERRIAM. I understand it so.

Mr. ELDREDGE. I cannot help the gentleman's understanding.

Mr. MERRIAM. I understand that whatever guarantees are to be given by the District must come finally out of the United States, to be good for anything.

Mr. ELDREDGE. There is nothing of the sort in this bill.

Mr. POTTER. I ask the gentleman to yield to me.

Mr. ELDREDGE. I will yield to the gentleman from New York for five minutes.

Mr. POTTER. Mr. Speaker, this bill is the beginning in this District, so far as I know—at any rate it is the first instance within the last six years—of a description of legislation which I think wholly unsound and vicious. I agree that Congress should treat the District of Columbia liberally. But for myself I am utterly opposed to initiating here a system of legislation which has proved in other parts of the country so dangerous and vicious. In the first place, I am opposed on principle to one portion of the people imposing needless burdens for private ends on the whole people without their consent. That is, as I think, absolutely unjust—so unjust, that under no circumstances could I give my consent to it anywhere. The experiment of subscribing public money to private undertakings has often been tried in the States. There have been occasions when there was some excuse or apology for it, such as where the contemplated works would be of general public benefit and could not be completed by private subscriptions. But there is no such excuse for an undertaking like this railway at the present time when capital is so abundant, and here at this great political center of the country. Wherever the experiment has been tried in the States it has been found to work badly. It has tended to encourage the growth of corrupt influences about the Legislature in order to obtain such privileges, and it has been as generally followed by unwise expenditures of the money thus granted. It has on the whole worked so unfavorably that in many of the States of the Union where it was for a time allowed it has been necessary to repeal the permission; and in all

the constitutional changes which have recently been made, so far as my attention has been called to them, there has been included a prohibition against State, county, and municipal authorities doing exactly the thing which it is now sought by this bill to initiate here. It is altogether too late, I trust, sir, to attempt any such vicious legislation in this District after the lifetime of experience on the subject we have had in the other portions of the country. For my part, for these reasons, I am absolutely and wholly against this bill without reference to its details, and I hope it will be at once voted down.

Mr. ELDREDGE. I demand the previous question.

Mr. WILLARD, of Vermont. I move that the bill be laid on the table.

The question being taken on the motion of Mr. WILLARD, of Vermont, there were—ayes 83, noes 16; no quorum voting.

Mr. GUNCKEL called for the yeas and nays.

The yeas and nays were not ordered.

No quorum having voted, tellers were ordered; and Mr. WILLARD, of Vermont, and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported ayes 108, noes not counted.

So the bill was laid on the table.

Mr. WILLARD, of Vermont, moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SCHOOL BUILDING IN GEORGETOWN.

Mr. COTTON, from the Committee on the District of Columbia, reported a bill (H. R. No. 4448) making an appropriation for the new school buiding in the city of Georgetown, District of Columbia; which was read a first and second time.

The bill provides that for the purpose of paying for the erection and furnishing of the new school building in the city of Georgetown, District of Columbia, and for putting the grounds in order, there be appropriated, out of any moneys in the Treasury not otherwise appropriated, $50,865, or so much thereof as may be necessary in addition to the $40,000 which was borrowed by the trustees of the public schools of Georgetown from the Linthicum Institute of Georgetown. The money appropriated is to be disbursed under the supervision of the Commissioners of Education, and is to be regarded as a loan, to be hereafter taken into account between the Government of the United States and the District of Columbia.

Mr. SMITH, of Ohio. I make the point of order that this bill contains an appropriation.

Mr. COTTON. I hope the gentleman will reserve his point until he hears an explanation of the bill. It is a very meritorious measure.

Mr. SMITH, of Ohio. With the understanding that I do not waive the point of order, I am willing to hear the gentleman's explanation.

Mr. COTTON. The building of this school-house was commenced under an act of the Legislative Assembly of the District of Columbia of June 26, 1873. That law provided that the funds should be obtained by mortgage and by anticipating the taxes of the District. The building was commenced; but after it had been partly erected an act was passed which took away from the governor of the District and the local authorities the power to raise money in the manner which had been contemplated. In order to insure the completion of the building, the commissioners of the District, on consultation with the president of the school board of Georgetown, assured the school officers that they would recommend this appropriation; that the building should be proceeded with, so that the work already done might be preserved and that the pupils in Georgetown might have, as early as possible, the use of the building. Upon this assurance of the commissioners the money has been and is being expended. I have here the recommendation of the commissioners and also a communication from the president of the school board explaining this matter. If the gentleman from Ohio will withdraw his point of order, I will have these documents read.

Mr. SMITH, of Ohio. I insist on the point of order.

The SPEAKER. The bill will be referred to the Committee of the Whole.

MASONIC MUTUAL RELIEF ASSOCIATION.

Mr. COTTON, from the same committee, reported a bill (H. R. No. 4447) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869; which was read a first and second time.

The bill was read. It provides that section 3 of said act be amended to read as follows, beginning after the word "enacted:"

That the number of directors of said association shall be twenty-one, who shall be elected by the members thereof at their annual meeting on the second Tuesday in November in each year, from among themselves, and shall serve as hereinafter provided, that is to say: at the annual election held on the second Tuesday in November, 1875, of the directors then elected, the seven who shall receive the largest number of votes shall serve for three years; the seven receiving the next highest number shall serve for two years; while the seven remaining who shall receive the next highest number shall serve for one year; and seven shall be elected annually thereafter to serve for three years; in all cases of a tie vote, the choice to be determined by lot. And the said directors shall, at their first meeting succeeding the annual meeting of the association, elect one of their number to be president of the board of directors, who shall also be president of the association; and shall elect one of their number as vice-president, and one of their number as secretary, who shall also be secretary of the association; and the said secretary shall give bonds, with surety, to said association, in such sum as the board of directors may require, for the faithful discharge of his duties; and one of their number as treasurer, who shall also give bonds, with surety, to said association, in such sum as the said board of directors may require, for the faithful discharge of his trust.

At all meetings of the board of directors a majority of the board shall form a quorum.

In case of any vacancy in the board of directors by death, resignation, or otherwise, such vacancy shall be filled by the remaining directors from among the members of said association, who shall serve until the next annual meeting of the association, at which time a successor shall be elected to serve for the remainder of the unexpired term.

Mr. COTTON. The only change which this bill makes is in providing for the election of one-third of the directors each year, instead of electing all every year according to the law as it now stands.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COTTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 439) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails.

GEORGETOWN SCHOOL BUILDING.

Mr. COTTON. Mr. Speaker, the bill in respect to the Georgetown school building is so important that I now move the House resolve itself into the Committee of the Whole for the purpose of its consideration.

The SPEAKER. If the House goes into committee on this day devoted to the District of Columbia matters, bills relating to the District of Columbia will take precedence of all others.

The House divided; and there were—ayes 62, noes 13.

So the motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WARD, of Illinois, in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole, and as this day is set apart for the business of the District of Columbia, bills relating to other subjects will be passed over. The first District business is a bill (H. R. No. 184) to provide for the better education of the indigent blind of the District of Columbia.

Mr. BUTLER, of Massachusetts. There is an earlier bill than that, one relating to the Washington Monument.

Mr. COTTON. I move that all other business be laid aside for the present in order to take up the Georgetown school-house bill.

The motion was agreed to

The committee then took up for consideration a bill (H. R. No. 4448) making appropriations for a new school building in the city of Georgetown, District of Columbia.

The bill, which was read, provides that for the purpose of paying for the erection and furnishing of the new school building in the city of Georgetown, District of Columbia, and for putting the grounds in order there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,865, or so much thereof as may be necessary, in addition to the $40,000 which was borrowed by the trustees of the public schools of Georgetown from the Linthicum Institute of Georgetown. The money thereby appropriated shall be disbursed under the supervision of the Commissioner of Education, and shall be regarded as a loan to be thereafter taken into account between the Government of the United States and the District of Columbia.

Mr. COTTON. I ask the Clerk to read an extract from a communication of the commissioners of the District of Columbia, dated December 9, 1874.

The Clerk read as follows:

Accompanying this communication will be found a statement from W. W. Curtis, esq., the president of the board of trustees of the public schools, relating to the new school building in Georgetown. From a careful consideration of the subject-matter of the same, the commissioners do not hesitate to recommend the appropriation asked for therein, to wit, $86,865.

Mr. COTTON. I now ask that the Clerk read from the published report of the commissioners of the District of Columbia and accompanying papers a letter of the president of the board of trustees, together with the accompanying statement of the expenses of the Georgetown school building.

The Clerk read as follows:

WASHINGTON, D. C., *December* 2, 1874.

GENTLEMEN: I deem it my duty to call your attention to the matter of the new school-house in Georgetown, and to request that in your report to Congress, should you consider it deserving of the same, special mention may be made of the matter, to the end that proper relief may be afforded in the premises.

In order to a full understanding of the case, it may be proper to state briefly the history of the enterprise, with a further statement of the present condition of the building.

The wants of Georgetown in the way of school buildings have long been seriously felt. The entire value of school buildings and grounds for white schools in Georgetown, aside from the new building, is estimated at $22,000. These buildings are none of them centrally located, and all are deficient in those conveniences and accommodations which are considered indispensable in modern school buildings. They are filled to overflowing with pupils, and we are now renting two rooms for the purpose of relieving the other schools, besides occupying an old dwelling-house situated on the land bought for the new school-house. The schools are year by year steadily increasing, and further and better accommodations have been for five years a necessity. To meet these wants the project of building a large central school-house was started during the administration of Governor

Cooke. Land was purchased in an excellent locality for the sum of $13,000, a price far below its actual value, and appropriate legislation secured to commence the work.

This legislation embodied an appropriation of $90,000, and also the proportion for the colored schools, in all about $126,000. It authorized the anticipation of taxes and the borrowing of money and creating a building committee, consisting of the governor and the school trustees of Georgetown, to take in charge the erection of the building.

Under this law a plan was adopted and a contract entered into with Mr. S. S. Hunt for the sum of $69,115, and the work was commenced.

The sum of $40,000 was borrowed from the trustees of the Linthicum Institute of Georgetown, with which to meet the first payments on the work, and under the authority of the legislative act before referred to, a special mortgage on the property was given as security therefor.

When this amount was expended it was found to be impossible to secure further means to continue the work, owing to the unsettled state of affairs in the District.

The building at this time was roofed in, but was otherwise unprotected; and in that condition you found it when the government of the District passed into your hands.

Every effort had been made by the building committee and the contractor to hasten the building to an early completion; but the collapse of the late District government left us powerless to raise means to continue the work.

There was no authority of law by which your honorable body could aid us in obtaining by loans sufficient funds to complete the edifice, and the slight school revenues were utterly inadequate to meet more than the current expenses of the schools.

The building was in danger of being injured by the elements, and apart from the pressing need for larger school accommodations there was an urgent necessity for proceeding with the work in order to save the amount already expended.

In view of this necessity, it was agreed upon by the honorable commissioners and the contractor that a small installment, to be taken from the school revenues, should be paid to meet the most pressing wants of the contractor, and an informal assurance was given that the matter should be specially brought before Congress, with a recommendation that an appropriation be made to complete and save the building.

The work has been resumed, and is progressing as satisfactorily as can be expected under these unfavorable circumstances.

I earnestly petition your honorable body to lay the matter before Congress, and to recommend that an appropriation be made to pay off present indebtedness and complete the building, including the heating-apparatus, the gas fixtures, the grading and fencing of the grounds, and the furnishing of the rooms, and the proportionate amount due under the law to the colored schools.

The accompanying detailed statement shows the amount required for this purpose.

It is essential that this be provided at the earliest practicable day, in order to save much that has already been expended, and I cannot too earnestly invoke your good offices in aid of the completion of this work.

Very respectfully, your obedient servant,

W. W. CURTIS,
President Board of Trustees.

The Hon. COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Statement of the expenses of the Georgetown school building,

Contract price of building, (exclusive of heating-apparatus, gas-fixtures, and plumbing)	$69,115 00
Heating-apparatus	6,550 00
Plumbing	200 00
Gas fixtures	1,000 00
Furniture, including settees for large hall	4,000 00
Grading and fencing grounds, including building of stone wall, removing old buildings, and fees of architect and superintendent	10,000 00
Proportion due colored schools, (two-fifths)	36,000 00
Total	126,865 00
Amount received from treasurer Linthicum Institute	40,000 00
Balance for which an appropriation is required	86,865 00

Mr. COTTON. The committee will see that the balance is $86,865. That includes $36,000 for colored schools, upon the basis that they are to have two-fifths of any appropriation made for white schools; but as this appropriation is made to meet an emergency, to complete this school building and to be voted by Congress and not in the ordinary way, the committee decided to omit the $36,000 from this bill and only to give $50,000 required for the completion of this school building and put it in the form of a loan. What that may amount to in the future I of course cannot say. We first thought of providing this should be reimbursed from the school taxes in Georgetown, but we were informed by the commissioners they are needed to sustain the schools there, and that to provide the school taxes should be taken to reimburse the Government for this appropriation would cripple the schools there. We then saw no other way to provide for its payment than that it should be a loan, to be returned in the future. We provide only for the $50,000 required to complete and furnish this new school building.

Mr. WILLARD, of Vermont. Will the gentleman allow me to ask him a question?

Mr. COTTON. Certainly.

Mr. WILLARD, of Vermont. I see that the phraseology of the bill is that an appropriation is made of $50,000, in addition to $40,000 borrowed by the trustees. I wish to know what the committee intend shall be the force of that expression.

Mr. COTTON. The intention is that this shall be an appropriation of $50,000, or so much thereof as may be necessary, in addition to the $40,000 borrowed by the trustees from the Linthicum Institute. I have endeavored to draught the bill carefully so that no more should be appropriated by Congress than is necessary.

Mr. WILLARD, of Vermont. Why is there any need to make any allusion to that $40,000?

Mr. COTTON. For this reason: We appropriate this sum of $50,865, or so much thereof as may be necessary to accomplish this purpose, and it may be that a portion of this money can be saved.

Mr. WILLARD, of Vermont. I understand that the $40,000 has been all expended.

Mr. COTTON. Yes, sir.

Mr. WILLARD, of Vermont. We cannot touch that in any way. Then why refer to it at all?

Mr. COTTON. For this reason: Instead of saying we give money for the school-house, and its furnishing, &c., we say we give enough to complete the building and furnish it, in addition to the $40,000. The bill says we give $50,865, or so much thereof as may be needed to accomplish the work, in addition to the $40,000. The whole of the $50,865 may not be required. It is to make up the balance over and above the $40,000. So we thought it necessary to specify that we give in addition to that the amount necessary to accomplish the purpose.

Mr. WILLARD, of Vermont. The gentleman speaks of school taxes. How are the school taxes of Georgetown now raised?

Mr. COTTON. The gentleman from Vermont no doubt understands that at present there is really no system for levying taxes in this District. There will be a bill presented, I understand, from the commissioners, before Congress adjourns, to provide a mode of levying and collecting taxes in the District. The law passed during last session abolished all former laws in respect to taxes, and levied a certain percentage at that time, but for the future a new law is necessary to collect taxes both for school purposes and for ordinary purposes.

Mr. SMITH, of Ohio. Do the committee propose to put into the law a requirement that this shall be repaid from the District taxes?

Mr. COTTON. We have not put that into the bill, for the reason that this appropriation is made for a particular emergency, in one locality of the District, Georgetown, and we have not determined the proportion as between the Government and the District, which can be adjusted in the future. The money is needed and we see no way to provide it except by the mode proposed in the bill, providing also that it shall be taken into account in making the adjustment between the Government and the District.

Mr. WILLARD, of Vermont. Inasmuch as it seems to me that the phraseology of the bill is susceptible of misapprehension, and as I cannot see any good purpose to be served by putting into it the expression to which I have called the attention of the committee, I move to strike out the words "in addition to the $40,000 borrowed," &c. I do not see that this adds anything to the force of the clause, unless it be an inference that we appropriate that sum also.

Mr. COTTON. The bill has been carefully drawn to avoid that inference. It has been framed to give enough in addition to that money to pay for the school buildings.

Mr. WILLARD, of Vermont. Will the Clerk read that portion of the bill?

The Clerk read as follows:

The sum of $50,865, or so much thereof as may be necessary, in addition to the $40,000 which was borrowed by the trustees of the public schools of Georgetown from the Linthicum Institute of Georgetown.

Mr. WILLARD, of Vermont. Now read it as it will be without the words which I have moved to strike out.

The Clerk read as follows:

Be it enacted, &c., That for the purpose of paying for the erection and furnishing of the new school building in Georgetown, District of Columbia, and for putting the grounds in order, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,865, or so much thereof as may be necessary.

Mr. WILLARD, of Vermont. That is all that is needed. I move to strike out these words:

In addition to the $40,000 which was borrowed by the trustees of the public schools of Georgetown from the Linthicum Institute of Georgetown.

Mr. SMITH, of Ohio. I ask the Clerk to read what follows.

The Clerk read as follows:

And the money hereby appropriated shall be disbursed under the supervision of the Commissioner of Education, and shall be regarded as a loan, to be hereafter taken into account between the Government of the United States and the District of Columbia.

Mr. COTTON. I see no occasion for the motion of the gentleman from Vermont. If adopted, it will leave the bill a little obscure.

The question being taken on the motion of Mr. WILLARD, of Vermont, it was agreed to.

Mr. COTTON. I move that the bill, as amended, be laid aside to be reported favorably to the House.

The motion was agreed to.

THE WASHINGTON MONUMENT.

The next District bill on the Calendar was the bill (H. R. No. 3249) to provide for the completion of the Washington monument.

Mr. CHIPMAN. I move that that bill be passed over informally, retaining its place on the Calendar.

Mr. FORT. Why has that bill not been read?

Mr. CHIPMAN. I have asked that the bill be passed over informally, so that we may reach the bill to incorporate the Louise Home. Of course I feel great interest in the bill providing for the completion of the Washington Monument.

Mr. FORT. What is the objection to having it read?

Mr. CHIPMAN. It will take time, which is valuable to us to-day, and I think there is no hope of passing it to-day.

The bill was passed over informally.

THE LOUISE HOME.

The next bill on the Calendar was the bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes.

Mr. CHIPMAN. I move that the reading of the bill be dispensed with. It has already been read to-day in the House.

Mr. WILLARD, of Vermont. I object to dispensing with the reading of the bill. Let it be read in the committee also.

The bill was read.

Mr. WILLARD, of Vermont. I would like to ask the gentleman who has charge of this bill a question.

Mr. CHIPMAN. I will hear it.

Mr. WILLARD, of Vermont. Is it the law now, or has it been, that property in this District that is devoted to charitable purposes is exempted from taxation?

Mr. CHIPMAN. It is, by a law of Congress.

Mr. WILLARD, of Vermont. Then I do not care to move, as I had thought of doing, to strike out the second section; but inasmuch as under this act as it now stands this exemption will become permanent, so that it could not be reached by subsequent legislation, I move to add to the bill the following section:

SEC. 3. This act shall be subject to the action of future Congresses, to be altered, amended, and repealed, as the public good may require.

Mr. CHIPMAN. Mr. Chairman, I would like to make a statement of half a minute in relation to this bill. It provides for the incorporation of what is known as the Louise Home, situated on Massachusetts avenue, near the Fourteenth-street circle. It is a private charity of Mr. Corcoran, which he has provided for, and before he departs this life he has a feeling of solicitude about placing this worthy charity on some legal foundation, and I trust that the House will pass this bill, understanding, as it undoubtedly does, the worthy object embodied in it.

Mr. BUTLER, of Massachusetts. I have no objection to the bill, provided the gentleman will strike out that clause which exempts this property from taxation.

Mr. CHIPMAN. I must certainly object to that. Under an act of Congress, which I cannot cite at this moment but to which I can refer the gentleman, it is provided that all charitable institutions in this District shall be exempt from taxation, and I do not see any reason why this charity, which is a private one, should be discriminated against, when we exempt public charities that are supported by public funds.

Mr. BUTLER, of Massachusetts. I will tell you why. This is the difference. All the people of the United States support various charities, such as asylums for the insane, lying-in hospitals, and various other charities for the District of Columbia, and the amount divided among the whole people of the United States is no great burden; but I am opposed to the exemption of this property from taxation because it is a private charity, and because the trustees can say who can get into it and who cannot. If everybody could go into it, then I would be for exempting it from taxation; but, sir, the law of the District of Columbia is that property shall be taxed at its market value, and then there is an addition of 3 per cent. taxation in the law. This being so, I think it rather hard for any gentleman to take a large estate out from taxation by calling it a private charity, when it may be for the support of their own friends.

Now, I have not the slightest objection to the bill and will favor it with all my might, provided you strike out that exemption from taxation. My belief upon that subject can be expressed in two or three words. I hold that nothing ought to be exempt from taxation that the whole body of the people cannot freely enjoy. Everything supported by taxation should be enjoyed freely by all. Therefore, if I had my way, I never would have a church exempted from taxation unless its seats were free to all. Hospitals, colleges, schools; anything that all can enjoy may always be supported by taxation or aided by exemption from taxation. But in the case of an institution into which one man can go and another cannot, which one man can enjoy the benefit of and an other man cannot, I am against its being exempt from taxation; and I shall feel it my duty to oppose this bill unless that provision be stricken out. It is undemocratic, unrepublican, and unjust.

Mr. ELDREDGE. If the Delegate from the District of Columbia will allow me, I desire to say a word upon the point made by the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. CHIPMAN. I yield to the gentleman.

Mr. ELDREDGE. It seems to me that although the principle suggested by the gentleman from Massachusetts may be right, the case which he puts, that if a church is free to all one man can go in as well as another, is to determine the propriety or impropriety of taxation, that argument answers itself. There is no church in the District of Columbia or anywhere else into which everybody can go.

Mr. BUTLER, of Massachusetts. I know that; what I said was that the seats should be free.

Mr. ELDREDGE. It does not make any difference whether the church belongs to one denomination or another; the capacity of the church itself prevents every one from using it.

Mr. BUTLER, of Massachusetts. I agree to that. What I said was that I would not have any church exempted from taxation in which seats were not free to all.

Mr. ELDREDGE. The gentleman said unless they were open and free to everybody.

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. ELDREDGE. Now, that mere fact would not enable every tax-payer to enjoy the benefits of this church, because every tax-payer cannot get in.

Mr. RANDALL. But all would have an equal right to do so.

Mr. ELDREDGE. This matter of equal rights is not one of much importance in such a case as this.

Mr. BUTLER, of Massachusetts. These galleries are open to all, but everybody cannot get in at once.

Mr. ELDREDGE. Well, I see almost everybody here.

Mr. CHIPMAM. I yield now for a moment to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. In regard of the exemption of churches from taxation, Mr. Chairman, I do not wish to say anything now, but in regard of private charitable institutions I do take exactly the opposite view from that suggested by the gentleman from Massachusetts, [Mr. BUTLER.]

As to public charities, it is not material whether they be exempted from taxation or not, because, being the property of the State or of municipalities, if they are taxed the money would only go back into the same fund that it came out of. They, therefore, furnish no rule for action in respect of private charities. In regard to private charities, the gentleman from Massachusetts says that they ought not to be exempted from taxation, because they are not open to everybody. It seems to me that is not a wise rule to apply to such institutions. Take this very case. Here was a property of no great value which belonged to this gentleman, as it was, it was exposed to but little taxation. He saw fit to donate it to what seems to me to be a very wise and munificent charity and to erect upon it an expensive building for a home for elderly women; a charity which it seems to me is greatly needed. Nobody else in this section of the country was willing, or if willing was as able, as Mr. Corcoran, to do this. Now that it has been made valuable for a charitable purpose, why should it not be exempted from taxation? Are not such charities worth at least that much encouragement. Men will be less willing to give their fortunes to such wise measures for public good if they are to find their gifts taxed as if private property.

In my own State we always exempt such institutions from taxation, and with good effect. I take leave to think the exemption is not unrepublican, although about what is now called republicanism I cannot speak so well as the gentleman from Massachusetts; but that such exemption is not undemocratic I am perfectly clear. Such institutions are for the public good, even if not controlled by the public authorities. Indeed, they are usually more wisely managed in private hands. But, although in private hands, they are for public ends, and ought, as it seems to me, to be exempted from the burdens of ordinary taxation.

Mr. BUTLER, of Massachusetts. In reply to that, I ask simply if all old ladies who want to go into this institution can do so, or is it limited to Mr. Corcoran's particular friends?

Mr. POTTER. That will possibly depend upon how many old ladies there are.

Mr. CHIPMAN. Under the deed of trust that is left to the board of trustees to determine.

Mr. BUTLER, of Massachusetts. It is a close corporation of four or five men. It is exactly like one which was established in my State. The merchants in a certain town set up a charity for indigent women. The merchants subscribed largely to it and the people gave to it. It turned out it was only a contrivance by which the merchants supported the widows of their sea-captains, which they would have had to do if they had not set up this charity. The only difference between that and the one in New York was, that in New York they supported those who were not widows.

Mr. CHIPMAN. That case is not in point.

Mr. BUTLER, of Massachusetts. I think, as a matter of principle and a matter of fair administration, we ought not here, on the one side, devote one hour of the day to allowing the people to tax themselves for a railroad so as to make their property more valuable, and then the next hour take taxes off of certain property, when the very thing they complain most about is that the United States has so much untaxed property here that their taxes amount almost to confiscation—3 per cent. of the market value of the property. Such a thing as that never was heard of in regard to any other community.

Mr. ELDREDGE. I think Louisiana is another case where the tax is 3 per cent.

Mr. BUTLER, of Massachusetts. I move to amend the bill by striking out the second section exempting this property from taxation.

Mr. CHIPMAN. This question of taxation in the District is coming before this House in a bill that will bring up the whole subject, including churches and charitable institutions. The amendment of the gentleman from Vermont [Mr. WILLARD] provides that this bill shall be subject to future change and alteration by Congress. His idea is to leave this point open. I think we should not attempt to settle this question upon this one bill, but allow the question to come up and the House to act upon it when they come to consider the whole District matter.

Mr. ELDREDGE. Here is a most munificent charity given by a gentleman out of his own private fortune. It seems to me the people of this District would prefer that this property should be free from taxation. Notwithstanding there may be perhaps a little exclusive-

ness in the benefits of the institution, so far as regards the objects of this charity, I apprehend the people of this District would gladly pay the taxes, as a small token of their respect for the gentleman who gave them this institution; it is but little to do. And I apprehend the trustees will extend the charity to the full extent of the accommodations which they can furnish; and that so far as that is concerned, it will not be a private charity, but only limited by its capacity. I understand that the building is to be enlarged to the extent of the alley, which is appropriated by this bill for its use. It is proposed, not that the alley shall be given to the institution, but that it shall be purchased for a fair price, and either the money paid to the adjoining property-holders or applied to the charity itself.

The CHAIRMAN. The question is upon the amendment of the gentleman from Massachusetts, which is to strike out section 2. The Clerk will read the section.

The Clerk read as follows:

That the buildings and grounds connected therewith, and all property held by said trustees for the purposes of said trust, on the square numbered 196, shall be free from all taxes and assessment by the municipal authorities or by the United States so long as the same shall be held and used for the purposes of said trust.

Mr. ELDREDGE. I move to amend the amendment for the purpose of saying one word more. It is true that the gentleman who has given this large property to the people of this District for the benefit of this charity is understood to be a rich man. And undoubtedly while he lives he could pay the taxes without any inconvenience, and probably would do so without any objection. This is a perpetual gift. The purpose is to have this corporation live forever and furnish the means of support for the class of individuals intended to be provided for.

Now, if the taxes are to be paid by the institution, then, after bestowing this magnificent gift, Mr. Corcoran must provide for the perpetual payment of taxes, must put some other portion of his property in a position where it will meet the yearly liability of the institution for taxation. Now, for the exemption from tax the District, I think, gets an equivalent, and more than an equivalent, in the fact that Mr. Corcoran by this charity provides for taking care of indigent old ladies who might otherwise call upon the District for their support. It is unjust, at least it is ungracious, to insist upon the payment of taxes. It seems to me it is a case about like this: a gentleman sees fit to give to another a good horse; and the latter will not take the horse nor thank him for it unless he provides for its keep.

Mr. SAYLER, of Indiana. How are inmates admitted to the institution?

Mr. ELDREDGE. That is to be under the regulation of trustees; and I suppose rules will be prescribed by which the institution will be occupied to its full capacity.

Mr. SAYLER, of Indiana. By whom are the trustees to be appointed?

Mr. ELDREDGE. They are appointed now; they are named in the deed of trust.

Mr. SAYLER, of Indiana. How are their successors to be appointed?

Mr. CHIPMAN. The trustees are to write the names of two persons upon the records of the institution; and these persons upon the death or resignation of any trustee are to be taken in their order to fill the vacancy; so that the public will know at all times who the successors are to be.

Mr. ELDREDGE. If the persons provided for by this charity are not supported in this institution, then they must be supported out of the public funds of the District.

Mr. BUTLER, of Massachusetts. By no means.

Mr. ELDREDGE. The gentleman says "by no means." Perhaps he knows what the circumstances of the inmates of this institution may be. I do not know, except that they are indigent, and persons I suppose who have no proper support from their relatives and no means of gaining support for themselves.

Mr. SAYLER, of Indiana. How is this charity to be perpetuated?

Mr. ELDREDGE. By this act of incorporation this is to be a perpetual corporation. I believe corporations of this kind are considered as immortal.

Mr. SAYLER, of Indiana. Those trustees who are now appointed are, as I understand, to elect their successors.

Mr. CHIPMAN. In the manner I have indicated.

Mr. BUTLER, of Massachusetts. The difficulty with the argument of my friend from Wisconsin [Mr. ELDREDGE] is that there is no provision in the bill as to who shall be supported in the institution. It provides that four gentlemen who are named, Mr. Carlisle, Mr. Riggs, Mr. Hall, and Mr. Hyde shall be—

Created and constituted a body politic and corporate in law, by the name and style of the trustees of the Louise Home; and by that name may sue and be sued, implead and be impleaded, have perpetual succession, and shall and may take, hold, manage, and dispose of, at all times, real and personal estate, and shall and may do and perform all other acts and things necessary or appropriate for the execution of the trusts created and conferred on them in and by a certain deed from William W. Corcoran, of said city of Washington, to them, the said parties hereinbefore named, which is dated on the 21st day of November, 1869, and was recorded on the 15th day of December, 1870, in liber No. 630, beginning at folio 458, one of the land records of the county of Washington, in the District aforesaid, to which reference is hereby made for greater certainty; the intent of this charter of incorporation being that the same shall be in execution of the trusts in said deed declared and set forth, and not to any other intent or purpose whatever.

Mr. ELDREDGE. The gentleman will find in the deed a more specific description of the persons to be admitted and the duties of the trustees in the admission of those persons entitled to the benefits of the institution.

Mr. BUTLER, of Massachusetts, Now, then, Mr. Corcoran selects the trustees, the trustees select the successors, and these select the inmates forever.

Mr. CHIPMAN. Well, now, what is the objection to that?

Mr. BUTLER, of Massachusetts. I will tell you.

Mr. CHIPMAN. All charities are based upon a system of discrimination. You have charities for colored people; you have charities for soldiers; you have private charities; and if the donor in a case like this has not the right to indicate the individuals to receive the benefits of the charity, I cannot understand who has?

Mr. BUTLER, of Massachusetts. I agree that he has. I do not object to this donor indicating anybody on earth to receive the benefits of his money; but he has no right to wring money out of me for taxation in order that he may carry out his peculiar wishes.

Mr. CHIPMAN. If the charity is not a worthy one, that point is good.

Mr. BUTLER, of Massachusetts. It is worthy or not, precisely according to how it is executed; and in this case the public are to have no control of the distribution, while they have to contribute toward it. That is the difficulty. Now, if we are to be taxed to pay for this charity, then let us have a chance to say who shall go into the institution. My friend from Wisconsin says that if not supported in this institution, these people must be maintained by the District of Columbia. *Non constat*—that does not appear. The institution may take people from all over the country; it may be a sort of home for decayed gentility. I have heard of such things. Of course Mr. Corcoran may have it just what he pleases to make it.

Mr. ELDREDGE. I think that the deed of trust provides that the inmates shall be indigent persons of the District.

Mr. BUTLER, of Massachusetts. He may have it just what he wants it; but when he asks me to pay for it, or help pay for it, I want to have some hand in its management.

Mr. CHIPMAN. I wish only to say this, Mr. Corcoran is a very generous man, and if this House decides that of all the charities in this city his charity alone shall pay a tax, he will do it I have no doubt very cheerfully. But my point is, that until this question is settled by some general law, this charity should stand upon the same basis as all other charities. The law of Congress provides today that all charitable institutions shall be exempt from taxation. Why then discriminate against this one?

Mr. BUTLER, of Massachusetts. I will tell you why. Because of the——

Mr. CHIPMAN. I agree with the gentleman from Massachusetts in his general principle, but do not let him discriminate against this charity now.

Mr. BUTLER, of Massachusetts. I do not; I do not mean to. All the other charities in this District are public charities. That is the difference between them and this. This is a private charity, in which this gentleman——

Mr. CHIPMAN. Let me cite the gentleman from Massachusetts to an instance. I am not myself familiar with the law incorporating the Smithsonian Institution, but that is exempted from taxation. It was not originated by an American citizen at all, but by a foreigner to whom we owed nothing.

Mr. SAYLER, of Indiana. It receives contributions from all parts of the world.

Mr. BUTLER, of Massachusetts. That institution was established for the diffusion of knowledge among all men.

Mr. CHIPMAN. This may become as useful.

Mr. SAYLER, of Indiana. But are not the inmates selected from one section of country?

Mr. CHIPMAN. I do not know how that is. I only know that a citizen of the District of Columbia proposes to give out of his own means to establish this charity for indigent old ladies—call them respectable, if you please, but for indigent old ladies. I do not care where the inmates come from, it is a charity for so many indigent old ladies.

Mr. BUTLER, of Massachusetts. Such as Mr. Corcoran chooses.

Mr. CHIPMAN. Such as Mr. Corcoran chooses.

Mr. BUTLER, of Massachusetts. Let him pay, then; he has a right to do it.

Mr. CHIPMAN. It is his own money which he proposes to give for the establishment of this charity.

Mr. BUTLER, of Massachusetts. But he asks you to pay; he asks me.

Mr. CHIPMAN. No.

Mr. BUTLER, of Massachusetts. He asks everybody.

Mr. CHIPMAN. The point I make, Mr. Chairman, is not as to the merit of this institution, but that you should not discriminate against this charity.

Mr. BUTLER, of Massachusetts. We do not discriminate. It is the only private charity here.

Mr. CHIPMAN. There are other private charities here in charge of various churches.

Mr. BUTLER, of Massachusetts. We ought to repeal the law, then, as to them.

Mr. CHIPMAN. There are half a dozen charities under church

organizations. What is the difference between them and this charity?

Mr. BUTLER, of Massachusetts. They are open to everybody. If they are not, if you will show me one not open to all, I will go for the repeal of the law in reference to them.

Mr. SAYLER, of Indiana. What one is exempted from taxation?

Mr. BUTLER, of Massachusetts. Let me reply to my friend from the District of Columbia. If all the charities are exempted from taxation under the law, and this is a like charity, why do you bring it here at all?

Mr. CHIPMAN. It is not incorporated.

Mr. BUTLER, of Massachusetts. But it will be.

Mr. CHIPMAN. It is now under a deed of trust, and before the donor dies he wishes to have it incorporated and under the protection of law.

Mr. BUTLER, of Massachusetts. He will get it incorporated and, if like the other charities here, it will be exempted from taxation. Why is it not exempt if like all the other charities here?

Mr. CHIPMAN. Because he provides for it and these others are asking you for money.

Mr. SAYLER, of Indiana. What one is exempt from taxation in this District?

Mr. CHIPMAN. You make appropriations every year for them.

Mr. SAYLER, of Indiana. What one is there?

Mr. CHIPMAN. I can name half a dozen.

Mr. SAYLER, of Indiana. They are under the management of churches and other corporations.

Mr. COX. Do not let us look a gift horse in the mouth.

Mr. CHIPMAN. I can refer to the Children's Hospital and to the Soldiers' Orphans' Hospital.

Mr. COTTON. Let us have a vote.

Mr. NIBLACK. Mr. Chairman, there is a good deal of plausibility in the position assumed by the gentleman from Massachusetts, [Mr. BUTLER,] and if the same principle is asserted by this House and carried out honestly and fairly to all the other institutions of the District it will be more far-reaching than the gentleman intends. It will require us, at all events, to revise much of the legislation we have adopted for the government of this District for several years past. We have on several occasions granted aid by Congress to different charitable corporations under the control of different churches in this District, and we have justified ourselves in thus using the public money and placing it under the control of sectarian institutions, as they are called, upon the ground that these institutions, under whatever management they may be, relieve the demand upon the general charities of the District to that extent, and therefore are to be encouraged. I see no difficulty, no objection to applying this rule to the particular charity under consideration. It is a charity pure and simple, and as such I am willing to vote to exempt it from taxation, as we have similar charitable institutions, under whatever management they may be, for the reason that whatever number of persons this institution may continue to support will relieve the demand upon the charities of this District to that extent. I care nothing about a discrimination as to the particular classes of people that shall enter the institution. That is a matter as to which the gentleman who provides so munificently for this institution can judge for himself.

Why, sir, if the position of the gentleman from Massachusetts [Mr. BUTLER] shall obtain, then we ought not to exempt from taxation the public school-houses of the District, because under present regulations colored children are not allowed to attend school in those buildings. I desire to know of the gentleman from Massachusetts if, to carry out his position, because colored children are excluded from the public schools, he would tax those public schools?

Mr. COTTON. They are free schools.

Mr. NIBLACK. They are not free to everybody as long as colored children are not admitted. According to the theory of the gentleman from Massachusetts they ought to be liable to taxation.

Mr. BUTLER, of Massachusetts. Does the gentleman desire an answer from me?

Mr. NIBLACK. Certainly.

Mr. BUTLER, of Massachusetts. Public schools are supported at the public expense. What, then, would be the use of taxing them? If you do, you would only take money out of one pocket and put it into the other. My position applies to institutions of an entirely different class, as a church, for instance, where a man says, "You cannot go into that pew, it belongs to me;" and yet says, "Exempt us from taxation."

Mr. NIBLACK. This is not a parallel case. Here is a fund set apart as a charity; and the question is, Shall we diminish this fund by imposing taxes on it? As a matter of public policy I am opposed to it. I am in favor of encouraging everybody who can afford it to make provisions of that sort. I am against taxing any institution whose sole object is charity.

The question being taken on the motion of Mr. BUTLER, of Massachusetts, to strike out the second section of the bill, there were—ayes 52, noes 76; no quorum voting.

The CHAIRMAN under the rule ordered tellers; and appointed Mr. BUTLER, of Massachusetts, and Mr. CHIPMAN.

The committee again divided; and the tellers reported—ayes 60, noes 89.

So the motion to strike out the section was not agreed to.

The question recurred on Mr. CHIPMAN'S motion to lay the bill aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

Mr. COTTON. I move that the committee rise and report to the House the bills on which favorable action has been taken.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WARD, of Illinois, reported that the committee of the whole House had had under consideration sundry bills relating to affairs of the District of Columbia, and had directed him to report the same to the House, with the recommendation that they do pass with certain amendments.

THE LOUISE HOME.

The first bill reported from the Committee of the Whole was the bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes, with amendments.

Mr. CHIPMAN. I call for the previous question on the bill and amendments.

The previous question was seconded and the main question ordered, and under the operation thereof the amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CHIPMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW SCHOOL BUILDING IN GEORGETOWN.

The next bill reported from the Committee of the Whole was the bill (H. R. No. 4448) making an appropriation for a new school building in the city of Georgetown, District of Columbia, with amendments.

The amendments were agreed to.

Mr. COTTON. I call the previous question on the engrossment and third reading of the bill.

The previous question was seconded and the main question ordered.

The question being taken on the engrossment and third reading of the bill, there were—ayes 52, noes 29; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. COTTON, and Mr. SMITH, of Ohio.

The House again divided; and the tellers reported ayes 103, noes not counted.

Mr. LAWRENCE called for the yeas and nays.

The yeas and nays were not ordered.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. LAWRENCE. I ask for the reading of the engrossed bill.

The SPEAKER. The gentleman's request comes too late. The engrossed bill has been read.

The bill was passed.

Mr. COTTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I move that the House do now adjourn; but before the motion is put I desire to submit a request for unanimous consent.

Mr. ELDREDGE. The Committee on the District of Columbia have not yet got through with their reports.

The SPEAKER. They are entitled to the entire day.

Mr. ELDREDGE. There are several bills of importance to the District which the committee desire to report.

MEDICAL SOCIETY OF THE DISTRICT.

Mr. COTTON, from the Committee on the District of Columbia, reported a bill (H. R. No. 4449) to amend an act entitled "An act to revive with amendments 'An act to incorporate the Medical Society of the District of Columbia,' approved July 7, 1838;" which was read a first and second time.

The bill amends an act entitled "An act to revive, with amendments, An act to incorporate the Medical Society of the District of Columbia, which was approved July 7, 1838," by striking out in the third section thereof the word "gentlemen," and inserting instead thereof the word "persons."

Mr. COTTON. I can state in a word the object of this bill. The present act authorizes the licensing of "gentlemen"—gentlemen only—to practice medicine. We propose to amend it by substituting the word "persons," so as to admit lady practitioners to be licensed.

The following is the third section of the act of 1838, which it is proposed to amend:

SEC. 3. That it shall and may be lawful for the said medical society, or any number of them attending, (not less than seven,) to elect by ballot five persons, residents of the District of Columbia, whose duty it shall be to grant licenses to such medical and chirurgical gentlemen as they may, upon a full examination, judge qualified to practice the medical and chirurgical arts, or as may produce a diploma from some respectable medical college or society, each person so obtaining a certificate to pay a sum not exceeding ten dollars, to be fixed on or ascertained by the society.

I desire to submit with my remarks a memorial by two ladies, practicing physicians in the District, praying for the passage of this bill. It is as follows:

To the Senate and House of Representatives:

The undersigned, practicing physicians in the District of Columbia, respectfully submit the following petition, and pray that the honorable bodies will take such action as is necessary to protect them in their rights:

We are graduates of medicine from a regular college chartered by Congress, but owing to the fact that we are women are kept from practicing our profession legally by reason of a charter granted to the Medical Society of the District of Columbia, A. D. 1838, which charter empowers said society to grant license only to medical and chirurgical "gentlemen." By reason of this act we are denied the privilege of consultation, cannot legally collect our fees, and are refused proper recognition as physicians.

We therefore pray that the charter of the Medical Society of the District of Columbia be so amended as to allow all persons graduates from any regularly chartered medical institution to practice the profession legally.

MARY D. SPACKMAN, M. D.,
1634 *Sixteenth street northwest.*
MARY A. PARSONS, M. D.,
1322 *F street northwest.*

WASHINGTON, D. C., *January* 14, 1875.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COTTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POTOMAC AND MOUNT PLEASANT RAILROAD COMPANY.

Mr. HENDEE, from the Committee on the District of Columbia, reported (as a substitute for the bill H. R. No. 4181) a bill (H. R. No. 4450) to incorporate the Potomac and Mount Pleasant Railroad Company; which was read a first and second time.

The SPEAKER. The substitute will be read.

The Clerk commenced to read the substitute.

Mr. COTTON. This is a very long bill, and is in the usual form of bills incorporating horse railroad companies. I suggest that unless some gentleman desires to hear the bill read the reading be dispensed with.

Mr. RANDALL. O, no; that will not do.

Mr. ELDREDGE. There is every guard and restriction in this bill that has ever been put in a bill of this character. The committee examined it very carefully and put in all the usual guards.

The SPEAKER. The reading of the bill can only be dispensed with by unanimous consent.

Mr. RANDALL. I never heard of passing a bill without its being read at all.

Mr. POTTER. No such bill can pass this House without being read, if I can help it.

The Clerk resumed the reading of the bill.

Mr. ATKINS. Would it be in order to move that the House do now adjourn?

The SPEAKER. That motion is always in order.

Mr. ATKINS. Then I make that motion.

Mr. ELDREDGE. These bills have been pending before the Committee on the District of Columbia for a long time, and I hope the House will not adjourn.

The SPEAKER. If the House adjourn now this bill will come up immediately after the reading of the Journal to-morrow morning.

Mr. BUTLER, of Massachusetts. I hope the gentleman will yield to me to introduce a bill.

Several MEMBERS. Regular order!

Mr. KELLOGG. I desire to give a notice to the House simply.

Many MEMBERS. Regular order!

MARIE P. EVANS.

The SPEAKER, by unanimous consent, laid before the House an additional report of the commissioners of claims, on the claim of Marie P. Evans, of Orleans Parish, Louisiana; which was referred to the Committee on War Claims, and ordered to be printed.

GEOGRAPHICAL SURVEY.

The SPEAKER also, by unanimous consent, laid before the House a letter from Lieutenant Wheeler, relative to the geographical survey west of the one hundredth meridian; which was referred to the Committee on Military Affairs, and ordered to be printed.

COALING STATION IN MARYLAND.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Navy, transmitting the report of the board of naval officers appointed in compliance with House resolution of April 13, 1874, to inquire as to the expediency of establishing at the harbor of St. Mary's River, in Maryland, a naval coaling station; which was referred to the Committee on Naval Affairs, and ordered to be printed.

REORGANIZATION OF THE TREASURY DEPARTMENT.

Mr. KELLOGG. I desire to give notice to the House that, as soon as the Indian appropriation bill shall have been disposed of, I will move to go into Committee of the Whole on House bill No. 2978, to provide for the reorganization of the Treasury Department of the United States, and for other purposes; and I ask that a substitute for that bill which I send to the Clerk's desk be printed, and also printed in the RECORD.

There being no objection, the motion to print was agreed to.

The following is the substitute referred to by Mr. KELLOGG:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after July 1, 1875, the organization of the Treasury Department, and the several offices thereof, and the annual salaries paid to the persons therein, shall be as follows, to wit:

In the office of the Secretary of the Treasury:

The Secretary, $8,000; two assistant secretaries, at $4,500 each; chief clerk, $3,000; one chief of division of warrants, estimates, and appropriations, $3,000; seven chiefs of division, at $2,800 each; eight assistant chiefs of division, at $2,400 each; two disbursing clerks, at $2,800 each; twenty-five clerks of class four; stenographer to the Secretary, $2,400; twenty-six clerks of class three; twenty-one clerks of class two; eighteen clerks of class one; thirty-one clerks, at $900 each; eleven messengers, and eleven laborers; one clerk of class four and one clerk of class one, to assist the chief clerk in superintending the building; one captain of the watch, $1,400; one engineer, $1,600; one machinist and gas-fitter, $1,200; one store-keeper, $1,400; sixty watchmen, at $720 each, and additional to two of said watchmen, acting as lieutenants of watchmen, $280 each; twenty-five laborers, at $720 each; one assistant engineer, $1,000; nine firemen, at $720 each; and ninety char-women, at $180 each.

In the construction branch of the Treasury:

Supervising Architect, $4,000; chief clerk, $2,500; one photographer, $2,500; one principal clerk, at $2,400; two clerks, at $2,000 each; one assistant photographer, at $1,600; two clerks of class four; four clerks of class three; two clerks of class one; two clerks, at $900 each; and one messenger.

In the office of the First Comptroller:

The First Comptroller of the Treasury, $5,000; deputy comptroller, $2,800; four chief clerks of division, $2,400 each; six clerks of class four; twelve clerks of class three; ten clerks of class two; five clerks of class one; six clerks, at $900 each; one messenger; and three laborers.

In the office of the Second Comptroller:

The Second Comptroller, $5,000; deputy comptroller, $2,800; four chiefs of division, at $2,400 each; eight clerks of class four; seventeen clerks of class three; eighteen clerks of class two; twelve clerks of class one; ten clerks, at $900 each; one messenger; and three laborers.

In the office of the Commissioner of Customs:

The Commissioner of Customs, $4,500; deputy commissioner, $2,500; three clerks of class four; seven clerks of class three; ten clerks of class two; nine clerks of class one; one messenger; and one laborer.

In the office of the First Auditor:

The First Auditor of the Treasury, $4,000; deputy auditor, $2,500; four chiefs of division, at $2,100 each; two clerks of class four; seven clerks of class three; eight clerks of class two; thirteen clerks of class one; one messenger; and two laborers.

In the office of the Second Auditor:

The Second Auditor of the Treasury, $4,000; deputy auditor, $2,500; five chiefs of division, at $2,100 each; six clerks of class four; thirty-five clerks of class three; seventy clerks of class two; forty-five clerks of class one; one messenger; and twelve laborers.

In the office of the Third Auditor:

The Third Auditor of the Treasury, $4,000; deputy auditor, $2,500; five chiefs of division, at $2,100 each; six clerks of class four; twenty-five clerks of class three; seventy-five clerks of class two; forty clerks of class one; ten clerks, at $900 each; two messengers; seven laborers; and one char-woman, at $480.

In the office of the Fourth Auditor:

The Fourth Auditor of the Treasury, $4,000; deputy auditor, $2,500; three chiefs of division, at $2,100 each; two clerks of class four; eighteen clerks of class three; eleven clerks of class two; ten clerks of class one; six clerks, at $900 each; one messenger; and three laborers.

In the office of the Fifth Auditor:

The Fifth Auditor of the Treasury, $4,000; deputy auditor, $2,500; two chiefs of division, at $2,100 each; two clerks of class four; seven clerks of class three; six clerks of class two; eight clerks of class one; five clerks at $900 each; one messenger; and two laborers.

In the office of the Auditor of the Treasury for the Post-Office Department:

The Auditor of the Treasury for the Post-Office Department, $4,000; deputy auditor, $2,500; eight chiefs of division, at $2,100 each; eight clerks of class four, and, additional to one clerk of class four as disbursing-clerk, $200; fifty-four clerks of class three; sixty-nine clerks of class two; thirty-seven clerks of class one; one messenger; and nineteen laborers; twenty assorters of money-orders, at $1,000 each; also, fifteen female assorters of money-orders, at $900 each.

In the office of the Register:

The Register of the Treasury, $4,000; one deputy register and one assistant register, at $2,500 each; seven clerks of class four; ten clerks of class three; fourteen clerks of class two; eight clerks of class one; eight copyists, at $900 each; one messenger; and four laborers.

In the office of the Treasurer:

The Treasurer of the United States, $6,500; assistant treasurer, $3,800; cashier, $3,800; assistant cashier, $3,500; five chiefs of division, at $2,700 each; two principal book-keepers, one at $2,600 and one at $2,500; two tellers, one at $2,700 and one at $2,600; one chief clerk, at $2,700; two assistant tellers, at $2,350 each; thirteen clerks of class four; thirteen clerks of class three; nine clerks of class two; eight clerks of class one; sixty clerks, at $900 each; seven messengers; five laborers, at $720 each; and seven laborers, at $240 each.

In the office of the Light-House Board:

The chief clerk of the Light-House Board, $2,500; two clerks of class four; two clerks of class three; one clerk of class two; one clerk of class one; one clerk, at $900; one messenger; and one laborer.

In the office of the Comptroller of the Currency:

The Comptroller of the Currency, $5,000; deputy comptroller, $3,000; four chiefs of division, at $2,400 each; nine clerks of class four; fourteen clerks of class three; twelve clerks of class two; eleven clerks of class one; thirty-three clerks, at $900 each; four messengers; four laborers; and two night watchmen.

In the office of the Commissioner of Internal Revenue:

The Commissioner of Internal Revenue, $6,000; deputy commissioner, $3,500; seven heads of division, at $2,500 each; one stenographer, at $2,000; thirty clerks of class four; forty-two clerks of class three; fifty clerks of class two; eighteen clerks of class one; seventy clerks, at $900 each; five messengers; and fifteen laborers.

In the office of the Secretary of the Treasury:

SEC. 2. That there shall be in the office of the Secretary of the Treasury a division of loans and a division of currency, with the following employés: Two chiefs of division, at $2,800 each; two assistant chiefs of division, at $2,400 each; fourteen clerks of class four; eight clerks of class three; six clerks of class two; four clerks of class one; forty clerks, at $900 each; eight messengers; twenty-one laborers, at $720 each; and twenty-two laborers, at not exceeding $2.25 a day each; and additional pay to three fourth-class clerks in the division of loans, namely, receiving clerk of bonds and two book-keepers, $300 each.

In the office of the Treasurer:
Seventeen clerks of class four; six clerks of class three; five clerks of class two; nine clerks of class one; one hundred and forty-five counters and copyists, at $900 each; nine messengers; and twenty-six laborers.

In the office of the Register of the Treasury:
Five chiefs of division, at $2,500 each; one disbursing-clerk, at $2,000; twelve clerks of class four; twelve clerks of class three; four clerks of class two; five clerks of class one; one hundred counters and copyists, at $900 each; eight messengers; six laborers.

In the office of the First Auditor of the Treasury:
Four clerks of class four; three clerks of class three; three clerks of class two; and two clerks of class one.

SEC. 3. The duties heretofore prescribed by law and performed by the chief clerks in the several bureaus named, shall hereafter devolve upon and be performed by the several deputy comptrollers, deputy auditors, deputy register, and deputy commissioner herein named.

OVERCHARGE OF DUTIES ON TONNAGE AND IMPORTS.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 4451) to provide a judicial remedy for overcharge of duties on tonnage and imports; which was read a first and second time, recommitted to the committee, and ordered to be printed, not to be brought back by a motion to reconsider.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN, by unanimous consent, introduced a bill (H. R. No. 4452) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

The question was then taken on the motion of Mr. ATKINS, and it was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARMSTRONG: Memorial of the Legislature of Dakota Territory, asking aid for the Northern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, memorial of the Legislature of Dakota Territory, for a post-route from Lake Kampeska to Ashmore, Dakota, to the Committee on the Post-Office and Post-Roads.

By Mr. BANNING: The petition of Ira B. Gibbs, of Cincinnati, Ohio, to be paid as special agent of the Pension Bureau, to the Committee on Invalid Pensions.

Also, the petition of Michael Collotty, of Cincinnati, Ohio, for a pension, to the Committee on Invalid Pensions.

By Mr. BECK: The petition of the General Hospital of the District of Columbia, at Georgetown, for aid, to the Committee on Appropriations.

By Mr. BUFFINTON: The petition of A. Frank Howland, of Bristol County, Massachusetts, for further relief to a certain class of disabled soldiers, to the Committee on Military Affairs.

By Mr. BURROWS: The petition of the Saint Joseph Valley District Medical Society in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. BUTLER, of Tennessee: Papers relating to the claim of Paulina Jones, for a pension, to the Committee on Invalid Pensions.

By Mr. CAIN: The petition of Eliza A. Duffield and others, of Virginia City, Nevada, for the passage of the civil-rights bill, to the Committee on the Judiciary.

By Mr. CHIPMAN: The petition of William Tindall, for relief, to the Committee on the District of Columbia.

Also, the petition of J. H. Merrill, for relief, to the Committee on Military Affairs.

By Mr. COBURN: The petition of John Lee Davis, captain United States Navy, on behalf of the officers and men of the United States steamship Colorado, for prize-money, to the Committee on Naval Affairs.

By Mr. COTTON: Petitions of citizens of Clinton County, Iowa, that the western terminus of the proposed canal from Rock Island to the Mississippi River be located above Rock Island Rapids, to the Committee on Railways and Canals.

By Mr. CRUTCHFIELD: The petition of citizens of Cumberland and Bledsoe Counties, Tennessee, for a post-route from Pikeville to Crossville, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. ELKINS: Papers relating to the claim of Rev. Jean Auguste Trenchard, to the Committee on War Claims.

Also, the petition of Thomas Blair, first lieutenant Fifteenth United States Infantry, for relief, to the Committee on War Claims.

By Mr. DURHAM: The petition of James Hostell, formerly of Company C, Nineteenth Kentucky Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. FIELD: Papers relating to the removal of the charge of desertion from the record of Wesley Wood, Ninth Michigan Volunteers, to the Committee on Military Affairs.

Also, the petition of citizens of New York, opposing Senate bill for resumption of specie payments and favoring the 3.65 convertible-bond bill of Hon. W. D. KELLEY, to the Committee on Banking and Currency.

By Mr. GUNTER: A paper to establish a post-route in Pope County, Arkansas, to the Committee on the Post-Office and Post-Roads.

Also, a paper to establish a post-route in the counties of Washington and Crawford, Arkansas, to the Committee on the Post-Office and Post-Roads.

By Mr. HATHORN: The petition of proprietors of mineral springs at Saratoga, New York, for the restoration of the duty upon imported natural mineral waters, to the Committee on Ways and Means.

By Mr. HAWLEY, of Illinois: The petition of 200 citizens of Henry County, Illinois, in favor of the proposed canal from Hennepin to Rock Island, to the Committee on Railways and Canals.

By Mr. HENDEE: Memorial of the National Association for the relief of Colored Women and Children, for aid, to the Committee on the District of Columbia.

By Mr. HUNTON: The petition of sundry laborers in the District of Columbia, for relief, to the Committee on the District of Columbia.

By Mr. HYDE: The petition of citizens of Bucklin, Linn County, Missouri, for the relief of V. B. Bowers, postmaster at Bucklin, to the Committee on Claims.

Also, the petition of George Pendleton, late private Company C, Forty-first Illinois Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. KASSON: The petition of T. B. Dickin, formerly of Company C, Fifth Kansas Volunteers, for relief, to the Committee on Military Affairs.

Also, paper relating to the accounts of John D. Smith, late Indian agent, deceased, to the Committee on Indian Affairs.

By Mr. LUTTRELL: The petition of 1,000 citizens of Butte and Plumas Counties, California, for a donation of one million acres of unoccupied timber lands upon the Sierra Nevada Mountains, within said counties, for the construction of a wagon-road over said mountains, to the Committee on the Public Lands.

By Mr. MAGEE: The petition of Samuel Small, of York, Pennsylvania, in reference to head-stones for the soldiers' cemetery, near York, to the Committee on Military Affairs.

By Mr. NEGLEY: The petition of citizens of Pittsburgh, Pennsylvania, relative to the Ohio River improvement and the Transcontinental Railway, to the Committee on Commerce.

By Mr. NESMITH: Memorial of the Legislative Assembly of Oregon, for the passage of a law to protect and regulate the catching of salmon in the Columbia River, to the Committee on Commerce.

Also, memorial of the Legislative Assembly of Oregon, praying Congress to indemnify citizens for losses by Indian depredations during the Modoc war, to the Committee on Indian Affairs.

Also, memorial of the Legislative Assembly of Oregon, for aid in the construction of the Portland, Dalles and Salt Lake Railroad, to the Committee on Railways and Canals.

By Mr. PHILLIPS: The petition of Elkanah Huddleston, late first lieutenant First Kansas Colored Infantry, for arrears of pay for services as recruiting officer, to the Committee on Military Affairs.

By Mr. PIKE: The petition of Daniel R. Bowker and William P. Bensal, for leave to apply to the Commissioner of Patents for an extension of patent, to the Committee on Patents.

By Mr. RANDALL: The petition of Edward I. Hanly, late drummer Company H, Ninth Regiment Veteran Reserve Corps, for a pension, to the Committee on Invalid Pension.

By Mr. RAINEY: The petition of Dempsey D. Crews, sr., to be paid for military supplies, to the Committee on War Claims.

By Mr. READ: The petition of Samuel Haycraft and Jane E. Shear, of Hardin County, Kentucky, for relief, to the Committee on War Claims.

Also, the petition of Jacob Kaufman, of Kentucky, for relief, to the Committee on War Claims.

By Mr. SAYLER, of Indiana: The petition of William D. Williams, of Huntington County, Indiana, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Oliver H. York, for arrears of pensions to the Committee on Invalid Pensions.

By Mr. SHEATS: The petition of the Ohio and Alabama Agricultural, Manufacturing, and Mining Company, of South Lowell, Alabama, for relief, to the Committee on the Public Lands.

Also, the petition of citizens of Florence, Alabama, for the relief of Z. P. Morrison, to the Committee on Claims.

Also, the petition of Ira Obar, of Alabama, for relief, to the Committee on Claims.

By Mr. SHERWOOD: The petition of J. W. Deneal, of Toledo, Ohio, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. SMITH, of Ohio: Papers relating to the claim of Amanda Stokes, of Lebanon, Ohio, for a pension, to the Committee on Invalid Pensions.

By Mr. STANARD: The petition of merchants of Saint Louis, for the repeal of the tax on matches, to the Committee on Ways and Means.

By Mr. STORM: The petition of William C. Edmondson, for a pension, to the Committee on Invalid Pensions.

By Mr. VANCE: The petition of sundry citizens of North Carolina, for a post-route from Marshall to Pigeon Valley, North Carolina, to the Committee on the Post-Office and Post-Roads.

Also, a paper for the establishment of a post-route from Marshall to Spring Creek, North Carolina, to the Committtee on the Post-Office and Post-Roads.

By Mr. WELLS: Petitions from various cities and towns on the Mississippi River above Saint Louis, for completing the canal at the Lower Rapids, at and above Keokuk, to the Committee on Commerce.

By Mr. WILLARD, of Michigan: Papers relating to the claim of Frederick W. Smith, of Jackson, Michigan, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *January* 19, 1875.

Prayer by the Rev. E. D. OWEN, D. D., of Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislative Assembly of Dakota Territory, asking aid in the completion of the construction of the Northern Pacific Railroad; which was referred to the Committee on Railroads.

He also presented a memorial of the Legislative Assembly of Dakota Territory, praying for the establishment of a mail-route from Lake Kampeska, the terminus of the Chicago and Northwestern Railroad, by James River, to Ashmore, on the Missouri River; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CRAGIN presented the memorial of Captain Alexander C. Rhind, now on the active list of the Navy, praying to be restored to his proper position on the Navy Register next below Captain Aaron K. Hughes; which was referred to the Committee on Naval Affairs.

He also presented the memorial of Levi P. Wright, and Dennis O'Neal & Co., praying an amendment of the act of June 20, 1874, entitled "An act for the government of the District of Columbia," so that they may receive pay for sweeping the streets, avenues, and alleys of the city of Washington, out of any money in the District treasury not otherwise appropriated, the same as other ordinary municipal expenses are now paid; which was referred to the Committee on the District of Columbia.

Mr. MORRILL, of Vermont. I present the memorial of the National Association for the Relief of Colored Women and Children. They represent that the number of inmates in the asylum now is as large as it has been heretofore; that their building is an old wooden building requiring considerable repair, and that the District government here having been superseded by the National Government, they are now thrown upon the National Government for the same amount of aid that was given them last year. They represent that the utter wretchedness of so many poor, homeless, disowned colored children commends this institution to the charitable not only, but to the nation, whose freed ones they are, and whose condition, until they obtain some recognized status in society, must be ameliorated in extreme cases by some well-organized and responsible association. Hundreds, after having their education commenced and their habits well directed, have found good homes, making themselves useful and respected. They ask that the same appropriation shall be made which was made last year, the sum of $10,000. I move that this memorial be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. ALLISON presented a petition of August Fleck and 110 others, praying for a liberal appropriation for the improvement of the Fox and Wisconsin Rivers; which was referred to the Committee on Commerce.

He also presented a petition numerously signed by citizens of Dubuque, Bellevue, Dyersville, and Comanche, Iowa, in favor of granting aid for the improvement of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a letter of the Secretary of the Interior, addressed to the chairman of the Committee on Indian Affairs, transmitting an estimate of appropriation required for the Indian service in Colorado, to pay expenses incurred in negotiating with the Utes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also presented a letter of the Secretary of the Interior, addressed to the chairman of the Committee on Indian Affairs, transmitting an estimate of appropriation required to pay a balance due James W. Terrill, as disbursing agent for the North Carolina Cherokees; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also presented a letter of the Secretary of the Interior, addressed to the chairman of the Committee on Indian Affairs, transmitting an estimate of appropriation required for the civilization of Indians of the central superintendency; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HARVEY presented a petition of citizens of Colorado Territory, praying the Senate to pass House bill No. 3281, providing that lands granted to any railroad company which remain unpatented by neglect or refusal of such company shall be subject to taxation the same as other lands belonging to individuals; which was referred to the Committee on Finance.

Mr. FERRY, of Michigan. I present a memorial of Ira H. Owen and 400 others, citizens of Michigan, protesting against the ratification of the so-called reciprocity treaty. The heading of this memorial is so short and the signers are of such character that I ask to have the memorial read by the Secretary.

The Chief Clerk read as follows:

To the honorable the Senate of the United States:

The undersigned, your memorialists, would respectfully protest against the ratification of the so-called reciprocity treaty with Canada.

First. They believe its effect would be to discriminate against our own manufacturers of those articles admitted free, inasmuch as the Canadian producer is free from the onerous taxation of our people, which enhances the cost of our production.

Second. They believe its effect would be to build up a manufacturing empire in British America, along the border, and to paralyze our great manufacturing industries, throwing out of employment a large number of workmen, or compelling them to accept the Canadian scale of wages.

Third. They believe it would retard emigration from Canada to the United States, and attract capital and emigration from the United States to Canada.

Fourth. Finally, that it would postpone indefinitely the time of annexation of British America to the United States, as the Canadians would have acquired all the benefits accruing from annexation without assuming any of the burdens resulting therefrom.

Mr. FERRY, of Michigan. This memorial is signed by so many of our influential business men of Michigan that I asked for its reading. I now move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MORTON presented additional papers in relation to the application of William Cash for compensation for the use of his property in Kentucky by United States troops in 1862; which were referred to the Committee on Claims.

Mr. ALCORN presented a memorial of the State Grange of Mississippi Patrons of Husbandry, praying for an appropriation for the improvement of the harbor of Pascagoula, Mississippi, and that Pascagoula be made a port of entry; which was referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CONKLING, it was

Ordered, That the petition and papers of Anson Atwood be taken from the files of the Senate and referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the bill (S. No. 1063) to amend and re-enact section 44 of an act to reduce internal taxes, approved June 6, 1872, reported adversely thereon, and recommended its indefinite postponement.

Mr. SARGENT. Under the new rule, perhaps such bills had better go on the Calendar, and we can indefinitely postpone them when they are reached in the call of the Calendar. Now, it might lead to some discussion on the motion for indefinite postponement, and thus cut short the committee, who have a right to the morning hour.

Mr. EDMUNDS. If it does not lead to any debate, we had better not load the Calendar with it. Nobody wishes to discuss this.

Mr. WRIGHT. I hope my friend from California will not insist on the rule where there is no objection to the report of the committee.

Mr. SARGENT. I will not insist on it.

The bill was postponed indefinitely.

Mr. WRIGHT. I am also instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 3628) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States, and for other purposes, to report it back with amendments. There is a letter from the Commissioner of Internal Revenue which explains the action of the committee; and in order that the question may be the more readily before the Senate when the bill shall be called up, I move that this letter be printed.

The motion was agreed to.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 979) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HOWE, from the Committee on Foreign Relations, to whom was referred the petition of Joseph H. Colton, of New York, praying that the Government will adopt the necessary measures to compel the government of Bolivia to compensate him for the engraving and printing of maps of Bolivia, submitted a report accompanied by a bill (S. No. 1156) for the relief of Joseph H. Colton.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 995) for the construction of a military wagon-road from Sidney, Nebraska, to the posts at the Red Cloud and Spotted Tail agencies, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 622) for the relief of John J. Shepheard, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the peti-

tion of Francis J. Comstock, praying compensation for hay used by the United States Army in 1865, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1157) to authorize persons unjustly deprived of their property in Utah Territory prior to 1860 to bring suit therefor in the courts; which was read twice by its title, and, with the accompanying memorial of John M. Hockaday, referred to the Committee on the Judiciary.

Mr. HAMLIN. I have received and been requested by the parties interested to introduce a bill. I know nothing of its merits.

Leave was granted to introduce a bill (S. No. 1158) to incorporate the Corcoran Square Market Company; and it was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1159) to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1160) relative to the steamers Philo Parsons and Island Queen; which was read twice by its title, and referred to the Committee on Claims.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1161) in relation to school lands; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

ARMY OFFICERS MUSTERED OUT OF SERVICE.

Mr. LOGAN. The Committee on Military Affairs, to whom was referred the amendment of the House of Representatives to the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, have had the same under consideration and have directed me to report that the Senate non-concur in the amendment of the House and ask for a committee of conference. I submit that motion.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the committee, and Messrs. LOGAN, WADLEIGH, and RANSOM were appointed the conferees on the part of the Senate.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. MORTON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That three thousand additional copies of the report of the Committee on Privileges and Elections in regard to the amendment of the Constitution in respect to the election of President and Vice-President be printed for the use of the Senate.

DEBATE ON APPROPRIATION BILLS.

The VICE-PRESIDENT. If there be no further morning business the Chair will call upon the Committee on Appropriations for business.

Mr. SARGENT. The chairman of the Committee on Appropriations [Mr. MORRILL, of Maine] last evening before the adjournment submitted a resolution with reference to debate on appropriation bills. On the part of the chairman of the committee, who is absent, I call up that resolution.

The VICE-PRESIDENT. The Senator from California calls up the resolution submitted yesterday by the Senator from Maine. The Secretary will read it.

The Chief Clerk read as follows:

Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate.

Mr. BAYARD. There were two resolutions submitted yesterday, one by the Senator from California [Mr. SARGENT] and the other by the Senator from Maine, [Mr. MORRILL.] I ask the Senator from California, if he has no objection, that the resolution which I send to the desk be read.

Mr. EDMUNDS. Let us determine on taking it up first.

The VICE-PRESIDENT. The resolution offered yesterday by the Senator from California will be read, as requested by the Senator from Delaware.

The Chief Clerk read as follows:

Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate, and no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received.

Mr. CONKLING. Is the resolution before the Senate?

The VICE-PRESIDENT. The question is on the motion of the Senator from California, to take up the resolution submitted yesterday by the chairman of the Committee on Appropriations.

Mr. SARGENT. I presumed that it was the privilege of the chairman of the Committee on Appropriations under the rule to call up this resolution for action, as it relates to the dispatch of the appropriation bills. If I am in error with reference to that, I suppose the question will come up first on taking up the resolution, but with the idea that it come up under the rule I had asked that it might be considered. I submit that for the consideration of the Chair.

Mr. STEVENSON. I should like to hear the decision of the Chair on that.

The VICE-PRESIDENT. The Chair understood the Senator from California to move to take up the resolution offered by the Senator from Maine. The Chair is of opinion that the resolution comes up of itself this morning, it having laid over for one day.

Mr. ALLISON. I desire to ask the Senator from California if this resolution is reported from the Committee on Appropriations or is it offered by the chairman of the committee?

Mr. SARGENT. It was offered by the chairman of the committee, for the purpose of expediting the business of disposing of the appropriation bills. I claim for it no higher privilege than that; and I supposed it came up by its own force, as it was laid over yesterday until this morning.

The VICE-PRESIDENT. The Chair understood that the resolution came from the committee. It appears now that it comes merely from the chairman of the committee; and therefore the Chair rules that it is necessary to make a motion to take it up for consideration. The Senator from California has made the motion, and that is the question before the Senate.

The motion was agreed to.

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. FERRY, of Michigan. What is the exact resolution before us?

The VICE-PRESIDENT. The pending resolution will be read.

The Chief Clerk read as follows:

Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate.

Mr. BAYARD. Mr. President, before this resolution of the Senator from Maine was moved by the Senator from California, the Senator from California had prepared another resolution similar in its objects and in accordance with the resolution adopted at the last session of Congress, which I sent to the Clerk's desk just now and had read. I now move that it be substituted for the resolution before the Senate. I believe the clerk has already read it.

The two resolutions are almost identical in words, excepting that the resolution of the Senator from California, which I think had better be substituted for the resolution of the Senator from Maine, goes further and confines amendments to matters germane to the appropriation bills. After the limitation of debate and the provision as to a motion for a recess it goes further and says, "No amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received." This was the form of resolution adopted a year ago; and it occurs to me if, for the expedition of business, if it be deemed desirable by the Senate to adopt such a rule now, we should follow the language of the resolution of last year, which is very much the same as that used in the resolution offered by the Senator from California. I therefore move the resolution of the Senator from California as a substitute for that of the Senator from Maine.

The VICE-PRESIDENT. The Senator from Delaware moves to amend the resolution pending before the Senate by the substitution of what has been sent to the Chair.

Mr. ALLISON. I should like to hear the substitute offered by the Senator from Delaware for the resolution of the Senator from Maine read.

The Chief Clerk read the proposed amendment.

Mr. ALLISON. If I understand correctly, the rule now provides that amendments in the nature of legislation cannot be offered by any Senator to appropriation bills, and I submit to the Senator from Delaware that that provision is not necessary unless he desires to accomplish something beyond.

Mr. BAYARD. I beg pardon. I did not hear the Senator.

Mr. ALLISON. Do I understand the Senator from Delaware to mean by the latter clause of his substitute that no legislation shall appear upon an appropriation bill, or simply that an amendment in the nature of legislation shall not be offered in the Senate to an appropriation bill?

Mr. BAYARD. I wish it could reach further; but I apprehend that this is intended only to affect amendments to appropriation bills, as the terms of the resolution distinctly express. I have long felt that the regular appropriation bills are too often made the mere riders for utterly improper and extraneous measures, that should be the subjects of direct legislation. I do not suppose that this order of the Senate will affect that question one way or the other.

I am no friend of this prohibition upon discretionary debate. A business-like method of disposing of the business of this body I have endeavored always to assist in; but I do not like this matter of coerced restriction. I think it is a mistake. For pure business purposes, however, money bills, bills containing the appropriation of money, that have passed under the hands of a committee and are recommended by the Departments and been in some degree sifted by examination beforehand, require necessarily less extended examination and discussion than others. The object of the modification which

I have sent to the desk, which was submitted by the Senator from California, was to make the appropriation bills in substance precisely what they were intended to be—not bills for general legislation, but simply specific appropriations of certain sums for certain fixed purposes which had been recommended by the Departments and passed upon by the appropriate committees. It is not to touch the question of legislation germane to appropriation bills. The rule for that would have to be more extended. It simply applies to amendments offered here in the course of discussion upon the bill, and in regard to which debate is limited against the former and I think the more creditable experience of this body.

I simply ask that, should this resolution be adopted, it shall be in the form proposed by the Senator from California in preference to that proposed by the Senator from Maine. It will then be found to be in almost precise accord with the resolution of the last session of Congress, adopted then, however, in the closing hours of the session, when measures were pressing upon the consideration of the Senate and in an absolute dearth of time, such as does not now exist. It is my impression that this motion for restricted debate has now been made earlier in the session than ever before since I have been a member of the body. However, if it is to be adopted, it should be with the words which have been suggested in the amendment, that the restriction of debate to five minutes on each amendment shall be coupled with the fact that no amendment shall be in order that does not directly relate to the subject-matter treated of in the bill.

Mr. ALLISON. I do not object to the resolution offered by the Senator from California; but it seems to me that the amendment proposed by the Senator from Delaware will have an effect upon the pending appropriation bill which perhaps may not be fully understood. We have a proposition now on that bill, placed there by the Committee on Appropriations, providing new legislation. The amendment of the Senator from Delaware to this resolution proposes that no such amendment shall be received, so that, if I understand the scope of it, no amendment can be offered to the pending bill, when we return to the legislative appropriation bill, having reference to the Bureau of Commerce and Statistics.

It seems to me we had better adopt the proposition of the Senator from California, which simply provides that the debate shall be confined to five minutes upon the pending bill, or upon all appropriation bills if you please, and leave this question of legislation as it now stands under the rule. If I understand the rule correctly, no amendment is in order upon an appropriation bill providing new legislation. Any new legislation upon appropriation bills must come from some standing committee of the Senate or from the Committee on Appropriations. I think the Senator from Delaware had better not insist on his amendment, which simply provides, it seems to me, for cutting off amendments to the pending bill.

Mr. ANTHONY. I think we had better take this resolution as it comes from the Committee on Appropriations, who have considered the matter. Although I agree with the Senator from Delaware as a general rule that there should not be legislation upon appropriation bills, yet it should be a joint rule, not a rule of the Senate alone. Appropriation bills come from the House of Representatives loaded with legislation, and in such cases it is often necessary for us to put on additional legislation in the way of modification; and this restriction would place us under a disability which the other branch of Congress does not suffer. I think there should be such a joint rule, and I may say I have prepared one to be submitted to the Committee on Rules. But whatever restriction is put upon an appropriation bill should apply to both Houses, not to us alone, we suffering all the disadvantages and having none of the advantages. I think we had better take the resolution as it comes from the Committee on Appropriations and then consider the general subject hereafter.

Mr. BAYARD. It perhaps is no answer to an objection urged now to say that it was passed over or not considered a year ago; but on the 18th of May, 1874, this Senate adopted a resolution almost precisely in the words of the resolution offered by the Senator from California, and which was first in order.

Mr. ANTHONY. What date was that?

Mr. BAYARD. On the 18th of May, 1874, a resolution in the form which I have submitted as a substitute for that offered by the Senator from Maine was adopted, and I presume by the vote in part of the Senators from Iowa and Rhode Island. This was not a joint rule, but a rule of the Senate:

> *Resolved*, That during the present session it shall be in order at any time to move a recess; and pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion; and such motions shall be decided without debate; and no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received; and no special order shall be made during this session: *Provided*, That this order shall not extend to the post-office appropriation bill.

That proviso was meant, I suppose, to touch the question of subsidies in case that came up. I merely mean to say that this was the resolution adopted by the Senate at the last session. It certainly can do no harm; it may do much good. You have undertaken to adopt this rule of restricted debate upon an appropriation bill. I do not favor that, because I do not believe in the history of the debates in this body that this five-minute rule has saved five minutes of time in all the years it has been adopted. I think the Senate are aware of that fact. This theory of the five-minute rule being economical as to time is a mistake. The debates upon matters germane to appropriation bills do not in the aggregate, without the rule, equal the time consumed under the rule. Such, I believe, will be found to be the experience of every Senator who chooses to recall the history of our debates under this rule.

Now, what objection there can be when you adopt this five-minute rule to saying that the amendments proposed shall be germane to the bill—for that is the substance of my amendment—I do not see. I shall vote against the resolution in either form, however.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Delaware.

The amendment was rejected.

The VICE-PRESIDENT. The question recurs on the resolution as submitted by the Senator from Maine.

The resolution was agreed to.

Mr. SARGENT. The pending business, I believe, is House bill No. 3818, being the regular legislative, executive, and judicial appropriation bill which I ask may be considered.

The VICE-PRESIDENT. That is the unfinished business at the expiration of the morning hour.

Mr. SARGENT. Now, in accordance with the rule adopted by the Senate, I move that in the further consideration of this appropriation bill the rule limiting debate to five minutes be applied.

Mr. STEVENSON. Will not the Senator give way?

Mr. SARGENT. The Senator from Kentucky desires to occupy the remainder of the morning hour in the consideration of another bill reported by the Committee on Appropriations, and as this bill will come up immediately after the morning hour, I give way for that purpose.

LOUISVILLE CUSTOM-HOUSE.

Mr. STEVENSON. I move to take up the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky. The bill was unanimously reported from the Committee on Appropriations last year. It provides for the purchase of a small piece of ground in the city of Louisville, a wooden building which is essential for the protection of that custom-house. It is only twenty-five feet by one hundred and fifty, and the cost of the purchase is restricted to $12,500, and it is discretionary with the Secretary of the Treasury. I ask that the bill be put on its passage.

The VICE-PRESIDENT. The motion is to take up the bill.

The motion was agreed to; and the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, was considered as in Committee of the Whole. It proposes to empower the Secretary of the Treasury to purchase from the owner or owners thereof, at a price not to exceed $12,500, all that certain piece of ground in the city of Louisville, Kentucky, situate west of and adjoining the United States custom-house, fronting twenty-five feet on Green street, and extending back one hundred and fifty feet, parallel with and the same depth as the custom-house property.

Mr. MORRILL, of Vermont. That bill may be all right, but I think it had better be referred to the Committee on Public Buildings and Grounds; and we shall have time when that committee is called to take it up.

Mr. STEVENSON. This bill was referred last year to the Committee on Appropriations. It is recommended by the Secretary of the Treasury and has been fully considered by the Committee on Appropriations. I do not see why the Committee on Public Buildings and Grounds have anything to do with this measure.

Mr. MORRILL, of Vermont. I only notice that this is a subject which ought to have been referred by the Committee on Appropriations to the Committee on Public Buildings and Grounds. I do not understand that it was ever before the Committee on Public Buildings and Grounds.

Mr. MORTON. This bill fixes a maximum price, that the purchase shall not exceed $12,500. That is usually regarded as fixing the price, and that amount of money is appropriated I know nothing about this myself, but I have been told that that price is greatly in excess of the value of the piece of ground; that it could not be sold in the city of Louisville for any such sum of money.

Mr. MORRILL, of Vermont. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to; there being on a division—ayes 20, noes 17.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. SARGENT. I now renew the motion which I submitted a few moments ago, that the rule adopted this morning be enforced on the legislative appropriation bill—the five-minute rule.

The motion was agreed to.

Mr. SARGENT. The pending question is on the motion of the Senator from Massachusetts, [Mr. BOUTWELL.]

Mr. EDMUNDS. The Senator surely is not going to take up the unfinished business before the morning hour is out.

Mr. SARGENT. Yes, sir; the Committee on Appropriations is the committee called now, and we propose to go on with the bill.

Mr. EDMUNDS. I think I could make a point of order on the Senator, but I do not wish to do so, though I do not think this is a fair thing. The morning hour was intended to be so used as to enable us to get on with the little bills and not to take up appropriation bills. If I were to be strict about it, this bill is not on the Calendar.

It is before the Senate already as unfinished business. It was taken from the Calendar three or four days ago, and therefore it does not fall within the rule at all if we are to be exact about it. It is not the fair thing.

Mr. SARGENT. I assure the Senator I have no intention to do an unfair thing. I will cheerfully yield to the Senator if he has any business to present now.

Mr. EDMUNDS. I have not anything, but I am speaking of getting on with the morning business of committees.

The VICE-PRESIDENT. The Committee on Appropriations has the morning hour to-day for any business it has to present.

Mr. SHERMAN. I rise to what is regarded as privileged, a report from a committee of conference.

Mr. SARGENT. I give way to that.

TAX AND TARIFF BILL.

Mr. SHERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 3572) "to amend existing customs and internal-revenue laws, and for other purposes," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, and 36; and agree to the same.

That the Senate recede from its amendments numbered 1, 15, and 16.

That the House recede from its disagreement to the fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be striken out the words: "*Provided also*, That there shall be an allowance of 5 per cent., and no more, on all effervescing wines, liquors, cordials, and distilled spirits in bottles, to be deducted from the invoice quantity in lieu of breakage;" and the Senate agree to the same.

That the Senate recede from its sixth amendment, and agree to the clause proposed to be stricken out with an amendment as follows: Strike out "ten" and insert "eight;" and the House agree to the same.

That the Senate recede from its thirtieth amendment, and agree to the section proposed to be stricken out with an amendment as follows: Strike out all of section 23 after "States," in line 17, page 14, and insert in lieu thereof the words "when such persons are designated or acting as officers or deputies or persons having the custody or disposition of any public money;" and the House agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "23" (the number of the section) insert "24;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fourth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "24" (the number of the section) insert "25;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "25" (the number of the section) insert "26;" and the Senate agree to the same.

They further recommend that in section 7, page 5, line 21, after the word "returned," the word "empty" be inserted; that in section 7, page 5, line 17, "1874" be stricken out and in lieu thereof "1875" inserted; that in section 14, page 9, line 17, "1874" be stricken out and "1875" inserted in lieu thereof.

JOHN SHERMAN,
FREDK. T. FRELINGHUYSEN,
Managers on the part of the Senate.

HORACE MAYNARD,
HENRY H. STARKWEATHER,
Managers on the part of the House.

Mr. SHERMAN. The report of the conference committee at the last session of Congress was printed and is on the desk of every Senator, and the only difference between the report now made and the report made at the last session is that the rate of duty on hops is raised to eight cents. On that point the Senate committee of conference conceded to some extent to the views of the House. In other respects it is in substance and I think in form the same, with the exception of some trifling matters, such as changes of date. The report was adopted at the last session by the Senate and disagreed to by the House. If any Senator desires to examine it more critically or wishes any further information, I will answer any question about it.

The points of disagreement between the two Houses were mainly the tobacco section and the section providing for a tax on sales of bonds and securities. Those sections were stricken out by the Senate and our amendments in that respect are agreed to. In regard to the duty on hops, the Senate conceded to the House their wishes to some extent, in order to secure concurrence.

Mr. BAYARD. We all know that reports of conference committees are very unintelligible to the mass of the Senate as they are read. In order to understand what this legislation is would require a careful collation of the original bill with the amendments which have been agreed to or disagreed to by the conferees. I only desire, for the purpose of assuring myself as to my own vote on this bill, to ask the chairman of the committee, the Senator from Ohio, with whom I was associated as one of the conferees originally on this bill, whether the report which was made and to which I gave my assent at the last session of Congress, some time in June last, was the same as this with the exception that here is an increase of three cents per pound in the duty upon hops?

Mr. SHERMAN. I have already stated that the conference report now made is in substance, if not in detail in every respect, the same as it was signed last session by the Senator from Delaware, except as to the duty on hops. Of course we had to change the dates and some matters of form, but in substance there is no other change.

Mr. BAYARD. I asked the question because it is impossible to understand from the hasty reading of this report what the effect of it is. The honorable Senator and myself were in accord on this bill at the last session, and I only desired to know whether the report now made was substantially the same that he and I concurred in at the last session.

Mr. SHERMAN. I think the duty on hops is the only material point of difference between this report and the one made at the last session.

Mr. COOPER. I agree with the Senator from Ohio that he has stated the only point of difference.

Mr. SARGENT. I understand that the principle of section 9, relating to the return free of barrels and gunny-bags, the manufacture of the United States, when exported filled with American products, is retained in the bill.

Mr. SHERMAN. Yes, sir; except that the word "empty" is inserted at the proper place.

Mr. COOPER. I should have said that there was a change from the old conference report as to the duty on hops.

Mr. SHERMAN. That I stated.

Mr. COOPER. We compromised with the House on that question.

Mr. SHERMAN. Yes, sir.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 4443) in regard to the visit of His Majesty the King of the Hawaiian Islands;

A bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes;

A bill (H. R. No. 4444) to amend an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874;

A bill (H. R. No. 4447) to amend the act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869;

A bill (H. R. No. 4449) to amend an act entitled "An act to revive, with amendments, 'An act to incorporate the Medical Society of the District of Columbia,' approved July 7, 1838;" and

A bill (H. R. No. 4448) making an appropriation for the new school building in the city of Georgetown, District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker had signed the enrolled bill (S. No. 439) to provide for the payment of D. B. Allen & Co., for services in carrying the United States mails; and it was thereupon signed by the Vice-President.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 19th instant approved and signed the following acts:

An act (S. No. 1068) to remove the limitation restricting the circulation of banking associations issuing notes payable in gold; and

An act (S. No. 924) donating condemned cannon to the city of Massillon, Ohio, for monumental purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, the pending question being on the amendment of Mr. BOUTWELL to the amendment of the Committee on Appropriations relative to the Bureau of Commerce and Statistics.

The amendment of the Committee on Appropriations was to insert after line 574—

That there shall be established in and attached to the Department of the Treasury a Bureau, to be denominated the Bureau of Commerce and Statistics; and the President of the United States shall, by and with the advice and consent of the Senate, appoint a chief of the said Bureau, who shall be styled Commissioner of Commerce and Statistics, and whose duty it shall be to gather, collate, and annually report to Congress statistics and facts relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries, the construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads, and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freights and passengers, and the tonnage transported; and the Commissioner of said Bureau shall be paid for his services at the rate of $3,500 per annum; and the Bureau of Statistics in the Treasury Department is hereby transferred to, and made a part of, the Bureau of Commerce and Statistics created by this act; and all the duties now by law performed in the said Bureau of Statistics are hereby transferred to the Bureau of Commerce and Statistics, and made a part of the duties of the said Commissioner; and the officer now in charge of the Bureau of Statistics, together with the several clerks, messengers, and laborers employed in the said Bureau of Statistics, are hereby placed under the direction and supervision of the Commissioner of Commerce and Statistics; and the reports now by law required to be prepared and published monthly in the said Bureau of Statistics shall hereafter be prepared and published quarterly under the direction of the said Commissioner; and the accounts and returns in relation to tonnage, and to the registration, enrollment, and licensing of vessels, now required by law to be made by collectors and other officers of the customs to the Register of the Treasury, shall hereafter be made to the Commissioner of Commerce and Statistics; and all the duties now by law devolving upon the Register of the Treasury in relation to attesting marine documents and issuing the same to collectors and other officers of the customs, and to preparing annual statements of the tonnage of the United States, are hereby transferred to the Bureau of Commerce and Statistics, and made a part of the duties of the said Commissioner; and the several clerks and messengers now employed in the office of the Register of the Treasury upon the duties herein mentioned are hereby placed under the direction and supervision of the said

Commissioner; and for the purpose of carrying this provision into effect there is hereby appropriated, for the fiscal year ending June 30, 1876, the following sums, namely:

Bureau of Commerce and Statistics:

For Commissioner of Commerce and Statistics, $3,500; chief clerk, $2,000; eleven clerks of class four; seven clerks of class three; nine clerks of class two; four clerks of class one; five copyists, at $900 each; one messenger; one laborer; and one char-woman, at $480; in all, $60,440.

The amendment to the amendment was to strike out the first paragraph, being all except the appropriating clause.

Mr. SARGENT. In order that we may have a test-vote on that proposition and on the general amendment, I move to lay the amendment to the amendment on the table.

Mr. BOREMAN. This I understand is the amendment of the Senator from Massachusetts, to strike out a portion of the amendment of the committee.

The VICE-PRESIDENT. The question being on the amendment of the committee, the Senator from Massachusetts moved to strike out all of that amendment from line 575 to line 625 inclusive, and the Senator from California now moves that the motion to strike out be laid on the table.

Mr. BOUTWELL. I desire, Mr. President, to know whether the effect of that motion made by the Senator from California, if it prevails, is to leave the proposition as it came from the Committee on Appropriations.

Mr. SARGENT. That is the intention, and I merely want an early test-vote.

Mr. CONKLING. In order that we may not get confused, I inquire of the Chair whether under the rule authorizing the motion to lay an amendment on the table, it is in order to move to lay on the table a motion to strike out?

The VICE-PRESIDENT. The Senator from California moves that the motion to strike out be laid on the table.

Mr. CONKLING. But the question I submit to the Chair is whether the rule allowing an amendment to be laid on the table without carrying the bill, covers a motion to lay on the table another motion to strike out; in other words, whether the motion made by the Senator from Massachusetts is an amendment within the meaning of this rule, which amendment can be independently laid on the table.

The VICE-PRESIDENT. The Chair is of the opinion that the motion, if adopted, carries the amendment of the committee and the amendment moved by the Senator from Massachusetts on the table.

Mr. CONKLING. Then we understand that the effect of the motion will be to lay the amendment of the committee itself on the table, as well as to lay the motion of the Senator from Massachusetts on the table.

Mr. SARGENT. I certainly did not expect any such parliamentary result of my motion, and I will not take up the time of the Senate in discussing it, or in appealing from the decision. I withdraw the motion, to save time.

The VICE-PRESIDENT. The motion to lay on the table is withdrawn. The question is on the amendment proposed by the Senator from Massachusetts to the amendment of the Committee on Appropriations.

Mr. BOUTWELL. There were two points presented to the Senate yesterday on which I have further information than I was able to command at that time. The discrepancies between the returns of the Register and the Bureau of Statistics are due to a difference in the facts which are the subjects of inquiry in the two branches. The returns from the office of the Register are those which have been made up from the beginning of the Government, a debit and credit sheet, if you may say so, on one side of which are entered all the vessels built from time to time, with their tonnage, and upon the other those that are lost or worn out by use, and the difference shows the amount of tonnage in actual existence.

In 1866 Congress passed an act giving to the Secretary of the Treasury power, and also requiring him, to cause to be placed upon each vessel a number, and the duty was imposed, as I think erroneously, upon the Bureau of Statistics. The results in the Bureau of Statistics are the results attained by the progessive numbering of old vessels that were in service in 1866, to which has been added from time to time the registering of vessels since built. Therefore it is apparent that the results would be different, and the results attained by the Bureau of Statistics, I am free to say, are of no value whatever.

Now, then, as regards the expense that will be saved by imposing all these duties upon one office. I understand from the head of the division in the office of the Register of the Treasury that the services of a clerk, woman or man, for a week, furnish to the Bureau of Statistics all the information which they are required to furnish in the course of a year. Therefore it is the fifty-second part of $1,200 or $900, as you may choose to estimate the value of the clerk who performs the labor.

I come now to another point, if within my five minutes I have time to refer to it. By the act of 1793 the business of registering vessels was placed upon the Register of the Treasury. In that branch of the Government—and that branch of the Government is as permanent as the Government itself—are all the documentary and record evidences of the vessels which have been built from the commencement of the Government until now, and I can use no milder term than to say that this proposition, without having had the official sanction or even the official judgment of the head of the Treasury Department, is none other than a proposition to jerk from that Bureau an essential and important part of its business and transfer it to a Bureau which, in the nature of its service, is subject to legislation, and may at any time at the will of Congress be abolished; but the office of Register of the Treasury is as permanent in the Government of the country as is the office of President itself.

Mr. WINDOM. Mr. President, I did not design to ask the attention of the Senate any further on this matter, and I would not but for the remarks of the Senator from Massachusetts.

I will not discuss the question as to the disagreement of these two reports. The Senator himself admits that they are not in accord as presented to the country, that there is a difference between them. I merely mentioned yesterday as incidental to the discussion of the question, that it was hardly worth while to keep up two distinct and separate divisions of tonnage in order that we might have two distinct and conflicting and different reports on that subject. I laid no other stress upon it.

Now, as to the saving to be accomplished, it has been urged here by those who say that we ought to have this important information with reference to our internal commerce that we place this matter under the charge of the Bureau of Statistics, and Senators have said "Why not give more money, why not make further appropriations to that Statistical Bureau and thus get the information, if it is important?"

Now, sir, in answer to that, I have to say that we propose to do it without any additional money; and I think, if the Senator from Massachusetts will further consider this question, he will find that he is very much mistaken as to the cost. It might not require more than one clerk to certify to the Statistical Bureau from the Register's Office the information they have there; but there are five or six clerks engaged to-day in the Statistical Bureau making up these reports, while there are eleven clerks and copyists engaged in the Register's Office in substantially the same business; and I say to the Senate to-day, from the very highest authority in the Treasury Department, that there is no doubt but that these duties are to-day duplicated in the Treasury Department. Now, sir, shall we stand here and insist that we will give additional money to hire additional clerks to the Statistical Bureau, and at the same time continue this duplicate duty that is of no service to anybody? We shall save one of these sets of clerks by this reorganization.

But the Senator from Massachusetts says that you will wrench from the Treasury Department certain documents, certain records, that have been there since the Government was formed. Why, Mr. President, all you will do will be to transfer from one room in the Treasury Department certain books that contain those records into another room in the Treasury Department containing the same records. I can conceive of no great difficulty in that; and the fact is, too, when this original Statistical Bureau was created that it was designed that this very duty should be performed in that Bureau, and for awhile it was performed there, but on account of a certain dislike to the gentleman who was then Director of the Bureau of Statistics this tonnage division was sent back to the Register's Office, and these two duplicate duties are being performed to-day.

The Senator from Massachusetts told us yesterday that the authority was ample now to get all this information, and why ask for more. I put to the Senator the pertinent question, Why did not he when Secretary of the Treasury discover this ample authority? He said his attention was never called to it. Now, if the condition of the law be such that as careful, as painstaking, as earnest, and industrious a Secretary of the Treasury as the one to whom I refer could not discover the necessity for this duty in that law, I say it is high time that we point out a little more specifically in the law what the duties of the office are. The Senator from Massachusetts when Secretary of the Treasury did not discover it; the law was not clear enough then, though he says to-day it is ample; and as that office has been in existence ever since 1866 and no one has ever discovered yet that the law required any information in reference to the internal commerce of the country, we propose to specifically point ont that duty, and we propose, instead of giving more money, to take clerks whose pay amounts now to $12,740, engaged in one Bureau in duplicating duties performed in another, and to transfer these clerks over to this Bureau, thereby saving $12,000 and over, which we now expend in duplicating this work.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment to the amendment moved by the Senator from Massachusetts.

The question being put, there were on a division—ayes 20, noes 17.

Mr. WINDOM. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 21; as follows:

YEAS—Messrs. Anthony, Bayard, Boreman, Boutwell, Cooper, Cragin, Dennis, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hamlin, Hitchcock, Howe, Johnston, McCreery, Merrimon, Morrill of Vermont, Schurz, Scott, Spencer, Sprague, Stevenson, and Washburn—29.

NAYS—Messrs. Allison, Bogy, Clayton, Davis, Dorsey, Ferry of Michigan, Flanagan, Ingalls, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Patterson, Pratt, Sargent, Tipton, Wadleigh, West, Windom, and Wright—21.

ABSENT—Messrs. Alcorn, Brownlow, Buckingham, Cameron, Carpenter, Chandler, Conkling, Conover, Hamilton of Maryland, Harvey, Jones, Kelly, Lewis, Norwood, Pease, Ramsey, Ransom, Robertson, Saulsbury, Sherman, Stewart, Stockton, and Thurman—23.

So the amendment to the amendment was agreed to.

Mr. MORRILL, of Maine. That leaves the amendment now to stand making the appropriation for the Bureau of Commerce and Statistics without any additional duty; it is substantially for the Bureau of Statistics as provided for by the act of 1866. I suggest, if we do not care to make a new officer under these circumstances, that we strike out the words "Bureau of Commerce and Statistics," and then I shall ask the Senate to consider the other question, whether they will appropriate for the Bureau of Statistics by itself. I move to strike out the words "Bureau of Commerce and Statistics."

The PRESIDING OFFICER. The Senator from Maine moves to amend the amendment of the committee in line 626, by striking out "Bureau of Commerce and Statistics."

The amendment to the amendment was agreed to.

Mr. MORRILL, of Maine. That motion should also include the words, "for salary of Commissioner of Commerce and Statistics $3,500."

As this now adds no additional duty, and as it is evidently not the sense of the Senate to devolve that duty, there is no occasion, I take it, for a new officer at the head of this establishment. If you strike that out, then the amendment is merely an appropriation for the Bureau of Statistics, as provided for by the act of 1866 and subsequent acts and as it was appropriated for last year. The sense of the Senate being decided on that point, I propose to modify this amendment in this way, and then I will submit the question to the Senate whether they will appropriate for the Bureau of Statistics.

Mr. SARGENT. I suggest that in lieu of the words stricken out there should be put in the words "officer in charge of the Bureau $2,500."

Mr. MORRILL, of Maine. Those words may be inserted if that is the pleasure of the Senate, but I want to test the question of continuing the appropriation at all.

The PRESIDING OFFICER. The Senator from Maine moves to strike out the words "Commissioner of Commerce and Statistics, $3,500," and insert "officer in charge of Bureau, $2,500."

The amendment was agreed to.

Mr. MORRILL, of Maine. Now the question recurs on adopting the appropriation, which is substantially that which has been made for several years for the Bureau of Statistics, and on this point I will state precisely how the question stands. In 1866 Congress created a Bureau of Statistics and put at the head of it a director, as was stated yesterday, and appropriated the gross sum of $50,000 to enable him to perform the duties, under the direction of the Secretary of the Treasury. This gross sum was appropriated down to 1873. Since that time there has been a specific appropriation for the person in charge of the Bureau of $2,500 and for the clerks in that Bureau amounting to $65,000, in all $67,500. Last year it was changed so that the appropriation for clerks was $59,000, and that is the sum proposed at the present time with the addition of $2,500, which has been put in for the officer in charge of the Bureau, as suggested by my honorable friend from California. Then the question is whether it is the pleasure of the Senate to appropriate for this Bureau provided for by the law of 1866, and it has been uniformly appropriated for from that time down to the present. The House of Representatives having omitted it for some reason or other, our committee have deemed it to be their duty to call the attention of the Senate to the fact that one branch of the public service had been omitted in this appropriation bill.

With these observations, so far as I am concerned, I desire to submit the question to the Senate whether it will appropriate for this service.

Mr. MORRILL, of Vermont. I hope this paragraph will be put in the bill, but I would suggest to the chairman of the Committee on Appropriations that the sum total should be reduced in the last line by $1,000.

Mr. MORRILL, of Maine. We will attend to that if the amendment should prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations, as amended, which will be read for information.

The Chief Clerk read as follows:

Bureau of Statistics:
Officer in charge of Bureau $2,500; chief clerk $2,000; eleven clerks of class four, seven clerks of class three, nine clerks of class two, four clerks of class one, five copyists at $900 each, one messenger, one laborer, and one char-woman at $480, in all $59,440.

Mr. WINDOM. If in order, I move to strike out the whole of that amendment.

Mr. EDMUNDS. The question is on agreeing to it.

Mr. WINDOM. I move to strike out the whole of it.

Mr. EDMUNDS. That is not in order.

Mr. WINDOM. It was in order to move to strike out a part of it. Why not the whole?

The PRESIDING OFFICER. The question is on agreeing to the amendment, which takes precedence; the negative of that would be striking out the clause.

Mr. SCOTT. Has the motion of the Senator from Minnesota been entertained?

The PRESIDING OFFICER. No, sir; but he has the floor on the amendment.

Mr. WINDOM. Mr. President, if we are to have no reorganization of this Statistical Bureau, I prefer that for the present we should have no Statistical Bureau at all. If, as has been shown to the Senate, we are to continue to employ five to ten clerks in doing the same duties that five to ten clerks are doing somewhere else, and it is impossible to correct this evil now, I prefer to wait until it can be corrected. I know that the facts reported by the Statistical Bureau are of great advantage, but I do not believe that the ground covered by its reports now is anywhere near so important as that which is proposed by the reorganization. The House of Representatives has decided in passing this bill to leave out this Statistical Bureau entirely. If we cannot cover the ground that ought to be covered; if we are to ignore utterly and entirely the internal commerce of the country and the demands of the people on that subject, then I say let us be consistent and ignore the foreign commerce with it. If we are determined to close our eyes to the wants of the people so far as the internal commerce is concerned, then let us "go it blind" so far as the foreign commerce is concerned, and presently there will be a demand from all sections of the country that we have some facts and information on this subject; and therefore for one I shall vote against this Statistical Bureau at all as it is now left. It is expensive in duplicating duties for nothing; it covers only a very small part of the ground that ought to be covered; and when we attempt to improve on it, we are told that Bureaus are immortal and we are refused any permission to inaugurate anything now in reference to it, to add anything to its duties, or prevent its present expensiveness; and therefore I am opposed to it.

Mr. EDMUNDS. I think the Senator from Minnesota is rather unjust to the majority of the Senate in imputing to that majority an indisposition to obtain information touching the internal commerce and industry of the country. I certainly did not oppose the first branch of this amendment upon any such ground, and I do not think most other Senators did; and I was about to rise, before the Senator had risen, to propose to amend the pending amendment by adding at the end thereof, so as to relieve the present law from all possible doubt on the subject of internal industry and commerce, &c., these words which are found, with the necessary preliminary which I have written, in, at the foot of the twenty-fourth and the top of the twenty-fifth page of the printed bill:

And it shall be the duty of the Bureau of Statistics, in addition to its present duties, to gather, collate, and annually report to Congress statistics and facts relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries, the construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freight and passengers, and the tonnage transported.

This, added to the present law in respect to the Bureau of Statistics, will make it perfectly clear that it will be the duty of that Bureau of the Treasury Department to obtain and give to the people the information which the Senator from Minnesota as well as myself so much desires.

Mr. SCOTT. The Senator from Vermont has indicated exactly the amendment which I gave notice that I would offer, with the exception that I had made it the duty of "the officer in charge of the Bureau of Statistics," (as that is the phraseology which has been used in all the legislation upon this subject since the actual director has been dismissed or discharged.) I desire to say that I voted for striking out the first part of the amendment reported, for the reason that it is a totally inadequate provision for the purposes which it professes to accomplish. I am willing that the Bureau of Statistics shall be charged with this duty, and that it shall be performed to the extent to which its clerical force and our appropriations will enable it to perform it; but if the purpose to be accomplished had been attempted by the establishment of a department fully equipped and with all the necessary powers to procure this information, I think then I should have been much more disposed to vote for it than I would have been to vote for this attempt to procure the same result by simply changing the name of an officer and adding a thousand dollars to the appropriation already made for the Bureau of Statistics.

I trust that the amendment indicated by the Senator from Vermont will be voted upon for the purpose of perfecting this amendment before we reach a vote upon the motion of the Senator from Minnesota to strike out, so that any ambiguity about the powers of the existing Bureau of Statistics will be cured and the duty imposed upon it of inquiring into and reporting upon the statistics enumerated in the section.

Mr. WINDOM. Of course, I would prefer this item as proposed to be amended by the Senator from Vermont rather than not have any information on the subject, and therefore I shall vote for his amendment. It will have to be followed, however, by the other provisions which the Senate has just stricken out, or else by an appropriation of twelve or fifteen thousand dollars additional, or it will be utterly useless. I do not want to hold out to the country the idea that we are to give them this information, and deny to the officer upon whom the duty is imposed the means of procuring it.

The honorable Senator from Massachusetts told us yesterday that there were two reasons why this information has not been procured heretofore, or was not during his term of office as Secretary of the Treasury. One was that his attention was not called to it, and the second was that there was no money to do it with. As I have said

half a dozen times, the original amendment just voted down proposed to furnish the clerical force to do it. I shall vote for the amendment of the Senator from Vermont imposing this duty; but I shall follow it by another amendment to transfer the clerks engaged in this duplicate work, and if that fails, by an amendment appropriating twelve or fifteen thousand dollars to enable the Bureau of Statistics to perform this duty. If that be done, substantially the same thing will be accomplished that I sought before. There is nothing particular in the name, although the name "bureau of commerce" seems to have frightened some of our friends dreadfully. The honorable Senator from Ohio [Mr THURMAN] put on his magnifying glasses yesterday when he heard the name "bureau of commerce" mentioned, and looking at this through those glasses he saw another Department of the Government that by this bill has only $100,000 appropriated for it costing $3,000,000, and directing those glasses in the distant future at what was to be the effect of this little phrase "bureau of commerce," he saw a stupendous department of industry or commerce looming up; he saw that power of Congress "to regulate commerce among the States" invoked, and some two or three times our present public indebtedness (which would amount to $6,000,000,000) employed in improvements in this country, and he became alarmed. I presume that that alarm was contagious, so that if that term "bureau of commerce" contained anything so dreadful, I am not at all sorry that the Senate voted down that proposition and left it simply a Bureau of Statistics, provided you give to that Bureau the power to get those facts which the Senator from Vermont now proposes it shall obtain.

But to commit—I will not use the word I was about to use; I was going to say to commit a fraud on the public by telling them that you are going to get the information and then provide no means for doing it, I am not in favor of, nor do I think any Senator here is. I do not think the Senator from Vermont intends anything of that kind, and hence I know that when I vote with him for his proposition charging the Statistical Bureau with the duty of giving this information, he will vote with me to give to the Bureau the power to attain it. So I will pair off with him on that, or at least log-roll to get both our propositions through.

Mr. MORRILL, of Maine. Is an amendment to this amendment now in order?

The PRESIDING OFFICER. It is not.

Mr. EDMUNDS. It would be in the second degree. What do you suggest?

Mr. MORRILL, of Maine. I rose to suggest that if we adopt this amendment, we ought to provide for additional expenses.

Mr. EDMUNDS. That can be added after this is adopted.

Mr. MORRILL, of Maine. I give notice that I will offer that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment.

Mr. BAYARD. The amendment of the Senator from Vermont is in precise accord with the view I took of this question yesterday. If these statistics are desirable—and I do not mean to say that they are not—the whole machinery is at command now to obtain them. There has been no suggestion impeaching the accuracy or the competency of the present force employed in obtaining statistics for the use of the Government. I trust, therefore, it will be adopted as it is entirely in accord with my own ideas and suggestions of yesterday. I understand that it proposes to procure the very information which it was the design of the original amendment of the committee to obtain, and it is done without increasing as yet the cost in any way. I apprehend that all this information can be obtained simply by an order of the Secretary of the Treasury to his various subordinates throughout the country connected with the collection of the excise duties of the Government, which will cause almost the whole of this information desired to flow into the Department as a matter of lawful return connected with the taxes which are paid by railroad companies and other transportation associations.

Mr. THURMAN. I ask that the amendment of the Senator from Vermont may be reported.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The CHIEF CLERK. It is proposed to add to the amendment reported by the Committee on Appropriations, as amended, the following words:

And it shall be the duty of the officer in charge of the Bureau of Statistics to gather, collate, and annually report to Congress statistics and facts relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries, the construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freight and passengers on railroads and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freights and passengers, and the tonnage transported.

Mr. THURMAN. Mr. President, I do not know how this information is to be obtained except by taking the reports made to the State authorities and the reports of the chambers of commerce of the several cities where such chambers exist. I do not know that the work of this Bureau in collating will be of any very material service to the Senate. There is nothing better than reliable statistics, and there is nothing worse than those which are unreliable. Now, so far as information is necessary for the guidance of Congress in any legislation that we have authority to adopt or that we ought to adopt within our authority, it is my belief that we have all the statistics we need. It requires some labor, perhaps, to get them together in a convenient and condensed form, but he who will perform that labor can easily enough obtain them.

What would be the effect of this Bureau of Statistics going into the railroad system of the United States? Simply this: You do not appoint agents to collect originally, by an examination of the books of the railroads, valuable statistics. You do not propose any such expense as that. You do not propose to have a hundred agents traversing the United States to investigate the books of those corporations, sitting as committees of investigation upon them. You do not propose any such expense as that; and how will the statistics be obtained? Take my own State as an example, and I think I can tell you precisely how they will be obtained, and I think my State in this particular is precisely the same as most of the other States. We have a railroad commissioner. Every railroad company in the State is bound annually to report to that commissioner, under oath, an answer to certain inquiries which are put to it, and in answer to all other inquiries that the commissioner of railroads deems it for the public interest to make. The companies make their reports under oath. They are published by the commissioner of railroads with his comments upon them. They form each year a volume of three or four hundred pages; and thereby the Legislature of the State obtains as accurate information as the nature of the subject will admit of the workings of all railroads within the State of Ohio. We have the same thing elsewhere, if I am not mistaken. If I am not mistaken, this precise system exists in New York, Massachusetts, and perhaps in most of the States of the Union. Now, pray, what will you have from the Bureau of Statistics upon the subject of railroads? Without any appropriation for agents to go and inspect their books, to verify or disprove their statements, to call your attention to any particular abuses that may exist, what will you have but a mere compilation from these reports that are made to the States? I do not believe you will have anything else, and I believe that any Senator who wishes to study the railroad system, who wishes to study its operations, and who wishes to obtain information in respect to it, can obtain from books already in existence all that is necessary to guide his course in this Chamber. I do not believe you need anything more for your information than is to be found in the annual publication of Poor's Manual of Railroads.

The PRESIDING OFFICER. The Senator's time has expired. The question is on agreeing to the amendment of the Senator from Vermont to the amendment.

Mr. EDMUNDS. I will modify my amendment, at the suggestion of the Senator from Iowa, by inserting after the word "to" in the five hundred and eighty-second line, as it stands in the print, the words "the Secretary of the Treasury for transmission to," so as to read "annually report to the Secretary of the Treasury for transmission to Congress," making the report of this Bureau officer to be made to the Secretary of the Treasury.

The PRESIDING OFFICER. The amendment to the amendment will be so modified.

Mr. EDMUNDS. I merely wish to say, in reply to the Senator from Ohio, that I do not think his remarks quite reach the point of this amendment. It is true that the various States obtain information of the character which he has described, but if you have this officer authorized and required to take that information which is isolated and separated, and classify and compare it, and generalize it, even if he does nothing more, you will then have furnished to Congress through the Secretary of the Treasury very valuable information, broader than its separation into States, broader than localities, but giving us the means of knowing how the internal commerce of the country can be best assisted and promoted. So that I am sure, in that point of view, the Senator from Ohio, even with his views, ought to unite with us in supporting this amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, as modified, to the amendment of the committee as amended.

The amendment to the amendment was agreed to.

Mr. MORRILL, of Maine. I now offer the following amendment to come in at the end of the amendment of the committee as it stands:

And the sum of $20,000, or so much as may be necessary, is hereby appropriated, under the direction of the Secretary of the Treasury, to defray the expenses thereof.

Mr. SHERMAN. Mr. President, I did not intend to participate in this debate, and only do so now long enough to express the general discontent among business men and among all who have examined our statistics as to the nature and character of our statistical information. It is a strange thing that so practical a people as the Yankee nation have never yet been able to present its resources, its wealth, its railroads, its population, or any statistical information with regard to them, with the perfection that Great Britain, Germany, France, and many other nations have done. There is more information in Whittaker's Almanac, or the Statistical Abstract of Great Britain, a little document of a few pages, than you can find in this vast roll that I have before me. [Holding up a monthly report of the Bureau of Statistics.] It does seem to me that there is a great deal more merit in the proposition of the honorable Senator from Minnesota [Mr. WINDOM] than the Senate seems to have given to it. I dislike to vote for any amendment on an appropriation bill that contains a legisla-

tive provision, or I certainly would have voted for his proposition with great pleasure; but I do think that the amount of labor wasted in the different Departments of this Government at present would give us in a convenient, compact form all the statistical information necessary for practical use among business men in regard to our commerce, our navigation, our productions, and our wealth. Now, take this document; my friend from Massachusetts knows it as well as I. Here [exhibiting a book] is a document called Monthly Reports of Commerce and Navigation of the United States, which is an immense document, a document sufficient in its volume and cost to convey practically all the information desired in regard to our national statistics; and yet this is confined to a few subjects and contains a great deal of matter that is useless. This is a monthly statement which probably might be made quarterly, and even the three months might be condensed into much less space than the monthly statement that is furnished. This document is sufficiently large in volume and size to contain the names and number of miles of railroads, the number of tons of freight, the nature and character of that freight, and the whole of the statements in regard to transportation, in regard to banks, in regard to insurance companies, in regard to the property, wealth, production, occupation, &c., of the people of the United States. All that might be comprised in the space of this single document, which it probably cost thousands of dollars to print and a great many thousands of dollars to compile.

Mr. BOUTWELL. There is one consideration prevailing in this country which I think does not prevail to so great an extent in England, and that is the desire for knowledge concerning localities. You observe, for example, in regard to tonnage, that it is distributed in the document throughout all the districts of the country, and that idea and practice prevail in other things. Whether it is wise or not I cannot say, but every locality desires to know its own standing in every particular branch of industry and trade; and we cannot furnish that information except in a voluminous way.

Mr. SHERMAN. I have made these remarks in regard to our statistical information simply for the purpose of saying that I believe this work could be done by one intelligent mind, with a comparatively small body of clerks, having the control of all the information that is collected together in the Treasury Department alone, and if it were possible, extended also into the Interior Department, so as to embrace our public lands and various other matters of wealth, and with the information that is accessible to him as presented by the reports of the States. The reports of no State are more perfect than those of the State of Ohio in regard to this particular subject. The reports of our secretary of state and commissioner of railroads are probably equal to the reports of any other States, with the exception, perhaps, of Massachusetts, and perhaps are unequaled by those of any State. There would be no trouble in a few intelligent persons skilled in this kind of hard labor collecting, compiling, and condensing in a tangible form a vast amount of information to cover the whole ground proposed by the honorable Senator from Minnesota. I sympathize with him, therefore, in his desire to concentrate and combine all the labor that is now spent and wasted in the Treasury Department and in the Interior Department, so as to bring that information together under the direction of an intelligent mind, aided by a few clerks, so that we might have a few statistical documents showing the wealth of our country.

As I said before, there is a little document printed by Great Britain every year at the cost of a few pennies that contains more information about their exports and imports, the nature of their productions, the extent of their wealth, their railroad system, and all things of that kind, than is contained in the whole mass of Treasury documents that are sent to us. Here is Whittaker's Almanac, a statistical abstract, as they call it, sold for a few pennies, which any person can get for a trifle, containing an answer to almost every question one can ask about British commerce, wealth, production, railroads, and everything of that kind.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMAN. I should like to know how many people we are to have gathering statistics? We have an Agricultural Bureau that makes its report upon agricultural statistics; we have a report upon commerce and navigation; we have a Bureau of Education that returns educational statistics; we have a Treasury Department, with an Internal Revenue Bureau in it, that gives us information in regard to internal revenue; and now, pray, where are we to stop or among how many officers are we to divide this duty of gathering statistics? But this is not all. My colleague has done very well to call the attention of the Senate to the volume he held up to your view; but what a vast body of statistics have we already in the census returns. We have statistics upon almost every subject, on commerce, on navigation, on agriculture, on climate, on disease from cerebro-spinal meningitis down to the itch. How many more statistics do you want to be piled up here and looked at by nobody or scarcely by anybody? It is nothing but expense; that is all there is of it. I repeat that we have now to anybody who will study it a collection of statistics quite sufficient to govern us in any votes that we may be properly called upon to cast in this Chamber.

Mr. MORRILL, of Maine. Will the Senator allow me to ask him a question?

Mr. THURMAN. Certainly.

Mr. MORRILL, of Maine. Where would the Senator, if he desired to get the domestic commerce of the States, find that? I mean that which floats upon the lakes and rivers.

Mr. THURMAN. I will answer the Senator if I can do it within my five minutes. Pass this measure, and how will that officer get the information? He will get it just as I would get it; he will get it just as the Senator from Maine would get it. He will not get it by original investigation. You do not give him any authority or means to make original investigation. He will get it by collecting together the reports of chambers of commerce and boards of trade in the various cities, by collecting together the reports made to State officers under State authority. He will get it from newspapers and books and all the sources that have been published on this subject—Poor's Railroad Manual and various others—and from them good, bad, and indifferent, as they may be, he will make up his compilation.

Mr. MORRILL, of Maine. This proposition is to employ him to do it instead of doing it ourselves; and if my honorable friend, whose time is so precious to him and to the country, would sit from this time to the close of the session, he would scarcely get an intelligent notion of the commerce of the country after exhausting the vast sources of information at his command.

Mr. THURMAN. So far from that being the truth, I could show to my friend here in less than twelve hours publications on the subject of the internal commerce of this country that would satisfy every reasonable curiosity that is in his mind, and just as authentic as he would obtain from this Bureau of Statistics.

Mr. MORRILL, of Vermont. When this idea of having an officer to gather statistics was first authorized, the whole expenditure amounted to about $19,000. It is now proposed to appropriate $60,000 here; and I think through the officer that we now have we can gather all these statistics without any further appropriation; and I hope no further appropriation will be made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine [Mr. MORRILL] to the amendment of the Committee on Appropriations as amended.

The amendment to the amendment was agreed to.

Mr. WINDOM. If in order, I move to insert before the amendment which has just been adopted the following:

> And the reports now by law required to be prepared and published monthly in the said Bureau of Statistics shall hereafter be prepared and published quarterly under the direction of the Secretary of the Treasury.

Mr. SARGENT. That is a reform.

Mr. MORRILL, of Maine. Yes; that is right.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee as amended.

Mr. SHERMAN. I ask the Senate for information whether there is any objection to transferring the making up of the statistics in regard to commerce and navigation to this officer?

Mr. BOUTWELL. The same objection exists, that the business is perfectly well done in the office of the Register of the Treasury.

Mr. SHERMAN. But this information ought to be compiled and put with the information now required. However, I will not press it if the Senator thinks otherwise.

Mr. BOUTWELL. The Senator from Minnesota said that he had information from the highest authority in the Treasury, which means the Secretary no doubt, although he did not so state; but I have direct information from the head of the division in the Register's Office that the services of one clerk for a week furnish to the Statistical Bureau all the information that is communicated to that Bureau from the Register's Office in a year, and that there is no duplication of work. But then this is to be set off against that, and this debate undoubtedly will call the attention of the Secretary of the Treasury to the matter, that there is no law which will prevent his abolishing the system so far as there is duplication of work. So far as that is concerned, it is a mere matter of administration.

Mr. SHERMAN. The volume sent to us by the Register of the Treasury, his annual report, ought to be compiled in the statistical statement.

Mr. BOUTWELL. The statistics furnished by the Register of the Treasury, with the exception of those which relate specifically to the finances of the country, are limited in quantity. They relate to the tonnage of the country.

Mr. SHERMAN. This is a very large document and a great deal of unnecessary detail of information is contained in it that it seems to me might be thrown out and the whole matter turned over to the Bureau of Statistics.

Mr. BOUTWELL. I cannnot imagine that the chairman of the Committee on Finance proposes to transfer to this Bureau of Statistics the statistics relating to the public debt, the condition of our bonds, &c.

Mr. SHERMAN. Not at all. I only refer to those with regard to the compilation of the tonnage and the registry of vessels.

Mr. BOUTWELL. That business is very limited. There are twelve officers in the office of the Register of the Treasury employed on that branch of the business.

Mr. SHERMAN. It seems to me the Register of the Treasury, in the present condition of affairs, ought to be confined to the registry of liabilities, debts, notes, bonds of the various forms, and that mere statistical information about our commerce ought to be transferred to a Bureau of Statistics, where the whole matter can be compiled.

Mr. BOUTWELL. The suggestion seems to me, with due respect to the Senator, not wise. In the office of the Register of the Treasury are the records and documents giving the history of every vessel in this country. The statistical information which that office furnishes is of very little consequence compared with the proper authentication of the character of every vessel and the name and standing of the owner. Then the Statistical Bureau is turned out of the Treasury Department. There is no room for it there. There is no building that is fire-proof for it; and, until you construct such a building, these documents would not be safe. The idea of taking from a fire-proof building documents which contain the history of every vessel in the country, the record of the ownership and character of vessels, seems to me not justified under circumstances like these.

Mr. MORRILL, of Vermont. I desire to make a correction in relation to the expenditures of this Department. The chairman of the Committee on Appropriations has proposed an appropriation of a gross sum, in another place, of $60,000, and I desire to say this: When the Commissioner of Statistics was first established, the service was so administered that the Commissioner traveled all over the country, and even went abroad, and the expenses were increased to so large an amount that it was immediately abolished, the system not being in operation more than two or three years. But I believe the amount appropriated here to the present officer is amply sufficient to gather all of the valuable statistics that Congress may require. I hope, therefore, that no further sum will be included in this appropriation.

Mr. MORRILL, of Maine. I will say to the Senator that when the Bureau was created $50,000 in a gross sum was appropriated. That ran along until 1872. Since that time $2,500 has been appropriated for the officer in charge, and $55,400 for the force under him, except for the last year, when $59,000 was appropriated for that force.

Mr. SARGENT. I think it is a matter of very grave doubt whether the Bureau of Statistics should be appropriated for in any form. It has been very clearly demonstrated in this debate, and I think was also by the investigation of the committee into the subject, that there is a great duplication of duties among the different Bureaus, and that much of the work which has heretofore been done by the Bureau of Statistics has also been done by other Bureau officers. We have found a lamentable tendency on the part of the different Bureaus to magnify their own importance, to insist upon further employés being furnished them, and, to a certain extent, to make a pretense of being busy, when really, by so doing, they were doing the work which at the same time was being done by others. I have no doubt that quite a number of Bureaus in the Treasury Department might be consolidated with very great advantage to the public service, and I feel very much like regret that some committee does not charge itself with the duty, or is not charged by the Senate with the duty, of so reorganizing these Bureaus that their duties may be more clearly defined, and simplified, and restricted.

Now, the appropriations in this bill go a very short way toward showing the expenses of this Bureau of the Treasury. There are not merely the employés here in Washington, but in all the custom-houses, certainly all the important ones, there are clerks detailed at the request of the officer in charge of the Bureau of Statistics whose only duty it is to collect statistics for that Bureau, and by this means the amount of expenditure does not come to the attention of Congress; but it is really a very large item, so that I suppose I would be safe in saying that the amount appropriated in this bill is no more than one-third—and I think I am very much under the figures—of the cost of such information as has been already furnished us. As much of this information is furnished by other Bureaus, by the tonnage division, &c., certainly we ought to look rather critically into this matter, and not enlarge the appropriations for this Bureau, and perhaps we ought not to continue them. I feel so strongly persuaded of the correctness of the position which I take on this matter that I will venture to submit a motion to lay the amendment of the committee, with the amendments, on the table, and leave it, as the House left it, without further appropriation for this Bureau. Then it falls, as the House intended it should fall. I think that would be judicious. If afterward it shall be esteemed that a bureau of commerce is necessary, or a department of commerce, let that proposition be brought forward in the course of ordinary legislation and stand on its own merits, and let it be examined by a committee, who can determine whether it is a proper matter of legislation or not.

I submit the motion to lay the amendment on the table.

Mr. BAYARD. May I ask as an explanation——

The PRESIDING OFFICER. Debate is out of order, unless the Senator from California withdraws his motion.

Mr. SARGENT. I will withdraw the motion to allow the Senator from Delaware to ask a question.

Mr. BAYARD. I will renew the motion. The effect of this proposition of the Senator from California would be to abolish the present Bureau of Statistics entirely. Is not that the case?

Mr. SARGENT. Yes, sir.

Mr. MORRILL, of Maine. Simply to leave it without an appropriation.

Mr. BAYARD. Which amounts to the same thing.

> You take my life,
> When you do take the means whereby I live.

And if you follow the plan of the House, you would simply have no official report as to statistics at all. Is the Senate prepared for that? Is it a wise thing to abolish the imperfect reports—that is to say, the reports imperfect not as to the subjects to which they relate, but imperfect as not embracing many other subjects which gentlemen here, on this floor, have advocated having returns as to? As the amendment now stands, there is a provision for a report monthly of statistics upon these heads, chiefly relating to the external commerce of the country. To that I have no objection. On the contrary, I am in favor of enlarging these heads of inquiry and having other statistics, which I think can be readily obtained and may be of very large possible value; but I cannot understand how two wrongs shall make one right. I cannot understand how the cessation of this branch of the public service, and I apprehend it is strictly one of public service, is to benefit those gentlemen who desire to have information upon additional heads. Therefore it is that I trust the proposition may be allowed to stand in the condition it now is as amended by the action of the Senate. I merely wish the Senate to understand, which perhaps they did before, that the effect of the motion of the Senator from California would be to wipe the present office entirely out of existence by taking away the means for its support. I now, however, give way to the honorable Senator, that he may renew his motion to lay it on the table.

Mr. SARGENT. I renew my motion.

The PRESIDING OFFICER. The Senator from California renews his motion to lay the pending amendment on the table.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Committee on Appropriations as amended, which will be read for information.

The CHIEF CLERK. It is proposed to insert after line 625 the following clause:

> Bureau of Statistics:
> For officer in charge of the Bureau, $2,500; chief clerk, $2,000; eleven clerks of class four; seven clerks of class three; nine clerks of class two; four clerks of class one; five copyists, at $900 each; one messenger; one laborer; and one charwoman, at $480; in all, $60,440. And it shall be the duty of the officer in charge of the Bureau of Statistics to gather, collate, and annually report to the Secretary of the Treasury, for transmission to Congress, statistics and facts relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries, the construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads, and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freight and passengers, and the tonnage transported; and the reports now by law required to be prepared and published monthly in the said Bureau of Statistics shall hereafter be prepared and published quarterly, under the direction of the Secretary of the Treasury; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, to be expended under the direction of the Secretary of the Treasury, to defray the expenses thereof.

The amendment, as amended, was agreed to.

Mr. LOGAN. I ask leave to submit an amendment to the bill under consideration, to be referred to the Committee on Appropriations.

The amendment was received and referred to the Committee on Appropriations.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was at the end of line 650, to insert in the clause relative to miscellaneous expenses of the Treasury Department, after the item, "for rent of buildings, $13,000," the following proviso:

> *Provided*, That the Secretary may rent other buildings in lieu of those now rented, as he may deem for the public interest, for a sum not to exceed this appropriation.

The amendment was agreed to.

The next amendment was in the appropriation for the office of the assistant treasurer at Chicago, to insert after the word "dollars," in line 811, the words "for one clerk, $1,500;" in line 812, after the word "for," to strike out the words "one clerk" and to insert "two clerks, at;" in line 813, after the word "dollars," to insert the word "each;" and in line 815, to strike out the words "fifteen thousand" and insert "seventeen thousand seven hundred," so as to make the clause read:

> Office of assistant treasurer at Chicago:
> For assistant treasurer, $5,000; for cashier, $2,500; for paying-teller, $1,800; for book-keeper and for receiving-teller, at $1,500 each, $3,000; for one clerk, $1,500; for two clerks, at $1,200 each; for one messenger, $840; for one watchman, $720; in all, $17,760.

The amendment was agreed to.

The next amendment was in line 916, in the appropriations for the Mint at Philadelphia, to increase the item "for wages of workmen and adjusters" from $225,000 to $250,000.

The amendment was agreed to.

The next amendment was in line 919, to strike out the words "one annealing furnace, ten," and to insert "two annealing furnaces, fifteen," so as to make the clause read:

> For two annealing furnaces, $15,000.

The amendment was agreed to.

The next amendment was in line 921, to increase the appropriation "for freight on bullion and coin" for the Mint at Philadelphia from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was in line 931, to increase the appropriation "for wages of workmen and adjusters" at the mint at San Francisco, California, from $253,000 to $275,000.

The amendment was agreed to.

The next amendment was in line 942, to increase the appropriation "for wages of workmen and adjusters" at the mint at Carson City, Nevada, from $67,000 to $85,000.

The amendment was agreed to.

The next amendment was in line 945, to increase the appropriation "for materials and repairs, fuel, light, charcoal, chemicals, and other necessaries" for the mint at Carson City, Nevada, from $75,000 to $100,000.

The amendment was agreed to.

The next amendment was to insert after line 975 the following clause:

Assay-office at Boise City, Idaho:
For salaries of assayer in charge, $2,500; melter, $2,500; in all, $5,000.
For wages of workmen, $1,500.
For fuel, crucibles, chemicals, repairs, and other necessaries, $1,000.

The amendment was agreed to.

The next amendment was to insert after line 1069, under the head of "Territory of Utah—"

For legislative expenses, namely, for compensation and mileage of members of the Legislative Assembly, officers, clerks, and others, $23,400.

And to increase the amount of "$1,600," in line 1076, to "$25,000," so as to make the clause read:

For legislative expenses, namely, for compensation and mileage of members of the Legislative Assembly, officers, clerks, and others, $23,400; for rent of secretary's office, $600; storage and care of Government property, $300; fuel, $200; stationery, lights, and incidental expenses, $500; in all, $25,000.

Mr. MORRILL, of Maine. I move to amend the amendment by inserting after the word "dollars," where it first occurs, the words—

And this appropriation may be used, under the direction of the Department of Justice, to defray the judicial expenses of the supreme and district courts of said Territory, and the amount so used shall be reimbursed to said appropriation out of the treasury of said Territory; and until such reimbursement shall be fully made no member or officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in lines 1179, 1180, and 1181, in the clause relative to the National Home for Disabled Volunteer Soldiers, to strike out the word "monthly" and insert "quarterly;" and in line 1183 to strike out the words "one month" and to insert "three months;" so as to read:

And no moneys shall, after the 1st day of April, 1875, be drawn from the Treasury for the use of said home except in pursuance of quarterly estimates and upon quarterly requisitions by the managers thereof upon the Secretary of War, based upon such quarterly estimates, for the support of said home for not more than three months next succeeding such requisition.

The amendment was agreed to.

The next amendment was after the word "authenticated," in line 1194, to insert "by the officers of said home thereunto duly appointed by said managers, and;" so as to read:

And the managers of said home shall, at the commencement of each quarter of the year, render to the Secretary of War an account of all their receipts and expenditures for the quarter immediately preceding, with the vouchers for such expenditures; and all such accounts and vouchers shall be authenticated by the officers of said home thereunto duly appointed by said managers and audited and allowed as required by law for the general appropriations and expenditures of the War Department.

Mr. EDMUNDS. I should be glad to have the chairman of the committee explain to us what all this legislation on the forty-seventh, forty-eighth, and forty-ninth pages of the bill means. It appears to be new, and I should like to know in what respects it changes the present law, and whether it draws from the Treasury any additional sums of money, and to receive any other information which will enable us to be informed on the subject.

Mr. MORRILL, of Maine. This part of the bill refers to an act of 1865, by which certain moneys that would have been due to soldiers but for desertions and other things—in fact that all stoppages of money under the regulations of the Army were to be turned into this enterprise of founding these hospitals for the soldiers. It was found, contrary I suppose to everybody's expectation, that that involved a very large outlay for clerical force, amounting to about seventy clerks in the Second Auditor's Office and also a large force in the Adjutant-General's Office. For what? To ascertain precisely what these stoppages were. It was therefore seen that, in order to endow these institutions indirectly, we were paying all this force. On the whole the House of Representatives, and I think properly, came to the conclusion that we would provide for them directly out of the Treasury and dispense with this force. So it will be seen that by this part of the bill that law is repealed in regard to stoppages hereafter, and the governors of these institutions are to make estimates to be submitted to Congress direct for such appropriations as may be necessary for the purpose. I believe these are the substantial facts.

Mr. EDMUNDS. How much is the annual expense that the Government thus assumes?

Mr. MORRILL, of Maine. The Government saves nothing except as to the clerk hire.

Mr. EDMUNDS. How much is the sum of money that will naturally be required to be appropriated to carry out the provisions of this section?

Mr. MORRILL, of Maine. When we come to appropriate directly for these asylums it will be a pretty large sum. In other words, I understand that the four institutions involve an expenditure of between eight and nine hundred thousand dollars annually, but we make no appropriation for them this year. There may be, and I believe there will be, an estimate by the managers, but not in this bill, for some four or five hundred thousand dollars for the next year in addition to the sum they already have growing out of these stoppages.

Mr. EDMUNDS. What have the stoppages, so called, amounted to in the last fiscal year?

Mr. MORRILL, of Maine. That I am not able to tell. The reports of the managers will show, but I am not quite familiar with them.

Mr. EDMUNDS. Then at this present moment we do not know but that this change in the law will impose on us the duty, as it evidently does, of making a sufficient appropriation to carry on these institutions, and it may exceed by hundreds of thousands of dollars the sums which we have already given to them, comprising all these stoppages and sums of money due to soldiers who desert.

Mr. MORRILL, of Maine. Undoubtedly. The foundation of these institutions rests in the stoppages of the soldiers, so that the Treasury of the United States, or, in other words, the Departments, were engaged in ascertaining how much those stoppages really were. They were in the Treasury and they belonged to the Treasury; they did not belong to the soldiers. It was an indirect way of endowing these institutions out of the Treasury, and the Treasury has been at a very large expense in ascertaining how much the endowment was annually. We propose to stop that, and this bill does stop it. Then whenever you come to the appropriation will come the question whether you will carry on these institutions.

Mr. EDMUNDS. But if we have already granted to these institutions these stoppages from monthly pay and the sums due to deserters and so forth, and we undertake to say now that we will not do that, it would seem that we should be morally bound to make good at least that sum which we have already given in continuity to them; and we not only propose to do that by this bill, but really to pay the total expenses of these various institutions. Now, they have perhaps a just right to say that inasmuch as the Government has given to these various institutions these particular classes of moneys which belonged to the soldiers, stopped from their pay, and belonged to soldiers who desert, we shall continue to do it, and that it would be an act of unfairness, after they have got the disabled soldiers and taken care of them, to stop that. But we are not bound at this present moment to go any further than to keep the faith that is already pledged, if it be pledged, and give to these institutions—these waifs from the military department, so to speak. This bill evidently, as it strikes me, in effect, takes upon our own shoulders the total expense of all the institutions, inasmuch as it takes away the gift that we had before given, the quantity of which is indeterminate. That is the effect of it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MORRILL, of Maine. Undoubtedly the Senator is right in his conclusions, and undoubtedly the House of Representatives have acted in full view of such a result, for it will be seen that they have directed the directors to make estimates; but that is a question not involved in this amendment. The only question here is whether the Senate will concur in the House recommendation, that if we make appropriations at all for these institutions, they should be made directly, without the checks which have been found necessary to ascertain what these stoppages were.

Mr. THURMAN. I should like to ask my friend from Maine to give us a clear statement of how these asylums are supported. They get stoppages, they get the pay that would have belonged to deserters——

Mr. MORRILL, of Maine. Stoppages for any cause whatever.

Mr. THURMAN. Any other cause that stops the pay. In general terms, you may say they get stoppages, and they did get—I do not know whether it is so yet—any pensions that were due to their inmates. I do not know whether that remains the law now or not.

Mr. MORRILL, of Maine. No; that has not been the law.

Mr. THURMAN. That was the law.

Mr. MORRILL, of Maine. I think not. It is not now at any rate.

Mr. THURMAN. I know it was the law, but it may be that the law has been altered.

Mr. MORRILL, of Maine. I think it has been altered.

Mr. THURMAN. When a soldier entitled to a pension became an inmate of one of these institutions he surrendered his pension to the institution as long as he remained there.

Mr. ALLISON. That is still so. He does surrender it, and the institution takes charge of it, but does not expend the money.

Mr. THURMAN. They take the money; and I know very well that I read from a report here once in which General BUTLER spoke very disparagingly of some of these soldiers, because he said that they managed to get discharged just before their pension became due, and then drew their pension and went right back into the asylum. But I wish to know, suppose these various stoppages, these various sources of revenue to these institutions prove insufficient, who makes up the deficit?

Mr. MORRILL, of Maine. They have not thus far proved insufficient; they have been ample, and there is a fund on hand of about a

half million dollars. General BUTLER, who I understand is president of the board, was before the committee and stated the facts, and he probably will ask the House of Representatives, but not on this bill, for some $400,000 in addition to the accumulations on hand, for the next year, not this present year. So the Senator will see that the whole policy in regard to this institution by this part of the bill is changed. Whereas they were founded and have been supported up to the present time by these stoppages, in the future they are to be differently provided for. Then the question comes how Congress will support them.

Mr. THURMAN. I would inquire how much these institutions cost?

Mr. MORRILL, of Maine. My recollection is, from a statement of the president before the committee, between eight and nine hundred thousand dollars a year.

Mr. THURMAN. And does the chairman tell us that the stoppages amount to eight or nine hundred thousand dollars a year?

Mr. MORRILL, of Maine. These asylums have been established since about 1867 or 1868, and they have collected several millions.

It is suggested by my friend from California that I am mistaken about the amount, and that the $900,000 will cover a year and a quarter's appropriation. It may be that I am mistaken, but the annual expenditures have been somewhere between seven and nine hundred thousand dollars, doubtless. I cannot speak accurately, but my impression about it is that the whole accumulations have amounted to somewhere between three and five million dollars, probably nearer the latter than the former.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 1201, in the appropriations for the office of the Adjutant-General, to strike out the word "two" where it occurs the second time and insert the word "three;" in line 1202, to strike out the word "three" and insert "six;" in line 1203, to strike out the word "ten" and insert "twenty;" in line 1204, to strike out the word "thirty-nine" and to insert "sixty," and in line 1206, to strike out "$274,800" and insert "$320,600;" so as to make the paragraph read:

In the office of the Adjutant-General:
One chief clerk, at $2,000; nine clerks of class four; fifteen clerks of class three; twenty-five clerks of class two; one hundred clerks of class one; three temporary clerks of class four; six temporary clerks of class three; twenty temporary clerks of class two; sixty temporary clerks of class one; ten messengers, at $840 each; in all, $320,600; and the said temporary clerks are for one year only, and no longer.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the Surgeon-General, in line 1251 to strike out the word "eight" and insert "sixteen;" in line 1252 to strike out the word "fifteen" and insert "twenty-three;" and in line 1253, after the word "twenty," to insert "eight;" so as to read:

In the office of the Surgeon-General:
One chief clerk, at $2,000; six clerks of class four; four clerks of class three; sixteen clerks of class two; one hundred and twenty three clerks of class one, (twenty-eight of whom shall be temporary;) one anatomist at the Army Medical Museum, at $1,600; one engineer in division of records and museum, at $1,400; one messenger, at $840; twenty-two watchmen and laborers, (six of whom are temporary,) at $720 each; in all, $208,880.

Mr. MORRILL, of Maine. That is the action of the committee. Since this has taken place, I have had a communication from the Surgeon-General, and I submit it to the Senate, and especially to my associates on the committee, in which he proposes, in line 1250, in lieu of six clerks of class four to insert "nine;" on the following line to strike out "eight" and insert "ten;" and on the next line to strike out "four" and insert "seven." It will be seen that this does not increase the force at all. It retains the same number of clerks, but transfers them, so that it gives more of a higher class, the object being simply to retain clerks who are absolutely in the office and performing duties, so that this amendment shall not reduce them to lower grades. That is all there is of it.

Mr. EDMUNDS. How does it affect the money question, the total expense?

Mr. MORRILL, of Maine. It affects the total expense about $1,800.

Mr. EDMUNDS. Against the Treasury, I suppose.

Mr. MORRILL, of Maine. Yes, sir, against the Treasury.

Mr. EDMUNDS. Always.

Mr. MORRILL, of Maine. What is to be said of it is that here are several clerks in these higher grades, and they have been there a great while. They are worthy clerks. As it now stands, the paragraph would reduce them to lower grades. The Surgeon-General appeals in their behalf, and asks the Senate to transpose these clerkships so as to retain these old clerks in the higher classes.

Mr. EDMUNDS. With the emoluments that are appropriate thereto.

Mr. MORRILL, of Maine. I make the motion I have suggested, and submit it to the Senate.

The PRESIDING OFFICER. What is the motion?

Mr. MORRILL, of Maine. In line 1250 to make "six" read "nine;" in the following line to made "four" read "seven;" in the next line to make "eight" read "ten."

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

Mr. SARGENT. I move that the Secretary be authorized to change the footings of the various paragraphs where it is necessary to make them correspond with the text.

The PRESIDING OFFICER. If there be no objection, that order will be made. The Chair hears no objection.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was to insert the following proviso after the word "dollars," in line 1272, at the end of the clause appropriating for clerks, &c., in the office of the Chief of Ordnance:

Provided, That the Secretary of War is authorized to employ in said Bureau not exceeding thirteen enlisted men for one year.

The amendment was agreed to.

The next amendment was to strike out lines 1324, 1325, and 1326, as follows:

For superintendent of building on Tenth street, occupied as the Surgeon-General's Office, $250.

The amendment was agreed to.

The next amendment was to insert after line 1332 the following clause:

For superintendent of building on Tenth street, occupied as the Surgeon-General's Office, $250.

The amendment was agreed to.

The next amendment was in the appropriations for the Department of the Interior, from lines 1437 to 1441, inclusive, to increase the item "for stationery, furniture, advertising, telegraphing, cases for official records, ice, and miscellaneous items, including new books and books to complete broken sets, and cases and maps for library," from $12,000 to $16,500.

The amendment was agreed to.

The Chief Clerk proceeded to read the following items:

For rent and fitting up additional rooms for the use of the Pension Office and for the Bureau of Education, $16,000.
For casual repairs of the Department building, $20,000.

Mr. BAYARD. I should like to ask the chairman of the committee something in regard to these very large appropriations of $16,000 "for rent and fitting up of additional rooms for the use of the Pension Office and for the Bureau of Education," and $20,000 "for casual repairs of the Department building," and on line 1453 there is another appropriation of repairs for that building and for completing the F street portico of $65,000. We all know that the Department of the Interior is one of the most solid structures in the country; the material of which it is built is almost imperishable. This is an item of a class that has come into almost every appropriation bill that has been passed for the last five or six years to my knowledge. I would ask the honorable Senator whether there has been anything submitted by this Bureau of Education, which already is provided for and which has grown with a very unhealthy growth as I think, to show that it should have this large appropriation, or why upon a marble building so large a sum as $20,000 is necessary for casual repairs; and again why, not for casual repairs but for an alteration made necessary by the exceedingly reckless manner of changing the grades of the streets adopted in this District, $65,000 is to be appropriated by the same bill? I would ask my honorable friend from Maine whether these large appropriations have been criticised by him and whether he does consider that they are moderate and just, whether such sums of money should be poured out constantly upon a building which from the very nature of the material of which it is constructed, expensive in its origin, should certainly be without the necessity of constant repairs; but here for a mere casual repair and fitting up of offices we find $101,000.

Mr. MORRILL, of Maine. The questions which the Senator from Delaware propounds are very natural. I have been through that process a great many times since I have been upon the Committee on Appropriations. These incidental expenses have always been among the most difficult of the items to ascertain precisely what should be allowed. They are like incidental expenses of housekeeping in families. They come round every year; we never know precisely why they should come and sometimes we doubt whether they ought to come, but they do. Take the first item of $16,500 "for stationery, furniture, advertising, telegraphing, cases for official records, ice, and miscellaneous items," &c. If my honorable friend will look to the report which is submitted every year at the early part of the session, he will find all these various items of contingent expenses accounted for.

Mr. BAYARD. I have no doubt the money is spent, but my objection is that it is not necessary to be spent. My friend speaks of housekeeping expenses——

Mr. MORRILL, of Maine. Well, I will say in a general way that for the last five or six years all these incidental expenses such as we are now considering in these several items have been cut down very

much indeed. Especial attention has been paid to that branch of expenditure in all the Departments with a view of cutting them down, and they have been cut down. They have passed under the very careful and scrutinizing attention of the committees of both Houses, and to my certain knowledge there has been no disposition to increase these items.

It will be seen on page 59, among the items to which my attention has been called, that one has been increased by $4,500, from $12,000 to $16,500, and that upon a careful examination at the request of the Secretary of the Interior, who suggested that it was really just to the head of that Department that that item should be so increased.

I would make a single remark upon another item; that is, "for casual repairs of the Department building, $20,000." That seems large, to be sure, but there is an acre of room in that building.

Mr. BAYARD. This is for casual repairs for one year, and not only that, but we have in the same bill $65,000 for other matters connected with the mere alteration of the surface of the streets.

Mr. MORRILL, of Maine. That is extraordinary, of course; but when we come to the question of casual repairs, my experience is that as much as we hesitate about these items every time that I have undertaken to examine the question with a view of bringing them within the closest possible limits that was possible, the Committee on Appropriations have never been able to dispense with these items. Now, they are within the necessities of the ordinary expenditures for these purposes.

Mr. EDMUNDS. Has the Senator from Maine any information on this topic in respect of the expenditure of the $20,000 appropriated for this same purpose last year?

Mr. MORRILL, of Maine. It is the same.

Mr. EDMUNDS. So I see. It is the same as during the current year, which has not yet expired. Twenty thousand dollars was appropriated to be used for casual repairs of this building, none of the extraordinary ones. Are not the committee able to tell us in what general respects this money has been expended and whether all of it has been spent?

Mr. MORRILL, of Maine. As a matter of fact, the reports show that they do expend it. They could get along, doubtless, if we were to say $10,000; they would be obliged to get along; but the experience has been that this is about what they expend ordinarily year in and year out for casual repairs. I have in my hands the report of the Secretary of the Interior, giving the amount of the entire expenditures of these incidental and miscellaneous items. I have examined it from time to time with a great deal of care. Sometimes we cut down these items, sometimes we do not; but where they average each year about the same, unless our attention is particularly called to it, we generally assume that it has become a pretty settled thing that about so much money is necessary each year for the casual repairs.

Mr. SARGENT. As a sub-committee of the Committee on Appropriations, I think last year—it is possible that it may have been the year before—I went to the Interior Department with one or two others in order to investigate this very item, and we went up on the roof, the copper roof there, and we found that the heat of the sun and the variations in temperature had pulled apart the seams of the roofing; we found hundreds of places over that immense roof where it had been soldered and resoldered, where new sheets of copper had been put on, and so forth; and it was obvious that it was a very expensive and difficult job to keep that immense roof in repair. Among other investigations which we made, we looked at the walls through the corridors and in the rooms, some of which had become, by the smoke and gas and by the silent operation of time, darkened and blackened, which are calcimined or whitened in various parts. We found that part of this money was expended for rehanging doors where they break or get out of order, for the repairing of window-frames and all the various affairs made necessary in an enormous building like that.

After a thorough investigation, the sub-committee were satisfied, and so reported, that the amount which was appropriated, $20,000, was not more than was necessary to keep that building in order. These items do not pass the committee *sub silentio*, or assuming that because they have heretofore been appropriated they are to be for all time appropriated; but year by year we take up items of this character and inquire into the details of the expenditure, whether the money is judiciously expended or not, and whether we cannot cut down the sum; and I desire to say for the benefit of the Committee on Appropriations that by looking over the bills for several years past, it will be found that such items have diminished rather than increased. Where there is an extraordinary item like that in line 1453, it is on account of exceptional circumstances. For instance, there was a change in the grade of the streets. I do not agree with my friend from Delaware that so far as that instance is concerned it was an improvident one. It has been really a benefit to the Government to have the unsightly bank between these two public buildings, covering up the lower windows, removed, and the benefit is very far beyond the amount which it will cost to repair the lower story of the Post-Office building and to put on the additions to the portico of the Interior Department. We shall be able the coming fiscal year to utilize a very large part of the lower story of the Post-Office building and use it for offices for clerks, and especially for depositing the voluminous files of the Department, and will be able thereby not only to get more room, but to save the renting of some buildings; so that really the operation which has taken place by lowering the streets has been greatly for the benefit of the Government, by giving it the use of its buildings which before has been prevented by the unsightly bank which covered up the lower portion of the buildings.

But I meant to speak particularly with reference to this outlay for casual repairs. If the judgment of the sub-committee was worth anything, it certainly was deliberately formed upon an examination of the details of the expenditure.

Mr. BAYARD. That was last year.

Mr. SARGENT. Yes, sir. The appropriation was the same for last year as this for casual repairs; for instance, keeping the big roof in order. The operation of the sun each year being the same on that immense copper structure, it would follow that about the same scale of repairs would be necessary each year. There would be about the same amount of whitening of the walls required; there would be about the same amount of windows accidentally broken, and of doors which by rough use would become unhung.

Mr. EDMUNDS. The item has gone up from $14,000 for the year 1873-'74 to $20,000 last year and $20,000 this year. If you keep it at that rate, in a few years it will get to be $50,000.

Mr. BAYARD. One fact I think is not to be disputed by any one, and that is that any amount of money that is appropriated will undoubtedly be expended. If you were to make this appropriation for casual repairs $250,000, I doubt not that the money would be expended. The question is as to whether it is a just and economical expenditure. I admit the amount will seem very small to people who are dealing with the magnificent figures that members of Congress of either House contemplate when they are spending the money of the public. But I must say that it appears to me that having had this expenditure of $20,000 in the past year for what the Senator from California, no doubt very properly, says were essential repairs, we ought to be spared the outlay for the present year. This large sum was expended, and I have no doubt ten times the sum would have been expended if it were appropriated; no doubt it will always be so. If we provide a fund to be drawn upon, there will be plenty of ways and means found to expend it.

However, sir, I propose to follow out my own theory in regard to this matter, and offer to amend line 1447 by striking out "$16,000" and inserting "$8,000," so that there will be $8,000 appropriated "for rent and fitting up of additional rooms for the use of the Pension Office and Bureau of Education."

Mr. MORRILL, of Maine. I hope the Senator will allow us to go on with the amendments of the committee.

Mr. BAYARD. Very well; if I can offer the amendment hereafter, I will not move it now.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 1469, to increase the appropriation for the salary of the Commissioner of the General Land Office from $3,000 to $4,000.

Mr. EDMUNDS. I should like to ask the chairman of the committee if this is an increase of salary in an appropriation bill.

Mr. MORRILL, of Maine. It is; by a thousand dollars.

Mr. EDMUNDS. Does the chairman of the committee think it right to increase salaries in the appropriation bills? I thought it had been determined a session or two ago that we would not do it in that way if salaries were to be increased.

Mr. MORRILL, of Maine. I think it has been very frequently determined both ways. The committee recommend this upon the ground that the country derives great benefit from that office.

The amendment was agreed to.

The next amendment was in line 1471, in the appropriations for the General Land Office, to insert—

Law clerk, $2,000.

The amendment was agreed to.

The next amendment was in line 1479, to increase the total appropriation for clerks, &c., of the General Land Office from $171,920 to $174,920.

The amendment was agreed to.

The next amendment was in lines 1481 and 1482, in the items "for additional clerks on account of military bounty lands" in the General Land Office, to strike out the words "principal clerk $2,000," and in line 1484 to reduce the total appropriation from $52,640 to $50,640.

The amendment was agreed to.

The next amendment was in line 1593, in the appropriations for the United States Patent Office, to increase the item "for photolithographing or otherwise producing copies of drawings of current and back issues for use of the office and for sale, including pay of temporary draughtsman," from $40,000 to $100,000.

The amendment was agreed to.

The next amendment was after the word "dollars," in line 1593, to insert the following proviso:

Provided, however, That on and after the 1st day of July, 1876, the grade of third assistant examiner in the Patent Office shall cease.

The amendment was agreed to.

The next amendment was in the appropriations for the United

States courts, page 76, to strike out all from line 1854 to line 1875, being the following proviso to the appropriation "for compensation of the district marshals of the United States:"

Provided, That the provisions of an act "making appropriations for the support of the Army for the fiscal year ending June 30, 1875," approved June 16, 1874, which prohibit the allowance of mileage to persons holding employment or appointment under the United States, shall not be so construed as to apply to the legal traveling fees of United States marshals or deputy marshals. And all accounts of said marshals or their deputies, for expenses and mileage, incurred subsequent to the 1st day of July, 1874, shall be audited, allowed, and paid in accordance with the provisions of an act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, in the same manner as if said act had not been passed; but no fees shall be allowed for constructive mileage, and every claim for mileage shall be accompanied by sworn proof that the distance for which mileage is claimed was actually and necessarily traveled by the officer.

The amendment was agreed to.

The next amendment was in the appropriations for the Court of Claims, in line 1885 to strike out "postage."

The amendment was agreed to.

The next amendment was after the word "repairs," in line 1896, to insert "on old desks and tables in the clerk's office and court-room;" so as to make the clause read:

To complete the repairs on old desks and tables in the clerk's office and court-room commenced last year, $550.

The amendment was agreed to.

The next amendment was in lines 1924 and 1925, to reduce the appropriation for law and miscellaneous books for the library of the office of the Solicitor of the Treasury from $1,000 to $500; and in line 1928, to reduce the total appropriation for contingent expenses of the Department of Justice from $16,000 to $15,500.

The amendment was agreed to.

The next amendment was to strike out the second section of the bill in the following words:

SEC. 2. That the circuit court of the United States in and for the district of Iowa shall be held at the times and places now provided by law for holding the United States district court in and for said district; but the circuit judge shall not be required to sit in said court except at Des Moines. Causes removed from any court of the State of Iowa into the circuit court of the United States within said district shall be removed to the nearest circuit court, unless the parties thereto shall otherwise agree: *Provided*, That all appeals or writs of error allowed by law from the district court to the circuit court for Iowa shall be taken to the circuit court at Des Moines, to be heard by said court when held by one or more circuit judges: *And provided further*, That the judge of the district court for said district of Iowa may in his discretion order that the same jurors be summoned to serve in the circuit and district courts when held at the same time and place and at a place other than Des Moines.

Mr. ALLISON. I hope the Senate will not agree to the striking out of this second section. The object of the section is to provide for the holding of circuit courts at the places where the district courts are now held in Iowa. This is a provision that was inserted in the House of Representatives after very full consideration by the Judiciary Committee of that House. It is a very necessary provision in order to facilitate the transaction of business in the circuit court in our State. It is in accord with the precedents in many other States. There can certainly be no objection to it. It does not increase the expense in any way, and I trust that gentlemen will allow this provision to pass. It is true it is in the nature of new legislation, but it was not inserted in the Senate, but inserted, after a very full consideration, in the House of Representatives by a two-thirds vote. I trust there will be no objection to the provision remaining in the bill.

Mr. EDMUNDS. I am very much surprised at two things stated by the Senator from Iowa about this business. The first is that one of the members of the Committee on Appropriations should insist that entirely distinct legislation, which has nothing whatever to do with any part of the subject of this bill, and which is of a character considered by another committee of this body that has before it two or three propositions from that State already for consideration, and perhaps twenty or more from all the other States—that this particular contrivance for the State of Iowa in respect of the holding of its courts should be taken out of the ordinary course and forced through on an appropriation bill.

My second point of surprise is that the Senator from Iowa, in order to persuade the Senate that it ought to do him this favor, or justice, or whatever it may be, has thought it necessary to back it up here by stating what the other House thought about it, and how large the majority there was. I have been under the impression that it was not a suitable thing for Senators to urge measures here by the force of the momentum of the members of that body of gentlemen who sit in the south wing of the Capitol. Perhaps I am mistaken about that. Certainly it is not a matter that I shall take any time to refer to further than I have done.

But, on the merit of the thing itself, if we are to have any order in legislation at all, and are to have matters considered by the appropriate committees, and to let every Senator have a fair opportunity to have legislation for his section brought forward and considered in its order, there is no justification, as the committee itself has thought, in forcing into this bill—whether done in one wing of the Capitol or another makes no difference—a provision entirely foreign to the bill itself, and regulating the judicial or any other Departments of the Government. On that theory we might properly, and I do not know but that we ought to do it, report all the measures before the Judiciary Committee which we think ought to pass right upon this bill, because all that ought to pass are necessary and proper, as the Senator thinks this is. I do not know, neither does the Judiciary Committee know, whether this is a provision that is proper or not, because the Senator has never brought it to our attention, by bill or otherwise, to be considered. If I did not know the patriotism of my friend so well as I do, I should be inclined to suspect that it was because it was not very meritorious that it had not been referred to the proper committee for consideration; but I do not impute that to him. I have no doubt that he thinks it is meritorious, and that he thinks it a case of urgency; but I appeal to him, as a Senator and as a member of the Committee on Appropriations, desirous of having legislation proceeded with in a proper and regular way, not to insist upon maintaining this provision in this bill. I am glad to see that his committee has reported to strike it out.

Mr. ALLISON. Mr. President, perhaps I ought to apologize to the Senator and to the Senate for making any allusion to what was done in the other branch. I agree with the chairman of the Judiciary Committee that it is not quite in good taste perhaps to have this provision in the bill; but it is here, it is a part of this bill, and the Committee on Appropriations only struck it out because they thought it ought not to be placed in an appropriation bill; and this day we have legislated independently upon this very bill. Upon motion of the Senator from Vermont, a number of independent provisions were added to this bill. It is true they related to a Bureau of the Treasury Department already in existence——

Mr. EDMUNDS. And pointed out how the money was to be spent.

Mr. ALLISON. Now, the matter is before the Judiciary Committee of the Senate. Whether it will be reported at this session or not I do not know. I only know that it is necessary to promote justice in Iowa that this provision should be adopted. It is nothing more nor less than a provision requiring the circuit court to sit where the district court sits in the State of Iowa, a provision that exists in many of the States in this Union; one that exists in the Senator's own State. If I understand the law correctly, the circuit court in the State of Vermont sits in three different places. In Iowa, with a territorial area of fifty-five thousand square miles, we are compelled to transact our circuit-court business at the capital of the State only, thus compelling witnesses, litigants, and attorneys to go to the capital of our State to transact their business, instead of allowing the judges to go and sit at the several places where the district court is now held, convenient to the suitors. That is all there is in the section. There is no principle involved in it. It is not difficult to see that it is for the convenience of suitors that the circuit court should be held at the different places where the district court is held. I have examined the statutes, and I find that in a number of States, perhaps not in all of them, the circuit court is held at all the places where the district court is held. The question is, whether or not this is a proper provision to be inserted upon our statutes? I do not think that it needs any great consideration from any committee of this House to see that in a State of the territorial area of Iowa a provision of this kind will have the effect to promote the interests of those who are compelled to go into our courts.

I might say one word further in reference to the United States courts in Iowa. There is at this time an unusual amount of business transacted in these courts, arising from the fact that nearly all our railroad corporations in the State are foreign corporations, and the business of the circuit court has so accumulated within the last two or three years as to deprive litigants of justice rather than to secure justice to them.

I appreciate the importance of having all matters relating to the courts considered first in the Judiciary Committee, and if this matter was of any great moment or had any particular interest outside of the State of Iowa, I should of course desire that it should receive the consideration of the Committee on the Judiciary; but it does not seem to me that it is of that importance which would require such consideration. I hope the section will not be struck out.

Mr. MORRILL, of Maine. The Senator from Iowa has stated the grounds of objection which the committee had to this section, namely: that it was independent legislation, having no reference to this bill whatever, and it was impossible for the committee to know whether it was a proper thing to do in and of itself. It is sufficient to say that it has no relation to any subject whatever in this bill. It is originally and absolutely independent legislation; it does not belong to this bill, and it did not occur to the committee that there was any especial necessity for it anywhere. It is a matter that should be examined by an independent committee, who have the opportunity of inquiring in regard to it, so that they would not be embarrassed by such considerations as arise in this bill.

Mr. President, there is no practice probably in the Congress of the United States so vicious as the attempt to put general legislation upon an appropriation bill. Now turn back to the seventy-sixth page of this bill and see what we have done. In this bill we have stricken out a proviso that relates to the regulation of the fees of marshals of the United States. That proviso undertakes to correct legislation of last session, upon an appropriation bill, by which Congress regulated the fees of marshals and determined the general principle upon which mileage should be paid in the civil service generally. The result of it was that it was unconsidered. That had some little relation to the appropriation bill, to be sure, but it was in its nature general legislation. The result of the whole thing was disastrous. An attempt

has been made here to correct it on an appropriation bill, which is itself independent legislation. The Committee on Appropriations, upon the ground that it was independent legislation and did not belong to them to consider, and that they could not intelligently consider it, struck it out; and I think the Senate ought to keep these bills free from independent legislation. If they do not, there will be no end to the difficulties and complications which must come from legislation on such subjects in such way.

Mr. CONKLING. I have heard no Senator affirm that this proposition in itself, regardless of its place upon an appropriation bill, is not meritorious. If any Senator has made such a statement, the statement has escaped me. If it be meritorious and just to allow a term of the circuit court to be held in the great and growing State of Iowa at more than one single place, and if it be right to do that now, I am not quite satisfied, for one, even with my notions which I thought were somewhat rigid on the true mission of an appropriation bill and the propriety of keeping it intact, that that reason alone should cause the rejection of this proposition. If the Senator from Iowa had moved it as an amendment upon the appropriation bill in the Senate, I should be fully with the Senator from Vermont and would say the Senator ought to introduce it as an independent proposition, ought to refer it to the Committee on the Judiciary and let it incur the hazard which waits upon all such propositions. But on the other hand the House of Representatives, in which this bill originated, in which such bills appropriately originate, has seen fit to make an exception to what we think should be the general rule, and to select this appropriation bill as the bill in which to incorporate this provision. It is proposed in the Senate to strike it out, and proposed to strike it out by a committee which has moved upon the same bill new and general legislation.

My honorable friend from Maine observed, I think, that the provision about a Statistical Bureau was there with a sort of harmony because there was an appropriation in the bill to pay for the gathering of statistics. I think I might say to the honorable Senator that there are appropriations in this bill also which relate to matters that have a good deal to do with courts, and by parity of reasoning I do not see why I cannot say that this is a very symmetrical amendment.

Mr. MORRILL, of Maine. My honorable friend did not quite understand what I did say. It was not original legislation; it was an appropriation in conformity with the act of Congress providing for a Bureau of Statistics. The House had simply neglected to make that appropriation. It became the duty of the Committee on Appropriations, as I stated, to appropriate for the Bureau of Statistics. To that amendment was added one condition. That was all. Therefore the Bureau of Statistics was provided for by law, and was legitimately and properly in the bill. The amendment was germane to that Bureau. That was the condition of the case. There was no original matter in the bill in that respect.

Mr. CONKLING. It seems that I did fully understand the honorable Senator from Maine. He excuses the provision in the bill to which I referred by showing that it relates to a topic which was mentioned in the bill, and he denies that it was in any sense original legislation.

Mr. MORRILL, of Maine. But my honorable friend does not state me at all correctly now. The amendment was to provide for a Bureau of Statistics which was established by the law of 1866; and the only new matter was an amendment to that amendment, which was in itself germane to the amendment providing for the Bureau.

Mr. CONKLING. So I understood the honorable Senator to say before, Mr. President. I will not venture to restate it because, after my experience, I know I shall make a mistake. The Senator hears me, and I venture to suggest to him that his position is just about as applicable to the thing we are to vote upon as it is to the other portion of the bill. Here a court is to be held in one additional place. There not only a Bureau was to be changed as to its original functions, but it was to be born again and made over with all the modern improvements and perhaps some more. I think the cases are very much alike.

But, Mr. President, I rose to say that the House of Representatives having put this section upon an appropriation bill, we finding it there and finding in the bill other matters which I will not characterize lest I might not conform to the understanding of the honorable chairman of the committee, it seems to me it will not be a very heart-rending or distressing matter if we allow the Senator from Iowa to have his little proposition considered here on its merits, just as it would be if it had come in on some other bill which as an original proposition might be more appropriate for it. Therefore I think I shall have to vote, and I trust some other Senators will join me in voting, upon this amendment in respect of its merits, what ought to be done and not merely in respect of its presence upon this bill. The session is very short. The Senator from Iowa is not likely to besiege us with many requests. It is not his wont. If he loses his proposition here it is quite likely that he may not have it considered again, and therefore I think he had better make hay while the sun shines and hold on to the provision while he has it before us.

Mr. EDMUNDS. I am very glad to gain wisdom from the lips of the Senator from New York, as I certainly do when he tells us that he is usually very rigid about these matters, and it is only in a clear case—for that is the substance of it, as I understand him—that he would think of allowing legislation of this character unconsidered by the appropriate committee (and in respect of which the Committee on Appropriations who have reported against it say, through their chairman, that they do not know whether the legislation in itself is right or wrong) to be put upon this bill. If I did not know the Senator from New York so well, know his character and his patriotism and his independence, I should imagine that his rigidness depended upon his degree of friendship or otherwise to the particular gentleman who had a proposition to make, for that is all the evidence of rigidity that I perceive about the attitude of the honorable Senator from New York. In that respect I cannot allow myself to be outdone. I claim to be just as friendly to the Senator from Iowa, to all his measures, as the Senator from New York can be; but I say that when the Judiciary Committee has, as it is stated, this measure in two or three forms before it and has it under consideration, and twenty other measures of the same character and just as important locally as this measure is, in order that we may recommend to the Senate what it is wise and right to do, it is improper to have legislation of this kind in this appropriation bill.

The Senator says it comes from the House of Representatives. What difference does that make? Has the House any special right to put a provision into this bill that we have not a special right to take out if we think it is in the wrong place? You cannot distinguish between a proposition of the House and a proposition made here in the Senate. I take it it is our right to amend this section in respect to adding other districts and circuits, and just as great a right as that of the House to put in this. No such distinction can stand; and if Senators think it wise to put this in, it being a local measure, I certainly should not feel at liberty to object to other Senators putting in their measures. There is one I have in my eye from the Senator from Texas. There are one or two propositions from Iowa which I believe I am personally in favor of respecting their courts and districts. Where are you to stop? It is impossible to get on equitably. I should be very glad to oblige the Senator from Iowa, but I do not think it is right.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment reported by the committee, striking out the second section of the bill.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WRIGHT. I wish to inquire, if the Senate should agree to the report of the committee striking out this section, whether it would then be in order to amend it?

Mr. MORRILL, of Maine. It is in order to amend now.

Mr. CONKLING. It is in order to amend now, and it will be in order after we vote down the motion of the committee to strike out.

The question being taken by yeas and nays, resulted—yeas 20, nays 24; as follows:

YEAS—Messrs. Bayard, Bogy, Davis, Edmunds, Fenton, Gordon, Hamilton of Texas, Johnston, Kelly, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Ransom, Robertson, Sargent, Scott, Sprague, Stevenson, and Wright—20.

NAYS—Messrs. Allison, Boreman, Cameron, Clayton, Conkling, Cooper, Ferry of Michigan, Flanagan, Gilbert, Harvey, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morton, Ogleaby, Patterson, Pease, Pratt, Sherman, Spencer, Wadleigh, and Washburn—24.

ABSENT—Messrs. Alcorn, Anthony, Boutwell, Brownlow, Buckingham, Carpenter, Chandler, Conover, Cragin, Dennis, Dorsey, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Hager, Hamilton of Maryland, Hamlin, Jones, Lewis, McCreery, Ramsey, Saulsbury, Schurz, Stewart, Stockton, Thurman, Tipton, West, and Windom—29.

So the amendment was rejected.

Mr. ALLISON. I have consulted my colleague, and propose an amendment as a substitute for the second section, which I send to the Chair. This amendment, if adopted, will answer the purpose as regards the courts in our State.

The PRESIDING OFFICER. The Chair does not understand that the motion made by the Senator from Iowa to strike out the section and substitute the section sent to the Chair is now in order.

Mr. EDMUNDS. It is not in order at this time.

The PRESIDING OFFICER. The Chair so understands.

Mr. EDMUNDS. When we get through the committee's amendments, we can strike out and insert something else.

The PRESIDING OFFICER. The Chair understands that an order was adopted to proceed with the amendments submitted by the Committee on Appropriations; and when those are gone through with any other amendment can be offered in Committee of the Whole.

Mr. EDMUNDS. Certainly.

Mr. CAMERON. I move that the Senate now proceed to the consideration of executive business.

Mr. MORRILL, of Maine. I hope we shall finish this bill.

Mr. EDMUNDS. We cannot finish the bill to-night? It is totally impossible. We are not out of committee yet.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 19, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION—PACIFIC MAIL.

Mr. STORM. Within the last half hour, I have been informed of a communication in the New York Daily Tribune of January 18—yesterday. I understand that the same communication has appeared in other papers throughout the country. I deem it my duty at the very first opportunity to make a personal explanation in regard to it. I ask the Clerk to read the paragraph I have marked.

The Clerk read as follows:

The books in the office of the Sergeant-at-Arms would, without doubt, show the names of the other fifteen or sixteen, since the deposit will appear in their accounts; or, if they were broken up, payment was probably made by check. The names of five of those on the list prepared by Dillon have been ascertained with a considerable degree of certainty. They are believed to be as follows: CHARLES HAYS of Alabama, J. HALE SYPHER of Louisiana, Boyd Winchester of Kentucky, Daniel W. Voorhees of Indiana, JOHN B. STORM, of Pennsylvania. The first two are republicans and the last three democrats. One of them, Mr. STORM, is said to have voted against the bill. The manner in which the money was distributed was very simple, and as was supposed, perfectly safe. The thousand-dollar note was inclosed in an envelope and sent to the member of Congress with no accompanying communication. This enabled the agent of the Pacific Mail Steamship Company to swear that he never paid any member of Congress any money to vote for the bill, and the recipient to swear that he never received any money from the company or any of its agents.

Mr. STORM. As many of the members of this House know, in the Forty-second Congress a committee of the House was directed to investigate this charge of corruption in regard to the passage of the so-called Pacific Mail subsidy. A friend of mine intimated to me that the then paying-teller of the Sergeant-at-Arms of this House, Mr. Dillon, had been before the Committee on Ways and Means and had there produced a paper, (and I was also informed by members of that committee,) a memorandum of the initials of certain persons who had had one thousand dollar bills changed in the office of the Sergeant-at-Arms. This was alleged to be some time in May, I think, immediately after the passage of the subsidy. I heard it rumored that my name was, or the initials of my name, "J. B. S.," were, upon that list. I immediately went before that committee, and they informed me that they had examined the record in regard to my action on the subject, and had no doubt that a mistake had been made and that they were satisfied with the matter without proceeding further. I insisted upon being called before the committee and being sworn; I was examined. I will state here, as I stated then, that never in my life have I had a thousand-dollar bill changed in the office of the Sergeant-at-Arms of this House. I stated before the committee at that time, and I state now, that I never in my life had a thousand-dollar bill; and of course I could not have had one changed. I stated that before the committee, and I state it here this day upon my honor as a man and a Representative of the people—that I never had a thousand-dollar bill. Being a poor man, it was too much for me ever to have had and not have recollected it. Either there was a mistake made by the paying-teller in putting down my initials, as being those of a man who had had a thousand-dollar bill changed in his office, or else the list was not properly made, if he intended to include me.

Mr. Speaker, I do not know what more I can say or do in this matter in order to refute this foul and slanderous charge. I have been in Congress well-nigh four years. I have never voted for any subsidy, or for any land grant, or for anything that the newspapers of the country have even hinted was a job. I fought this subsidy all the way through, step by step, as the record shows. I voted for the adverse amendment offered by my friend from Indiana, [Mr. HOLMAN.] I not only voted against the bill, but I spoke against it with more vehemence and earnestness than I ever spoke against any other bill in my life. And now if my record, my whole public action, my sworn statement before the committee, and this my solemn statement before the House, made in all truthfulness, as I shall answer to God at the great day, is not a sufficient refutation, I do not know what can protect the name of a public man.

I understand that the paying teller of the Sergeant-at-Arms, Mr. Dillon, has said that this list was made up some time in the month of May, 1872. Yet I am reported in the Globe as having made a speech against the subsidy as early as March 20, 1872. And I am recorded as having voted on May 20 for the amendment offered by my friend from Indiana, [Mr. HOLMAN.] And I am also recorded as having voted against the proposition as it finally passed this House, in the shape in which it came to us from the Senate. Not only that, but I can appeal to members around me who will recollect in regard to votes taken in Committee of the Whole, of which of course no record is made, and they will state that upon the vote by tellers in Committee of the Whole I voted against this proposition in every shape.

It is true, Mr. Speaker, that a member of Congress might have had a one thousand dollar bill changed, as stated by Dillon, without the imputation of corruption. Yet in this case, as a matter of fact, I have to say that I had no such bill changed. I have frequently had bills changed at the office of the Sergeant-at-Arms, but never one as large as one thousand.

And now, Mr. Speaker, I owe it to this House, I owe it to the country, I owe it to my constituents, to say that not one dollar was ever paid me directly or indirectly by any one to influence my action on the Pacific Mail subsidy or upon any other question ever before Congress; and I appeal to my record upon all questions before Congress for my vindication.

Mr. Speaker, on the 12th of March, 1872, the gentleman from Michigan [Mr. CONGER] moved the amendment, I think, to increase the subsidy from $500,000 to $1,000,000. On the 20th of March, 1872, the question came up in the Committee of the Whole. The Congressional Globe, volume 89, page 1842, reports me as saying:

Mr. STORM. I oppose this proposition, upon the principle of *principiis obsta*—oppose the first beginnings. There is not a gentleman of this committee who has spoken upon this subject who has not said in general terms that he is opposed to subsidies; but each one who has favored this proposition has found an excuse for himself for this particular measure. The gentleman from Ohio, the chairman of the Committee on Appropriations, [Mr. GARFIELD,] has his particular reason for supporting this subsidy, although to his mind the word "subsidy" means something obnoxious and odious. My friend from Maryland, [Mr. SWANN,] who has spoken in favor of the subsidy, says he finds it to be *sui generis*: that there is something peculiar about it. And my friend from New York, [Mr. WILLIAMS,] who gives this measure his support, does so upon the ground that it is no subsidy at all. He is anxious to have it adopted as a measure for extending the mail service; that it is to pay for carrying the mail on routes where it does not now pay. Sir, no other gentleman who has spoken upon this subject, except the gentleman from New York, [Mr. WILLIAMS,] has put it on that ground. The friends of the subsidy have said that they asked for it, not because it was for carrying the mails, but that it was in the interest of commerce. Does any one say that the sum of $500,000 a year is not sufficient to pay for carrying the mails from San Francisco to China? No one says so but the gentleman from New York, [Mr. WILLIAMS.]

Sir, it is a subsidy in the pretended interest of commerce, and nothing else. My friend from New York, [Mr. POTTER,] just behind me, says that this shall not be a precedent for him. Why, it is impossible not to make it a precedent. A court might as well make a decision upon general principles, and then turn around and say that it did not want that decision to be regarded as a precedent in other cases just like it. There are Atlantic lines whose claims upon the Government are as meritorious as those of the Pacific Mail; how could the gentleman from New York [Mr. POTTER] refuse those lines governmental aid after voting for this measure? If he did not vote for aid to these lines, he would be abused by the Secretary of the Treasury and the friends of this subsidy policy as opposed to the revival of American commerce and of belonging to a party that had a crab-like policy.

I am afraid that when we in our verdancy voted $50,000 to pay the expenses of the Japanese embassy we did not apprehend that we were setting up a job on ourselves. I believe that whole thing has been arranged for stage effect; that the Japanese embassy was brought over here by this very company that is now seeking this subsidy, for the purpose of influencing our legislation. And my good Japanese friend from Michigan [Mr. CONGER] has moved this amendment to increase the subsidy to this steamship line to the sum of $1,000,000 a year, in pursuance of a prearranged plan. Sir, it looks to me like a job all the way through.

My friend from Pennsylvania [Mr. Dickey] says there are those classes of men who will not vote for this proposition. I say that probably there are five or six classes who will go for it. Every lobbyist now in and around this Hall is in favor of it, as he is using his influence to pass it. Every banker, every broker, every speculator will go for it. Every man who has stock or is a director in either the Union Pacific Railroad, the Central Pacific Railroad, or the Pacific Mail Steamship Company will go for it. This steamship company is but the tail to the Central Pacific Railroad; their interests are identical. I am opposed to this proposition, because by the combination of these corporations you will crush out all competition, which is the life of trade. Any company which might be a competing line may be destroyed by the adoption of this proposition. We all know that it would at any time be bad policy to destroy a competing line in this country. Extending our commerce by destroying one line to enrich another is impossible.

I am opposed to it because it increases the revenues and influence of a corporation which spans this continent and the Pacific Ocean; a corporation owning $55,000,000 of our bonds, and property to the value of $300,000,000; a corporation to which that hydra-headed monster, the United States Bank, strangled to death by Jackson, cannot be compared; a corporation that can and does control the election of members of Congress in the States through which its roads pass; a corporation which possesses more influence for evil than all others combined, and one to which the liberties of this country are in danger of being sacrificed.—*Congressional Globe*, Forty-second Congress, second session, page 1842, May 20, 1872.

On the same day I voted in committee *against* that amendment, as gentlemen around me will testify.

May 21, 1872, the Congressional Globe, volume 91, page 3679, shows that I voted *for* the adverse amendment of Mr. HOLMAN, and the next page shows that I voted *against* the Senate amendment which increased the subsidy to $1,000,000.

Thus at every stage of the measure I opposed it, because I then thought it wrong in principle and think so yet.

Mr. MAYNARD. I am no longer a member of the Committee on Ways and Means, but I was a member of that committee in the last Congress. I mention this fact to show that I am probably at liberty to speak more freely than those gentlemen who were then members of the committee and are now members of the same committee, or than I would feel myself at liberty to do were I still a member of the Committee on Ways and Means. This subject of the Pacific Mail subsidy was under investigation by that committee during the last Congress. The names of certain gentlemen of the House were submitted to the committee as being implicated. The committee, feeling the gravity of the matter not merely to the character of the House, but more especially to the gentlemen concerned, without promulging what had appeared before them, gave these gentlemen an opportunity to present themselves before the committee and be heard in relation to it. They were satisfied, I believe without dissent, that so far as any imputation might have seemed to rest upon these gentlemen of the House, there was not the slightest foundation to believe that they had received anything directly or indirectly, or that their official action in voting for or against the subsidy had been in the slightest degree affected by any other consideration than their regard for public duty. In other words—and in this I speak of the whole of them—there was nothing to throw a suspicion upon the integrity and character of these several gentlemen whose names were mentioned; and for this reason the com-

mittee thought it just to them that the matter should be suppressed and not go beyond the limits of the committee.

Mr. BROWN. I ask the gentleman from Tennessee [Mr. MAYNARD] whether Hon. Boyd Winchester, of Kentucky, did not appear before the committee and make a most satisfactory explanation of his account with the Sergeant-at-Arms, and show by the records of the Globe and the Journal that he had throughout consistently voted against the Pacific Mail subsidy in all the stages of its progress through this House?

Mr. MAYNARD. That gentleman was one of the parties. I have strictly avoided repeating any names; but my remarks are intended to include all the gentlemen—the gentleman's then colleague among the rest. It is true he appeared before the committee as stated and made an explanation, which was regarded as satisfactory.

Mr. SYPHER. I rise to a privileged question, since that seems to be the order this morning.

Mr. Speaker, my name appears in the report of the New York Tribune in connection with that of the gentleman from Pennsylvania, [Mr. STORM,] who has spoken on this subject, as having had a thousand-dollar bill changed at the office of the Sergeant-at-Arms of this House. That is a fact. I have had several one thousand-dollar bills changed there, and I have received a number of one thousand-dollar bills from the Sergeant-at-Arms since I have been a member of this House. If my account for this Congress is examined it will be found to amount to between fifteen and twenty thousand dollars, and there has been no Pacific Mail subsidy that I have knowledge of in this Congress.

It has been my custom to do my banking business through the Sergeant-at-Arms of the House; I have drawn my drafts from home through him, and I have paid drafts drawn on me through him. If you will examine my account there, you will find that it runs up to a considerable amount—even more than lobbyists, newspaper men, or others are in the habit of receiving for their influence upon lobby measures.

Now, Mr. Speaker, I voted for this Pacific Mail subsidy, and I spoke for it on this floor. If I had an opportunity I would do the same thing again. I believed it was right then and I believe it is right now. I believe it is high time for this Government to look after its commerce on the seas. It is time for this Government to pattern after England and France in this matter, who pay millions annually to support their great steamship lines. But that was not the principal reason why I voted for this measure. We had on the Speaker's table a bill which had already passed the Senate giving $125,000 to a line between New Orleans and the ports of Mexico, and I advocated the Pacific Mail line and the Brazilian line in order that their friends might vote for our measure, which had greater merit than any other bill ever presented to either House of Congress on a subject of that kind. Here is a country lying within three hundred miles of us and having a trade of $52,000,000 a year that is carried in British bottoms away from our doors; and this Government in its unwise and stupid policy has neglected and failed to devise any measure to direct this immense commerce into American channels for the benefit of American citizens. It was in the interest of that bill that was to accomplish this purpose that I advocated and voted for this Pacific Mail bill; and I would do the same thing again under the circumstances. I received no money for voting for that measure, and no man will take the responsibility of making such a charge. I have given my sworn testimony and denial on this point before the committee, and therefore will not detain the House further. This is my explanation.

Mr. RANDALL. I rise to a personal explanation. I want to say, in justice to my colleague, [Mr. STORM,] that during all the period of the controversy about the Pacific Mail subsidy that gentleman never wavered a moment in his opposition to that measure; that he constantly conferred with me and repeatedly urged me on in my opposition to it. I looked upon him as one of the most faithful opponents of that subsidy in the Forty-second Congress.

Now, sir, I initiated this investigation in consequence of a conversation which took place between Mr. STORM and myself, in which I understood him to say (and I so stated to the Ways and Means Committee) that he had himself been offered money to vote for this subsidy. But notwithstanding I so understood him, in no degree did he ever at any moment in his congressional career, when this question was in any way directly or indirectly involved, show front except in opposition, and strenuous opposition, to the measure.

I deem this statement due to an honored colleague, four years' association with whom has shown to my mind that he is as pure a man as lives.

Mr. CHITTENDEN. I rise to a privileged question, and ask the Clerk to read a few words from the Chicago Tribune of Saturday, January 16.

The Clerk read as follows:

Mr. SIMEON B. CHITTENDEN, who was elected in Brooklyn last fall to fill a vacancy in the present Congress, appears to be another of the members caught in the Pacific Mail business. Five thousand dollars—and what was Mr. CHITTENDEN's service for the money? Everybody supposed he was rich enough to keep clear of the lobby.

Mr. CHITTENDEN. I do not suppose, Mr. Speaker, that the Chicago Tribune owes me any grudge; neither do I suppose that the Hartford Post, which is quoted by the Tribune as the author of the words just read, is in any degree unfriendly to me; but I wish to assure these very influential journals that they have for once mistaken their man. If there is anybody bearing my name in any wise complicated with the Pacific Mail business, it is not SIMEON B. CHITTENDEN, father or son, both of Brooklyn. And lest in clearing my own skirts I shall seem to reflect upon others, I will stop just here. But as the chairman of the Committee on Ways and Means [Mr. DAWES] is present, if he has any information bearing directly upon the point, perhaps he will in his discretion give it to the House in this connection.

Mr. DAWES. Mr. Speaker, I wish simply to state that I have in my hand the affidavit of Mr. L. E. Chittenden, of New York, saying that he is the man who received the money.

Mr. KASSON. The testimony before the Committee on Ways and Means shows that L. E. Chittenden, and never S. B. CHITTENDEN or SIMEON B. CHITTENDEN, was mentioned.

Mr. NIBLACK. Mr. Speaker, I have a dispatch from a late colleague of mine, Mr. D. W. Voorhees, which I ask to have read in the hearing of the House.

The Clerk read as follows:

TERRE HAUTE, *January* 18, 1875.

Hon. WILLIAM E. NIBLACK or Hon. J. B. BECK,
Washington, District of Columbia:

Specials from Washington to the Saint Louis Democrat, Cincinnati Gazette, and Chicago Inter-Ocean seek to implicate me in the Pacific Mail subsidy on Dillon's testimony. No greater outrage was ever perpetrated. Took leave of absence May 21 for the balance of the session, knowing nothing about the bill. I had no thousand dollar bill at that time nor the tenth of it, and I made no deposit of any amount with any one. If necessary for my vindication, summon me at once. I court and defy investigation. I never heard tell of the lobby in the interest of the subsidy. My innocence is absolute and must be made to appear. Answer.

D. W. VOORHEES.

Mr. NIBLACK. I desire for a moment to say that I have examined carefully Mr. Voorhees's account with the Sergeant-at-Arms at that time, and find no such deposit made to his credit in the year 1872. Mr. Voorhees has been summoned before the Committee on Ways and Means, and in all probability will soon be here.

Mr. BECK. Mr. Speaker, I have received a dispatch from one of my former colleagues in this House, Mr. Boyd Winchester, who also has been falsely libeled in this matter. He was a member of the last House of Representatives. He has been summoned, and will be here to speak for himself by day after to-morrow. I wish only to add that the record shows from beginning to end Mr. Winchester voted against this Pacific Mail subsidy—upon the yeas and nays and everywhere else—and that he appeared before the committee during the last Congress and made such a full and clear statement of all the facts that the committee refused to consider the matter further. He will do it again when he comes here.

WHITELAW REID.

Mr. E. R. HOAR. Mr. Speaker, I rise to a question of privilege, and offer the following resolution:

The Clerk read as follows:

Resolved, That a committee of five members be appointed by the Speaker to inquire whether the privileges of this House have been violated by the arrest and detention of Whitelaw Reid, of New York, at the suit of Alexander R. Shepherd, while said Reid was within the District of Columbia under a subpœna of a committee of this House authorized to send for persons and papers, and for the purpose of attending and returning as a witness before said committee; that they consider and report whether any and what legislation is necessary or expedient for the protection of witnesses coming into this District by order of either House of Congress.

Mr. E. R. HOAR. Mr. Speaker, this House has not, as the Senate has, a committee on privileges; and while so many questions are occurring, it perhaps would be desirable there should be such a committee of the House, or that the Committee on Elections, as in the Senate, should also be a committee on privileges. There has been handed to me by a member of the House a statement giving a recital of facts referred to in the resolution. I thought it preferable to move a resolution of inquiry rather than one which would assert any state of facts in advance of investigation, as I was not of course prepared to make the statement upon any personal knowledge of my own of what had occurred. But it seems to me unless the privileges of the House do cover the protection of a witness compelled to attend in this District under the order of the House that some legislation which should extend a similar privilege to that which members of the House have of exemption from arrest, except for treason, felony, and breach of the peace, should be provided in such cases, and that it should be understood that no person can be summoned here and the fact used to his detriment in any of his civil relations.

Mr. COX. I ask my friend from Massachusetts whether this resolution gives power to that committee to report a law of any kind?

Mr. E. R. HOAR. The words "with power to report at any time" are not included in the resolution.

The SPEAKER. That is not necessary if it is a question of privilege.

Mr. COX. Do I understand they are authorized to report a law on this subject? I hope there will be no delay, because this man is entitled to be at large at once.

Mr. E. R. HOAR. I demand the previous question, unless some gentleman wishes to be heard on it.

Mr. BUTLER, of Massachusetts. Is that resolution open for discussion?

The SPEAKER. The gentleman from Massachusetts [Mr. E. R. HOAR] demands the previous question upon it.

Mr. BUTLER, of Massachusetts. I should like to say a word.

Mr. E. R. HOAR. I said that if any gentleman wished to speak upon the resolution I would yield to him for that purpose.

Mr. BUTLER, of Massachusetts. I do desire to say a word.

Mr. E. R. HOAR. Then I yield to my colleague.

Mr. BUTLER, of Massachusetts. I have stood here heretofore insisting that the privileges of this House do not extend to interfering with everybody's business and everybody's rights; to the imprisoning and setting at large of persons that the House may think fit should be imprisoned or set at large. Nor do I think that this House should interfere with the administration of criminal justice. If Mr. Reid should send into this District a packet of poison by which any man receiving it should receive injury in his person, he would be liable to be brought here by process and tried criminally for that act. But it is claimed that if he only sends a package of malicious falsehood, by which the reputation and good name of some citizen of this District are struck down, he may do it day after day without any animadversion; and if a law is or is supposed to have been passed which would make him amenable for the civil and for the criminal injury that he has done, that moment all the country should arouse, and we are called upon to extend the privileges which the Constitution has extended alone over us to him. I do not speak of the individual, but I speak of the principle; and I only use Mr. Reid's name because his name has been brought before the House.

I observed with some feeling, which was not akin to admiration, that when Mr. Reid was examined by the Committee on Ways and Means of this House, it was a secret examination. I observed that when others were examined, less shining lights of the press, it was an open examination. I assume that the Committee on Ways and Means had good reason for that; and although I say I did not admire it, yet it was none of my business and I say nothing about it, only that it shows how differently we treat the editor of one of these leading journals from what we do when we catch a poor correspondent who only gets $25,000 to turn over to the editor of a newspaper.

Now, then, sir, the privileges of the House are, it seems to me, no greater than those of a court of justice. And when a witness goes to a court of justice, unless he gets a protection from that court in the shape of a writ of protection in advance, he is not protected under the law in any State of this Union against a civil arrest; and no court ever yet undertook to protect a witness against criminal arrest when summoned by a judicial tribunal of the country to answer for a crime.

Now, if we are going to say that libel is no crime, be it so. I agree it has got to be a business, but I think it has not yet had taken away from it its distinctive character of crime. Why are we called upon to interfere? Mr. Reid has his full and adequate remedy in the judicial tribunal. If the judicial tribunal of the country, if the court by which he is holden thinks that Mr. Reid was protected as a witness from arrest either civil or criminal, it can enlarge him by setting aside the arrest as would be done by the court where a witness was appearing before it under its protection.

But why is it, Mr. Speaker, that when the business of the country is suffering; why is it when there has been no movement yet to amend our tax laws by which a threatened deficit in the Treasury may be averted; why is it while a whole section of the country is in a state of anarchy and confusion that requires all of the statesmanship, all of the time of this House to deal with the great questions that are pressing upon us in that regard—why is it that under these circumstances so large a portion of our time is taken up with these mere incidentals? Why is it when our Committee on Appropriations are rightly pressing out the morning hour in order that the necessary appropriations may not fail, excluding all ordinary business of the House, why is it that the morning hour and the evening hour are day after day taken up with these questions? Why not allow the ordinary judicial tribunals of the country to deal with men's rights while we deal with making the laws for the whole country?

Now, then, to come to the exact proposition of my colleague, it is, as I heard it from some who favor it, that we instantly and without examination at once make a law upon this subject. That law cannot affect Mr. Reid. We cannot make a retroactive law.

Mr. E. R. HOAR. My colleague will allow me to correct him. He will find no such proposition in the resolution. And when he says that is the proposition I think he misapprehends it. It is simply a resolution of inquiry.

Mr. BUTLER, of Massachusetts. Pardon me; I say I heard the proposition as I came in as stated by some who favor it.

Mr. E. R. HOAR. I supposed my colleague was discussing the proposition before the House. It seems he is not.

Mr. BUTLER, of Massachusetts. I am discussing the proposition before the House. I say we cannot affect Mr. Reid in regard to his arrest if it be lawful, or his arrest if it be unlawful by anything we may do; and why should the House undertake to interfere by making a law under pretense that the privileges of this House are invaded which shall interfere with the action of the judicial tribunals?

I am aware that my colleague the other day insisted that the House was, as I understood it from the RECORD, above and beyond all judicial tribunals; but I appeal from my colleague as a member of the House, to my colleague as a judge. I hold in my hand the opinion of my colleague when he was on the bench of the supreme court of Massachusetts, and when a question came up there exactly as it comes up here; and if the Clerk is in good voice, will he read those lines that are marked there?

The Clerk read as follows:

The house of representatives—

Mr. BUTLER, of Massachusetts. Pardon me; begin where I marked. The paragraph begins "HOAR, Justice."

The Clerk then read as follows:

HOAR, Justice. The house of reprepresentatives is not the final judge of its own powers and privileges in cases in which the rights and liberties of the subject are concerned; but the legality of its action may be examined and determined by this court. That house is not the Legislature, but only a part of it and therefore subject in its action to the laws, in common with all other bodies, officers, and tribunals within the Commonwealth. Especially is it competent and proper for this court to consider whether its proceedings are in conformity with the constitution and laws, because, living under a written constitution, no branch or department of the government is supreme; and it is the province and duty of the judicial department to determine, in cases regularly brought before them, whether the powers of any branch of the government, and even those of the Legislature in the enactment of laws, have been exercised in conformity with the constitution, and if they have not been, to treat their acts as null and void.

Mr. BUTLER, of Massachusetts. I want no better doctrine than that. It meets my concurrence in every way and in every form. It is one of those exact, trenchant, and clear expositions of principle which I should have expected from my colleague standing anywhere, and I want to apply it to this case. We are acting under a written Constitution here. That Constitution gives members of Congress exemption from arrest except in case of felony, because it is necessary that we should be here to do our public business, but there is no such necessity in the case of a witness summoned before us. There is no privilege given to him by the Constitution. There is no case, I think, in parliamentary law where the Parliament of England has claimed any such right.

Mr. RANDALL. Will the gentleman allow me to interrupt him to have read a case in which the Parliament of England in 1835 decided as it is now proposed to decide?

Mr. BUTLER, of Massachusetts. What is it the gentleman wishes to have read?

Mr. RANDALL. A report from the British Parliament in 1835, where the House of Commons held that a witness was safe from arrest while under its control.

Mr. BUTLER, of Massachusetts. O, certainly, sir; let it it be read. I am pursuing the truth and want nothing else.

Mr. RANDALL. Will the Clerk then read what I have sent up marked?

The Clerk read as follows:

The order of the day being read, for taking into consideration the matter of the complaint made to the house yesterday, that Mr. Alexander Dean, while in attendance on the select committee appointed to take into consideration the duties on timber, had been arrested by a sheriff's officer;

And Mr. Alexander Dean attending, according to order, he was called in and examined, and produced the order for his attendance on the said committee, together with his discharge from the said committee, by which it appeared that the time allowed for his return to Cork extended till the 10th day of this instant August; and then he was directed to withdraw.

Mr. BUTLER, of Massachusetts. What is the date of that?

The CLERK. Eighteen hundred and thirty-five.

Mr. RANDALL. They gave the man time to get home.

Mr. BUTLER, of Massachusetts. If I understand that case it is a different case from this. That man was in attendance on the House, and they wanted him for their purposes and took him out of arrest for their purposes under that order; but as I understand it in this case Mr. Reid had gone away from the committee. They had got through with him; had cross-examined him and re-examined him and had done everything else that they chose to do with him with mildness and comfort to him and satisfaction to themselves, I doubt not. But when he had gone away from the committee, I ask where do you get the power under a written Constitution to extend this privilege to him? If we have the power to extend it to him, we have the right to extend it to everybody in every conceivable form. But my friend may say, "Why, we cannot go on with the investigation unless you take this course." Well, for myself, as to this kind of investigation that is going on, I do not see any necessity for it. I do not think anything is gained by it to anybody either in knowledge or anything else. But we can send a sub-committee to New York, and there in the cushioned seats of the sanctum of the editorial-room of the Tribune we can have Mr. Reid examined, where he will not be liable to be arrested.

What, then, is the proposition? The proposition is that we shall pass not a law but that we shall say it is one of our privileges to exempt from arrest, criminally and civilly, any man whom we choose; for if we can exempt Mr. Reid from arrest we can exempt every other man, our power being only limited by our own discretion.

Now, sir, as a citizen, looking forward from the precedents set up in this time of quiet to more troublous times, I am opposed in every form to this House undertaking to extend its privileges one inch beyond the Constitution of my country.

Mr. E. R. HOAR. I did not propose to yield for the purpose of a discussion of what might be the report of the committee. I do not know that it would be becoming in me to suggest that my colleague [Mr. BUTLER, of Massachusetts] might perhaps frequently improve the solid of his speeches by citations from the fountains of the law.

Mr. BUTLER, of Massachusetts. I have done so in this case.

Mr. E. R. HOAR. I should have been glad if he had cited, had we been about to discuss this matter in full, such an authority as Cushing's great work on Parliamentary Law, or May on Parliamentary Law, each of which seems to me to differ somewhat from my colleague on all the propositions that he has maintained. I do not, however, propose to reply to him or to read authorities. I wish simply to call the attention of the House to his repeated misstatements of the resolution before us, after he had had his attention called to it by myself. He stated that this resolution proposed to do something. It has in it not a single proposition, except that the committee shall be appointed to inquire. As I suppose, a large proportion of the members of this House do not share my colleague's omniscience on every subject, and his preparation to dispose of it *ex cathedra* as soon as a suggestion is made in the House. It seems to me that in making a proposition on a subject that is attracting so much public attention in the House and out of the House at the present time, it was wise that it should be investigated, inquired into, and reported upon by a committee of this House. I now move the previous question.

Mr. DAWES. Permit me one moment.

Mr. KELLEY. I ask the gentleman to yield to me for a few moments.

Mr. E. R. HOAR. After the previous question shall have been ordered I will yield.

Mr. KELLEY. There will be no time for discussion after that.

Mr. E. R. HOAR. I will yield to the gentleman from Pennsylvania [Mr. KELLEY] for five minutes, while I still hold the floor.

Mr. KELLEY. Mr. Speaker, I desire to impress upon the House the fact that the question now before us does not relate to the gentleman who was arrested yesterday so much as it does to the rights of this House. I remember an occasion when the question of the right of a witness to return to her home unaffected by a warrant of arrest came wellnigh making me the instrument of the conversion of one of the court-rooms of Pennsylvania into a scene of fearful bloodshed, and probably of bringing on war between the State of Pennsylvania and the United States Government. There were four humble black men in the prisoner's dock charged with the offense of assault and battery, and with the larceny of certain female apparel belonging to a gentleman of North Carolina by the name of Wheeler, who had then recently been commissioned by this Government as its minister to Nicaragua. The property they were said to have stolen from him was the clothes worn by a slave who after her escape had assumed the name of Jane Johnson. The defendants had entered the plea of not guilty. She alone could tell the facts upon which the liberty or the imprisonment of those four men depended, and they had caused her to be subpœnaed. Her immunity from arrest was not a question of the rights of the court or witness, but was a question vital to the liberty of those four humble citizens then without political power.

The United States Government through the district attorney attempted to deprive them of that right. The district attorney of the United States came to the court-room and sat within the bar beside the local prosecuting attorney. At each of the doors of the court-room stood a deputy marshal or a marshal of the United States holding a warrant for the arrest of the witness, Jane Johnson, as a fugitive slave. She had notice from her friends that the law, through the court, would protect her while coming to the court, while at the court, and while returning from the court. Representing the State of Pennsylvania as one of her judges, I, on the evening preceding the trial, interrogated the officers of the court as to who among them shrank from laying down his life or taking the life of another in vindication of the law of Pennsylvania within its court-room or upon its threshold. Two of them were excused and others substituted for them. I also conferred with the then district attorney, William B. Mann, esq., and received his co-operation. The trial came on. In the body of the court-room sat fifty armed men, ready at the risk of their lives to vindicate the majesty of Pennsylvania's law by securing the immunity from arrest of that alleged fugitive slave.

Yesterday, sir, the privileges of this House were assailed in the person of a witness it had caused to be subpœnaed; and I care not how much the individual in whose person they are assailed may have maligned others or myself, I shall stand up for the privileges of the House, as I then was ready to stand up for the duty of the court of Pennsylvania to maintain the privileges of the people whose rights and liberties were assailed by the threatened arrest of a witness whose testimony was believed to be essential to their case.

Now, sir, what was the result on that occasion? By the arrangement of Mr. Mann, three carriages stood in front of the court-room door with drivers upon the boxes, and with companions not chary of exhibiting the weapons with which they were armed. The woman came to court attended by Lucretia Mott and Sarah Pugh, two elderly Quaker ladies. She did testify, and when her testimony closed she sat herself between those two women. The district attorney of the United States, my personal friend, said to me——

Mr. E. R. HOAR. I do not know that I can yield further.

Mr. KELLEY. One moment, if you please. The United States district attorney said to me with profane emphasis, "She must be taken, if I take her." To which with equal emphasis I replied, "If she is taken by your hand, you die by my hand; and if by your marshals, they will die by my agents and my orders." She went from the court-room, and Minister Wheeler never recovered his property. As, sir, I maintained that right then, I trust this House will not refuse to inquire by a committee whether there should not be express law by which it may maintain the freedom from arrest of those it summons as witnesses.

Mr. E. R. HOAR. I now yield a moment to my colleague, [Mr. DAWES.]

Mr. DAWES. I do not wish to thrust myself in to disturb the harmony, or interfere with this delightful episode between my two colleagues, the first of the kind that I have had the pleasure to enjoy, but somewhat to express my regret that the Committee on Ways and Means has lost the admiration of my colleague on my right, [Mr. BUTLER, of Massachusetts.]

Mr. BUTLER, of Massachusetts. No, they have not.

Mr. DAWES. Because of the unfortunate circumstance that he has fallen into an error of fact unusual to him. The Committee on Ways and Means did not examine this witness in secret; they never took a syllable of testimony from him in secret.

Mr. BUTLER, of Massachusetts. Well, I believed the newspapers; I beg my colleague's pardon.

Mr. DAWES. My colleague is usually accurate; but on this occasion he has unfortunately fallen into an error. Whatever testimony this witness gave before the committee was given in public.

While I am up I wish to add that although I have no occasion myself to entertain any very kindly feelings toward this witness—while he, in the opinion of the committee, volunteered to do members of the committee a grievous wrong in his testimony without the slightest occasion or foundation—yet I desire myself, if there be no law covering such a case as this, to urge upon the House the necessity of such a law. If a witness cannot be protected in attendance upon committees of this House, and in coming and returning, we shall not be able to bring witnesses here.

Mr. BUTLER, of Massachusetts. Does my colleague claim that any witness ought to be protected from criminal arrest?

Mr. DAWES. Certainly not from any such criminal arrest as for felony or breach of the peace; and I do not care to discuss whether a libel would be reckoned in that class.

I think there is no man in public life who has suffered more at the hands of an unbridled and unlicensed press than I have; but when I shall feel myself called upon to appeal to the law rather than to my own life and character for vindication against the false charges that may be made in the press, I shall feel that I have sunk so low that my character would not be worth any such resuscitation as the law could bring to it, and I should consider it quite a work of supererogation to take any trouble about it.

I desire to vindicate the Committee on Ways and Means from either any participation in or any countenance of this attempt to reach in this way one of these witnessess whom they have been instrumental in bringing within the reach of process here. I think I speak for the committee in saying that one and all they not only look upon this proceeding as unlawful, but, if there were no law about it, as unwise and impolitic as it could possibly be; and that therefore it should be at once abandoned as unwisely and wrongfully begun and as certain to bring upon its authors, whoever they are, discomfiture and contumely rather than redress.

Mr. BUTLER, of Massachusetts. Will my colleague allow me to suppose a case? Irwin is now confined as a witness to be held till the 4th of March. Suppose there were a note of hand of his outstanding which would be outlawed between now and the 4th of March; is he to be exempt from any civil process so that it may be outlawed?

Mr. DAWES. O, no.

Mr. RANDALL. Before the vote is taken I ask consent to call attention to the following authorities bearing upon this question:

As yet the personal privilege of members and the ancient privilege of their servants have alone been noticed. These were founded upon the necessity of enabling members freely to attend to their duties in Parliament. Upon the same ground a similar privilege of freedom from arrest and molestation is attached to all witnesses summoned to attend before either House of Parliament or before parliamentary committees, and to others in personal attendance upon the business of Parliament, in coming, staying, and returning. (May's Parliamentary Practice, 136.)

In order to enable persons whose testimony is wanted before either house of Parliament or a committee to give their attendance and to testify fully and freely to all matters and things within their knowledge, certain privileges analogous to those of members are attributed to them. These privileges are of three kinds: First, freedom from arrest in coming, staying, and returning; second, protection against the consequences of the disclosures which they may make in their evidence; and third, protection against personal violence or threatened injury in consequence of their being witnesses. (Cushing's Law and Practice of Legislative Assemblies, 395.)

Mr. E. R. HOAR. I believe I cannot give way further for a discussion of the merits of proposed legislation upon a mere resolution of inquiry. I did not even stop to reply to my colleague's statement of what I said the other day in the House, which he so much misrepresented. I now move the previous question.

Mr. BUTLER, of Massachusetts. And I move to lay the resolution on the table.

The question being taken on the motion of Mr. BUTLER, of Massachusetts, there were—ayes 44, noes 79; no quorum voting.

Tellers were ordered; and Mr. E. R. HOAR and Mr. BUTLER, of Massachusetts, were appointed.

The House divided; and the tellers reported—ayes 45, noes 102.

So the motion of Mr. BUTLER, of Massachusetts, was not agreed to.

The question then recurred on seconding the demand for the previous question on agreeing to the resolution.

The previous question was seconded and the main question ordered.

Mr. BUTLER, of Massachusetts. I call for the yeas and nays on agreeing to the resolution.

The yeas and nays were ordered.

The question was taken; and there were—yeas 187, nays 45, not voting 56; as follows:

YEAS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barrere, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Bullinton, Bundy, Burchard, Burleigh, Burrows, Cain, Caldwell, Cannon, Chittenden, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Conger, Cook, Corwin, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Davis, Dawes, DeWitt, Dobbins, Donnan, Durham, Eames, Farwell, Finck, Foster, Freeman, Giddings, Glover, Gooch, Gunckel, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, Hodges, Holman, Houghton, Hubbell, Hunter, Hynes, Kasson, Kelley, Kellogg, Knapp, Lamar, Lamison, Lawrence, Lawson, Leach, Lewis, Loughridge, Lowndes, Luttrell, Lynch, Magee, Martin, McCrary, James W. McDill, McLean, McNulta, Merriam, Milliken, Mills, Monroe, Morey, Morrison, Myers, Neal, Nesmith, Niblack, O'Brien, O'Neill, Orr, Orth, Packer, Page, Hosea W. Parker, Pendleton, Perry, Pierce, Pike, Poland, Potter, Pratt, Rainey, Randall, Ransier, Read, Robbins, Ellis H. Roberts, James W. Robinson, Henry B. Sayler, Milton Sayler, Henry J. Scudder, Sener, Shanks, Sheldon, Sherwood, Sloss, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Southard, Stanard, Standiford, Stephens, Stone, Storm, Strait, Swann, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Tremain, Tyner, Vance, Waddell, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Whitehead, Whitehouse, Whitley, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—187.

NAYS—Messrs. Barry, Biery, Benjamin F. Butler, Roderick R. Butler, Cason, Cessna, Coburn, Comingo, Cotton, Crooke, Danford, Darrall, Dunnell, Eldredge, Field, Fort, Hagans, John W. Hazelton, Howe, Hyde, Lansing, Lofland, Lowe, Maynard, Moore, Negley, Nunn, Isaac C. Parker, Thomas C. Platt, Rapier, Ray, Richmond, Sawyer, Sessions, Sheats, Lazarus D. Shoemaker, Sloan, William A. Smith, Sprague, Starkweather, Strawbridge, Todd, Wallace, White, and Wilber—45.

NOT VOTING—Messrs. Averill, Barnum, Bright, Buckner, Carpenter, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Duell, Eden, Frye, Garfield, Harmer, Hays, Hersey, George F. Hoar, Hooper, Hoskins, Hunton, Hurlbut, Kendall, Killinger, Lamport, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Niles, Packard, Parsons, Pelham, Phelps, Phillips, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Ross, Rusk, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Smart, George L. Smith, J. Ambler Smith, Speer, St. John, Stowell, Sypher, Townsend, Walls, Wheeler, and Jeremiah M. Wilson—56.

So the resolution was adopted.

Mr. E. R. HOAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair announces the following as the committee under the resolution just passed: Mr. E. R. HOAR of Massachusetts, Mr. R. S. HALE of New York, Mr. GODLOVE S. ORTH of Indiana, Mr. HIESTER CLYMER of Pennsylvania, and Mr. MILTON SAYLER of Ohio.

PERSONAL EXPLANATION—PACIFIC MAIL.

Mr. HAYS. When several members made personal explanations this morning concerning certain charges in the New York Tribune on the subject of the Pacific Mail subsidy, I was absent from the Hall. I deem it a duty to myself as well as to the members of this Congress and my constituents to make an explanation, and that explanation consists is this, that never since I have been a member of Congress have I had a thousand-dollar bill to my knowledge, and therefore could not have one broken up at the Sergeant-at-Arms's room, nor could I have deposited one there. As to the bill itself, I voted for it because I deemed it a proper measure, and would vote for it again if it were before the House.

RECUSANT WITNESS—CHARLES A. WETMORE.

Mr. DAWES. Mr. Speaker I am directed by the Committee on Ways and Means to submit the following, which I ask the Clerk to read.

The Clerk read as follows:

The Committee on Ways and Means, to whom was referred the subject-matter of the employment of money to procure legislation by Congress in aid of the Pacific Mail Steamship Company, submit in part the following report:

That in pursuance of the power conferred upon them by the House "to send for persons and papers and to administer oaths in any matter from time to time pending and under examination before said committee," they caused one Charles A. Wetmore, of San Francisco, to be summoned before them for the purpose of giving testimony, and the said Wetmore, after having been duly sworn, did, on the 19th day of January, testify among other things as follows:

CHARLES A. WETMORE, being duly sworn, and being under examination before the Committee on Ways and Means, the following proceedings took place:

By Mr. BECK:

Question. What reason, if any, was given to you as to why I would not examine Mr. SCHUMAKER?

Answer. Because he was a democrat.

Q. Was that the only reason?

A. Yes.

Q. I did not know but that somebody might have told you that I had had part of the money?

A. No.

Q. You speak in your dispatch of "strange rumors being afloat regarding Mr. BECK and the Pacific Mail subsidy;" what are they?

A. I expect that part of that statement arose from very strange rumors which I had heard, that you would not pursue the matter now that SCHUMAKER was involved in it.

Q. That I would "weaken on" a democrat?

A. Yes; the rumor, I think, came to me that Mr. Fant had sent somebody to you; and there was some reference made to checks having been traced, or something of that kind.

Q. Checks traced where?

A. To you.

Q. Who told you that?

A. I do not know that there was more than one check.

Q. Who told it to you?

A. The statement came to me from a party whom I do not recollect.

Mr. BECK. I want the man's name?

The WITNESS. I think it can be verified through Mr. Fant.

Mr. BECK. Give me the man's name?

The WITNESS. It was not stated to me as a fact, and I did not publish it as a fact, and I do not state it now as a fact.

Mr. BECK. I want the author of the rumor; give the name of the man who told you.

The WITNESS. I appeal to the committee. I have not charged anything here.

The CHAIRMAN. No matter about that. Answer the question.

Mr. BECK. If you have not charged anything directly, you have done it by indirection. It is a flat lie, which you should be glad to clear yourself of by telling its author.

The WITNESS. I have not stated it.

Mr. BECK. Tell us who told you what you did hear.

The WITNESS. The information came to me from a friend of mine.

The CHAIRMAN. You know your friends. Give the name.

The WITNESS. It is impossible for me without seeing him first, as it was in the nature of confidence.

Mr. BECK. There can be no confidence in such a matter.

Mr. NIBLACK. I insist upon the question being answered speedily.

The CHAIRMAN, (to witness.) Will you answer, or do you decline to answer?

The WITNESS. I shall have to decline to answer until I see the party.

Mr. BECK. I put the question to you again. I have already put it in a form which I thought would certainly require an answer from any one calling himself a gentleman, when I said that it was a baseless, malicious lie. Now, I again put the question to you. Tell us the name.

The WITNESS. If the committee will give me till to-morrow I will ask the party for permission to state his name.

Mr. BECK. The committee will not give you with my consent one moment.

The CHAIRMAN. Let us understand. Do you decline to answer the question?

The WITNESS. I must decline until I can see the party.

The committee are of opinion, and report, that it is necessary for the efficient prosecution of the inquiry ordered by the House that said questions should be answered, and that there is no sufficient reason why the witness should not answer the same, and that his refusal is in contempt of this House.

The committee recommend the adoption of the accompanying order:

Ordered, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Charles A. Wetmore, and him bring to the bar of the House, to show cause why he should not be punished for contempt, and in the mean time keep the said Wetmore in custody to await the further order of the House.

Mr. DAWES. I will not detain the House but a moment. The difficulties which the committee encounter in prosecuting the inquiry under the order of the House have seemed to take the form of an organized attack upon the character of individual members of the committee. Indeed, it is avowed in certain quarters unless we desist from pursuing certain inquiries the character of members of the committee will be attacked. The committee therefore feel called upon to ask the House to ferret out all of these accusations. In this instance this witness testifies that he has been informed a check has been traced into the hands of a member of the committee. The House does not need any vindication of that member of the committee, but the public may be misled in the matter unless this charge be ferreted out. The House can very readily see, unless the Committee on Ways and Means places itself, like Cæsar's wife, above suspicion, it might as well be discharged from further action on this subject.

Mr. BUTLER, of Massachusetts. Do I understand my colleague to say that this witness is in contempt for not answering to the charge that what he said was "a baseless, malicious lie?"

Mr. DAWES. He has refused to answer who gave him the information he said he had, that a check was traced into the hands of a member of the committee.

Mr. BUTLER, of Massachusetts. I wish to have an answer whether he is to be arrested because he did not answer the question whether he did not know it was "a malicious lie."

Mr. DAWES. My colleague will see that a member of the committee did respond in that way. The question was put independently of that response, and this witness refused to answer from whom he received the information.

Mr. BECK. Mr. Speaker, the House has heard a portion of the examination of Mr. Wetmore and the order the committee desire from the House. I am of course especially anxious that he should be brought to the bar of the House and required to answer the question put to him. In order that the House may understand exactly the nature of the question put to him, I wish to call attention to a few extracts from his dispatch dated Washington, January 4, 1875, to the Daily Alta California, San Francisco, in which, among other things, he says:

Leading members of the committee, particularly DAWES and BECK and others, who at first were very severe in denouncing Irwin and in calling for an investigation, have become singularly silent or slow in the pursuit of news. Papers which denounced Irwin as a thief and charged him with pocketing the money which was spent in Washington have all ceased, and, strange to say, Irwin is to-day scarcely criticised.

Developments of the investigation have produced an ominous calm, and a sudden disposition to check further inquiry is noticeable.

And so on. Then comes this:

A strange rumor is afloat regarding BECK and the Pacific Mail subsidy. Altogether Irwin is the only self-collected man in this dirty business, and to-night he is practically master of the situation.

Supposing that a man who would write an article like that had some information on which he could base it, the committee summoned him before it this morning; and when the question read in

the hearing of the House was put to him—only a part of the examination having been read here—it turned out that he was utterly unable to state a single fact or give any information as to any act of myself or any member of the committee, or any failure of any member to call out anything which would elucidate all the facts bearing upon this investigation, or to justify in any form any of the statements made by him. I then examined him, as the House has heard. The first excuse he made was that I was not prosecuting the case earnestly, because Mr. SCHUMAKER was a democrat. Now, sir, everybody knows, or can know, that from the beginning to the end of the investigation with which we were charged I was present, asking every question that could be thought of, and trying to get to the bottom of this matter. I have done so from the beginning of these proceedings until now, and I will continue to do so to the end. I put a question to him, as the House will observe, about one of those "strange rumors" so far as it affected myself. He had said that, among other things, there was a rumor that money had been traced to me—not a fact, but a rumor. I asked him, "Who told you so?" His reply was, "I decline to answer until I see my friend." I insisted on an answer and the committee insisted. He refused to answer, and we have brought him to the bar of the House.

It occurs to me that it is not only due to me but due to the House and to every member of it that he shall be required to answer the question promptly, so that we may get the whole truth in this matter. If I have ever in any form, in that subsidy or in anything else during the eight years of my service here, received a bribe or done anything unworthy of a member of the House, let me be expelled. I characterized the charge in the committee as I thought it deserved, using language which, although perhaps not quite parliamentary, I knew to be just, and I thought would elicit an answer. I said there, and I repeat here, that the statement, come from what source it might, that I have either received money or done anything else unworthy of my position as a member of the House, was a baseless, malicious lie. I want to call such a statement by its right name. And I want to say—because the man may refuse to answer at the bar—to this House that in all that Pacific Mail subsidy matter, from beginning to end, I not only acted according to my own convictions by voting steadily against it, but I expressed those convictions freely on this floor. When the matter was pending here many gentlemen came to see me. Mr. Irwin saw me. Mr. Stockwell saw me, introduced by a leading member on this side of the House. Mr. Garrison spoke to me. Several of them laid papers before me, which I carefully studied so as to be able to understand the merits of the question, and do full, fair, and impartial justice to all.

I have made it a habit since I have been here to see all men who have legitimate business and apply to me to hear what they have to say, and to treat every man courteously as I think a Representative ought, and to ascertain if there was merit in their case. I looked all over this matter. But as early as the 15th of March, when this question first came up—and I want gentlemen to have an opportunity to turn to the Globe, so as to understand what were the facts in the case if the witness does not finally answer—when the proposition first came before the House, after mature reflection and consideration I made as vigorous a speech as I knew how, occupying two columns and a half of the Globe, against the whole subsidy. That speech will be found in the Globe, volume 88, page 1657. So earnestly did I speak against it, that I was taken to task for what I had said by Mr. Bingham, of Ohio, in a speech which he afterward made. Not content with that, as the discussion still further progressed—my friend from Indiana, then a member of the House and now sitting by me, Mr. Kerr, and other gentlemen on this side were making speeches against it—I made another speech, quite an elaborate one considering the time that was allowed me, which will be found in volume 89 of the Globe, page 1815, in which I again opposed the subsidy and showed it was the entering-wedge to a great series of unjust and oppressive subsidies. I tried to show that it was bad policy, and said all a man of no more ability than I possess could say against the measure. No man did more against it than I did. I was taken to task for that speech also, by the gentleman from Pennsylvania [Mr. MYERS] and others. And when the final vote came to be taken—the vote of the House standing 87 to 92—I was found voting against it.

The bill went to the Senate. We had defeated the proposition for the Pacific Mail subsidy in the House, but the bill came back to us from the Senate again with the subsidy adopted there. Further discussion was had. When the yeas and nays were called upon it, it passed by a vote of 110 to 87, and I am found recorded as voting in the call of the yeas and nays against it. A motion was afterward made by a member from New York to reconsider the vote whereby the Brazilian subsidy was lost. I rose again; and in order that the House may understand my position I want to read a few lines from what I said on that occasion:

Mr. E. R. HOAR. Mr. Speaker, I think that a personal explanation ought not to go to the length the gentleman is going in giving speeches made by him in a former Congress.

Mr. BECK. I shall read but a few lines to explain my position. I do not regard it as a personal explanation. I said:

It was bad enough that this House, having after three days' discussion rejected by a vote of 92 to 87 the subsidy for the Pacific Mail Steamship line, should turn round and in less than two weeks, by a vote of 109 to 88, vote that money away from the people. Men who thus changed their votes had doubtless good reasons for doing so, though none, so far as I know, gave the reasons. But the fact stands recorded that the House, after having rejected that proposition by a vote of 92 to 87, agreed to it in less than two weeks afterward by a vote of 109 to 88. That fact also stands recorded that five days ago, by a vote of 112 to 64, the House rejected this proposed subsidy for this Brazilian line; yet now, forsooth, we are expected to pass it, and I hope the country will demand the reasons of those who change and vote for this proposition now, if they fail to give reasons satisfactory to the House.—*Congressional Globe*, volume 91, page 3872.

Men who are corrupt, or who do not feel fully conscious of their own integrity, are not apt to speak in that way. Again, on the day afterward, as will be seen by reference to page 3878 of volume 91 of the Globe, in answer to the gentleman from New York, [Mr. Brooks,] I made as earnest a speech as I could against this and all other subsidies.

Mr. Speaker, I make this statement for the purpose of showing the importance to me in the face of such a record of having these questions answered. I have already denounced the statement of the witness as false, and I again denounce all charges, suggestions, or intimations that I have accepted bribes on this or any other question for my action on this floor during my eight years of service in the most emphatic language that parliamentary rules will allow. I think, sir, the House owes it to itself as well as me to see who has been making charges of that sort in the face of such a record as I have shown on the question.

I know that the Republican of this morning has an editorial making all sorts of insinuations against me, in which the editor says:

It is observable in the testimony of H. G. Fant before the Committee on Ways and Means that he testifies he employed one G. W. Wiley to see Congressman JAMES BECK, of Kentucky, as to his course on the Pacific Mail subsidy. It is true that Mr. BECK claims to have voted and spoken against the subsidy. In a republican House of two-thirds majority, might not that have been the very thing wanted of Mr. BECK to insure the passage of the bill? Why have not the committee called Mr. G. W. Wiley? Why was Mr. Wiley, a New Yorker, engaged with the house of Harney & Searl, brokers, 67 Exchange Place, New York, sent to Mr. BECK? May it not appear that a distinguished democratic Senator from Missouri received, say, $30,000 through calls on the Pacific Mail through Stockwell, paid through Harney & Searl? May not an examination of Harney & Searl's books, Stockwell and his books, show to whom that was paid, and how it was divided? Let this branch of the subject be investigated by the present Congress.

In the first place allow me to observe that in the last House there was less than twenty-five republican majority, if I recollect aright, and in the second that it is the first time that I ever knew that thieves employed men honestly to do their duty by voting against their schemes of plunder. This is a specimen of the charges made, but they go before the country, and if the House does not require this man to answer I will stand before the American people suspected, at least by those who do not know me. I intend if I can to stand by my rights and the rights of members here, and I ask the House to stand by me or any other gentleman in having all the facts developed and let the truth come out. That is all I desire to say. I am not speaking to a personal explanation, excepting so far as it may be called so by its happening to be me instead of some other member who is involved, in asking the House to require the witness to answer these questions. It is the right of the House and each member of it that the facts should come out. I am vindicating not alone my personal rights; I am but illustrating the rights of the House by my individual case. I repeat I did not rise to any personal explanation. I do not think that I ever have but once risen to a matter purely personal to myself during my service here. Every member of the House is as much interested in this matter as myself. I do not say that this witness may not get some man to swear to a lie. I do not know how that may be. I do not know to whom money was paid. I do not know but that men who had money in their pockets may have seen me and endeavored to influence me, but I do assert that no man ever did and that no man ever shall with impunity, either directly or indirectly, suggest to me while I am in official station that my vote can be controlled by money or money's worth. It never has been and it never will be.

Mr. DAWES. I now move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POTOMAC AND MOUNT PLEASANT RAILROAD COMPANY.

Mr. COTTON. I call for the regular order of business.

The House resumed as the regular order of business the consideration of the bill (H. R. No. 4450) reported yesterday by Mr. HENDEE from the Committee on the District of Columbia, to incorporate the Potomac and Mount Pleasant Railroad Company.

Mr. HAWLEY, of Illinois. Was the previous question seconded on this bill yesterday?

The SPEAKER. The pending question was upon ordering the bill to be engrossed and read a third time. The Clerk was reading the bill when interrupted by the adjournment of the House. The reading of the bill will now be concluded.

The Clerk resumed and concluded the reading of the bill.

Mr. POTTER. I notice that——

Mr. ELDREDGE. Will the gentleman from Vermont [Mr. HENDEE] yield to me to offer an amendment?

Mr. POTTER. The gentleman from Vermont, to whose attention I have called a section of this bill, has drawn up an amendment which seems to be proper; because, as I read the bill, the franchise

might go indefinitely all over the United States. Now the committee did not mean that, but that the road should stop out here at some point with which I am not acquainted.

Mr. HENDEE. The gentleman from New York [Mr. POTTER] has suggested an amendment which is acceptable, and I offer it. I move to amend by inserting after the words "Seventh street road" on page 2, in line 18, these words: "where the franchise hereby granted is to terminate."

The amendment was agreed to.

Mr. ELDREDGE. I offer as an amendment certain sections of a bill which has been considered by the committee, and I think it will save the time of the House to add them to this bill. It is to incorporate a horse railroad from High street in Georgetown to Tennallytown, running out into the country.

Mr. HENDEE. I only yield to have the House understand what the amendment is.

Mr. ELDREDGE. It is the same that the committee have acted upon.

Mr. HENDEE. I do not want it so considered as to prejudice the bill before the House.

Mr. ELDREDGE. I do not think it will have that effect; if so, I will withdraw it.

Mr. HENDEE. I have no objection to the gentleman from Wisconsin [Mr. ELDREDGE] making a statement as to what the amendment is.

Mr. ELDREDGE. I have stated that it is a bill which has been fully considered by the committee, and I have been instructed to report it to the House. I think it would save the time of the House to put it on as an amendment to this bill. I presume there will be no objection to it, because it is for a road running from High street in Georgetown out into the country to a little place called Tennallytown. That is the whole of it, all there is in it.

Mr. HENDEE. I will yield to have the amendment offered.

The amendment was received and read, being the ordinary form of an act of incorporation.

Mr. HENDEE. I call the previous question upon the bill and amendment.

The previous question was seconded and the main question ordered.

The first question was upon the amendment moved by Mr. ELDREDGE; and being taken, it was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ELDREDGE. I move that the title be so amended as to include the two railroads, so as to conform to the bill as it has been passed.

The motion was agreed to.

Mr. COTTON. And I ask that the Clerk be allowed to renumber the sections of the bill.

The SPEAKER. Of course that will be done.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill No. 3575, to amend existing customs and internal-revenue laws, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to Senate bill No. 588, approving the action taken by the Secretary of War, under the act approved July 15, 1870, and requested a conference on the disagreeing votes of the two Houses thereon, and had appointed as the conferees, on the part of the Senate, Mr. LOGAN, Mr. WADLEIGH, and Mr. RANSOM.

ORDER OF BUSINESS.

Mr. LOUGHRIDGE. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the Indian appropriation bill.

Mr. BUTLER, of Massachusetts. Do not cut out the morning hour.

Mr. LOUGHRIDGE. The morning hour has already gone.

The SPEAKER. The Clerk will read an extract from the Journal of the House of December 22, 1874.

The Clerk read as follows:

Ordered, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill of the House No. 2188, for the relief of persons to whom the governors of the Northwestern and Indian Territories confirmed land, and that the same be made a special order for the third Tuesday of January next.

The SPEAKER. That order would not prevent the House going into Committee of the Whole by a majority vote.

Mr. RANDALL. It does not say "to the exclusion of all other orders."

The SPEAKER. It does not. It is a special order, and holds its place from day to day. If the House does not go into Committee of the Whole, this will immediately come up; but it does not prevent the House from going into Committee of the Whole on public business.

SAINT JOSEPH HARBOR AND RIVER, MICHIGAN.

Pending the motion to go into Committee of the Whole,

Mr. BURROWS. I ask unanimous consent to submit for consideration at this time the following resolution:

Resolved, That the Secretary of War be, and is hereby, requested to furnish this House with a report of the condition of the Saint Joseph Harbor and River, and what appropriation, if any, is necessary in the interest of commerce to carry on and perfect the improvements at that point.

Mr. HOLMAN. This resolution ought to go to the Committee on Commerce. I object, unless it has that reference.

The SPEAKER. It will be so referred.

AGRICULTURAL COLLEGES.

Mr. WILSON, of Iowa, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed for the use of the House two thousand copies of the report of the Committee on Education and Labor in regard to the management of colleges of agriculture and the mechanic arts which have been endowed by the United States.

OKLAHOMA.

Mr. BUTLER, of Tennessee, from the Committee on Indian Affairs, reported a protest of the Chickasaw Indians against the establishment of the Territory of Oklahoma; which was ordered to be printed and recommitted.

TROOPS IN ALABAMA.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, in answer to a resolution of the House of December 14, 1874, transmitting a detailed statement showing the number of United States troops stationed in Alabama on November 3, 1874; which was referred to the Committee on Military Affairs, and ordered to be printed.

BALANCES OF APPROPRIATIONS.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting, in compliance with the act of June 30, 1872, a statement of such balances of appropriations carried to the surplus fund under that act as are required to be reappropriated for the service of the fiscal year 1872 and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, certain claims for Indian depredations; which was referred to the Committee on Indian Affairs.

WASHINGTON AND GEORGETOWN RAILROAD.

The SPEAKER also laid before the House a communication from the President of the Washington and Georgetown Railroad Company, transmitting, in compliance with the act incorporating the company, a report of its transactions during the year ending December 31, 1874; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CONTRACTS BY THE WAR DEPARTMENT.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting, in compliance with the act of April 21, 1808, a statement of contracts made by the various Bureaus of the War Department on behalf of the United States during the year 1874; which was referred to the Committee on Military Affairs, and ordered to be printed.

POSTAL REPORTS.

The SPEAKER also laid before the House a communication from the Postmaster-General, transmitting, in compliance with the act to revise, consolidate, and amend the statutes relating to the Post-Office Department, certain reports; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

IMPROVEMENT OF GALVESTON HARBOR.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to an appropriation for the improvement of Galveston Harbor, Texas; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF MOUTH OF MISSISSIPPI.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the act of June 23, 1874, for making a survey of the mouth of the Mississippi River; which was referred to the Committee on Railways and Canals, and ordered to be printed.

INDIAN SERVICE IN OREGON.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting an estimate of appropriation for the Indian service in Oregon; which was referred to the Committee on Appropriations, and ordered to be printed.

OSAGE INDIANS.

The SPEAKER also laid before the House a communication from the Acting Secretary of the Interior, in relation to an estimate of appropriation to pay to Osage Indians interest on net avails of land sold under the treaty of 1865; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF INDIAN APPROPRIATION BILL.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in relation to an amendment to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ROCK ISLAND ARSENAL.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to an appropriation for Rock Island arsenal for 1876; which was referred to the Committee on Appropriations, and ordered to be printed.

INCIDENTAL INDIAN EXPENSES IN OREGON.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in relation to an amendment to the Indian appropriation bill for incidental expenses in Oregon; which was referred to the Committee on Appropriations, and ordered to be printed.

RETENTION OF MILITARY PRISONERS.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the retention of prisoners by the military under the act of January 30, 1834; which was referred to the Committee on Military Affairs, and ordered to be printed.

FORT VANCOUVER MILITARY RESERVATION.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the claim of the Roman Catholic mission known as the mission of Saint James, to the military reservation at Fort Vancouver, Washington Territory; which was referred to the Committee on Private Land Claims, and ordered to be printed.

INDIAN SERVICE IN CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriations for the Indian service in California; which was referred to the Committee on Appropriations, and ordered to be printed.

MEXICAN WAR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report showing the number of regulars and volunteers employed during the war with Mexico, and the casualties incident thereto; which was referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN SERVICE IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriation for the Indian service in New Mexico; which was referred to the Committee on Appropriations, and ordered to be printed.

CATTLE TRANSPORTATION.

Mr. WILSON, of Iowa, by unanimous consent, from the Committee on Agriculture, submitted a report on cattle transportation; which was recommitted, and ordered to be printed.

PICTURE OF GENERAL GEORGE H. THOMAS.

Mr. GARFIELD. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the Committee on the Library be directed to inquire into the expediency of purchasing Miss Ransom's picture of General George H. Thomas on the battle-field of Chickamauga.

Mr. POTTER. I object.

Mr. GARFIELD. It is only to inquire into the propriety of purchasing the picture.

Mr. POTTER. I will not consent to the purchase of any picture stuck up in the Capitol by the artist without the order of the House, and I will take every proper measure to prevent it. I do object.

Mr. RANDALL. This is an exceptional case.

COTTON DIVISION, TREASURY DEPARTMENT.

Mr. WHITTHORNE, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on Appropriations, and ordered to be printed.

Whereas under the act of Congress approved March 12, 1863, entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in the insurrectionary districts within the United States," the proceeds of a large amount of captured and abandoned property was covered into the Treasury of the United States, a large proportion of which was seized by the agents of the Treasury Department after the 30th day of June, 1865, the total amount received from these sources being over $20,000,000, and that which was seized after the 30th day of June, 1865, was, by the fifth section of the act of May, 1872, directed to be paid by the Secretary of the Treasury to the lawful owners thereof; and whereas it appears by the report of the Secretary of the Treasury, made to the present session of Congress, that since the passage of said last-mentioned act there has been paid to claimants under said act but the small sum of $133,018.27; and whereas it further appears that under various acts and resolutions of Congress the amount of $260,000 has been appropriated to defend certain "cotton suits" against the United States, and it does not appear how or in what manner the sum of $260,000 has been used; and whereas it appears that a division, called or termed a "cotton division," has been organized in the Treasury Department, with chiefs, clerks, and employés, at high salaries, amounting to over $12,000 per annum; and whereas the management and distribution of said fund, from its large amount and other considerations, requires that it should be under the supervision of men of unquestioned character and intelligence: Therefore

Be it resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform this House—

First. By what authority of law said division of the Treasury Department known as the cotton division was formed, and clerks and their pay assigned, and what amount of salaries is paid on this account per annum.

Second. By what authority of law J. S. Frazer is employed to adjudicate cotton claims at an annual salary of $10,000 per annum; and also what time the said Frazer has been so employed, and under what appropriations he received his compensation.

Third. To whom, and for what services, and when and where rendered, has the appropriation of $260,000, or any part thereof, been paid.

Fourth. Whether the chief clerk of said cotton division is not M. L. Noerr, who, previous to his appointment in said division, was in the employment of the detective, Pinkerton; and whether the second clerk in position in said division is not William Fessenden, and the same individual who held a position in the Army of the United States as paymaster, and was dismissed therefrom for embezzlement of a large sum of money; and do not these parties have charge of all records of the United States pertaining to cotton claims.

INCREASE OF PENSION.

Mr. COMINGO, by unanimous consent, introduced a bill (H. R. No. 4453) to amend an act entitled "An act to increase pensions in certain cases," approved June 18, 1874; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RECONSIDERATION.

Mr. WILLARD, of Vermont. I move to reconsider all the votes taken this morning; and also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

RICHARD B. IRWIN.

Mr. DAWES. I am instructed by the Committee on Ways and Means, to whom was referred the communication of the attending and consulting physicians of R. B. Irwin, in reference to his place of confinement, to submit a report, together with certain testimony they have taken, and ask the papers be printed in the RECORD, so that every gentleman may read them to-morrow. I am also instructed by the committee to state that they are not at this moment prepared to recommend any change of his place of confinement.

There was no objection, and it was ordered accordingly.

The report is as follows:

Hon. JAMES G. BLAINE,
Speaker House of Representatives:

We, the undersigned, attending and consulting physicians in the case of Colonel R. B. Irwin, having been informed by telegram from his attending physician in the city of San Francisco, Dr. V. J. Fourgeaud, that said patient was severely injured by a fall from his carriage in the city of San Francisco, on or about the 28th of January, 1872, by striking his head against the iron rail of a street railway, resulting in a fracture of the malar bone and concussion of the brain, from which he has suffered occasionally severe attacks of pain with cerebral and gastric disturbances; and having personally, and in each other's presence, examined the above-named person, we do hereby certify, and most respectfully represent to the House of Representatives, that the said Colonel Richard B. Irwin is now in such a physical condition in consequence of the said injuries that the execution of the order of the House of Representatives dated January 6, 1875, in view of the surroundings and consequent physical discomforts, together with the moral effects on his morbidly sensitive and impressible nervous system resulting therefrom, would, in our judgment, be attended with results pernicious to his health, the extent of which we are not prepared to predict.

W. P. JOHNSTON, M. D.,
Attending Physician.
ALEX. T. Y. GARNETT, M. D.,
Consulting Physician.

WASHINGTON, D. C., *January* 8, 1875.

WASHINGTON, *January* 11, 1875.

J. K. BARNES, Surgeon-General of the Army, having been sworn, testified as follows:

In compliance with a communication from this committee, I visited the jail this morning, inspected the room occupied by Mr. R. B. Irwin, and examined into his case, his present condition and the history of the injury from which he is now suffering. I find that the room is very damp; it is a fire-proof or jail-proof room, arched over with brick, with a low ceiling, with but one window that can be opened, and it is heated by a small cast-iron stove. During the half hour that I staid there I felt very perceptibly the dampness in the room. His accommodations are right in the room, his commode, washstand, &c., and the whole of that floor has a jail atmosphere. We entered the general reception-room and passed through a small room where there were several persons engaged in writing, and through a door which entered into the room where the prisoner now is. I should consider it dangerous for a sick man to remain there any length of time.

Question. For a man in the condition of Mr. Irwin?

Answer. Yes, sir; for a man in his condition I should consider it dangerous. The history of his injury I had from him, and it confirms the statement previously made by his medical attendant. He received two years ago, by being thrown from his carriage, a concussion of the brain, and at periods since then, ranging about six weeks apart, even when taking the best care of himself, he has an attack which comes on with pressure upon the left side of the forehead, extending down as far as the broken bone, followed by a sense of burning heat in the old injury, and then chilliness and vomiting—nausea. That sometimes troubles him for two or three days. It is in fact a repetition at these periods of the symptoms of concussion of the brain. Mental excitement, overwork, and agitation being on the same symptoms.

Q. You speak of his own account of his injury confirming the statement previously made to you by his medical attendant.

A. Not made to me; the statement that I saw in the CONGRESSIONAL RECORD. I have not had any consultation with his medical attendant. I did not know when I went to see Mr. Irwin this morning that I had ever seen him before, but he reminded me that I went to see him two or three times in 1862, when he came up from the Army very ill.

By Mr. SHELDON:

Q. He was on duty in the Department of the Gulf, was he not?

A. He went afterward to the Department of the Gulf; he was adjutant-general. The man is a very different man to-day; his whole nervous system is shattered; he is nothing like so vigorous a man, either mentally or physically, as he was when I saw him before.

By Mr. WOOD:

Q. When did you first know that you were going to visit Mr. Irwin?

A. When the Sergeant-at-Arms called at my office this morning. I then passed up and called for Surgeon-General Beale, and we went to the jail.

Q. That was your first information on the subject?
A. My first information.
Q. You had no information as to his injury except what he told you?
A. No, sir; only what I saw.
Q. You are satisfied that his statement is correct?
A. I am satisfied, sir, that, so far as his health is concerned, his statement is entirely correct.

By Mr. ELLIS H. ROBERTS:

Q. Have you examined the room in this building which is sometimes used for the detention of witnesses?
A. No, sir; I never have seen the room.
Q. Did you examine any other room in the jail than that which is occupied by him?
A. No, sir; simply that and its outlook. I did not go into the other parts of the jail at all.

By Mr. WOOD:

Q. Is that room on the second story?
A. No, sir; on the ground floor; and we were told that there is no cellar beneath it.

JOSEPH BEALE, Surgeon-General of the Navy, sworn and examined.

Question. Did you, at the request of this committee, accompany General Barnes to visit Mr. Irwin in the jail?
Answer. Yes, sir.
Q. State the result of the visit.
A. Well, sir, I concur substantially in all the statements of fact made by the Surgeon-General of the Army in regard to the condition in which we found Mr. Irwin and his surroundings—the room, &c.; and I would beg leave to state, as the result of my inquiries, that while I am not exactly prepared to say it will be dangerous to keep him in that room, I look upon it as unsafe to keep him there. I do not regard the room as a proper place for a man in his condition to be incarcerated in. He is in a very nervous condition, indeed quite excitable, and his general tone, I think, is considerably below par; he is suffering from the effects of an injury received two years ago.
Q. Did you examine any other room in the jail?
A. No, sir. I would like to state further, that my knowledge of the case is derived altogether from the statements of Mr. Irwin in regard to his injury and his former condition, and, of course, from what I ascertained by personal examination myself. I know nothing whatever in regard to the truth of his statement in regard to the injury that he received, though his condition is what I would expect under the circumstances if he had received such an injury, and I have no doubt at all that his statement is strictly correct.

By Mr. ROBERTS:

Q. Do you attribute any portion of his physical condition to the nervous excitement attendant upon arrest and imprisonment?
A. I think it is very likely that that has something to do with it; I have no doubt it has.

By the CHAIRMAN:

Q. If it should appear to you that the same symptoms which you find in Mr. Irwin now attended him wherever he was—attended him before he went into the jail—would it modify your opinion as to the propriety of his remaining there?
A. No, sir, I think not; because I look upon the effect of confinement in that room as rather cumulative; the room is a very bad one, and badly ventilated, and although he may not suffer more just at this moment than he would if he were in better quarters, yet I should apprehend increased suffering from a prolonged incarceration in that room.
Q. If a dry room, properly heated and ventilated, in the jail, could be furnished him, what is your opinion as to his being as safely incarcerated there as anywhere else?
A. I would not like to answer that question in the affirmative. I hardly think it would be as safe. I have no doubt at all as a professional man that that is not a proper place of confinement as the room now is.
Q. I did not ask you just that. I would like to know, if it were a dry and airy room, properly heated, what would be the danger to him there that he would not experience if he were confined in any other room?
A. Well, I could not say that there would be more danger, but I suppose that the simple fact of confinement is one of the elements which enter into the problem of the connection of the confinement with his health.
Q. But if the room were dry, airy, and properly heated, you do not think there would be any more danger in confining him there than in any other place?
A. I think there would, sir; because confinement in a prison would operate upon the nervous system differently from confinement in a hotel or in one's own private quarters.
Q. Is your opinion modified or controlled at all by the effect of confinement in a prison as such?
A. It is, to a certain extent. That would operate upon the nervous system to a certain extent, but to what extent it operates in his case I cannot say. I never saw this gentleman before, and knew nothing of his case until I went into his room; but to my mind he is a man in a very nervous condition, and one upon whom confinement would operate very unfavorably, and possibly seriously.
Q. Will you, if you can, make unprofessional men understand exactly whether there is any difference between confining him there and in a room anywhere else which is equally comfortable?
A. Well, it seems to me that that would hardly be a matter for a professional man to decide more than for any other person. The fact is that confinement in a prison, operating upon a highly nervous temperament, would, in the nature of things, have a different effect upon a man from, for instance, confinement in his own home, where he would have all the comforts of a home about him, intercourse with his friends, &c. I think the mere fact of being confined in a prison would operate upon a man of nervous temperament more unfavorably, though of course the restraint is no greater in one case than in the other.
Q. However suitable his quarters may be, you think the fact that he is confined in a prison would operate unfavorably?
A. I think that would weigh in the case. But, independently of that, I consider the room where he is now not a proper place for him. The two points to which our attention was called by the communication of the committee were the safety and the propriety of his confinement in that particular place—we were requested to examine and see whether it was "safe or proper."
Q. You understood "safety" there not to apply to security?
A. I understood it to apply to his physical and mental condition.

By Mr. BURCHARD:

Q. How is the room heated?
A. He has a coal stove in the room.
Q. A close coal stove?
A. It was an open fire, but the stove shuts up I think in front.
Q. Is the room on the first or second floor?
A. It is on the ground floor, and I understood there was no cellar under it, and then there is an elevation of the ground to the west or northwest which would have a tendency to make this particular room damper than it would be under other circumstances; the water tends to run in that direction.
Q. His bed is in the room?
A. His bed was in the room in one corner, and the window adjoining it was raised four or five inches, although there was quite a cold wind pouring in.
Q. Had the room or any portion of it been freshly plastered?
A. I do not know that. I do not think it had been; the covering of the walls presented the appearance of having been quite recent, though I may be mistaken as to that, but at all events I do not think it was anything more than a coat of whitewash.
Q. What covering was on the floor?
A. There was a carpet on the floor which appeared to have straw or something of that nature under it, judging from the feel as one walked over it.

WASHINGTON, D. C., *January* 19, 1875.

JOHN S. CROCKER sworn and examined:

To the CHAIRMAN:

I am warden of the jail of the District of Columbia. Richard B. Irwin occupies the room on the ground floor in the southwest corner of the jail. Mr. Ordway and myself selected it for him as the best room for him to occupy on account of his reported delicate condition of health. On coming there he and his friends were allowed to make any other selection, but they finally selected that room.
Question. Then, ultimately, the room was his own choice?
Answer. It was.
Q. Describe the room.
A. I think it is eighteen feet square. It has a large front door opening into the south yard, which is the pleasantest yard connected with the jail. There is a window at the top of the door. There is also another window on the west side of the room, and an inner door leading into a room which we occupy as an office-room.
Q. Is the room dry?
A. I so understand it.
Q. Who was occupying it before Irwin?
A. It has been occupied as the office of the warden ever since I have been warden of the jail, now some five years.
Q. Has the warden experienced any difficulty about its being damp or anything of that kind?
A. None at all.
Q. Is it in any better condition now than it was when the warden occupied it?
A. Mr. Irwin had it furnished to suit his own views of comfort. The old carpet was removed and a new one put on the floor, with matting or cotton or something of the kind under the carpet.
Q. So that there is the thickness of the carpet and of the matting above the floor?
A. Yes.
Q. How is the room heated?
A. By a large Franklin stove. Mr. Ordway had a stove placed there first, but Irwin did not like it, and it was removed and another open stove put in.
Q. What fuel is used in it?
A. Sometimes wood and sometimes coal, just as Irwin prefers.
Q. Is the room ventilated?
A. Only by means of the doors and windows and fire-place.
Q. Has there been any sickness of late years in that room?
A. Not to my knowledge. I have occupied the room myself, and have been frequently there as late as ten or eleven at night, and I never experienced any difficulty whatever in occupying it.

F. A. WOOD sworn and examined.

To Mr. KASSON:

I am a member of the Capitol Police. I have been, more or less, in attendance on Richard B. Irwin—first at the house opposite Wormley's, then at Wormley's, and then at the jail. I was attending him as a guard under directions of the Sergeant-at-Arms.
Question. Having seen him at his former residence at Wormley's, and opposite Wormley's, and at the jail, have you observed any difference in his manner of living or in his degree of health?
Answer. I do not know that I have. His table is furnished by Wormley, and consists of such things as are usually to be found on hotel bills of fare. I have heard no complaints as to any change in his health since he came to the jail.
Q. What is the character of Irwin's living?
A. I think his diet is excellent. It consists of meats and vegetables, and wines and fruits. Mr. Wormley has charge of his meals. He has his meals four times a day.
Q. Is this the last annual report of the condition of the jail? [Handing paper to witness.]
A. It is.

The report is as follows:

HOSPITAL DEPARTMENT UNITED STATES JAIL, D. C.,
Washington, November 1, 1874.

SIR: I have the satisfaction to report but one death during the past year, a case of embolism. Death occurred in a very short time, preceded by no symptoms or indication of disease, and no history could be obtained of her previous life to enable us to trace the result to an originating cause. Upon autopsy a clot of lymph, evidently not recent, was discovered in the right ventricle, part of which becoming detached, or a similar plug finding its way into the pulmonary arteries, causing death.
No epidemic has visited us this year, and we have been remarkably free from malarial disease, a few cases only occurring in those who had been exposed before entering the prison, and none among those who had been confined for some time. This exemption, while cases were occurring in various parts of the city, is fairly attributable to the locality of the jail, being unexposed to such exciting causes.
The usual number of diseases incident to the filthy habits and dissolute lives of the prisoners before entering have occurred, with, perhaps, an increase in venereal cases.
In cases of alcoholism and opium-eating, I have persevered in my usual treatment of immediate withdrawal of the poisonous agents, confining the use of alcohol to conditions of collapse. Few drugs are used, and reliance had mainly upon the bromide of potassium as a sedative, perfect quiet, and the introduction of nutritious food, with such means as insure elimination of the poison by the different emunctories. One prisoner who had been in the habit of using morphia to the extent of twelve grains daily, equivalent to four and a half ounces of laudanum, was subjected to the treatment with the happiest results. In all cases they are restored in a few days to convalescence.
Frequent examinations have satisfied me of the abundance and good quality of the food and the sufficiency of bed-clothing furnished the prisoners.
Lime has been abundantly used as a wash, and a free use made of disinfectants. These, together with an abundant use of water and the prompt removal of all offal, have preserved perfect cleanliness throughout the prison. Our exemption from serious diseases, the usual consequence of overcrowding of human beings, is fairly attributable to these sanitary measures.

It gives me great pleasure to commend the vigilance and care of the guards in the performance of their duties to the sick. Every case of disease occurring has been promptly reported to me and my orders faithfully carried out.

With great respect, I am, your obedient servant,

N. YOUNG,
Physician United States Jail, D. C.

General JOHN S. CROCKER,
Warden United States Jail, D. C.

W. P. ADAIR AND C. A. VAUN.

Mr. RANDALL. I ask unanimous consent to offer the following preamble and resolution:

Whereas the act of Congress approved June 22, 1874, "making appropriations for the current and contingent expenses of the Indian Department, &c., for the year ending June 30, 1875, and for other purposes," provided as follows: "That the Secretary of the Interior be, and is hereby, authorized to expend, from the proceeds of the sale of lands of the Great and Little Osage Indians, provided to be sold by section 12 of said act of July 15, 1870, the sum of $200,000 per annum for two years, or so much thereof as may be necessary, for the purchase of stock and agricultural implements, opening farms, erection of houses, and for the civilization and support of the Osages and of their tribal government;" and whereas, on page 141 of the report of the Commissioner of Indian Affairs for the year 1874, it appears that the sum of $50,000 was paid to "W. P. Adair and C. A. Vaun for services as attorneys" from the amount so appropriated:

Resolved, That the Secretary of the Interior be requested to furnish this House at the earliest practicable day with a full statement of the dates and duration of said services, as also with a copy of the authority under which W. P. Adair and C. A. Vaun were empowered to act as attorneys for said tribe of Osages, as required by law, and copies of all other papers relating to said payment, including the recommendation of the agent then in charge and the superintendent of Indian affairs for the central superintendency.

Mr. BUTLER, of Massachusetts. Where is it proposed that this resolution shall go?

Mr. RAINEY. Unless it is referred to the Committee on Indian Affairs, I object.

The SPEAKER. Objection being made, the resolution is not before the House.

INDIAN APPROPRIATION BILL.

The motion of Mr. LOUGHRIDGE was agreed to.

So the House resolved itself into Committee of the Whole on the state of the Union, (Mr. POLAND in the chair,) and resumed the consideration of the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes.

The CHAIRMAN. When the committee rose an amendment was pending offered by the gentleman from Missouri, [Mr. COMINGO,] on which the gentleman from Pennsylvania [Mr. STORM] had made a point of order. What is the gentleman's point of order?

Mr. STORM. I made the point of order that it was new legislation. And I think that our rules provide that no amendment for the appropriation of money in pursuance of a treaty can be made to an appropriation bill; and it has been the rule in Committee of the Whole to strike out any amendment that is made for an appropriation to carry out the provisions of a treaty. Those are the two points of order that I make.

The CHAIRMAN. The Chair overrules the point of order. The very object of the Indian appropriation bill is to carry out the arrangements under the treaties made with the Indians. This is an amendment of the same character in that respect as the other provisions of the bill.

Mr. STORM. How does the Chair rule on the other point that that is new legislation?

The CHAIRMAN. The Chair does not understand it to be new legislation, any more than the whole bill is new legislation. It is to carry out an arrangement made many years ago, as the amendment purports, with this tribe of Indians. The Chair overrules the point of order.

Mr. COMINGO. I ask that the amendment may be read.

The Clerk read as follows:

SECTION—. That in order to fulfill and discharge the obligations of the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw tribes or nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate, made on the 9th day of March, 1859, under the provisions of article 11 of said treaty, the Secretary of the Treasury is hereby authorized and required, upon the passage of this act, to pay to P. P. Pitchlynn and Peter Folsom, the authorized agents of said Choctaw Nation, or to either of them, out of any money in the Treasury not otherwise appropriated, the sum of $2,981,247.30, the amount of said award, with interest thereon at the rate of 5 per cent. per annum from the date of said award until the payment thereof, as herein provided: *Provided, however*, That the sum of $250,000, heretofore paid in part discharge of said award, shall be deducted from the amount at the date of said part payment; and that the payment of said award to said Pitchlynn and Folsom, or either of them, as herein directed, shall be in full satisfaction and discharge of all the claims of the said nation, and of those of the individual members thereof, on account of said award: *And provided further*, That the said sum shall be paid by said agents under the direction and supervision of the United States Indian agent, to the claimants entitled thereto, as is provided and required by the twelfth article of said treaty of 1855: *And provided further*, That before the Secretary of the Treasury shall pay the said award to the said delegates, as herein provided, the national council of the Choctaw Nation shall pass an act in approval of this act, and shall accept the payment of the said award, as herein provided, as a full discharge and satisfaction of all the claims of the said nation, or of individual members thereof, on account of the said award.

Mr. GARFIELD. I send to the desk an amendment to the amendment.

Mr. COMINGO. I will yield to have the gentleman's amendment read.

The Clerk read as follows:

Strike out in lines 12 and 13, after the word "them," these words, "out of any money in the Treasury not otherwise appropriated," and insert "in bonds of the United States, bearing interest at 5 per cent., of the description authorized by the act of Congress approved July 14, 1870, entitled 'An act to authorize the refunding of the national debt.'"

Mr. GARFIELD. I desire to say a word, but not on the general merits of the amendment at present.

Mr. COMINGO. I have not yielded to the gentleman.

Mr. GARFIELD. Did I not have the floor to offer an amendment?

Mr. COMINGO. I yielded to have the amendment read. I have no objection to the gentleman's amendment and do not propose to antagonize it. I do not know what other gentlemen on the floor may be disposed to do so far as that amendment is concerned.

I desire, however, to say a few words with reference to the amendment I have offered, either with or without the adoption of the amendment of the gentleman from Ohio.

I would state, Mr. Chairman, that this is a claim that has been before Congress for many years, and it is a very remarkable fact that there is no one on this floor, nor do I believe there was ever any one on this floor who antagonized the claim because it was unjust. On the contrary, its justice is universally admitted. There is no one on this floor who will so far stultify himself as to say the claim is not just and one which should not have been paid long since. We had it under consideration at the last session of Congress, as the Chair will well remember, and the only difficulty that we then encountered was as to the manner in which the money should be paid.

Some gentlemen on this floor seemed to apprehend that it was a steal, and seemed to fear that some claim agent or that Peter Pitchlynn, who had been prosecuting this claim for almost half a century, would get part of this money, and therefore refused to favor the passage of the amendment to the appropriation bill. And it failed. I have, in drawing this amendment, endeavored to steer clear of this difficulty, so far as possible, and to provide the manner in which this fund should be paid out.

I would remark, Mr. Chairman, that it does not matter to me to whom this money is paid, but we should have some regard to our treaty stipulations, when we undertake to pay this money to these Indians. It has been proposed, and perhaps may be proposed on this occasion, that we shall send a special agent down there to pay this money out if it is appropriated. I wish it to be distinctly understood that I do not support a proposition of that sort, come from what quarter it may, and let the consequences be to the bill as they may. If the Clerk will read a part of the twelfth article of the treaty under which this arbitration was held, the committee will get to understand our duty in the premises, and the only manner in which we can with fidelity to our treaty stipulations pay this money to these Indians.

The Clerk read as follows:

ART. 12. In case the Senate shall award to the Choctaws the net proceeds of the lands ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just, the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe; and so much of the fund awarded by the Senate to the Choctaws as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe shall on their requisition be paid over to them by the United States. But should the Senate allow a gross sum in further and full satisfaction of all their claims, whether national or individual, against the United States, the same shall be accepted by the Choctaws, and they shall thereupon become liable for and bound to pay all the individual claims as aforesaid; it being expressly understood that the adjudication and decision of the Senate shall be final.

Mr. COMINGO. I wish to call the attention of the committee to the language of this treaty so far as the payment of this money is concerned. Whether the amendment of the gentleman from Ohio shall prevail or not is a question for the committee to determine. I do not think that it ought to prevail. I do not think that we ought to undertake to pay these Indians in bonds when we have promised to pay them in money; but it is for the committee to determine in what way they will pay it. It would be far better for them and far more creditable to us as members of the House that we should pay it now, either in bonds or in money, than that we should longer withhold it from them. Sir, I do feel that in deferring the payment of this money to these Indians we have done them the greatest injustice, and we have continued it from year to year; and it seems that even at the present time there are some members here who are willing longer to continue this kind of oppression, for, sir, it is nothing else. I call it oppression because we have the power to withhold the money, when if the people to whom this money is due had the power to coerce us into its payment, they would long since have coerced us into doing it or we should have paid it because we knew they had the power to coerce us into paying. It is only withheld because we have the power to do so.

Now, Mr. Chairman, if you look at that part of the treaty which I have read you will see that we have stipulated to pay this money to the Indians, and that it should be paid by them for individual claims against them as a nation, and that it should be paid to them under the supervision of the Indian agent of that tribe.

I will so far speak in reference to the amendment offered by the gentleman from Ohio as to say that if we pay these people in bonds, as proposed, we then render it utterly impossible for the tribe or nation —because it is a nation—to pay the claims that exist against it in the

manner contemplated by the treaty. It is equivalent to requiring that before they pay the debts which they owe and which it was contemplated by the treaty they should pay out of this fund, they shall carry these bonds into the market and be subject to the sacrifice entailed upon them by the sale of those bonds.

Mr. LOUGHRIDGE. I desire to ask the gentleman a question.

Mr. COMINGO. I will hear it.

Mr. LOUGHRIDGE. I ask if bonds of this description are not now above par?

Mr. COMINGO. That may be true; but if they are above par, why do you not require the Government to sell them and pay the money to the Indians according to the promise made in the treaty? Why do you force on the Indians a necessity not contemplated by the treaty?

Mr. LOUGHRIDGE. As the amendment now stands, it requires that this money shall be paid out of the Treasury, and I think the Treasury is not in a condition to pay it.

Mr. COMINGO. Ah! if the Treasury is not in a condition to pay this money, is that a reason why we should either not pay it or force these people to take that which would be unacceptable to them? I am not perhaps authorized to use language so strong as to say that it would be unacceptable to them, but I do say that it would impose on them an unnecessary sacrifice, although the bonds might be at premium. If they would sell at premium, let the Government sell them and put the premium into the Treasury and pay the Indians the balance of the proceeds.

I trust, sir, that this amendment will be carefully considered, and that we will at this late day as an act of justice pay these people the amount due with interest thereon at the rate of 5 per cent., an amount which has been withheld from them so long and so unjustly.

Mr. GARFIELD. I desire now to offer formally, if I have the right to do so, the amendment which I send up.

The CHAIRMAN. The Chair understands the amendment to be already regularly before the committee.

Mr. GARFIELD. The gentleman from Missouri [Mr. COMINGO] only yielded to have it read for information.

Mr. SCOFIELD. Let it be read now.

Mr. HALE, of Maine. I wish to raise a point of order on the amendment to the amendment. I did not consider that it had been offered as the gentleman from Missouri only yielded for it to be read.

Mr. COMINGO. That was all.

The CHAIRMAN. The gentleman from Maine will state his point of order.

Mr. HALE, of Maine. I am opposed to this amount being paid now in money or bonds, but my point of order is as to the bonds covered by the amendment of the gentleman from Ohio that there is no authority to pay any debt in bonds or to issue any bonds in any such direction as this without legislation. That is to me evident by the proposition being put in the form of an amendment. It seems to me that the point is a very clear one.

The CHAIRMAN. The Chair overrules the point of order.

Mr. GARFIELD. I make the suggestion that the part of this debt already paid has been paid in bonds. I offered this amendment for one reason, and that is that if this proposition is to pass the House and become a law, we have not the money to meet it in the Treasury of the United States. That is the answer of necessity, and it answers all other inquiries. For one I am unwilling, however just a claim may be, that we shall appropriate money which we have not in our possession and are not likely to have. I will not enter now upon a general discussion of the subject.

Mr. HEREFORD. Will the gentleman state what he thinks of the justice of this claim?

Mr. GARFIELD. I will do so at the proper time.

Mr. SCOFIELD. I understand that this claim is based upon what is called an award by the Senate. I wish to call the attention of the committee to the character of that award. The claim existed, of course, a long time before that so-called award of the Senate was made. If I am correctly informed as to its history, prior to that time the House had opposed its payment; whether justly or not, I am not here now to say. The Senate had favored its payment. When the parties in interest ascertained that the House would not allow the claim and that the Senate would, a new treaty was got up, the Senate as a matter of course being the chief actor under the Constitution in making that new treaty.

Mr. COMINGO. I would like to ask the gentleman a question.

Mr. SCOFIELD. Very well.

Mr. COMINGO. Does the gentleman antagonize this claim now because he regards it as an unjust one and one not due to these Indians?

Mr. SCOFIELD. I do not know why the gentleman, from anything that I have said, assumes that I am antagonizing this claim.

Mr. COMINGO. I supposed so.

Mr. SCOFIELD. I am talking about what is said to be the award of the Senate. If the gentleman will allow me to go on for a few minutes, he will see what I am about to say.

Mr. COMINGO. If the gentleman says he is not antagonizing this claim, I will not press my question.

Mr. SCOFIELD. I do not say so.

Mr. COMINGO. Then will the gentleman allow me to ask him a question?

Mr. SCOFIELD. I am talking about the award of the Senate. I will yield to the gentleman to ask a question, but I will tell him in advance that I will not allow him to call my attention to anything except the point which I wish to illustrate.

Mr. COMINGO. Does the gentleman regard the award of the Senate as a finality? That is all I wish to ask.

Mr. SCOFIELD. The gentleman will see about that, for that is just what I am going to talk about—how I regard that so-called award. As I understand it, (I have not looked over the records thoroughly to see how it was,) when the House of Representatives appeared to be in opposition to this claim and the Senate in favor of it, a new treaty was got up. Before that time, as the matter stood, both Houses had to be consulted before this claim could be paid; not only the Senate but the House must be in favor of it. When the new treaty which was got up by the Senate, or at least confirmed by the Senate, came to be examined it was found to contain a provision that the Senate alone should decide the claim; they called it leaving it to the Senate as arbitrators. It should have been said, because that would have been the truthful view of the matter, that the Senate, being in favor of the claim, got up a treaty with the Indians by which they agreed that the House of Representatives should not be consulted and should have no voice or vote in the matter; that the House should be left out. As I have said, prior to that time the Constitution and the laws of the country required that the House should be consulted in paying so large a claim as this or in paying a small one either. But it was provided by that treaty that the House should be left out, should take no part in the consideration of the matter; that the Senate alone should determine how much we owed these Indians.

When the Indians who were pressing this claim, and the Senate who were in favor of it, had decided that the House should not be consulted in it, the Senate went on to determine how much should be paid. And now they come forward and say that the House must vote the money because the Government made the treaty by which the amount was fixed, that is, left it to be determined by arbitration. The fact is, when they found they could not get the House to favor it they said, we will leave it to the Senate because the Senate is in favor of it. And they put in the treaty the provision that the Senate should determine the question. That is all there is of the award of the Senate as I understand it.

Mr. MAYNARD. I would ask the gentleman how the claim came before the House prior to that treaty? I have had occasion to examine the question and I do not recollect anything to justify that view of the matter.

Mr. SCOFIELD. Did not the gentleman find that it was before the House in various ways prior to that treaty?

Mr. MAYNARD. I ask the gentleman to state in what ways.

Mr. SCOFIELD. The gentleman says he is familiar with it; I ask him to state.

Mr. MAYNARD. I state that I was not aware of any information to justify that statement on the part of the gentleman.

Mr. SCOFIELD. Does the gentleman say that it was not before the House at different times, and in divers ways?

Mr. MAYNARD. I have made my inquiry of the gentleman from Pennsylvania.

Mr. SCOFIELD. Before the gentleman propounded his inquiry, I stated that I had not looked at the record myself to see whether the House had acted upon it. I had understood—I have not examined it particularly to see whether the House had acted on it or not—I had understood that it had. But I submit to the gentleman from Tennessee [Mr. MAYNARD] that the nature of that treaty is as I have stated, and that prior to that treaty the House had a right to act upon the subject just as much as the Senate had. But the treaty provided that the Senate alone should decide as to the liability of the Government and the amount of the claim, and now the House is asked to come in and sustain what is called the award of the Senate.

Mr. HARRIS, of Massachusetts. Mr. Chairman, it cannot be said that the treaty under which this award was made was not properly made according to the Constitution of the United States. That treaty determined that the question of the liability of the Government should be referred to the Senate of the United States as arbitrators. The Senate in 1859, after having deducted very large amounts which I think this House to-day, if they would carefully consider, would say were unjustly deducted, came to the conclusion that $2,900,000 and more was due.

Now, Mr. Chairman, the House of Representatives has been called upon to pass on that treaty, and in a session soon following that award the House appropriated $500,000 in part payment of it. Two hundred and fifty thousand dollars of that sum has been paid. The balance was not paid because of the interruption of the war.

But, Mr. Chairman, the history of the claim is this: From the time that the award was made until the present day every committee of both Houses of Congress that has examined the question has reported in favor of its ultimate payment. At the last session of this Congress the Committee on Indian Affairs through the gentleman from Missouri [Mr. COMINGO] made a full and elaborate report on the subject.

Another report came also from the Committee on Appropriations, if I remember aright.

Now, sir, these Indians in 1830 ceded ten million acres of land in the State of Mississippi to the United States under a stipulation and agreement that the land should be surveyed and sold. The first clause of that treaty spoke of the transaction as a sale. The Government of the United States has never paid for the land under that arrangement. In 1869, when the Senate had this matter before them as arbitrators, there lay in the Treasury of the United States as proceeds derived from the sale of those lands more than $7,000,000. There was charged to these Indians the cost of their transportation beyond the Mississippi, although the treaty of 1830 provided that their transportation should be at the expense of the United States.

Any man who has carefully and fairly investigated this claim must ere this have come to the conclusion that no greater act of wrong or injustice was ever committed by any country upon any people than has been committed by the United States in thus long delaying the payment to these Indians of their just dues.

But, Mr. Chairman, the objection which was made at the last session of this Congress, and which I expect to hear again before this debate shall close, is that this money when paid will not go directly to the Indians to whom it belongs. I have myself a fear that such may be the fact, but that will not deter me from doing what I believe to be an act of justice.

It has been said that there is a lobby surrounding this House urging that this claim be paid; and although I have never been able to see it, I have no doubt it exists. Why, sir, the old Indian, Mr. Pitchlynn, who has been the agent of that tribe for more than twenty years, has been pressing in season and out of season, in the most proper language, the justice of this claim. He has been obliged to employ others to assist him; and the amount of compensation to which he and those who have assisted him would be entitled must be very large.

I shall advocate the payment of this claim, but I fear that I cannot do it upon the amendment of the gentleman from Missouri, [Mr. COMINGO.] I think it should be provided in the body of the bill that before the whole body of the award is distributed a sum not exceeding a certain percentage upon the whole amount shall be paid from the Treasury of the United States to the persons who have performed service and expended money in urging this claim.

The treaty of 1855 under which this award was made provided that the money should be paid to the individual claimants in the Indian country to whom it belongs. What are the facts? The individual claimants are those to whom the United States at the date of that treaty were justly and honestly indebted for breach of the conditions of the treaty of 1830 as regards them; and before the United States would do this act of justice, even before the Senate of the United States would enter into a treaty to carry it out, we made the Indian nation assume to pay out of this award (the just and honest proceeds of the sale of their own country) claims of the United States due to Indians of that nation. The Choctaw Nation by that treaty assumed the payment of these large claims of their citizens upon the United States, so that we have that nation standing to-day pledged by a treaty to pay the honest debts of the United States due to their citizens, while we are withholding from them the amount of money we honestly owe them. The amount of those claims, according to the report of the Secretary of the Treasury and the accompanying documents upon our tables, exceeds the sum of $4,000,000.

I offer an amendment in the nature of a substitute for the amendment of the gentleman from Missouri.

The Clerk read as follows:

SECTION —. That in order to fulfill and discharge the obligations of the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw tribes or nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate, made on the 9th day of March, 1859, under the provisions of article 11 of said treaty, the Secretary of the Treasury is hereby authorized and required, upon the passage of this act, to pay, out of any funds in the Treasury not otherwise appropriated, to the treasurer of the Choctaw Nation, he being authorized to receive the same by the council of said nation, the sum of $2,981,247.30, the amount of said award, with interest thereon at the rate of 5 per cent. per annum from the date of said award until the payment thereof as herein provided, less the sum of $250,000 heretofore paid in part satisfaction of said award, to be deducted as of the date of said part payment; the same to be paid from time to time by said Secretary, and in such sums as may be required for the purposes hereafter named, and as may seem to be safe and prudent. Said money shall be disbursed by the treasurer of said nation, with the advice and under the direction of the United States agent for said tribe, in the following manner, namely: A sum not exceeding — per cent. of the whole amount of said award remaining unpaid, and the interest thereon, may be paid out by said treasurer as before provided to such persons as the council of said nation shall designate and specify in full compensation for such services as have been by them lawfully rendered to said nation and for such money as they may have lawfully expended in behalf of said nation in the prosecution of the claim of said nation: *Provided*, That all persons so compensated shall, on receipt of said sums, file with the United States agent of said tribe receipt in full discharge of said nation and all individual members thereof of and from all claim on account of such services or expenditure; that the balance of said award and interest remaining after the payment before provided for shall be paid by the treasurer of said nation as aforesaid to the individuals of said nation, whose claims the said nation assumed and became liable to pay by the twelfth article of said treaty, such sums as may be found and adjudged by the proper authorities of said nation to be equitable and just: *Provided, however*, If the amount of claims so found and adjudged to be due shall exceed said balance, then that said claimants shall be paid in equal and just proportion according to the amount of their several claims so determined: *And provided further*, That if any balance after the payments before provided for shall remain, the same shall be paid over to and held by the United States as a general Choctaw fund, as provided by the thirteenth article of said treaty: *And provided further*, That before the Secretary of the Treasury shall pay the said award as herein provided, the national council of the Choctaw Nation shall pass an act in approval of this act, and shall accept the payment of the said award, as herein provided, as a full discharge and satisfaction of all the claims of the said nation, or of individual members thereof, on account of the said award.

Mr. HALE, of Maine. Mr. Chairman, this Choctaw claim is an "old settler." It is dangerous only in that it has some merit at bottom. That these Choctaw Indians forty years ago were dispossessed of their lands and have not received full payment for them the papers show.

The amount fixed in this amendment is taken from the Senate award. That award in my judgment is open to the objection raised by the gentleman from Pennsylvania, [Mr. SCOFIELD,] that it was made by a select tribunal, known to be in favor of the claim, without any act or co-operation on the part of the House of Representatives, which, on the contrary, had indicated its hostility. So much for the amount.

Mr. HANCOCK. Will my colleague on the Committee on Appropriations allow me to ask him what action of the House of Representatives he refers to as indicating hostility to this Choctaw claim prior to the treaty of 1855?

Mr. HALE, of Maine. If I had the Congressional Globe for the different years I could point out the resolutions and other indications of hostility in the House at different times. So much, then, as to the amount of the claim.

But, Mr. Chairman, the worst thing about it as presented now, the thing the most alarming, is the manner in which this claim for this large fund of nearly $3,000,000 is to be disposed of. In season and out of season there have been men in and about Washington who have urged and clamored for the payment of this fund. When asked to whom shall it go when paid; shall it go directly to the descendants of the Indians who were ousted from their lands, the answer is no. When asked shall it go, according to the provisions of the treaty, in whole or in part to an educational fund for the tribe of Choctaws under the guarantees established by Congress, the answer is likewise in the negative. The language is always insisted upon as stated by my friend from Massachusetts [Mr. HARRIS] in his remark, "that the Secretary of the Treasury is authorized to pay to P. P. Pitchlynn and Peter Folsom, the authorized agents of the Choctaw Nation, or either of them, the sum of $2,981,000."

Mr. HARRIS, of Massachusetts. But that is not part of my amendment.

Mr. HALE, of Maine. I know it is not a part of the gentleman's amendment. I am not talking about his amendment, but showing how this claim is obtruded before Congress continually, and how it comes here now in the amendment of the gentleman from Missouri, [Mr. COMINGO.] These men undoubtedly have been made agents for the Choctaw tribe of Indians for the purpose of pushing and presenting this claim. It may be said they have been given authority to collect it. It may be argued so. I do not believe, however, their authority, as a matter of law, bears that construction; but even if it did, and this fund as fixed by treaty is to go for educational purposes for the whole tribe, or in payment of individual claimants the descendants of the Indians who lost their lands, I for one would say that not a step should be taken for the payment of this large sum until we have hedged it round so surely that the guarantees of the treaty cannot be broken, but every dollar of it shall go to the Indians themselves.

Why, sir, without saying anything personal as to these men who have been agents for this tribe for years, it is sufficient to know they have been here at the doors of Congress year in and year out, and they have been at the mercy of the lobby, which roars when a claim of quarter the magnitude of this comes before the House. I have reason to believe, and do believe as much as that I stand here, this great fund has been mortgaged over and again to interests which have no part nor parcel in the distribution of this money legitimately. I know that when it is urged here it is claimed it shall be paid in this way only, and I tell this committee, Mr. Chairman, if it is not passed in the way presented here, to pay it to Peter P. Pitchlynn and Peter Folsom, or to one of them, the clamor which besets us forever here to pass this measure will cease, because it is not wanted to pass so the money shall go directly to the Indians themselves. I warn the House to be careful how it proceeds, and if any measure be passed here to guard it to the fullest extent, just as the amendment of the gentleman from Massachusetts [Mr. HARRIS] guards it. I have no reason to believe there is any member upon this floor who has any illegitimate interest in the matter. I speak of outside influences, which have been continually besetting us. They never rest; they never cease. When the money is appropriated the mode of its payment should be carefully guarded.

[Here the hammer fell.]

Mr. PARKER, of Missouri. In reply to the gentleman from Maine, I will commence at the conclusion of his speech in reference to the danger of the lobby. If you were to tell a man who was not acquainted with the way you did things here, that for forty-four years the authorized and legal representatives of a weak and humble people had beset the Congress of the United States for simple justice, and session after session and year after year had been spurned with contempt from the doors of Congress, he would reply that the reason why a lobby existed, if any did exist, was because the honorable gentlemen who composed Congress were unwilling to do justice.

I say to gentlemen, upon the floor of this House, if you desire to break down this institution, called and known as the lobby, render it unnecessary that men who have honest claims against the Government should ever employ anybody to present those claims to members of this House. For forty-four yea s these people have been here through this old man, known as Governor Pitchlynn, authorized by their legislature to come here and collect and receive this money from the Government. Yet we say we cannot settle the claim for fear it will pass into the hands of some lobbyists. Is it true that the whole legislative power of this Government is paralyzed and destroyed to such an extent that justice cannot be done here for fear the lobby will get the benefit of it? I say in reference to this claim, that it is a just one. I say that no member of this House can honestly investigate it who will not come to the same conclusion. The non-payment of this money under the facts and circumstances attending it is a disgrace to the nation. If these people were powerful enough to compel payment at our hands, it would have been paid many years ago. But they are a weak people. They are humble. They are unable to assert their rights by force of arms, and the consequence has been that we by bayonets drove them from their homes in Mississippi, and secured from them by fraud—by fraud, I repeat it, we secured from them the treaty of 1830. Yet under that treaty, secured by fraud and by force, we did agree to pay them for their lands in Mississippi. From the year 1830, to this hour, they have been unpaid.

It is exceedingly unjust for my distinguished friend from Pennsylvania [Mr. SCOFIELD] and my friend from Maine [Mr. HALE] to undertake to make insinuations against this claim, by asserting that it has been before this House prior to the award of 1855, and that the House refused to act upon it. The gentlemen are entirely mistaken. It was never before this House except, in so far as the House, together with the Senate, passed a law authorizing and establishing a commission to go down to Mississippi to investigate the nature and character of this claim. That commission did go there. They came back and reported. And in consequence of that report these people through their agents agreed with the Government of the United States that they would submit this whole question to the Senate.

My distinguished friend from Pennsylvania says that was wrong. Ah! wrong that this weak, humble, and, at that time, comparatively uncivilized people should submit their claim to this great body, known as the Senate of the United States. The wrong was upon the side of the Government, in defrauding the Indians into a consent to submit it there; because that Senate fraudulently and wrongfully and illegally took what justly belonged to these people, over $2,000,000, besides what is awarded to them and what is claimed here. The Senate cheated into making this award! The fathers of the Republic, Webster, Calhoun, Sebastian, and those other men on whom we look with reverence as men of ability and fidelity, were cheated by these Indians in making this award! And a distinguished member of this House gets up and urges that as an objection to this claim. With what grace it comes from leading gentlemen in this House to assert that the Senate were deceived by the Indians in making this award!

The Senate, after having all these things before them, made this award, and found, after making these illegal deductions, we had agreed in the treaty of 1830 that we would remove these people and pay the cost of removal. We did remove them, and we charged them $800,000 for it. We agreed that we would furnish them cattle. We did furnish them cattle, and we took it out of the price of their lands that we undertook to steal from them. We agreed that we would pay pensions to the Indians who had been in the war on the side of the Government. We did pay the pensions, but we deducted them from the price of their own lands. We drove these people from the State of Mississippi, and after we had driven them from there and taken their lands by force, we went on and surveyed the lands that they might be open for settlement, and then compelled the people whom we had driven off the lands to pay the cost of surveying. And we call that justice, and we say there is not wisdom enough in this House to steer clear of Charybdis on the one side, in the shape of old man Pitchlynn, and Scylla on the other, in the shape of this miserable lobby; so we will not allow this claim. It is simply ridiculous to go behind the Senate award. Why, sir, you have recognized it; you have passed upon its validity by an act of Congress appropriating $500,000 to satisfy it, and you have paid $250,000 of that $500,000. I say to the gentleman from Maine [Mr. HALE] and to the gentleman from Pennsylvania, [Mr. SCOFIELD,] if this proposition is not safe let us go to work to make it safe. But, in Heaven's name and in the name of all that is just and righteous, do not let us delay longer the payment of a claim that has been due from this Government now for forty-five years.

Mr. HALE, of Maine. Will my colleague on the committee allow me to ask him a question?

Mr. PARKER, of Missouri. Yes, sir.

Mr. HALE, of Maine. Does not the gentleman believe that it would be safer to guard this fund in some such manner as is proposed by the gentleman from Massachusetts, [Mr. HARRIS,] a member of the Committee on Indian Affairs? What is his view on that question?

Mr. PARKER, of Missouri. I will reply to that question, and I am glad the gentleman has called my attention to it as it relates to another point in his remarks. He intimated in his remarks that this fund ought to be held under the treaty as a trust fund. There are two sections of this treaty. The one provides that after the satisfaction of all the individual claims due to the Indians against the Choctaw Nation, the remainder of the money shall be placed in the Treasury in trust, upon which the interest shall be paid.

Well, sir, at the last session of Congress we instructed and directed the Secretary of the Treasury to ascertain the amount of these individual claims for which the tribe was liable. The Secretary has made his report, and instead of there being anything left after the payment of those claims, it is ascertained that they will exhaust this amount and that much more will be required; that they amounted to nearly $5,000,000.

[Here the hammer fell.]

Mr. LOUGHRIDGE. I yield my time to the gentleman from Missouri.

Mr. PARKER, of Missouri. I am obliged to the gentleman.

Under the treaty of 1855, therefore, we cannot put this money into the Treasury as a trust fund unless we violate the provisions of that treaty. I admit that it is not difficult for us to do that after our experience in these treaty violations in this country, but if the liabilities of the tribe to the individual Indians exhaust this amount of money, then it must be paid to the tribe or somebody representing the tribe.

Now I will say, in answer to the question of the gentleman from Maine, that if I understand properly the amendment of the gentleman from Massachusetts, it contemplates the payment of this money to the treasurer of the tribe. If there be anything in the objection urged by the gentleman from Maine, that it is not so safe in all respects as the method proposed in the amendment of the gentleman from Missouri [Mr. COMINGO] with some amendments which might be and ought to be submitted before it passes, I will tell you why. This tribe of Indians have ever since the year 1853 appointed agents to collect this money. Those agents are Mr. Pitchlynn and Mr. Folsom. They reiterated their authority to these men no longer ago than last October, because in their council they passed a resolution reiterating what had been done time and again by that legislative body, and certifying that they have full confidence in these men. The treasurer of the tribe, unless there is some special regulation in relation to the matter, would not be authorized to receive this money. I have no objection to giving it to anybody who will safely conduct it to the Indians. I agree with the gentleman from Maine, that the Indians, and the Indians alone, are the men entitled to this money. I believe that Mr. Pitchlynn is an honest man. He may be overreached by designing men who want to get some of this money, but I am certain that he is honest, and that so far as in him lies this money will be honestly returned to his tribe.

Now, there are but two questions in this case. In the first place, is the claim just? Is it honest? I have never, either on the floor of this House or elsewhere, heard anybody charge that this was not an honest claim. The gentleman from Maine says it is "an old settler." Well, if it is "an old settler," so much the more disgrace to the Government of our country. As an honest Government it ought to pay just claims which it owes its citizens. It is a distressing spectacle to find a helpless people beseeching the Congress of the nation and the Departments of the Government to do them justice, and it is seldom they get what they ask for in such cases.

If this amendment is not in proper shape so as to dispose of this money, let us put it in proper shape so that it will be disposed of, and that it may be said that we have acted honestly and fairly in the matter. I started on the investigation of this case as a member of the Committee on Appropriations last session with perhaps some of the same sentiments that are entertained by my friend from Maine. I knew it was an old claim, and I thought that if it had been just it would have been paid long ago; but I looked at the treaty and at the way in which these people had been treated, and I say to the gentleman that if he or any other member here had given the subject the same attention I have he would have come to but one conclusion, and that is that this is an honest claim, and the only trouble is that we cheated these people out of millions of dollars that justly belonged to them under the treaty which we had made with them. It will not do for gentlemen to plant themselves in the position here that at some time or other some man in this House may have questioned this claim, and that therefore we ought not to pass it, when four committees of the House of Representatives and three committees of the Senate at different times have had the subject before them and have unanimously agreed to the justice of the claim.

[Here the hammer fell.]

Mr. HANCOCK. Mr. Chairman, under the treaty of 1830 between the Choctaw tribe of Indians and the United States, the Choctaws claim that they were justly entitled to the sum of money which the United States had realized from the sale of the lands that had been ceded by that treaty in the State of Mississippi. Several members of the tribe or nation claimed also that they were entitled to money by way of damages sustained by reason of having been denied the reservations that were provided for them under the treaty of 1830; others, who had settled under that treaty in the State of Mississippi and remained there five years, by virtue of which settlement under the treaty stipulations they should have a fee-simple title to the lands, insisted that they were entitled to be compensated, because the United States had sold the lands and they had lost both the title and their improvements. And a number of the individual members of the

Choctaw tribe made a further claim for damages on account of loss of stock and the failure of the Government to comply with its treaty stipulation to remove them from their homes in Mississippi to the lands which they had acquired in what is now the State of Arkansas. These claims all together aggregated in amount some four or five million dollars.

In 1855 a treaty was concluded between the Choctaws and the United States, by which it was agreed that these various claims, both of the tribe and of the individual members of the tribe, should be submitted to the Senate sitting as a board of arbitration. By the eleventh section of that treaty of 1855 it is provided that the award of the Senate shall be either for a sum in gross or for the net proceeds of the sale of the lands; and that in either event that award shall be in full of all demands against the Government of the United States, either by the tribe as a tribe or by the individuals of the tribe, and that the tribe should thereafter be responsible for the settlement of the claims of these individuals. By the twelfth section or article of that treaty, if I recollect aright, it was provided that if there should be any excess, over and above the amount necessary to pay the claims of the individuals of the tribe, it should be set apart as a trust fund for educational and other purposes.

Under this treaty of 1855, to which I have sufficiently referred to enable members to understand substantially the subject now under consideration, there was no award made by the Senate until March 9, 1859. At that time the Senate, after deducting from the amount claimed all the swamp lands and the lands donated to the State of Mississippi for educational purposes, railroads, and internal improvements, charging the Indians with the expense of surveying the lands, and deducting the 5 per cent. of the sales of the land which was granted to the State, withholding also compensation for the lands not yet sold, and charging also some $800,000 for the expense of removing the Indians—the Senate found that there was still due these Indians some $2,900,000.

No action under this award was taken until the following Congress, when there was an act passed authorizing the payment of $500,000 of the amount awarded by the Senate as due. Of that sum $250,000 was paid; but, the rebellion coming on, the other $250,000 was withheld owing to the unsettled and disturbed condition of the country.

This is a brief but distinct history of this case; so brief perhaps that all may not understand the full merits of the case I have endeavored to present. There has been no legislation since the appropriation of $500,000. The balance of the award remains unpaid, so far as there has been any legislation by Congress from that time to the present.

The question now before this committee is whether this award shall be paid or not. The gentleman from Maine [Mr. HALE] says that he does not want to pay this award any way at this time; he says that it is an old claim, an old settler; and he intimates as one objection to it that the House has been excluded from participation in the determination of the rights of these Indians, which was the right of the House prior to the treaty of 1855.

I thought it due to the gentleman from Maine, [Mr. HALE,] my colleague on the Committee on Appropriations, to ask him where he got his information that the House had anything to do with this matter prior to 1855. I have endeavored to familiarize myself pretty thoroughly with the history of this case, and I have failed to find anything of the kind. I do not think that the gentleman intended any aspersion upon the committee, but he must have been so informed, or the fact probably existed, but has escaped my research, which perhaps has not been sufficiently careful. It is difficult for me to imagine in what way this question could have come before the House prior to the treaty of 1855.

Mr. HALE, of Maine. I am not certain that it was before the House.

Mr. HANCOCK. Well, I am sure if it ever was before the House I never heard of it until it was mentioned to-day by the gentleman from Pennsylvania, [Mr. SCOFIELD.] Nor do I believe there was any purpose to infringe upon the rights of the House by the action taken by the Senate. There certainly can be no legal or constitutional reason assigned why the United States should not have entered into this treaty through the action of the Senate. That was the proper department of the Government to consider a subject of that character.

It would seem that the only question remaining for us to determine is whether the Government is bound to carry out its treaty stipulations with these Indians. If the award of the Senate constitutes an arbitration, then it is one which not only have we not met, but which we have put off the definite determination of by resorting to every artifice that special pleading could devise. It is true that the sum awarded may be a large one. But the amount of property we have received and acquired from these Indians is certainly far beyond in value the amount now proposed to be paid to them. Except the commutation in favor of those who received reservations, up to this time we have never paid these Indians one single dollar for their lands in the State of Mississippi.

Mr. HOLMAN. Did we not give them the land to which they were removed?

Mr. HANCOCK. No, sir. If the gentleman from Indiana [Mr. HOLMAN] had examined this question with the care which he usually bestows upon questions, especially those which may involve the expenditure of money, he would have found that that reservation was ceded to them under the treaty of 1820 for the lands obtained from them in Alabama, Mississippi, and Tennessee. Not a foot of this land went in consideration of the cession that was made to them of the territory upon which they now are, nor anything else except the commutation which was given to those who had acquired reservations in the State of Mississippi and were afterward compelled to give them up.

I am willing to accept, so far as I am concerned, the amendment offered by the gentleman from Ohio [Mr. GARFIELD] to pay this amount in bonds. I believe that in justice, in right, in equity and fair dealing, in strict honesty, and in the observance of that rule which we would require from any of the large and great powers toward ourselves and which we would readily accord to them, this claim ought to be paid in coin. But as there are differences of opinions and disagreements as to whether it should be paid at all now, though all admit that it should be paid, a portion of the committee have expressed a desire that it may be paid in bonds; and I think we had better dispose of it in that way. Therefore I am in favor of the amendment offered by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. HARRIS, of Massachusetts. Mr. Chairman, I take the floor merely for the purpose of explaining in a few words the nature of my amendment. Wherever I have inquired since this claim came to my knowledge, to whomsoever I have spoken, I have been universally told that the claim is honest and just and ought to be paid, but that the only objection to it is that the lobby may get a portion of the money.

Mr. HANCOCK. I do not know any lobby.

Mr. HARRIS, of Massachusetts. Now, sir, sympathizing with that feeling, I have desired to limit the amount which may possibly go for the payment of the expenses of the presentation of this claim before Congress. Therefore I have provided in my amendment that only a certain percentage (which this House can fix) shall be spent in that way, and that the balance shall be expended according to the terms of the treaty.

Mr. HANCOCK. How much will be left under the terms of the treaty, according to the statement of the Secretary of the Treasury, to whom we referred the subject last session?

Mr. HARRIS, of Massachusetts. The gentleman misapprehends me. I say that the Indian nation should be allowed to pay out of the proceeds of this claim the expenses they have incurred in presenting their claim before Congress; that if they have employed agents here who have honestly worked in their behalf, they should be allowed to pay certain sums for those services. The amendment of the gentleman from Missouri might possibly allow the whole of the money to go in that way; but my amendment provides that a sum not exceeding a percentage which I have left blank (preferring to leave the amount for the consideration of the House) may first be paid; then the amendment provides that the balance of the claim shall be paid—how? Exactly according to the treaty; first in the liquidation of those claims which the United States Government at the date of the treaty owed to the individual Indians and which the Indian nation assumed to pay. Those claims are to be ascertained as the Choctaw Nation may determine. I have already stated that in 1855 the legislative body of the Choctaw Nation created a court of claims, a well-conceived and well-organized arrangement, by which those claims might be judicially determined. The amendment which I propose provides that after the payment of the necessary expenses, the balance of the money shall be paid according to the treaty, under the superintendence and direction of the agent of Indian affairs for that country, to the individual claimants. Then the treaty goes on to provide that if there is any balance of the claim, it shall go into a general Choctaw fund, to be kept in the Treasury of the United States, the interest of which shall be paid to the Choctaw Nation. This is exactly the nature and character of my amendment.

Mr. LOUGHRIDGE. I understood the gentleman's amendment to provide that the Secretary of the Treasury shall pay this money out at his discretion. It gives him his own time to pay it.

Mr. HARRIS, of Massachusetts. No, sir. The amendment provides that the money shall be paid from the Treasury of the United States to the treasurer of the Choctaw Nation.

Mr. LOUGHRIDGE. When?

Mr. HARRIS, of Massachusetts. As often and as fast as the treasurer of the nation is ready to carry out the payments required by this measure. The treaty provides that it shall be paid to the nation and distributed under the direction and superintendence of the Choctaw Nation. The money is to be paid to the treasurer of the tribe.

Mr. LOUGHRIDGE. But the gentleman's amendment, as I understand, leaves it discretionary with the Secretary of the Treasury when to pay it.

Mr. HARRIS, of Massachusetts. No, sir; not at all.

Mr. LOUGHRIDGE. Let that clause of the amendment be read.

The Clerk read as follows:

The Secretary of the Treasury is hereby authorized and required, upon the passage of this act, to pay out of any funds in the Treasury not otherwise appropriated, to the treasurer of the Choctaw Nation, he being authorized to receive the same by the council of said nation, the sum of $2,981,247.30. * * * Said money shall be disbursed by the treasurer of said nation, with the advice and under the direction of the United States agent for said tribe.

Mr. SHANKS. Mr. Chairman, I am not wedded to any particular mode of paying this debt, but I am as anxious as it is proper for a

Representative to be that the debt should be paid. I am willing to accept any amendment or vote for any measure that secures beyond the possibility of a doubt that this money shall go to those to whom it belongs. But I have been upon this floor long enough to hear that excuse made about as often as it ought to be made. I have heard men stand here and talk against the payment of this claim on the ground that the money would not go to the parties entitled to it; and after months had rolled around I have heard these men repeat the same thing without their ever attempting to invent an honest mode of protecting these people from the ravages—of whom? Not of other Indians, but of civilized, Christian men, a part of our population.

Now, Mr. Speaker, who is Peter P. Pitchlynn, that his name should be used here as having prosecuted this claim for so many years? Peter P. Pitchlynn is himself an Indian; he belongs to the Choctaws. He is an educated man, and at one time was chief of the Choctaws, He writes his own appeals to Congress, and they will compare favorably with the utterances of any man in this body on any subject whatever. He is an old man, I have known him for years, who has honestly come before Congress to present the just claim of his people. He has always appeared here modestly, asking only for what was right. In behalf of the Choctaws he has simply asked for justice. Nor do you find that old man complaining now in bitter terms because of delay on the part of Congress in the payment of this fund. You do not find him here as a lobbyist. You do not find him in bad company. I tell you, sir, there is not a man on this floor who need hesitate to be found here or elsewhere in the company of Peter P. Pitchlynn of the Choctaw Nation.

Now, upon what ground has he the right to appear here? The very best of grounds. He is here as the representative of his people and by their choice. His name is written first to the treaty of 1855 providing for the settlement of this claim. Two years before, by act of the Choctaw council, approved November 9, 1853, he was appointed, he and other parties signing this treaty, to collect the claim. The claim itself originated as far back as 1830. From 1853 up to this time P. P. Pitchlynn and those associated with him have been at the bar of this House asking for the payment of this fund which under the treaty was agreed to be paid to them. Shame then upon the men of this House, shame then upon the men who have stood here knowing all these facts, and yet have not had the manhood to rise up and speak the truth in behalf of this Choctaw people, and their agent who has appeared here honestly urging upon Congress to pay this debt.

The gentleman from Pennsylvania [Mr. SCOFIELD] says that this matter was taken out of the hands of the House of Representatives under treaty made with these Indians and referred to the Senate alone. There is no such thing in the treaty, and of course there was provided no such thing as the reference of this matter to the Senate alone. There is in the eleventh article of the treaty a provision by which the Senate of the United States is made the umpire between the Choctaws and the United States so far as to determine in what way this money should be paid. There were two propositions laid down by the treaty, one that the Indians should be allowed a sum in gross in payment of their claim for land taken, and the other that they should be allowed the net proceeds of the sale of their lands. The Government of the United States, under the treaty of 1830, had taken some ten million acres of land lying along the Mississippi River, covering the whole water front, and valuable to our people. That provision of the treaty submitted to the Senate as umpire these two propositions, whether these Choctaw Indians should have their money in gross or should have the net proceeds arising from the sale of their lands. The Senate decided they should have the net proceeds. In order to learn the amount of lands taken from the Indians, application was made to the Interior Department for information. The Secretary of the Interior submitted a report showing the number of acres and also the amount at the price fixed of $1.25 per acre. The report showed the amount of lands sold and the amount remaining unsold. The price for the latter was reduced to twelve and one-half cents per acre. Out of the total amount were deducted the lands granted in aid of railroads passing through the very country from which the Choctaws had been driven. There were also deducted lands given to educate the white people. There were various other items deducted.

What then was left? There was left the amount of this award. What was done after the Senate confirmed this treaty, after it had directed the Secretary of War to make report on these matters, and report was made and acted on, after deducting the various items to which I have referred—what then was done? Why, sir, almost immediately the Senate and House passed a bill appropriating $500,000 in part payment of the award. By so doing they affirmed and indorsed the contract already entered into. They admitted the liability on the part of Congress to pay the balance.

Therefore P. P. Pitchlynn has been here rightly and honestly urging the payment of the balance of the fund due to the Choctaw Indians. That is all he asks now. If this can be made safer than by the proposition of the gentleman from Missouri, [Mr. COMINGO,] let it be done. I have no controversy on that point. I suggested a provision that the Choctaws should first direct by law to whom this money should be paid. I desired that that should be entered of record as a receipt to last for all time in the settlement of this matter. I believe these propositions will be safe. So far as the treasurer of the Choctaw Nation is concerned, I do not suppose he is called upon to sign a bond which would make him responsible for the safe-keeping of two or three million dollars. Therefore any default of that treasurer must lie at our own doors in the end. I insist, however, if I have a moment to spare, and I shall insist here now and forever, that this debt shall be honestly paid through P. P. Pitchlynn or anybody else who may be appointed by the Choctaw Nation to receive it.

[Here the hammer fell.]

Mr. HOLMAN. If the award made in the Senate in 1859 is conclusive, the only question presented here is when we shall pay this money. But I do not so understand the law governing the proceedings of this House. I think if there is any established doctrine here upon this subject, as established by measures on the part of the House which often become necessary, the House must exercise its own judgment as to the results of the award made by the Senate.

Coming back to the foundation of this claim, I ask that the following section of the treaty of 1830 may be read; for the whole case seems to turn upon that, as I understand it.

The Clerk read as follows:

> The United States shall cause the lands hereby ceded to be surveyed, and surveyors may enter the Choctaw country for that purpose, conducting themselves properly and disturbing or interrupting none of the Choctaw people. But no person is to be permitted to settle within the nation, or the lands to be sold, before the Choctaws shall remove. And for the payment of the several amounts secured in this treaty the lands hereby ceded are to remain a fund pledged to that purpose until the debt shall be provided for and arranged. And further, it is agreed that in the construction of the treaty, wherever well-founded doubt shall arise, it shall be construed most favorably toward the Choctaws.

Mr. HOLMAN. Mr. Chairman, as I understand this claim, by that treaty of 1830 the United States agreed to pay certain annuities to this tribe of Indians amounting to $20,000 a year for the period of twenty years. They agreed to make certain other provisions in their behalf in consideration of the cession of their lands to the State of Mississippi, over which the State of Mississippi had extended its jurisdiction, rendering it practically impossible for this Indian tribe to remain there. Now, sir, I understand—and if I am laboring under a misapprehension of the effect of this eighteenth article I hope the gentlemen who have discussed this subject will point it out—I understand that the only effect of this eighteenth article is this: that while the Indians remained there the Government might come upon the lands and survey them; that the Government should not dispose of the lands until the removal of the Indians; and that the lands should be held as a fund on which the sums to be paid by the United States under the treaty should be a charge. I will read that portion of the article:

> And for the payment of the several amounts secured in this treaty the lands hereby ceded are to remain a fund pledged to that purpose until the debt shall be provided for and arranged.

There is nothing here, sir, that looks like a retention of those lands or of the proceeds of them for the benefit of this Indian tribe. On the contrary, the language seems to clearly imply that these lands were absolutely ceded, not taken possession of by the Government of the United States until after the Indians were removed; and also that upon them should be charged the payment of the sums of money which the Government had agreed to pay by the terms of this treaty.

Now, sir, within a very short time after this award was made by the Senate, in March, 1859, I heard the subject discussed here on this floor by gentlemen then exceedingly familiar with the whole history of these events. I must say, sir, that the opinion was then expressed that for twenty years and upward this claim was never asserted by this tribe of Indians; that after a lapse of over twenty years, for the first time, it was insisted that there was ambiguity in the language of this eighteenth article, and that the meaning of the eighteenth article was that the tribe was to have the benefit of the proceeds of those lands. Now, sir, if it was true that this long period elapsed before this averment was made, that there was a misapprehension, that there was a misinterpretation of this article, that fact ought to be taken into consideration. But I submit, sir, that by the terms of this article this tribe was not entitled to the benefit of the proceeds of the land; but the lands were simply to be held chargeable with the payment of the sums of money which the Government had agreed to pay to the tribe by virtue of this treaty of 1830. And, sir, when this subject was discussed fifteen years ago it was discussed on that same point alone, and all these other points now discussed were then unknown.

[Here the hammer fell.]

Mr. PARKER, of Missouri. Before the gentleman from Indiana takes his seat I would like to ask him a question. Does he believe that the Senate of the United States, having all the facts before them and having the previous treaties before them, were deceived into making this award in 1855 by those Indians?

Mr. HOLMAN. I have said, Mr. Chairman, that this is a question on which the House was compelled to pass its judgment as to whether that award was properly made or not, and I must say here that the impression made upon my mind at the time this subject was first discussed in the House, and the impression I have received from that time to this from casual examinations, was that the conclusion reached by the Senate was not the correct conclusion; that the eighteenth article of the treaty of 1830 did not bear the interpretation the Senate put upon it.

Mr. GARFIELD obtained the floor.

Mr. DAWES. I ask the gentleman to yield to me to move that the committee rise.

Mr. GARFIELD. I yield for that purpose.

Mr. LOUGHRIDGE. Does the gentleman from Massachusetts want the committee to rise for the purpose of proceeding to other business or to adjourn?

Mr. DAWES. There is a question which I desire to bring before the House.

Mr. LOUGHRIDGE. Very well.

The question was taken on the motion of Mr. DAWES, and it was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. POLAND reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

CONTUMACIOUS WITNESS—CHARLES A. WETMORE.

The Sergeant-at-Arms appeared at the bar of the House, having in custody Charles A. Wetmore, alleged to be in contempt of the privileges of the House.

Mr. DAWES. Mr. Speaker, the Sergeant-at-Arms, in obedience to the order of the House, is at the bar of the House with Charles A. Wetmore, that he may show cause why he should not be committed for contempt.

The SPEAKER. Charles A. Wetmore, you are now at the bar of the House for an alleged contempt of its authority, in that you have declined to answer a question propounded to you by the Committee on Ways and Means, authorized to do so in an investigation now being prosecuted by them under the order of the House. Are you prepared to answer the question?

CHARLES A. WETMORE. No, sir; I simply request time until to-morrow to determine whether I can rightfully answer the question without a breach of confidence, as I proposed to the committee.

The SPEAKER. You are at liberty to give any excuse you have to offer for your refusal to answer.

CHARLES A. WETMORE. Mr. Speaker, I have written out a little statement. It is simply a request on my part, with the reasons therefor, for a postponement until to-morrow, when I may be afforded a better opportunity with justice to myself to answer to this charge of contempt.

I am before the bar of this House to answer why I should not be committed for contempt. The cause of my appearance here is simply stated. On the 4th instant, late at night, I sent a special dispatch to the Alta California, among the statements being one that "A strange rumor is afloat concerning BECK and his connection with the Pacific Mail subsidy." Mr. BECK demanded an explanation of this sentence, which, however, did not in any way cause circulation of any particular rumor. Being pressed to answer, I mentioned, among others, a rumor which was confidentially related to me by a friend, to the effect that a check from Mr. Fant had been traced to Mr. BECK; but this rumor I had never published, not deeming it worthy of publication unless corroborated in some way; neither do I now assert or charge the same, or affect to believe it. When demanded the name of the party who had related the rumor to me, I asked time until to-morrow, so that I might obtain permission, or furnish the committee with evidence as to the origin of the rumor, which was related to me only as hearsay evidence and not with intention to make it public. This time the committee refused to grant, notwithstanding in all other cases it had been usual to grant it.

I am compelled to ask the indulgence of this House for time until to-morrow to make answer to the charge of contempt. I am, so far, the only witness so summarily brought here under like circumstances, and require a little time to prepare an answer, so that I may not be forced before public notice without an opportunity to make such a statement as I have never been called upon for before. I listened to a portion of the report of the committee relating my evidence to-day, and heard several very important answers which might misrepresent what I did say, if suffered to go out to the public without correction. I would respectfully request an opportunity to read this evidence in full and to have it corrected before I am required to answer to this charge of contempt. I have no ill-will to any member of the committee and would like to have a fair chance to make my own statement, and I think I can probably to-morrow fully satisfy the committee, and especially Mr. BECK, that I have not desired to keep any important information from them. I therefore respectfully ask this House to give me until to-morrow to make answer.

Mr. DAWES. I offer the customary resolution, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved, That Charles A. Wetmore having been heard by the House of Representatives, pursuant to an order heretofore made requiring him to show cause why he should not answer the question propounded to him by the committee and by the Speaker of this House, in obedience to its order, has failed to show sufficient cause why he should not answer the same; and that the said Charles A. Wetmore be considered in contempt of the House for the failure to make answer thereto.

Mr. DAWES. I only desire to say, Mr. Speaker, that it is but a single question which this witness is required to answer. It does not need any time for investigation or for consultation of books and papers or conference with any individuals. It is not a confidential communication in any legal sense. It is not a communication that any body has the right to make confidential. It is of a character that this House is entitled to the answer and entitled to it as much to-day as to-morrow. There is only one question for this witness to answer, and that is: Will you give up the name of the person who has charged not only a member of this House, but a member of the Committee on Ways and Means, now engaged in this investigation, with having received a portion of this money in the form of a check? If it were a case which required the examination of papers or conference with parties to be able to submit to this House an extended narrative or any testimony other than yea or nay, I would myself feel as if it was not unreasonable to grant him until to-morrow; but this is unlike any other case that has been brought before the House, both in the character of the question and in the scope of the application of the question.

Mr. HOUGHTON. I desire to ask the gentleman from Massachusetts a question.

Mr. DAWES. I yield for that purpose.

Mr. HOUGHTON. I would ask him whether the same privilege has not been accorded to numerous other witnesses who have been examined before his committee as is asked by this witness?

Mr. DAWES. There has been no such case before the committee, as I was remarking when the gentleman interrupted me.

Mr. HOUGHTON. Is there any special reason why the indulgence should not be accorded to this witness that has been accorded to numerous other witnesses who have been examined by the committee?

Mr. DAWES. Certainly; if it was a case like that of the other witnesses it would be fair to grant this privilege, and if the House sees anything about this case that renders it necessary that this witness should take till to-morrow to reflect on the propriety of answering the question, then of course the House will give him time. I represent simply the committee in submitting this case to the House. I have certainly no desire to press the witness unduly.

Mr. HOUGHTON. I move, then, that the request of the witness be complied with. He only asks time till to-morrow to determine whether he will or will not answer this question. He may desire to consult counsel. From the statements made by the gentleman from Massachusetts [Mr. DAWES] I understand that that indulgence has been accorded to all the other witnesses asking it, and I see no reason, nor does the gentleman himself give any reason, why this witness should be treated any more harshly than any other witness before the committee.

The SPEAKER. The effect of the motion of the gentleman from California [Mr. HOUGHTON] is the same as that of a motion to postpone the further consideration of the pending resolution until to-morrow.

Mr. HOUGHTON. I will move to postpone the further consideration of this resolution until to-morrow.

The question was taken on the motion to postpone, and upon a division there were—ayes 87, noes 80.

Before the result of this vote was announced,

Mr. CALDWELL called for the yeas and nays on the motion to postpone.

The yeas and nays were ordered, there being upon a division 35 in the affirmative, more than one-fifth of the last vote.

Mr. COX. Before the roll-call is commenced permit me to make a parliamentary inquiry. The Sergeant-at-Arms requests me to ask the Chair what will become of the witness, should the motion to postpone be agreed to?

The SPEAKER. The Chair would infer that in the mean time the witness would be at liberty; or perhaps, under the previous order of the House, he might still be retained in custody.

Mr. COX. I would like to have that ascertained, for our votes may depend upon the decision of that question.

The SPEAKER. The Chair will direct the Clerk to read the resolution the House adopted to-day in relation to this witness.

The Clerk read as follows:

Resolved, That the Speaker issue his warrant directed to the Sergeant-at-Arms attending this House or his deputy, commanding him to take into custody forthwith wherever to be found the body of Charles A. Wetmore, and him bring to the bar of the House to show cause why he should not be punished for contempt; and in the mean time keep the said Wetmore in custody to await the further order of the House.

The SPEAKER. Under that resolution, if the further consideration of the pending resolution should be postponed until to-morrow, the witness would remain in the custody of the Sergeant-at-Arms; he would be precisely in the same condition he was in before being brought in here now. The question is upon postponing the further consideration of the pending resolution until to-morrow, and upon that question the yeas and nays have been ordered.

Mr. COBB, of Kansas. I move that the House now adjourn.

The SPEAKER. An adjournment would in effect be precisely the same, as regards this resolution, as the postponement of its further consideration until to-morrow.

The question was taken on the motion to adjourn; and upon a division there were—ayes 125, noes 34.

Before the result of this vote was announced,

Mr. CALDWELL called for the yeas and nays on the motion to adjourn.

The question was taken on ordering the yeas and nays; and upon a division there were—ayes 20, noes 108.

So (one-fifth not voting in the affirmative) the yeas and nays were not ordered.

Mr. CALDWELL. I call for tellers on the motion to adjourn.

The question was taken upon ordering tellers, and there were 29 in the affirmative—one-fifth of a quorum.

So tellers were ordered; and Mr. COBB of Kansas, and Mr. CALDWELL were appointed.

The House again divided; and the tellers reported that there were—ayes 111, noes 43.

So the motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUCKNER: A paper for the establishment of a post-route from Shamrock to Auxvasse, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. BURCHARD: Petitions of citizens of Illinois, that the western terminus of the proposed canal from Hennepin to the Mississippi River be located above the Rock Island rapids, to the Committee on Railways and Canals.

By Mr. CAIN: The petition of Thomas B. Helm, of Cheneyville, Louisiana, for relief, to the Committee on War Claims.

By Mr. CHIPMAN: The petition of Caroline E. Thomas, to be compensated for services as nurse and matron during the Mexican war, to the Committee on Claims.

Also, the petition of F. H. Johnson and others, of the District of Columbia, for relief, to the Committee on Appropriations.

By Mr. COTTON: Petitions of citizens of Lyons, Iowa, that the western terminus of the proposed canal from Hennepin to the Mississippi River be located above the Rock Island rapids, to the Committee on Railways and Canals.

By Mr. COX: The remonstrance of 100 dealers in and importers of foreign wines in New York City against an increase of duties on low-grade wines to forty cents per gallon, to the Committee on Ways and Means.

By Mr. GARFIELD: The petition of 507 members of the Woman's National Temperance Union, of Painesville, Ohio, for the passage of such laws as will restrict the importation, manufacture, and use of alcoholic liquors in the District of Columbia and the Territories to medical and mechanical uses, to the Committee on the Judiciary.

By Mr. HARRISON: Additional papers in the case of Lucy Smith, administratrix of Adam Smith, to the Committee on War Claims.

By Mr. PACKARD: The petition of the Saint Joseph Valley District Medical Society, in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. SAWYER: Petitions of F. B. Peck and 20 citizens of Winnebago County, Wisconsin; of A. D. Foote and 174 citizens of Berlin, Wisconsin; of J. L. Bridge and 80 citizens of Wanshara, Wisconsin; and of George E. Hoskinson and 24 citizens of Brown County, Wisconsin, for enlarged appropriations of money for the more rapid improvement of the Fox and Wisconsin Rivers, to the Committee on Commerce.

By Mr. THORNBURGH: The petition of William M. Burnett, late chaplain Third Tennessee Cavalry, for relief, to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, *January* 20, 1875.

Prayer by Rev. E. D. OWEN, D. D., of Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives were severally read twice by their title, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes;

A bill (H. R. No. 4444) to amend an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874;

A bill (H. R. No. 4447) to amend the act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869;

A bill (H. R. No. 4449) to amend an act entitled "An act to revive with amendments an act to incorporate the Medical Society of the District of Columbia, approved July 7, 1838"; and

A bill (H. R. No. 4448) making an appropriation for the new school-building in the city of Georgetown, District of Columbia.

The bill (H. R. No. 4443) in regard to the visit of His Majesty the King of the Hawaiian Islands was read twice by its title, and referred to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of the conservative members of the Legislature of Louisiana, signed by Louis A. Wiltz, speaker, and by 61 others, members of the Legislature, and the clerk, setting forth the facts of the attempted organization of the house of representatives of Louisiana on the 4th instant, and the alleged interference by the military authority of the United States; which was ordered to lie on the table.

Mr. DAVIS. I move that it be printed.

The motion was agreed to.

Mr. SCOTT. I did not hear what the prayer of the memorial was from the conservative members of the Louisiana Legislature. I understand an order was made to print it. I suppose the questions arising out of the affairs in that State have been referred to the Committee on Privileges and Elections, and this memorial should go there.

The VICE-PRESIDENT. If there be no objection, the memorial will be referred to the Committee on Privileges and Elections.

Mr. THURMAN. I ask leave to present the joint resolution of the General Assembly of the State of Ohio, relating to the expulsion of officers and members of the Louisiana Legislature, and ask that it be read, laid on the table, and printed.

The Chief Clerk read as follows:

Resolved by the General Assembly of the State of Ohio, That the recent expulsion of the members and officers of the Louisiana house of representatives by an armed force of United States soldiers, after the body had been duly organized in a manner similar to that which the courts of the State had pronounced lawful and proper, was an outrage utterly defenseless in its atrocity, and calls for the severest censure and punishment on all its actors, aiders, and abettors.

Resolved, That the governor be requested to furnish a copy of this resolution to each of our Senators and Representatives in Congress and to the governors of the several States.

GEORGE L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

The resolution was ordered to lie on the table and be printed.

Mr. SHERMAN. I simply want to state that I have also received a copy of the same resolutions from the Legislature of Ohio, and also a copy of a protest signed by forty-three republican members of the house, and which was entered upon the journals of the house.

I do not know that it is necessary for me to do more than simply state the fact. I do not know that a protest of this kind would be received in the form of a memorial—the protest of the minority of a legislative body against the resolutions which have been submitted. Perhaps the mere statement of the fact is all that I am entitled to make in regard to the protest sent to me by these members.

Mr. INGALLS presented the petition of Joseph C. Irwin and William Phillips, praying compensation for eighty cavalry horses furnished the United States at Fort Leavenworth, Kansas, in 1871 and 1872; which was referred to the Committee on Claims.

Mr. WEST presented a communication from Hon. Michael Hahn, speaker of the house of representatives of Louisiana, signed also by William Vigers, clerk, and the republican members of that body, containing a statement of the revolutionary proceedings which transpired in the hall of that body on Monday, January 4, 1875; which was referred to the Committee on Privileges and Elections, and ordered to be printed.

Mr. HAMLIN presented a memorial of citizens of the District of Columbia, praying that the authorities of the District be authorized and directed to divert to the Southern Maryland Railroad Company the subscription made to the Piedmont and Potomac Railroad Company, accompanied by a letter of the Secretary of War, transmitting a report of a board of naval officers under resolution of Congress, and a letter from the president of the company; which was referred to the Committee on the District of Columbia.

Mr. CRAGIN presented the memorial of the stockholders and officers of the Washington Market Company, in favor of such legislation as will relieve the company from present pecuniary embarrassment; which was referred to the Committee on the Judiciary.

Mr. WRIGHT. On the 11th day of this month the petition of J. M. Irwin, of Ohio, praying to be reimbursed for the amount of money paid for two pieces of property purchased by him near Memphis, Tennessee, and sold by the United States authorities for direct taxes, was presented. By mistake that petition was referred to the Committee on Military Affairs. I have the consent of the chairman of that committee to move that it be taken from that committee and referred to the Committee on Finance. I make that motion.

The motion was agreed to.

INTERNAL-REVENUE TAXES.

Mr. JOHNSTON. I see in the proceedings of yesterday that the bill (S. No. 1063) to amend and re-enact section 44 of an act to reduce internal taxes, approved June 6, 1872, was reported adversely from the Committee on Finance and postponed indefinitely. I did not happen to be in my seat at the time. I desire that bill to go on the Calendar. I therefore move to reconsider the vote indefinitely postponing the bill with a view of placing it on the Calendar.

Mr. SHERMAN. What is the bill about?

Mr. JOHNSTON. It is in regard to the limitation of suits against the United States for the recovery of taxes wrongfully assessed.

Mr. SHERMAN. Does the Senator wish to call the attention of the Senate to it?

Mr. JOHNSTON. I simply desire to have it put on the Calendar, nothing else.

The VICE-PRESIDENT. The Senator from Virginia moves that the vote by which the bill indicated by him was postponed indefinitely be reconsidered.

The motion was agreed to.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Claims, to whom was referred a resolution of the Legislature of California, in favor of the reimbursement to A. B. Gilbert, or the restoration to title therefor, for the value of eighty acres of land in what is known as the New Helvetia or Sutter grant, claimed to have been pre-empted by him and of which he was dispossessed by the Pacific Railroad Company, asked to be discharged from its further consideration and that it be referred to the Committee on Private Land Claims; which was agreed to.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes, to report the same favorably with two amendments. I will say that these amendments are tentative, so to speak, and the committee may, before the bill is called, make some modifications in them.

Mr. WRIGHT. On the day before yesterday I had the honor to report from the Committee on the Judiciary on the memorial of Courtland Parker, administrator of George W. Anderson, deceased, accompanied by a bill providing for the payment of a certain sum of money. At that time it was intended to submit a written report, but it was not then prepared. I ask leave to present the report at this time as of that date, and I move that it may be printed to accompany the bill.

The motion was agreed to.

Mr CLAYTON, from the Committee on Military Affairs, to whom was referred the memorial of Captain H. S. Hawkins, Sixth United States Infantry, asking reimbursement for property lost on the Missouri River by reason of the sinking of the steamer Miner at Yankton, Dakota, in May, 1872, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 1020) for the relief of John Fletcher, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 969) for the relief of Ferdinand Monti, a wagon-master in the Mexican war, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 117) for the relief of Samuel Houston, reported adversely thereon, and moved its indefinite postponement; which was agreed to,

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred a communication from the Secretary of War, recommending an appropriation for a military prison at Fort Leavenworth, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to, the Committee on Military Affairs expressing an opinion favorable to the proposed appropriation.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 101) construing the joint resolution entitled "Joint resolution amendatory of joint resolution for the relief of certain officers of the Army, approved July 26, 1866," approved July 11, 1870, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 1050) to fix the date of entry into the military service of Colonel and Brevet Major-General Benjamin H. Grierson, United States Army, and to correct his record on the Army Register, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3477) for the relief of Nelson Tiffany, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1079) for the relief of William M. Kendall, of Plymouth, in the State of Indiana, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1107) for the relief of C. H. Frederick, late a lieutenant-colonel in the Ninth Missouri Infantry, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1135) for the relief of Francisco V. De Coster, of Litchfield, Meeker County, Minnesota, reported it without amendment.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 835) for relief and reappointment of Captain Thomas B. Hunt, assistant quartermaster in the United States Army, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 694) to compensate Colonel D. R. Haggard for six months' service as colonel of the Fifth Kentucky United States Cavalry Volunteers, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2703) for the relief of Ingalls B. Andrews, reported it without amendment.

Mr. SCOTT, from the Committee on Finance, to whom was referred the bill (S. No. 1105) to amend the act entitled "An act for the relief of savings institutions having no capital stock and doing business solely for the benefit of depositors," approved June 22, 1874, reported adversely thereon and moved its indefinite postponement; which was agreed to.

Mr. GOLDTHWAITE, from the Committee on Claims, to whom was referred the petition of James L. Baldwin, of Logansport, Indiana, praying that certain internal-revenue taxes assessed against him in the months of June and July, 1872, may be refunded, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

BILLS INTRODUCED.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1162) for the relief of Mrs. Susannah P. Swoope, assignee of the heirs of William Irvin, deceased; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1163) for the relief of Mrs. Ann P. Derrick, widow of W. S. Derrick, deceased; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1164) to adjust the claim of the owners of lands within the limits of the Klamath Indian reservation in the State of Oregon; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1165) to protect each State of the Union against invasion, and for other purposes; which was read twice by its title.

Mr. CLAYTON. I move that that bill be referred to the Committee on the Judiciary.

Mr. EDMUNDS. I think that ought to go to the Committee on Military Affairs.

Mr. CLAYTON. I do not see why it should.

Mr. EDMUNDS. It is a bill about warlike operations, apparently.

Mr. CLAYTON. No, sir; I think not.

Mr. EDMUNDS. I think it had better go to the Military Committee. It is a bill to protect a State against invasion. It is purely a military matter and ought to go to the Committee on Military Affairs, and I make that motion.

Mr. CLAYTON. I accept the Senator's suggestion.

Mr. EDMUNDS. I think it properly belongs to the Committee on Military Affairs, judging from its title.

The bill was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FERRY, of Michigan, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1166) granting the right of way over the public lands for the construction of a wagon-road in Salt Lake County, Utah Territory; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1167) for the relief of Robertson Topp and William L. Vance; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1168) regulating contracts for services in rejected and contested pension claims; which was read twice by its title.

Mr. INGALLS. I introduce this bill by request without committing myself to the principles involved or the provisions of the bill. I move that it be referred to the Committee on Pensions and printed.

The motion was agreed to.

Mr. ANTHONY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1169) to aid the American Printing House for the Blind and University for the Blind in providing suitable buildings; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1170) to aid in the construction of the Southern Maryland Railroad, and for other purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HAMLIN. I wish to say that I introduce this bill with no knowledge of it, and present it without committing myself to it in any manner.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1171) to authorize the construction of a bridge across the Mississippi at Memphis, Tennessee; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1172) to authorize the payment of prize-money

to the captors of the steamboat New Era Number Five and cargo; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred a resolution for printing additional copies of the report of the Committee on Privileges and Elections, in relation to the election of President and Vice-President, to report it back without amendment, and to ask for its present consideration.

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That three thousand additional copies of the report of the Committee on Privileges and Elections in regard to the amendment of the Constitution in respect to the election of President and Vice-President be printed for the use of the Senate.

PROTECTION OF NAVIGABLE WATERS.

The VICE-PRESIDENT. If there be no resolutions, the Chair will call, under the rule of the Senate during the remaining hour, upon the Committee on Commerce for business.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (S. No. 528) to protect the navigable waters of the United States from injury and obstruction.

Mr. PRATT. Is that motion in harmony with the resolution adopted on Saturday last, requiring the calling of the committees after the business of the morning hour was over?

The VICE-PRESIDENT. The Committee on Commerce has been called, and the Senator from Alabama submits the motion as a member of that committee.

Mr. SCOTT. My recollection is that that is a bill in which the Senator from New Jersey now absent [Mr. STOCKTON] took very considerable interest, and I think he was opposed to its provisions. In his absence, I would suggest to the acting chairman of the Committee on Commerce whether it should be called up.

Mr. SPENCER. That being the case, I will pass the bill over.

The VICE-PRESIDENT. The bill will be passed over.

GROSS OF MATCHES.

Mr. SPENCER. The next bill on the Calendar reported by the Committee on Commerce is the bill (S. No. 728) to define a gross of matches, to provide for uniform packages, and for other purposes.

Mr. SHERMAN. That bill is I suppose a bill that by inadvertence was referred to the Committee on Commerce. It is a bill to define a gross of matches, purely a question of internal taxes, and the very subject-matter is now before the Committee on Finance. The Senator from Delaware [Mr. BAYARD] reported upon it at the last session. I do not think it ought to be acted on here. It is evidently a case of a misreference, because there is no connection between the subject-matter and the duties of the Committee on Commerce.

Mr. EDMUNDS. Let us hear the bill read. I should like to know what it is.

Mr. SPENCER. As there is objection, I will let the bill pass over.

The VICE-PRESIDENT. The bill will be laid aside.

INTRODUCTION OF CONTAGIOUS DISEASES.

Mr. SPENCER. The next bill on the Calendar reported by the Committee on Commerce is the bill (H. R. No. 2887) to prevent the introduction of contagious or infectious diseases into the United States. I move that the Senate proceed to the consideration of that bill.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The Committee on Commerce reported an amendment to the bill in section 6, line 2, after the words "apply to" to insert "or interfere with;" so as to read:

That the provisions of this act shall not be so construed as to apply to or interfere with the health regulations and quarantine measures maintained by States or municipalities.

Mr. THURMAN. That bill raises some very important questions. Every sea-board State, and I believe every State bordering on either of the great lakes, has its police and quarantine regulations for the preservation of its people against any danger of vessels coming into port with persons having infectious diseases; and those health regulations have been decided by the Supreme Court to be within the lawful competency of the States to enact. If that is the case, there is a little trouble in knowing how the United States is to interfere. If the States have authority to make these health regulations, and the United States has like authority, it is very easy to see what a conflict of jurisdiction might arise between the officers of the one and the officers of the other. If on the other hand the whole matter belongs to the States, then it ought to be left to them; but if it is one of those cases of concurrent jurisdiction until Congress shall act, then the effect of the action of Congress would be to oust the State jurisdiction. It is a question of very great consequence, and I see that the committee in reporting the bill had felt that, and therefore provided that the regulations to be made under this act shall not interfere with the regulations of the several States. But it seems to me that there is very great difficulty in that, for the health regulations of the States are different one from the other. The health regulations of Massachusetts are perhaps different from those of New York, and both of them different from those of South Carolina or of Georgia or of Louisiana.

How this board is to make any general regulations that will be effective and not interfere with the State regulations, I do not clearly perceive. I do not know but that Congress may do something in that direction and do something properly, but I should like to have some little time to think about it and find out what the regulations of the States are and how this would be likely to act. I hope therefore the acting chairman of the Committee on Commerce will let this bill go over for the present.

Mr. SPENCER. I desire to say that this bill is asked for by the municipal authorities of all the Gulf ports, who are more interested than others. I have in my hands a letter from the mayor of Mobile on the subject.

Mr. THURMAN. It may be that the object of the bill is a good one; I do not say that it is not; but it is a very grave question and one that has been very much discussed. I think it had better go over because I think certainly members would want to consider it.

Mr. SPENCER. Inasmuch as this bill is objected to, let it go over.

The VICE-PRESIDENT. The bill will be passed over.

PROTECTION OF IMMIGRANTS.

Mr. SPENCER. I move to proceed to the consideration of the bill (S. No. 808) for the better protection of immigrants.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It provides for the appointment by the Secretary of the Treasury of not more than five immigration agents, whose duty it shall be, under such rules as may be prescribed by the Secretary, to supervise the execution of the laws relating to immigrants, to protect immigrants to the United States from imposition and fraud, and to furnish them with such information as will enable them to proceed in the cheapest and most expeditious manner to the place of their destination, and whose compensation shall be at the rate of six dollars a day and necessary traveling expenses. The Bureau of Statistics of the Treasury Department is to compile the information thus acquired, and cause it to be printed in such languages as may be considered necessary by the Secretary of the Treasury, and it is to be distributed under his directions.

The provisions of the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855, are so amended by this bill as to apply to all foreign and domestic steam or sailing vessels transporting or attempting to transport fifty or more steerage passengers to the United States from any foreign port or place other than foreign contiguous territory, or from the United States to any such foreign port or place, or between ports or places in the United States upon the Atlantic coast and ports in the United States upon the Pacific coast.

Mr. EDMUNDS. I should like to hear that bill explained. It is to create a new set of officers.

Mr. SPENCER. The bill was drawn at the Treasury Department and sent to the Committee on Commerce by the Secretary of the Treasury. I do not know that I am competent to explain it. It is a long time since I have seen the bill. It was reported by the Senator from Connecticut, who is now absent, [Mr. BUCKINGHAM.]

Mr. EDMUNDS. Is there a letter from the Secretary of the Treasury with it?

Mr. SPENCER. There ought to be.

Mr. STEVENSON. I hope the bill will lie over until we either hear the letter or have some explanation.

Mr. EDMUNDS. Perhaps the letter is here.

The VICE-PRESIDENT. The Chair is informed that there is no letter with the papers.

Mr. EDMUNDS. Then I think it had better go over to the next call. There are some parts of it that I sympathize with and others that I am opposed to. If we have no letter from the Secretary of the Treasury, I move to postpone it till to-morrow, which will leave it in its place on the Calendar.

Mr. SARGENT. I object to postponing it until to-morrow. Another committee has the floor at that time.

Mr. EDMUNDS. "To-morrow" is when it comes up again, in parliamentary phrase.

Mr. SARGENT. Very well.

The motion to postpone was agreed to.

PORT OF DELIVERY AT PATCHOGUE.

Mr. SPENCER. I move to take up the bill (H. R. No. 3593) to constitute Patchogue, on the south side of Long Island, in the State of New York, a port of delivery.

The motion was agreed to; and the bill was considered as in Committee of the Whole. The village of Patchogue, on the south side of Long Island, New York, is by the bill made a port of delivery within the collection district of the port of New York, subject to the same regulations as other ports of delivery in the United States. A surveyor is to be appointed by the President, with the advice and consent of the Senate, to reside at the port of Patchogue, who shall have the power to enroll and license vessels to be employed in the coasting trade and fisheries, under such regulations as the Secretary of the Treasury may deem necessary, and who shall give the usual bond, perform the usual duties in the manner prescribed, and receive the fees he may be entitled to by law as allowed to surveyors for the same duties, and no more.

Mr. HAMLIN. That bill ought to provide for a deputy collector, and not a surveyor. That bill conforms to the old law that applied

to interior ports where they only had to examine packages that had been appraised and the duty assessed in other ports. There should be a deputy collector at that place.

Mr. CONKLING. I hesitate very much to differ in any matter with the honorable Senator from Maine. This bill has been before the two Houses of Congress about two years; it has been examined in the House of Representatives, passed by that House, sent here, examined by the Committee on Commerce of this body—examined in respect of the very suggestion made now by the honorable Senator from Maine; and it is the opinion of the Committee on Commerce that this legislation should be had, the persons doing business at that port, which has a very considerable coastwise trade, being compelled now to go twelve miles for all formal purposes.

It is the opinion of the committee further that the bill as it stands is right, is economical, and answers the purpose. I think if the honorable Senator from Maine would give the same examination to the subject that it received in the Committee on Commerce, he too would be of that opinion. His suggestion is that the officer should be called a "deputy collector," and not a "surveyor." I hope he will not, upon a suggestion of that kind, delay the passage of a bill which I think should have been made law some time ago, and that is the opinion of men much wiser than I am touching the subject.

Mr. HAMLIN. I made the suggestion only in the interest of the bill. I interpose no objection. I am perfectly willing that the bill shall pass in this precise form; but I do say that by law a surveyor has no right to enter or clear a vessel. That is precisely what they want there; and men who want such a bill passed right want a deputy collector there and not a surveyor. I make no objection to passing the bill as it is. It will be some benefit to them. It would be more benefit if they had a deputy collector.

Mr. CONKLING. Now, if my friend will listen to me a moment, I beg to read to him from the bill—

Who shall have the power to enroll and license vessels to be employed in the coasting trade and fisheries, under such regulations as the Secretary of the Treasury may deem necessary.

If that does not give the power to do it, I do not understand the meaning of language.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BRIDGE AT PINE BLUFF, ARKANSAS.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (H. R. No. 2541) giving the consent of the United States to the erection of a bridge across the Arkansas River at Pine Bluff, Arkansas.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The bill was read.

Mr. SCOTT. I desire to have read again that part of the bill which refers to a sale; I do not understand whether it is a sale of the property after the building of the bridge or a sale of the franchises conferred by the act.

Mr. SPENCER. The amendments cut that out.

Mr. SCOTT. Very well.

The VICE-PRESIDENT. The amendments reported by the Committee on Commerce will be read.

The amendments of the Committee on Commerce, in section 2, were in line 7 to insert after the words "high-water mark" the words "nor less than eighty feet above extreme low-water mark;" in line 9, after the word "the," to strike out the words "bottom chord of the bridge" and insert "lowest part of the superstructure;" in line 10, to make the word "spans" read "span," and to insert after the word "span" the words "over the main channel;" in line 11, after the word "be," to strike out "of," after the word "than" to strike out "two hundred and fifty" and insert "three hundred;" in line 12, after the word "clear," to insert the words "nor shall the additional span be less than two hundred and fifty feet in the clear;" in line 14, after the word "river," to strike out "at that stage of the river which is most important to navigation;" in line 18, after the word "channel," to strike out the words "at low water;" in line 22, after the word "current," to strike out the words "at the average stage of water in the river;" in line 24, after the word "reached," to strike out the words "at that stage;" and in lines 33 and 34, to strike out the words "bottom chord of the bridge," and insert "lowest part of the superstructure," so as to make the section read:

SEC. 2. That any bridge under the provisions of this act may, at the option of the company or association building the same, be built as a draw-bridge, with a pivot or other form of a draw, or with unbroken or continuous spans: *Provided*, That if the said bridge shall be made with continuous and unbroken spans, it shall not be, in any case, of less elevation than fifty feet above extreme high-water mark, nor less than eighty feet above extreme low-water mark, as understood at the point of location, to the lowest part of the superstructure; nor shall the span over the main channel be less than three hundred feet in the clear; nor shall the additional span be less than two hundred and fifty feet in the clear; and the piers of said bridge shall be parallel with the current of said river; and that no ripraps or other outside protection for imperfect foundation will be permitted in the channel-way of the high span or of the draw openings; and the main span shall be over the main channel: *And provided also*, That if the said bridge be constructed as a draw-bridge, the same shall have a pivot-draw, giving two clear openings of one hundred and sixty feet each, measured at right angles to the current, and located in a part of the bridge that can be safely and conveniently reached; and that said draw shall be opened promptly, upon reasonable signal, for the passage of boats whose construction shall not be such as to admit of their passage under the stationary spans of said bridge, except when trains are passing over the same; but in no case shall unnecessary delay occur in opening the said draw before or after the passage of trains; and the next adjoining span to the draw shall not be less than two hundred and fifty feet, and said span shall not be less than thirty feet above low-water mark, measuring to the lowest part of the superstructure, and the piers of said bridge shall be parallel with the current of the river.

The amendments were agreed to.

The next amendment was to strike out section 4, as follows:

That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of any State in which any portion of said obstruction or bridge touches.

And in lieu thereof to insert:

That all railway companies desiring to use the said bridge after its completion shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and in all the approaches thereto, under and upon such equitable terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties in case they shall not agree; and in case of any litigation or alleged obstruction to the free navigation of said river, the cause may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

Mr. CONKLING. I wish to make one suggestion about the details of the extract just read. I made it once before in the Senate; I believe it attracted no attention and probably it will attract none now; but I ask the attention of the lawyers of the Senate to that phraseology "any State in which any portion of said bridge touches." It seems to me very curious phraseology. I have always had some doubt about what it might mean if all the words are to be given significance. I suppose it means "any State which the bridge touches," but the language is "any State in any part of which the bridge touches." If the purpose is merely to express the idea that I state, it seems to me there are too many words there. If it means something else, I do not know what it is.

The VICE-PRESIDENT. Does the Senator from New York move a modification?

Mr. CONKLING. I do not move any amendment.

The VICE-PRESIDENT. The question is on the amendment of the Committee on Commerce.

The amendment was agreed to.

The next amendment was to strike out the words "SEC. 5. That," and insert "And;" so as to read:

And the United States shall have the right of way for postal-telegraph purposes across said bridge.

The amendment was agreed to.

The next amendment was to strike out section 7, as follows:

SEC. 7. That said corporation or association may execute a mortgage and issue bonds, payable, principal and interest, in gold or United States currency, and may at any time transfer their charter under the provisions of this act of association or incorporation.

The amendment was agreed to.

Mr. BOUTWELL. Although I am of the committee, I confess to ignorance of this measure. I should like to hear from the Senator from Alabama something in the nature of a history of this case. It may be all right.

Mr. MORRILL, of Maine. I suggest that the morning hour has expired.

The VICE-PRESIDENT. The morning hour has expired, and the unfinished business of yesterday is now before the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

The Chief Clerk continued and concluded the reading of the bill.

Mr. PRATT. I move to amend the bill on page 62, line 1514, where the compensation of the Commissioner of Pensions is provided for. This bill provides $3,000 for his salary. I move to amend by inserting "four" instead of "three." My reasons for this I will state briefly. The Senate yesterday increased the compensation of the Commissioner of the General Land Office from $3,000 to $4,000, as I understand, and they have preserved the compensation of the Commissioner of Internal Revenue at $6,000 a year. I do not understand why there should be any discrimination in the Department of the Interior between the Commissioner of the General Land Office and the Commissioner of Pensions. Certainly the duties of the latter officer are of an extremely onerous character. The office is one of great responsibility. There is disbursed under the direction of the Commissioner of Pensions about $30,000,000 a year. The estimate in his report of the amount required under our pension system for the next fiscal year is $30,500,000. The number of pensioners upon the rolls is 235,241. During the last year there were added to the pension-roll a little upward of ten thousand names. There are upward of thirteen thousand, about fourteen thousand, examining surgeons.

Mr. MORRILL, of Maine. Will my honorable friend allow me to inquire to what his remarks apply?

Mr. PRATT. I do not hear the Senator.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) There is too much conversation in the Chamber.

Mr. MORRILL, of Maine. I inquire what is the question before the Senate?

The PRESIDING OFFICER. The question is on amending by in-

creasing the compensation of the Commissioner of Pensions in line 1514 from $3,000 to $4,000.

Mr. MORRILL, of Maine. To relieve the Senator from Indiana from any further remarks upon that subject, I raise the question of order.

Mr. PRATT. What is the question of order?

Mr. MORRILL, of Maine. To facilitate the matter, I raise the question of order on the amendment. The point is that it increases the appropriation, and no notice has been given of any such purpose.

The PRESIDING OFFICER. If no notice has been given to the Committee on Appropriations, the Chair sustains the point of order.

Mr. PRATT. If this bill is not disposed of to-day, the Committee on Pensions will have their regular meeting to-morrow, and they can take action in the matter. I understand it would be proper to move an amendment recommended by one of the standing committees.

Mr. MORRILL, of Maine. That might make it in order.

Mr. PRATT. Then, if the bill is not disposed of to-day, I shall present it to-morrow from the Committee on Pensions.

Mr. WRIGHT. Yesterday it will be remembered that the Senate, in committee, refused to strike out the second section of the bill according to the recommendation of the Committee on Appropriations. I wish to inquire whether, when this bill shall come into the Senate, that question can be reserved or will be reserved?

Mr. EDMUNDS. It is open to amendment now.

The PRESIDING OFFICER. The section is open to amendment.

Mr. WRIGHT. The inquiry I wish to make is whether it will be then in order for the Senate to concur with the recommendation of the Committee on Appropriations, or whether they will be shut up to the amendment of the second section as it now stands?

The PRESIDING OFFICER. A motion to strike out the section will be in order in the Senate.

Mr. WRIGHT. I want to have the Senate, either in Committee of the Whole or in the Senate proper, concur with the recommendation of the Committee on Appropriations.

Mr. MORRILL, of Maine. That question will be open to the Senator in the Senate.

Mr. WRIGHT. So there is no doubt I can have that right.

Mr. MORRILL, of Maine. Certainly. The Committee on Appropriations have several amendments to propose, to which I desire to invite the attention of the Senate.

Mr. SARGENT. If the Senator from Maine will yield to me a moment, I ask leave to have a section of the Revised Statutes read, because I notice by the RECORD that there was some question raised yesterday as to the salary of the Commissioner of the General Land Office, and I infer from the remarks made by my friend from Indiana this morning that that was taken as a precedent. I wish to show that the Committee on Appropriations have not raised any salary. We tried to cut one down and failed.

The Chief Clerk read as follows:

SEC. 446. There shall be in the Department of the Interior a Commissioner of the General Land Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of $4,000 a year.

Mr. SARGENT. That is the amount which we provide in this bill.

Mr. PRATT. I should be glad to inquire of my friend from California if he knows any good reason why any distinction should be made in the matter of compensation between the Commissioner of the General Land Office and the Commissioner of Pensions?

Mr. SARGENT. I do not wish to undervalue either of these officers. I think, however, that salaries should be raised by another bill and not by an appropriation bill.

Mr. MORRILL, of Maine. On page 50, at the end of line 1208, I move the following amendment:

Provided, That the Adjutant-General be, and he is hereby, authorized, with the approval of the Secretary of War, to continue the services of not exceeding sixty-seven enlisted clerks to be employed in copying the worn-out muster-rolls and records, and in examining war claims, until the said work shall be finished, and not exceeding sixty enlisted men to be employed as messengers and watchmen until the records of the Adjutant-General's Office can be collected in one safe building: *Provided*, That the number of enlisted men hereby authorized shall be reduced as soon as their services can be dispensed with without injury to the public service.

I will make a single remark in regard to this proposition. This is not an increase of the service, but rather a continuance of the service now employed. It was hoped that it might have been dispensed with this year, and so the committee did not report it originally; but upon a careful presentation of the case by the Adjutant-General and a most careful consideration of the necessities of that Department, we have become thoroughly satisfied that it ought to be continued for another year. This force is employed in connection with the records of the Army, the rolls of the Army, and it is of a very important character. The transcribing of these rolls upon books is important in two ways: first for the preservation of these records, in which is a personal history of the entire Army, a personal history of each soldier in the Army, and it is important also for the facilities it gives in the information constantly being demanded in the other Departments, particularly in the Interior Department in the Bureau of Patents. The committee have become thoroughly satisfied that the public interests imperatively demand that this service should be continued, at least for another year.

The amendment was agreed to.

Mr. SARGENT. There are other amendments from the Committee on Appropriations. On page 4, I move to strike out all after the word "telegraph operator" on line 73, down to and including the word "dollars" in line 75, so as to read "telegraph operator, $1,000."

The amendment was agreed to.

Mr. SARGENT. On page 9, line 196, I move to strike out all after "telegraph operator" down to and including the word "Congress" on line 197, and insert "$1,000." That is for the compensation of the telegraph operator on the House side.

The amendment was agreed to.

Mr. SARGENT. Now on page 4, line 84, I move to strike out "$30,000" as the amount to be appropriated for the clerks of committees of the Senate, and insert "$51,000," which makes it correspond with the estimates.

The amendment was agreed to.

Mr. SARGENT. On page 5, line 96, I move to strike out "$9,576" and insert "$10,350" as the amount to be appropriated for pages for the Senate.

The amendment was agreed to.

Mr. SARGENT. In line 103, after the word "therefor," I move to strike out "$6,000" and insert "$8,000" for the folding of documents, and materials.

The amendment was agreed to.

Mr. SHERMAN. I should like to have an explanation of these large increases.

Mr. SARGENT. I have one other amendment and then I shall explain. In line 105 I move to increase the appropriation from $15,000 to $30,000 "for miscellaneous articles exclusive of labor."

Mr. EDMUNDS. Is that a good thing to do—do it and explain afterward?

Mr. SARGENT. I will explain. For instance, the House provided that the clerks of committees should not be paid over five dollars a day during the session; that is an increase of fifty cents for the clerks of the House committees and a reduction of two dollars for committee clerks of the Senate. The Senate, for reasons satisfactory to itself, has struck out that legislative provision equalizing the pay, and consequently the amount of the appropriation must be increased to the estimates in order to cover the rate of expenditure. There is no use in coming in with deficiency bills to cover this when the Appropriation Committee is well aware at the time of making the original appropriation that such deficiency will be necessary.

Then, as to the item in regard to the fourteen pages for the Senate Chamber and riding pages at $2.50 a day, $10,350 is substituted for $9,576. This is an increase of nearly $1,000 over the amount appropriated by the House; but the amount of the estimates and the amount of expenditure necessary for the long session require the addition of nearly $1,000.

The same general remark is true in reference to the other items for "fuel, oil, heating-apparatus, furniture and repairs of furniture, for labor, for folding documents, packing-boxes, and miscellaneous articles, exclusive of labor." These items which the committee increase are increased to the amounts in the estimates, and the experience of the Senate shows that these sums are absolutely necessary.

In order to enable the Committee on Appropriations to reduce these items, the Committee on Contingent Expenses must go over these accounts, not only for the purpose of seeing whether the money is honestly expended, which I have no doubt they do regularly, but they must recommend some plan to the Senate by which we can dispense with some laborers or pages whom we employ or have less furniture repaired, or some other method by which we can avoid deficiencies; but, as I remarked before, in the opinion of the committee, it is not well to make an insufficient appropriation under the present system to make it up afterward in a deficiency bill. We have restored these items to the estimates, having given the matter such attention as we could, finding that these amounts were expended at the last long session. I further have an impression, although I do not speak positively about it, that the House, in cutting these items down, did not consider that the next year for which this bill provides is a long instead of a short session. These amounts are necessarily larger for a long session than for a short.

With this general explanation in behalf of the committee, I suppose there will be no objection to the adoption of the amendment.

Mr. SHERMAN. It is always an ungracious task to commence upon matters of domestic economy. I suppose every Senator who has a family knows that very well. There was an effort made to reduce the pay of clerks to committees to five dollars a day. Who does not know that five dollars a day is enough for clerks of committees, some of which probably never meet. Three or four committee clerks have an annual salary, and the others have not very onerous duties. The Senate have struck out that clause and restored the compensation to $7.20 a day. It is a small matter, to be sure, but small things count. Here is an appropriation of $12,000 for labor, and we propose to raise it to $18,000. Eighteen thousand dollars is to be spent for labor for the Senate of the United States, a small body of men. I doubt if there is in the world a body of sixty or seventy gentlemen who cost so much for their surroundings as the Senate of the United States, and yet every year these expenses are increasing. I do not want to go into these matters in detail, but I think the Senate owes it to itself to check, if possible, this expenditure of money by the various employés of the Senate. It is a matter that no one cares about going into details in regard to.

The House of Representatives have sent us an appropriation of $12,000 for labor for the Senate. Unless there is some clear testimony that that is insufficient, we ought not to increase it. So as to the amendment at the bottom of page 4, raising the appropriations for clerks of committees. Every committee has a clerk; but many committees never meet, and yet the clerical expense of all is the same, $7.20 a day. In my judgment this is not right. Therefore I shall vote against the amendment.

Mr. MORRILL, of Maine. I do not like to have the committee placed in a wrong position upon this subject. We appropriate now for what we know to be the necessities for these expenditures according to past experience. Unless the law is changed on this particular subject and kindred subjects, or unless the audit and control of the contingent expenses of the Senate be changed, this is our necessity, and if you do not meet it now, you will have to meet it on a deficiency bill next year. It is more manly and wiser to meet it now. The sums which are asked for here are precisely in harmony with the sums we have been expending for years at the long session; and that is the reason they are larger in this year's bill than last; and as certain as anything can be in the future you will be called upon for a deficiency bill if you do not make the appropriation at the present time. We have given this careful consideration. and recommend it upon that principle.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 72, after the word "building," in line 1756, I propose to add:

Provided, however, That at the end of the present fiscal year the Postmaster-General be directed, upon the demand of the lessor, to deliver up the possession of said premises.

I will thank the Clerk now to read that clause as it will be if amended as I propose, commencing on line 1752.

The Chief Clerk read as follows:

For rent of house numbered 915 E street northwest, $2,200: *Provided* That the above sum shall not be deemed to be paid on account of any lease for years of said building: *Provided, however,* That at the end of the present fiscal year the Postmaster-General be directed, upon the demand of the lessor, to deliver up the possession of said premises.

Mr. MORRILL, of Maine. In 1873, the Postmaster-General, in the exercise of an authority which he assumed and which I believe it had been customary to exercise in the Departments, made a contract with a Mr. A. C. Bradley for the rent of the building described in this paragraph of the bill at the rate of $4,200, a year, and he claims that that lease is in full force and effect for a series of years—some three or four years. The committee are of opinion that, according to the usages of that Department and from the fact that the Congress of the United States last year made an appropriation for it, he is not without some show, legal as well as equitable, to have this sum appropriated for him. But the House of Representatives have taken this subject into consideration and come to the conclusion that $4,200 is an excessive sum. They have put it at $2,200, and the committee on the part of the Senate do not perceive that that is unjust in an equitable point of view. But here is the contract nevertheless. Is it fair to hold the building at a lower rate than that which is contemplated by the contract? The committee came to the conclusion that the owner of the building ought to have the option to receive his $2,200, which Congress think is a proper sum, or to reclaim his building at the end of the current year. That is the substance of the amendment. The question, therefore, is upon the proposition to appropriate $2,200, which is a reduction of $2,000 from the contract price, with the option, by the proviso, that the owner at the end of the present fiscal year may reclaim his building.

Mr. HAMILTON, of Texas. I would ask the chairman of the committee to whom the house belongs, if the committee is informed.

Mr. MORRILL, of Maine. So far as the evidence before us is concerned the contract is between A. C. Bradley and the late Postmaster-General.

Mr. HAMILTON, of Texas. I inquire further whether any members of the committee have visited the premises and whether they know the house?

Mr. MORRILL, of Maine. I do not think the committee are well informed about that.

Mr. HAMILTON, of Texas. I have seen the house, and I have also seen the house right alongside of it, which the owner informed me he had offered to the Government at the same time for $1,800 a year, and I think that is nearly double what the house is worth. I undertake to say that you can go into this city almost anywhere and hire such a house for $1,200 a year. I suppose there was no furniture in it; the Government took it naked, and I am sure that houses larger, of greater capacity, and perhaps costing more money, and in streets equally as populous as E street, are under rent to-day, scores of them in this city, for $1,200 a year. I understood the chairman of the Committee on Appropriations to say that the committee did not consider that they had a right to cut down the contract amount. Did I understand him correctly?

Mr. MORRILL, of Maine. The committee scarcely passed a judgment upon that. The contract provides for $4,200. If the contract is valid, on which the committee do not feel called upon to pass any opinion, then he is entitled of course to the sum specified in the contract; but we did come to the conclusion that we had a right to terminate that contract.

Mr. HAMILTON, of Texas. Then you have the right to cut it down, as I think. I am not a lawyer, and I will not contest that point; but if there is a lease of property at a certain price per annum and the Government has the right to terminate that lease without the consent of the other party, then it has the right to cut it down; and the Government does cut down almost everything that comes before it. In your Claims Committee here it is the rule to cut down.

Mr. MORRILL, of Maine. Does my honorable friend understand that we have not cut this down?

Mr. HAMILTON, of Texas. I want to cut it down.

Mr. MORRILL, of Maine. We have cut it down $2,000.

Mr. HAMILTON, of Texas. Now cut it down to what is correct while you are about it.

Mr. PRATT. I inquire of my friend from Texas whether this is the same piece of property that there was a discussion over in the House of Representatives, where it was shown that it had changed hands two or three times perhaps during the last two years at $18,000?

Mr. HAMILTON, of Texas. So I have heard; but I do not know the facts. I do not know about its changing hands, but I understand that when this contract was made or pretty soon afterward, it fell into the hands of Governor Shepherd and was his property. If it is in order, I move to amend the amendment of the committee by inserting "$1,200."

Mr. SARGENT. The amendment proposed by the Senator from Texas is not in order now.

The PRESIDING OFFICER. It is not germane to the amendment of the Senator from Maine and is not now in order. The question is on the amendment proposed by the Senator from Maine.

The amendment was agreed to.

The PRESIDING OFFICER. Does the Senator from Texas now propose his amendment?

Mr. HAMILTON, of Texas. Yes, sir. I move to strike out "$2,200" in line 1753, and insert "$1,200."

The question being put, there were on a division—ayes 21, noes 12; no quorum voting.

Mr. SARGENT. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SARGENT. As we are under the five-minute rule, I have not time perhaps to have this long lease read. I will make a statement of the contents, however.

The Government of the United States through its Postmaster-General, having authority, before that time exercised unquestionably, made a lease of certain premises near the Post-Office building for the use of the Post-Office Department. Great care was used in making the lease. A committee was appointed to examine all the buildings in the neighborhood, and the rent of this building was lower than any other that was offered, although there were three or four offered. When the amount of rent and the character of the building was reported to the late Postmaster-General, he refused to allow the rent which the committee recommended and cut the rent down. The lessor agreed to the lower rent, which was the amount named in the estimate, $4,200 a year, and the Postmaster-General reported the facts to Congress and they are printed in a congressional document, showing the lease, showing the steps taken for the acquisition of the right to use this property by the Government; and the House of Representatives and the Senate, having that information before them, made first an appropriation for the lease in a deficiency bill for the remainder of the fiscal year, and then last year made an appropriation of $4,200 to pay the rent for this present fiscal year; and the estimate came in for the next fiscal year at the same rate. The House of Representatives cut it down by one-half, taking off $2,000; and the question might well have been raised before the Senate whether it is in good conscience for the Government of the United States to declare that, though by its officers a contract has been entered into which contract has been affirmed by two separate acts passed by Congress and signed by the Executive, it has nevertheless the right arbitrarily to violate its portion of the contract and refuse to pay the consideration.

The Committee on Appropriations were willing to consider that perhaps the rent of this building was too high, and so they gave the option to the lessor, by the amendment which has been adopted, if he thought he could make better use of it to resume possession of it at the end of the present fiscal year, up to which time the Government fulfills its contract with him. It seems to me that the principles of equity which would bind between individuals would apply in a case like this between the Government and an individual. We have no right to run over the rights of our citizens, and it makes no difference who the lessor may be or who the assignee of the lease may be.

There was a proposition to rent a building on the corner of Seventh street, opposite the Post-Office, which building is rented out into offices, where each individual office probably rents for somewhere from twenty dollars, the lowest, running up to $100 for a room. This is a large three-story building, and it is used by the Department not as a private family would use a building, but people are continually trampling up and down, a multitude of clerks, and there is necessarily greater defacement of the building than there would be if it was used for private purposes. That for a building so situated and so large and so used, the idea that the original rent was too large I consider absurd; but certainly after you have cut it down one-half, to say that you shall go further and give only one-half of that implies a meanness on the part of Congress, and an injustice that I do not think we ought to be guilty of. I impeach no man's motives for a

thing of this kind, but I believe economy should go with justice, strict justice. I believe that citizens of the United States who deal with us have a right to expect justice and equity at our hands; and although there is no particular responsibility for our action, although we are powerful, although we can say that we will not yield them their rights, nevertheless the argument remains just as good that in conscience they have a right to require that we shall fulfill our contracts.

Here is a solemn contract made in all the forms of law by the Post-Office Department, ratified twice by Congress; and the proposition is not merely to violate the contract, but to put it in such form that the lessor himself is absolutely compelled to resume the possession of his property, and is not allowed the benefit of the contract which has been made with him. When the House went so far as to cut down this rent one-half, they went very far indeed. The Committee on Appropriations are willing to assent to that, provided the lessor may be allowed to resume possession of his property; but you had better make no appropriation for it at all, so that there can be no question in reference to the resumption, rather than allow only one-half of the amount which the House of Representatives allowed.

Mr. HAMILTON, of Texas. I assure the Senator from California that I have no malice about this thing at all. I heard of the matter some months ago, and it struck me as being an enormous price to pay for such a piece of property. I know the property, and I will remind the Senator from California that it is not on the corner of E and Seventh streets or near that corner. It is not where it can be cut up into small offices and rented to patent attorneys and for insurance offices. It is at least two blocks from the Department. It was built for a private dwelling-house, and is not suited for any other purpose in fact; and although it is said to have sold for $18,000, I beg to say that in my opinion it would not sell for $12,000 to-day if it was put on the block. It may have sold for $18,000 in trade or exchange for something else that was put at an inflated price. But inasmuch as it is understood that it has sold for that, and that that is its value, I will modify my amendment by putting it at $1,800 instead of $1,200. That will be 10 per cent. per annum upon the value of the property as it is stated.

The PRESIDING OFFICER. The Senator from Texas modifies his amendment.

Mr. SARGENT. Of course I have no right to question the Senator's motives though he seemed to think I did. When he asked the question, who this person was, it seemed to me that there might possibly be some personality about it. Of course, the fact is known which the Senator by a question desired to draw out and which the chairman did not answer, that the present owner of this building is Alexander R. Shepherd. I do not suppose the Government has any right to take from Alexander R. Shepherd his rights.

The PRESIDING OFFICER. Debate is exhausted on the part of the Senator from California.

Mr. SARGENT. I inadvertently spoke of "Seventh street" instead of "Ninth."

Mr. EDMUNDS. I suppose that the Senator from California would hardly contend that if this lease were a fraudulent and dishonest one, Congress would be bound to carry it out. Certainly we might refuse to pay the money, and that would give the lessor a legal right to sue us in the Court of Claims, because it is of a class of claims that falls within the statute creating the Court of Claims, and each party would stand an equal chance to try the question as to the regularity, the legality, and the honesty of this lease of these premises. There cannot be any dispute about that.

Mr. SARGENT. I think he has his remedy in the Court of Claims.

Mr. EDMUNDS. Undoubtedly; and I take it it will be agreed by the Senator from California that if the Postmaster-General or any agent of the United States exceeded his authority in undertaking to make a lease for years of property, we should not be bound to perform the covenants in the lease for the payment of rent. That would be very clear. The agent cannot bind his principal beyond his authority. Then if the United States occupied the property, so long as it did occupy the property it would be bound to pay as tenant at will for the use and occupation at what should be found by the court that heard the testimony to be a just and fair price. So there is no danger of doing any injustice to any person except it might be a very poor person by driving him to a lawsuit if Congress feels that there has been an exorbitant and most extraordinary rent promised for this house. If we cut down the sum we are willing to pay for it, it will not interfere with the legal rights of the people on the other side. If, on the other hand, we are all satisfied from what we know that this was a regular, fair transaction, reasonable as things go in Washington—it would not be very reasonable anywhere else, but that does not prevent its being reasonable here, as we all know—then of course we ought to appropriate the full sum of money. From all that has been said about this, it strikes me that it is rather due to the gentlemen who have owned this property and who own it now that we should put ourselves in an attitude of opposition to the payment of this money, that they may vindicate their good faith and the fairness and honesty of this transaction by compelling us to pay, as they can, the rent that has been agreed; for if the Postmaster-General was authorized to make this lease by law, and entered into it honestly with the other party, even if the rent is exorbitant, we have got to stand it. But if he was not authorized, or if it was a contrivance, (of which I have no evidence and of course about which I therefore do not speak,) then we are not bound to pay. I shall vote therefore for the amendment of the Senator from Texas, partly for the purpose of giving the people on the other side who have been assailed about this business an opportunity to set themselves right, if they think it worth while.

Mr. MORRILL, of Maine. I have no disposition to prolong this debate or to say anything in regard to the matter, further than to put the Senate in possession of the facts. Here is a contract providing for $4,200 a year, for three or four years, for a certain building. Whether that is excessive or not, the committee are not well informed; it is quite impossible that they should be; but there are some presumptions in the case which favor the appropriation as it now stands, and there is no presumption of unfair dealing in the case, which my honorable friend from Vermont seems to hint at. Possibly——

Mr. EDMUNDS. What does the Senator say I hinted at?

Mr. MORRILL, of Maine. That in this was a fraudulent transaction. There are no presumptions and no facts which authorize us to suppose that there is anything of that kind in the case.

Mr. EDMUNDS. I stated that I had no evidence of that at all, and therefore had no ground to suppose it to be so; but I said it had been so stated, as we have known in other things, that there was something wrong about it.

Mr. MORRILL, of Maine. So I say we are not acting upon the presumption, nor are we authorized to act on the presumption, that there is any unfair dealing about this in any way whatever. If there was anything about it which could be presumed, it would be possibly that the Postmaster-General had made a mistake as to the price paid for the property; but is it reasonable to suppose that he made a mistake of more than $2,000 a year? Is it reasonable to suppose also that the House of Representatives, in considering this case, had no evidence upon the subject whatever? They intended to put it at $2,000, and having put it at $2,000, is not the presumption rather in favor of the supposition that the House of Representatives had some information on the subject which enabled them to fix it at $2,000? Now, I say, considering the fact that there is a contract of $4,200, and that it is cut down to $2,000, are there not some presumptions in this case which justify us in assuming that whoever is the owner of this property is entitled to at least the sum we give him here? The committee took that view of it. Following these presumptions, without any definite information upon the subject, the committee, on the whole, thought it prudent to recommend concurrence with the action of the House, putting on a proviso that if the party owning the property is injured by this action of Congress he may repossess himself of the property on the 1st day of July next. I think under these circumstances that the Senate ought to concur. Still, I have not the slightest feeling on the subject.

Mr. PRATT. If it is proper for the Senate to break in upon that contract at all and reduce the rent from $4,200 to $2,200, it is right to reduce it still lower, to the sum proposed by the Senator from Texas, if we are satisfied that that is a just and reasonable rent. I am not here for the purpose of offering myself as a witness, but I chance to live upon this street, (E street,) in a house about the same distance from the Post-Office Department that this building is represented to be. I understand it stands upon the corner of Ninth and E streets. From what has been said of the dimensions of this house, and that it was built as a private residence, I have no hesitation in saying that property equally valuable could have been rented at any day and is now rented at from $1,400 to $1,600—property equally eligible with this. Eighteen hundred dollars is 10 per cent. upon the amount at which I understand this property has been transferred two or three times. I shall, therefore, heartily support the amendment of my friend from Texas.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas, on which the yeas and nays have been ordered.

Mr. WEST. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. The proposed amendment is on page 72, line 1753, to strike out "$2,200" and insert "$1,800;" so as to read:

For rent of house numbered 915 E street, northwest, $1,800.

The question being taken by yeas and nays, resulted—yeas 27, nays 11; as follows:

YEAS—Messrs. Bayard, Bogy, Boutwell, Cooper, Cragin, Dennis, Edmunds, Fenton, Ferry of Michigan, Goldthwaite, Hager, Hamilton of Texas, Hitchcock, Johnston, Kelly, McCreery, Merrimon, Morrill of Vermont, Norwood, Pratt, Robertson, Schurz, Stevenson, Tipton, Wadleigh, Washburn, and Wright—27.

NAYS—Messrs. Allison, Conkling, Dorsey, Flanagan, Gilbert, Mitchell, Morrill of Maine, Morton, Patterson, Sargent, and Windom—11.

ABSENT—Messrs. Alcorn, Anthony, Boreman, Brownlow, Buckingham, Cameron, Carpenter, Chandler, Clayton, Conover, Davis, Ferry of Connecticut, Frelinghuysen, Gordon, Hamilton of Maryland, Hamlin, Harvey, Howe, Ingalls, Jones, Lewis, Logan, Oglesby, Pease, Ramsey, Ransom, Saulsbury, Scott, Sherman, Spencer, Sprague, Stewart, Stockton, Thurman, and West—35.

So the amendment was agreed to.

Mr. MORRILL, of Maine. On page 51, in the appropriations for the office of the Quartermaster-General, after the word "dollars," in line 1232, I move to insert "one draughtsman, at $1,800."

The amendment was agreed to.

Mr. MORRILL, of Maine. I have no further amendments to offer.

Mr. RANSOM. I desire to have the amendment which I offered day before yesterday read.

The CHIEF CLERK. The amendment is on page 40, after line 983, to insert:

Assay office at Charlotte, North Carolina:
For assayer in charge, $1,800; melter, $1,500; wages of workmen, $600; contingent expenses, $1,500; in all, $5,400.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina.

Mr. RANSOM. I will not detain the Senate one minute on this matter. I have discussed it twice before in the Senate, and each time it has been passed unanimously. I trust the committee will not oppose it, and I am very well satisfied they will not.

Mr. MORRILL, of Maine. I ask the Senator whether his amendment is recommended by any authority?

Mr. RANSOM. Yes, sir; I showed the Senator from Maine the authority.

Mr. MORRILL, of Maine. I should like to have it read, if the Senator pleases.

Mr. RANSOM. There is a telegram from the Director of the Mint, which I have not now with me, in which he says the same reasons apply to this appropriation that apply to the appropriation which the committee have adopted. I took the liberty of showing that telegram to the Senator from Maine the other day, and also to the Senator from California.

Mr. MORRILL, of Maine. I remember that, but I always like to be justified by the record. I do not rise to oppose the amendment, but to submit the question to the Senate. It is true it is estimated for; but the bill did not come to the Senate with that particular branch of the service appropriated for, and the Senate committee, having no information on the subject of its absolute necessity, of course did not amend the bill in that particular. The Senator from North Carolina called my attention to the fact, and did show me the recommendation of the Director of the Mint. That is all very well so far as it goes, and I am perfectly willing that the subject should be submitted to the Senate. As it did not come to the action of the committee, of course I submit it to the Senate.

The amendment was agreed to.

Mr. ANTHONY. On page 11, after line 241, I move to insert the following:

It shall be lawful for the Congressional Printer to print and deliver, upon the order of any Senator, or member of the House of Representatives, or Delegate, extracts from the CONGRESSIONAL RECORD, the person ordering the same paying the cost thereof.

I propose this amendment for the convenience of members of both Houses. Some doubt has arisen in the mind of the Congressional Printer about his right to print speeches. I think there is no doubt about it; but at the same time I think he is to be respected for desiring to obey the law in its strictest sense, and it is to leave no doubt on the subject that I offer the amendment.

The amendment was agreed to.

Mr. ROBERTSON. I offer an amendment. On page 33 I move to strike out from line 797 to line 805 inclusive, and insert—

Office of assistant treasurer at Charleston, South Carolina:
For assistant treasurer, $4,000; one clerk, $1,800; one clerk, $1,600; one assistant messenger, $720; and two watchmen, at $720 each; in all, $9,560.

The amendment was agreed to.

Mr. INGALLS. I call the attention of the chairman of the Committee on Appropriations to a provision of the bill on page 67 providing that the business of the office of the surveyor-general of Kansas shall be discontinued on or before the 30th day of June, 1876. Can I get the attention of the chairman of the committee?

Mr. MORRILL, of Maine. I did not hear the remark of the Senator.

Mr. INGALLS. I desire to have the bill amended by striking out on page 67 the clause which provides for the discontinuance of the office of the surveyor-general of Kansas on or before the 30th day of June, 1876. The business of that office is in such a condition that it will be impossible to close it up and discontinue the office at that time without very serious detriment to the interests of the public. It is true that the field-work in that State has been completed, but a very large proportion of the public land still continues in that portion of the State where counties are not organized, where it will be necessary to have a general land office for the transaction of business connected with the public domain; and believing it to be impossible to close the office at that time I trust the chairman will allow the amendment I have suggested be made, leaving the question of the discontinuance of that office to such a time in the future as may be thought best for that purpose.

Mr. MORRILL, of Maine. I think this same legislation we have had two or three years, the expectation having been each year that the next one certainly would close it. I would suggest to the Senator that if it should turn out at the next session of Congress that it is not likely to be closed at the end of that year, then we shall meet the same thing next year that we have undoubtedly met the last few years.

Mr. INGALLS. What is the object of putting into the bill this provision at the present time?

Mr. MORRILL, of Maine. It is in the hope that it will be closed within that period, and the committee have a sort of lively expectation that it may be so from the fact that it has been asserted for the last two or three years that one year more would likely close it out.

Mr. INGALLS. I suggest to the chairman of the committee that legislation based on what he terms "lively expectation" is hardly appropriate. It seems to me it would be better to leave the subject until that time, and then if the public interests require this legislation to have it made at that time.

Mr. MORRILL, of Maine. But the committee are obliged, my honorable friend will see, to entertain some sort of confidence in the statements that are made to us from certain sources, and although we ought not to be very lively about it, still we do really put some confidence in the statements which are made to us. The belief has been, as I am certain, for two or three years that the business might be closed up there and would be closed up probably within the coming fiscal year; and with that understanding it has been made the subject of appropriation for two or three years. The hope is still entertained that it will be closed before 1876; but if it should turn out that it should not be closed, then it would be a very easy thing to bring this in next year, and it will come in the estimates as sure as the day comes. My honorable friend may rely on that; so that there will be no slip about it. The officers having charge of this subject will be certain to estimate for it next year and it will be called to the attention of Congress. Therefore no harm can come of allowing this provision to be retained.

Mr. INGALLS. Why not have the same provision in regard to the other officers named in the section? Does not the same lively expectation exist that business there will some time discontinue?

Mr. MORRILL, of Maine. No, sir. This is an office which, by common consent, as I understand, is not likely to continue. Still it is not very material, if the Senator is greatly desirous about it.

Mr. INGALLS. I should very much prefer that the proviso be stricken out, because under the statement made by the chairman of the committee the legislation can have no practical effect, for, as he says, if the necessity then exists for the continuance of the office, provision will be made for it. I would suggest that no harm can be done by striking it out. I move to strike out after "dollars," in line 1646, page 67, the following words:

And the business of said office shall be settled, and the office shall be closed and discontinued, on or before the 30th day of June, 1876.

The amendment was agreed to.

Mr. WEST. On page 51, line 1248, in the items for the office of the Commissary-General, I move to increase the appropriation "for contingent expenses, namely, office rent, repairs, and miscellaneous items," from $7,000 to $8,000. The Commissary-General's Department had intrusted this amendment to my care. Owing to my occupation on other committees, I was not able to attend the sessions of the Committee on Appropriations, nor was I here when the bill was read at that point. The total amount appropriated for the contingent expenses of this office is $7,000, and it is alleged that it is totally inadequate. This amount embraces $4,000 rent, the coal and fuel of the office, and all the stationery that may be necessary, and they have been hitherto scarcely able to keep themselves warm or properly lighted in that building with $7,000. They ask that the amount be raised to $8,000. I think the amendment out of order possibly, but I hope the chairman will not raise that point. I move to strike out "$7,000" and insert "$8,000."

Mr. MORRILL, of Maine. I hardly think we ought to allow that. I know there was an application for an increase of clerks, but it did not come to my knowledge that there was any special necessity for that increase.

Mr. WEST. The Commissary Department made to me three applications; one to raise this amount to $8,000, one for two additional clerks, and one for $250 compensation to the superintendent of the building. I cannot find it proper to recommend two of those propositions, and I recommend simply this one. I will stop there, and hope the chairman will not object to it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question will be put on concurring in gross in the amendments made as in Committee of the Whole, unless those that may be reserved for a separate vote.

Mr. WRIGHT. I desire to reserve the amendment relative to striking out the second section.

Mr. PRATT. I beg to inquire whether any reservation has been made on page 60 striking out the provision for a chief clerk in the General Land Office and inserting a provision for a law clerk at a salary of $2,000?

The PRESIDING OFFICER. The Senator can reserve that amendment if he desires.

Mr. PRATT. I desire to have it reserved.

The PRESIDING OFFICER. That amendment will be reserved. If no other reservations be made, with these two exceptions, the question will be on concurring in the amendments in gross.

The unexcepted amendments were concurred in.

The PRESIDING OFFICER. The first reserved amendment will be reported.

The Chief Clerk read the second section of the bill, as follows:

SEC. 2. That the circuit court of the United States in and for the district of Iowa shall be held at the times and places now provided by law for holding the United States district court in and for said district; but the circuit judge shall not be required to sit in said court except at Des Moines. Causes removed from any court in the State of Iowa into the circuit court of the United States within said district shall be removed to the nearest circuit court, unless the parties thereto shall otherwise agree: *Provided*, That all appeals or writs of error allowed by law from the district court to the circuit court for Iowa shall be taken to the circuit court at Des Moines, to be heard by said court when held by one or more circuit judges: *And provided further*, That the judge of the district court for said district of Iowa may in his discretion order that the same jurors be summoned to serve in the circuit and district courts when held at the same time and place and at a place other than Des Moines.

Mr. WRIGHT. It will be remembered that yesterday the Senate in committee of the Whole refused to concur in the action of the Committee on Appropriations, that committee having recommended the striking out of the second section of the bill. I said nothing about it at the time for the reason that I confess I supposed, in view of the opposition of the chairman of the committee to the measure, as being legislation on an appropriation bill, that it was not probable that it could pass; that is, that it was not probable that the Senate would refuse to concur in the recommendation of the committee. As the bill is in the Senate, inasmuch as I have not such information on the subject as I desire at present, and inasmuch also as the same question is before the Judiciary Committee in another form, and can be presented in another form as well by a bill, I ask that the Senate shall *pro forma* concur in the action of the Committee on Appropriations, and strike out this section. Then the matter will be between the two Houses, and in the mean time I can get such information as I desire, and either this section be permitted to stand or a new bill substantially the same as this section be passed, or such amendments as may be agreed on by my colleague and myself can be put in place of this section in a new bill. I think to this there will be no objection, and the point will be equally satisfactory to both of us.

Mr. ALLISON. I have no objection to the request of my colleague that the amendment be agreed to *pro forma*, provided it remains in such form in the bill that it can be adjusted between the two Houses. I understand that is the effect of his proposition, so that the Senate and the House will still maintain control of this matter. I deem it of such vital importance that I do not wish it to be out of the bill in such a manner that we cannot control it. Of course I desire to accommodate my colleague in perfecting such a measure as will be satisfactory to both of us.

Mr. WRIGHT. Of course it will be entirely under the control of the two Houses when that shall be done. I trust, therefore, my proposition to strike out this section will be concurred in.

Mr. MORRILL, of Maine. Is the question on concurring in the Senate with the action of the Senate in Committee of the Whole on the adoption of this section?

Mr. EDMUNDS. No, sir; it is simply a motion to strike out.

Mr. WRIGHT. I suppose, the Senate in Committee of the Whole having refused to concur in the recommendation of the committee, that section remains in the bill at present. Therefore I move to amend the bill by striking it out.

Mr. ALLISON. It is not necessary to put that motion. I understand it goes out *pro forma*, but still it is in the control of the two Houses.

Mr. EDMUNDS. It cannot go out without a motion and a vote.

The PRESIDING OFFICER. The question is on non-concurring in the vote of the Committee of the Whole retaining the second section.

The vote was non-concurred in.

Mr. PRATT. I move that the Senate non-concur in the amendment which strikes out of the appropriation bill the provision for a chief clerk in the General Land Office at a compensation of $2,000, and which provides for a law clerk at $2,000 in lieu of it. It looks very much as if this was directed towards a particular clerk in that Bureau. Its effect will be to strike down a very worthy and a very competent gentleman, who has been an attaché of that Bureau for the last fourteen years, and I venture to say that the Government has had no more faithful or efficient servant in its employment. I know the gentleman well. He was placed there upon the recommendation of a gentleman who for four years presided over this body, who was his personal friend. He is now somewhat advanced in years, and it would be very cruel indeed by this stroke of legislation to disgrace him by striking out his office and substituting in place of it a law clerk.

What sort of a law clerk is the Government likely to have at a compensation of $2,000 a year, which is but a very little above the compensation which the law provides for a fourth class clerk? What need has this Bureau of a law clerk anyhow? The Interior Department has its solicitor, its law adviser. Why should the Land Office have another, and of such low grade too of legal knowledge as $2,000 a year will pay for? I dare say it will be a very comfortable position for some young gentleman who wishes to read Blackstone's Commentaries or to attend law lectures during the winter in Washington to have the position of law clerk in the Land Office. It will be a very nice opportunity to acquire legal information, and a very low grade of legal information would meet the requisitions of this amendment, it being for a law clerk at $2,000 a year.

I hope, therefore, that the Senate will not concur in this amendment and strike down a veteran in the service, one, as I said before, who owed his position originally to the friendship and confidence of the late Vice-President of the United States. I should be glad to hear some good reason why the office that is now filled by Mr. Heaton should be abolished, and why another office is created by this amendment.

Mr. SARGENT. The Senator asked two questions: first, why the office is abolished. If the Senator will turn to the bill, he will find that this principal clerk and some other clerks named have their duties confined to bounty-land warrants, a businss which is nearly wound up in the Land Office, and there is no necessity for the services of this person in that place, especially at that high price. At the time the office was originally created there was an immense amount of that kind of business, which has been largely finished, so that there is no further need of it.

Now, one word further in that connection. If it is the policy of the law to make a kind of civil list and keep persons on it simply because they have been kept on heretofore, that would override the consideration of there being no necessity for the services of the person. If $2,000 should be paid out because the man has been a faithful servant, and that is in the nature of a civil list, of course that is an argument against which the consideration that his services in this capacity are not needed would not prevail. But it seems to me that that is not the policy of the Government; that these public officers are kept for the efficient performance of duty and are not kept up unless there is duty to be performed. We have the authority of the Land Office for saying that there is no necessity for the continuance of that place.

Now, as to the necessity of the other person, the Land Office has to pass first upon the legal questions that the Interior Department subsequently passes upon. All questions with regard to homesteads, with regard to mining claims, with regard to surveys of Spanish ranches, with regard to conflicting claims of individuals, are argued, and argued by acute lawyers, before the Land Office, and from the decision of the Commissioner of the General Land Office, which is in writing, an appeal is taken to the Secretary of the Interior, and there the matter is reargued. In order to prepare the case properly, it is necessary to have more than an ordinary clerk, a clerk of some legal training, in preparing the papers and suggesting the legal points for the decision. The Commissioner of the Land Office deems that he needs this officer. The Senator sneers at the salary paid. Very well; I think the salary is too small. I would rather make it $3,000, which I suppose would secure the services of a fair lawyer; but I do not think that the person who will fill this place will have much time, during office hours at any rate, to study Blackstone or to attend lectures. It will necessarily be a very laborious place if the duties are performed. The Commissioner of the Land Office informs the committee that he finds a constant necessity for this officer, and asks that this provision may be made. If my friend's feelings are excited in favor of the other person on the ground that he was appointed at the instance of a Vice-President, and is a very worthy man, who has served for many years, let him induce the Senate to disagree with the amendment on the next page, which refers to that office; but the place of law clerk is absolutely necessary to enable the Commissioner of the Land Office to discharge his duties.

Senators may not be aware of the enormous increase of business before the Commissioner of the Land Office. It comes in from all directions. Every time you liberalize the pre-emption laws, every time you make a change in them, and every time that you increase the appropriations for surveys of public lands you bring a mass of business in upon the Land Office which has to be attended to; and I am sorry to say that the business of the office in some particulars, notwithstanding the most strenuous efforts which have been made, is two or three years behind time. This business must be brought up, and it needs some sort of additional apparatus to assist the Land Office. If my friend thinks $2,000 is too small a salary, I trust he will submit an amendment, and I will vote for it, to increase this salary to $3,000; but as the committee had some evidence, and as the Commissioner thought he could get a man who would be of sufficient ability at that salary, we put it in that shape. If we cannot, there is just as much necessity to have a person to make legal suggestions, to point out the salient points in a case, and direct the attention of the Commissioner to testimony and the merits of the case to be decided on, as that we should have such an office. Indeed, there is greater necessity for it. The Commissioner of the Land Office has to decide upon all cases, and the Secretary of the Interior only on selected cases which are appealed. I think this assistance is required and ought to be given to this officer. In regard to the other person, I simply urge the point that the place can be dispensed with in the judgment of the Commissioner of the General Land Office.

Mr. PRATT. What I rose to inquire of the honorable Senator from California was, whether there is not already a law officer attached to the Department of the Interior to whom all these questions may be referred?

Mr. SARGENT. Not by the Commissioner of the General Land Office. The Solicitor of the Interior Department is the adviser of the Secretary, and acts only in cases of appeal. The Senator will see that that must be so, because if this Solicitor could dictate or influence the decision of a case before the Commissioner, an appeal to the Secretary would be perfectly nugatory, because it would be submitted again to the same individual.

Mr. PRATT. I inquire further whether it has not been heretofore

the special duty of the Assistant Secretary of the Interior to act as the law-adviser of the head of the Department, whether difficult questions growing out of our public land system have not heretofore been considered and decided by him?

Mr. SARGENT. In the Interior Department?

Mr. PRATT. Yes, sir.

Mr. SARGENT. The Secretary of the Interior has his staff of course, but the Commissioner of the General Land Office is an officer from whom appeals are taken to the Secretary of the Interior. The staff of the Secretary of the Interior is no assistance to the Commissioner of the General Land Office; and he needs this legal assistance. Of course it is humble. We are not coming in here and asking for a high-priced officer, but he thinks this will be of great advantage to him in the discharge of his duties.

Mr. EDMUNDS. Have you any written report on the subject?

Mr. SARGENT. No; but the Commissioner was before us and was examined in reference to that matter.

Mr. PRATT. It is a little remarkable that this Bureau has been able to get along so many years and make a great many very important decisions without a law adviser; but we are advertised now at this late day that it will be impossible for the Bureau to discharge its duties to the public without attaching a law clerk at a compensation of $2,000 a year.

Mr. SARGENT. That same remark would apply in any Department wherever we add an additional officer, which we sometimes do, that they have got along up to this time, and so they can get along with the old force. I do not say it is impossible to discharge the duties of this office without this additional officer, but I say this is necessary for the proper discharge of the duties of the office.

Mr. PRATT. If it is necessary, I have no objection of course to the addition of one clerk to this Bureau. What I am objecting to is the striking out of the office of chief clerk, that is nearly as old as the Bureau itself, and making no provision for an equivalent officer. I believe every Bureau in all the Departments has its chief clerk. Then, why be guilty of the anomaly of depriving the Commissioner of the General Land Office of a chief clerk?

Mr. SARGENT. We do not. The Senator will find the chief clerk provided for on line 1470: "for chief clerk of the General Land Office, $2,000." We do not deprive the Commissioner of his chief clerk.

Mr. PRATT. Did not the Senate when in Committee of the Whole strike out this provision in line 1470, on page 60: "chief clerk, $2,000?"

Mr. SARGENT. No, sir.

Mr. PRATT. I understood from reading the RECORD that there was an amendment adopted to this bill in Committee of the Whole, striking out these words: "chief clerk, $2,000."

Mr. SARGENT. On line 1480 the Senator will find "also for additional clerks on account of military bounty land, namely, for principal clerk, $2,000." The clause "principal clerk, $2,000," was struck out. That is simply a principal clerk relating to military bounty lands, which are now pretty nearly closed up, and it is about time that force was discharged, and we have made a commencement.

Mr. PRATT. Then I was mistaken as to the amendment which was adopted yesterday, which was in line 1481, to strike out "principal clerk, $2,000," I am now told.

Mr. SARGENT. Yes, sir; and it has no reference to the chief clerk of the Land Office Bureau.

Mr. PRATT. If the case be as stated by the Senator from California, why should the committee not have stricken out what follows after the principal clerk of bounty-land warrants: "One clerk of class three, four clerks of class two, thirty-five clerks of class one, and two laborers?"

If the business is so nearly wound up, why not strike out this provision, and who is to be the head of this little coterie of clerks if the principal clerk is stricken out?

Mr. SARGENT. The "principal clerk" is not the head in that sense at all. The others do not report to him in any way. The Commissioner of the Land Office is the head. Whether this force can be properly reduced or not will be a question. So far as any evidence before the committee is concerned, it cannot be. If the Senator has any information on that matter he can submit an amendment.

Mr. PRATT. Then I would submit that we strike out one or two of the thirty-five clerks of class one, instead of striking out the principal clerk whose compensation is $2,000. I hope that amendment will not be concurred in.

Mr. EDMUNDS. That is not the pending question. The pending question, I believe, is on concurring with the amendment made as in Committee of the Whole in line 1471. I wish to say a word on that subject.

The PRESIDING OFFICER. The Chair understands that to be the question before the Senate.

Mr. EDMUNDS. I do not know but that additional force is needed in the office of the Commissioner of the General Land Office, but I submit to the Committee on Appropriations that the person ought not to be called "a law clerk," whatever we may be employed to do.

Mr. SARGENT. There may be something in that.

Mr. EDMUNDS. If you put that into this sub-office this year, you will find that in every other Bureau, in every other Department, some one person in it will want to be turned into a law clerk next year. As the laws are now, all are arranged. Each Department has an Assistant Attorney-General. The Department of the Interior has. These assistants all belong to the Department of Justice so as to have some harmony and uniformity. There is not so much now as there ought to be by any means, but that is the theory and that is the law. Now, the Assistant Attorney-General, or whatever he is called, in the Interior Department is just as much bound to give an opinion, whenever he is required to do so, in aid of the General Land Office as he is in aid of any of the other operations of the Interior Department. Whenever a difficulty arises, the Commissioner may send to him, and he does often, I have no doubt. But if you set up this person as a law clerk *per se* and by name, you will introduce confusion into the proper responsibility in that Department for the decisions upon law matters in the first place, and in the next place we shall have a swarm on the appropriation bill next year, everybody pressing the committee to make him into a law clerk. Therefore I suggest to the committee to strike out the word "law" and say "one clerk."

Mr. SARGENT. Perhaps that would be better.

Mr. EDMUNDS. I have no objection to it in that shape. I move to amend the amendment by striking out the word "law" and inserting "one," so as to read "one clerk, $2,000."

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

Mr. PRATT. The amendment which I should have reserved is in line 1481, striking out "for principal clerk, $2,000." My remarks should have been applicable to that amendment made by the committee. I hope that amendment will not be concurred in.

The PRESIDING OFFICER. The question is on concurring in the amendment indicated by the Senator from Indiana, [Mr. PRATT.]

Mr. MORTON. I understand from the statement of my colleague that amendment proposes to turn out an old and efficient clerk whose services I believe have been satisfactory. I have known him many years. It looks to me very much like special legislation. If his services are not needed upon the particular labor that he is now employed upon, they could be directed to some other kind of labor in the same Department; but it seems to me that it is not precisely the proper thing to get clear of a clerk in that way; a man who has been here some fourteen years, who came in I think in about the prime of life, and is now getting to be something of an old man, leaving those who have come in since to remain there while he is in this way to be turned out of office. I hope the amendment will not be concurred in.

Mr. SARGENT. It is very difficult to resist an appeal like that, especially in behalf of an old man. I can only say again that we are informed by the Commissioner of the General Land Office that the office in question is not necessary, and that the person is not competent on account of age to discharge other duties. On that bare statement, which is all I have to oppose to the appeal of the Senators on behalf of their friend, I submit the matter to the consideration of the Senate.

The VICE-PRESIDENT. The question is on concurring in the amendment, made as in Committee of the Whole, in line 1481.

The question being put a division was called for, and the ayes were 13——

Mr. SARGENT. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. The yeas and nays being called for upon this question, I should like to understand one part of the statement of the Senator from California which I did not understand. Does the Senator say that the Commissioner of the General Land Office declares that the present services of the person to whom the Senators from Indiana have alluded are not satisfactory and that this change is needed to enable him to supply the required service?

Mr. SARGENT. Of course it is unpleasant to make such a statement. I have just stated it as clearly as I thought it necessary. I am free to restate it. I only referred to it to justify the action of the committee.

Mr. CONKLING. When we are called to vote upon the yeas and nays, the consideration on the one side being sympathy and on the other side a supposed duty, it becomes necessary to know what the fact is.

Mr. SARGENT. I made that statement.

The yeas and nays being taken, resulted—yeas 22, nays 16; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Boutwell, Conkling, Davis, Gilbert, Goldthwaite, Johnston, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Patterson, Robertson, Sargent, Sherman, Stevenson, Washburn, West, and Wright—22.

NAYS—Messrs. Allison, Cragin, Dorsey, Fenton, Ferry of Michigan, Hager, Hamilton of Texas, Hitchcock, Logan, Mitchell, Morton, Pratt, Schurz, Spencer, Tipton, and Windom—16.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Buckingham, Cameron, Carpenter, Chandler, Clayton, Conover, Cooper, Dennis, Edmunds, Ferry of Connecticut, Flanagan, Frelinghuysen, Gordon, Hamilton of Maryland, Hamlin, Harvey, Howe, Ingalls, Jones, Kelly, Lewis, Oglesby, Pease, Ramsey, Ransom, Saulsbury, Scott, Sprague, Stewart, Stockton, Thurman, and Wadleigh—35.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its clerk, announced that the House had passed the bill (S. No. 1009)

to enable the Commissioner of Agriculture to make a special distribution of seeds.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri.

A bill (H. R. No. 4450) to incorporate the Potomac and Mount Pleasant Railroad Company, and for other purposes.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the bill (S. No. 433) for the relief of Mrs. Susan A. Shelby, having been received by the President on the 7th of January and not having been returned within the ten days prescribed by the Constitution, had become a law without his approval.

FORTIFICATION BILL.

Mr. DAVIS. I move to take up what is known as the fortification bill—House bill No. 3823.

The motion was agreed to; and the bill (H. R. No. 3823) making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876, was considered as in Committee of the Whole.

Mr. DAVIS. A word or two in explanation of the bill. The average amount for the last five years appropriated by the fortification bill has been about a million and a half. Last year the bill appropriated about $900,000. The present bill appropriates $850,000. We have about sixty-five hundred miles of coast, about one hundred fortifications, one-third of which are provided for in the bill. The appropriation this year is less than any year since the beginning of the war. I think it unnecessary to discuss the bill, as the appropriation is so much reduced from former years that there can hardly be any objection to it.

An amendment was reported by the Committee on Appropriations, in line 53, to strike out "Jefferson, Garden Key," and insert "Taylor and batteries, Key West;" so as to make the item read:

Fort Taylor and batteries, Key West, Florida, $15,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

BILL RECOMMITTED.

On motion of Mr. SPRAGUE, it was

Ordered, That the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain, reported with amendments on the 5th of June last, be recommitted to the Committee on Public Lands.

CONSULAR AND DIPLOMATIC BILL.

Mr. MORRILL, of Maine. I move that the Senate proceed to the consideration of the bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The first amendment reported by the Committee on Appropriations was in lines 211 and 212, to strike out from the consulates of class 6—

Fejee Islands:
Ovalan.

Mr. MORRILL, of Maine. That is provided for elsewhere in the bill.

The amendment was agreed to.

The next amendment was in line 220, to strike out "Madagascar and," before "San Juan del Norte," from the list of commercial agencies, schedule C.

Mr. MORRILL, of Maine. The reason for that is that that consulate is provided for elsewhere in the bill.

The amendment was agreed to.

The next amendment was in line 252, to increase the total amount appropriated "for allowance for clerks at consulates" from "$49,500" to "$51,000."

The amendment was agreed to.

The last amendment reported by the Committee on Appropriations was after line 285, to insert:

For salaries and expenses of United States and Mexican claims commission: For commissioner, $4,500; for agent, $4,000; for secretary, $2,500; for umpire, $3,000; legal assistant to agent, $3,000; two translators, at $1,500 each; two clerks, at $1,400 each; one messenger, $600; one assistant messenger, $300; and for contingent expenses, $5,000; making in all the sum of $28,700.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri, was read twice by its title, and referred to the Committee on Public Buildings and Grounds; and

The bill (H. R. No. 4450) to incorporate the Potomac and Mount Pleasant Railroad Company, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. MORTON. I move that the Senate proceed to the consideration of the proposition reported by the Committee on Privileges and Elections for an amendment to the Constitution in regard to the election of President and Vice-President of the United States.

Mr. SHERMAN. I am inclined to yield to the Senator from Indiana and will support his motion, but after that matter is disposed of I give notice to the Senate that I shall claim the floor for the consideration of the Louisiana question.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the joint resolution (S. R. No. 16) proposing an amendment to the Constitution prescribing the manner of electing the President and Vice-President of the United States was read twice and considered as in Committee of the Whole.

Mr. MORTON. I ask that the proposition reported by the committee be read in full.

The Chief Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article is hereby proposed as an amendment to the Constitution of the United States, and, when ratified by the Legislatures of three-fourths of the several States, shall be valid, to all intents and purposes, as a part of the Constitution, to wit:

ARTICLE —.

1. The President and Vice-President shall be elected by the direct vote of the people in the manner following: Each State shall be divided into districts, equal in number to the number of Representatives to which the State may be entitled in the Congress, to be composed of contiguous territory, and to be as nearly equal in population as may be; and the person having the highest number of votes in each district for President shall receive the vote of that district, which shall count one presidential vote.

2. The person having the highest number of votes for President in a State shall receive two presidential votes from the State at large.

3. The person having the highest number of presidential votes in the United States shall be President.

4. If two persons have the same number of votes in any State, it being the highest number, they shall receive each one presidential vote from the State at large; and if more than two persons shall have each the same number of votes in any State, it being the highest number, no presidential vote shall be counted from the State at large. If more persons than one shall have the same number of votes, it being the highest number in any district, no presidential vote shall be counted from that district.

5. The foregoing provisions shall apply to the election of Vice-President.

6. The Congress shall have power to provide for holding and conducting the elections of President and Vice-President, and to establish tribunals for the decision of such elections as may be contested.

7. The States shall be divided into districts by the Legislatures thereof, but the Congress may at any time by law make or alter the same.

Mr. MORRILL, of Vermont. I take it the Senator from Indiana would hardly feel disposed to go on at this late hour, and with his permission I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at three o'clock and thirty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 20, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

FOURTEENTH AMENDMENT TO THE CONSTITUTION.

Mr. HAWLEY, of Illinois, by unanimous consent, introduced a bill (H. R. No. 4454) to revive and continue in force section 4 of the act entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved April 20, 1871; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AFFAIRS AT VICKSBURGH, MISSISSIPPI.

Mr. O'BRIEN. I ask unanimous consent to submit for adoption at the present time the following resolution:

Resolved, That the President be directed, if not incompatible with the public interest, to inform the House by what authority the courts, or the officers thereof, of the State of Mississippi at Vicksburgh, have been interfered with by the Army of the United States, and also to report all orders in relation to said military interference.

Mr. DAWES. I have a question which I desire to submit to the House.

The SPEAKER. Is there objection to the resolution of the gentleman from Maryland, [Mr. O'BRIEN?]

Mr. HURLBUT. I object to the resolution in its present form.

Mr. RANDALL. In what form would the gentleman have it?

Mr. O'BRIEN. I think there would be no objection to my resolution, if I could have an opportunity to make an explanation of it.

The SPEAKER. The Chair will recognize the gentleman at some subsequent time.

CONTUMACIOUS WITNESS—RICHARD B. IRWIN.

Mr. DAWES. I have a communication from Richard B. Irwin, addressed to the Speaker, which I desire to lay before the House, and when it has been read, to offer a resolution.

The Clerk read as follows:

WASHINGTON, *January* 20, 1875.

SIR: The time having now arrived when, without breach of confidence, I can answer the questions heretofore propounded to me at the bar of the House on the 6th instant, and by the Committee on Ways and Means on the same and previous days, I most respectfully state that I am ready so to answer whenever it shall please the House of Representatives to order, that I may thereby be purged of my alleged contempt and released from the custody in which I have been held since the 8th day of December, 1874, no provision now existing for such release.

And in most respectfully asking your honorable House so to order, I further state my readiness to answer any other questions that may be lawfully put to me by the Committee on Ways and Means.

I am now, and have been since Tuesday, the 12th instant, suffering from malarial fever produced by my confinement in this place, which disease is increasing and will shortly, in my opinion, run into a renewal of the typhomalarial fever from which I suffered for the three years immediately following the campaign in Louisiana in 1863. It is impossible for me to recover in these quarters; and unless soon released, my testimony will be lost forever.

Being held under the order of the House, I feel it due to the House itself that this communication be addressed to the Speaker; but to avoid any appearance of disrespect for the Committee on Ways and Means, I have handed a copy to the chairman.

I have the honor to be, sir, your most obedient servant,

RICHARD B. IRWIN.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

Mr. DAWES. Mr. Speaker, I offer the following resolution, on which I call the previous question:

Whereas, on the 6th instant, Richard B. Irwin was adjudged to be in contempt of this House for refusing to answer a certain question or questions propounded to him at the bar of the House and by the Committee on Ways and Means; and whereas the House did thereupon order the commitment of said Irwin to the custody of the Sergeant-at-Arms in the common jail of the District of Columbia to abide the further order of this House; and whereas the said Irwin has this day stated in writing to the Speaker that he is ready to answer the question or questions which he has heretofore refused to answer and others that may be lawfully put to him: Therefore,

Resolved, That so much of the resolution of January 6 as requires the Sergeant-at-Arms to keep the said Irwin in the District jail be, and the same is hereby, rescinded, and that upon answering the said question or questions the said Irwin shall be discharged from the custody by the Sergeant-at-Arms.

Mr. RANDALL. Should not the resolution say, "or any other question?"

Mr. DAWES. I do not think we can hold the witness in advance for other questions.

The previous question was seconded and the main question ordered, and under the operation thereof the resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPECIAL DISTRIBUTION OF SEED.

Mr. CROUNSE. I again renew my request for unanimous consent to take from the Committee of the Whole the bill (S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seed.

Mr. BURROWS. I object.

ORDER OF BUSINESS.

Mr. SENER. I call for the regular order.

Mr. LOUGHRIDGE. I move that the House go into Committee of the Whole on the Indian appropriation bill.

Mr. GARFIELD. I ask the gentleman from Iowa [Mr. LOUGHRIDGE] to allow me to ask unanimous consent to put a bill on its passage.

The SPEAKER. The gentleman from Virginia [Mr. SENER] demands the regular order.

Mr. DAWES. There is a little unfinished contempt, I believe.

Mr. GARFIELD. I understand that the witness in contempt is not now here. I appeal to the gentleman from Virginia to allow the passage of this bill, which is to make an immediate appropriation for the work on the Saint Louis public buildings. The amount of this appropriation is to come out of the annual appropriation in the regular bill.

Mr. BURCHARD. Is not the unfinished business the first thing in order?

The SPEAKER. To what does the gentleman refer?

Mr. BURCHARD. To the motion to postpone the consideration of the resolution in regard to a recusant witness.

The SPEAKER. If the witness in contempt were present, the House could proceed; but it cannot proceed without the presence of the witness.

Mr. BURCHARD. But there was a preliminary motion under consideration.

The SPEAKER. It was understood that the adoption of the motion to adjourn was tantamount to carrying the postponement. The gentleman from Virginia has called for the regular order. Does he withdraw the call for the present.

Mr. SENER. I do, for the present.

CHARLES C. CAMPBELL.

Mr. BOWEN, by unanimous consent, introduced a bill (H. R. No. 4455) for the relief of Charles C. Campbell, of Washington County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT SAINT LOUIS, MISSOURI.

Mr. GARFIELD. I ask consent to report from the Committee on Appropriations for consideration now the bill (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri.

The bill was read. It appropriates $150,000, to be available immediately, for the purpose of continuing the construction of the custom-house and post-office at Saint Louis, Missouri, now in course of erection.

Mr. GARFIELD. In explanation of this matter, I submit a letter from the Secretary of the Treasury and two letters from the Supervising Architect of the Treasury.

Mr. HOLMAN. I trust those letters will be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., January 7, 1875.

SIR: I have the honor to inclose herewith a communication from the Supervising Architect of the Treasury Department, recommending an appropriation of $150,000 for the continuation of the construction of the United States custom-house, court-house, and post-office building at Saint Louis, Missouri, to be made immediately available, said sum to be deducted from the amount estimated for that service for the coming fiscal year for that building, namely, $750,000, with the recommendation that the appropriation may be made at the earliest moment practicable.

Very respectfully,

B. H. BRISTOW,
Secretary.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives.

—

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT, *January* 7, 1875.

SIR: I have the honor to call your attention to the condition of the work upon the construction of the United States custom-house, court-house, and post-office building at Saint Louis, Missouri. The cost of the building and site was limited by act of Congress dated March 3, 1873, (Statutes at Large, volume 17, page 524,) to $4,000,000, and the total amount appropriated to date is $2,550,000, of which $372,638.25 was expended in the purchase of the site, and $2,171,021.47 has been expended in the construction of the building, and the balance remaining in the Treasury is but $6,340.28. The work is entirely suspended for want of funds, and as the contingent services are continued, and the machinery, &c., deteriorating on account of not being used, I deem it for the best interests of the public service that an appropriation of $150,000 be obtained and made available immediately for the prosecution of the work, said sum to be deducted from the amount ($750,000) estimated as required for the service for the next fiscal year.

Very respectfully,

WM. A. POTTER,
Supervising Architect.

Hon. B. H. BRISTOW,
Secretary of the Treasury.

Mr. GARFIELD. Mr. Speaker, I desire to say, in addition, that the committee required a further statement, to show why the whole sum had been used up so early in the year, and in reply received a communication from the Supervising Architect of the Treasury Department which I will not trouble the House by reading, but by unanimous consent append to my remarks in the RECORD, showing the peculiar nature of the ground demanded hands should be put to work night and day in order to prevent the caving in of and injury to adjoining property. The committee considered that sufficient reason for the action taken. We propose to cut down the regular appropriation by this amount, and this is only in anticipation.

The communication referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT, *January* 13, 1875.

SIR: In reply to your telegram of the 11th instant, asking information as to "The cause or emergency which has occasioned the rapid exhaustion of the appropriation made last session" for the continuation of work upon the new custom-house at Saint Louis, Missouri, I have the honor to state that between the 30th of June last and the 30th of November there was expended at the building $440,000, and at Hurricane Island, for granite stock and cutting of the same $325,000, making a total expenditure since that date of $765,000, which exhausted the balance then remaining on hand and nearly all of the appropriation made at the last session.

On the 30th of November there remained in the Treasury to the credit of the appropriation $144,000, nearly all of which amount has since been expended for liabilities heretofore created and for the prosecution of the work during the month of December.

The large expenditure at the site of the building has been occasioned by unforseen emergencies. The workmen came upon beds of quicksands, which increased the quantity of excavation three or fourfold, and the foundations were at last obtained only by sinking heavy thirty-foot piles in very close proximity to each other over nearly the entire surface. The work had to be prosecuted with unusual vigor and at great disadvantage in order to accomplish it at all; and that it might be pushed along as rapidly as possible, so as to prevent accident to life and adjoining property, the superintendent employed two full sets of men, working one of them by day, and the other at night with the aid of calcium lights. Upon this subject he says, in a letter dated January 9:

"The exigencies of the work required me to place upon the building the greatest number of men I could possibly with profit, and in order that the work might be so far advanced before the approach of winter as to be in a condition of perfect safety the men were worked day and night, Sundays and holidays, without cessation. If I had not made the exertion for the last nine months which I did, an enormous amount of damages would in all probability have been brought against the Government for the destruction of public and private property and the public highways. With all my exertions we are only just out of danger."

The work is now in such a condition that a small force must be kept employed to preserve what has already been done; and to cover the walls, to take down and pack away the machinery, and to prepare for a total suspension of all work upon the

building at this season of the year will necessitate a large expenditure from which no beneficial results can be derived. It is, therefore, earnestly hoped that the explanations above given will be sufficient to justify your honorable committee in recommending the immediate appropriation asked for the continuation of the work.

I have the honor to be, very respectfully,

WM. A. POTTER,
Supervising Architect.

HON. JAMES A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPECIAL DISTRIBUTION OF SEEDS.

Mr. CROUNSE. I move by unanimous consent to take from the Speaker's table a bill (H. R. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seeds, in order that it may be put upon its passage at this time.

There was no objection, and the bill was taken up and read a first and second time.

The bill, which was read, appropriates the sum of $30,000, out of any money in the Treasury not otherwise appropriated, to enable the Commissioner of Agriculture to make a special distribution of seeds to the portions of the country which have suffered from grasshopper ravages during the past summer.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CROUNSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY INTERFERENCE WITH MISSISSIPPI COURTS.

Mr. O'BRIEN. I ask unanimous consent to submit the following resolution:

The Clerk read as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to inform the House by what authority the courts, or the officers thereof, of the State of Mississippi at Vicksburgh have been interfered with by the Army of the United States, and also to report all orders in relation to said military interference.

Mr. LYNCH. I object to the resolution in that form.

ORDER OF BUSINESS.

Mr. MAYNARD. What is the regular order of business if the motion to go into committee be voted down?

The SPEAKER. If the House refuse to go into committee, the next business in order will be the call of committees in the morning hour.

Mr. MAYNARD. I will ask to make a privileged report, if we are not to have the regular order of business.

The SPEAKER. If the gentleman from Tennessee has a conference report, it is of higher privilege than the motion to go into committee.

Mr. MAYNARD. I am aware of that, Mr. Speaker; but I do not wish to antagonize the morning hour. I think we should have a morning hour, for we have not had one for a week.

Mr. LOUGHRIDGE. Pending my motion to go into committee, I move that all debate on the pending bill in Committee of the Whole be closed in one hour.

The motion was agreed to.

Mr. HOLMAN. Of course that will be under the five-minute rule.

The SPEAKER. There can be no other rule at this time.

LOUISIANA AFFAIRS.

Mr. SHELDON, by unanimous consent, presented a memorial of the conservative members of the Legislature of Louisiana, relating to the differences concerning the organizatiion of the Legislature of that State; which was referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MAYNARD. What will be the first question the Speaker will feel obliged to submit to the House in the present condition of business?

The SPEAKER. If the gentleman rises to make his conference report, that will be the first question; but if he declines to make it, the motion to go into committee will be put.

Mr. MAYNARD. If the House refuse to go into committee, we will then have a morning hour.

The SPEAKER. The morning hour would then begin, and committees would be called for reports.

Mr. MAYNARD. I will test the sense of the House, then, as to whether it will have a morning hour or not.

The SPEAKER. The question is on the motion of the gentleman from Iowa to go into committee.

The House divided; and there were—ayes 86, noes 24.

So the motion was agreed to.

OFFICIAL STAMPS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Postmaster-General, in relation to the engraving and printing of official stamps; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. HOLMAN. Can I make my conference report now?

The SPEAKER. Not now; the House is in committee.

INDIAN APPROPRIATION BILL.

The House accordingly resolved itself in Committee of the Whole on the state of the Union, (Mr. POLAND in the chair.)

The CHAIRMAN. The pending question is on the following amendment submitted by the gentleman from Massachusetts, [Mr. HARRIS:]

The Clerk read as follows:

SECTION —. That in order to fulfill and discharge the obligations of the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw tribes or nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate made on the 9th day of March, 1859, under the provisions of article 11 of said treaty, the Secretary of the Treasury is hereby authorized and required, upon the passage of this act, to pay, out of any funds in the Treasury not otherwise appropriated, to the treasurer of the Choctaw Nation, he being authorized to receive the same by the council of said nation, the sum of $2,981,247.30, the amount of said award, with interest thereon at the rate of 5 per cent. per annum from the date of said award until the payment thereof as herein provided, less the sum of $250,000 heretofore paid in part satisfaction of said award, to be deducted as of the date of said part payment; the same to be paid from time to time by said Secretary, and in such sums as may be required for the purposes hereafter named, and as may seem to be safe and prudent. Said money shall be disbursed by the treasurer of said nation, with the advice and under the direction of the United States agent for said tribe, in the following manner, namely: A sum not exceeding — per cent. of the whole amount of said award remaining unpaid, and the interest thereon, may be paid out by said treasurer as before provided to such persons as the council of said nation shall designate and specify in full compensation for such services as have been by them lawfully rendered to said nation and for such money as they may have lawfully expended in behalf of said nation in the prosecution of the claim of said nation: *Provided*, That all persons so compensated shall, on receipt of said sums, file with the United States agent of said tribe receipt in full discharge of said nation and all individual members thereof of and from all claim on account of such services or expenditure; that the balance of said award and interest remaining after the payment before provided for shall be paid by the treasurer of said nation as aforesaid to the individuals of said nation, whose claims the said nation assumed and became liable to pay by the twelfth article of said treaty, such sums as may be found and adjudged by the proper authorities of said nation to be equitable and just: *Provided, however*, If the amount of claims so found and adjudged to be due shall exceed said balance, then that said claimants shall be paid in equal and just proportion according to the amount of their several claims so determined: *And provided further*, That if any balance after the payments before provided for shall remain, the same shall be paid over to and held by the United States as a general Choctaw fund, as provided by the thirteenth article of said treaty: *And provided further*, That before the Secretary of the Treasury shall pay the said award as herein provided, the national council of the Choctaw Nation shall pass an act in approval of this act, and shall accept the payment of the said award, as herein provided, as a full discharge and satisfaction of all the claims of the said nation, or of individual members thereof, on account of the said award.

Mr. PARKER, of Missouri. I move to strike out the following words:

The same to be paid from time to time by said Secretary, and in such sums as may be required for the purposes hereafter named, and as may seem to be safe and prudent. Said money shall be disbursed by the treasurer of said nation, with the advice and under the direction of the United States agent for said tribe, in the following manner, namely: A sum not exceeding — per cent. of the whole amount of said award remaining unpaid, and the interest thereon, may be paid out by said treasurer as before provided to such persons as the council of said nation shall designate and specify in full compensation for such services as have been by them lawfully rendered to said nation and for such money as they may have lawfully expended in behalf of said nation in the prosecution of the claim of said nation: *Provided*, That all persons so compensated shall, on receipt of said sums, file with the United States agent of said tribe receipt in full discharge of said nation and all individual members thereof of and from all claim on account of such services or expenditure; that the balance of said award and interest remaining after the payment before provided for shall be paid by the treasurer of said nation as aforesaid to the individuals of said nation, whose claims the said nation assumed and became liable to pay by the twelfth article of said treaty, such sums as may be found and adjudged by the proper authorities of said nation to be equitable and just: *Provided, however*, If the amount of claims so found and adjudged to be due shall exceed said balance, then that said claimants shall be paid in equal and just proportion according to the amount of their several claims so determined.

And in lieu thereof to insert these words:

Provided, That the Secretary of the Treasury shall not recognize, allow, or pay any claim or pretended claim which has been heretofore demanded, or which may hereafter be demanded, by any attorney or claim agent, or any pretended owner of said award or any part thereof, or any pretended purchaser of any contract or pretended contract made in behalf of said Choctaw Nation for the payment of any compensation or fees for the prosecution of the claim of said nation against the Government of the United States.

Mr. LOUGHRIDGE. Let us vote.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] was entitled to the floor when the committee rose last evening

Mr. GARFIELD. The Chair may award the floor to some other gentleman.

The CHAIRMAN. The first question will be on the amendment offered by the gentleman from Ohio [Mr. GARFIELD] which the Clerk will read.

The Clerk read as follows:

Strike out in lines 12 and 13, after the word "them," these words, "out of any money in the Treasury not otherwise appropriated," and insert "in bonds of the United States, bearing interest at 5 per cent., of the description authorized by the act of Congress approved July 14, 1870, entitled 'An act to authorize the refunding of the national debt.'"

Mr. LOWE. I desire to oppose the amendment.

The amendment offered by the gentleman from Ohio is simply an amendment to defeat this entire appropriation. It is not an amendment which would either carry out the treaty with these Indians or

carry out the award made by the Senate. As I understand this case, Mr. Chairman, the real opposition to this bill upon this floor seems to arise from the inability of the Government to pay its own debts. I have heard no gentleman upon this floor in the course of this debate allege or urge that this claim substantially was not a debt of the Government to the Choctaw Nation. If it be a debt which the Government honestly owes to the Choctaw Nation, it is not becoming the dignity or the honor of this House of Representatives to refuse to acknowledge it or to refuse to pay it as provided by treaties and by the award upon any supposition that the Treasury is not able to meet its indebtedness.

It is almost a work of supererogation to go into a discussion of the merits of this claim. For more than a quarter of a century it has been the subject of consideration, the subject of debate, the subject of reports by committees of both Houses of Congress; and, so far as I am aware, everybody who has given that attention to this claim which its magnitude demands, and who has considered the treaties upon which it is based and the facts in view of which it arises, concedes that substantially this amount as provided in this bill, and much more, is really due to the Choctaw Nation.

It is urged here upon this floor that there is danger that in the distribution of this amount it will not take the proper direction. And yet, Mr. Chairman, while this objection has been made from Congress to Congress and from session to session, by gentlemen who have antagonized the claim, I fail to find any of those gentlemen proposing to this House any method of distribution which would accommodate their views of the case in antagonism or in opposition to the modes which have been presented time after time by the committees of this House and of the other House.

One word, Mr. Chairman, in respect to the lobbies. There are two sides to the lobbies. There are two views in which their purposes may be taken into consideration, and in respect to which there may possibly be danger of improper action being taken by the House. In the first place, no one will concur more heartily than I do in the suggestion that no claim should be advanced or receive support from any motives other than those which lie in the justice, integrity, and propriety of the claim. And there is another view: whether this House will be cowed down, whether it will refuse to do justice to a suffering people with whom we have treated for fear that somebody will howl that they are actuated by the urging of a lobby. Sir, so far as I am concerned, it is my intention, and I believe it is the intention of every man here, to act with faithful integrity to the duties which are devolved upon us as public officers, and in discharge of our honest obligations to the Government, without fear of the action of the lobby and without reproach in respect to it in either attitude which I have suggested.

Now, Mr. Chairman, the original amendment offered by the gentleman from Missouri, [Mr. COMINGO,] it seems to me, is sufficiently guarded; and especially if the amendment which his colleague [Mr. PARKER] has just offered should be added to it, which would remove all doubt of suspicion and all possibility of this money taking an improper direction. I hope the appropriation may be made.

Mr. DAWES. I had not intended to participate in this debate, and should not have done so but for the suggestion of the amendment proposed by the gentleman from Ohio, [Mr. GARFIELD.] Of course the amendment offered by the gentleman from Ohio should not be adopted unless the claim is an honest one. Upon the merits of the claim specially I do not desire to trouble the House at present, because no gentleman has very earnestly contended upon the floor of the House that this is not an honest claim in some shape or other. The objections to it are based on other grounds.

I have known this claim for a great many years. I believe it is one of the standing reproaches upon the Government that they have failed to fulfill the provisions of the treaty, and the reproach is so much the greater because it is a treaty with one of the nations or tribes of Indians rather than with some one of the powerful nations of the earth. I believe we have failed to meet the just demands of that nation upon the Government of the United States; and every hour that a settlement is postponed is adding to that reproach which shall in the judgment of history be laid up against this nation on account of the manner in which it has treated those tribes of Indians.

But I desire to say that, in order to pay this claim, there is required by the amendment of the gentleman from Ohio [Mr. GARFIELD] that this be paid in bonds of the United States of the description authorized by the act of 1870. I think I am justified in urging this upon the House on account of the present condition of the Treasury of the United States. It does not make much difference to the United States or the Choctaws whether we pay it in these bonds or not, because those bonds are at par, and we can sell the bonds and pay what we owe to the Choctaws, or the Choctaws can realize upon those bonds.

But we cannot do it without legislation. Those bonds cannot be, any portion of them, put upon the market to meet this appropriation without some legislation. By the existing law they can be put upon the market only for the purpose of redeeming the outstanding debt of the Government; so that if you do not adopt the amendment of the gentleman from Ohio, you take out of the Treasury, out of the receipts of the Government, the amount of this appropriation.

Mr. HALE, of Maine. Will the gentleman from Massachusetts allow me to call his attention to the fact that the Chair, as I understand it, has ruled that no legislation is needed in this matter, and that this is not new legislation? I understand that the Chair ruled on a point of order made that this amendment did not involve any new legislation, and that therefore it was not subject to the point of order. If that is so, I suggest to the gentleman from Massachusetts whether his point is correct if the Chair was correct.

Mr. DAWES. Well, I think that is pretty well put. I think if the Chair was correct I am not.

Mr. HALE, of Maine. Settle it with the Chair.

Mr. DAWES. No, sir; I will not settle it with the Chair. I will settle it with the House of Representatives and with the gentleman from Maine.

Now, the statute of 1870 expressly declares in so many words that not one of these bonds shall be put upon the market except for the sole purpose of funding the outstanding debt of the country enumerated in that statute, and therefore, without some such provision as the gentleman from Ohio [Mr. GARFIELD] offers, you cannot take one of these bonds and divert it to this payment, and unless you do that you must take the money from the current receipts of the Treasury. You will see at once that you are now running behind two or three million dollars every month the current expenses of the Government, and it is our duty either to permit the Government to sell some of these bonds and pay the proceeds to the Indians or else to offer them to the Choctaws. These bonds are at par in the market, and that meets the objection otherwise perhaps well made by my colleague, [Mr. HARRIS,] and if you pay the amount in these bonds you cannot bind the Government in the distribution suggested by my colleague.

Mr. Chairman, all experience shows that if you distribute this money *per capita* you fritter it away. You should pay it in some way to the nation as a nation.

Mr. HARRIS, of Massachusetts. I would ask my colleague if he is aware that by the treaty of 1855 this fund is to be first appropriated to the payment of the claims of individual Indians of the tribe?

Mr. DAWES. Certainly I am; but it was not stipulated that the Government of the United States should withhold this money until they might be permitted to do it so as to settle those claims. If you will agree that the money shall be taken down there, where the lobby dare not go, you can provide for its payment in any way you please. Put an army, if necessary, between the lobby and these people; but I tell my colleague that the history of the treatment of the Indians is such that I would do anything rather than trust this money to the Indian agents down there. I say this without personal reference to any particular Indian agent, but if there are any officers of the Government in whom I have lost confidence it is Indian agents. I once heard it said upon this floor by a distinguished member that he would not trust even Saint Paul as an Indian agent.

[Here the hammer fell.]

Mr. DAWES. Allow me a word further. I agree with my colleague in his desire to shut out the lobby from any participation in this fund, but I would put it in the hands of the nation itself in some way. If we are not satisfied with the authority of its representatives here, let us charge our Government with the duty of taking the money to the very doors of the treasury of the nation, but I would not undertake ourselves to distribute it. I appreciate the efforts of my colleague and agree with him in the purpose he has in view and will go as far as he will in shutting the lobby out from any share in this money, but I apprehend that the last persons who ought to be trusted with it are the persons to whom he proposes to intrust it in this amendment.

The CHAIRMAN. Inasmuch as the House has limited debate upon this question to one hour, the Chair desires to state that the gentleman will be confined strictly to five minutes and will not be allowed to overstep that limit.

Mr. HARRIS, of Massachusetts. Mr. Chairman, I desire simply to say that the amendment which I offered yesterday was not proposed to be offered in this House, but only to be offered in the Committee on Indian Affairs for their consideration. Not finding time to offer it there I offered it here, being fully aware that it contains some matter that might be objectionable. Since the adjournment of the House last evening I have had an opportunity for the first time to see the old gentleman, Mr. Pitchlynn, who represents the Choctaw Nation here, and I have become satisfied that if a law shall pass this Congress which puts this money into the treasury of the nation or into the hands of some person whom the nation shall hereafter authorize, and pay it over at once without hesitation, we shall be doing a good work. The amendment of the gentleman from Missouri [Mr. COMINGO] provides that when this money shall be disbursed from the Treasury of the nation it shall be disbursed according to the terms of the treaty of 1855. With that I ought to be satisfied. My desire to protect this fund against any possible chance of its falling into the hands of what is called the lobby will as well be accomplished in that way as in any other; and therefore I am content that my amendment shall be withdrawn, as I now withdraw it, and that the amendment of the gentleman from Missouri, as it will be further amended as he will propose, should be adopted, and in that shape I will sustain it.

Mr. COMINGO. I send to the Clerk's desk to be read for information an amendment which I desire to offer. I believe it is not strictly in order now, as there is pending an amendment which must first be disposed of.

The Clerk read the amendment, which was to strike out of lines 11 and 12 of the printed amendment these words:

P. P. Pitchlynn and Peter Folsom, the authorized agents of said Choctaw Nation, or either of them.

And to insert in lieu thereof these words:

The treasurer of said Choctaw Nation, or to such other agent as the council of said nation may designate.

Mr. COMINGO. It is suggested that we shall first take a vote upon the amendment of the gentleman from Ohio, [Mr. GARFIELD,] before any discussion of the amendment which I have offered as proposed to be amended. I, therefore, yield the floor for that purpose.

Mr. GARFIELD. I desire to call the attention of the Committee of the Whole for a moment to the subject now before them. It will be remembered, if anybody has taken the pains to observe, that last winter I opposed a similar proposition, first because it was attached to an appropriation bill. I did not believe that an appropriation bill was the place to settle any unadjudicated claim. On the merits of the proposition itself I made two points. I said then that so far as my study had enabled me to go it seemed to me that the claim was an equitable one. But there were two things that stood in the way of my voting anything at that time for this claim. The first was the construction of the treaty itself.

The treaty recognized two kinds of claims due to the Choctaws; the first was a national claim. The treaty provided that whatever was due as the national claim was to be put into a trust fund for the purposes of education. Second, there were debts due to individual Choctaws, the amount to pay which was, according to the terms of the treaty, to be paid over to the nation, and by the nation paid to the individual claimants. I made this point, that until we knew how much was national and how much was individual we never could tell whether we had properly discharged our obligations. We must know that before we can tell what part to pay into the trust fund, and what part to pay in a lump sum to the nation.

For that reason, on motion of my colleague on the Committee on Appropriations, the gentleman from New York, [Mr. WHEELER,] a clause was inserted in the sundry civil appropriation bill last winter directing the Secretary of the Treasury to examine and report to this House how much the two several classes of claims amounted to. He has made a report which, on the 23d of December last, was referred to the Committee on Appropriations. In that report he says that the amount of individual claims of the Choctaws is more than the whole amount that we owe the Choctaws under the award; in other words, that the individual claims of Choctaws, the payment of which is recognized as the first use to be made of the money we are to pay, will absorb all and indeeed more than all we are to pay under the terms of the treaty.

That statement settles one of the difficulties in my mind last winter. It reduces it to this: that whatever we are bound to pay the Choctaws under the treaty is to be paid to them under the clause which provides for the individual Choctaw claims. By the language of the treaty the distribution of that fund is to be made by the Choctaw Nation themselves from the sum which we are to pay them. That makes it clear to my mind that our duty under the treaty will be discharged when we pay to the Choctaw Nation, or to any agent that we know to be their authorized agent, the sum of money awarded under the treaty.

Mr. HOLMAN. Does not the pending proposition refer as well to the award under the twelfth as under the eleventh section of the treaty? The amount under the twelfth is comparatively small.

Mr. GARFIELD. Of course I speak of the whole.

Mr. HOLMAN. Both the eleventh and the twelfth?

Mr. GARFIELD. Yes, sir. In the next place, there was also this trouble in my mind: was there any authorized agent of the Choctaw Nation to whom we could pay this money, and from whom we could receive a full and complete quittance and discharge of the Government of the United States from all obligations? I had some doubt whether there was such clear and unquestioned authority. The Secretary of the Treasury has also reported to us upon that point, and in his letter, which I hold in my hand, he declares that the Choctaw Nation has reaffirmed the powers of the agents named in the bill to receive the money. But to "make assurance double sure," I shall demand that there shall be put upon this bill a proviso that the Choctaw Nation should hereafter determine to whom this money shall be paid for them.

Mr. LOWE. It does that now.

Mr. GARFIELD. If it does that, I am content. There are two things in my mind to be determined: First, the United States must obtain a complete quittance for its obligation; in the second place, we should get that quittance by a means that the Treasury can endure. That cannot be by the payment of money, but it must be by the payment of bonds.

Mr. COMINGO. I desire to state to the gentleman that I have indicated an amendment requiring that hereafter the Choctaw Nation shall appoint an agent to receive this money.

Mr. GARFIELD. I have offered the amendment I did because we have not now, and according to present appearances will not have, the means to pay this sum of money. And unless specific authority is given, we could not even sell these bonds and raise the money for this purpose; for by the law all the bonds of this description, unless subsequent legislation shall otherwise provide, are pledged to the specific business of refunding the national debt. I therefore offered this amendment for the purpose of providing that such portion of these bonds as is needed may be made available for this purpose. One word more in regard to the merits of the case itself.

[Here the hammer fell.]

Mr. TOWNSEND. I wish to call the attention of the gentleman from Ohio [Mr. GARFIELD] to the fact that his amendment does not allow the sale of the bonds for the purpose mentioned, but it requires that the fund itself shall be paid over to the parties authorized to receive it.

Mr. GARFIELD. Of course, if the claim was to be paid in money, the Government would have to sell the bonds to raise the money; but the Treasury Department has no authority to do that, nor do I want to give such authority.

Mr. TOWNSEND. I think it would be best to alter the phraseology of the proposition. I ask why we should appropriate these bonds to the Indians when they are above par? Why should we not give authority to sell the bonds and put the premium into the Treasury?

A MEMBER. What is the price of the bonds?

Mr. TOWNSEND. They are selling at 115.

Mr. GARFIELD. O, no.

Mr. TOWNSEND. They are about 3 per cent. above par in gold.

Mr. LOUGHRIDGE. I desire to offer an amendment to the amendment.

Mr. COMINGO. There is a pending amendment, and it seems to me the amendment of the gentleman from Iowa [Mr. LOUGHRIDGE] is not in order.

Mr. LOUGHRIDGE. Mine is only an amendment to an amendment.

Mr. COMINGO. My amendment is not in the form of an independent section, but is itself an amendment to an amendment.

The CHAIRMAN. Then the amendment of the gentleman from Iowa [Mr. LOUGHRIDGE] is not in order.

Mr. LOUGHRIDGE. I think the gentleman from Missouri [Mr. COMINGO] is mistaken. The proposition made by him is, as I understand, to attach an independent proposition to the bill.

Mr. COMINGO. No, sir.

Mr. LOUGHRIDGE. I ask that the amendment of the gentleman from Missouri be read, so that we may understand what it is.

The Clerk read as follows:

Strike out "P. P. Pitchlynn and Peter Folsom, the authorized agents of said Choctaw Nation, or either of them," and insert in lieu thereof the following:

To the treasurer of said Choctaw Nation, or to such other agent as the council of said nation may designate.

Mr. LOUGHRIDGE. I ask a vote on the gentleman's proposition.

Mr. COMINGO. The amendment of the gentleman from Ohio [Mr. GARFIELD] has precedence.

The CHAIRMAN. The question is first on the amendment of the gentleman from Ohio.

Mr. TOWNSEND. I move to amend that amendment by striking out "5 per cent." and inserting "4½ per cent." The latter bonds sell at about par.

Mr. GARFIELD. I have no objection to that amendment.

Mr. MERRIAM. I would suggest that inasmuch as we do not want to pay this debt in gold, we provide for paying it in 5 per cent. currency bonds. That will cover the point.

Mr. HOLMAN. Mr. Chairman, I regret that I feel compelled to raise objections to this measure. I do not oppose it simply because of its age, because, if it is a just claim against the Government, its long postponement would be the strongest argument for its prompt settlement; and I am well aware that we have not treated kindly or justly the Indian tribes which have come under our control even in times of peace. But I am not able to reach the conclusion that this claim is one which the Government ought to pay.

The gentleman from Massachusetts, [Mr. DAWES,] in discussing this subject a few moments ago, mentioned the fact, if I understood him correctly, that he had never heard the justice of this claim called in question. The gentleman is certainly mistaken. When the Senate brought the subject before this House, soon after the award was made by the Senate by an amendment to the Indian appropriation bill, the claim asserted by the Senate of a right to make that award was promptly resisted by this House; and the House went into the inquiry, not whether an award had been made by the Senate, but whether in fact, under the eighteenth article of the treaty of 1830, on which the Senate predicated its award, the Choctaw tribe of Indians were entitled to the proceeds of the land ceded by them to the United States by that treaty situated in the State of Mississippi. And after a very careful investigation the claim was defeated by a vote of 56 yeas to 104 nays, the gentleman from Massachusetts [Mr. DAWES] himself voting in the negative. Many gentlemen were then members of this House who had been familiar with all the facts and events connected with this award and the treaties preceding it from the beginning, and they voted with great unanimity against the appropriation of this money. The vote, as I have stated, and which I now have before me, is 56 in the affirmative to 104 in the negative.

I am forced to the conclusion, as I was then, that by the eighteenth article of the treaty of 1830, on which this award was predicated by the Senate, the Government was not liable to the Choctaw tribe of Indians for the proceeds of those lands. This tribe of Indians by

that treaty of 1830 absolutely ceded their lands in Mississippi to the United States. The Government paid them for the lands in conformity with the treaty. It paid by the terms of the treaty to the Choctaw tribe an annuity of $20,000 a year for the period of twenty years. It agreed to remove and did remove them at the expense of the United States to the country lying west of the present State of Arkansas and support them there for a period of twelve months, and furnished liberal facilities to promote their civilization. It agreed further that all those Choctaws who might think proper to remain in the State of Mississippi might do so and become citizens of that State; that heads of families should receive two sections of land, that all children above ten years of age should receive half a section of land, and those under ten years of age a quarter-section of land. The provisions of the treaty secured to the tribe ample compensation for the lands they ceded and established them in their new home west of the Mississippi.

Now, sir, the eighteenth article of the treaty provides only that while the Indians are upon these lands in Mississippi they may be surveyed by the United States, but that they should not be disposed of until the Indians had removed west and until the Government had fulfilled its treaty obligations to remove them to the country west of the present State of Arkansas, and then the annuities of money which the Government had agreed to pay (every dollar of which has been paid) should be paid, and its payment should be a charge upon ceded lands; but no provision of the treaty gives this tribe the proceeds of the land ceded by them to the United States. There is no such provision in the treaty.

I have before me the statement made on this floor fifteen years ago by a then leading member of the Committee on Ways and Means, (Hon. John S. Phelps,) which seems to be absolutely conclusive against this claim; and I find from the Globe of that day that when the award of 1859 was under consideration in the Senate the chairman of the Senate Committee on Indian Affairs stated that the amount involved was about $800,000 to $1,000,000, when in fact the award was found to be $2,981,000. The Senate, after a very brief discussion, adopted a resolution submitted by the chairman of the Committee on Indian Affairs declaring that the Choctaw Indians should receive the proceeds of the lands sold by the United States, and within the limits of the State of Mississippi which had been ceded by the Choctaws to the Government.

Now, sir, the very use of the term "lands ceded" in this eighteenth article repels this idea that the Indians were to receive the proceeds of those lands; and in the debate to which I refer, when the subject was before the House there was great unanimity in the opinion that inasmuch as this was a question on which the House itself must pass its judgment, the data on which the Senate acted were not sufficient; that the eighteenth article of the treaty of 1830 did not warrant the construct on which the Senate put upon it, and that the award so far as predicated upon that eighteenth article was without any justice in fact or binding authority upon the House, and the House rejected the claim. My judgment is that that original action of the House was right. I cannot therefore support this measure, but must vote against it.

Mr. COMINGO rose.

Mr. MERRIAM. I wish to submit my amendment. This amount proposed to be awarded with accumulated interest perhaps amounts to $5,000,000,

Mr. LOUGHRIDGE. The Chair has ruled the amendment is not in order, and I make the point of order against it.

The CHAIRMAN. It is not in order.

Mr. COMINGO. I will yield that the amendment may be read and then I will take the floor.

Mr. MERRIAM. Let it be read and the committee will see it will get us out of the difficulty.

The Clerk read as follows:

That the amount herein awarded shall be invested in United States thirty-year 5 per cent. currency bonds, such bonds to be registered in the name of the Choctaw Nation, held with accumulated interest by the United States Treasurer, subject only to the order of the legally authorized agents of the Choctaw Nation.

Mr. TOWNSEND. I ask the gentleman to yield to me to have an amendment read.

Mr. COMINGO. I cannot yield, because it will be taken out of my time.

The CHAIRMAN. It will be taken out of the gentleman's time.

Mr. COMINGO. Mr. Chairman, I supposed at the time I offered the amendment to the appropriation bill that it would not be antagonized by any one on account of lacking merit, but to my surprise there are two gentlemen upon this floor who do so antagonize it and say it is not a just claim. From the fact there are but two who have spoken on the subject, I suppose they are the only two who do not regard the claim as having merit. Now the gentleman from Indiana [Mr. HOLMAN] insists this money is not due to these Indians. I regret very much my time will not allow me to run through the history of the case, for I think I would be able to convince the committee the United States owes to these Indians perhaps $2,000,000 more than they ask or can now recover.

The gentleman from Indiana states these lands were not sold. I will remark for the information of those who have not examined the question that the lands to which these Indians moved west of the Mississippi River were ceded to them before this, I think in 1820, and they had as much title to them as they ever had to any land. In 1830 a treaty was entered into, the preamble of which I ask the Clerk to read. By that treaty we acquired lands from them amounting to nearly eleven million acres west of the Mississippi. The preamble will show on what terms, and that it was a sale and not a gift.

The Clerk read as follows:

Whereas the General Assembly of the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same, and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws: Now, therefore, that the Choctaws may live under their own laws in peace with the United States and the State of Mississippi, they have determined to sell their lands east of the Mississippi, and have accordingly agreed to the following articles of treaty:

Mr. COMINGO. It is true, Mr. Chairman, that preamble was not ratified, but was struck out, yet it is true nevertheless these Indians sold their lands. It is manifest from the subsequent action of this House, or rather of the Senate of the United States. The Choctaws, from and after the time that treaty was made, asserted their claim for nearly eleven million acres of land which they had ceded—for land which they had sold according to the recital in the preamble of the treaty. Until 1855 they were unsuccessful in accomplishing anything which indicated the purpose on the part of the Government to satisfy their claim.

Mr. LOUGHRIDGE. I rise to a point of order. We have limited debate on this bill to one hour, and as there are several important amendments yet to be offered, if the whole time is to be taken up with the discussion of the pending amendment, we will not have opportunity to explain anything else. I insist, therefore, the gentleman's remarks shall be confined to the pending amendment.

Mr. COMINGO. I presume the point of order is well taken; but I apprehended, as the gentleman from Indiana, who antagonized this claim, was allowed to proceed without interruption, I would be permitted to make a brief statement in reply. If the point of order is insisted on, however, I will yield the floor so that a vote may be taken.

Mr. HALE, of Maine. If in any allusion I made yesterday to the lobby offense was taken by members of this House——

Mr. COMINGO. I make the point of order made and insisted on against me, that the gentleman must confine his remarks to the pending amendment. I was obliged to take my seat because the point of order was raised that I was not discussing the pending amendment. The gentleman from Maine proposes now to discuss the lobby and not the pending amendment, and I make the point of order against him.

Mr. HALE, of Maine. Let the pending amendment be read.

The amendment was again read.

Mr. HALE, of Maine. It is to that amendment I propose to speak. I want, by certain figures taken from the report of the Secretary of the Treasury, to call the attention of the House particularly to the end to which this fund should go.

If, as I commenced by saying, I made a mistake in referring to the lobby and that is offensive, I will adopt the phrase used by Mr. Sam. Ward, and speak of them as parliamentary lawyers. At any rate, it seems they are not upon the side of the persons for whom I am about to speak.

Now, if gentlemen will examine the letter of the Secretary of the Treasury, prepared in accordance with the direction of Congress at its last session, they will find on page 2 of that letter on the Choctaw claim this statement, made up from the papers in the case:

The original claims are based upon those of eleven hundred and fifty families, as appears by statements submitted to the Secretary.

The amount of these is $1,798,400. In addition there are two hundred and ninety-two families who never received anything from the Government. Now, if there is any force in this claim, the money should go straight and direct as water runs or fire burns to these families. It ought not to be diverted. There ought to be no objection to the amendment of the gentleman from Massachusetts, [Mr. HARRIS,] which seeks to send it to these persons.

If that is admitted, then the question arises, can you distribute bonds to these parties as well as money? That is a fair question for the House to consider upon the present amendment. I am free to say that my interest in this matter arises from a determination that so far as I am concerned this large sum of money—and the amendment makes it over $4,000,000—shall go directly to these parties. Congress ought not to move a step in this matter until that is guaranteed.

Now, sir, I have my suspicion that when these claims are investigated it will be found that no eleven hundred and fifty families, with the two hundred and ninety-two added, making over fourteen hundred in all, will ever appear to present a good claim. And where shall the balance go? That should be guarded, and the provision which has been referred to revived that if there is any fund over and above the net proceeds that shall go to these families, and then the balance, the residue, shall go for a fund that shall operate for all the tribe, that is, for an educational fund. I would have that religiously guarded. Let the amendment of the gentleman from Massachusetts, [Mr. HARRIS,] of the Indian Committee, be carried into effect. Let the proper tribunal of the Choctaw Nation pass upon these claims of fourteen hundred and odd families, and let the money from the Treasury, whenever we give it, be paid directly to the Indians. If there is any balance over, let it go to the educational fund. And if the House chooses that a small percentage of this vast sum shall be paid to any

parties who have had charge of urging this claim for fair and honest services, there can be no objection.

[Here the hammer fell.]

The question being taken on Mr. GARFIELD'S amendment, there were ayes 75, noes not counted.

So the amendment was agreed to.

Mr. LOUGHRIDGE. Mr. Chairman, have I a right now to offer my amendment?

The CHAIRMAN. The gentleman from Missouri [Mr. COMINGO] has offered an amendment to his own amendment. The Chair does not consider that it is in order to offer an amendment to that.

Mr. LOUGHRIDGE. We have just adopted one amendment.

The CHAIRMAN. That was an amendment to the original proposition, which is an amendment to the bill. The gentleman from Missouri now moves an amendment to his own amendment, and it is not in order to move an amendment to that.

The question is on the amendment of the gentleman from Missouri [Mr. COMINGO] to the original amendment, which the Clerk will read.

The Clerk read as follows:

In lines 11 and 12 strike out these words, "P. P. Pitchlynn and Peter Folsom, the authorized agents of said Choctaw Nation, or to either of them," and insert in lieu of them the following: "To the Treasurer of said Choctaw Nation or to such other agent as the council of said nation may designate."

Mr. GUNCKEL. I wish to be heard on this amendment.

Mr. COMIMGO. I rise to a point of order.

Mr. GUNCKEL. I am going to discuss the amendment.

Mr. COMINGO. Is not debate exhausted on that amendment?

Mr. GUNCKEL. There has been no debate on the gentleman's amendment at all. The debate has been on the amendment of the gentleman from Ohio, [Mr. GARFIELD.]

I have not been able to satisfy myself at all that this claim is a just one and an honest debt due the Indians from the Government. I do not propose, however, to discuss its justice on this amendment, as I would not be permitted to do so under the rules. But neither am I satisfied as to the particular manner in which this money, some $4,000,000, shall be paid to the claimants. I have serious doubts whether, under the bill, one-half of it will ever get to the Indians or out of the city of Washington.

There are two propositions. One is to give the money to Peter P. Pitchlynn and Peter Folsom, two gentlemen selected by the Choctaw Nation. We are not told that they are men of property; that they have given bonds for the safety of this money or for its payment to the claimants. Now, we know, Mr. Chairman, and the gentleman from Indiana [Mr. SHANKS] knows very well, that in a similar case a few years ago Congress appropriated about half a million dollars to pay bounties to the soldiers of the Indian Home Guards belonging to the Cherokee and Creek Nations, and that it was paid to an agent selected and authorized by said nations, and that of that half million dollars but little more than one-half ever got to the soldiers, the balance having been kept by the agent himself. Now, what assurance have we that this will not be repeated in this Choctaw case? The agents named may be men of honor, integrity, and respectability. I know nothing against them. But this Government should not pay four or five million dollars to any person unless that person has given bonds for the safety and proper distribution of the money.

The pending proposition of the gentleman from Missouri [Mr. COMINGO] is to pay the money to the treasurer of the Choctaw Nation. Now, those who know anything of these so-called Indian nations know that their treasurers are not men of property, and often do not give bonds, or that if they give bonds at all, it is only for a few thousand dollars.

Now, Mr. Chairman, I say that we have no assurance that under either of these propositions this money or any large portion of it will ever get to the claimants. We do not know that it will not be paid to attorneys and agents belonging to the Washington lobby notoriously interested in this claim. It was stated in the newspapers at the last session that these Indians, despairing of getting their claim through, had agreed to give the Washington lobby one-half of all they should recover for getting the claim through Congress. I do not know if that is true or not, but I shall not vote away millions of dollars of the people's money until I am quite sure it is just and that the money shall go to the Indians and not the lobby.

Mr. HARRIS, of Massachusetts. The gentleman will allow me to state a single fact?

Mr. GUNCKEL. I have no objection if it does not come out of my time.

Mr. HARRIS, of Massachusetts. The Choctaw Nation in council last year declared that they would repudiate all contracts made with all parties upon the subject of this Choctaw claim. That is the condition of things to-day.

Mr. LOUGHRIDGE. I object to the gentleman from Ohio yielding unless it be taken out of his time.

Mr. GUNCKEL. I resume the floor. Now, I propose an amendment to which I think there can be no objection, and which will secure the payment of this money to the legitimate claimants. It is to strike out the words "treasurer of the nation" and insert "Secretary of the Interior in trust for the claimants." Then the money will go not to the lobby, but to the Indian claimants to whom it is claimed to be due.

Mr. SHANKS. A former Secretary of the Interior placed the money in the hands of the special agent, J. W. Wright, formerly of Indiana, in whose hands the money was placed for the Indian soldiers, in the case to which the gentleman has referred, and in which it was lost.

Mr. GUNCKEL. The money was safe as long as it remained in the hands of the Secretary of the Treasury or the Secretary of the Interior. After it passed over to the agent of the Indians, then it was lost. It is suggested to me that I substitute the words "Secretary of the Treasury" for "Secretary of the Interior." I have no objection to that. All I want is to place this money, if appropriated at all, in the hands of some officer of the Government, so as to secure its payment to the persons for whom it was designed and to whom it is believed to be due.

I repeat, I prefer not to pay at all, because I am not by any means satisfied that it is a just and honest claim against the Government.

[Here the hammer fell.]

Mr. LOUGHRIDGE. I have not had an opportunity to offer an amendment which I think ought to be offered and ought to pass; and as part of my argument I ask the Clerk to read that amendment which I send up.

The Clerk read the amendment, as follows:

Strike out "$2,981,247.30" in lines 14 and 15, and insert in lieu thereof "$2,332,560."

Mr. LOUGHRIDGE. I desire to say to the committee that I believe seven committees of Congress have reported on this claim, and six out of that number have fixed the amount at the rate this amendment fixes it. The first committee that ever reported on the case was a Senate committee, of which Mr. Sebastian was chairman. He fixed the amount at this rate. I am in favor of the claim, and believe it to be an honest one. I do not think that any gentleman will rise here and say that it is not a fair and just claim; but I do think that $600,000 ought to be deducted from the amount awarded by this amendment. I send up to the Clerk and ask to have read a passage from the report made in the Senate by Mr. Sebastian, the first report ever made on this case, and made during the same session that the award of the Senate was made.

The Clerk read as follows:

The net proceeds of the ceded lands having been by the Senate awarded to the Choctaws, not as a matter of legal right upon the letter of the treaty of 1830, but under the power given by the submission in the treaty in 1855, not alone to decide whether the Choctaws were entitled to those net proceeds, but also whether they should be allowed them; in fulfillment of the duty created by that treaty, to give the rights and claims of the Choctaw people "a just, fair, and liberal consideration," because of the impossibility of ascertaining the real amount to which upon a fair settlement the Choctaw Nation and individuals were entitled, but which amount, it was evident, was of startling magnitude, as the only mode by which equal justice could by any possibility be done between them and the United States, and because under the treaty of 1830, taken in connection with the discussions and propositions that preceded the treaty, their equities to have the net proceeds were very strong indeed, therefore it seemed to the committee to be an equitable construction of the award and its true intention that the United States should return to the Choctaws only so much as remained in their hands as profit from the lands ceded by the treaty of 1830, and after payment of all expenses and disbursements of all kinds; and twelve and a half cents per acre for such lands only as still remain in the possession of the United States unsold.

The committee has therefore thought that there should be charged against the Choctaws, as a further deduction not made by the Secretary of the Interior, the 5 per cent. on the net proceeds of the actual sales of said lands, [$5,912,664.13,] which the United States have paid to the State of Mississippi, amounting to $362,100.70.

And also that the phrase "*the residue of said lands*" in the award [used instead of the words "*the lands remaining unsold*" in the submission] should not be construed to include such of the lands as have been given the State of Mississippi under the swamp-land act nor the grants for railroad and school purposes; but that so much as in the account is allowed for such lands at twelve and a half cents an acre [or $226,595.75] should also be deducted.

These two amounts deducted from the balance as found by the account leave the sum of $2,332,560.85 due and owing to the Choctaws, according to the award of the Senate, by virtue of articles 11 and 12 of the treaty of 1855.

Mr. LOUGHRIDGE. Now, Mr. Chairman, as I said before, the six committees which have reported upon this claim have all fixed on this amount. The Committee on Appropriations of this House at its last session, in a report presented by the gentleman from Missouri, [Mr. PARKER,] fixed the amount as I propose to fix it.

Mr. PARKER, of Missouri. O, no; the gentleman is mistaken.

Mr. LOUGHRIDGE. I hold in my hand the bill which the gentleman reported last session from the Committee on Appropriations, and which fixes this as the amount due.

Mr. PARKER, of Missouri. I desire to correct the gentleman. The Committee on Appropriations did do that, but the report that I made did not do it.

Mr. HOLMAN. I desire to ask the gentleman from Iowa, who has been speaking of recent reports made in this case, if all the earlier reports upon it, when the facts were fresh, were not adverse to the claim?

Mr. LOUGHRIDGE. The first report was made in the Senate by Mr. Sebastian, of Arkansas, about a month after the Senate had made the award, in which he says that the amount due is the amount I propose in my amendment; and since that time every committee that has examined the claim has fixed upon the same amount except the Committee on Indian Affairs of this House last session.

Mr. HOLMAN. The very second session of Congress after this award was made the claim was reported adversely upon and was defeated.

Mr. LOUGHRIDGE. As I said, I am in favor of the payment of the claim; but I think that the amount in the amendment of the gentleman from Missouri [Mr. COMINGO] is $600,000 more than the amount fixed by the Senate.

Mr. WILSON, of Iowa. I rise to oppose the amendment.

The CHAIRMAN. All debate is exhausted under the order of the House. The first question is upon the amendment offered by the gentleman from Missouri [Mr. COMINGO] to his own amendment.

The amendment was to strike out "P. P. Pitchlynn and Peter Folsom, the authorized agents of said Choctaw Nation, or either of them," and to insert in lieu thereof the words "the treasurer of said Choctaw Nation, or such other agent as the council of said nation may designate."

The amendment to the amendment was agreed to.

Mr. LOUGHRIDGE. I now move to amend the amendment as I indicated a moment since, by striking out "$2,981,247.30" and inserting in lieu "$2,332,561."

The question was taken upon the amendment to the amendment, and upon a division there were—ayes 41, noes 60; no quorum voting.

Tellers were ordered; and Mr. LOUGHRIDGE and Mr. COMINGO were appointed.

The Committee of the Whole again divided; and the tellers reported that there were—ayes 54, noes 97.

So the amendment to the amendment was not agreed to.

Mr. PARKER, of Missouri. I move to amend the amendment by adding the following:

Provided, That the Secretary of the Treasury shall not recognize, allow, or pay any claims or pretended claims which have heretofore been demanded, or which may hereafter be demanded, by any attorney or claim agent, or any pretended owner of said award or any part thereof, on any pretended purchase or any contract or pretended contract made on behalf of said Choctaw Nation for the payment of any compensation or fees for the prosecution of the claims of said nation against the Government of the United States.

The amendment to the amendment was agreed to.

Mr. GUNCKEL. I move to amend the amendment by striking out the words "the treasurer of the Choctaw Nation, or such other agent as the council of said nation may designate," and to insert in lieu thereof the words "the Secretary of the Interior, in trust for said claimants of the Choctaw Nation." Now just one word. Instead of having this money go to the treasurer of the nation——

Mr. COMINGO. I object to debate.

The CHAIRMAN. In the opinion of the Chair the amendment proposed by the gentleman from Ohio [Mr. GUNCKEL] is not in order, as it proposes to strike out words which the committee have just directed to be inserted.

Mr. GUNCKEL. As I understand, there is pending a motion to amend this appropriation bill. There is no other motion pending, and I have moved to amend the amendment. Do I understand the Chair to rule my amendment out of order?

The CHAIRMAN. The Chair rules the amendment of the gentleman from Ohio [Mr. GUNCKEL] out of order, because it proposes to strike out words which the committee have just voted in.

Mr. GUNCKEL. The committee had put in a long clause. At the time I moved to amend it, but I could not.

The CHAIRMAN. The Chair understands that it is not in order to strike out any part of what the committee have voted in.

Mr. COMINGO. In order to perfect the amendment, I move to strike out, in lines 22 and 23 of the printed amendment, the words "to said Pitchlynn and Folsom, or either of them."

The amendment was agreed to.

Mr. COMINGO. I further move to amend by striking out in line 27 the word "agents" and inserting in lieu the words "treasurer or agent."

The amendment was agreed to.

Mr. COMINGO. I move to amend also by striking out the words "to the said delegates," in line 32 of the printed amendment.

The amendment was agreed to.

The question was upon the amendment as amended.

Mr. HALE, of Maine. I rise to a question of order. In the confusion here I failed to understand what had become of the amendment proposed by the gentleman from Ohio, [Mr. GUNCKEL.]

Mr. GARFIELD. I would inquire upon what point of order the amendment of my colleague [Mr. GUNCKEL] was overruled.

Mr. HALE, of Maine. That is what I am inquiring about.

The CHAIRMAN. It was overruled upon the ground that it proposed to strike out a portion of what the committee had just voted in.

Mr. HALE, of Maine. I understand that we are just getting ready to vote on the whole proposition of the gentleman from Missouri, [Mr. COMINGO.] Before that vote is taken that proposition can be amended in any portion by striking out. I understood that the gentleman from Ohio proposed to strike out certain words and to insert others. Is not that so?

The CHAIRMAN. Does the gentleman from Maine [Mr. HALE] understand that when the committee have voted in certain words, a member of the committee can immediately move to strike out them or any portion of them? The Chair does not understand that it is in order to move to strike out anything that the committee have ordered to be inserted.

Mr. HALE, of Maine. I would inquire if the amendment offered on yesterday by the gentleman from Massachusetts, [Mr. HARRIS,] a member of the Committee on Indian Affairs, is now pending before the committee?

The CHAIRMAN. That amendment has been withdrawn by the gentleman who offered it.

Mr. HALE, of Maine. Then I hope the whole proposition will be voted down.

The question was then taken upon the amendment of Mr. COMINGO as amended by the Committee of the Whole; and upon a division there were—ayes 97, noes 52.

Mr. HALE, of Maine. Instead of calling for tellers, I will give notice that I shall ask for a separate vote upon this amendment in the House.

Mr. HOLMAN. In order to have a full vote, inasmuch as this is an important amendment, I think we should have tellers.

The CHAIRMAN. A quorum has voted.

Mr. HOLMAN. Then I will not call for tellers.

The CHAIRMAN. The vote upon the amendment, as amended, is 97 in the affirmative and 55 in the negative. The ayes have it, and the amendment is agreed to.

Mr. LOUGHRIDGE. I am instructed by the Committee on Appropriations to offer the following amendment:

That the Secretary of the Treasury is hereby authorized and required to pay to the Chickasaw tribe of Indians, upon the passage of this act, the following arrears of interest due to said tribe:

Arrears of interest on $90,000 Arkansas 6 per cent. bonds from July 1, 1852, to July 1, 1866, $75,000.

Arrears of interest on $616,000 Tennessee 6 per cent. bonds from January 1, 1861, to July 1, 1866, $203,280.

Arrears of interest on $66,666.66⅔ Tennessee 5¼ per cent. bonds from January 25, 1861, to July 1, 1866, $19,010.25.

And that the same be paid to the said tribe in bonds of the United States of any issue authorized by law and bearing 4½ per cent. interest.

Mr. HOLMAN. I trust the gentleman who has charge of this bill will explain whether it has been the policy of the Government heretofore to pay the interest on these bonds held for Indians.

Mr. LOUGHRIDGE. I believe it has always been the custom of the Government.

Mr. HOLMAN. Then how does it happen that from 1861 to 1866 the interest was not paid by the Government?

Mr. LOUGHRIDGE. I will explain to the gentleman. The interest was paid upon these bonds until the breaking out of the war. After the war commenced Congress by an act instructed the Secretary of the Interior, I believe, to postpone payment of interest on the bonds due to Chickasaws, Choctaws, and Cherokees on account of some of them having been disloyal to the Government.

Mr. MAYNARD. Unfriendly, not disloyal.

Mr. LOUGHRIDGE. After the war, in 1866, we made a treaty with the Choctaws, Chickasaws, &c., by which the Government agreed to renew all payments to these Indians.

Mr. HOLMAN. Did the Government, however, by that treaty in 1866 agree to pay the interest on these bonds in which the Indian fund had been invested?

Mr. LOUGHRIDGE. These were bonds in the United States Treasury belonging to these Indians. The Chickasaws sold certain lands, and the Government agreed to take their money and invest it for them as a trustee, in good, safe, interest-paying bonds. That, I believe, is the language of the agreement. We invested that money in Arkansas and Tennessee bonds that were not good, that are not paying interest. Now, as trustee of those Indians, we are bound in all conscience and good faith to pay the interest as it falls due, (and we have always done it,) waiting for the States to pay the bonds if they ever shall do so.

Mr. HOLMAN. It would throw a great deal of light on the subject if the gentleman would have read the treaty of 1866 by which the Government agreed to pay interest on those bonds, and also the original agreement by which the Government bound itself to invest this money in safe securities.

Mr. LOUGHRIDGE. The fifth article of the treaty of 1852 recites that—

The Chickasaws are desirous that the whole amount of their national funds shall remain with the United States in trust for the benefit of their people, and that the same shall on no account be diminished.

It was therefore agreed—these are the words—

That the United States shall continue to hold the said funds in trust as aforesaid, and shall constantly keep the same invested in safe and profitable stocks, the interest upon which shall be annually paid to the Chickasaw Nation.

Allow me to repeat that after the war broke out Congress passed an act postponing the payment of all sums due to the Chickasaws, Choctaws, &c., on account of some of them having been, as was said, disloyal. After the war was over the following provision was made in the tenth article of the treaty of 1866:

The United States reaffirm all obligations arising under treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations entered into prior to the late rebellion and in force at that time not inconsistent herewith.

That is the provision of the treaty of 1866 upon which the Secretary of the Interior has in his annual estimates recommended the payment of this interest. There is no reason, so far as I see or know, why this payment should not be made.

Mr. MAYNARD. These bonds belonged, as I understand, to the Indian tribes.

Mr. LOUGHRIDGE. They do.

Mr. MAYNARD. They were their property?

Mr. LOUGHRIDGE. Yes, sir.

Mr. MAYNARD. How large a portion of them was stolen prior to the war by officials of the Government, so that the bonds themselves are no longer in the possession of the Government?

Mr. LOUGHRIDGE. The amount of bonds stolen that belonged

to the Indians was $870,000. But none of those bonds are included in this amount. These bonds were not stolen. They are still in the Treasury; but the interest is not paid.

Mr. MAYNARD. What disposition has been made in reference to those stolen bonds?

Mr. LOUGHRIDGE. There never has been any except that the Government annually appropriates for the payment of the interest on them.

Mr. MAYNARD. I submit to the gentleman this legal proposition: Suppose this was not a question between the United States and Indian tribes, but a question between a trustee and a beneficiary or *cestui que trust;* would we not, upon the ordinary principles governing such a fiduciary relation, be liable for the interest on those bonds and for the payment of the bonds themselves when they fall due?

Mr. LOUGHRIDGE. I have no doubt of it myself as a lawyer.

Mr. MAYNARD. And this interest has been paid annually ever since the treaty of 1866?

Mr. LOUGHRIDGE. We are paying it every year.

Mr. MAYNARD. This is simply the ordinary appropriation?

Mr. LOUGHRIDGE. Yes, sir.

Mr. GARFIELD. I desire to ask my colleague on the committee what rate per cent. we are paying.

Mr. LOUGHRIDGE. Five per cent. on the Arkansas bonds and 6 per cent. on the Tennessee bonds.

Mr. GARFIELD. I move to amend by putting the rate of interest at 4½ per cent. per annum, making it agree with the amount fixed in the other amendment. It covers the same period of time, and what is right in one case will certainly be right in the other. I understand the case to be that the Government invested these trust funds of the Indians in bonds; and as at the time there were not many bonds of the United States out, the investment was made in State bonds. As many of the States have not paid interest on these bonds, I suppose in strict law we are responsible for the payment of the interest, because we made the investment of these trust funds. At the same time the Government of the United States used reasonable diligence, I have no doubt, in investing them as well as it knew how, and it seems to me if we pay 4½ per cent. now, (one of the forms we have agreed upon of our national debt,) we shall sufficiently discharge our obligation to these Indians.

Mr. LOUGHRIDGE. I should like to ask the gentleman to explain how we can do that when we have a treaty with these Indians by which we agreed to invest in certain bonds?

Mr. GARFIELD. Not in certain bonds but some safe bonds.

Mr. LOUGHRIDGE. We invested in 6 per cent. bonds. After having invested in 6 per cent. bonds, to provide for paying only 4½ per cent. it seems to me would be a breach of faith with these Indians.

Mr. MAYNARD. I hope the amendment will not prevail. It has pained me, Mr. Chairman, very much in the last few years to hear sentiments avowed in the House like to the proposition that the Indian has and can have no rights this Government is bound to regard. Formerly we made treaties with them which we held to be obligatory, and when they were infracted there was great feeling of moral indignation throughout the country. Now the Indians have become comparatively few and weak and have wandered farther from the lands they held, and there seems to be a disposition to treat them as the weak are always treated by the strong. We made a solemn pact with this Indian tribe, that we would hold moneys which belonged to them and to which they were honestly entitled as a trust for their benefit and invest them securely. They were invested in such securities as those who had control of the Government at that time chose to select. We therefor became as to this Indian tribe sponsor for the security of these funds, and any attempt now to pay 4½ per cent., or, as some may suggest, three or two or even a lower rate of interest, (collecting this money from the creditors hereafter, as will certainly be done in the case of Tennessee,) would be a gross want of faith on our part. I trust therefore the amendment will not prevail.

Mr. GARFIELD. My colleague on the committee [Mr. LOUGHRIDGE] states that treaty obligations required us to invest in bonds of the kind we did, and as it seems we are obliged to pay 6 per cent. interest, I withdraw my amendment.

Mr. LOUGHRIDGE's amendment was agreed to.

Mr. LOUGHRIDGE. I move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POLAND reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. LOUGHRIDGE. I now demand the previous question on the bill and amendments.

Mr. HOLMAN. There are two amendments on which I demand separate votes, the Choctaw and Chickasaw amendments.

The SPEAKER. There being no objection, the other amendments will be considered as concurred in.

The previous question was seconded and the main question ordered.

The SPEAKER. The first question will be on the Choctaw amendment, which the Clerk will read.

The Clerk read as follows:

SECTION —. That in order to fulfill and discharge the obligations of the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw tribes or nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate, made on the 9th day of March, 1859, under the provisions of article 11 of said treaty, the Secretary of the Treasury is hereby authorized and required, upon the passage of this act, to pay to the treasurer of the said Choctaw Nation, or to such other agent as the council may designate, in bonds of the United States, bearing interest at 4½ per cent., of the description authorized by the act of Congress approved July 14, 1870, entitled "An act to authorize the funding of the national debt," the sum of $2,981,247.30, the amount of said award, with interest thereon at the rate of 5 per cent. per annum from the date of said award until the payment thereof as herein provided: *Provided, however*, The sum of $250,000 heretofore paid in part discharge of said award shall be deducted from the amount at the date of said part payment; and that the payment of said award as herein directed shall be in full satisfaction and discharge of all the claims of the said nation and of those of the individual members thereof on account of said award: *And provided further*, That the said sum shall be paid by the said treasurer or agent, under the direction and supervision of the United States Indian agent, to the claimants entitled thereto, as is provided and required by the twelfth article of said treaty of 1855: *And provided further*, That before the Secretary of the Treasury shall pay the said award as herein provided, the national council of the Choctaw Nation shall pass an act in approval of this act, and shall accept the payment of the said award, as herein provided, as a full discharge and satisfaction of all the claims of the said nation, or of individual members thereof, on account of the said award: *And provided further*, That the Secretary of the Treasury shall not recognize, allow, or pay any claims or pretended claims which have heretofore been demanded, or which may hereafter be demanded, by any attorney or claim agent, or any pretended owner of said award, or any part thereof, or any pretended purchaser, or any contract or pretended contract, made on behalf of said Choctaw Nation for the payment of any compensation or fees for the prosecution of the claim of said nation against the Government of the United States.

Mr. HALE, of Maine. I demand the yeas and nays on that amendment.

Mr. GARFIELD. I ask the gentleman from Iowa [Mr. LOUGHRIDGE] to allow the previous question to be reconsidered that a correction may be made. The change from 5 per cent. to 4½ per cent. has been made in one case but has been omitted in the other.

Mr. PARKER, of Missouri. There can be no objection to that.

Mr. SHANKS. Let the clause be read which it is proposed to amend.

The Clerk read as follows:

In order to provide for the payment and satisfaction of the award of the Senate made on the 9th day of March, 1859, under the provisions of article 11 of said treaty, the Secretary of the Treasury is hereby authorized and required, upon the passage of this act, to pay to the treasurer of said Choctaw Nation, or to such other agent as the council may designate, in bonds of the United States bearing interest at 4½ per cent., of the description authorized by the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," the sum of $2,981,247.30, the amount of the said award, with interest at the rate of 5 per cent. per annum from the date of said award until the payment thereof, as herein provided.

Mr. GARFIELD. I desire to make the correction I have indicated that the rates may correspond in both clauses.

Mr. SHANKS. That was not the understanding at all. The understanding was that the 4½ per cent. should be for the future and not for the past.

Mr. HALE, of Maine. It would make the sum a little less than $4,000,000, instead of a little over $4,000,000.

Mr. LOUGHRIDGE. I move to reconsider the vote ordering the main question, for the purpose of moving the amendment which I send to the desk and ask the Clerk to read.

The Clerk read as follows:

Strike out "$2,981,247" and insert "$2,332,561."

Mr. LOUGHRIDGE. Have I a right to say a word upon that?

The SPEAKER. If the House reconsiders the vote ordering the main question, it is left open to any amendment or any discussion.

The question being taken to reconsider the vote ordering the main question, there were—ayes 53, noes 55; no quorum voting.

Tellers were ordered; and Mr. LOUGHRIDGE and Mr. SHANKS were appointed.

The House again divided; and the tellers reported—ayes 77, noes 81.

Mr. LOUGHRIDGE. As there is about a million dollars involved in this, I demand the yeas and nays.

The yeas and nays were ordered.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was presented by Mr. BABCOCK, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, the bill (H. R. No. 3593) to constitute Patchogue, on the south side of Long Island, a port of delivery.

INDIAN APPROPRIATION BILL.

The SPEAKER. The question is, will the House reconsider the vote by which the main question was ordered? and on that question the yeas and nays have been ordered.

The question was taken; and there were—yeas 124, nays 110, not voting 54; as follows:

YEAS—Messrs. Albert, Archer, Arthur, Atkins, Banning, Barber, Begole, Bell, Biery, Bland, Blount, Bradley, Bromberg, Brown, Buffinton, Bundy, Burchard, Burrows, Cannon, Chittenden, Freeman Clarke, Clayton, Clymer, Conger, Cotton,

Cox, Crooke, Crounse, Curtis, Danford, Darrall, Dobbins, Donnan, Durham, Farwell, Field, Fink, Fort, Foster, Garfield, Glover, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Holman, Howe, Hubbell, Hyde, Kasson, Knapp, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lynch, Magee, Martin, McCrary, James W. McDill, McNulta, Merriam, Milliken, Monroe, Moore, Morrison, Neal, Niblack, Niles, O'Brien, O'Neill, Packer, Page, Hosea W. Parker, Perry, Pierce, Pike, Randall, Ray, Read, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Scofield, Isaac W. Scudder, Sener, Sherwood, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Storm, Taylor, Thompson, Todd, Townsend, Waldron, Wallace, Jasper D. Ward, Wells, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Wolfe, and Pierce M. B. Young—124.

NAYS—Messrs. Adams, Ashe, Averill, Barrere, Barry, Berry, Bowen, Bright, Buckner, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Carpenter, Cason, Cessna, John B. Clark, jr., Clements, Stephen A. Cobb, Coburn, Comingo, Cook, Creamer, Crittenden, Crossland, Crutchfield, Davis, Dawes, DeWitt, Dunnell, Eames, Eldredge, Freeman, Giddings, Gooch, Gunter, Hagans, Hancock, Harmer, Benjamin W. Harris, Hathorn, Hays, John W. Hazelton, Hendee, Hereford, Herndon, Hoskins, Houghton, Hunter, Hurlbut, Hynes, Kelley, Kellogg, Lamar, Lamison, Lamport, Leach, Lowe, Lowndes, Maynard, McLean, Morey, Negley, Nunn, Orr, Orth, Packard, Isaac C. Parker, Pelham, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Robbins, Rusk, Sawyer, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, Small, J. Ambler Smith, William A. Smith, Snyder, Stanard, Standiford, Starkweather, Stone, Strait, Swann, Sypher, Christopher Y. Thomas, Thornburgh, Tremain, Vance, Waddell, White, Whitehead, Whiteley, Wilber, John M. S. Williams, William Williams, and Willie—110.

NOT VOTING—Messrs. Albright, Barnum, Bass, Beck, Burleigh, Amos Clark, jr., Clinton L. Cobb, Corwin, Duell, Eden, Frye, Hersey, George F. Hoar, Hodges, Hooper, Hunton, Kendall, Killinger, Lansing, Luttrell, Marshall, Alexander S. McDill, MacDougall, McKee, Mills, Mitchell, Myers, Nesmith, Parsons, Phelps, Potter, Purman, Ransier, William R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Smart, George L. Smith, Stephens, St. John, Stowell, Strawbridge, Charles R. Thomas, Tyner, Walls, Marcus L. Ward, Wheeler, Jeremiah M. Wilson, Wood, Woodworth, and John D. Young—54.

So the House agreed to reconsider the vote ordering the main question.

Mr. LOUGHRIDGE. I do not desire to open this bill for discussion, but to have a vote by yeas and nays on the proposition which I have sent to the desk, and which I ask the Clerk again to read.

The Clerk read as follows:

Amend by striking out "$2,981,247" and inserting "$2,332,561."

Mr. BUTLER, of Massachusetts. Will the gentleman explain why that $600,000 should be taken off?

Mr. LOUGHRIDGE. There have been a number of reports on this subject from committees of both Houses, including one from the Committee on Appropriations of this House made by the gentleman from Massachusetts, [Mr. BUTLER,] and every one of those reports, with the exception of one of them from the Committee on Indian Affairs of last session, fixed this amount at $2,330,000.

The first report was made by Mr. Sebastian to the United States Senate in May, 1860. And in that report he goes very lengthily into the question, and fixes the amount due this tribe at $2,330,000. Since that time the following committees have similarly reported: On the 10th of May, 1860, the Committee on Indian Affairs of this House reported, fixing the amount as it was fixed by Mr. Sebastian. On the 30th of May, 1868, the Committee on Appropriations of this House, by Mr. BUTLER, reported in favor of making the appropriation, and fixed the amount as in my amendment. On the 22d of June, 1870, the Judiciary Committee of the Senate reported an amendment to the Senate bill providing for a funding of the balance of the Choctaw net proceeds and fixed the amount the same as in my amendment. On the 6th of July, 1868, the Committee on Indian Affairs of this House, by Mr. WINDOM, of Minnesota, reported in favor of House bill No. 1195 for the payment of this claim, and fixed the sum as in this amendment. At the last session of this Congress the Committee on Appropriations of this House reported this claim in the bill appropriating for the sundry civil expenses of the Government, and fixed the amount the same as in the amendment. So that every committee who has ever examined this question during the past ten years has fixed the amount the same as I fix it in that amendment, except the Committee on Indian Affairs, by the gentleman from Missouri, [Mr. COMINGO,] at the last session of this Congress.

This $600,000 proposed to be deducted from the original amount claimed is principal; and that has been on interest for over ten years, amounting now to over $1,000,000. Now I say that I am in favor of settling this claim honestly by paying every dollar that is due to the tribe; but I do not propose to pay more than is recommended in the reports of some seven committees of both Houses, commencing with Mr. Sebastian's committee in the Senate, in which he goes into the matter very lengthily. I might mention further that the Committee on Indian Affairs of the Senate, through Senator Harlan, made a report in which they fix the amount at the same sum. The whole thing has been fully examined by all these committees.

I demand the previous question on my amendment.

Mr. HALE, of Maine. I hope the gentleman will not demand the previous question now. The House has opened this whole matter, many gentlemen voting to reopen it with the understanding that other amendments perfecting this amendment would be offered.

Mr. LOUGHRIDGE. O, no; there was no such understanding. I insist on the previous question.

Mr. KELLOGG. We have discussed this question for three whole days.

Mr. HALE, of Maine. We do not ask discussion, but we do want an opportunity to offer amendments.

The question was put on seconding the previous question; and on a division there were ayes 79, noes not counted.

So the previous question was seconded.

The main question was then ordered to be put, being first upon the amendment offered by Mr. LOUGHRIDGE to the amendment reported from the Committee of the Whole on the state of the Union to reduce the amount of the appropriation $600,000.

Mr. GUNCKEL. Is not the motion divisible?

The SPEAKER. It is a motion to strike out and insert; and that motion is never divisible.

The question was taken on the amendment to the amendment, and on a division there were ayes 81, noes not counted.

So the amendment to the amendment was agreed to.

The question recurred upon agreeing to the amendment reported from the Committee of the Whole on the state of the Union as amended.

Mr. HOLMAN, and Mr. HALE of Maine, called for the yeas and nays.

The SPEAKER. The yeas and nays have already been ordered upon the amendment.

The question was taken; and there were—yeas 139, nays 101, not voting 48; as follows:

YEAS—Messrs. Adams, Albert, Ashe, Averill, Barber, Barrere, Barry, Bell, Berry, Blount, Brown, Buckner, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cason, Cessna, Chittenden, John B. Clark, jr., Clements, Stephen A. Cobb, Comingo, Corwin, Creamer, Crittenden, Crooke, Crossland, Crutchfield, Darrall, Davis, Dawes, DeWitt, Dunnell, Eames, Eldridge, Finck, Freeman, Garfield, Giddings, Glover, Gooch, Gunter, Hagans, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Hatcher, Hathorn, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hynes, Kelley, Kellogg, Lamar, Leach, Loughridge, Lowe, Lowndes, Martin, Maynard, James W. McDill, McLean, Milliken, Mills, Moore, Morey, Negley, Nunn, Orr, Orth, Packard, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Read, Richmond, Robbins, Henry J. Scudder, Sessions, Shanks, Sheats, Sheldon, Sloan, Sloss, Small, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stanard, Standiford, Starkweather, Stone, Strait, Swann, Sypher, Christopher Y. Thomas, Thornburgh, Townsend, Vance, Waddell, Wallace, Marcus L. Ward, White, Whitehead, Whiteley, Whitthorne, Wilber, John M. S. Williams, William Williams, Willie, Wolfe, and John D. Young—139.

NAYS—Messrs. Albright, Archer, Arthur, Atkins, Banning, Bass, Begole, Biery, Bland, Bowen, Bright, Bromberg, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Carpenter, Freeman Clarke, Clayton, Clymer, Coburn, Conger, Cook, Cox, Curtis, Danford, Dobbins, Donnan, Durham, Farwell, Field, Fort, Foster, Gunckel, Eugene Hale, Hamilton, John T. Harris, Harrison, Havens, John B. Hawley, Gerry W. Hazelton, Holman, Howe, Hyde, Kasson, Knapp, Lamison, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Magee, McCrary, McNulta, Merriam, Monroe, Morrison, Neal, Niblack, O'Brien, O'Neill, Packer, Page, Hosea W. Parker, Pierce, Pike, Randall, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Milton Sayler, Scofield, Sener, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, St. John, Storm, Thompson, Todd, Tyner, Waldron, Jasper D. Ward, Wells, Whitehouse, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, James Wilson, and Pierce M. B. Young—101.

NOT VOTING—Messrs. Barnum, Beck, Bradley, Amos Clark, jr., Clinton L. Cobb, Cotton, Crounse, Duell, Eden, Frye, Hersey, George F. Hoar, Hunton, Kendall, Killinger, Luttrell, Lynch, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Myers, Nesmith, Niles, Phelps, Potter, Purman, William R. Roberts, James C. Robinson, Rusk, Schell, John G. Schumaker, Isaac W. Scudder, Smart, George L. Smith, Stephens, Stowell, Strawbridge, Taylor, Charles R. Thomas, Tremain, Walls, Wheeler, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodworth—48.

So the amendment, as amended, was agreed to.

Mr. COMINGO moved to reconsider the vote by which the amendment, as amended, was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next and last amendment reported from the Committee of the Whole on the state of the Union on which a separate vote was asked for was then read, as follows:

That the Secretary of the Treasury is hereby authorized and required to pay to the Chickasaw tribe of Indians upon the passage of this act the following arrears of interest due to said tribe:

Arrears of interest on $90,000 Arkansas 6 per cent. bonds from July 1, 1852, to July 1, 1866, $75,000.

Arrears of interest on $616,000 Tennessee 6 per cent. bonds from January 1, 1861, to July 1, 1866, $203,280.

Arrears of interest on $66,666.66⅔ Tennessee 5½ per cent. bonds from January 25, 1861, to July 1, 1866, $19,010.25.

And that the same be paid to the said tribe in bonds of the United States of any issue authorized by law and bearing 4½ per cent. interest.

The question was taken on the amendment, and it was agreed to.

The question recurred upon ordering the bill to be engrossed and read a third time.

Mr. HALE, of Maine. Let us have the yeas and nays on the bill itself.

Mr. CESSNA. Let them be taken upon its final passage.

Mr. HOLMAN. No, sir; I ask for the yeas and nays upon the engrossment of the bill, and let that be a test-vote.

The question was put upon ordering the yeas and nays; and on a division there were—ayes 24, noes 88.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 121, not voting, 55; as follows:

YEAS—Messrs. Adams, Albert, Averill, Barrere, Barry, Berry, Bradley, Buckner, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Clements, Stephen A. Cobb, Comingo, Corwin, Crooke, Crounse, Crutchfield, Darrall, Davis, Dawes, DeWitt, Dunnell, Eames, Freeman, Gooch, Gunter, Hagans, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, Harrison, Ha-

thorn, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hynes, Kelley, Kellogg, Leach, Lowe, Lowndes, Lynch, Maynard, James W. McDill, McLean, Moore, Morey, Negley, Niles, Orr, Orth, Packard, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Sawyer, Sessions, Shanks, Sheats, Sheldon, Sloan, Sloss, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stanard, Standiford, Starkweather, St. John, Stone, Strait, Swann, Sypher, Christopher Y. Thomas, Thornburgh, Townsend, Tremain, Vance, Waddell, Wallace, Marcus L. Ward, White, Whiteley, Wilber, John M. S. Williams, and William Williams—112.

NAYS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Bundy, Burchard, Burleigh, Burrows, Caldwell, Cannon, Clayton, Clymer, Coburn, Conger, Cook, Creamer, Crittenden, Crossland, Curtis, Danford, Dobbins, Donnan, Durham, Eldredge, Farwell, Field, Finck, Fort, Foster, Giddings, Glover, Gunckel, Eugene Hale, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, Herndon, Holman, Howe, Hyde, Kasson, Knapp, Lamport, Lawrence, Lawson, Lewis, Lofland, Loughridge, Magee, McNulta, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Niblack, O'Brien, O'Neill, Packer, Page, Hosea W. Parker, Pierce, Pike, Potter, Randall, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Milton Sayler, Scofield, Isaac W. Scudder, Sener, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, John Q. Smith, Speer, Sprague, Storm, Strawbridge, Thompson, Todd, Tyner, Waldron, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Willie, James Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—121.

NOT VOTING—Messrs. Barnum, Bass, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clinton L. Cobb, Cotton, Cox, Duell, Eden, Frye, Garfield, Hereford, Hersey, George F. Hoar, Hooper, Hunton, Kendall, Killinger, Lamar, Lamison, Lansing, Luttrell, Marshall, Martin, McCrary, Alexander S. McDill, MacDougall, McKee, Mitchell, Myers, Nesmith, Nunn, Phelps, Poland, Purman, Read, William R. Roberts, James C. Robinson, Rusk, Henry B. Sayler, Schell, John G. Schumaker, Henry J. Scudder, Smart, George L. Smith, Southard, Stephens, Stowell, Taylor, Charles R. Thomas, Walls, Wheeler, Ephraim K. Wilson, and Jeremiah M. Wilson—55.

So the bill was rejected.

During the call of the roll,

Mr. LOUGHRIDGE, who had voted in the affirmative, changed his vote to the negative, stating that he did so for the purpose of being enabled to move a reconsideration.

After the result of the vote was announced,

Mr. LOUGHRIDGE moved to reconsider the vote by which the House refused to order the bill to be engrossed.

Mr. FORT. I move to lay that motion on the table.

Mr. HOLMAN. I call for the yeas and nays on that motion.

Mr. GARFIELD. I ask the gentleman to allow a motion to recommit the bill.

Mr. MAYNARD. I move that the House now adjourn.

Mr. HALE, of Maine. Allow me to suggest that the bill be recommitted to the Committee on Appropriations with instructions to strike out the Choctaw claim. That is where the whole fight has been.

Mr. BUTLER, of Massachusetts. We had better adjourn.

Pending the motion to adjourn,

CENTENNIAL CELEBRATION.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

To the House of Representatives:

I have the honor to transmit herewith a report from a board composed of one person named by the head of each executive department and of the Department of Agriculture and Smithsonian Institution, for the purpose of securing a complete and harmonious arrangement of the articles and materials designed to be exhibited from the Executive Departments of the Government at the international exhibition to be held in the city of Philadelphia in the year 1876 for the purpose of celebrating the one hundredth anniversary of the Independence of the United States. The report gives a statement of what is proposed to be exhibited by each Deparment, together with an estimate of the expense which will have to be incurred. Submitting to Congress the estimate made by the board, I recommend that Congress make a suitable appropriation to enable the different Departments to make a complete and creditable showing of the articles and materials designed to be exhibited by the Government, and which will undoubtedly form one of the most interesting features of the exhibition.

U. S. GRANT.

EXECUTIVE MANSION,
January 20, 1875.

The message, with the accompanying papers, was referred to the Select Committee on the Centennial Celebration, and ordered to be printed.

ARMAMENT FOR SEA-COAST DEFENSES.

The SPEAKER also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

In my annual message of December 1, 1873, while inviting general attention to all the recommendations made by the Secretary of War, your special consideration was invited to "the importance of preparing for war in time of peace by providing proper armament for our sea-coast defenses. Proper armament is of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed; the former cannot."

These views gain increased strength and pertinence as the years roll by, and I have now again the honor to call special attention to the condition of the "armament of our fortifications" and the absolute necessity for immediate provision by Congress for the procurement of heavy cannon. The large expenditures required to supply the number of guns for our forts is the strongest argument that can be adduced for a liberal annual appropriation for their gradual accumulation. In time of war such preparations cannot be made, cannon cannot be purchased in open market, nor manufactured at short notice; they must be the product of years of experience and labor.

I herewith inclose copies of a report of the Chief of Ordnance and of a board of ordnance officers on the trial of an eight-inch rifle converted from a ten-inch smooth-bore, which shows very conclusively an economical means of utilizing these useless smooth-bores and making them into eight-inch rifles capable of piercing seven inches of iron. The twelve hundred and ninety-four ten-inch Rodman guns should in my opinion be so utilized, and the appropriation requested by the Chief of Ordnance of $250,000 to commence these conversions is urgently recommended.

While convinced of the economy and necessity of these conversions, the determination of the best and most economical method of providing guns of still larger caliber should no longer be delayed. The experience of other nations, based on the new conditions of defense brought prominently forward by the introduction of iron-clads into every navy afloat, demands heavier metal and rifle-guns of not less than twelve inches in caliber. These enormous masses, hurling a shot of seven hundred pounds, can alone meet many of the requirements of the national defenses. They must be provided, and experiments on a large scale can alone give the data necessary for the determination of the question. A suitable proving-ground, with all the facilities and conveniences referred to by the Chief of Ordnance, with a liberal annual appropriation, is an undoubted necessity. The guns now ready for trial cannot be experimented with without funds, and the estimate of $250,000 for the purpose is deemed reasonable, and is strongly recommended.

The constant appeals for legislation on the "armament of fortifications" ought no longer to be disregarded, if Congress desires in peace to prepare the important material without which future wars must inevitably lead to disaster.

This subject is submitted with the hope that the consideration it deserves may be given it at the present session.

U. S. GRANT.

EXECUTIVE MANSION,
January 20, 1875.

The SPEAKER. The message of the President, with the accompanying paper, will be referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GARFIELD. I think it should go to the Committee on Appropriations.

The SPEAKER. The Chair does not see why.

Mr. GARFIELD. It asks for an appropriation for guns.

The SPEAKER. There is no law requiring the appropriation to be made.

Mr. GARFIELD. Very well; let it go to the Committee on Military Affairs.

The message was referred accordingly, and ordered to be printed

RECUSANT WITNESS—CHARLES A. WETMORE.

The SPEAKER. The Sergeant-at-Arms appears at the bar of the House with the witness, Charles A. Wetmore, who was on yesterday placed in his custody. It is the duty of the Chair again to address the witness: Mr. Charles A. Wetmore, are you now prepared to answer the question asked by the Committee on Ways and Means, and for the refusal to answer which you have been placed in custody?

CHARLES A. WETMORE. I cannot answer the question unless it be modified; and I have prepared a statement to show why I cannot answer it. I hope the House will indulge me in listening to it.

Mr. Speaker, thanks to the action of this House, I have been afforded a brief opportunity to prepare myself for a final answer to this charge of contempt, which is now pending in the form of resolution. I did not yesterday, when called upon for an immediate answer why I should not be punished for contempt, feel that I could, under the circumstances, do myself justice or treat this House with the respect that is rightfully demanded from every citizen of the United States of America, of which I am one only. There were several reasons why I felt constrained to ask the indulgence of time, some of which I stated yesterday. I feel confident that the members who voted for the adjournment which has given me the required time will not regret their action, which has so far prevented an American citizen from being unjustly branded to the world as in contempt of this body. I cannot to-day answer directly the question addressed to me by you. I am required to give the name of the person who related to me by hearsay that a check had been traced from Mr. Fant to Mr. BECK. That you may fairly judge of the merits of my case before adjudging me to be in contempt, I shall try, as respectfully as possible, to relate to you the manner of my examination before the Committee on Ways and Means, by which I was forced into the position in which I stand before you to-day. I received Monday noon a telegraphic dispatch from the Sergeant-at-Arms, requiring me to appear before the committee forthwith. Not desiring to appear in contempt of even the desires of the committee, though not legally summoned, I hastened to the office of the Sergeant-at-Arms and received a subpœna. I then saw Mr. DAWES, chairman of the committee; told him that I had no knowledge of the disposition of any of the sums of money which have been traced, as it is currently reported, "to the very doors of Congress," and asked him if the committee could not examine me in private at once. All the information that I could possibly have would be such as might assist them in prosecuting their inquiries. I told him also that I desired to assist the committee as far as I could legitimately, and would be happy to be questioned at any time, provided I was not to be placed upon the inquisitorial gridiron in the position of a reluctant witness. He answered me that he would make this statement to the committee when I appeared, and intimated that I should be treated fairly.

I next learned that I had been subpœnaed at the request of Mr. BECK, to be examined with reference to dispatches sent by me to the Alta California. In all good faith I then cut from a file of that paper all the dispatches that I had sent on the subject of the Pacific Mail subsidy investigation, and carried them with me yesterday morning to the committee room.

Before proceeding further on this subject, as I do not wish to appear hostile to the committee, or any of its members, I will say that the course of proceedings pursued in my case was probably sufficiently warranted by honored precedents, except that the possibilities were very severely realized yesterday. I shall complain to this House, therefore, only of the manner of examination, which must have been

adopted originally by some persons who were perhaps desirous of causing such examinations to be conducted so that the evidence of all witnesses might tend to prove a preordained judgment of the examining body. I complain of this now in behalf of future witnesses, in the name of justice, and to protect me from the apparent consequences of the action respecting me yesterday.

In the first place, I had no counsel, while each interrogator was supported by a large body of experienced committee-men. Mr. DAWES alluded among his first questions to my dispatches to the Alta California. I told him that I had all the dispatches on the subject sent by me, which had then reached this city in a published form, and offered to read them to the committee, as they all related to the subjects upon which I was being investigated. The precedent of the manner of examination, however, ruled, and I was plunged at once, without preparation, into a cross-examination, and first required to give the foundation and reasons upon which I had formed a certain opinion, and which I had telegraphed as a matter of judgment based on several weeks of observation. I told Mr. DAWES that my basis for such judgment would be more apparent—at least I could refresh my memory better—if he would permit me to review the chain of ideas and circumstances which had led me to such conclusions, and which were more particularly set forth in my previous dispatches. This privilege was denied me, although it had been extended to some other witnesses as a matter of favor, I suppose, inasmuch as it was a departure from precedent. My cross-examination by Mr. DAWES necessarily produced confusion in my recollection and ideas. I could not tell him positively how I could fully account for certain opinions, because my dispatches were of a current character, based on the rumors, established facts, and the circumstantial evidence of the day when they were written, to recollect which a correspondent must have considerable time for reflection. [Laughter.]

I ask of the Speaker that I may be treated with respect.

The SPEAKER. The Chair has not noticed any evidence of disrespect.

CHARLES A. WETMORE. I understood it to be such.

This examination necessarily tended to place me in a false light before the public, to make me appear ridiculous, and was calculated to extinguish entirely any light on the subject which might possibly be expected to come from me, if I had been permitted to unravel my own recollection and suffer cross-examination afterward.

When Mr. DAWES turned me over to Mr. BECK, he (Mr. DAWES) arose nervously from his seat and said something which I thought I heard, something like this: "There! I guess I've scalped that fellow!" I should be very much pleased to hear Mr. DAWES say that I did not hear his words correctly. I should have called upon him myself for an explanation if I had not been under arrest ever since the committee meeting. I may have been so confused by the manner of his examination that I did hear his remark incorrectly—as it was in an undertone, or whispered monologue addressed apparently to the window.

When Mr. BECK commenced his cross-examination I was somewhat prepared for the gridiron, but was naturally somewhat ruffled and confused. When he asked me whether I could recollect the name of the person who had related to me a certain rumor—one rumor out of a great many which I have heard and hear every day—I tried to collect myself and thought that I did distinctly recollect the person, and I was not disposed to dodge; but that person was a friend, whose confidence I would not on such an occasion abuse without further consideration of the subject. Therefore I asked for time, which was not granted. Instead thereof I was absolutely rushed before the bar of the House, when I obtained the required time, which I hope will result fortunately for me.

I now, Mr. Speaker, protest in the name of every American citizen who is in sympathy with a spirit of justice and whose supreme power, as of the people, is greater than the power of this House, though slower in action, against such examinations in future. I feel that I have a right to make this protest, and do it without any personal feeling against any member of this body and not in a spirit of vindictiveness. I am one of the American people and I am conscientiously engaged in serving one portion of that people. If I make mistakes I am willing to be corrected and to correct, but will rebel to my utmost strength and will tax my brain and my pen to the utmost to protect myself and the people in their inalienable rights.

I have now to say, in conclusion, that since leaving the House yesterday I have been busied, and so have others, to ascertain what my true position was and what my course should be. I have been surprised, however, to find that I did not fix the right rumor upon the right man, and I am relieved from that burden of mind; but am I guilty of perjury? If so, such is the certain result of such unusual and unjust examinations as that to which I was subjected. Having ascertained this fact by circumstantial evidence called to my recollection and the positive denial of the person, I tried to think in other directions for an origin, and it occurred to me that it might have been impressed upon me during some one of my interviews with Mr. Irwin, or might have been dropped by some one of his friends in company. I saw Mr. Irwin and asked him whether it was true that I had heard the statement from him. He answered that he had not said anything of the kind—he felt certain of it; but that if I thought so I was at perfect liberty to say so.

Mr. Speaker, I cannot now give the name of any party to whom I may trace my information; but if Mr. BECK will assist me in assisting himself—that is, in finding out who the guilty parties are, so that he and all honest men may be shown innocent in this maelstrom of overwhelming charges, so that the goats may be selected from the sheep, and so that the sheep thus selected to themselves may by the Darwinian process of investigation grow purer and purer until they become angels of virtue—then perhaps I can find for him the exact origin of the rumor, which I can do much better with my liberty than with these portending chains. I hope I have satisfied this House that, even if I was in contempt of its privileges yesterday, to-day I cannot answer the question, because I find that I was mistaken in my recollection of one of the thousand incidents that have occurred in the course of my inquiry on this subject.

I thank the House for the indulgence that I have enjoyed, and I most respectfully address myself to the investigating committee, and say that, although I believe that a public inquisitorial body is a farce in the name of justice, yet when one is undertaken they will find me their co-operator in good faith and the bitter enemy of all buncombe. I will meet any member of the committee or of this House, who through the falsity or insufficiency of information given me, which I may have believed worthy of publication at the time, may have suffered unintentional misrepresentation, and I will sift to the bottom with their assistance, for their individual benefit and the cause of truth, any rumors and statements, and will make all the reparation that can be demanded for any wrong that I may have unintentionally caused, only I ask such treatment also for myself, and demand it in my right as a citizen, whether free or whether under arrest.

Mr. Speaker, I thank you for your courtesy to me during this matter, and am ready, though not willing, to go to jail or any place else that may be selected for me; but I desire liberty, and hope and expect that with this statement it will be granted.

Mr. DAWES. I offered last night the following resolution:

Resolved, That Charles A. Wetmore having been heard by the House of Representatives, pursuant to an order heretofore made requiring him to show cause why he should not answer the question propounded to him by the committee and by the Speaker of this House in obedience to its order, has failed to show sufficient cause why he should not answer the same; and that the said Charles A. Wetmore be considered in contempt of the House for the failure to make answer thereto.

Mr. Speaker, that was the form of resolution which it struck me last night was proper to be adopted by the House; but after the remarkable statement that has been made in the presence of the House by this witness I am somewhat in doubt whether it is not becoming, and not only becoming but required on the part of the House, to add something to that resolution. I do not intend myself to make any reply, either in behalf of myself or of the committee, to anything that has been said in the answer of the witness. To my mind he has given no reason why he should not answer the question; and therefore that much of this resolution seems to me absolutely necessary.

I am not quite ready to offer any amendment or addition to that resolution, growing out of the character of this answer, because I think that the House should with deliberation set its seal of condemnation upon that answer. I do not know that any movement in that direction would come with propriety from the committee itself. The answer is an arraignment of the committee in a manner which the House has heard and which I will not characterize. It is such an arraignment of the committee as seems to me proper for the House itself to take in hand, not for the committee.

The committee is the organ of the House. A witness comes in here and in its hearing arraigns this committee. I am not able without consultation to express the sentiments of my colleagues on the committee; but so far as I am concerned I prefer, without asking anything from the House in behalf of the committee, to let the House express its own sense of the propriety of such conduct in its presence.

I ask the House to adopt the resolution which I have offered; but I deem it proper to give this reason why I did not propose anything further: It strikes me that it does not become the committee to ask the House to vindicate its course. Let the House do that if it sees fit; if not, let the committee take the condemnation which a contumacious witness comes into their presence and turns upon them, when they have brought him here to show cause in a respectful manner why he should not answer the question which has been propounded to him.

Mr. LAMAR. I wish to make just one remark. I cannot vote for the resolution offered by the gentleman from Massachusetts [Mr. DAWES] after the statement which has been made by this witness. It seems to me that he has purged himself of the contempt—at all events he is no longer contumacious. I have nothing to say as to the manner or decorum with which he has shown cause why he did not answer yesterday; but he has answered here explicitly and positively that it is beyond his power to give the name of his informant for the reason that he knows of no such informant. He has distinctly and unqualifiedly declared to the House that he cannot call to mind any person from whom he derived any information as to the rumors published by him. I think that he has very strongly intimated to the House that he himself thinks he had placed the wrong rumor upon the wrong man in what he telegraphed to the California paper. At any rate, I do not think that he is persisting in his refusal to answer the question, for he has answered it by saying that he does not remember.

Mr. DAWES. The testimony that was brought before the House shows that this witness, when yesterday asked this question, gave

another reason for declining to answer—that he could not answer without betraying confidence, and that he wanted time to confer with his informant. He does not now show any reason why yesterday he did not answer the question. He is brought before the House to show cause why he did not answer yesterday. If he does not remember now who his informant was, he did not remember yesterday; and he was as able to answer yesterday that he did not remember as to so answer to-day.

Mr. HALE, of New York. I ask the chairman of the Committee on Ways and Means to yield to me to offer a substitute for his resolution.

Mr. DAWES. Very well.

Mr. LAWRENCE. Let me put an inquiry. I wish to inquire whether this witness has tendered as an answer to the committee that he did not know or could not state the name of his informant. It should be remembered that this statement which he has made here to the House is not under oath at all. The contempt consists in the refusal to answer a question put by the committee. Now, if he should say to the committee under oath, so that he would be liable to the penalties of perjury, that he could not say who his informant was, that might purge him of the contempt; but he does not purge himself by merely coming in and making an unsworn statement to the House that he cannot now remember who his informant was.

Mr. BUTLER, of Massachusetts. I would like to know from the chairman of the committee, or perhaps from the Speaker, whether the Speaker has put the question to him.

Several MEMBERS. O, yes.

Mr. LAMAR. I have but one more remark to make.

Mr. DAWES. I should like to hear the substitute of the gentleman from New York read at the Clerk's desk.

Mr. ELDREDGE. I rise to a point of order.

The SPEAKER. What is it?

Mr. ELDREDGE. It should be apparent to everybody without my stating it.

The SPEAKER. The Chair thinks there is as much quiet as there will be to make members resume their seats.

Mr. ELDREDGE. That may be; but if members take their seats we can all hear what is going on. We are all anxious to hear.

The SPEAKER. The gentleman from Wisconsin insists on his point of order that members shall resume their places.

Mr. DAWES. Members having resumed their places and order being restored, I now ask the Clerk to read the substitute offered by the gentleman from New York, [Mr. HALE.]

The Clerk read as follows:

Resolved, That Charles A. Wetmore, having, under the guise and pretense of answering to a charge of contempt, been guilty of a series of gross and wanton insults to this House, be and hereby is adjudged in contempt thereof and committed to the custody of the Sergeant-at-Arms, to be detained in the common jail of the District until the further order of the House.

MEMBERS on both sides of the House. Question! Question!

Mr. GARFIELD. I have a single word to say.

MEMBERS on both sides of the House. Vote! Vote!

Mr. GARFIELD. You cannot get through by calling "Vote! Vote!"

Mr. DAWES. I will answer the gentleman from Ohio. This witness has made no profer to answer the committee. I will read to the House what he asked time for last night:

I ask until to-morrow, so I may obtain permission to furnish the committee with evidence as to the origin of the rumor which was related to me only as hearsay evidence, and not with intention to make it public.

Mr. LAMAR. Allow me to make a suggestion here, and it is this, that there is in the statement of the witness to-day an explanation, full and complete, of his answer, or if you please his failure to answer yesterday. He says he has consulted with that friend from whom he supposed he had derived his impressions as to the origin of certain rumors; he had, in short, applied to his supposed informant, Irwin, and that Irwin assured him he is mistaken; that the rumors to which he referred in his answers to the committee did not originate with him; and therefore he now states to the House that he does not know who his informant is. He certainly is not now in contempt, he does not refuse to answer; he does not defy the authority of the House or of the committee. He answers that he is unable to give the author of the rumors he has published, because he knows of no such author. If necessary he can repeat that statement on oath to the committee. But I see nothing in the case which will justify this House in sending the witness to jail. I have nothing to say in defense of the manner in which he has deported himself in the presence of the House.

MEMBERS on both sides of the House. Vote! vote!

Mr. KASSON. I wish to say to the gentleman from Mississippi this witness began his statement by the declaration that he would not answer the question which had been propounded to him, and he stands on that now, whatever explanation he may have made.

Mr. HALE, of New York. I have made a verbal modification of my resolution, adding that these insults were in the presence of the House.

Mr. GARFIELD. The only question I have to raise is one the House ought to hear whether there is anything in it or not. There is this trouble in my mind: The answer of the witness in the presence of the House has I know raised in the minds of a number of gentlemen, and in my own, the question whether he is of sound mind. If you think he is this resolution ought to pass; if not, some milder form ought to be adopted.

Mr. PAGE. I wish to inquire of the gentleman from New York whether he intends to send this witness to jail because his answer is an insult to this House, or because of his refusal to answer the question propounded to him by the Committee on Ways and Means yesterday?

Mr. HALE, of New York. I think if the gentleman from California will listen to the resolution I have introduced he will find his question fully answered.

Mr. BERRY. Let the resolution, as modified, be read.

The Clerk read as follows:

Resolved, That Charles A. Wetmore, having under the guise and pretense of answering to a charge of contempt, been guilty of a series of gross and wanton insults to this House in the presence of the House, be and hereby is adjudged in contempt thereof, and committed to the custody of the Sergeant-at-Arms to be detained in the common jail of the District until the further order of the House.

Mr. DAWES. I call for the previous question on the resolution and substitute therefor.

The previous question was seconded and the main question ordered.

The substitute of Mr. HALE, of New York, was adopted.

The SPEAKER. The question now recurs on the adoption of the resolution as amended.

Mr. PAGE and Mr. CROOKE demanded the yeas and nays.

The House divided; and there were ayes 13, noes not counted.

Mr. PAGE demanded tellers on the yeas and nays.

Tellers were not ordered, only 14 having voted therefor.

So the yeas and nays were not ordered.

The resolution, as amended by the substitute of Mr. HALE, of New York, was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move the House adjourn.

Mr. BUTLER, of Massachusetts. What has become of my motion?

INDIAN APPROPRIATION BILL.

Mr. GARFIELD. Before the motion to adjourn is put, will the Chair please to state what will be the position of the Indian appropriation bill if the House should now adjourn?

Mr. BUTLER, of Massachusetts. I insist on my motion that the House adjourn.

The SPEAKER. The Chair will put that motion. At the same time, the gentleman from Ohio [Mr. GARFIELD] having asked what will be the position of the bill if the House should now adjourn, the Chair thinks that it is very important that members should understand this. The Chair will therefore state that the motion to reconsider the vote by which the House refused to order the engrossment and third reading of the bill goes over as a privileged motion and comes up the first thing after the reading of the Journal to-morrow morning.

PACIFIC MAIL INVESTIGATION.

Mr. BECK. I ask unanimous consent that certain testimony by Charles H. Harney and George W. Wiley, taken this morning before the Ways and Means Committee, bearing upon a matter somewhat personal to myself, be printed in the RECORD.

There was no objection, and it was so ordered.

The testimony is as follows:

CHARLES H. HARNEY, sworn and examined.

By Mr. BECK:

Question. State your name, residence, and business.

Answer. My name is Charles H. Harney; residence, New York City; business, banker and broker.

Q. How long have you been engaged in business in New York?

A. About twelve years.

Q. From what State did you go?

A. From Lexington, Kentucky.

Q. State how long you have known me?

A. I have known you since I was a boy of about nineteen, and I am now forty-one years of age.

Q. State what you know about this Pacific Mail subsidy, the introduction of Mr. Wiley to me, and any other matter connected therewith.

A. The first I knew of the matter was when Mr. Wiley solicited from me a letter to you suggesting that he wished such a letter as would be of service to him in recommending him to you, with a view to obtain your support upon the question of the subsidy which was about to come before Congress. I asked him why he wanted a letter, and he went on to say that Mr. Stockwell had agreed that if he could obtain your support he would give him an interest in some puts and calls on the Pacific Mail stock. I said "George, I see nothing wrong in that; I will write you a letter to Mr. BECK." I did so.

Q. State the general character of that letter. Did you intimate to me anything about any calls or puts?

A. Not at all. I merely wrote saying that I introduced Mr. George Wiley, a friend and customer of our house; that he visited Washington City interested in the Pacific Mail subsidy, and that if you could conscientiously support the bill I would like you to do so. It was a general letter.

Q. How early was that?

A. I hardly remember the winter. I think it was 1872-'73. It was very early in the beginning, and before scarcely any publicity had been attached to the Pacific Mail affairs.

Q. Do you remember whether it was as early as February, or about February?

A. I could not say that it was; but my impression is that it was about that time.

Q. After that time, did you see any proceedings in the matter, hear anything about it, or did you ever talk to Mr. Wiley about what I had done?

A. None whatever, except that after a while Mr. Wiley came back. First, however, he wrote me from Washington, asking if I could not write another letter to Mr. BECK and make it stronger. I wrote him that I could not; that I considered, after the letter I had written, any more in that direction would appear as an insult. I declined to do so.

Q. After that did he make a report to you?

A. He returned. The thing progressed; there was a good deal of excitement in Wall street attending the passage of the bill. I noticed that you made speeches against it, and when George came back I thought he was a little cut down that his influence had not been sufficient with you to get you to support the measure. I said nothing at all to him about it.

Q. About the last of December I wrote you a note, calling attention to a telegram which, I am sorry to say, I have searched for in vain. It was a telegram which purported to have come from Mr. Wiley to me. Do you remember my letter to you on that subject?

A. I do not remember the exact date, but I know it was written some month or so ago. That letter which I received from you stated that you had gotten a dispatch signed G. W. Wiley, somewhat to this effect: "Don't go too far." You said in your letter also: "I hate mysteries; can you explain? I don't know what it means, unless it alludes to the Pacific Mail affair." I think it was about that time that the committee was organized and was meeting. That letter I immediately handed to Mr. Wiley, expressed my astonishment at it, and asked him if he could explain.

Q. [Handing letter to witness.] Did he submit that reply to you before he sent it?

A. I think he did. He submitted a reply to me. When I submitted that letter to him I said, "I suppose you can explain?" He said, "Certainly I can; I didn't send such a dispatch." He can tell you more about that matter than I can.

Q. Do you remember that I said to you in that letter that I did not know Mr. Wylie's address, and therefore wrote you upon the subject, as you had introduced him to me?

A. Yes, sir; you said that you had received some communication through him from me; that you had seen him in my office, or something of that kind.

Q. In the Republican of yesterday morning this editorial appears:

"It is observable in the testimony of H. G. Fant before the Committee on Ways and Means that he testifies he employed one G. W. Wiley to see Congressman JAMES BECK, of Kentucky, as to his course on the Pacific Mail subsidy. It is true that Mr. BECK claims to have spoken and voted against the subsidy. In a republican House of two-thirds majority, might not that have been the very thing wanted of Mr. BECK to insure the passage of the bill? Why have not the committee called Mr. G. W. Wiley? Why was Mr. Wiley, a New Yorker, engaged with the house of Harney & Searl, brokers, 67 Exchange Place, New York, sent to Mr. BECK? May it not appear that a distinguished democratic Senator from Missouri received, say, $30,000 through calls on the Pacific Mail through Stockwell, paid through Harney & Searl? May not an examination of Harney & Searl's books, Stockwell and his books, show to whom that was paid and how it was divided? Let this branch of the subject be investigated by the present Congress."

Do you know, or have you reason to believe, or have you information that would tend to induce you to believe—putting it in the broadest possible sense—that any one ever applied to me, offering me money, or giving me money, or suggesting that I could get money, or other thing of value, or stocks could be carried for me, or anything else in any shape or form?

A. You can make it just as broad as you like. I would not suppose that any man would dare to do it. Of course I do not.

Q. Did you ever hear of any information that anybody had on that subject, or did you ever know of anybody suggesting anything about it?

A. I never heard of anything of this kind until the newspaper article appeared.

Q. So far as you know, I believe you have been the only man with whom I have done business in New York since you have been there?

A. I have always supposed so. You were a friend of ours, and whenever you came to New York and had anything in our line of business to do, or whenever you had anything to communicate through the mails, you always did it with us, I judge.

Q. Did you ever hear of my doing business anywhere else in that city?

A. I never did.

Q. Your books are referred to in that article. Was there ever anything on your books, either in the shape of money, stocks, calls on stocks—state it in any form you please—in which I was connected either directly or indirectly?

A. Never, sir.

Q. Did I ever deal in any stocks to your knowledge?

A. Never.

Q. Did you ever hear of my doing so?

A. This whole matter is so absurd that I hardly deem it worth denying. I will, however, answer your questions as you go along. You never had any transactions in stocks, either directly or indirectly, with Harvey & Sons or myself or anybody else that I ever heard of. I can say that with all frankness and truthfulness.

Q. You are the only correspondent, so far as you know, whom I have in New York?

A. That is so, as far as I know.

Q. In reference to the last portion of that article in the Republican, I wish to make my question to you as to the carrying of stocks, or interest in stocks, or anything that your books show, very broad. Was there anything carried on your books in the name of any human being in which I had any interest, either directly or indirectly?

A. No, sir; none at all.

By Mr. ELLIS H. ROBERTS:

Q. I think it would be as well for the witness, now that he is here, to answer as to other members of Congress. Did you ever carry any stock or in any way render any service for any member of Congress for his vote or influence upon the question of the Pacific Mail subsidy?

A. I never did.

Q. Did you in any way have any relation with Mr. Irwin in this transaction?

A. Never. I do not know the gentleman; have never seen him.

Q. Did you have any knowledge, or did you have any information which led you to believe that any member of either House was interested at the time in the stock operations of this company?

A. No, sir; I never did.

By Mr. BURCHARD:

Q. Were you here at the time of the passage of the subsidy?

A. No, sir; I was in New York.

Q. Had you anything to do, directly or indirectly, with the passage of the bill?

A. Nothing whatever.

GEORGE W. WILEY sworn and examined.

By Mr. BECK:

Question. State your name, residence, and business.

Answer. My name is George W. Wiley; residence Astoria, Long Island. I am a broker, in connection with the house of Oppenheim & Brothers, of New York.

Q. You have heard the testimony of Mr. Harney and his statement of your connection with him, have you not?

A. Yes, sir.

Q. State in your own way all the connection you ever had with me relative to this Pacific Mail subsidy—how you came to see me, and all that took place. I desire to have the broadest statement of the facts.

A. I went to Mr. Harney and asked him if he would give me a letter of introduction to you; not an ordinary letter, but one which would recommend me to you as a gentleman of truth beyond question; that I had an important matter connected with my own interest to carry through, and if I could get a letter of that kind to Mr. BECK I could then make further arrangements for myself. Mr. Harney then said: "Well, what is it; I want to know." I said that it was the Pacific Mail matter. I said, "I can get some puts and calls on Pacific Mail if I can carry Mr. BECK's vote." Well, he said, "I think I will; I am in favor of the subsidy and interested in the stock myself." He gave me a letter to Mr. BECK. I came on and saw Mr. BECK with that letter, and found that he was opposed to the bill. He said that he was opposed to subsidies; that his (the democratic) party were opposed to subsidies in every particular. He said, "I don't think I can vote for this; I am sorry on Harney's account; I would do anything for Mr. Harney, and probably would strain a point if it was right, but I cannot vote for the bill." I got Mr. Stockwell afterward introduced to Mr. BECK, maybe by some other gentleman; I am not certain about that.

Q. Was not that introduction made by Mr. POTTER, of New York?

A. I think it was some gentleman whom I did not know at the time, and who knew Mr. Stockwell. Mr. Stockwell talked with Mr. BECK and to this other gentleman, whoever he was, at the same time, upon the subject of the Pacific Mail subsidy. When Mr. Stockwell came out I asked him what he thought about it. He said, "Well, I don't know; Mr. BECK seems to be opposed to the bill, but I think it is more than likely that he can be brought around; he is mistaken about the great commercial importance of this bill." I saw Mr. BECK once or twice, and probably two or three times afterward. Each time he gave me no assurance that he would vote for or make a speech in favor of the bill; whereupon I wrote a letter to Mr. Harney, saying, "Mr. BECK is decidedly opposed to the bill; won't you write him another letter, and a stronger one, to carry his interest?" Mr. Harney replied to me to the effect that he had stated all he could conscientiously say on the subject, and that anything further would be a reflection upon him and upon Mr. BECK, or probably an insult to Mr. BECK. I cannot remember the words of the letter, but it was of about that character of language.

Q. Do you remember bringing Mr. Irwin to see me?

A. When I received that last letter from Mr. Harney, I then cast around for other men of station by which I might reach Mr. BECK. I in the mean time had made the acquaintance of Mr. Irwin, who understood Pacific Mail thoroughly. I said to him, "If you will go with me and see Mr. BECK I will secure an interview, as I think it is possible that you may be able to combat every objection that he has." He said, "I will do it gladly and want just such an opportunity." In the course of a week or ten days, or probably not so long, Mr. BECK agreed to give me this interview with Mr. Irwin. I accordingly took Mr. Irwin to Mr. BECK, and they argued the point about an hour, or probably an hour and a half, and I supposed that Mr. Irwin was meeting every objection that Mr. BECK brought up. Mr. BECK would bring one objection and Mr. Irwin would argue it, and Mr. BECK would bring another, and so on, until the interview terminated.

Q. Was that in relation to the commercial advantages or disadvantages?

A. It was in relation to the commercial advantages and everything connected with Pacific Mail. Mr. Irwin had the matter so thoroughly settled in his own mind, and could argue it so well, that I supposed after that interview Mr. BECK's views would be changed; but they were not.

Q. Do you remember of my speaking and voting against the bill?

A. I do.

Q. Did you in any manner, directly or indirectly, at any time, ever suggest to me that there was money being used or paid in any form?

A. In no manner, shape, or form.

Q. Was any money, stocks, or calls on stocks, or anything else, either paid to me, or for me, or carried for me, or had I any connection with it so far as you knew or were advised?

A. I can say just this: that I did all I could to keep from you the fact that I had an interest in this matter.

Q. And you did?

A. And I did most positively. That is, if you did know it you knew it otherwise than through me.

Q. You never advised me anything about it?

A. I did not want you to know it for the reason that it might reflect somewhat upon Mr. Harney, as it was through Mr. Harney that I got the letter of introduction to you.

Q. And I did not know it as far as you know?

A. You did not.

Q. Did I in any shape or form, to your knowledge, or from any means from which you gathered, have any hint that there was money being used, receive any money, have any stocks carried for me, or have anything to do with stocks, or trade in them in any form?

A. In no way.

Q. So that you now state to this committee in substance that while you came with a letter from Mr. Harney to me, saw me, and used every legitimate argument, you not only did not tell me your own connection with it but no suggestion was made to me in relation to it from public reasons, to combat my views?

A. No other in the world. When I had the conversation with you on the subject of Pacific Mail, I felt my own want of knowledge of that matter so much that I at once sought for other means, and that means was Mr. Irwin. I knew him and his acquaintance with it, and knew that he was thoroughly posted upon the subject and could argue it thoroughly with any one.

Q. You never carried any stock in it in which I was interested either directly or indirectly?

A. No, sir; not a dollar.

Q. About the 21st of December last I received what purported to be a dispatch signed by you, saying to me in substance, "Don't go too far; parties excited." I wrote the substance of that dispatch to Mr. Harney in a letter which has been shown to you, saying that I did not know your address and did not know what it referred to, unless to Pacific Mail, for that was the only thing you had spoken to me about. Do you know the substance of that letter?

A. I think I do. I remember the substance of it only, and cannot give the exact words. The substance was that you had received a dispatch of that kind signed by Mr. Wiley, of New York, and that the dispatch had stated, "Don't go with the adverse party." You said, "Now what this means I don't know, and I hate mysteries. See Wiley and find out what it means."

Q. (Handing letter to witness.) Did you send me that letter in reply? If so, read it.

A. I did. It is as follows:

NEW YORK, *December* 23, 1874.

MY DEAR SIR: Mr. Barney has just handed me your letter to him of the 21st instant, in which you ask him for an explanation of a "mysterious telegram" received by you and signed "Mr. Wiley."

Mr. Harney has no explanation to give, for the reason that I sent no such telegram, and am myself as much in the dark as yourself.

Nor have I any key to the mystery, other than the fact that pending the passage of the Pacific Mail subsidy I introduced to you Mr. Irwin, and subsequently brought him to your house for the purpose of endeavoring to combat your objections to the bill. Now, it may be possible some one, mistaking the intimacy supposed to exist between you and myself and having an interest in the matter, has done me this wrong and you this annoyance. I can see no other solution. Should you, however, be again annoyed and be able to trace the guilty party, I would be under favor to you to at once advise me.

I very much regret this annoyance to you, for the reason I came to you indorsed by Mr. Harney as worthy of your friendly greeting. You so received and treated me, and for which you have my kindest remembrance. It would be a shabby re-

turn for Mr. Harney's friendship and your courtesy to presume upon that acquaintance to send you any telegram, much less one clouded by mystery.

Permit me to add, in conclusion, that I have no interest in Pacific Mail in any manner, shape, or form.

I am, very truly, your obedient servant,

GEO. W. WILEY.

Hon. JAMES B. BECK,
House of Representatives, Washington City.

Q. Mr. Fant made some statements here the other day about sending you to me. Do you remember anything about that?

A. Perfectly. I saw the statement in the paper, and wrote to Mr. Fant on the subject. Mr. Fant did not send me to you, nor had he any interest in my coming to you in any manner, shape, or form, other than the interest I had with Mr. Fant in New York. Mr. Fant made a mistake; he recognizes that mistake and is sorry for it.

Q. Have you had correspondence with him since?

A. Yes sir.

Q. What I want to get at is any communication you had with Mr. Fant, and whether there was any suggestion made that I was to be approached with money or money's worth in any form?

A. Most assuredly not. I have a communication in my pocket now from Mr. Fant, in which he states that so far as Mr. BECK was concerned he did not know him; that he knows nothing in any way, shape, or form that would reflect upon him in the transaction. When I saw in the paper the statement of Mr. Fant that he had sent Mr. Wiley to see Mr. BECK, I at once wrote him saying that he had done me a wrong, and connected my name in this matter in an unwarrantable manner, and I wanted to know why he did it, and asked him if there was anything behind this. Mr. Fant wrote me a letter of apology for doing what he had done. It was satisfactory. I have seen Mr. Fant this morning. He is sick in bed.

By Mr. KASSON:

Q. You sent no dispatch of any kind, mentioning the Pacific Mail subsidy, last December to Mr. BECK?

A. No, sir; nothing of the kind.

Q. Neither mysterious or open?

A. Neither mysterious or otherwise.

By Mr. BECK:

Q. I believe I have not seen you before for a year or so, have I?

A. I have seen you but once since the passage of the bill, and that was but once in Mr. Harney's office, until I met you here this morning.

By Mr. KASSON:

Q. I think there was one point upon which Mr. BECK asked you, and the question being rather long, you answered a part and may have answered the other part, although I do not remember it. That was, that in no way, shape, or form, did you carry or get anybody to carry any stock, or make any stock contracts in which Mr. BECK had any interest, or of which he had any knowledge.

A. You cannot make that too broad; there was nothing in any manner, shape, or form.

By Mr. BECK:

Q. Neither in my own name or in that of anybody else?

A. No, sir.

By Mr. ELLIS H. ROBERTS:

Q. You have made your answers with reference to Mr. BECK very broad. I desire to know now whether you had any communication with any other members of Congress with reference to this subsidy.

A. I did not.

Q. Did you for any other member of Congress, directly or indirectly, carry any stock, or propose to carry any stock?

A. I did not either directly or indirectly carry or propose to carry for any member of Congress any stock or money, nor had I any connection with the matter in any way. I saw no member of Congress except Mr. BECK.

Q. Did you have any relations with Mr. Irwin in the distribution of the funds which he held?

A. No, sir; none at all. I saw Mr. Irwin while I was here three or four times, and each time was to report to him the state of Mr. BECK's feelings as to how he would vote, and to get him to agree upon the time he would meet Mr. BECK, if I could get Mr. BECK to meet him.

Q. Did you make any report to Mr. Irwin as to any other member of Congress?

A. No, sir.

Q. Was the name of any other member of Congress mentioned by you to Mr. Irwin in connection with this subsidy?

A. No, sir; not that I remember.

Q. Did you know at the time of the employment of Mr. Irwin of any attempt to influence the vote of any member of either House?

A. No, sir.

By Mr. WALDRON:

You have answered in reference to members of Congress. Will you now state whether you know of any contract by which stock was to be given to or carried for the benefit of any officer or employé of the last Congress?

A. I do not.

By Mr. ELLIS H. ROBERTS:

I have asked you as to whether you made any report to Irwin as to any member of Congress. I will ask now further whether Irwin gave you any information as to any member of either House who could be influenced in any way by either money, stock, or any valuable consideration, to vote or refrain from voting?

A. No, sir; my acquaintance with Mr. Irwin was predicated upon a mere introduction by Mr. Stockwell for an express purpose, and that was that I could influence the vote of Mr. BECK in the way I have stated.

Q. I would like a direct answer to the question. You imply it; but I prefer a direct answer whether or not Mr. Irwin suggested to you any member of either House who could be influenced by any valuable consideration?

A. No, sir; he did not.

By Mr. BURCHARD:

Q. Do you know of the payment of money or of the giving of any consideration to any member of Congress or any officer or employé of the House.

A. I do not.

By Mr. NIBLACK:

Q. Do you not think that Mr. Fant claimed the credit of having sent you to Mr. BECK as a sort of desperate effort to show that he had rendered some specific service for the money he received? What other explanation can you give for this unwarranted use of your name in that connection by him?

A. I hardly know. When I first read the testimony, we canvassed among ourselves in the office as to why Mr. Fant had said this; one suggested one reason and one another. I could see no good reason why he would do it unless it was that the connection of his name with Mr. BECK's or mine might in some manner give him some character with the committee.

Q. If you remember reading the testimony, you will recollect the committee pressed him to know the specific service he had rendered; to whom he had talked; upon whom he had tried to exercise influence in consequence of this amount of money which he had received. In other words, they asked him for an illustration of the service he had performed. He thereupon gave this as an illustration, saying he had sent you to Mr. BECK. I am disposed, after what you have said, to regard that as a mere desperate effort upon his part to try and show that he had done something. Can you explain it in any other way?

A. I think that is about the best explanation that can be given of the matter.

The question being taken on the motion that the House adjourn, it was agreed to; and accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ARMSTRONG: Memorial of the Legislative Assembly of Dakota Territory, for an appropriation to improve the navigation of the Red River of the North, to the Committee on Commerce.

Also, memorial of the Legislative Assembly of Dakota Territory, for an appropriation to erect a public building for the use of the Legislature, courts, and other public officers, to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislative Assembly of Dakota Territory, for the establishment of a post-route from Sioux Falls, Dakota, to Lake Benton, Minnesota, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Dakota Territory, for a post-route from Fargo to Fort Totten, to the Committee on the Post-Office and Post-Roads.

By Mr. BANNING: Letter of Josiah Given, in relation to hardships experienced by distillers under section 13 of the act of June 6, 1872, to the Committee on Ways and Means.

By Mr. BUTLER, of Massachusetts: Papers relating to the claim of Lieutenant J. C. Duff, to the Committee on War Claims.

By Mr. CHIPMAN: Estimate of expenses of the board of health of the District of Columbia for the fiscal year ending June 30, 1876, to the Committee on Appropriations.

Also, papers relating to the claim of William Bowen, to the Committee on the District of Columbia.

Also, the petition of Anne Catharine Fisher, for a pension, to the Committee on Invalid Pensions.

By Mr. COX: The petition of Andrew Fyans and 22 other Union soldiers who have lost a leg below the knee or an arm below the elbow, for increase of pension to twenty-four dollars a month, to the Committee on Invalid Pensions.

By Mr. DONNAN: The petition of the committee of the American Medical Association, in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

Also, the petition of the faculty of the Jefferson Medical College, of Philadelphia, in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. HOUGHTON: The petition of citizens of California, for a change of route of the Southern Pacific Railroad between Gilroy and Tehachape Pass, so as to run by way of Pajaro, Salinas Valley, and Polonio Pass, to the Committee on the Public Lands.

By Mr. HUNTER: The petition of Gallus Kerchner, to be compensated for stone delivered to and used by the United States on the arsenal grounds at Indianapolis, to the Committee on War Claims.

By Mr. LUTTRELL: The petition of A. Langerberger, Charles Kohler, and 700 others, vine growers and importers of foreign wines, in relation to the duty on low-grade wines, to the Committee on Ways and Means.

By Mr. MILLS: The petition of citizens of Walker County, Texas, for the refunding of the cotton tax, to the Committee on Ways and Means.

By Mr. NEAL: The petition of A. E. Magoffin, postmaster at Bainbridge, Ohio, to be reimbursed for money stolen from him belonging to the United States, to the Committee on Claims.

Also, the petition of citizens of Bainbridge, Ohio, of similar import, to the same committee.

By Mr. NESMITH: Memorial of the Board of Trade of Portland, Oregon, for the repeal of the duty on grain sacks, to the Committee on Ways and Means.

By Mr. PLATT, of Virginia: The petition of H. H. Mitchell, late surgeon Thirty-sixth Regiment United States Colored Troops, for relief, to the Committee on Military Affairs.

By Mr. POLAND: The petition of Andrew Folsom, of Barton, Vermont, to be reimbursed money unjustly exacted as commutation for his son, to the Committee on Military Affairs.

By Mr. SPEER: The petition of 30 soldiers of Cambria County, Pennsylvania, for the passage of a law granting, without restrictions, one hundred and sixty acres of land to soldiers, to the Committee on the Public Lands.

Also, the petition of 17 soldiers of Pennsylvania, of similar import, to the same committee.

By Mr. YOUNG, of Georgia: The petition of citizens of Georgia, for the refunding of the cotton tax, to the Committee on Ways and Means.

IN SENATE.

THURSDAY, *January* 21, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

ARMAMENT FOR SEA-COAST DEFENSES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

In my annual message of December 1, 1873, while inviting general attention to all the recommendations made by the Secretary of War, your special consideration was invited to the "importance of preparing for war in time of peace by providing proper armament for our sea-coast defenses. Proper armament is of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed; the former cannot."

These views gain increased strength and pertinence as the years roll by, and I have now again the honor to call special attention to the condition of the "armament of our fortifications" and the absolute necessity for immediate provision by Congress for the procurement of heavy cannon. The large expenditures required to supply the number of guns for our forts is the strongest argument that can be adduced for a liberal annual appropriation for their gradual accumulation. In time of war such preparations cannot be made, cannon cannot be purchased in open market, nor manufactured at short notice; they must be the product of years of experience and labor.

I herewith inclose copies of a report of the Chief of Ordnance and of a board of ordnance officers on the trial of an eight-inch rifle converted from a ten-inch smooth-bore, which shows very conclusively an economical means of utilizing these useless smooth-bores and making them into eight-inch rifles capable of piercing seven inches of iron. The twelve hundred and ninety-four ten-inch Rodman guns should in my opinion be so utilized, and the appropriation requested by the Chief of Ordnance of $250,000 to commence these conversions is urgently recommended.

While convinced of the economy and necessity of these conversions, the determination of the best and most economical method of providing guns of still larger caliber should no longer be delayed. The experience of other nations, based on the new conditions of defense brought prominently forward by the introduction of iron-clads into every navy afloat, demands heavier metal and rifle-guns of not less than twelve inches in caliber. These enormous masses, hurling a shot of seven hundred pounds, can alone meet many of the requirements of the national defenses. They must be provided, and experiments on a large scale can alone give the data necessary for the determination of the question. A suitable proving-ground, with all the facilities and conveniences referred to by the Chief of Ordnance, with a liberal annual appropriation, is an undoubted necessity. The guns now ready for trial cannot be experimented with without funds, and the estimate of $250,000 for the purpose is deemed reasonable and is strongly recommended.

The constant appeals for legislation on the "armament of fortifications" ought no longer to be disregarded, if Congress desires in peace to prepare the important material without which future wars must inevitably lead to disaster.

This subject is submitted with the hope that the consideration it deserves may be given it at the present session.

U. S. GRANT.

EXECUTIVE MANSION, *January* 20, 1875.

The message was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HAMLIN presented a memorial numerously signed by citizens of the District of Columbia, asking for an act of incorporation to promote the manufacture and sale of any and all kinds of agricultural, mechanical, and other useful implements and articles within the District of Columbia; which was referred to the committee on the District of Columbia.

Mr. CONKLING presented the petition of Alice E. De Groot, and Theodore R. B. De Groot, administrators of the estate of William H. De Groot, deceased, praying payment of certain losses and damages, and to have refunded to them the amount of William H. De Groot's expenditures (less the amount paid to him by the Government) incurred by him as the assignee of the contract for furnishing brick for the Washington Aqueduct; which was referred to the Committee on Claims.

Mr. DENNIS presented papers relating to money erroneously paid by John G. Taylor, collector of customs at Annapolis, Maryland, who asks the passage of the necessary measures by Congress to relieve him from liability; which were referred to the Committee on Claims.

Mr. HAGER. I present the memorial of R. H. Brotherton and about 300 others, asking that the homestead act be so amended as to enable all settlers upon the even-numbered sections inside of railroad reservations to enter one hundred and sixty acres of land, instead of eighty as now provided by law. They state that they memorialize in behalf of themselves, residents of California, and others. They state, and correctly, that the most of the better class of lands in that State have been taken up by private Spanish or Mexican grants, leaving vacant and unoccupied only an inferior class of lands suited better for grazing than for agricultural purposes unless at the very great expense of irrigation. They ask that the law be amended as applicable to that State, so as to allow eighty acres of land in addition to those who have already entered eighty acres, and that hereafter all be allowed to enter one hundred and sixty acres instead of eighty acres within the railroad belt. I move that the memorial be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. PRATT. I present the petition of John W. Haney, late of Company H, Eleventh Wisconsin Volunteers, praying to be allowed a pension. Several citizens of the city of Indianapolis, where he now lives, headed by Governor Hendricks, join in the petition. I move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. WRIGHT presented a petition of members of the bar of Council Bluffs, Iowa, asking that the district court of the district of Iowa shall have concurrent jurisdiction in all cases with the circuit court of that district; which was referred to the Committee on the Judiciary.

Mr. MERRIMON presented the petition of Thomas H. Coates, of Raleigh, North Carolina, praying for a reconsideration and allowance of his claim for property taken for the use of the Army of the United States; which was referred to the Committee on Claims.

Mr. ROBERTSON presented the petition of John S. Riggs, J. D. Aiken, Evan Edwards, George W. Williams & Co., and others, business men and firms of Charleston, South Carolina, praying the passage of the bill (H. R. No. 3656) incorporating the Eastern and Western Transportation Company; which was referred to the Committee on Railroads.

Mr. MORTON presented the petition of James Calhoun, late second lieutenant Company D, Third Regiment of Indiana Cavalry Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Joseph A. Stilwell, praying that a pension be allowed James A. Benham; which was referred to the Committee on Pensions.

Mr. CAMERON presented the petition of Anna Lombaert, Susan Hathwell, and Mary A. Davis, legal heirs of Captain John Arndt, of the revolutionary war, praying that they may receive the pension with land warrant which was due the said Arndt; which was referred to the Committee on Revolutionary Claims.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3681) granting a pension to William M. Drake, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Rosa Ward, of Moretown, Vermont, praying to be granted a pension on account of services rendered by her son, Andrew Ward, late of the First Vermont Battery, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Ann Toliver, mother of David Toliver, late of the One hundred and nineteenth Regiment United States Colored Infantry, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 3722) granting a pension to John Fink, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT, from the Committee on Civil Service and Retrenchment, to whom was referred the bill (H. R. No. 1243) to abolish the system of mileage, reported adversely thereon; and the bill was postponed indefinitely.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3189) granting a pension to Frederick Vogel, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1644) granting a pension to Hannah E. Currie, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. OGLESBY. The Committee on Pensions, to whom was referred the bill (H. R. No. 3020) granting a pension to George Pomeroy, have had the same under consideration, and it appearing from a note accompanying the papers that after the bill had passed the House the Pension Bureau granted to Captain Pomeroy a pension, it is not deemed necessary to further consider the bill. We therefore recommend that it be indefinitely postponed. I make that motion.

The motion was agreed to.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (S. No. 938) for the relief of Thomas G. Kingsley, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SCOTT. The Committee on Claims, to whom was referred the bill (H. R. No. 1565) relating to the commissioners of claims, and for other purposes, have instructed me to report back the same with amendments and recommend its passage. I desire to call the attention of the Senate to the fact that this bill extends the time within which petitions for the allowance of claims may be filed before the commissioners of claims, as that is a subject in which Senators have taken an interest, and in making the report to further state that I make it in obedience to the instructions of the majority of the committee, and I do not concur in the report.

Mr. WRIGHT. I desire to say also in this connection, although it is unusual to do so, that the report does not have my concurrence, and I do not wish by my silence to be construed as approving the bill.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1086) to regulate promotions in the staff of the Marine Corps, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (S. R. No. 7) authorizing the reappointment of Robert L. May, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the petition of Kate Louise Cushing, widow of the late Commander William B. Cushing, praying to be allowed a pension, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

He also, from the same committee, to whom was referred the petition of citizens of Philadelphia and New Jersey, praying that a landing may be granted to the Red Bank Ferry Company at the foot of Broad street, Philadelphia, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Mrs. M. J. Coston, praying for compensation for the use of the inventions of the late Benjamin Franklin Coston, particularly that known as "the cannon percussion primer," asked to be discharged from its further consideration; which was agreed to.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the memorial of Duff Green, giving his views on finances, exchanges, &c., asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

He also, from the same committee, to whom were referred resolutions of the Chamber of Commerce of the State of New York in favor of the adoption of the monitor life-saving raft for the use of steamships carrying passengers, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of Alexander Henderson, late consul at Londonderry, Ireland, asking payment of balance claimed to be due him for services as such consul, asked to be discharged from its further consideration; which was agreed to.

Mr. BOUTWELL, from the Committee on Commerce, to whom was referred the bill (S. No. 1053) to amend chapter 7 of title 33 of the Revised Statutes, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. HAMLIN. I am directed by the Committee on Civil Service and Retrenchment, to whom was referred the bill (S. No. 980) fixing the salary of the President of the United States, to report adversely and recommend its indefinite postponement. I am also instructed by the committee to request that it go on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1173) to incorporate the Stockbridge Agricultural, Manufacturing, and Commercial Company of the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1174) for the relief of C. C. Barker and W. W. Williams; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1175) extending the provisions of an act approved June 4, 1872, entitled "An act granting a pension to A. Schuyler Sutton;" which was read twice by its title.

Mr. ALLISON. I introduce this bill by request. I know nothing of its merits. I move that it be printed and referred to the Committee on Pensions.

The motion was agreed to.

Mr. ROBERTSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1176) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1177) to incorporate the Washington City and Suitland Railroad Company; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1178) for the relief of certain creditors of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

SARAH S. COOPER.

Mr. INGALLS. The Committee on Pensions have instructed me to move a reconsideration of the vote by which the bill (H. R. No. 3713) granting a pension to Sarah S. Cooper was indefinitely postponed, and to ask that the bill, with the accompanying papers, may be recommitted to that committee for further action.

The motion was agreed to; and the bill was recommitted to the Committee on Pensions.

CLAIMS AGAINST THE UNITED STATES.

Mr. WRIGHT. On the 19th of May last I had the honor to introduce the joint resolution (S. R. No. 9) proposing an amendment to the Constitution of the United States. The joint resolution was laid upon the table. I move that it be taken from the table and referred to the Committee on Privileges and Elections.

The motion was agreed to; and the joint resolution was referred to the Committee on Privileges and Elections.

WITHDRAWAL OF PAPERS.

Mr. GOLDTHWAITE. I ask for an order that the papers in the case of Daniel J. Brown may be taken from the files and referred to the Committee on Claims.

Mr. SCOTT. I would inquire of the Senator from Alabama whether there has been an adverse report in that case?

Mr. GOLDTHWAITE. There have been two. It has been before the committee in the House, who reported favorably, and then there have been two or perhaps three unfavorable reports from the committee of the Senate.

Mr. SCOTT. The unfavorable reports have been subsequent to the favorable report?

Mr. GOLDTHWAITE. Yes, sir.

Mr. SCOTT. I must object then to these papers being withdrawn and recommitted to the committee.

The VICE-PRESIDENT. The Senator from Pennsylvania objects, and the order cannot be made.

IMPROVEMENT OF THE MOUTH OF THE MISSISSIPPI.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be directed to furnish the Senate a detailed statement of amounts appropriated since 1870 for the improvement of the mouth of the Mississippi River, Fort Jackson and Fort Saint Philip, giving the name, amount paid each person, and date of payment, and for what.

CALL OF COMMITTEES.

The VICE-PRESIDENT. There being no further morning business, the Chair will call upon the Committee on Manufactures.

Mr. ROBERTSON. We have no business to present this morning.

The VICE-PRESIDENT. The Committee on Agriculture—[a pause.] The Committee on Military Affairs.

RETIREMENT OF ARMY OFFICERS.

Mr. LOGAN. I move that the bill for the relief of General Samuel W. Crawford be taken up.

The motion was agreed to; and the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, of the United States Army, was considered as in Committee of the Whole. It provides that the retirement as a colonel, on February 19, 1873, for disability on account of a wound received in battle, of Brevet Major-General S. W. Crawford, United States Army, be so amended that he shall be retired and be borne on the retired list of the Army as a major-general as of and from that date, he having been in the exercise of the command of a major-general at the time he was wounded, being then in command of the First Division of the Twelfth Army Corps.

The Committee on Military Affairs propose to amend the bill by striking out, commencing in line 8, the following words:

Major-general as of and from the said date, he having been in the exercise of the command of a major-general at the time he was wounded, being then in command of the First Division of the Twelfth Army Corps.

And in lieu thereof to insert:

Brigadier-general, he having held the rank of brigadier-general at the time he was wounded: *Provided*, That his retired pay as brigadier-general shall commence from the passage of this act.

SEC. 2. That all officers of the Army who have been heretofore retired by reason of disability arising from wounds received in action shall be considered as retired upon the actual rank held by them, whether in the regular or volunteer service at the time when such wound was received, and shall be borne on the retired list and receive pay hereafter accordingly; and this section shall be taken and construed to include those now borne on the retired list placed upon it on account of wounds received in action.

Mr. LOGAN. I desire to offer this additional amendment to be added to the second section:

Provided, That no part of the foregoing act shall apply to those officers who had been in service as commissioned officers twenty-five years at the date of their retirement, nor to those retired officers who had lost an arm or leg or both eyes by reason of wounds received in battle; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed.

I will state to the Senate that under an act of Congress which was passed in 1866 it was provided—

Officers of the regular Army entitled to be retired on account of disability occasioned by wounds received in battle may be retired upon the full rank of command held by them, whether in the regular or volunteer service, at the time such wounds were received.

It is very evident that this statute was passed to apply to particular persons. Persons in the regular Army might be retired, not on their own rank, but on the command they held at the time of receiving the wound. To illustrate, a colonel, for instance, might by accident be in command of a brigade. Although the brigade may not have been commanded by a brigadier-general, it is considered the command of a brigadier-general. If he were wounded while in command of that brigade, this law would retire him as a brigadier-general, retire him with a rank he never held. Why it was and why it has stood as the law so long I cannot tell. At the last Congress or the

Congress before it was repealed and the law made applicable only to the rank of the officer himself, without reference to the command. I do not desire to discuss it, but any one who knows anything about Army matters knows how unfair a law of this kind would be in its application to different officers.

The amendment that I have now offered is to the bill retiring Mr. Crawford. He is the only one, I believe, who was not retired under the act of 1866. He claimed to be retired as a major-general, but he was not a major-general; he held the rank of brigadier. This bill as we propose to amend it provides that he may be retired as a brigadier, that being the rank he himself held at the time and not the rank of his command, and at the same time the bill is so amended as to apply to all persons in the Army and provide that their retirement shall be according to the rank held by themselves and not the rank of command, for there is no such rank. I have stated it so that the Senate may understand it. It applies to those who have been retired under the act of 1866. Some men who never held a rank higher than major have been retired as colonels and brigadier-generals under that act.

There has been a great deal of complaint against the committee and especially against myself, on the ground that what we propose is a harsh measure. Some of the old officers who have been retired as major-generals, for instance, when they never held the rank, do not now want to have it changed. This is perfectly natural, and they have brought a great deal of pressure to bear on the Congress of the United States, and have defeated me two or three times in getting this measure passed. I then changed it. The amendment I offer now makes exceptions of certain men who have been retired. It makes an exception of a man who has been retired with the rank of command, if he lost an arm, if he lost a leg, if he lost both eyes, or if he had served in the Army twenty-five years at the time of his retirement. That makes an exception of all the old officers retired who were retired for wounds that absolutely rendered their services useless. There are a great many in the Army retired on a rank which they never held, and who are in as good health to-day as any of us. I submitted this bill to the Secretary of War, and he wrote me the following memorandum that I will read to the Senate:

> I have looked over the amendment proposed to be added to this bill, and it strikes me that if adopted it will make the law more satisfactory and do away with the objections which may exist to the present law-bill of the House of Representatives No. 2093, as proposed to be amended in the Senate.

I submitted the bill to him, with the amendment. He said it would do away with the objections to the bill by making these exceptions. For instance, a certain gentleman in the State of New York, and a certain gentleman in the District of Columbia who has lost both eyes, and several men whom I could mention, are in the classes which are excepted; so that this makes the bill so that it will work no hardship to any one, but will be fair to all.

Mr. SCOTT. Before I discuss the actual point that is involved in the amendment reported by the Military Committee, I would ask for one moment the attention of the Senate to the standing of the officer affected by this bill in the first instance, and upon whose application for the benefit of the general law this amendment now comes in.

General Crawford was a surgeon in the regular Army in 1861 and attached to the command of Colonel Anderson, at Fort Sumter. His conduct at that time was such that very soon after hostilities commenced he was commissioned by President Lincoln a major in the regular Army. He passed through the several grades of major to brigadier-general, taking a very active and a very creditable part in military operations. At the battle of Antietam he received his wound, having been ordered to take the command of General Mansfield after he was killed upon the field. He participated in the battle of Gettysburgh and in the battles of the Army of the Potomac, and he was one of the few soldiers who were present at the firing of the first gun of the rebellion and who continued in active and valuable service down to the time the last gun was fired in the rebellion.

In 1866 the law which the Senator from Illinois has read was passed, which authorized the retirement of officers at the rank of command which they held at the time they were wounded. Under that law General Crawford made his application in August, 1871, to be retired, and he was entitled at that time to be retired with the rank of major-general. His services, however, were deemed to be of some importance to the Army, and, if I am correctly informed, at the request of the Secretary of War his application for retirement was not pressed at that time. He was at that time, if I remember correctly, in command in Alabama. In consequence of his application not being pressed, or for reasons satisfactory to the War Department, he remained in the service; and while his application for retirement was before the board the act of 1872 was passed, which repealed the act of 1866.

During the time the act of 1866 was in operation, seventy-two officers were retired. I have before me a list furnished by the Secretary of War of the officers who were retired, and upon looking over it to some extent—not fully—I find that one captain has been retired as a major-general and one lieutenant has been retired as a colonel. While I agree with the Senator from Illinois that, if it were a question of original construction, I should be inclined to think that the proper construction of that law was that they were to be retired upon the rank of the commission which they held at the time of their wounds, and not upon the rank of the transient or accidental command which they happened to hold; but here are seventy-two officers who have been retired, some of them perhaps officers in command in the very battle in which General Crawford received his wound; and thus, with his application pending at the time the law was repealed, he is cut off from the benefits of that act, and officers who were his inferiors in rank now have a superiority to him both in rank and in pay upon the retired list.

This bill was introduced for the purpose of giving him the benefit of that act, as his application was pending at the time it was repealed. It passed the House, and there was a very favorable report made there, showing, more fully than I can now state them, the reasons why General Crawford ought to have the benefit of that act. The Military Committee of the Senate, however, propose now to retire him with the rank of a brigadier-general, and then to add a section which will reduce all the officers who have been retired under that act to the rank of their commissions, with the exception of the few who will be saved by the last amendment now proposed.

If it be the pleasure of the Senate to reduce the seventy-two officers, with these exceptions, to the rank of their commissions instead of the rank of their command, then of course I have no objection to the amendment which has been proposed to retire General Crawford as a brigadier-general; but I would ask the Senator from Illinois, if it will comport with his idea of propriety, that the question shall be first taken upon this second section, which will bring the Senate to the square question of whether they will reduce the officers who have been retired, before he asks for the vote upon the other part of the amendment. If that be the sense of the Senate, then of course there is a disagreement between the Senate and House of Representatives on this bill, and unless the House concurs, it will be necessary to go to a committee of conference. I do not desire to take up time in protracting debate, but I wish to get this question as clearly as I can before the Senate and then have a decision upon it.

As I have already said, if it were a question of the original construction of the act of 1866, I should be inclined to think that the proper construction would be to retire all these officers upon the rank of their commission at the time; but it has been construed otherwise. They have been retired with the rank of command, and I think in justice to General Crawford, with the brilliant military record which he has, with his long service, with his wound incurred in that service, he ought not to be singled out as the pivot upon which this question is to turn. He ought to be retired, as his application was pending before this law was repealed, as others were, and not have an invidious distinction made against him. If, however, it be the policy of Congress to bring all these officers down together, then I shall have nothing more to say on the question of retiring him as a brigadier-general.

Mr. LOGAN. I do not desire to detain the Senate, but I will say to the Senator from Pennsylvania that I think some portion of his remarks has been made under a misapprehension of the facts. He speaks of the seventy-two officers who have been retired under the law of 1866, and speaks of the hardship, and he states that one captain had been retired as a major-general and one lieutenant as a colonel. What are the names?

Mr. SCOTT. I have a very long list. I cannot give the names just now.

Mr. LOGAN. He states the case of a captain. That rank was the rank the man held in the regular Army; that was not the volunteer rank he held. This law does not apply to that; this authorizes his retirement with the volunteer rank he held. He probably was retired on the rank he did hold at the time, and if so, the amendment does not affect him.

Mr. SCOTT. The Senator is mistaken. I have already said that the retirement was of a captain in the regular Army as a major-general, he holding the rank of major-general in the volunteers at the time; and the same in reference to the lieutenant. He was a lieutenant in the regular Army, and was retired as colonel because he was holding the command of a colonel in the volunteers.

Mr. CAMERON. If Senators will allow me, I think I can explain the case of the captain who was retired as a major-general. It was the case of Mr. Fessenden, I think. He was appointed a lieutenant at the beginning of the war and immediately promoted to a captaincy. Afterward he got a command in the volunteer service, and became a major-general in it, and he was retired on the rank he then held.

Mr. LOGAN. The Senator [Mr. SCOTT] will see that the distinction is not properly made. There is a misunderstanding, and frequently it has been apparent here, in confounding the two services. Rank in the regular Army is one thing, and rank in the volunteer Army is another thing. The officers are not retired on their rank in the regular Army, but they are retired on the rank they hold at the time in the volunteer Army. That captain held a major-general's commission; and therefore he was retired as major-general. He is not retired with the rank of his command, but retired, because he was a major-general, with his personal rank. So of the lieutenant. Neither of them is affected by this bill as amended. It only affects persons who were retired with the rank of their command. That is all this applies to; and it retires General Crawford with the rank he absolutely held, and not with his rank of command; and it brings all the rest down to the rank they absolutely held and not to a fictitious rank, which everybody admits is just. There is no officer in the Army to-day but will

admit that the old mode of retirement is an absurdity, and every man who will examine it that knows anything of military life knows it is a mockery.

Mr. SCOTT. I think the Senator from Illinois has misunderstood me. If I did not state, I certainly intended to state, that the seventy-two who were retired were retired upon the rank of command which they held when wounded. I do not intend to say that they held commissions entitling them to that rank, as General Crawford did in this instance. He was ordered to take the command of a major-general although he was an inferior officer. I intended to state that distinctly.

Mr. LOGAN. A major-general is commander of a division. I have known divisions in the Army to be commanded for months by a colonel who never had any higher rank. Every man on this floor who has been in the Army knows that that occurred frequently during the war. How absurd now it would be to retire that colonel as a major-general and give him three-fourths of $7,500 a year as retired pay! I could name, but I do not desire to do it, an officer who was a gallant officer, who is retired as a major-general in the Army under this statute, retired on account of a wound, but who is just as stout a man as I am, and probably more able physically to do business than I am, or at least as able to do so. But he was wounded, and under this statute he was retired as major-general, though his rank in the regular Army was that of a major. That is the way this law has been used. My object and the object of the Military Committee is only this, to let every man retired in the Army be retired with the rank he held at the time he received the wound. If it was the rank of brigadier-general, let him be brigadier-general, whether his commission in the regular Army was that of a captain, lieutenant, or what not.

I do not say anything about the statute except that it was very unfair at the time it was passed. Men never ought to have been retired in that way at all. The Army Register shows, as you will see by examining it, that this amendment does not work a hardship to any man. Every man who lost a leg or arm or his eyesight is excepted, and every man who served twenty-five years in the Army is excepted. Who are the men who lost a leg or arm? A right leg was lost by Thomas W. Sherman. He is excepted. Of these seventy-two officers all that have been wounded seriously are excepted under this amendment. Major-General John C. Robinson, late lieutenant-governor of New York, lost one leg. He is excepted by this amendment. Daniel E. Sickles lost the right leg. He is excepted by the amendment. George L. Hartsuff lost two legs, but he is dead and it does not apply to him. Richard W. Johnson is a retired brigadier-general. He is excepted because of the length of his service. Eli Long is excepted because of his length of service. Brigadier-General Gabriel R. Paul had both eyes shot out. He is excepted. He never had the rank he was retired on; he was retired by special act of Congress as a brigadier-general; and he is excepted on account of having lost his eyes, and I think that was proper. I could afford to do that. We could all afford to do it. John B. McIntosh lost a right leg. He is excepted.

These are the only persons on the retired list who have lost an arm, or a leg, or eyesight; and they are every one excepted.

Then the old men retired on that list, no matter what the rank, are excepted. Every man who served twenty-five years in the Army, so that his age is such that he ought to have support, is excepted.

This bill thus amended is no hardship. It is just. It only applies to young officers of the Army who have been retired on a rank they never held, which was an injustice to every other officer of the Army. We have an Army to-day of forty regiments. This law is repealed, but every man who is retired on account of wounds now in the Army is retired with the rank he holds.

Mr. SCOTT. As this amendment makes it in the nature of a general bill and the morning hour is just about expiring, I will ask that the morning hour be extended for the purpose of disposing of this bill.

Mr. MORTON. How long will it take?

Mr. SCOTT. Make it subject to the regular order.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Chair hears no objection to the extension of the morning hour for the purpose indicated.

Mr. LOGAN. Now, I want the Senate to understand what the meaning of this proposition is. Take, for instance, the soldiers of the Mexican war; we have some retired officers who served in the Mexican war. How were they retired? They were retired on the rank they held—their absolute personal rank. There they stand on the list to-day, retired on their actual rank. We have officers now who are wounded in the Indian service who are retired. How are they retired? On their absolute rank, on their personal rank, not the rank of command. By the action of the Senate and House of Representatives in 1866, you made exceptions to the general rule applicable to the Army, and you have seventy-two exceptions to the general rule that applies to those who served in the Mexican war and to the rest of the Army, and to all for the future. There stand these exceptions to all our rules and regulations, and to any rule that was ever established for any army in the world before. In the history of any army that I have ever examined I have not been able to find any such exceptions. I do not know of a case of any man ever being retired in any army until this statute passed on any rank except the rank he held; but you have made a law here to retire men on rank they never held, on a rank they never could have acquired, for some that I know myself never could have been major-generals in the Army, and yet they are retired as major-generals. They never held the office in the world, but happened accidentally to be thrown some day into the command of a division. I could name a gentleman, but I do not desire to do it, who is serving now in the civil service in Europe, who was retired on the rank of command. His own proper rank was very low, but he is retired tolerably high. Nine-tenths of the men retired on rank of command, when they never held the rank, are to-day occupying high positions, some of them in railroad employment, some in one employment and some in another, doing good business; and yet their retired pay to-day amounts to more than mine as Senator. I say it is unjust and wrong to the Army. I do not speak of the amount of pay they get; I do not care about that; but it is unjust to the Army of the United States, because they make exceptions to the rule, and you will find just such cases coming up every Congress.

I introduced by the voice of the Military Committee the bill that repealed this law of 1866. It was repealed. After it was repealed Mr. Crawford was retired on his actual rank, which is that of colonel. Everybody else has to be retired in the same way now. If you pass a bill giving Mr. Crawford the rank of his command that he held at that time, or the rank of his commission at that time, and do not make it applicable to the others who have been retired, you will have a dozen bills here every Congress for the officers retired hereafter. Each one will be asking you to retire him on the rank of command under this statute because Crawford was retired in that way, and thus you set the precedent. Mr. Crawford has been retired since the repeal of the law of 1866. Pass this bill without the amendment, and you set a precedent that will annoy us at every Congress; and we are certainly annoyed every year, not by applications of this character particularly, but in reference to rank and changes and things which are absolutely wrong and ought not to be permitted.

Mr. SCOTT. This was the only application pending at the time of the repeal.

Mr. LOGAN. That is true, and therefore his case might be somewhat exceptional; but yet it is a precedent for every other officer of the Army. His retirement as brigadier-general in my opinion is a fair retirement, for that was the volunteer rank he held. I have nothing to say against General Crawford, because my opinion is that he is a gallant officer; but this is fair and just to him. It increases his retired pay from that of colonel to brigadier-general and makes it fair all around and will stop special proceedings in Congress. For that reason I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SCOTT. I wish to appeal to the Senator from Illinois, and ask him whether he will not let the vote be taken on the second section by itself before taking it on the amendment to the first section.

Mr. LOGAN. I have no objection to that.

Mr. SCOTT. I am willing to vote for the amendment in the first section if the second is adopted, but I do not feel at liberty to vote for both together.

Mr. LOGAN. I have no objection to the vote being taken in any way, but if that second section is stricken out, I shall do everything I can to defeat the whole bill, because that is the only section that makes it just.

Mr. SCOTT. I ask to have the vote taken on the second section first.

Mr. LOGAN. I have no objection; but I shall oppose the bill if it is not adopted.

The PRESIDING OFFICER. If there be no objection, the question will be divided and the vote first taken on the amendment reported as a second section.

The second section was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment in the first section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army."

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 16) proposing an amendment to the Constitution prescribing the manner of electing the President and Vice-President of the United States.

Mr. MORTON. Mr. President, it is pleasant to be able to present to the Senate a subject which is entirely above all party considerations and to which men of all parties can address themselves independent of the excitement which now seems to prevail throughout the country.

The proposition is to amend the Constitution of the United States as to the method of electing President and Vice-President, so as to bring the election home to the people as nearly as possible, and at

the same time to avoid the dangers that exist under the present method. No more important question can be considered by the Senate of the United States at this session of Congress; for in my opinion great dangers impend, owing to the imperfection of the present system of electing the President and Vice-President of the United States.

When we look back through the history of the country as to former elections, it becomes a matter of surprise that there have not been collisions and troubles resulting from the imperfections of our system. We may fairly assume that we have had a series of happy accidents by which these collisions have been avoided; but we cannot hope that these happy accidents will continue to occur; and in fact the dangers arising from the present system of election are greater now than they have been before in the history of the country, and will increase.

The system of electing the President and Vice-President by means of electors appointed by the Legislature of each State, as is well understood, had its origin in a profound distrust of the people. It was not believed by the framers of the Constitution to be safe to intrust the election of President and Vice-President to the people of the United States. Democracy was not so well understood then as it is now. It was believed that it was necessary to place the election of President and Vice-President in the hands of a small body of men, to be selected on account of their wisdom and of their character; that those men should be made entirely independent of the people and entirely independent of Congress; that their action should be unknown to the people and unknown to each other, so as to secure their complete independence. The first proposition in the convention of 1787 was that the President and Vice-President should be elected by the Congress itself. That was afterward changed, and it was then proposed that they should be elected by electors, and that these electors should be chosen by Congress. Then the plan was changed, and it was agreed that they should be elected by the States through the medium of electors, and that the electors should be chosen by the Legislatures of the several States; and the purpose was to place the election of electors and the election of President and Vice-President entirely beyond the control of Congress, that those elections should not be under the supervision of Congress. I will ask the Secretary to read the second clause of the first section of the second article of the Constitution.

The Chief Clerk read as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Mr. MORTON. The first point now to which I call the attention of the Senate is that the election of electors was placed absolutely under the control of the Legislatures of the several States and that Congress had no power over the election of these electors or to determine any question in regard to their election, but that the selection or appointment of electors was to be placed exclusively in the hands of the State Legislatures. The States could not by their constitutions control or in any manner change the appointment of electors; the power of a Legislature to appoint electors is conferred not by the State constitution, but is conferred by the Constitution of the United States, so that it is not in the power of a State constitution to take from the Legislature the power to appoint electors in any way that that Legislature may see proper. The Legislature may repeal any day the law by which electors are elected by the people. The Legislature may elect these electors by joint ballot of the two houses; it may authorize the governor to appoint them; it may authorize the supreme court of the State to appoint them; and this power has been exercised in various ways in various States. In some States the electors were once elected by separate districts, like members of Congress; in all the States now by general ticket. In some States in times past they were chosen by the different houses of the Legislature, and where the houses were divided in politics, the senate, for instance, being federal, and the house republican, they divided the electors by contract, the senate to choose so many and the house to choose so many. They have been elected by double and treble districts, by dividing the State into a number of districts less than the number of members of Congress, so that one district would elect two or three electors. In other words, various expedients and various methods have been adopted by the States at different times in the choice of electors, and this power to choose electors being placed absolutely with the Legislature of each State by the Constitution, it is in the power of any Legislature, at the next or before the next election, to withdraw the election from the people and choose electors in some other way that may seem good to the Legislature of the State, and Congress has no power to control it; it has no power to determine whether the election has been properly held or not. In other words, no contested election of electors can be determined by the Congress of the United States, because the Constitution has placed that election absolutely and entirely with the States. All the power that Congress has over the electors is contained in the third clause of that section, which is in these words:

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

With these two exceptions everything is left to the States through their Legislatures.

This brings me to the consideration of the next proposition. Congress has no power to provide for contesting the election of electors. That power is devolved entirely upon the State Legislatures; and if they make no provision for cases of contested elections of electors Congress cannot do it, because it was the policy of the framers of the Constitution to make the election of President entirely independent of Congress, so that the Executive should be entirely independent of the Legislative; and therefore, if there is to be any provision made under the present Constitution for determining a contested election of electors, it must be made by the several States and cannot be made by Congress. All the power that Congress has is to fix the time when the electors shall be chosen by the States, and to determine the day when they shall come together as electors to cast their votes, which shall be the same day in all the States.

The next proposition that I call the attention of the Senate to is that the States have made no provision for contesting the election of electors. All the States have now provided for electing electors by general ticket by the vote of the people; but this is of recent origin. Up to 1824 eight States chose electors by the Legislature, and up to the beginning of the war in 1860 South Carolina chose her electors by the Legislature, just as she did her Senators. Now all the States, however, have agreed that they shall be elected by the people upon general ticket, so that whatever set of electors get the most votes in a State, if it is only a majority of five, cast the whole vote of the State.

But no State has provided any method of contesting the election of electors. Though this election may be distinguished by fraud, notorious fraud, by violence, by tumult, yet there is no method for contesting it; no State has passed a law for that purpose. Every State has passed laws for contesting the election of governor, of lieutenant-governor, of members of the Legislature, and of all State officers; but no State has made any provision for determining a contested election as to electors; so that whatever electors are certified to by the State authorities have the right to cast the vote, and there is no power in Congress or anywhere else to prevent them from doing it, although it may be known to the whole world that they were not honestly elected and have no right to cast the vote of that State.

Not only that, but the law passed by Congress in 1792 to carry out the provision of the Constitution prohibited any contest in effect either by the State or by Congress. That law provides that the electors shall assemble in the several States on the first Wednesday in December and cast their votes. It further provides that the electors shall be chosen, whether by the people or by the Legislatures, within thirty-four days of the time when they are required to cast their votes, so that no time is left between the selection and the vote for any contest; nor can there be any contest afterward. When the electors have cast their votes, they are *functus officio;* they can never meet again; their office has expired. When they meet and vote on the first Wednesday in December, their functions have expired; they can never be called together again.

And then the Constitution goes on to provide that they shall vote by ballot. Why? That it may not be known to each other how they voted; that it may never be known to the people how they voted; and then, that the vote shall be sealed up and sent to the President of the Senate and that he shall not open that vote until the day it is counted; that the vote is to be opened in the presence of the two Houses and at the very moment it is to be counted; so that if there is any informality in that vote, if there is any fraud or irregularity, there is no possibility of knowing it, there is no possibility of correcting it, because the sealed package is not to be opened until the very moment the vote is to be counted in the presence of the two Houses. It seems never to have occurred to the members of the Convention that there could be two sets of electors; it seems never to have occurred to them that there would be fraud or corruption or any reason why the votes of electors should be set aside. It is clearly a *casus omissus*, a thing overlooked by the framers of the Constitution, and there is no place to contest the vote either of the electors by the people, or by the Legislature, or the vote of the electors for President, because all that they have done is to be absolutely sealed until the very moment when the vote is to be counted.

Then, Mr. President, how is the vote to be counted? I come to that as the next consideration. The Constitution provides that the vote shall be sealed up when it is cast by the electors, and sent to the President of the Senate, and that he shall open the sealed paper in the presence of the two Houses, "and the votes shall then be counted." The two Houses are to come together, and they are to be as witnesses merely. They cannot act together as a joint convention; they cannot vote as one body. There is no function that they can perform when they are together. They are there simply as witnesses. The vote is to be sealed up and sent to the President of the Senate, and he is to open it in the presence of the two Houses, but the two Houses thus assembled can do nothing, whatever may be the irrregularity, whatever may be the wrong visible on the face of the papers. They cannot act together as a joint convention; they cannot act as one body; they cannot act as separate Houses in the presence of each other; but the Constitution says "the vote shall then be counted." That is all that is to be done.

Now we see the power which is given to the President of the Senate, ordinarily the Vice-President of the United States. The sealed votes are to be sent to him and he is to open them in the presence of the two Houses, "and the votes shall then be counted." Suppose there are two sets of electoral votes, as from Louisiana at the last election, sent up to the Vice-President; he has two packages, and he causes both to be opened in the presence of the two Houses; who shall determine which set shall be counted? The one handed over by the Vice-President to be counted must be counted. The choice is left with him. There is no earthly power to correct it. If in the case of Louisiana the Vice-President had handed over to the tellers the electoral votes that had been certified to by McEnery, they must have been counted; there was no power to prevent it; or if on the other hand he had handed over those that had been signed by Kellogg, they must have been counted. The two Houses together could do nothing. The two Houses separately could do nothing. This is a case where this great power is vested in the hands of the Vice-President because of an omission in the Constitution. There is no power provided anywhere to determine which of these two sets of electoral votes should be counted, and it depends upon him as to which set he will hand over.

Mr. SARGENT. Does not a disagreement between the two Houses reject a vote?

Mr. MORTON. I am coming to that after a while. That is a very important question. See what a vast power is placed in the hands of the Vice-President. He may understand, as likely he will, the contents of the different papers that are placed in his hands, and he may be a candidate himself for election. That has so happened six times. It has happened six times that the Vice-President has opened and counted the votes where he himself was a candidate. John Adams as Vice-President opened and counted the votes and declared himself elected in 1797. Mr. Jefferson as Vice-President opened and counted the votes in 1801, when he was a candidate for President, and he declared the vote to be a tie. Suppose in that case there had been two sets of electoral votes from a State, certified to, and in his hands, one of which would have made a tie, and the other of which would have elected him President; there was no constitutional power anywhere to prevent him from handing over that set which would have elected himself as President. Nor could his action have been revised in any possible way. Again in 1821 Mr. Tompkins counted the votes when he himself was a candidate for re-election as Vice-President. In 1837 Mr. Van Buren counted the votes and declared himself elected President of the United States. In 1841, Mr. Johnson counted the vote when he was a candidate for re-election as Vice-President. In 1861 Mr. Breckenridge opened and counted the vote when he was a candidate for President. True, it was done honestly in all these cases; but suppose a case where the election is close, where by opening one set of papers the Vice-President is to be elected President, and by opening another set he is to be defeated, or where by refusing to count at all the vote of a particular State the result will be to elect him or to elect the candidate of his party! You see what a monstrous and irresponsible power has been placed in the hands of the Vice-President or the President of the Senate.

I have spoken of the theory of the electoral college; and now let us consider how completely it has failed, let us see how completely that theory has been reversed in practice. What was the theory? That the President should not be elected by the people—the people could not be trusted—but the election was to be vested in the hands of select men, who were to come together and act as deliberative, independent bodies. They were all to vote on the same day, so that there should be no collusion between them. The votes could not be cast on different days, where there might be correspondence with different States so as to control the last elections. That might take place; but the Constitution requires that the electors shall vote in all the States on the same day. And how are they to vote? Vote by ballot, so that one elector may not know how the others vote, and so that the people shall never know how they vote; but they were to deliberate, to be deliberative bodies. They were to consider and discuss, and were thus made independent of all knowledge by the people, that they might act entirely independent of all improper considerations or influences. That was the theory.

How has it turned out in practice? It has turned out in practice that the electors are pledged in advance to vote for a particular candidate; that they have been elected as mere agents, to cast their votes for the candidates of their party, a pledge that has never been violated and the violation of which would bring upon the offending party all the indignation that society could invent. It never has been violated and it probably never will. Therefore the theory is a total failure. Instead of being deliberative bodies, they are pledged in advance to vote for particular men. Therefore the reasons for the electoral college have gone. Why not let the people vote themselves for the presidential candidates, instead of voting for electors who are pledged to do the same thing?

Now, let me consider some of the dangers and difficulties attending this system. In the first place, by law when electors have died since their election, or fail to attend, then the others may fill their vacancies. In the case of Texas at the last election when the electors met to vote four were absent, just one-half the whole number. The other four supplied the vacancies by election. Suppose there should be five in favor of one candidate and five in favor of another and one elector dies. Then one five will have the majority over the other, and they can fill the vacancy, and they can thus secure a majority in the electoral college.

But let us look at the unfairness of it in another particular as now adopted. They vote by general ticket in all the States. That set of electors that get a majority of one vote cast the vote of the whole State. A majority of one will cast the entire vote of New York; so that nearly two million and a half of people are utterly silenced in their vote for President. It becomes an election by States. That was not intended by the framers of the Constitution. They did not intend to make it an election by States in one particular, because they expected the electoral colleges to be deliberative bodies, and as deliberative bodies to divide up, some to vote for one candidate and some for another; but it has turned out in practice that the electors are all pledged in advance to vote for a particular candidate, and that one set or the other set will be elected as an entirety, and they come together and cast the vote of the State. It is therefore a vote by States; and under the present system ten States can elect a President of the United States. It is just the same thing as if every man in those ten States had cast their votes for those candidates—a thing never likely to happen; but that is the effect of it. It is an election now by States. It is not a national election. It is removed further from a national election than was contemplated by our fathers, because they supposed these electors would divide—first deliberate, first discuss and consider with each other, and then divide the votes; but it turns out they do not do so. They are pledged in advance. They vote as a unit; and therefore the vote of New York, of Indiana, of Pennsylvania, of Illinois, is given as an entirety. It is therefore an election by States. It enables a small minority of the people of the United States to elect a President. Let us suppose, for example, that one man receives enough electoral votes to elect him; that he has carried enough States by small majorities to give him 186 electoral votes. If you please, he has carried New York by 5,000, Pennsylvania by 3,000, and so on, so that his aggregate majority in those States is less than 50,000. His opponent carries the other States by large majorities, so that it may turn out that his opponent will have half a million majority of the popular vote of the United States.

Mr. BAYARD. That was the case with Mr. Lincoln, I believe. He had a very small minority of the entire popular vote of the United States.

Mr. MORTON. But the remaining vote was divided between two other candidates.

Mr. BAYARD. I say he had a small minority of the entire popular vote of the United States.

Mr. MORTON. Yes, he had. It turns out that four Presidents have had less than a majority of the popular vote, and it is the possibility at all times under this system that a small minority of the votes of the people may elect a President of the United States. That is anti-republican; it is anti-democratic; and that possibility of itself calls for a change in the method of electing a President and Vice-President of the United States.

For my part, I would much rather elect the President by the people of the United States as one entire community, but I know we cannot change the Constitution to that effect. I know the small States will never vote for that; but I would prefer it. But the next and the nearest approach that we can make to an election by the people is to elect by districts. Now, I wish to read from the report, which is more accurate than I can state it. I wish to show by past history how far the electoral college has come from representing the popular vote, and how much nearer the district system will approach to it, and I will ask the attention of the Senate to this extract from the report, which has been carefully prepared.

Mr. OGLESBY. From what report does the Senator read?

Mr. MORTON. The report made by the Committee on Privileges and Elections. In the first place, I will state that so far as I can gather the evidence the electoral college has never come within 10 per cent. of representing the popular vote, and it several times has differed from it more than 30 per cent.

The following statement of the result in the different presidential elections from 1872 back to 1844 will establish the truth of what we have said:

In 1872 General Grant received 55 per cent. of the votes of the people; in the electoral college he received 81 per cent.

In 1868 General Grant received 52 per cent. of the popular vote, and 73 per cent. of the electoral vote.

In 1864 Mr. Lincoln received 55 per cent. of the popular vote, and 91 per cent. of the electoral vote.

In 1860 Mr. Lincoln received only 40 per cent. of the popular vote; he received 59 per cent. of the electoral vote.

In 1856 Mr. Buchanan received only 45 per cent. of the popular vote; he received 59 per cent. of the electoral vote.

In this election Fillmore received 25 per cent. of the popular vote, and only 2 per cent. of the electoral vote; but fourteen of his friends were elected to Congress.

In 1852 Pierce received 51 per cent. of the popular vote, and 85 per cent. of the electoral vote.

In 1848 General Taylor received 47 per cent. of the popular vote, and 56 per cent. of the electoral vote. At this election Mr. Van Buren received about 10 per cent. of the popular vote, and received no electoral vote; but three of his friends were elected to the House of Representatives.

In 1844 Mr. Polk received not quite 50 per cent. of the popular vote. He received 62 per cent. of the electoral vote.

To compare the district system with the general-ticket system and to see how much nearer it comes to representing the people, I call the attention of the Senate to the following statements. I will take the four States of Pennsylvania, Ohio, Indiana, and Illinois:

These States voted solidly for Mr. Lincoln in 1860, casting 74 electoral votes.

At the same election they returned sixty-six members of Congress, of whom twenty-four were democrats.

In 1864 the same States cast 76 electoral votes for Mr. Lincoln again, and elected the same year sixty-eight members of Congress, of whom sixteen were democrats.

In 1868 the same States threw 76 electoral votes solidly for General Grant, and elected sixty-eight members of Congress, of whom twenty-two were democrats.

In 1872 the same States again voted solidly, giving 85 electoral votes to General Grant, and elected seventy-seven members of Congress, of whom twenty-five were democrats.

In these four States the democratic strength, as compared with the republican, has been about as 9 to 10, but under the operation of the general-ticket system they had been wholly unrepresented in the electoral college; but in the House of Representatives, under the district system, they have had an average of nearly one-third of the members.

Now I will take the State of New York alone for the same period:

In 1860 New York cast her thirty-five electoral votes solidly for Mr. Lincoln. At the same time she elected thirty-three members of Congress, of whom nine were democrats. In 1864 she again cast her thirty-three electoral votes solidly for Mr. Lincoln, and at the same time elected thirty-one members of Congress, of whom eleven were democrats. In 1868 she cast her thirty-three electoral votes solidly for Mr. Seymour. The State was carried for Mr. Seymour by his overwhelming majority in the city of New York, about the character of which grave charges were made, but of which the committee expresses no opinion; but the rest of the State, unaffected in their districts by this large majority in the city, returned eighteen out of the thirty-one members of Congress, who were opposed to Mr. Seymour, thus showing conclusively how the voice of the people of New York outside of the city had been stifled in the presidential election by the city majority, operating through the general-ticket system.

There is a very fair illustration of the dangers of the general-ticket system. A large fraud in the city of New York controls the election for governor, controls the election for President; but in the election of members of Congress by districts, out of the city, not being affected by this large fraud in the city, they elected eighteen republicans out of thirty-one members of Congress, showing what would have been the voice of New York if the country had not been stifled by the enormous fraud committed in the city, about which fraud there was scarcely any dispute and will be scarcely any now. These cities present the elements of fraud: New York, Philadelphia, Boston, Cincinnati, Saint Louis, and New Orleans, all these large cities; and the fraud committed in a city may control the vote of a whole State, so far as the election by general ticket is concerned; but if the election is by districts, that fraud only affects the district in which it is committed, and will not control the vote of the whole State. Here is great temptation to fraud; because where parties are closely divided in a State, with but a small margin one way or the other, there is great temptation to commit a fraud which determines the vote of the whole State. By the election by districts you do not bring the vote absolutely home to the people as you would by a vote as one community, but you come as near to it as possible. You find that the district system approaches more nearly by one-third to the whole popular vote than the election by general ticket in the present method. I would prefer to elect the President by the vote of the whole people as one community; yet I think we cannot do that. I then prefer to come as near to it as possible, to elect the President by districts; and that is what we propose by this amendment. We propose, in the first place, that the candidate who gets the highest number of votes in a State shall have two presidential votes. This is to preserve the autonomy and the power of the small States. They now have two presidential electors, two votes at large, as they have two Senators. We preserve that theory by giving them two presidential votes; and the man who gets the highest vote in the State shall get those two votes. Then we have the State divided into as many districts as it has members of Congress, and the candidate who gets the highest vote in a district has the vote of that district. He may not have a majority, but if he has a plurality, if he has more votes than any other candidate, he gets the vote of the district, and it counts one. This brings the election home to the people as nearly as possible. So far as these districts are concerned, we leave the power to make the districts just as it is now with regard to members of Congress. The States now district themselves by their Legislatures, but Congress has the power at any time to lay off the districts for electing members of Congress. It has never been exercised, but that power is reserved to Congress. And we make the same provision in regard to these presidential districts; that is, leave the States to form them in the first place, but reserve the power in Congress to alter them or to change them at any time. These districts may be gerrymandered, as they are for Congress. That has been done; it is an evil; you cannot correct it altogether. But we require the districts to be composed of contiguous territory as nearly as possible, and as nearly equal in population as possible. Under the system of electing members of Congress by districts instead of by general ticket, as I have already shown, you approach one-third more nearly to the popular vote than by electing by the general ticket. In the States that I have mentioned the votes were cast solidly for one candidate for President, yet the same States elected nearly one-third of all their members of Congress on the other side, electing democrats, showing that by the district system you give to the people of the States comparatively a voice in the election of President according to their views.

There is another question involved in electing by districts as compared with general ticket, and that is that when you elect by general ticket under the present system no man can vote unless he has a party in the State large enough to hold a convention and put an electoral ticket in the field. If I want to vote for a particular candidate and that candidate has no party in my State, though he may have a strong party in other States, I cannot do it; I must vote for electors who will vote for him. I cannot put an electoral ticket into the field myself, but there must be a party convention to do it. Therefore I am disfranchised in point of fact, unless there is a convention held in that State which will appoint an electoral ticket to vote for the candidate I am in favor of. How did this operate in the South in 1856 and in 1860? In 1856 there were thousands of republicans in the South who did not vote because there were no electoral tickets in the field for Frémont and Dayton. That peculiar state of public opinion prevailed in those States that republicans could not meet in convention and nominate electoral tickets. Therefore the votes of those men that were in favor of Frémont and Dayton were entirely lost; they could not vote at all. Under the present system, to enable a man to vote, there must be enough men of his own way of thinking in his State to put an electoral ticket in the field that he may vote for it. Now, this can hardly be called republican. The government is republican which enables every man to vote directly for the man of his choice, although there may not be another man in the whole State that feels as he does. A particular candidate may have a majority in some States, but he may have scarcely any friends in others; his friends may all be in one district; they may be concentrated; but unless there is a convention, a caucus, if you please, to nominate candidates for electors, his friends are excluded from voting, because they cannot vote directly but must vote for intermediate men.

Now, Mr. President, I consider another question, and that is the danger of the present system. Mark you, no State in this Union has a law to contest the election of electors, and there is no room for a State law; there is no time for it, even if the States were disposed to enact laws. Congress has no power, there is no power to judge except the President of the Senate. He is irresponsible; he is the depositor of all the votes, and as to whether these votes shall be cast depends entirely upon himself, so far as the Constitution is concerned. Suppose that the election of President had depended in 1872 upon the vote of Louisiana, or upon the vote of Arkansas, or upon the vote of Texas, would we not in all probability have been involved in revolution? If the election of Greeley had depended upon counting the votes certified to by McEnery, or the election of Grant had been dependent upon counting the votes certified to by Kellogg, I ask you what would have been our condition? If it had been decided either way in all probability there would have been resistance and there would have been rebellion. It is full of danger. We have escaped it thus far. It was a matter of congratulation to both democrats and republicans that Grant's majority was so large as to make the vote of Louisiana, of Arkansas, and of Texas unimportant; but if it had been otherwise, if the election was to depend upon the vote of any one of those States, what would have been the result?

Mr. President, let me consider the result in 1857, when Buchanan and Frémont were candidates. The electoral vote of Wisconsin was not cast on the day fixed by law. The Constitution requires all these votes to be cast upon the same day. There was a snow-storm in Wisconsin that prevented the electors from coming together and voting upon that day. They voted upon the next day. When they came to count the votes in 1857, a motion was made by a Senator to reject the vote of Wisconsin because it was not cast upon the day provided by law. I think the objection itself was good; but what was the decision of the President of the Senate, Mr. Mason? He decided that the motion was out of order. He said nothing was in order but to count the votes. He overruled the motion, and he would have overruled a motion to exclude the vote of any State. He took the view of his power, and I think it was correct, that the two Houses were there simply as witnesses; they were not there to make motions, they were not there to offer objections; but they were simply there to witness the count; and so he decided. And when motion after motion was made to exclude the vote of Wisconsin because it was not cast as required by law, he decided every time that nothing was in order but to count the votes. And when they had counted the votes, he said the purpose for which they had assembled had been discharged, and the two Houses separated. They had a great debate in the House over the question, which lasted two or three days, and they came to the conclusion, substantially, that the two Houses had no power over the question. They had a debate in the Senate, and they arrived at the same conclusion in the Senate, although not by resolution, that they were powerless. Now, suppose the election had turned upon the vote of Wisconsin; that by counting the vote of Wisconsin Frémont would have been elected; that by rejecting it Buchanan would have been elected. If Mr. Mason had excluded the vote of Wisconsin, his party would have supported it; if he had received the vote of Wisconsin, the republicans would have supported it; and in that case he would have had, beyond all question, the decision of the election in his own hands. In either case it would, in all probability, have resulted in violence, in insurrection. The danger was escaped in that case because Buchanan was elected independently of the vote of Wisconsin, and it was no matter how it was cast. But the point to which I call the attention of the Senate was the decision of the Vice-President in that case, that nothing was in order but to count the votes, and that the Houses were there simply to witness that count, but without having any power whatever.

Now, Mr. President, I come to the consideration of what is called the twenty-second joint rule of the two Houses.

Mr. SARGENT. Will the Senator allow me to make a suggestion?

Mr. MORTON. Certainly.

Mr. SARGENT. The Senator, by his amendment, it seems to me, does not make provision for one contingency. It may be a remote contingency, but still it may arise, and that is in case no person should receive a majority of the votes thus cast in the various districts, or if two persons receive the same number, it does not provide which shall have the place or how that controversy shall be settled. Perhaps it is not so remote a contingency, when we find the remarkable fact that in districts where thousands and tens of thousands of votes are cast, still on counting them they come out nearly even. There seems to be some law of chance which leads to parallels in such cases that are really remarkable. It certainly would not be very remarkable if, after all the votes are cast in the districts and the additional votes are given in the proper manner, it should be found that two persons have an equal number.

Mr. MORTON. I will state that that contingency is not provided for by the amendment. The committee did not agree upon it. I was of the opinion that in such cases as that the election would be by both Houses of Congress in joint convention, each Senator and each Representative having one vote. I will come to the consideration of that after a while. But in regard to the question of majority we provide for that. We dispense with the requirement of a majority and we adopt the plurality system, and I will now speak of that. We intend to avoid an election by the House altogether, and that that candidate having a plurality shall be elected and not require a majority of all the votes cast. We now require a majority of all the electors appointed to elect, and if no candidate gets a majority of all, then the election goes to the House of Representatives, and the election is there not by each member having a vote, but the election is by States. Now one word as to the plurality rule. It is adopted by all the States except three in the election of State officers. It is adopted by all the States in regard to the election of members of Congress, and no complaint is made of it. It is adopted by the States in the election of electors. The electors who have a plurality are elected. A majority is not required to elect electors, even, under the present system. We believe that the election there should be final, that there should be no second election required, and that that candidate who has a plurality of all the votes, that is, a majority over anybody else, shall be elected. It has worked well in the States; it has been used in most of the States for a hundred years, and no State now proposes to go back from the plurality to the majority system. I now ask for the reading of the twenty-second joint rule.

The Chief Clerk read as follows:

The two Houses shall assemble in the Hall of the House of Representatives at the hour of one o'clock p. m., on the second Wednesday in February next succeeding the meeting of the electors of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; one teller shall be appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, the certificates of the electoral votes; and said tellers, having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the said certificates; and the votes having been counted, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote and the names of the persons, if any, elected; which announcement shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. If, upon the reading of any such certificate by the tellers, any question shall arise in regard to counting the votes therein certified, the same having been stated by the Presiding Officer, the Senate shall thereupon withdraw, and said question shall be submitted to that body for its decision; and the Speaker of the House of Representatives shall, in like manner, submit said question to the House of Representatives for its decision; and no question shall be decided affirmatively, and no vote objected to shall be counted, except by the concurrent votes of the two Houses; which being obtained, the two Houses shall immediately reassemble, and the Presiding Officer shall then announce the decision of the question submitted, and upon any such question there shall be no debate in either House; and any other question pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner. At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the "Speaker's chair;" for the Speaker, a chair immediately upon his left; the Senators in the body of the Hall, upon the right of the Presiding Officer; for the Representatives, in the body of the Hall not occupied by the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon either side of the Speaker's platform. Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any of such votes, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess, not beyond the next day at the hour of one o'clock p. m.

Mr. MORTON. The first point to which I call the attention of the Senate is that this twenty-second joint rule is grossly unconstitutional. No provision can be found in the Constitution that gives a shadow of power for its adoption. Not only is it without authority, but it is in violation of the very theory of the Constitution. The intention was to place the election of President independent of Congress, to make the Executive independent of the Legislature, but this makes the election of President to depend upon either House, not by a law, but by a joint rule. It enables the Senate by a vote to throw out the vote of North Carolina or New York; it enables the House of Representatives to do the same thing. What is the provision? When you come to look at it, it is monstrous. It is astonishing how that rule could ever have been adopted. The two Houses are assembled to count the votes, and a formal objection is made, if you please, to counting the vote of New York, entirely formal; there may be no sense in it, no foundation for it, but if anybody objects, then the two Houses must separate and they must vote upon this objection, and unless it is overruled by both Houses the vote is rejected. If the Senate sustains the objection, the vote of New York is thrown out. If the House sustains it, the vote of New York is thrown out. It enables either House without debate—they must not debate without adjournment—they must not adjourn to consider, but they must decide summarily; it enables either House to throw out the vote of any or of all the States.

We had an illustration of that the last time the votes were counted. A formal objection was made to receiving the vote of Arkansas. The Houses separated and voted. What was the result? What was the objection to receiving the vote of Arkansas? When you came to look at the seal upon the certificate it did not appear to be the seal of the State. Upon close examination it was found to be the seal of the secretary of state and not the great seal of the State. Upon that technicality the vote of Arkansas was lost, the people of Arkansas were disfranchised in the presidential election. It turned out, I believe, that the State had no other seal, and that the seal was put to that certificate that is put to all papers required to be certified by the executive department of Arkansas; and yet upon that objection the vote of Arkansas was lost. The House overruled the objection, but the Senate sustained it. Suppose it had been New York, the vote of New York—the vote of five millions of people—would have been thrown out upon the mere technical objection by one House. There would be more sense in it if it required the concurrence of both Houses to throw out the vote of a State, but by this rule one House may reject the vote of a State. And so it may reject the votes of all the States, and you may in every case throw the election of President into the House of Representatives.

To show you some of the objections offered upon that occasion, I want to refer to the proceedings that took place at the time. For example, a motion was made to reject a part of the vote of Georgia cast for Horace Greeley upon the ground that he was dead. It would have been very important in determining the question of the majority if the election had been close. The Senate overruled that motion, and decided that the votes cast for Horace Greeley must be counted, so that they would count in making up the majority of all the electoral votes. The House sustained the objection, and the vote of Georgia in part was lost simply because the House of Representatives sustained the objection. There the two Houses disagreed. They disagreed in the case of Arkansas. Now we come to the case of Texas. Objection was made to receiving the vote of Texas. I will read what the objection was, to show the character of it. Mr. Trumbull, a very able lawyer as you all know, objected on this ground:

Because there is no certificate by the executive authority of that State that the persons who voted for President and Vice-President were appointed as electors of that State, as required by the act of Congress.

The certificate was informal, had not been made out correctly. That was Mr. Trumbull's objection. It was afterward re-enforced by Mr. Dickey, of the House:

Mr. Dickey objected to the counting of the electoral vote of the State of Texas, because four electors, less than a majority of those elected, undertook to fill the places of other four electors, who had been elected and were absent.

The two Houses separated and voted. We overruled the objection in the Senate by a vote of 34 to 24; I believe the vote in the House was still closer; but a change of six votes in the Senate would have thrown out the vote of Texas. Luckily nothing depended upon it; but if the election of one candidate or the other had depended upon it, what would have been the result in that case? Then we come to the vote of Mississippi. A formal objection was made to the vote of Mississippi. We overruled it; the House overruled it by a small majority; but it happened that nothing depended upon that vote. It was not very important; but it shows the possiblity of doing the thing. Now let me suppose a case where the Senate belongs to one party and the House to another in point of majority and we come to count the votes. If you please, a democratic State is called. We look at the certificate. It is informal in some respect; some little objection may be made to it in the nature of a special demurrer. We separate, and vote. The Senate being republican, we throw out the vote. The next State called is a republican State. Some little objection is found to that, because a good lawyer can always pick some little flaw in a certificate. The two Houses separate, and the House of Representatives throws out that vote. And thus we throw out first on the one side and then on the other, till they are all gone, and the election goes for nothing.

This is not only possible but it is probable. Here we have a rule—not a law, but a simple rule agreed upon between the two Houses—by which either House, against the other, may throw out the vote of every State in this Union for President and disfranchise the people and throw the election into the House of Representatives. There could not be a grosser violation of the Constitution of the United States. It was not intended to give Congress any power over the electoral votes; but here by a simple rule, never passed as a law, never approved by the President of the United States, either House of Congress is enabled to disfranchise any and every State in this Union and to throw the election into the House of Representatives. If that is not full of danger, I cannot conceive what is. You take a time when parties are bitter, when party spirit runs high. The election of President is a great prize; the office commands vast patronage and vast power; and here is a rule which enables either House to

cast out the vote of any or of all States, disfranchise the people, and throw the election into the House of Representatives. It makes Congress a canvassing board, a thing that the Constitution expressly prohibited, not in words but in effect, by various provisions. While the Constitution attempted to withdraw the election entirely from Congress, here is a rule that puts it in the hand of either branch. It does not require a joint vote to disfranchise New York, but enables either the House or the Senate to disfranchise New York, Mississippi, or Indiana.

Now, sir, I come to the question of an election by the House of Representatives. We have a rule that enables either House to throw the election there. What is an election by the House of Representatives? There they vote by States. They do not elect the President by a majority of the members of that House, giving it some sort of a popular character, but they vote by States. Nevada has one vote; New York has one vote. Nevada with forty-two thousand people has the same vote as New York with five million—one hundred and fourteen times the population of Nevada.

There was some calculation made as to the possibility of an election by the House, and I want to read it from the report, as being better stated than I can do it now. Let me call the attention of the Senate to the possibility of an election by the House of Representatives. In the election of a President by the House of Representatives under the present apportionment, each State having one vote, forty-five members out of two hundred and ninety-two can make the election. For example:

> Delaware, Nebraska, Nevada, and Oregon have each one member, and four members would cast the votes of those four States; Rhode Island and Florida have each two, and four members would cast the votes of those States; Minnesota, New Hampshire, West Virginia, Vermont, and Kansas have each three members, and two votes in each, or ten members; in all five, would cast the votes of those five States; Arkansas, California, and Connecticut have four members each, and three in each, or nine in all, may cast their votes; Maine and South Carolina have each five members, three of whom in each, or six in both, may cast their two votes; Maryland, Mississippi, and Texas have each six members, and four in each, or twelve in all, may cast the vote of those three States. This makes nineteen States, or a majority of the States in the Union, and forty-five members may cast their votes and elect a President of the United States against the wishes of the other two hundred and forty-seven members of the House of Representatives.

This may not be likely to happen; but this can be done under the election of a President by the House of Representatives. Why, sir, to call that republican or to call it democratic is to make nonsense of it. It is as far removed as possible from what may be considered a democratic or republican election of a President of the United States. And see how it is done: The voting is by members elected two years before. Members elected two years before on different issues, when the politics of the country were entirely different from what they are when the election takes place, are to choose the President of the United States and do it by States.

The election of a President by the House of Representatives is full of danger. It has been tried twice, and each time we came near making shipwreck. Can this Government stand the strain of another election by the House of Representatives? The monstrous injustice of giving forty-two thousand people in the State of Nevada the same voice in electing a President that New York with five million has is too great a strain for the Constitution of the United States. In 1801 it came near making shipwreck. They balloted until nearly the 4th of March, and then an election was secured by a change brought about under circumstances that I will not now state, not reflecting great credit upon the parties engaged in that change. In 1825 John Quincy Adams was elected by the House. The election was said to have been brought about by the action of Mr. Clay in securing for Mr. Adams the vote of Kentucky. Mr. Clay was afterward appointed Secretary of State. He never recovered from it. It was too great a power. I do not believe that Mr. Clay was guilty of corruption; I think that is not the general opinion; but the fact that Mr. Clay caused the vote of Kentucky to be cast for Mr. Adams, and that Mr. Adams afterward appointed him Secretary of State ruined the prospects of Henry Clay; he never recovered from it. And now think of the grand opportunities for corruption. Take those States where one Representative casts the vote of the State; take the State of Nevada, or any other State that has but one member; that one Representative has the same power as all the Representatives of the State of New York. The patronage of the President is ample enough to reach every member of that House. You cannot conceive of grander opportunities for corruption than with a Representative from a State where there is but one Representative, or where a Representative may cast the casting vote in the delegation of a State and determine the vote of it. It is not only anti-republican essentially; it was the result of a compromise; but it is full of danger; and in these days, when there is so much said about the danger of corruption, we cannot contemplate without horror the idea that the election may be placed in the House, where a few members of the House by the sale of their votes or the promise of office to themselves or to their friends may determine the election and elect a President for forty or forty-two millions of people.

We ought never to have another election by the House of Representatives, and when we look back to the reasons that brought about the adoption of that provision of the Constitution, we find they have wholly failed; they are all gone; and the convention, if assembled now to adopt the Constitution, would never think of providing for an election by the House of Representatives, each State having one vote. If there was a tie-vote, as suggested awhile ago by the Senator from California, and it was provided that both Houses of Congress might assemble in joint convention, each Senator and each Representative having one vote, that would come much nearer to an equality among the people and to making the election of a popular character than to give to each State one vote in the House of Representatives, because then each State would have a vote in the joint convention somewhat according to its population; and the number of men necessary to be corrupted in order to control the election would be much larger than under the present system. Therefore we should not tolerate the longer continuance of this provision in the Constitution of the United States.

Mr. President, to sum up the points which I am making against the present provisions of the Constitution and in favor of the proposed amendment, I will state that the theory of the electoral college grew out of a distrust and unwillingness to allow the President of the United States to be elected by the people; that the theory was that the election should be committed to a body of men who should be made entirely independent, who should meet and deliberate and vote secretly, so that they might be independent; that their action should never be known, they should vote by the ballot, but all of that has been reversed by pledging them in advance to vote for particular candidates; that by the general-ticket system the vote is by States, it is an election by States, it is not national in its character; that a few States may control the election, so that now attention is paid only to the votes of the larger States; the votes of the small States have very little consideration, but under the plan proposed each district must be counted by itself and it is the same thing whether it is in a large State or in a small State; that under the present system a small minority of the people of the United States may elect a President against a very large majority for the defeated candidate; that under the present system the electoral vote has never approached within 10 per cent. of the popular vote and has varied from it several times from 30 to 35 per cent.; that under the present system an election may be had by the States in the House of Representatives in defiance of the popular vote and in defiance of the plurality vote of the electors.

General Jackson in 1824 had the largest popular majority that any President has ever received in the United States, and he had a large plurality of the electoral votes also; but there were four candidates, and he did not get a majority of all the electors. The election went to the House of Representatives, and Mr. Adams, who did not receive one-third of the popular vote, was elected over General Jackson. What has been done may be done again.

Then there is no method now of contesting a fraudulent election of electors. Though the fraud may be so open that the world knows it, yet that vote must be counted unless the President of the Senate shall take the responsibility of withholding the vote on the day when it is to be counted. I say further that there is no power in Congress, that there is no room left to the States, in point of fact, to contest the election of electors; that under an election in the House, the vote being taken by States, forty-five members of that House may elect a President against the wishes of two hundred and forty-seven; that the States casting the vote may have a population of only one-fifth of the entire population of the United States.

Mr. President, the original theory that the people could not be intrusted with the election has failed. We now understand that large constituencies are safer than small constituencies. The patronage of the President is ample to reach every elector; it is ample to reach every member of the House of Representatives, but it is not ample enough to reach the people of the United States where they vote directly for the candidate of their choice. We are in danger of a collision at any time. In a closely contested election, to be decided by fraudulent votes, to be decided by arbitrary conduct on the part of the President of the Senate, there is danger of revolution. Our forefathers were wise, but they seem never to have contemplated the possibility that there might be two sets of electors or that electors might be chosen by fraud or by violence. The debates do not show that these things were ever contemplated, and there is not one word in all the debates of the convention of 1787 to show that it was contemplated or expected that the electors would be chosen by the people; on the contrary the expectation was that they would be chosen by the Legislatures of the States, and the power was put into their hands, and when the Legislatures have committed this power to the people they have done a thing that was never contemplated by the framers of the Constitution, but they have done it under circumstances under which revolution or insurrection may arise.

Now, I submit to the members of the Senate that this question is too important to be passed over. It ought not to go over this session without action. You may not be able to agree upon this amendment, but perhaps you can agree upon something by which we can take away all or a part of the dangers by which we are surrounded; and I submit that the Senate ought never to give up the consideration of this question until something has been decided that we may send to the House of Representatives for their concurrence.

It is more important than any other measure that can possibly come before us. It is not new. For more than seventy years attempts have been made, at different times, to change the Constitution so as to avoid some of these dangers. Amendments have passed the Senate and the House four times by a two-thirds majority to avoid some of these evils,

and yet finally failed. The question is not new. The remedy proposed is not new, it is almost as old as the Constitution. Seventy years ago some of the ablest men in the Senate of the United States foresaw these dangers, but they have been allowed to sleep along. But shall we allow them to sleep along until the danger comes, until the actual collision takes place? If we are patriots, without distinction of party, without regard to our party differences upon other questions, we will address ourselves to the great work of so amending our Constitution as to avoid the great dangers that lie at the very threshold.

Mr. President, I have spoken longer than I intended, but the subject was so important that I could not forbear so much.

Mr. THURMAN. Mr. President, more than two years ago I submitted some remarks to the Senate upon the question which has been to-day discussed by the Senator from Indiana, and when afterward the Senator from Indiana brought the subject formally before the Senate by the introduction of a resolution of instructions to the Committee on Privileges and Elections, I was very much rejoiced that he did so, and I voted for the instructions with the greatest pleasure, as I believe every member of the Senate did; and I hoped for a report from that committee with which we might all agree.

The dangers to which we are subjected have not been exaggerated by the Senator from Indiana; the difficulties under which we labor have not been exaggerated at all; but it does seem to me that the remedy proposed by the committee in the resolution now under consideration really fails to meet the very danger which is most menacing. That there may be frauds in the election we all know. That there may be fraudulent returns in the States and a fraudulent count of returns, with the experience of Louisiana before us, needs no proof. But the greatest difficulty, the most menacing of all, is the count of the electoral votes here in Washington. If the result of the presidential election had depended on the votes of Arkansas and Texas at the last count that was made, we might have seen this country plunged in civil war. And before that we once witnessed the most extraordinary spectacle when the votes were counted in February, 1869, when the President of the Senate, or the acting Vice-President as he was called, announced that under a resolution passed by the two Houses of Congress the vote of the State of Georgia should be counted if it did not change the result; but that if it should change the result it was to be rejected.

With these dangers menacing us, liable at any moment by this mode of counting the vote to see this country convulsed from one end to the other, not in a sectional way, but in a way that may reach every hamlet in the land, I must confess I was a little surprised when I looked at this report to find that it provides no sufficient or safe mode of counting the electoral vote.

Mr. MORTON. Will the Senator allow me a word just there?

Mr. THURMAN. Certainly.

Mr. MORTON. I intended to speak of that part of the amendment providing a tribunal for the decision of contested elections. It was a subject of grave consideration in the committee. Some were in favor of constituting the Supreme Court of the United States the tribunal to decide questions of contested elections; others thought the circuit courts or the district courts of the United States should be provided; others again thought there ought to be a special tribunal created by Congress. It was then thought better to place the whole matter in the decision of Congress to provide this tribunal. If we should put any special tribunal into the Constitution, it might not work well, and it might be difficult to change it. It was thought better, therefore, to leave the whole subject to Congress, believing that Congress would come to a safe and wise conclusion, because the subject was necessarily not of a party character, but one upon which men would differ or act together simply as they were patriots and lovers of their country, and we therefore inserted this provision:

> The Congress shall have power to provide for holding and conducting the elections of President and Vice-President, and to establish tribunals for the decision of such elections as may be contested.

We could therefore establish, if Congress thought proper, the Supreme Court as the tribunal, or the circuit courts in the different parts of the United States, or we could establish an independent tribunal for this very purpose. The whole power is left to Congress, where it did not rest before.

Mr. SARGENT. Does the Senator think that the use of the word "establish" there implies "new?"

Mr. MORTON. Not necessarily. We thought it would apply to any tribunal that might be selected.

Mr. THURMAN. Mr. President——

Mr. CONKLING. Will the Senator from Ohio allow me to ask the Senator from Indiana a question?

Mr. THURMAN. Certainly.

Mr. CONKLING. Was it the opinion of the Committee on Privileges and Elections that, under the Constitution as it stands now, Congress has not the power to dispense not only with the twenty-second joint rule, but to put in its place a mode safer for ascertaining and counting the electoral votes?

Mr. MORTON. I cannot speak for all the members of the committee. I think there can be no doubt that Congress can dispense with the twenty-second joint rule; and that if nothing else be done that ought to be done. But it was my opinion, and I think the opinion of other members of the committee, though I will not undertake to speak for them, that Congress has no jurisdiction over the question; that the question of appointing electors and determining who are appointed is a question that belongs to the Legislatures of the several States, and that the other provisions of the Constitution show that it was intended to take the whole subject out of the hands of Congress except in regard to two things which are specially mentioned; first, the time of choosing the electors by the Legislatures, and, second, the time when the votes shall be cast by the electors, which shall be on the same day in all the States. My own conviction is that Congress has no power over the subject whatever, and that the power of the Vice-President results *ex necessitate rei* from the absence of any power to control him. He is the depositary of the electoral votes; they are not to be opened by him, not to be inspected until the very moment when the vote is to be counted, so that there is no room or time for correcting informalities in the vote that may have been made by the electors, and the electors being *functus officio* on the day they cast their votes, the first Wednesday in December, they cannot be called together for any purpose. It is a *casus omissus*, where no provision has been made at all on the subject.

Mr. THURMAN. I was aware that in the resolution reported by the committee there is a provision that Congress shall have power to provide for counting these votes, and indeed for much more than that; but I, for one, am not willing to confide that power to Congress. I want the tribunal that shall count these votes to be provided for in the Constitution. Whether it be the Supreme Court or whether it be some tribunal created for that specific purpose, whatever it may be, I want it provided for in the Constitution. I do not want the laws that are to affect these great privileges, that are to operate on this great subject, to be at the mercy of the dominant faction for the time being in Congress, whatever party that faction may be. I want it fixed in the fundamental law, so that every party shall be compelled to obey it. Therefore, with great respect to the committee and to the able chairman of it who has devoted so much patriotic labor to this subject, I do say that in my humble judgment the report is manifestly defective in this particular; that it will not do; it will not cure the evils, and the greatest of all the evils, that attend this subject.

Nor, while I am up, I may be permitted to remark, do I agree with the Senator from Indiana that the counting of the votes and the declaration of the result belongs, under the Constitution of the United States, to the Vice-President alone. That is not the interpretation that has been placed on the Constitution heretofore. If so, you never would have the joint rule on the subject which now exists. The Constitution does provide that the President of the Senate shall open the returns in the presence of both Houses of Congress, and that the votes shall be counted and the result declared. It does not say in so many words that the Vice-President shall count them; it does not say that he shall decide any question; it does not say that he shall even declare the result. What, then, is the natural interpretation to be placed on the Constitution? It is governed by that great and general rule, that when a duty is to be performed under the Constitution, and no specific mode of performance is pointed out in the Constitution, it is remitted to the law making power to provide the mode. That is a rule of universal application. Where a power is conferred upon the Federal Government, and no officer or Department is specifically charged with that power, then that power is to be regulated according to the dictates of the law-making power, the Congress of the United States. Therefore I am not at all prepared to say that those who have gone before us, who have for so long a time interpreted this provision of the Constitution to authorize a joint rule on the subject, have interpreted it wrong. My own impression is that they have rightly interpreted it. At the same time I do not wish to be understood as exactly approving the present rule. I think it would have been better if the rule as originally advocated had been adopted, that the vote of every State should be counted unless both Houses of Congress agreed to reject it. Now the rule is just the other way. Every presumption is in favor of the regularity of the returns, every presumption is in favor of the legality of the vote, and yet, assuming really that *prima facie* the return is not regular or that the vote is corrupt, it is put in the power of either House of Congress under this rule to reject the vote of a State. I do not think it should be so. I think the rule should be as it was very near being, for the vote was exceedingly close upon it, that the vote of every State should be counted unless both Houses concurred in rejecting it.

But I must say that the rule in my judgment is defective in another particular. It prohibits debate absolutely, and the ruling was so strict on that subject at the last count of the returns that the Vice-President ruled out of order anything in a resolution offered on this floor that contained the slightest recital, because, he said, that was argument. He would not allow a resolution that had any preamble; he would not allow a resolution in the body of which was contained any recital or any statement of positions of law. He ruled them all out as being in their nature argument, and we were compelled to vote here blindly upon every question that came up before us. Take the very case of Texas, if I am right about the State; I think it was Texas. The Senator from Indiana will correct me if I am wrong. There the objection was that the return was under the seal of the secretary of state.

Mr. CONKLING. Arkansas.

Mr. THURMAN. I thought it was Texas.

Mr. SARGENT. Texas was where four electors were chosen by the other four.

Mr. THURMAN. Take Arkansas. It matters not which State it was. There the objection was that the return was under the seal of the secretary of state, and not under the great seal of the State. It was of the utmost consequence to know whether the State of Arkansas had a great seal, or whether the seal of the secretary of state was the only seal that was used in that State. I remember perfectly well when questions were asked on that subject objection was made that they should not be answered, for that would be in the nature of debate; and we had to go up and look at that seal and see whether it was the seal of the State of Arkansas or only the seal of one of the departments of government in that State. And that was not all, sir. We had then to hunt up the constitution of Arkansas, those who had time to do it, to find whether that State has a great seal or not, and then were not at liberty to communicate the result in open debate. I know we did violate the rule by communicating the result. It was spoken of. Members from their seats spoke of it; others spoke of it in one way and another; but it was all decided by the Vice-President to be out of order; and for what reason, pray? That you might decide on the election of President of the United States between the rising and the setting of the sun on that day. It was wrong. Sufficient time to have discussed every one of those questions fully and to have them decided correctly should have been given, but your rule did not permit it.

I mention this for the purpose of showing that we have in our own hands the power to remedy some of those evils which have existed in the count before and which may have operated unjustly. I remember that I voted to reject the vote of one of those States—I forget whether it was Arkansas or whether it was Texas, one or the other—and I never cast a vote that gave me more pain in my life, for it looked like casting out the vote of a State on a mere technicality; and yet I could not get rid of the positive act of Congress and the provision of the Constitution, as I then thought, upon the light I had before me. Possibly my doubts might have been removed if we could have had the whole facts before us and discussed the question; but your iron rule prevented all debate. Even information on the subject is cut off by that rule. I hope, therefore, to see that rule amended so that we shall not have everything like information to enable us to exercise one of the highest functions of Congress debarred from us and not considered by us.

Mr. President, there is another matter in this resolution that requires the gravest consideration. It proposes a sweeping change in the mode of electing the President of the United States. I will not refer to the abolition of the college of electors. I do not think that is a matter of so much importance; but I refer to that change by which the President is to be elected by a plurality instead of by a majority. That is a sweeping change, that is a mighty change, I may say, in our mode of electing the Chief Magistrate of this country; and when we come to consider the power that that Chief Magistrate exercises in the country, when we come to consider the tendency to increase his power, when we come to look at the facts that show the mighty growth of executive power in this country, it behooves us to take care that we move slowly in the direction of so fundamental a change as that proposed by the report of this committee. I will not say that under no possible circumstances might such a change be undesirable, but I want to amend the Constitution of this country, when it is amended, with the utmost care. It is not a thing to be lightly dealt with. It is not a by-law, or an ordinance, or an ordinary act of legislation that is to be changed every day with every tide of public sentiment or according to the notion of any party that happens to be dominant in the Halls of Congress. Changes in it should be made with the utmost care by every one engaged in making those changes, from their inauguration in either House of Congress to the final votes of the people or of the Legislatures by which amendments are to be ratified or rejected. Therefore, it does seem to me that a proposition so sweeping as this deserves, and must receive before it can be acted upon, the most ample consideration of the Senate.

Mr. President, I did not rise to make a speech on this subject. I only rose to express these views and ask the Senator from Indiana to consent that this resolution may be laid over to some other day sufficiently remote in the session to give Senators a chance to consider it. This is the first time it has been brought to the attention of the Senate. The report, it is true, was made at the last session, but nothing was done with it except to print it and let it lie on the table. The Senator has now brought it up for consideration for the first time, and for the first time we have his views in its support. Let its further consideration, unless some Senator wishes to speak on it now, lie over to some convenient day, which will give us all an opportunity to study it and to study the report more carefully than we can yet have done.

Mr. CONKLING. Mr. President, the Senator from Ohio has not failed to say several things in which in effect I concur. Just before concluding his observations, he said that a subject like this required very full and ample consideration. In that I agree, and I should more immediately agree with the remark had the Senator extended it to others, as well as ourselves, by whom this proposition must be considered. It cannot become one of the ordinances of the Constitution until it has been so much considered by the States that three-fourths of all the States shall ratify it; and that fact at this moment outweighs all the other facts that occur to me connected with it. A presidential election is to occur in about two years, without stopping to be accurate.

Mr. OGLESBY. Less than two.

Mr. CONKLING. My friend reminds me "less than two," but I speak in round numbers. If there be an emergency, if there be serious importance in this subject, all Senators will agree that its gravity is as likely to be illustrated at the next Presidential election as at any election we can now forecast. A remedy, therefore, for the evil, a mode of avoiding the danger, if danger exists, could be commended by nothing more than its timeliness, by nothing more than the fact that it would take effect on that occasion, that first occasion, that, for aught we know, most important occasion, when the need of purity of legislation will be felt. Can any Senator hope that this proposed amendment will become a part of the Constitution by the action, first of the two Houses of Congress, and then by the action of three-quarters of the States, in season to enable Congress, proceeding under the sixth subdivision of this article, "to establish tribunals for the decision of such elections as may be contested?" Surely such a result is not only improbable; it is impossible, or next door to it; and I think the honorable Senator from Indiana, commending warmly as he does this proposed amendment, does not expect from it that which will put an end to these difficulties in season for 1876. If I am right in that, we are brought not so immediately to the question when, or how, or with what result this amendment shall be considered, as with the question what we should do now, if we should do anything during this fast-ebbing session, to establish safe and certain modes of ascertaining the next presidential election.

I do not intend at this time, or probably at any time, to detain the Senate upon that subject. I venture, however, to ask the attention of the Senate, and especially of the Senator from Indiana, to the language of the Constitution upon which some comment has been made by the Senator from Ohio. We find in the Constitution as it stands these words:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates—

That is his function—

> and the votes shall then be counted—the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed.

That language is very spare. The words are very few. It is certainly wanting in many an amplification which would be convenient to a student of the Constitution and convenient to a legislator looking for ways in which it might be enforced; but, as the honorable Senator from Ohio very seasonably reminds us, there are certain canons of construction which help out these words. There are familiar rules, found even in the Constitution itself, but more especially rules in the light of which all written instruments, even constitutions, are to be read, which assist and aid in effectuating this provision. I will not at this time ask the Senate to listen to an opinion from me as to power conferred by the Constitution to adopt this twenty-second joint rule, but if I read article 12 with so much latitude as to convince me that the twenty-second joint rule is within its permission, I think I should be willing to rely even upon my own ingenuity then to devise ways and modes, under a reading of the Constitution as broad as that, which would go very far to avoid and guard against the danger that surrounds the count. Certainly I think few lawyers will study the twenty-second joint rule and deny that some of its provisions are at least questionable in respect of the power given by the Constitution thus to direct and govern the counting of the votes.

Returning for a moment to these words in the Constitution, we find that the President of the Senate is to do but one thing, which is to open, and of course manually to present, and be the custodian of, the returns upon which the election is to depend, which are called in this provision of the Constitution "the certificates." Then we find the language changes, and it ordains in most mandatory phrase that "the votes shall then be counted." There, I submit, is appropriate domain for legislative discretion, either by legislation or by a joint rule, if concurrent action between the two Houses rather than legislative action be preferred. I find added:

> The person having the greatest number of votes for President shall be the President.

Those are not superficial words. They do not relate to the *modus;* they are not confined to the count; but they go to the ultimate result, and declare that the person having the greatest number of votes shall be the President. Stopping where I am, as I do not mean to detain the Senate, I cannot doubt, until some Senator shall adduce reasons which have never been given in my hearing, that there lies within the limits of that provision an opportunity not only to dispense with the twenty-second joint rule, but to put in its place a rule or a statute under which those words can certainly be enforced, under which the votes can be counted and counted in the presence of the two Houses, and under which the person for whom a majority of them has in truth been cast shall be the President. Of the details I say nothing; of the merits of the proposed constitutional amendment I say nothing; but I do say, and had I the power to do it and believed it to be necessary, I would bring it home to every Senator and impress it upon him, that we shall fall short in an urgent and imminent duty if the 4th of March witnesses a dissolution of these

two Houses without their having devised some mode better than the twenty-second joint rule of ascertaining and recording and establishing the will of the people expressed by elections in the States as to the choice of a Chief Magistrate; and whenever any committee, whatever may be the fate ultimately of this or another constitutional amendment, will propose legislation (upon which we can act at once, and which need not be postponed to the distant by and by of ratifications in States) looking to this end, I hope it will be the pleasure of the Senate to address itself very promptly and diligently to that legislation.

Mr. EDMUNDS. There is great force in what the Senator from New York has said touching the doubts that may arise respecting the twenty-second joint rule. I think myself that there is constitutional power in the legislative branches of the Government to regulate the exercise of the power conferred in the Constitution respecting the election of President and Vice-President, just as in all other powers granted in the Constitution Congress has always exercised and must always exercise the authority to regulate the methods and manners through which the ends looked to in the Constitution are to be reached. We have always done that as to the courts, in many respects as to elections, and in fact respecting the exercise of almost every one of the powers granted in the Constitution. But whether it is competent for the two Houses, not acting in a legislative capacity, but each acting for itself, to provide a rule by which it is in the power of either House to prevent the counting of every vote that may be returned from a State is open to very grave question indeed.

It is plain enough, I think, that Congress cannot by a law declare that the Vice-President of the United States, or rather the President of the Senate, whoever he may be, should not open and count the returns made from the various States; but the manner of such a count, what should be regarded as in law a vote of a State, the means of ascertaining whether it is the legal vote of the State, it appears to me, must be the subject of legislative provision. And so also I think it safe to say—perhaps safer than what I have already said—that Congress may provide by law a tribunal, which in case of a dispute after the function named in the Constitution has exhausted itself of this opening and counting of the votes, shall have the power to decide who is legally elected President of the United States; not to review the action which the Constitution declares the Presiding Officer of the Senate shall take in the presence of the two Houses, but to ascertain in a method pointed out by law what are the votes that the States have given, and who therefore is the person who has received, in the language of the Constitution, the greatest number of votes.

If I am not mistaken in my recollection, I at one time prepared and presented a bill on that subject, and I have given considerable attention to it, because no man, no matter what party he belongs to, (after the experience we have had, when the candidates of a certain party received a large majority of the votes, of the disorder, the excitement, the difficulties, the disputes that arose in respect of what were called the votes of States, which, if counted or not counted, would produce no difference in the result,) can fail to see that when the counting of the vote of a particular State, or of a paper that is presented as the vote of a particular State, is to make A or B the President, there will necessarily result an excitement, a difficulty, and a disorder which every lover of his country would greatly regret, and which every legislator, so far as he has the power under the Constitution to do it, ought to provide against. I concur, therefore, most heartily in what the Senator from New York has said, that there ought to be a very careful investigation of this question, in order that, so far as we have the legislative power, if we have it at all—and I think we have—we may provide in the constitutional way for ascertaining what the will of the people of the various States may be from time to time in respect of the election of a Chief Magistrate.

Mr. THURMAN. The Senator from Indiana is not in now and I dislike to make the motion which I rose to make, in his absence. If no Senator desires to say anything further on this subject now, I will make the motion, and if the Senator from Indiana should come in and desire it to be reconsidered I will submit to that; or perhaps the Senator can be sent for.

Mr. ANTHONY. If the Senator from Ohio will allow me, I will move that the Senate proceed to the consideration of executive business. I should hardly like to have the question postponed in the absence of the Senator from Indiana.

Mr. THURMAN. I will make my motion and then give way for the Senator's motion.

Mr. ANTHONY. Very well.

Mr. THURMAN. I move that the further consideration of this subject be postponed until the first Monday of February.

Mr. SHERMAN. I desire to move to take up the question pending in regard to Louisiana, but I do not wish to do so until the Senator from Indiana is present. That will supersede this as a matter of course, if it is taken up.

Mr. ANTHONY. I am quite sure that the Senator from Indiana, although he is desirous that there should be ample discussion on this question, as every Senator must desire, does wish to have it disposed of if possible without interruption. I hope therefore that no motion of the kind now proposed will be put in his absence.

The VICE-PRESIDENT. The Senator from Ohio moves that the further consideration of the joint resolution be postponed until the first Monday of February.

Mr. ANTHONY. Pending that motion, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at three o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 21, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

AFFAIRS IN LOUISIANA.

Mr. FINCK. I ask unanimous consent to present a joint resolution of the General Assembly of the State of Ohio, and to move that it be laid on the table and printed.

Mr. ELDREDGE. I ask that the joint resolution be read.

The Clerk read as follows:

Resolved by the General Assembly of the State of Ohio, That the recent expulsion of the members and officers of the Louisiana house of representatives by an armed force of United States soldiers, after the body had been duly organized in a manner similar to that which the courts of the State had pronounced lawful and proper, was an outrage utterly defenseless in its atrocity, and calls for the severest censure and punishment on all its actors, aiders, and abettors.

Resolved, That the governor be requested to furnish a copy of this resolution to each of our Senators and Representatives in Congress and to the governors of the several States.

GEORGE L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Mr. GUNCKEL. It ought to be stated that, as they were entitled under the constitution of Ohio, the republican members of both houses protest against that resolution. That protest should be presented with the resolution.

Mr. SYPHER. I object to the reception of the resolution for the reason that it does not recite the truth.

Mr. COX. On behalf of my old State I say that every word of it is true.

Mr. PELHAM. And I say it is not true.

Objection having been made, the resolution was not received.

Mr. MOREY, by unanimous consent, presented a memorial to the House of Representatives of the United States from 52 republican members of the house of representatives of the State of Louisiana; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BANNING. I ask unanimous consent to present a resolution passed by an indignation meeting held at Cincinnati, Ohio, January 16, 1875, on the interference by the military authority of the United States in Louisiana.

Mr. GUNCKEL. I make the point of order that this is neither a petition nor a memorial nor the resolution of a State Legislature, and that it cannot be received under the rules.

The SPEAKER. If the gentleman objects, that is sufficient.

Mr. GUNCKEL. I object.

The SPEAKER. Even if it were a paper of any one of the classes which the gentleman has stated, it would not be in order to present it now except by unanimous consent.

Mr. COX. I understand the gentleman from Ohio [Mr. GUNCKEL] wanted to bring in a minority report of a Legislature, a thing which was never heard of.

OHIO RIVER IMPROVEMENT.

Mr. NEGLEY, by unanimous consent, presented a memorial of the citizens of Alleghany County, Pennsylvania, relative to the Ohio River Improvement and Transcontinental Railways; which was referred to the Committee on Commerce, and ordered to be printed.

WASHINGTON AND OHIO RAILROAD COMPANY.

Mr. SMITH, of Virginia, by unanimous consent, from the Committee on Railways and Canals, reported back the petition of the Washington and Ohio Railroad Company for aid in the construction of their road to the Ohio River; and the same was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

AFFAIRS IN LOUISIANA.

Mr. FINCK. I move to reconsider the vote by which the memorial of republican members of the house of representatives of Louisiana was referred to the Committee on the Judiciary.

The SPEAKER. That cannot be done. A reference of that kind is not subject to reconsideration. None of the references made on the floor of bills, &c., at the request of members, can be reconsidered. The reference is made by unanimous consent, and if a gentleman loses his opportunity to object, he cannot afterward move to reconsider.

CRUELTY TO ANIMALS.

Mr. LAMPORT, by unanimous consent, from the Committee on Agriculture, presented a report in writing on the act to amend an act to prevent cruelty to animals while in transit by railroad and other means of transportation within the United States, approved March 3, 1873; and the same was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

The bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes;

The bill (H. R. No. 3823) making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876; and

The bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes.

CHESAPEAKE AND DELAWARE BAYS.

On motion of Mr. SAWYER, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the following resolution; and the same was referred to the Committee on Railways and Canals:

Resolved That the Secretary of War be directed to report to this House the most feasible route for a ship canal over the narrow peninsula which separates the Chesapeake and Delaware Bays, and also approximate estimates of the cost of the same per mile, together with the probable distance saved by said canal between Baltimore and New York, the ports of New England, and all European ports, and the advantage likely to accrue from the construction of said work to the commerce of the United States in the development of our trade and commerce and the probable saving of time.

AMENDMENT OF POSTAL LAWS.

Mr. COBB, of Kansas, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. No. 4456) to amend certain postal laws; which was read a first and second time, recommitted to the committee, and ordered to be printed.

MRS. LUCY R. SPEER.

On motion of Mr. BUFFINTON, by unanimous consent, the Committee on Accounts was discharged from the further consideration of the petition of Mrs. Lucy R. Speer for a special appropriation to pay for her deceased husband's services under the act of March 3, 1873; and the same was referred to the Committee on Claims.

J. J. BROWN.

Mr. YOUNG, of Georgia, by unanimous consent, introduced a bill (H. R. No. 4457) for the relief of J. J. Brown, late a first lieutenant in the Second Regiment Arkansas Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARBOR OF NEW HAVEN, CONNECTICUT.

Mr. CONGER, by unanimous consent, from the Committee on Commerce, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to make report to this House from the surveys already made in regard to the expediency of widening and deepening the main channel of New Haven, Connecticut, to a depth not exceeding twenty feet, and also the expediency and estimate of expense of a breakwater between the eastern shore of the entrance of said harbor and the "southwest ledge," so called, or such part of said distance as may be found most expedient or necessary for the protection of said harbor.

Mr. CONGER moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SAINT JOSEPH'S HARBOR.

Mr. CONGER also, by unanimous consent, from the Committee on Commerce, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish this House with a report of the condition of Saint Joseph's Harbor and River, and what appropriation, if any, is necessary in the interest of commerce to carry on and perfect the improvements at that point.

Mr. CONGER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPROPRIATION BILLS.

Mr. GARFIELD. A few moments ago a message from the Senate announced the return of three of the general appropriation bills, with amendments. I ask unanimous consent that those bills be referred to the Committee on Appropriations, and that they be printed with the amendments of the Senate and the amendments numbered.

No objection was made, and it was so ordered.

CHANGE OF REFERENCE.

On motion of Mr. SAWYER, by unanimous consent, the Committee on Commerce was discharged from the further consideration of resolutions of the Legislature of Wisconsin, concerning the memorial of the Chamber of Commerce of the city of Wilmington, and the same were referred to the Committee on Claims.

AGRICULTURAL COLLEGE, COLUMBUS, OHIO.

Mr. BUNDY, by unanimous consent, introduced a substitute for House bill No. 4460, to grant to the State of Ohio, for the use and benefit of the Agricultural College at Columbus, Ohio, the unsold and unappropriated lands in said State; which was referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDINGS IN BALTIMORE.

Mr. SWANN, by unanimous consent, submitted the following resolutions; which were read, considered, and adopted:

Resolved, That the Committee on Appropriations be requested to ascertain and report the condition and capacity of the existing preparation of the city of Baltimore to accommodate the vast trade which is already beginning to tax the capacity of that great commercial center, and the extent and accommodation of all the public buildings heretofore authorized by the Government, whether completed or in progress of enlargement at this time; and the adequacy of the same to the national wants either now or soon to be developed.

Resolved further, That said committee be requested, should the same be deemed advisable, to procure the most reliable information upon the same from the actual results already in course of development, and that a report be made at an early day setting forth all the facts connected with this important subject, and the wants of said city of Baltimore in its connection with the centers of trade in the West and Northwest and the leading cities of the sea-board as well as the national capital, and her just claim to the national countenance and support by her relations with other commercial centers.

Resolved further, That said committee be requested in their action to consider the propriety of placing said city of Baltimore upon a fair and equal footing with all other cities having the same claims to the national favor and support; and that said committee be instructed to report to this House such recommendation for custom-house, post-office, and other necessary facilities as may be demanded by the growing trade of said city, as the result of said investigation may prove just and equal, and in accordance with the pressing wants of so large a class of the people.

Mr. SWANN moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAXATION OF NATIONAL BANKS.

Mr. PARSONS. I have here a memorial of the national banks of the city of Cleveland, Ohio, in relation to the taxation of national banks. I ask that it be read and referred to the Committee on Banking and Currency, and be printed.

Mr. SENER. I object to taking up the time of the House by reading such a paper.

Mr. PARSONS. Then I ask that it be referred and printed, and also printed in the RECORD.

No objection was made, and it was so ordered.

The memorial is as follows:

To the Senate and House of Representatives of the United States:

The undersigned, representatives of national banks in the city of Cleveland, respectfully represent that the taxes assessed on national banks in Ohio are exorbitant, unequal, unjust, and oppressive.

Exorbitant, inasmuch as they are not only assessed for county, State, and municipal purposes, but also by the General Government, on capital stock, circulation, and deposits.

Unequal, inasmuch as money invested in bank stock is required to pay three or four times as much tax as money invested in real estate or any other species of property.

Unjust, inasmuch as State banks, savings-banks, and private bankers, with whom national banks have to compete for business, are more lightly taxed, if at all, and enjoy immunities not guaranteed to national banks.

Oppressive, inasmuch as the tax in the aggregate amounts to nearly, if not quite, 5 per cent. on the capital stock, while they are restricted to the legal rate of interest, which in Ohio is 6 per cent., or by contract 8 per cent.

We therefore beg you will so modify the national-bank act as to relieve national banks from excessive taxation.

ROBERT HANNA,
President Ohio National Bank.
JOHN F. WHITELAW,
Cashier National City Bank of Cleveland.
A. K. SPENCER,
Cashier First National Bank of Cleveland.
J. COLWELL,
Cashier Commercial National Bank of Cleveland.
W. L. CUTLER,
Cashier Merchants' National Bank of Cleveland.
H. GARRETSON,
President Second National Bank of Cleveland.

PUBLIC BUILDING IN JERSEY CITY.

Mr. PLATT, of Virginia, by unanimous consent, reported from the Committee on Public Buildings and Grounds a bill (H. R. No. 4458) relating to a site for a public building at Jersey City, New Jersey; which was read a first and second time, ordered to be printed, and recommitted.

Mr. WILLARD, of Vermont. Not to be brought back by a motion to reconsider.

The SPEAKER. That will be the order.

ALFRED FRY.

Mr. PACKARD. I ask unanimous consent to introduce for consideration at this time a bill for the relief of the heirs of Alfred Fry.

The SPEAKER. The bill will be read, after which objections will be in order.

The bill provides that an act entitled "An act for the relief of Al-

fred Fry," approved June 20, 1874, shall be amended so as to read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money now appropriated or hereafter to be appropriated for the payment of the Army, to the administrator of the estate of Alfred Fry, deceased, late captain Seventy-third Regiment Indiana Volunteers, for the use of the heirs of said Alfred Fry, the pay and emoluments of a captain of infantry from the 30th day of August, 1863, the date of his commission, to the 17th day of March, 1865, the date the said Alfred Fry was mustered as captain, as if the said Alfred Fry had been mustered as captain on the date of his commission, first deducting whatever sum may have been paid him as lieutenant during the period for which pay is hereby allowed as captain.

Mr. HAWLEY, of Illinois. Does this bill come from any committee?

Mr. PACKARD. It does substantially. The facts about the case are these——

Mr. YOUNG, of Georgia. I object to the bill.

Mr. RANDALL. Then I call for the regular order.

Mr. DONNAN. If my colleague on the Committee on Military Affairs, the gentleman from Georgia, [Mr. YOUNG,] will hear me one moment I am sure he will not object to this bill. A bill was passed by the last Congress for the relief of Captain Fry, and just before it became a law the applicant for whose relief it was passed died. This bill is simply to so amend the law that the proceeds may go to his heirs.

Mr. SPEER and others. That is right.

No objection being made, the bill (H. R. No. 4459) was received, read three times, and passed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DONNAN. I rise to make a privileged report from the Committee on Printing. I report the following resolution:

Resolved, That there be printed twenty-five hundred extra copies of the report of the Commissioners of the Freedman's Savings and Trust Company, with the letter of the Secretary of the Treasury on the same subject, and accompanying documents, for the use of the said commissioners.

It will be noticed that this is not for the use of the House, but for the commissioners. The expense of printing is trifling—between eight and nine cents a copy.

The resolution was adopted.

Mr. RANDALL. I now call for the regular order.

INDIAN APPROPRIATION BILL.

The SPEAKER. The first business in order is the consideration of the privileged motion which came over from last evening. The Indian appropriation bill, upon the question of its engrossment and third reading, was rejected by the House. The gentleman from Iowa [Mr. LOUGHRIDGE] moved to reconsider that vote, and the pending question is upon the motion to lay the motion to reconsider on the table.

Mr. HALE, of Maine. Let me submit a proposition which perhaps will be acceptable.

Mr. LOUGHRIDGE. I object to any proposition. Let us have a vote.

Mr. HALE, of Maine. Then let the bill go.

Mr. HOLMAN and Mr. SPEER called for the yeas and nays.

The SPEAKER. The yeas and nays have already been ordered; and the question is upon laying on the table the motion to reconsider the vote by which the House refused to order the Indian appropriation bill to be engrossed and read a third time.

The question was taken; and there were—yeas 81, nays 165, not voting 42; as follows:

YEAS—Messrs. Arthur, Atkins, Begole, Bell, Bland, Blount, Bromberg, Brown, Buffinton, Burchard, Burleigh, Caldwell, Cannon, Amos Clark, jr., Freeman Clarke, Clayton, Clymer, Coburn, Cook, Cox, Creamer, Crossland, Danford, Durham, Farwell, Finck, Fort, Foster, Glover, Gooch, Gunckel, Eugene Hale, Hamilton, Henry R. Harris, John T. Harris, Havens, John B. Hawley, Holman, Howe, Knapp, Lawson, Magee, Martin, McNulta, Merriam, Milliken, Mills, Monroe, Morrison, Neal, O'Brien, O'Neill, Packer, Page, Hosea W. Parker, Pierce, Randall, Read, Ellis H. Roberts, Ross, Henry B. Sayler, Milton Sayler, Scofield, Sener, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Stephens, Storm, Wells, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, Ephraim K. Wilson, Wolfe, Wood, and Pierce M. B. Young—81.

NAYS—Messrs. Adams, Albert, Albright, Ashe, Averill, Barber, Barrere, Berry, Biery, Bowen, Bright, Buckner, Bundy, Burrows, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, John B. Clark, jr., Clements, Stephen A. Cobb, Comingo, Conger, Corwin, Cotton, Crittenden, Crooke, Crounse, Darrall, Davis, Dawes, De Witt, Dobbins, Donnan, Dunnell, Eames, Field, Freeman, Garfield, Giddings, Gunter, Hagans, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, Harrison, Hatcher, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamar, Lamison, Lamport, Lawrence, Leach, Lewis, Lofland, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Maynard, McCrary, James W. McDill, McLean, Moore, Morey, Myers, Negley, Nesmith, Niles, Nunn, Orr, Orth, Packard, Isaac C. Parker, Parsons, Pelham, Perry, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Robbins, James W. Robinson, Rusk, Sawyer, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Sloss, Small, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stanard, Standiford, Starkweather, St. John, Stone, Strait, Strawbridge, Swann, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whitehead, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Woodworth, and John D. Young—165.

NOT VOTING—Messrs. Archer, Banning, Barnum, Barry, Bass, Beck, Bradley, Benjamin F. Butler, Clinton L. Cobb, Crutchfield, Curtis, Duell, Eden, Eldredge, Frye, Herndon, Hersey, George F. Hoar, Hunton, Kendall, Killinger, Lansing, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Niblack, Pendleton, Phillips, Purman, William R. Roberts, James C. Robinson, Schell, Smart, George L. Smith, Stowell, Charles R. Thomas, Tyner, Walls, Wheeler, and Jeremiah M. Wilson—42.

So the motion to reconsider was not laid on the table.

The SPEAKER. The question now recurs: Will the House reconsider the vote by which it refused to order the bill to be engrossed and read a third time?

Mr. WILSON, of Iowa. Is it in order now to move a recommitment of the bill?

The SPEAKER. It is not.

Mr. WILSON, of Iowa. Is it in order to move to reconsider the vote by which the previous question was seconded and the main question ordered?

The SPEAKER. It is not, because that order has been partly executed.

The motion to reconsider was agreed to.

Mr. RANDALL. Is not the operation of the previous question now exhausted?

The SPEAKER. The question now recurs immediately, whether the House will order the engrossment of the bill. That question not having been disposed of, the operation of the previous question is not exhausted until that question is taken.

Mr. HAWLEY, of Illinois. Is it in order now to move to recommit the bill with instructions?

The SPEAKER. It is not.

Mr. WILSON, of Iowa. Is it in order to move to reconsider the vote by which the previous question was ordered?

The SPEAKER. It is not, because the previous question was partly executed—on two separate amendments.

Mr. WILSON, of Iowa. But we reconsidered all that action, and we stand now where we did before the previous question was ordered.

The SPEAKER. No; the House has simply reconsidered the question whether the bill shall be ordered to be engrossed and read the third time.

Mr. HALE, of Maine. In other words, the only way to defeat the Choctaw claim is to vote down the Indian appropriation bill.

The SPEAKER. The Chair did not so state.

Mr. CONGER. Is it too late to reconsider the vote by which the Choctaw amendment was adopted?

The SPEAKER. The motion to reconsider was in that case made and laid on the table.

Mr. RANDALL. After we shall again have voted upon the engrossment of the bill, will not the previous question be then exhausted?

The SPEAKER. Of course.

Mr. RANDALL. Then a motion to recommit will be in order.

The SPEAKER. A motion to recommit will be in order after the engrossment has been ordered. The Chair will state the precise process, so that members may vote intelligently. The question is now, will the House order the bill to be engrossed and read a third time? If the House should do so, then it will be the right of the gentleman from Iowa, [Mr. LOUGHRIDGE,] who has charge of the bill, to call the previous question upon the passage of the bill. Should the House refuse to second the previous question upon the passage of the bill, then the motion to recommit with or without instructions will be in order.

Mr. HALE, of Maine. But, Mr. Speaker, as I understand, the motion to recommit with instructions could not be made before there was a vote by tellers simply on the previous question.

The SPEAKER. It could not.

Mr. HALE, of Maine. So that, if upon that vote the previous question should be ordered, then the motion which I indicated yesterday I would like to make would be shut out.

The SPEAKER. Of course.

Mr. CESSNA. Let us shut it out.

Mr. RANDALL. But the members who gave the 120 votes yesterday could, if they desire to do so, vote down the previous question, and then the motion of the gentleman from Maine would be in order.

The SPEAKER. The Chair does not think that this is a very abstract question; the point is very plain.

Mr. SHANKS. Is it in order, under the guise of parliamentary inquiries, to get in speeches upon the bill?

The SPEAKER. It is not parliamentary so to do.

Mr. SHANKS. Then I object to any further proceeding of that kind.

Mr. HALE, of Maine. We cannot get them in in any other way.

Mr. WILLARD, of Vermont. If we second the demand for the previous question, can we not have the yeas and nays on ordering the main question?

The SPEAKER. Of course, that is the A B C of the rule. The question now recurs on reconsidering the vote by which the House refused to order the bill to be engrossed and read a third time.

The House divided; and there were—ayes 101, noes 54.

Mr. SENER demanded the yeas and nays.

The yeas and nays were not ordered, 17 only voting in the affirmative.

So the House reconsidered the vote by which the engrossment and third reading of the bill were refused.

Mr. LOUGHRIDGE. I demand the previous question on the pending motion.

The SPEAKER. The question recurs on ordering the bill to be engrossed and read a third time, on which the previous question is still operating.

The bill was ordered to be engrossed and read a third time.

Mr. LOUGHRIDGE. I now demand the previous question on the passage of the bill.

Mr. HOLMAN. If that is voted down, will it be in order to recommit the bill?

The SPEAKER. The Chair has stated that three times.

The Speaker appointed Mr. LOUGHRIDGE and Mr. RANDALL as tellers.

The House divided; and the tellers reported—ayes 99, noes 104.

So the House refused to second the demand for the previous question.

Mr. HALE, of Maine. I now move the bill be recommitted to the Committee on Appropriations with instructions to report the same back as it now stands before the House with the exception of the so-called Choctaw amendment, and on that motion demand the previous question.

The previous question was seconded and the main question ordered.

Mr. BUCKNER. Is it in order to move also to include the Chickasaw amendment?

Mr. HALE, of Maine. I hope the gentleman from Missouri will not insist on that amendment, as it will only complicate this still further. The Chickasaw is a small matter, and has no such points of objection as the Choctaw amendment.

Mr. LOUGHRIDGE. I hope the gentleman from Missouri will insist on his amendment.

Mr. SHANKS. I have advocated the Choctaw claim because I know it is just. If one is out I want the other out also. I want everything out that is honest if you strike out the Choctaw claim.

Mr. HALE, of Maine. I did not vote for the Chickasaw claim. My only object is to get out the big claim. I have no objection to the amendment if the House choose to vote on it.

Mr. CONGER. Do the instructions include the Chickasaw amendment?

The SPEAKER. They do not.

Mr. CONGER. I move to reconsider the vote by which the previous question was seconded, in order to get that amendment included.

The House refused to reconsider the vote by which the previous question was seconded—42 only voting in the affirmative.

The SPEAKER. The question now recurs on the motion of Mr. HALE, of Maine, to recommit with instructions.

Mr. SHANKS. What becomes of the Chickasaw amendment?

The SPEAKER. The House has refused to include that in the instructions.

Mr. SHANKS. I am sorry it did.

Mr. HANCOCK. I demand the yeas and nays on the pending motion.

The yeas and nays were ordered.

The question was taken, and it was decided in the negative—yeas 120, nays 130, not voting 38; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Banning, Barber, Bass, Begole, Bell, Biery, Bland, Blount, Bromberg, Brown, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Clymer, Coburn, Conger, Cook, Cotton, Cox, Creamer, Crounse, Curtis, Danford, Donnan, Durham, Eldredge, Farwell, Field, Finck, Fort, Foster, Freeman, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Henry R. Harris, John T. Harris, Havens, John B. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Holman, Howe, Hurlbut, Kasson, Kelley, Knapp, Lawson, Lofland, Lynch, Magee, Martin, McCrary, James W. McDill, McNulta, Merriam, Monroe, Morrison, Myers, Neal, O'Brien, O'Neill, Packard, Packer, Page, Hosea W. Parker, Pierce, Pike, Potter, Randall, Read, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Stephens, Storm, Strawbridge, Taylor, Charles R. Thomas, Thompson, Todd, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Whitehouse, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Wolfe, Woodworth, and Pierce M. B. Young—120.

NAYS—Messrs. Adams, Albert, Atkins, Averill, Barrere, Barry, Beck, Berry, Bowen, Bright, Buckner, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Carpenter, Cason, Cessna, John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Comingo, Corwin, Crittenden, Crooke, Crossland, Crutchfield, Darrall, Davis, Dawes, DeWitt, Dobbins, Dunnell, Eames, Garfield, Giddings, Glover, Gunter, Hagans, Hancock, Harmer, Benjamin W. Harris, Hatcher, Hathorn, Joseph R. Hawley, John W. Hazelton, Hendee, Hereford, Herndon, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hyde, Hynes, Kellogg, Lamar, Lamport, Lansing, Leach, Lewis, Loughridge, Lowe, Lowndes, Maynard, McLean, Milliken, Mills, Moore, Morey, Negley, Nesmith, Niblack, Niles, Nunn, Orr, Orth, Isaac C. Parker, Pelham, Pendleton, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Robbins, Sawyer, Sessions, Shanks, Sheats, Sheldon, Sloan, Sloss, J. Ambler Smith, William A. Smith, Snyder, Stanard, Standiford, Starkweather, St. John, Stone, Stowell, Strait, Swann, Sypher, Thornburgh, Townsend, Tremain, Vance, Waddell, Wallace, White, Whitehead, Whiteley, Wilber, John M. S. Williams, William Williams, Willie, and John D. Young—130.

NOT VOTING—Messrs. Ashe, Barnum, Bradley, Duell, Eden, Frye, Gooch, Harrison, Hersey, George F. Hoar, Hunton, Kendall, Killinger, Lamison, Lawrence, Luttrell, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Parsons, Phelps, Purman, William R. Roberts, James C. Robinson, Rusk, Schell, John G. Schumaker, Small, Smart, George L. Smith, Christopher Y. Thomas, Tyner, Walls, Wheeler, Jeremiah M. Wilson, and Wood—38.

So the House refused to recommit with instructions.

Mr. HOLMAN. I move to lay the bill upon the table.

The SPEAKER. Pending the vote on the passage of the bill the gentleman from Indiana moves to lay it upon the table.

Mr. HOLMAN. Is a motion to recommit without instructions in order?

The SPEAKER. It is not, because the next vote will be on the passage of the bill, the previous question operating clear through.

Mr. HOLMAN. Is it in order to move to reconsider the vote?

The SPEAKER. No, as it has been partly executed.

Mr. HOLMAN. I insist on the motion to lay upon the table, as that is the only vote which will accomplish the object.

Mr. SPEER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 114, nays 132, not voting 42; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Bass, Beck, Begole, Bell, Biery, Bland, Blount, Bromberg, Brown, Buffinton, Burchard, Burleigh, Burrows, Caldwell, Cannon, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Clymer, Coburn, Conger, Cook, Cox, Creamer, Crittenden, Crossland, Curtis, Danford, Donnan, Durham, Finck, Fort, Foster, Glover, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Henry R. Harris, John T. Harris, John B. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Holman, Howe, Hurlbut, Hyde, Lamison, Lawrence, Lawson, Magee, Marshall, McCrary, McNulta, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Niblack, O'Brien, O'Neill, Packard, Packer, Page, Hosea W. Parker, Phelps, Pierce, Pike, Potter, Randall, Read, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Sener, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Speer, Sprague, Storm, Taylor, Thompson, Todd, Jasper D. Ward, Marcus L. Ward, Wells, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Wolfe, Wood, Woodworth, and Pierce M. B. Young—114.

NAYS—Messrs. Adams, Albert, Averill, Barrere, Barry, Berry, Bowen, Bright, Buckner, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Comingo, Corwin, Cotton, Crooke, Crounse, Crutchfield, Darrall, Davis, Dawes, DeWitt, Dobbins, Dunnell, Eames, Freeman, Garfield, Giddings, Gooch, Gunter, Hagans, Hancock, Harmer, Benjamin W. Harris, Harrison, Hatcher, Hathorn, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Hereford, Herndon, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hynes, Kasson, Kelley, Kellogg, Lamar, Lamport, Lansing, Leach, Lewis, Loughridge, Lowe, Lowndes, Lynch, Maynard, James W. McDill, McLean, Moore, Morey, Negley, Nesmith, Niles, Nunn, Orr, Orth, Isaac C. Parker, Pelham, Pendleton, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Robbins, Rusk, Sawyer, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sloan, Sloss, Small, H. Boardman Smith, J. Ambler Smith, Snyder, Stanard, Standiford, Starkweather, St. John, Stone, Stowell, Strait, Swann, Sypher, Christopher Y. Thomas, Thornburgh, Townsend, Tremain, Vance, Waddell, Wallace, White, Whitehead, Whiteley, Wilber, John M. S. Williams, William Williams, Willie, and John D. Young—132.

NOT VOTING—Messrs. Barnum, Bradley, Bundy, Duell, Eden, Eldredge, Farwell, Field, Frye, Havens, Hersey, George F. Hoar, Hunton, Kendall, Killinger, Knapp, Lofland, Luttrell, Martin, Alexander S. McDill, MacDougall, McKee, Mitchell, Myers, Parsons, Purman, William R. Roberts, James C. Robinson, Schell, John G. Schumaker, Smart, George L. Smith, William A. Smith, Southard, Stephens, Strawbridge, Charles R. Thomas, Tyner, Waldron, Walls, Wheeler, and Jeremiah M. Wilson—42.

So the motion to lay the bill on the table was not agreed to.

The SPEAKER. The question recurs, will the House pass the bill?

Mr. CLYMER and Mr. SPEER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 126, not voting 42; as follows:

YEAS—Messrs. Adams, Albert, Averill, Barrere, Barry, Berry, Bowen, Buckner, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Comingo, Corwin, Crooke, Crutchfield, Darrall, Davis, Dawes, DeWitt, Dobbins, Dunnell, Eames, Freeman, Garfield, Gooch, Gunter, Hagans, Hancock, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hynes, Kelley, Kellogg, Lamar, Leach, Lewis, Loughridge, Lowe, Lowndes, Maynard, James W. McDill, McLean, Moore, Morey, Negley, Nesmith, Niles, Nunn, Orr, Orth, Packard, Isaac C. Parker, Pelham, Pendleton, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Rusk, Sessions, Shanks, Sheats, Sheldon, Sloan, Sloss, Small, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stanard, Standiford, Starkweather, St. John, Stone, Stowell, Strait, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Townsend, Tremain, Vance, Waddell, Wallace, White, Whitehead, Whiteley, Wilber, John M. S. Williams, William Williams, and Willie—120.

NAYS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Bass, Beck, Bell, Biery, Bland, Blount, Bromberg, Brown, Buffinton, Burchard, Burleigh, Burrows, Caldwell, Cannon, Amos Clark, jr., Freeman Clarke, Clayton, Clymer, Coburn, Conger, Cook, Cotton, Cox, Creamer, Crittenden, Crossland, Curtis, Danford, Donnan, Durham, Eldredge, Farwell, Field, Finck, Fort, Foster, Giddings, Glover, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, Hereford, Herndon, E. Rockwood Hoar, Holman, Howe, Hurlbut, Hyde, Kasson, Knapp, Lamison, Lawrence, Lawson, Lofland, Lynch, Magee, Martin, McCrary, McNulta, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Niblack, O'Brien, O'Neill, Packer, Hosea W. Parker, Phelps, Pierce, Pike, Potter, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Sener, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Storm, Strawbridge, Taylor, Thompson, Todd, Marcus L. Ward, Wells, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—126.

NOT VOTING—Messrs. Barnum, Begole, Bradley, Bright, Bundy, Chittenden, Crounse, Duell, Eden, Frye, Hersey, George F. Hoar, Hunton, Kendall, Killinger, Lamport, Lansing, Luttrell, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Myers, Page, Parsons, Purman, William R. Roberts, James C. Robinson, Sawyer, Schell, John G. Schumaker, Isaac W. Scudder, Smart, George L. Smith, Stephens, Tyner, Waldron, Walls, Jasper D. Ward, Wheeler, and Jeremiah M. Wilson—42.

So the House refused to pass the bill.

Mr. HOLMAN. I move to reconsider the vote by which the House refused to pass the bill; and also move to lay the motion to reconsider on the table.

Mr. LOUGHRIDGE. On that I ask the yeas and nays.

Mr. GARFIELD. I desire to make a suggestion to the House, if the gentleman from Indiana [Mr. HOLMAN] will allow me.

Mr. HOLMAN. I withdraw my motion for the present.

Mr. LOUGHRIDGE. I ask the yeas and nays on the motion to reconsider.

Mr. HOLMAN. I renew my motion to reconsider the vote by which the House refused to pass the bill and to lay the motion on the table.

Mr. LOUGHRIDGE. And on that motion I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 37, a sufficient number.

So the yeas and nays were ordered.

Mr. HOLMAN. I withdraw the motion to reconsider and to lay the motion to reconsider on the table.

Mr. DAWES. I rise to a privileged question.

Mr. LOUGHRIDGE. I move to reconsider the vote by which the House refused to pass the bill.

Mr. RANDALL. Which way did the gentleman vote?

The SPEAKER. It is the duty of the Chair to make that inquiry.

Mr. RANDALL. I was asking the gentleman through the Chair.

The SPEAKER. Did the gentleman from Iowa vote on the prevailing side?

Mr. LOUGHRIDGE. I did not. I desire to ask the Chair if the gentleman from Indiana can withdraw his motion after the yeas and nays have been ordered.

The SPEAKER. He can.

MRS. MARY L. WOOLSEY.

On motion of Mr. SCOFIELD, by unanimous consent, the Committee on Naval Affairs was discharged from the further consideration of the memorial of Mrs. Mary L. Woolsey, widow of M. B. Woolsey, late a commodore in the United States Navy; and the same was referred to the Committee on Invalid Pensions.

INDIAN APPROPRIATION BILL.

Mr. HYDE. I move to reconsider the vote by which the House refused to pass the bill.

The SPEAKER. Did the gentleman vote on the prevailing side?

Mr. HYDE. I did.

Mr. HOLMAN. And I move to lay the motion to reconsider on the table.

Mr. PARKER, of Missouri. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. KASSON. Before the vote is taken I ask the Chair to state the position in which this motion, if it is carried, will leave the bill.

The SPEAKER. That is a proper parliamentary inquiry. The effect of the vote, if the House lays the motion to reconsider upon the table, is that the bill is absolutely dead beyond the power of the House to take it up except by unanimous consent or upon a suspension of the rules.

Mr. HALE, of Maine. Does it not leave the bill exactly where the House has left it by the last vote?

The SPEAKER. It leaves the bill defeated.

Mr. HALE, of Maine. Where the House left it?

The SPEAKER. No; the House by the vote last taken left it open to reconsideration; but when the House by a vote lays on the table the motion to reconsider, it leaves the bill defeated.

Mr. HALE, of Maine. What is the position of the bill if the House does not reconsider its last vote?

The SPEAKER. The Chair does not apprehend the question of the gentleman from Maine.

Mr. HALE, of Maine. The vote just taken, unless it be reconsidered, kills the bill.

The SPEAKER. Certainly.

Mr. HALE, of Maine. Tabling the motion to reconsider that vote does nothing more than that.

The SPEAKER. The Chair still fails to see the distinction which the gentleman from Maine intends to make. Of course the adoption of the motion to lay on the table the motion to reconsider kills the bill beyond the power of the House to revive it.

Mr. SHANKS. It buries the dead bill.

The SPEAKER. The Chair does not think that so plain a parliamentary point as this should be discussed. Every one who knows the *principia* of parliamentary law knows that if a bill is lost and a motion to reconsider the vote by which it was lost is laid upon the table, the bill is dead.

Mr. KASSON. When I put my question to the Chair I appreciated the parliamentary position of the question; but I thought that some members of the House did not. I beg leave now to ask this question: Whether the member of the Committee on Appropriations who has charge of this bill will, if the vote just taken is reconsidered, allow us to vote on the bill if we can get at it, as we can, I think, without the Choctaw clause in it, or does he intend to force the Choctaw provision on us?

Mr. SHANKS. That would require unanimous consent, which cannot be had.

Mr. PARKER, of Missouri. I desire to make a parliamentary inquiry.

Mr. KASSON. I ask my colleague, [Mr. LOUGHRIDGE,] who is in charge of this bill, for an answer to my question.

Mr. LOUGHRIDGE. I will answer it. We have not forced the Choctaw clause on the House. The House by a majority of 40 votes put it in the bill yesterday. How, then, are we forcing it on the gentleman or on the House?

Mr. KASSON. That was not on a full vote, because all the votes taken this morning indicate that the House wants to get rid of this Choctaw clause.

Mr. SHANKS. The House refused by a large majority to refer the bill back to the committee with instructions to strike out the provision in relation to the Choctaw claim.

Mr. SENER. Is not all this proceeding by unanimous consent?

The SPEAKER. It is; but the Chair will answer any questions which tend to explain the parliamentary effect of a vote.

Mr. SENER. I call for the regular order of business.

Mr. PARKER, of Missouri. The question I desire to ask is, if the motion to reconsider is laid on the table and thus the bill is killed beyond redemption, what right has the Committee on Appropriations in the premises? Can it at any time report a new Indian bill or do we have to wait for the call of that committee? That is the question I want determined. If the House is willing to take the responsibility of killing all these appropriations for the Indians, let it be done.

Mr. RANDALL. The House takes no such responsibility.

Mr. HALE, of Maine. The committee can report a new bill tomorrow.

Mr. PARKER, of Missouri. I would like to have the Speaker answer my question. I trust my friend from Maine in some things; but not in everything.

Mr. FORT. I desire to ask a parliamentary question. If this motion be not adopted, will it then be in order to move to reconsider the vote by which the previous question was ordered, so that we may strike out the Choctaw clause or have a vote on that question directly?

The SPEAKER. If the House should reconsider the vote by which it refused to pass the bill, it is then divested of the previous question, but not far enough back to allow an amendment. The amendable stage of a bill is when it is upon its engrossment and third reading. If the bill be carried beyond that point, it is not in the power of the House to adopt an amendment to it unless by unanimous consent. But it is in the power of the House to recommit this bill to the Committee of the Whole on the state of the Union, or to any standing committee with or without instructions.

Mr. HALE, of Maine. I desire to say one thing in connection with the language used by the Chair, which was very strong. The Chair said that if this motion to lay the motion to reconsider on the table was carried, then this appropriation bill was killed beyond resurrection.

The SPEAKER. Just as much as if it had never existed.

Mr. HALE, of Maine. Does the Chair mean by that to say that it is not within the province of the Committee on Appropriations to report *ab initio* an Indian appropriation bill, without this Choctaw claim, if that committee chooses to do so?

The SPEAKER. The Chair did not say anything about any bill hereafter to be reported; the Chair was talking about this bill.

Mr. HALE, of Maine. Is it not within the power of the Committee on Appropriations to report such a bill?

The SPEAKER. That is not a parliamentary point for the Chair to rule upon now. Whether the Committee on Appropriations may or may not report a bill simply for the Chair to rule it out is not a parliamentary question. But there is never any place where the House of Representatives can get itself that a majority is not perfectly competent to do what they want to do. If the majority of the House wish to pass this bill without the Choctaw claim in it, it is perfectly competent for the majority to do so.

Mr. SCOFIELD. If the Chair will state in this case how that can be done, he will oblige some members here, because there is an apparent majority who want to vote for the bill; and there appears also to be a majority in favor of the Choctaw claim.

The SPEAKER. The Chair will take some time to explain the situation. If the motion of the gentleman from Maine [Mr. HALE] had prevailed to recommit this bill to the Committee on Appropriations with instructions to report it back without the Choctaw claim, it would then have required unanimous consent to consider it in the House. Under the rule it would have to go to the Committee of the Whole. The Committee on Appropriations is privileged to report at any time for reference only. Therefore had that motion prevailed the House would have got itself right back where it stood yesterday in Committee of the Whole on the Indian appropriation bill.

Mr. HALE, of Maine. That is what I expected when I made the motion.

The SPEAKER. Should the House reconsider the vote whereby it refused to pass this bill, and should then recommit the bill to the Committee of the Whole on the state of the Union, it can then do with it what it pleases, and will be in the same situation that it was in when the bill was before in Committee of the Whole. That is the mode the rules plainly point out in such cases; and it is for the majority of the House to so order or not as they please.

The Chair has gone a little further perhaps than is his proper province in the way of suggestion. But he has done so because he has thought there may be some members who are a little confused in regard to the situation. If the House shall table the motion to reconsider, of course this bill will then be absolutely beyond the power

of the House to touch. And now, as the gentleman from Maine [Mr. HALE] has put a supposititious case which the Chair very seldom rules upon, the Chair will rule that the Committee on Appropriations are authorized to report sundry enumerated appropriation bills, among which is the Indian appropriation bill. Having reported the Indian appropriation bill, if the House chooses to dispose of that bill in any way, to refer it, to table it, to defeat it in any manner, the Chair does not know where the rule gives the Committee on Appropriations the right to report another bill of the kind during the same session.

Mr. HALE, of Maine. It would require a suspension of the rules to permit them to report such a bill?

The SPEAKER. A majority of the House can to-day control the whole matter. It is now quite within the power of the majority to control this bill, to refer it to the Committee of the Whole on the state of the Union, which committee can report it back to the House without the Choctaw claim.

Mr. FORT. We can reconsider the vote whereby the House refused to pass the bill and then recommit the bill to the Committee of the Whole on the state of Union.

The SPEAKER. Certainly; because if the vote by which the House refuses to pass the bill is reconsidered, then the bill is divested of the previous question, because the previous question will have then been exhausted. The question now is, "Will the House lay upon the table the motion to reconsider the vote refusing to pass the bill?"

Mr. RANDALL. Will the Speaker cite any instance in support of such a ruling as that just made by him, where an appropriation bill having been defeated, the Committee on Appropriations was therefore deprived of the right subsequently to report another?

The SPEAKER. The Chair did not say that they would be deprived of the right to report it. But the Chair has never known in his experience in the House, which is just coequal with that of the gentleman from Pennsylvania, [Mr. RANDALL,] an instance where an appropriation bill was defeated, except one, and that on the last day of the session.

Mr. HALE, of Maine. Did the Chair ever know an instance of such an amendment as this being put on an appropriation bill?

Mr. PARKER, of Missouri. I can give the gentleman an instance where two railroad companies in New England got a grab at the Treasury by an amendment to an appropriation bill.

Mr. HOLMAN. If I have the right, I will withdraw the motion to lay the motion to reconsider on the table, and will call the yeas and nays on the direct motion to reconsider.

The SPEAKER. The gentleman has the right to do that.

Mr. KASSON. We can reconsider without the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 13 in the affirmative; not one-fifth of the last vote.

So the yeas and nays were not ordered.

The question was then taken upon the motion to reconsider; and upon a division there were—ayes 109, noes 61.

Before the result of the vote was announced,

Mr. SPEER said: Is it in order to ask for tellers on ordering the yeas and nays on the motion to reconsider?

The SPEAKER. That is not now in order, because the gentleman allowed the decision of the Chair that the yeas and nays had not been ordered to stand. The gentleman can call for tellers on the motion to reconsider.

Mr. SPEER. I do not call for that.

The SPEAKER. Then the motion to reconsider is agreed to.

Mr. FORT. If in order, I now move to recommit this bill to the Committee of the Whole on the state of the Union.

Mr. LOUGHRIDGE. I call for the previous question on the passage of the bill.

The SPEAKER. The Chair thinks that would not be the parliamentary process. The significance of the vote which has just been taken is that the House desires to vote upon a motion to recommit.

Mr. FORT. I move to recommit the bill to the Committee of the Whole, and on that motion I call the previous question.

The SPEAKER. The House having voted to reconsider, the question recurs, "Shall the bill pass?" pending which the gentleman from Illinois [Mr. FORT] moves that the bill be recommitted to the Committee of the Whole.

Mr. HYNES. Is a motion to recommit in order after the third reading of the bill?

The SPEAKER. O, yes; entirely so.

The previous question was seconded and the main question ordered.

The SPEAKER. A member has suggested a recommitment to the Committee of the Whole with instructions; but that is not necessary. The Committee of the Whole being composed of precisely the same members as the House, it is not usual to add instructions to a motion to recommit, as is often done upon a reference or recommitment to one of the standing committees.

Mr. HALE, of Maine. But is it proper to offer an amendment instructing the Committee of the Whole?

The SPEAKER. The Chair has never known an instance of that kind, because, as has just been remarked, the Committee of the Whole comprises precisely the same members as the House; and to instruct the Committee of the Whole would be the House instructing itself.

Mr. STARKWEATHER. Besides, the gentleman has once moved to recommit with instructions, and that motion has been voted down.

Mr. SPEER. On this question we had better have the yeas and nays.

Mr. SMITH, of Ohio. When the bill is reported back to the House, what will be the order of proceeding?

The SPEAKER. The proceeding will begin *de novo*.

Mr. MAYNARD. If this bill goes back to the Committee of the Whole, will it not be subject to be revised from the beginning? Shall we not have to go through the consideration of the whole text of the bill again?

The SPEAKER. On a strict ruling that would be so. If any gentleman should object to the previous work of the Committee of the Whole being regarded as conclusive, it would be within his power to force the Committee of the Whole to go through with the bill again. There is no doubt about that.

Mr. MAYNARD. In other words, it might take another week to get where we are now.

The question being taken on the motion of Mr. FORT to recommit the bill to the Committee of the Whole on the state of the Union, there were—ayes 109, noes 65.

Mr. PARKER, of Missouri. I call for the yeas and nays.

On ordering the yeas and nays there were ayes 26, noes not counted.

The SPEAKER. The vote upon ordering the yeas and nays is so close that the Chair will direct the question to be determined by tellers. The gentleman from Illinois, Mr. FORT, and the gentleman from Missouri, Mr. PARKER, will act as such.

The House divided; and the tellers reported ayes 44, noes not counted.

The SPEAKER. The tellers report more than one-fifth of the last vote as voting for the yeas and nays; and they will be considered as ordered.

The question was taken; and there were—yeas 140, nays 103, not voting 45; as follows:

YEAS—Messrs. Albert, Albright, Archer, Arthur, Barber, Begole, Bell, Biery, Bland, Blount, Bright, Bromberg, Brown, Buffinton, Bundy, Burchard, Burleigh, Burrows, Caldwell, Cannon, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Clymer, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Cox, Creamer, Crittenden, Crooke, Crossland, Crounse, Curtis, Danford, Donnan, Durham, Eames, Farwell, Field, Finck, Fort, Foster, Glover, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, E. Rockwood Hoar, Holman, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Knapp, Lamport, Lawrence, Lowndes, Lynch, Martin, McCrary, James W. McDill, McNulta, Merriam, Milliken, Monroe, Morrison, Myers, Neal, Nesmith, Niblack, O'Brien, O'Neill, Orr, Packard, Packer, Page, Hosea W. Parker, Phelps, Pierce, Pike, Potter, Randall, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Southard, Speer, Sprague, Stanard, Storm, Strawbridge, Taylor, Thompson, Thornburgh, Todd, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Whitehouse, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Wolfe, and Wood—140.

NAYS—Messrs. Adams, Ashe, Atkins, Averill, Barrere, Barry, Beck, Berry, Bowen, Buckner, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, John B. Clark, jr., Comingo, Cook, Crutchfield, Darrall, Davis, DeWitt, Dobbins, Dunnell, Eldredge, Garfield, Giddings, Gooch, Gunter, Hagans, Hancock, Harmer, Hatcher, Hathorn, Hays, John W. Hazelton, Hereford, Herndon, Hodges, Hooper, Hoskins, Houghton, Hynes, Kellogg, Lamar, Lamison, Lawson, Leach, Lewis, Lofland, Loughridge, Lowe, Luttrell, Magee, Maynard, McLean, Mills, Moore, Morey Negley, Niles, Nunn, Orth, Isaac C. Parker, Pelham, Pendleton, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Richmond, Rusk, Sessions, Shanks, Sheats, Sloan, J. Ambler Smith, Snyder, Standiford, Starkweather, St. John, Stone, Strait, Swann, Charles R. Thomas, Christopher Y. Thomas, Townsend, Waddell, White, Whitehead, Whiteley, Whitthorne, Wilber, John M. S. Williams, William Williams, Willie, John D. Young, and Pierce M. B. Young—103.

NOT VOTING—Messrs. Banning, Barnum, Bass, Bradley, Clements, Clinton L. Cobb, Dawes, Duell, Eden, Freeman, Frye, Hersey, George F. Hoar, Hunton, Kendall, Killinger, Lansing, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Parsons, Purman, Ransier, Ray, Read, William R. Roberts, James C. Robinson, Sawyer, Schell, John G. Schumaker, Sheldon, Sloss, Smart, George L. Smith, Stephens, Stowell, Sypher, Tremain, Vance, Walls, Wheeler, Jeremiah M. Wilson, and Woodworth—45.

So the bill was recommitted to the Committee of the Whole on the state of the Union.

The SPEAKER. As this proceeding is somewhat unusual, the Chair will take the opportunity of saying that the bill as it now goes to the Committee of the Whole goes as though it were entirely a new bill, and it is therefore in order to strike out anything that is in it. It is in the power of a majority of the committee to amend it just as may be deemed fit.

Mr. GARFIELD. I move the House resolve itself into the Committee of the Whole on the Indian appropriation bill.

Mr. KASSON. Pending that motion, I hope the gentleman will move to close debate.

The SPEAKER. The Chair was about to recognize the gentleman who moved to recommit.

Mr. GARFIELD. He allows me to make my motion. I also move all debate be limited to ten minutes.

Mr. LOUGHRIDGE. Make it one minute.

Mr. GARFIELD. I move all debate be limited to one minute. Amendments of course will be in order.

ENROLLED BILL.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled an act

(S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seeds; when the Speaker signed the same.

CHARLES A. WETMORE.

Mr. DAWES. I rise to a question of privilege which will occasion, I think, no debate. I have in my hand a communication addressed to the Speaker by Charles A. Wetmore. It has been laid before the Committee on Ways and Means, and in their opinion is a sufficient apology for the performance of yesterday, and if it should be satisfactory to the House I move he be discharged from the custody of the Sergeant-at-Arms.

The Clerk read as follows:

WASHINGTON, D. C., *January* 21, 1875.

SIR: I deem it due to the House of Representatives, the Committee on Ways and Means, and myself to make the following explanation:

On yesterday I was called to the bar of the House to answer a certain question which I had refused to answer before the Committee on Ways and Means. The question being propounded to me by the Speaker, considering myself still under oath, I gave as full and complete an answer as was, or is in my power. Exception, however, was taken to accompanying remarks intended by me to explain my failure to answer fully before the committee, by which remarks I certainly intended no disrespect to the House or any of its members.

The impression which I wished to convey concerning the proceedings before the committee was that they had had the effect to confuse my recollection and to prevent intelligent answers. I am not sure that some of my impressions of what occurred in the committee were correct—I mean those to which, when I related them, exceptions may have been taken. In making my statement I did not intend to do any injustice to the committee or any of its members, yet frankly admit that I may have done so.

So far as the House of Representatives is concerned, I did not intend to cast any reproach upon it; on the contrary, I felt grateful to it for giving me time to answer, and so desired to express myself. If my remarks conveyed any other impression, it was unintentional, and I regret it—and I so, with respect to the House, ask that they may be construed.

Knowing of nothing else that I can do, I respectfully ask for a reconsideration of my case.

Respectfully,

CHAS. A. WETMORE.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

The motion was agreed to; and Mr. Charles A. Wetmore was ordered to be discharged from custody.

Mr. DAWES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HON. GEORGE Q. CANNON, DELEGATE FROM UTAH.

Mr. SMITH, of New York, from the Committee on Elections, submitted a report in the matter of GEORGE Q. CANNON, Delegate from Utah; which was ordered to be printed, and laid on the table.

INDIAN APPROPRIATION BILL.

Mr. HOLMAN. As the Indian appropriation bill goes to the Committee of the Whole as a new bill, the limitation applies only to the general debate.

Mr. GARFIELD. I do not propose to cut off the five-minute debate on amendments.

The SPEAKER. It is not in the power of the House to limit the five-minute debate until after it has begun.

Mr. GARFIELD. I wish to get the House in committee and after one minute to have the bill open to amendment under the five-minute rule. I do not suppose any further general debate is desired.

Mr. HAMILTON. I move the House adjourn.

Mr. GARFIELD. I suppose there has been a struggle here in good faith, and when in Committee of the Whole we will have a chance to settle it without external reasons or delay of the session.

The House divided; and there were—ayes 52, noes 88.

So the House refused to adjourn.

TAX AND TARIFF BILL.

Mr. MAYNARD. We have already consumed a good deal of time on the Indian appropriation bill, and I rise now for the purpose of making a privileged report.

Mr. GARFIELD. Can this report come in pending my motion?

The SPEAKER. The rule is very strict as to the high privilege of a conference report. It is in order at any time except when the rules are suspended.

Mr. GARFIELD. My motion is to suspend the rules.

The SPEAKER. But that does not suspend them. The Clerk will read the rule on the subject, because we may have frequent occasion to know what it is.

The Clerk read as follows:

Indeed, under the practice, reports of conference committees are received at any time, (except when the rules are suspended,) even during the pendency of a motion to adjourn or to adjourn over, and, like the motion to go to the Speaker's table, may interrupt a member who is on the floor speaking.

The SPEAKER. It is due the Chair should state, this privilege made so very high relates only to the making of the conference report. It does not force upon the House the consideration of it. The House can postpone it to any day.

Mr. GARFIELD. I raise the question of consideration, then.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] submits the following conference report on the tax and tariff bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 3572) "to amend existing customs and internal-revenue laws, and for other purposes," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, and 36; and agree to the same.

That the Senate recede from its amendments numbered 1, 15, and 16.

That the House recede from its disagreement to the fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out the words: "*Provided, also,* That there shall be an allowance of 5 per cent. and no more, on all effervescing wines, liquors, cordials, and distilled spirits in bottles, to be deducted from the invoice quantity in lieu of breakage;" and the Senate agree to the same.

That the Senate recede from its sixth amendment, and agree to the clause proposed to be stricken out with an amendment as follows: Strike out "ten" and insert "eight;" and the House agree to the same.

That the Senate recede from its thirtieth amendment, and agree to the section proposed to be stricken out with an amendment as follows: Strike out all of section 23 after "States," in line 17, page 14, and insert in lieu thereof the words "when such persons are designated or acting as officers or deputies or persons having the custody or disposition of any public money;" and the House agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "23" (the number of the section) insert "24;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fourth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "24" (the number of the section) insert "25;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "25" (the number of the section) insert "26;" and the Senate agree to the same.

They further recommend that in section 7, page 5, line 21, after the word "returned" the word "empty" be inserted; that in section 7, page 5, line 17, "1874" be stricken out and in lieu thereof "1875" inserted; that in section 14, page 9, line 17, "1874" be stricken out and "1875" inserted in lieu thereof.

HORACE MAYNARD,
HENRY H. STARKWEATHER,
Managers on the part of the House.
JOHN SHERMAN,
FREDK. T. FRELINGHUYSEN,
Managers on the part of the Senate.

GENERAL SAMUEL W. CRAWFORD.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army.

TAX AND TARIFF BILL.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] raises the question of the consideration at this time of the report of the committee of conference which has just been presented.

Mr. GARFIELD. I do so on two grounds: the first is that, in order that we may judge of the merits of this report, we should have the chance to see it in print, so as to know what the conference report is. And in the second place the House is now in a critical situation in regard to the Indian appropriation bill, and we ought if possible to get to an adjustment of that matter before we have drifted farther away from it.

Mr. MAYNARD. I desire to say, so far as the printing is concerned, that the conference report was printed in the RECORD of yesterday in the proceedings of the Senate. So far as the other point of the gentleman from Ohio is concerned, we have given more than a week, to the exclusion of the morning hour, to the Committee on Appropriations in the consideration of the Indian bill; and after we have given them all that time members of the committee come here after every amendment has been acted on in the House and engineer its defeat. When they have done that I think they are not in a good attitude to throw that bill now in the way of the consideration of this conference report.

Mr. COX. I desire to be heard for a moment.

The SPEAKER. Debate on the question of consideration can only be by unanimous consent.

Mr. BUTLER, of Massachusetts. I think the report ought to be printed before we are called upon to act upon it.

Mr. COX. Mr. Speaker——

Mr. PELHAM. I object to any further debate.

The question being taken on the question of consideration, there were—ayes 72, noes 60.

Mr. COX. Will it be in order for me to enter a motion to lay the conference report on the table?

The SPEAKER. The Chair has never entertained a motion to lay a conference report on the table. The question is taken directly on agreeing to it.

Mr. GARFIELD. I ask for tellers.

The SPEAKER. As no quorum voted, the Chair orders tellers, and appoints the gentleman from Ohio, Mr. GARFIELD, and the gentleman who makes the report, Mr. MAYNARD.

The House again divided; and the tellers reported ayes 108, noes not counted.

So the House agreed to consider the report.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] is entitled to the floor.

Mr. MAYNARD. This bill, known on our files as House bill No. 3572, was passed in the House on the 1st of June, 1874. As it passed the House it contained twenty-nine sections, involving a great many different subjects, beginning in the first section with the duty on silk goods, and concluding with a tax upon all sales of stocks, bonds, gold and silver bullion and coin, and other securities. It went to the Sen-

ate. It there received between thirty and forty different amendments. Those amendments, for the most part, were merely verbal. The substantial amendments amounted in all to not more than five or six. Nothing was added to the bill. The amendments were in the nature of subtractions doing away with the provisions of the bill as we passed it.

The bill came back to the House with the amendments. They were non-concurred in. It was sent to a committee of conference near the close of the last session. After undergoing some slight discussion, the report was disagreed to, and a new conference ordered by the House; and conferees were appointed. The Senate took no action on the subject at the last session. Previous to the adjournment or recess in December of the present session, the Senate granted the conference, and appointed conferees; and the committee of conference have been giving the subject such attention and time as they had at their command while attending to other duties.

The points mainly in dispute between the two Houses appertain to the duties on imported wine and on hops, and the provision allowing the producer of tobacco to sell to the amount of $100; and the tax of $\frac{1}{10}$ of 1 per cent. on the sale of bonds, gold and silver bullion, and other securities.

Mr. LOUGHRIDGE. Did the committee strike out the provision, as to the tax on the sales of gold and bonds?

Mr. MAYNARD. It did. The first question of the tax on wines was one that interested the wine producers of the country, and petitions were submitted to us which I hold in my hand, asking us to concur in the Senate amendment as satisfactory to the wine producing interests of the country. The committee agreed to the Senate amendments, leaving, as will be seen by the report, the duty on all wines imported in casks at 40 cents a gallon, and on all still wines imported in bottles at $1.60 a gallon.

Upon the subject of hops, which was much debated in the House, and upon which there was much interest felt, the House had fixed the duty at 10 cents a pound. The Senate had stricken that out, leaving the duty as it now stands, at 5 cents a pound. The committee of conference compromised the difference, by fixing it, as they did in the report, at 8 cents a pound.

The proposition to exempt $100 worth of tobacco, in the hands of the producer, received very strenuous opposition from the Commissioner of Internal Revenue, who appeared in person before the conference committee and protested against it, and was able by his representations to overcome the earnest expostulations of those who favored it.

The conferees on the part of the Senate refused, as they had done in the previous conference, to concede this, and regarding the bill as very valuable and very important in those portions of it which had been concurred in by both Houses of Congress, the conferees on the part of the House, not having changed their own opinion as to the propriety of this measure, conceded to the conferees on the part of the Senate this point in order thereby to save those portions of the bill in which both Houses had agreed. We concurred in the amendment of the Senate, which practically leaves the law as it now stands.

Mr. HALE, of Maine. What was the action of the committee as to the amendment to section 9?

Mr. MAYNARD. The amendment to section 9 was concurred in. It was a slight amendment inserting the word "and" between the words "barrels" and "grain-bags," and a change in the phraseology of the last sentence. The twenty-ninth section of the bill provides that on and after the 1st day of July next there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities, at the rate of $\frac{1}{10}$ of 1 per cent. on the amount of the sale thereof; that every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion, coin, and other securities, either for their own account or on the account of others, shall keep a true and accurate record thereof, under oath, that the same is true and correct, to the collector of the district where such business is carried on, on or before the 1st and 15th day of each month, and the collector shall thereupon assess and collect a tax of $\frac{1}{10}$ of 1 per cent. on the gross amount of such sales. The said list or return shall be made in such form or manner as may be prescribed by the Commissioner of Internal Revenue.

The Senate conferees, after much consideration, adhered to their amendment striking out this section, and the conferees on the part of the House receded for the same reason that they had receded from the provision in relation to tobacco, in order to save those portions of the bill upon which both Houses had agreed and which we thought to be very important legislation.

There is one other provision of the bill to which it is necessary to refer. The Senate had provided that the law should go into effect at the commencement of the "present fiscal year." Inasmuch as the "present fiscal year" has partly passed, the Senate receded from their amendment and agreed that the bill should take effect from the day of its passage in the manner in which it had been fixed by the House of Representatives as originally passed. They were the more in favor of this conclusion from the fact that the bill had been pending and known to be pending by the country for something over six months, and the commerce of the country had full notice of its provisions and of the probability that it would become a law, because most of its provisions had been agreed upon by both Houses.

Mr. BURCHARD. I desire to ask the gentleman from Tennessee a question.

Mr. MAYNARD. I will hear the gentleman.

Mr. WOOD. I rise to a question of order. It is impossible in the prevailing confusion to hear what is taking place here. This is an important question, and we want to understand it.

The SPEAKER. Members of the House will be in order.

Mr. BURCHARD. I would like to ask the gentleman from Tennessee if the only material difference between this conference report and the conference report of last session is not an increase in the duty on hops? Allow me to say that the report of the conference committee at the last session was voted down by this House by a vote of 49 yeas to 136 nays. I understand that the only material difference between the report then voted down and this report is that the members of the conference committee on the part of the House have agreed to compromise by reporting in favor of making the duty on hops 8 cents.

Mr. MAYNARD. That is one of the differences. Another, I have already stated, is as to the time when the act shall take effect. Another difference relates to the twenty-third section of the bill, striken out by the Senate altogether, and stricken out by the last conference. That section is now retained with the phraseology slightly modified. It relates to punishment for frauds in the Bureau of Internal Revenue. Parties had been previously allowed to escape punishment for such frauds on the ground that they were not officers of the Government.

The committee agreed to increase the duty on hops for the reason that the House had by a decided vote increased it, and the conferees representing the sense of the House wanted to get from the Senate such concession as their conferees would make looking in the direction of an increase.

Mr. COX. Do I understand the gentleman to say that the House voted for an increase of the duty on hops? When did they vote that?

Mr. MAYNARD. On the first day of June, A. D. 1874.

Mr. COX. Was the question debated here?

Mr. MAYNARD. Yes; and the bill passed the House in that shape.

Mr. COX. Then I understand that the conference committee have raised the duty on hops 3 cents.

Mr. MAYNARD. Yes, sir. My associate from Kentucky [Mr. BECK] desires to be heard for ten minutes, and I yield to him for that time.

Mr. BECK. Mr. Speaker, I was a member of the conference committee that had this bill under consideration and I declined to sign the report because the House conferees have stricken out on the demand of the Senate everything that was of value in the bill, and have accepted, in my judgment, all the things the Senate had put into it that ought not to have been agreed to. I do not know of hardly a single amendment to the law that is beneficial; if there is any such it is of such slight value that this House ought not now to agree to this report or pass a bill in this form.

To begin with, the whole frame-work of the law which we are now seeking to pass is incongruous. Congress has adopted what are known as the Revised Statutes, and this bill, instead of referring to the proper section of those Revised Statutes, refers to sections of statutes which have become obsolete and a reference to which ought not to be put into our legislation. Now, that is one good reason why we should not pass the bill in its present shape.

The Secretary of the Treasury has advised us that the draught of a bill will be sent to the Committee on Ways and Means in a very few days for our consideration in which can be inserted all the provisions of this bill that are of any value, and in a shape that will be creditable to the House and creditable to the Senate, instead of the incongruous measure we are now called upon to pass. That alone if nothing else ought to defeat this report. Besides, as I think I heard very indistinctly in the confusion the gentleman from Illinois [Mr. BURCHARD] say a few moments ago, this is substantially the same report, at least without any beneficial change, that on the 22d of June, 1874, the House rejected by a vote of 136 nays to 49 yeas on the call of the yeas and nays. That is true. There is not in the report presented to-day a single modification of that report which will be of any benefit to the country; there is hardly any change in it of any sort, except the difference between 5 cents and 8 cents per pound on hops; and that increase of tariff will be injury instead of benefit to the country. There is no sense in an increase of 3 cents per pound on hops; it is therefore that much worse than when we voted down the report of a former committee of conference by 136 to 49. Under the law now hops are subject to a duty of 5 cents per pound. The House fixed a duty of 10 cents per pound. The Senate struck out that portion of the bill and the committee of conference have agreed to report 8 cents per pound, rejecting about the only good thing the Senate did.

The House will observe that the few things that are changed are all in the interest of protection and a few men; none of them in the interest of the revenue or of the country. In order to get clear of a difficulty which had sprung up in regard to mixed-silk goods, complaint having been made that a few threads of cotton were sometimes inserted to pass goods really all silk as mixed, the House provided that the act should not apply to goods, wares, and merchandise

having as a component material thereof 25 per cent. or over of cotton, flax, wool, or worsted. That clearly defined the line of mixed goods on a just basis. The Senate inserted the words "25 per cent. in value" instead of the words "25 per cent. of material." Now what is the meaning of this?

The gentleman from Tennessee [Mr. MAYNARD] spoke of that as a very slight matter. I tell you it is one of the gravest matters in this whole report. It is a little bit of a swindle, to speak in the vernacular. Twenty-five per cent. in value means that all the mixed-silk goods that have less than seven-eighths of cotton in material shall be increased in duty from 50 per cent. to 60 per cent., or an additional tariff tax of 20 per cent. In regard to a great many articles that means absolute prohibition of importation, and of course no revenue from them, giving the monopoly to a few men and depleting the Treasury.

Cotton is worth now not over 20 cents per pound. Our statistics show that raw silk is worth over $5 per pound that is now duty free and constitutes about half the value of silk fabrics. Now, if you strike out "25 per cent. in material" and insert "25 per cent. in value," with cotton at 20 cents per pound and silk at $5 per pound, all goods that do not contain more than seven-eighths cotton are by this amendment to the tariff, which nobody is supposed to understand, and is treated by the gentleman from Tennessee [Mr. MAYNARD] as trivial, raised from a duty of 50 per cent. *ad valorem* to 60 per cent. *ad valorem;* and that, as I said, for the benefit of three or four manufacturers, as it will lead to the absolute exclusion of imported mixed-silk goods as well as ribbons, buttons, and gum elastic mixtures of silk, from which we are now deriving a considerable revenue, as may be readily seen from the statistical tables. We are now importing $8,054,000 worth of buttons, ribbons, India rubber, and mixed goods, and receive therefrom a revenue of $4,027,000. If you raise the duty upon those goods from 50 per cent. up to 60 per cent., you will give a monopoly of their manufacture to a few men and exclude the importation of those goods, thus cutting down the revenue largely instead of increasing it as might at first blush be supposed.

The words "in value" are very important words which are put in in the interest of two or three men in the State of New Jersey alone; and all the people of the country who use their mixed goods of silk, or silk goods in the form of ribbon, buttons, gum elastic goods, or any other form are to be taxed that much more, and the revenues are to be cut down to that much less for the benefit of those few men. That item alone, which the gentleman from Tennessee [Mr. MAYNARD] took care not to speak about, will, in my judgment, cause a loss of revenue of at least $2,000,000 by requiring the goods that contain not more than seven-eighths cotton to pay 60 per cent. *ad valorem* duty instead of 50 per cent. Our information is that many articles of that class can hardly bear the tariff they are now made to bear. That is one good reason, I think, why the House voted down the report before.

Then, again—for I have time only to say a few words about two or three of these items—when Congress remodeled the internal revenue law some years ago, both in the last Congress and at the first session of this Congress, the House insisted upon and passed a provision allowing the smaller raisers of tobacco to sell directly to consumers to the amount of $100 a year. That was done by the last Congress. Every member of the Committee on Ways and Means will bear be out in saying that that was done by express agreement with the manufacturers, with the Commissioner of Internal Revenue, and with the officers of the Government. When we changed the tax from 16 and 32 cents per pound to a uniform rate of 20 cents per pound upon all sorts of tobacco, and imposed a license of $500 instead of $25 on retail dealers in leaf tobacco, the agreement was made that as we made it impossible for any man to retail leaf tobacco, the producer should have the right to sell $100 worth a year directly to consumers. That provision we put in this bill when we passed it. Then the manufacturers rushed to the Senate, where they of course made a great clamor, and said that that provision would interfere with the revenue, and they had it stricken out. This House again put it in, because it was the agreement. We said to these gentlemen, "If you will restore the retail license back to $25, as it was, reducing it from $500, where it is now, we will let the provision go." But no; they have things their own way and intend to hold them so. They can now go to every poor man, white or black, who has a little patch of tobacco and who cannot take his product to the market town, where they only buy by the hogshead, and they can and do force him to sell his crop to them and their agents at one-half or one-third of its value. They have acted in bad faith and in violation of their agreement after getting the retail license put up so that leaf tobacco cannot be sold except to them, are now demanding the last dollar from the poor men who are cultivating their small tobacco patches; they will not even allow them to sell $50 or $100 worth of tobacco at home, because they can now force them to sell it to them for little or nothing. This is the provision which the Senate has struck out; and two members of this House are ready to agree to that, I am sorry to say.

We want another chance at this matter. Let this report be voted down; let the subject of tariff and internal revenue come up in regular order before the committee, as it will I suppose in less than a week; let the Committee on Ways and Means discuss it and bring the proof of all these facts before the House, as they will; and then the House will see why this provision was struck out in the interest of a few men who want to enrich themselves at the expense of the poverty-stricken people of the tobacco-raising regions.

Mr. BUTLER, of Massachusetts. I desire to know, for my own information, whether or not this bill will afford any increase of revenue?

Mr. BECK. I think it diminishes the revenue. That is my deliberate opinion. I think it is a measure of protection, which will operate to exclude absolutely many articles. The class of mixed silks is a good illustration of this.

One other point. This House demanded by section 29 of the bill that there should be a tax upon sales of stocks, gold and silver bullion, coin, and other securities of $\frac{1}{10}$ of 1 per cent., under certain limitations; and the Commissioner of Internal Revenue told us that he could collect this tax; that his machinery enabled him to do it.

Mr. MAYNARD. I do not think I can yield further to the gentleman; I desire to yield to other members of the Committee on Ways and Means.

Mr. BECK. Give me one minute more to explain this section. This section was prepared by the Commissioner of Internal Revenue, who gave the positive assurance that he could collect this tax from the stock-gamblers, while exempting the men who in the course of business are required to buy gold for legitimate purposes. He stated that this tax would yield a revenue of $12,000,000 annually. Yet, although the House insisted on that provision, our conferees have agreed with the Senate in striking it out, because it reaches the rich men—the stock-gamblers of the country—and proposes to lay fresh taxes on legitimate industries.

I say there is hardly a meritorious feature in this bill; and any man who voted against it last session and votes for it now ought to rise and tell the House why he does so. The bill is certainly not improved, and a bill will be presented soon which can be fully discussed and put in shape to benefit the country and increase its revenues.

Mr. MAYNARD. I yield to his colleague on the Committee on Ways and Means, the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. Mr. Speaker, as one of the members of the committee from which this bill originated, I deem it necessary to express my dissent from the statements of my colleague on the committee [Mr. BECK] touching the effect of the bill. He has expressed the opinion that it will reduce instead of increase the revenue. So far as this from being its effect, all that was said at the time it was introduced by the committee touching the prospective increase of revenue is more than sustained by the present condition of our finances with reference to customs duties. Take for example the duties upon wines. The recent liberal production abroad has so diminished the price that this article will come in in enormous quantities. It is now coming in at the existing low rate, instead of 40 cents per gallon, specific duty, proposed in this bill. We estimated, in the former condition of facts, that we should get $1,000,000 increase of revenue by substituting the specific duty of forty cents for the *ad valorem* duty then and now in force. Owing to the fact I have stated, we shall get more than $1,000,000 additional revenue from this specific duty on wines.

Again, it is said that this bill contains nothing that the country desires beyond what is embraced in the existing law. I dissent from this statement. Take for example that which interested very many of us from the West and the Northwest—the duty on jute butts—a production which, as was stated at the last session, had been practically destroyed by reason of the sudden taking off of the duty as it had existed for many years. Letters and other applications came from the West and the Northwest asking us to fix the duty as it had been maintained for many years. The bill as reported, and as it now comes from the conference committee, puts back that duty as it was, and thus tends to restore that agricultural interest.

Then, again, there was difficulty in the exportation of tobacco by the failure of proper provisions for forwarding it in bond and for taking new bonds at the place of export. This bill provides for that and meets an important want of trade.

There are other provisions of general benefit of which I should be glad to remind the House if there were time, but there is not. I have only to say that all the provisions for the general benefit of trade, and particularly exports contained in the bill formerly, are retained in its present form.

As to the proposed exemption for the benefit of small tobacco-growers, I was anxious that that provision should be secured if possible; but it is positively asserted by the Commissioner of Internal Revenue that the introduction of such a provision as was passed by the House, and which has now been excluded by the conference committee, would largely defeat the revenue we already receive from manufactured tobacco.

It would disorganize the system, which is now perfect in its results in collecting the tax, and for that reason, though reluctantly, I am obliged myself to concur with the Senate instead of insisting on the action of the Committee on Ways and Means which put this exemption of the raw material in the bill as originally reported.

Then, sir, in brief, not to take up too much time, there is, according to my estimate, nearer two millions than one million of additional revenue in the bill. There is encouragement to the tobacco export trade of the country. There is the restoration of what is simply just to the large growers of flax in the Northwest, which was taken off in

a preceding Congress. With these advantages, although it does not contain all I desire, I deem it my duty to support the bill as now reported by the conference committee.

Mr. MAYNARD. I now yield to the gentleman from Illinois, [Mr. BURCHARD,] a member of the Committee on Ways and Means, for five minutes.

Mr. BURCHARD. Mr. Speaker, there was one objection made last session which is not obviated by the report of the conference committee. It is that alluded to by the gentleman from Kentucky, [Mr. BECK,] to insert the words "in value," which in fact raises the duty on a class of silk-mixed goods from 50 to 60 per cent. *ad valorem* on a cheaper grade of goods, which heretofore have been imported at that rate. I am assured by importing merchants familiar with the subject that it will amount to an absolute prohibition of that class of goods. Nearly $8,000,000 in value of that class were imported during the last fiscal year. I do not see why the present rate of 50 per cent. *ad valorem*, being an enormous protection, should at this time be increased. The raw material, which is free, is equal at least to one-half of the value of the product, and giving 50 per cent. *ad valorem* rate of duty on the finished product, you give in all 100 per cent. protection upon the value added by the manufacturer. Why, then, in behalf of reasonable protection, should you increase it to 120 per cent.? For that reason alone I am opposed to concurring in the report of the committee of conference. This was one of the objections taken to the report at the last session of Congress, when it was voted down by 49 yeas to 136 nays.

There is a small protection I know in the compromise on hops. Hops were by the House bill raised from 5 to 10 cents a pound. The committee of conference at the last session agreed to the Senate amendment to strike out the increase from 5 to 10 cents. On that little thing of hops, of which there are not imported more than a few thousand bales at the present time, they got together and now come before the House and ask you to reverse your decision and vote for this conference report which you substantially voted down at the last session.

Mr. MAYNARD. I now yield for five minutes to the gentleman from Pennsylvania, [Mr. KELLEY,] who is also a member of the Committee on Ways and Means.

Mr. KELLEY. Mr. Speaker, in the first place, I wish to dissent from the judgment expressed by the gentleman from Kentucky [Mr. BECK] that this bill would diminish the revenue or that the modification of duty on silk would diminish it. It will, I apprehend, increase the revenue, while it is in itself a proper measure.

He used the word "steal," and said it was to furnish three men in New Jersey an opportunity to rob the people. Sir, it is to prevent an organized system of stealing from the revenues of the United States. Silk manufacture now exists largely in New Jersey, and more largely in Connecticut; largely in New York, quite largely in Pennsylvania, and California; and, strange to say, in Kansas, where it has been established by a community of French silk-makers who settled there three years ago. My friend from that State says the establishment is in his district, and I trust it is prosperous. Now, Mr. Speaker, this relates to silk goods, and I call the attention of the House to the fact, because the most costly silk goods brought into the country are velvet ribbons. The lining, or back, as it is technically called, is made of cotton, flax, or jute, and by making that weigh one-quarter of the weight of the whole ribbon the duty on those kinds is reduced from 60 to 50 per cent., and foreign manufacturers will so adjust the weight of the back and face that those most costly ribbons will come in at the lower rate of duty.

It is, again, to rectify a judicial decision, which has determined ribbons which go under a commercial designation of the name of the maker, the name of the town in which they are made, or the name of the fancy designation given to them, are not in the eye of the law silk ribbons. What is the result? The fine silk goods are shipped not as silk goods but by their commercial designation, and they come in at 50 per cent. Take a silk-lace shawl. It is all silk, but it bears a commercial designation, and it comes in at 50 per cent. When a shawl is shoddied to the extent of 33 per cent., that is of silk unmixed to that extent, it is invoiced as a silk shawl, and the custom-house records are produced to prove to unskillful people these shoddy goods are pure silk because they go through the custom-house, paying 60 per cent. duty. Thus the revenue is robbed on one hand and a certificate of fraud is used to enable importers to rob their customers. So that as to stealing, I say this bill, so far as this section is concerned, might be entitled a bill to prevent stealing from the Treasury of the United States and stealing from unskilled judges of silk goods among the people of the United States, by foreign manufacturers and importers. I hurl back the charge of theft, and I brand those who oppose this provision as maintaining an open door for free drafts upon the Treasury and the purses of the people of our country.

The gentleman referred to the tax upon tobacco. He knows, as every old member of this House knows, that I have steadily opposed the imposition of internal taxes, and that I have steadily sought to relieve them wherever I can. And I do so because any system of internal taxation involves the country in hardships such as this of denying the farmer the power to sell his own tobacco in open market. If he does so in competition with the heavily taxed manufacturer, you make the manufacturer pay you a tax of 20 cents per pound, and then if you permit the farmer to bring his unmanufactured tobacco into competition with him you defraud your own revenues or you ruin your manufacturers.

Mr. MAYNARD. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has eighteen minutes of his time remaining.

Mr. ELLIS H. ROBERTS. Will the gentleman from Tennessee allow me to ask him whether the section relating to the duty on silk is at all a matter of difference between the House and the Senate?

Mr. MAYNARD. Not at all; except as regards the insertion in the proviso of the words "in value," which were supposed to make it germane to the previous section of the bill, providing for the duty on all goods made of silk of which silk is the component material of chief value.

Mr. ELLIS H. ROBERTS. Has not this section been substantially adopted by the House after full discussion as well as by the Senate?

Mr. MAYNARD. That is the only change in that regard. I now yield two minutes to the gentleman from New York, [Mr. COX.] As several other gentlemen desire to say a few words, I cannot yield him more of my limited time.

Mr. COX. I opposed this bill before when it was here. It has the name of being a little tariff bill, and I suppose I must be satisfied with having a little time to consider it. This bill, indeed, has nothing in it worth considering. It does not make any revenue. The gentleman from Iowa, [Mr. KASSON,] who undertook to make a calculation of the revenue that would be derived from it, based his computation on the increase in the duties on wines. I believe that by checking importation it will have just the other effect.

There is no revenue in this bill. I offered a resolution in the House some time ago in regard to the anticipated deficit in the Treasury. The Secretary of the Treasury will perhaps in a few days answer that resolution and rectify his estimates. We are not getting in as much money as was expected. There ought to be a new bill. And why not bring into that new bill all these matters which are in this little miserable jobbing bill?

[Here the hammer fell.]

Mr. MAYNARD. I now yield two minutes to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. KELLOGG. Having only two minutes, I have to make a very short speech. I will say in the outset that I have no earthly interest in this bill for myself or for my constituents; for the only thing I tried to get in was rejected without any good reason. But I do not think the bill should be rejected on the ground merely that it is a little bill and does not cover all the interests it ought to do. I would remind my friend from New York [Mr. COX] that the maxim "*de minimis non curat lex*" is not always regarded by this House, any more than some other more important legal maxims.

As to what my friend from Kentucky [Mr. BECK] has said, that increasing the duty from 50 to 60 per cent. will diminish the revenues, I want to call his attention to the fact that, for nine months after the passage of the law by the last Congress making the 10 per cent. reduction on a large class of manufactured articles, not only was the revenue diminished, but the amount of importation of those very classes of goods on which the duty was so reduced was in fact diminished. I say you cannot always take the view which has been suggested by the gentleman from Kentucky, for sometimes, when you reduce the rate of tariff upon goods we make in this country, you diminish the importation of foreign goods of the same character or class. Such has been the history of the tariff during the last few years. When you cut down the duties on a large class of our manufactures 10 per cent., you not only reduced the amount of our revenue on those goods, but you also had actually a less amount of goods imported of the same character under that reduction than had been imported during the corresponding period in any of the three previous years. And this period of nine months under the operation of that reduction was before the panic of the fall of 1873, so you cannot lay it to that. When our own manufacturing industry is prosperous and people have plenty of work at good wages, they have money to buy foreign goods with and they will buy them; and while you encourage our own labor by a higher rate of duty, you will produce more at home and buy more abroad at the same time.

Mr. MAYNARD. I now yield two minutes to the gentleman from New York, [Mr. CHITTENDEN.]

Mr. CHITTENDEN. As regards the operation of this bill, especially of its first section with such information as I have, I feel obliged to say that it seems to me entirely inadequate as a remedy for existing evils. What does the bill do? It practically prohibits all importations of textile fabrics composed of mixed materials which contain more than 75 per cent. in value of silk. Nobody in the world, when a line is drawn like that, would import a piece of goods of mixed materials subject to the 60 per cent. duty.

What further does the bill do? It hands over the remainder of textile fabrics composed of mixed materials to the uncovenanted mercies of the code which was passed here last year. And what does the code do with these mixed fabrics? I am aware that learned gentlemen in this House affirm that the code has not advanced the duties on imports. But merchants know very well when they have to give checks for 50 per cent. duties instead of 35 per cent. that it makes a difference with their bank account and their profit and loss account. And I desire further to say that the falling off in the revenue in New York to-day is because the merchants have lost money on nearly all

textile fabrics of mixed materials imported under the administration of the code; and nothing in my judgment is more certain than the exclusion of a large proportion of such fabrics, so long as present rates of duty are exacted. It is high time, sir, to stop patching up our old and odious tariff laws.

Mr. MAYNARD. I now yield to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. Mr. Speaker, the difficulty which the first section of this bill is intended to correct is in the construction of the law. This first section brings the law back to the construction which existed before the new method of the Treasury Department, some few years ago, construing everything against the Government. It does not alter the law one particle from what it was intended to be originally or from the way it was administered up to the time when the Treasury Department, under a new construction, permitted men to import silks by another name with a little portion of thread or cotton or some other material in them; and when they had got them in at a 50 per cent. duty, by means of this thread as a part of them, instead of at 60 per cent. duty as silks, they turned round and advertised them as warranted all silk. We had before the Committee on Ways and Means, and I had here in the House case after case of such identical advertisements of goods which had been put in through the custom-house at New York as something else than silk goods, marked "mixed," as my friend from New York [Mr. CHITTENDEN] says, and those identical goods were advertised by the same men as "warranted all silk" after they had been got in.

The object of this provision is to define what amount of mixture shall reduce the duty on the goods 10 per cent. or 25 per cent. on the value; and that the duty on them shall not be reduced 10 per cent. because there is a thread of cotton running along the edge, and then they advertise the goods as "warranted all silk." That is the way in which the merchants of New York have succeeded up to the time this bill was reported in getting along and saving themselves losing money!

Now, the gentleman from Kentucky [Mr. BECK] is opposed to this bill, he says, because it will diminish the revenue. My friend from Kentucky has always been willing to go for this bill provided the tobacco feature was out of it.

Mr. BECK. No, sir.

Mr. DAWES. I have always understood his opposition to be to the tobacco clause, but he combines with the gentleman from Illinois [Mr. BURCHARD] in making an attack upon the clause in relation to silks, hoping to use that as a lever to help the tobacco interest. Now, sir, in reference to the clause of the bill in relation to tobacco, I desire to say that the very departmental law which my friend from Kentucky is struggling to maintain would let in an immense amount of tobacco free from duty, and would take more than $1,000,000 on that very item, as the Commissioner of Internal Revenue says, right out of the Treasury; and yet my friend from Kentucky makes that a chief argument why this bill should not pass.

Mr. Speaker, I have only a word more to say, and it is this: I had hoped before this time to be able to present to the House a statement of the condition of the Treasury, and to invoke its action in some manner to increase its revenue. This bill, according to all the computations of the Treasury Department, will increase the revenue $1,000,000 in one way or another, and it will also bring the administration of the law back to what it was designed to be. But, sir, we have got to do something more in due time. It is recommended by high authority that we raise all the duties 10 per cent. It is argued that the reduction of 10 per cent. made two years ago must be repealed. I am not quite certain but that we shall be compelled to do that; at any rate I am quite sure we shall be compelled to put the duty back on tea and coffee, and either repeal the reduction of 10 per cent. or put something more upon whisky. This is a case in which we can get $1,000,000 by bringing the law back to its original construction in this respect, and also by the amendment in relation to the duties on wine, on which all parties stand agreed.

Mr. BECK. I desire to ask the chairman of the Committee on Ways and Means a question.

Mr. DAWES. What is it?

Mr. BECK. It is whether the Committee on Ways and Means, in order to get clear of this difficulty about cotton thread in silk goods, did not agree to place the duty at 25 per cent. on the material, when the Senate made it 25 per cent. on the value?

Mr. DAWES. No, sir. The Committee on Ways and Means agreed to make the duty 25 per cent. without either the word "material" or "value." I believe that this is just the same phraseology as is now in the bill. Twenty-five per cent. could not mean 25 per cent. on the quantity. It must mean 25 per cent. either on the quantity or the value, and 25 per cent. on the quantity is an absurdity. The word "value" is put in so that the ingenuity of the gentlemen who are losing so much money on silk goods may not get around it.

Now, suppose the construction of the gentleman from New York [Mr. CHITTENDEN] and the gentleman from Illinois [Mr. BURCHARD] is correct, that it does raise the duty upon this class of goods 10 per cent.; what is it on? It is on silks. It is not bread; it is silks. It is not coffee; it is not a necessity of life; it is on a luxury of life; and never one yard less of silks will be imported into this country because there is 10 per cent. more of duty upon them. Silks are for the rich, and the gentleman from Kentucky and the gentleman from Illinois are endeavoring to spare these rich men, these millionaires who pay so much and would be obliged under this bill to pay 10 per cent. more on their silks, when if you do spare them you must turn round and put the tax upon the tobacco, the corn, and the whisky of the poor day laborer. It is one or the other. You must put it upon the silks of the rich or the food of the day laborer. For one I prefer to put it upon the silks of the rich.

[Here the hammer fell.]

Mr. KELLOGG. Before the gentleman takes his seat will he answer one question?

Mr. DAWES. The Speaker has rapped me down.

Many MEMBERS. Let us have a vote.

Mr. MAYNARD. The principal objection I have heard to this report is one which relates to the matter of the duty on silk goods. The chairman of the Committee on Ways and Means [Mr. DAWES] has responded to that point so fully that I do not deem it necessary to add anything except to say that if there is anything that can bear to be taxed for the support of this Government it is the article of silk, and the wearers of silk can well afford to pay the taxes. I now call the previous question upon agreeing to the report.

Mr. LOUGHRIDGE. And I move that the House now adjourn.

Mr. KELLEY. O, no; let us dispose of this matter now,

The question was taken on the motion to adjourn; and upon a division there were—ayes 37, noes 81.

Before the result of the vote was announced,

Mr. BANNING called for the yeas and nays.

The yeas and nays were not ordered; there being upon a division ayes 16; not one-fifth of the last vote.

Mr. BANNING. I call for tellers on the motion to adjourn.

The question was taken on ordering tellers, and there were 16 in the affirmative; not one-fifth of a quorum.

So tellers were not ordered.

The motion to adjourn was accordingly not agreed to.

The question recurred upon seconding the previous question upon agreeing to the report of the committee of conference.

Mr. BANNING. I move to lay the report upon the table.

The SPEAKER. The Chair has never entertained a motion to lay on the table a report of a committee of conference. The same object is attained by taking the direct vote on agreeing to the report.

The previous question was seconded and the main question ordered.

Mr. COX. I call for the yeas and nays on agreeing to the report.

The yeas and nays were ordered.

Mr. ELDREDGE. I move that the House now adjourn.

The motion to adjourn was not agreed to; upon a division—ayes 53, noes 37.

The SPEAKER. The question is upon agreeing to the report of the committee of conference, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 137, nays 99, not voting 52; as follows:

YEAS—Messrs. Albert, Albright, Averill, Banning, Barber, Barry, Bass, Begole, Biery, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Coburn, Conger, Crounse, Crutchfield, Danford, Dawes, Dobbins, Donnan, Eames, Farwell, Field, Foster, Freeman, Garfield, Gooch, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hynes, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawson, Lewis, Lofland, Lowe, Lowndes, Luttrell, Lynch, Martin, Maynard, McCrary, McNulta, Merriam, Monroe, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Page, Parsons, Pendleton, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, H. Boardman Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—137.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barrere, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Cannon, Chittenden, John B. Clark, jr., Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crooke, Crossland, Davis, Dunnell, Durham, Eldredge, Finck, Fort, Giddings, Glover, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Hereford, Herndon, Holman, Hyde, Knapp, Lamar, Lamison, Leach, Loughridge, Magee, James W. McDill, McLean, Milliken, Mills, Morrison, Neal, Niblack, Nunn, O'Brien, Hosea W. Parker, Isaac C. Parker, Perry, Phillips, Potter, Rainey, Randall, Read, Robbins, Milton Sayler, Sener, Sheats, John Q. Smith, Southard, Speer, Stanard, Standiford, Stone, Storm, Strait, Swann, Thornburgh, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—99.

NOT VOTING—Messrs. Barnum, Bradley, Benjamin F. Butler, Clinton L. Cobb, Corwin, Cotton, Curtis, Darrall, DeWitt, Duell, Eden, Frye, Robert S. Hale, Hays, Hendee, Hersey, George F. Hoar, Hooper, Hunton, Kendall, Killinger, Lawrence, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Moore, Morey, Nesmith, Niles, Pelham, Phelps, Pratt, Purman, William R. Roberts, James C. Robinson, Schell, John G. Schumaker, Sloan, Sloss, Smart, George L. Smith, J. Ambler Smith, William A. Smith, Stephens, Waldron, Walls, Wheeler, White, Ephraim K. Wilson, and Jeremiah M. Wilson—52.

So the report was agreed to.

During the call of the roll,

Mr. MOORE said: On this question I am paired with my friend from Virginia, General HUNTON. If present, he would vote "no," and I would vote "ay."

Mr. BANNING. I will change my vote from "no" to "ay," so that I may be able to move a reconsideration.

After the result of the vote was announced,

Mr. MAYNARD moved to reconsider the vote by which the report was agreed to; and also moved to lay the motion to reconsider on the table.

Mr. SMITH, of Ohio. Pending that motion I move that the House now adjourn.

The question was taken on the motion to adjourn; and upon a division there were—ayes 44, noes 64.

Before the result of the vote was announced,

Mr. BANNING said: I believe no quorum has voted. I call for tellers.

The SPEAKER. A motion to adjourn can be determined without a quorum voting; but before any other business can be transacted, it must be developed that a quorum is present.

Mr. MAYNARD. Would not the vote on my motion determine whether there is a quorum here or not?

The SPEAKER. That is true. But any gentleman has the right to have the question of adjournment determined by tellers, if the House shall order tellers; and as no quorum voted upon a division the Chair will designate the gentleman from Tennessee [Mr. MAYNARD] and the gentleman from Ohio [Mr. BANNING] to act as tellers.

The House again divided; and the tellers reported that there were ayes 14, noes not counted.

So the motion to adjourn was not agreed to.

The question recurred upon the motion of Mr. MAYNARD to lay on the table the motion to reconsider the vote by which the report of the committee of conference was agreed to.

Mr. SPEER. Did the last vote show a quorum voting?

The SPEAKER. The motion to adjourn can be decided without a quorum; but of course nothing can be decided in the way of business in the absence of a quorum. Now, the vote which is pending may disclose that. The question cannot be decided except by a quorum. If the House chooses to interpose a call of the House, it may do so.

Mr. SPEER. When the last vote disclosed the want of a quorum, is it not within the province of any member to object to the House proceeding with business?

The SPEAKER. He may do so by interposing a motion, the vote on which will show whether a quorum is present; but he cannot arrest business by simply rising and objecting, and then sitting down. No quorum having voted upon the last vote, it is within the power of any member to move a call of the House.

Mr. SPEER. I do not wish to have a call of the House.

The SPEAKER. The gentleman will see that the difficulty unravels itself, because the pending question cannot be decided without a quorum.

The question being taken on agreeing to the motion to lay on the table the motion to reconsider, there were—ayes 83, noes 19.

Mr. COBB, of Kansas, called for the yeas and nays.

The yeas and nays were ordered.

Mr. BANNING. I move that the House now adjourn; and on that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 53, nays 129, not voting 106; as follows:

YEAS—Messrs. Archer, Ashe, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Chittenden, John B. Clark, jr., Cook, Crittenden, Crossland, Davis, Durham, Finck, Giddings, Gunter, Henry R. Harris, Hatcher, Holman, Lamar, Magee, McLean, Milliken, Mills, Morrison, Neal, Niblack, Potter, Read, Robbins, Milton Sayler, John Q. Smith, Southard, Stanard, Standiford, Stone, Storm, Vance, Whitehead, Whitehouse, Whitthorne, Willie, Wood, and John D. Young—53.

NAYS—Messrs. Albert, Albright, Averill, Begole, Biery, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clymer, Stephen A. Cobb, Conger, Corwin, Crooke, Crounse, Danford, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Hubbell, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, Lewis, Lofland, Lowe, Lowndes, Luttrell, Lynch, Maynard, McCrary, James W. McDill, McNulta, Merriam, Monroe, Moore, Myers, Negley, O'Brien, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Phillips, Pierce, Poland, Rainey, Randall, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Small, A. Herr Smith, H. Boardman Smith, Snyder, Speer, Sprague, Starkweather, St. John, Stowell, Strait, Strawbridge, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Wallace, Marcus L. Ward, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—129.

NOT VOTING.—Messrs. Adams, Arthur, Atkins, Barber, Barnum, Barrere, Barry, Bass, Bradley, Freeman Clarke, Clements, Clinton L. Cobb, Coburn, Comingo, Cotton, Cox, Creamer, Crutchfield, Curtis, Darrall, Dawes, DeWitt, Duell, Eden, Eldredge, Farwell, Frye, Glover, Hagans, Robert S. Hale, Hamilton, Hancock, John T. Harris, Havens, John B. Hawley, Hays, Hendee, Hereford, Herndon, Hersey, George F. Hoar, Hooper, Howe, Hunter, Hunton, Hurlbut, Kendall, Killinger, Knapp, Lamison, Lansing, Leach, Loughridge, Marshall, Martin, Alexander S. McDill, MacDougall, McKee, Mitchell, Morey, Nesmith, Niles, Nunn, Orth, Hosea W. Parker, Pelham, Pendleton, Perry, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Purman, Richmond, William R. Roberts, James C. Robinson, Schell, John G. Schumaker, Sheats, Sherwood, Sloan, Sloss, Smart, George L. Smith, J. Ambler Smith, William A. Smith, Stephens, Swann, Sypher, Charles R. Thomas, Tremain, Tyner, Waddell, Waldron, Walls, Jasper D. Ward, Wells, Wheeler, White, Whiteley, Charles G. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, and Pierce M. B. Young—106.

So the motion to adjourn was not agreed to.

During the roll-call,

Mr. HEREFORD said: On this question I am paired with the gentleman from New Hampshire, Mr. PIKE, who if present would vote "no," while I should vote "ay."

The result of the vote was announced, as above stated.

The SPEAKER. The question now recurs, will the House lay on the table the motion to reconsider the vote by which the conference report was agreed to?

Mr. SPEER. Were the yeas and nays demanded on this question?

The SPEAKER. They have been ordered.

Mr. SPEER. I hope then the call for the yeas and nays will be withdrawn.

Mr. MAYNARD. The last vote sufficiently tests the sense of the House.

The SPEAKER. If there be no objection, the order for the yeas and nays will be rescinded.

There was no objection.

The question being taken, the motion to reconsider was laid on the table.

Mr. SPEER. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BUTLER, of Tennessee: A paper for the establishment of a post-route in Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON, of Utah: The petition of citizens of Salt Lake City, Utah, for the passage of the bill defining a gross of matches, to the Committee on Ways and Means.

By Mr. CHIPMAN: The petition of James Ellis, United States Navy, for a pension, to the Committee on Invalid Pensions.

Also, the petition of W. J. Frizzell, William Towers, Margaret Gormley, and others, that the Court of Claims may have jurisdiction of their claims, to the Committee on the Judiciary.

By Mr. CONGER: The petition of Harvey Parish, of Romeo, Michigan, for a pension, to the Committee on Invalid Pensions.

By Mr. HENDEE: Resolutions of the Legislature of Vermont, relating to reciprocity in trade with the Dominion of Canada, to the Committee on Ways and Means.

By Mr. McCRARY: The petition of Hester Coleman, dependent mother of William B. and James E. Coleman, deceased, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Lieutenant John P. Walker, for the appointment of a commission to examine and report upon his new and improved plan of towage upon canals, to the Committee on Railways and Canals.

By Mr. McNULTA: The petition of Elizabeth Lanning, for a pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: The petition of Alexander Worrall, to be reimbursed money paid under certain judgments and decrees, to the Committee on the Judiciary.

By Mr. SMITH, of Pennsylvania: The petition of 332 employés of the Chesnut Hill Iron Ore Company, of Lancaster County, Pennsylvania, for the restoration of the 10 per cent. reduction of duty made by act of 1872, to the Committee on Ways and Means.

By Mr. STRAWBRIDGE: The petition of James Sturdevant, of Bradford County, Pennsylvania, for a pension, to the Committee on Invalid Pensions.

Also, the petition of 30 Union soldiers, for increase of pension to twenty-four dollars a month for those who have lost a leg below the knee or an arm below the elbow, to the Committee on Invalid Pensions.

By Mr. THORNBURGH: The petition of Hamilton Ryan, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

FRIDAY, *January* 22, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

Hon. JOHN P. JONES, from the State of Nevada, appeared in his seat to-day.

CREDENTIALS.

Mr. SAULSBURY presented the credentials of Hon. THOMAS F. BAYARD, chosen by the Legislature of Delaware as Senator from that State for the term commencing March 4, 1875; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4459) for the relief of the heirs of Alfred Fry: in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed enrolled bill (S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seeds; which was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented the memorial of J. B. Moorhead, and others, citizens of Pennsylvania, remonstrating against the restoration of the duties on tea and coffee or any revival of the internal taxes, and praying for the repeal of the 10 per cent. reduction of duties on foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. SARGENT. I hold in my hand a statement and some affidavits—the statement made by F. V. Hayden, United States geologist, and affidavits of parties showing that about two years since, while some money was necessarily being transported by stage from Virginia City, in Montana Territory, to Fort Hall, to defray the expenses of the expedition, a highway robbery was committed on all the passengers, and among others upon his clerk, who had this amount with him for this purpose, and he asks that he may be relieved from liability in the settlement of his accounts. As this is not a claim to take money from the Treasury, I do not ask that the matter be sent to the Committee on Claims, but that it be sent to the Committee on Finance, who perhaps can best judge whether relief should be granted. I present the papers and move that they be referred to the Committee on Finance.

To motion was agreed to.

Mr. BAYARD. I present the memorial of H. Mendenhall and others, of Delaware, praying for a repeal of the 10 per cent. reduction of duties upon foreign goods made by the act of 1872, and remonstrating against the restoration of the duties upon tea and coffee. I think it proper to state that I present the petition as it is from some of my constituents, not concurring in the prayer. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. CLAYTON presented a petition of citizens of Arkansas, praying for the establishment of additional mail-routes in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Union soldiers and citizens of Arkansas, praying for an amendment to the homestead laws; which was referred to the Committee on Public Lands.

Mr. MITCHELL presented the memorial of H. J. Chapman, civil engineer, praying the adoption of his accompanying plans and specifications for the permanent improvement of the Willamette River, in Oregon; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CAMERON presented a petition of the College of Physicians of Philadelphia, Pennsylvania, and a petition of the Philadelphia County Medical Society, praying for such legislation as will better promote the efficiency of the medical staff of the Army; which were referred to the Committee on Military Affairs.

Mr. HARVEY presented a memorial of settlers in the Des Moines Valley, Iowa, asking for redress of grievances and for protection in their rights to certain odd sections of land in that valley; which was referred to the Committee on Public Lands.

CANADIAN RECIPROCITY TREATY.

Mr. EDMUNDS. I present joint resolutions of the Legislature of the State of Vermont, relating to reciprocity in trade with the Dominion of Canada; which I ask may be read.

The Chief Clerk read as follows:

Joint resolution relating to reciprocity in trade with the Dominion of Canada.

Resolved by the senate and house of representatives, That, having an intelligent regard for the best interests of Vermont, as well as the whole country, it is the duty of our Senators and Representatives in Congress to use their influence against the consummation of any treaty relating to reciprocity in trade with the Dominion of Canada, and to insist that the subject of trade and commercial intercouse with Canada, as well as with all other foreign countries, is not a proper matter of treaty stipulation, but belongs to Congress, and should be wisely regulated by judicious legislation.

Resolved, That in common with the Canadian people we earnestly desire and hope for the early completion of the ship-canal connecting the waters of the Saint Lawrence and Hudson Rivers with Lake Champlain, as forming an important line of communication between the great cities on the Atlantic sea-board and the grain and lumber regions of Canada and the Northwest, and in this work we invite the co-operation respectively of the governments of the Dominion of Canada and the United States.

Resolved, That the governor of this State be, and is hereby, requested to transmit a copy of these joint resolutions to each of our Senators and Representatives in Congress; also a copy each to the President of the United States and the governor-general of the Dominion of Canada.

LYMAN G. HINCKLEY,
President of the Senate.
H. HENRY POWERS,
Speaker of House of Representatives.

STATE OF VERMONT,
Office of Secretary of State.

I, George Nichols, secretary of state of the State of Vermont, hereby certify that the foregoing is a true copy of joint resolutions adopted by the General Assembly at its biennial session A. D. 1874.

In testimony whereof I hereunto set my hand and affix the seal of the office at Montpelier this 1st day of January A. D. 1875.

[L. S.]

GEORGE NICHOLS,
Secretary of State.

Mr. EDMUNDS. I move that these resolutions be printed and referred to the Committee on Foreign Relations; and in making this motion I wish to say that while I shall most cheerfully obey the instructions of the Legislature of the State of Vermont touching resistance to this treaty or any other treaty which they may, so far as I can now foresee, be likely to express an opinion upon, I cannot allow the occasion to pass without stating that I think the Legislature of Vermont is in error in that part of its resolutions in which it states "that the subject of trade and commercial intercourse with Canada, as well as with all other foreign countries, is not a proper matter of treaty stipulation." I think that by the Constitution of the United States there may be many treaties on subjects of trade and commercial intercourse which are the proper constitutional matters of treaty stipulation, and in that respect I am sorry to feel obliged to differ with that body of gentlemen, for whom, individually and collectively, I have the best possible reasons for having a very high respect.

The first President of the United States, General Washington, on the 30th day of March, 1796, transmitted to the House of Representatives a message upon this very subject, a part of which I ask may be read, which I have marked in the volume I send to the desk.

The Chief Clerk read as follows:

The course which the debate has taken on the resolution of the House leads to some observations on the mode of making treaties under the Constitution of the United States.

Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject, and from the first establishment of the Government to this moment my conduct has exemplified that opinion, that the power of making treaties is exclusively with the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward becomes the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that when ratified by the President, with the advice and consent of the Senate, they become obligatory. In this construction of the Constitution every House of Representatives has heretofore acquiesced, and until the present time not a doubt or suspicion has appeared to my knowledge that this construction was not the true one. Nay, they have more than acquiesced; for until now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

There is also reason to believe that this construction agrees with the opinions entertained by the State conventions, when they were deliberating on the Constitution, especially by those who objected to it, because there was not required in commercial treaties the consent of two-thirds of the whole number of the members of the Senate instead of two-thirds of the Senators present, and because, in treaties respecting territorial and certain other rights and claims, the concurrence of three-fourths of the whole number of the members of both Houses respectively was not made necessary.

It is a fact, declared by the general convention and universally understood, that the Constitution of the United States was the result of a spirit of amity and mutual concession. And it is well known that, under this influence, the smaller States were admitted to an equal representation in the Senate with the larger States; and that this branch of the Government was invested with great powers; for, on the equal participation of those powers, the sovereignty and political safety of the smaller States were deemed essentially to depend.

If other proofs than these and the plain letter of the Constitution itself be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the Department of State. In those journals it will appear that a proposition was made "that no treaty should be binding on the United States which was not ratified by a law," and that the proposition was explicitly rejected.

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request.

G. WASHINGTON.

UNITED STATES, *March* 30, 1796.

Mr. EDMUNDS. In February, 1816, this question again arose between the two Houses of Congress on the treaty of trade and commerce with the government of Great Britain, and it was brought to a conference; and in order to show the Senate precisely what the conferees on the two sides stated the true interpretation of the Constitution to be, I beg leave to read a very short paragraph from each, because I know how precious time is, and I do not intend to enlarge on this topic. The conferees of the Senate reported on this topic in this way:

The conferees of the Senate did not contest, but admitted the doctrine, that of treaties made in pursuance of the Constitution some may not and that others may call for legislative provisions to secure their execution, which provision Congress, in all such cases, is bound to make. But they did contend that the convention under consideration requires no such legislative provisions, because it does no more than suspend the alien disability of British subjects in commercial affairs in return for the like suspension in favor of American citizens; that such matter of alien disability falls within the peculiar province of the treaty power to adjust; that it cannot be securely adjusted in any other way, and that a treaty duly made, and adjusting the same, is conclusive, and by its own authority suspends or removes antecedent laws that are contrary to its provisions.

The conferees on the part of the House of Representatives stated their case in this way:

They are persuaded that the House of Representatives does not assert the pretension that no treaty can be made without their assent; nor do they contend that in all cases legislative aid is indispensably necessary, either to give validity to a treaty, or to carry it into execution. On the contrary, they are believed to admit that to some, nay many treaties, no legislative sanction is required, no legislative aid is necessary.

On the other hand, the committee are not less satisfied that it is by no means the intention of the Senate to assert the treaty-making power to be in all cases independent of the legislative authority. So far from it, that they are believed to acknowledge the necessity of legislative enactment to carry into execution all treaties which contain stipulations requiring appropriations, or which might bind the nation to lay taxes, to raise armies, to support navies, to grant subsidies, to create States, or to cede territory; if indeed this power exists in the Government at all. In some or all of these cases, and probably in many others, it is conceived to be admitted, that the legislative body must act, in order to give effect and operation to a treaty; and if in any case it be necessary, it may confidently be asserted that there is no difference in principle between the Houses; the difference is only in the application of the principle.

Accordingly on that occasion the House, apparently as a matter of duty, passed a bill to make the legislative provisions supposed to be necessary by them to carry this treaty, which had been made and which was binding between the Government of the United States and Great Britain, into effect. I know that in 1844 in this body Mr. Choate on one occasion and Mr. Archer on another, from the Committee on Foreign Relations, reported on the Zollverein treaty that a commercial treaty was not apparently within the competence of the Senate to make, although probably in the history of the country down to that time a dozen at least of such treaties had been made, beginning with the treaty of Jay and coming down to that time, which covered the very topic upon which they spoke. I now ask your attention for a single moment to the decisions of the Supreme Court on the subject of the relation of the treaty-making power to the legislative power. The first is Foster *vs.* Neilson, decided by Chief Justice Marshall and his associates in the year 1829. They say:

A treaty is, in its nature, a contract between two nations, not a legislative act. It does not generally effect, of itself, the object to be accomplished, especially so far as its operation is infraterritorial; but is carried into execution by the sovereign power of the respective parties to the instrument.

In the United States, a different principle is established. Our Constitution declares a treaty to be the law of the land. It is, consequently, to be regarded in courts of justice as equivalent to an act of the Legislature, whenever it operates of itself without the aid of any legislative provision. But when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department; and the Legislature must execute the contract before it can become a rule for the court.

The article under consideration does not declare that all the grants made by His Catholic Majesty before the 24th of January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and would have repealed those acts of Congress which were repugnant to it; but the language is, that those grants shall be ratified and confirmed to the persons in possession.

Then the court goes on to say that that particular language is only a promise on the part of the treaty-making power that the sovereign will shall be brought into exercise to confirm those grants by proper acts of legislation.

In the year 1870, in the Cherokee tobacco case, the Supreme Court of the United States, by Mr. Justice Swayne, again decided:

The effect of treaties and acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty. In the cases referred to these principles were applied to treaties with foreign nations.

It then appears clear to me that the function of the treaty-making power granted under the Constitution is just as supreme in respect of the subjects to which it applies as is the legislative grant of power or the judicial grant of power; and therefore that any treaty which according to the understood course of nations covered a topic which might be, in the ordinary course of treaty-making powers, the subject of a treaty, as treaties of alliance and of commerce and of war always had been, the treaty is complete in itself so far as to bind the nation to carry it out. It may still require that there shall be an act of Congress to raise money or to raise armies if it be a treaty of alliance; it may still require, in order to make it effectual and to carry it into execution, if it be a treaty of commerce, that the legislative power of the Government must be invoked to regulate the tariff laws. That may be perfectly true; but the simple question is one of constitutional power, whether the treaty binds the nation to do the thing which the treaty itself has provided it shall do. If the nation does not choose to do it, of course other remedies must be resorted to. But to say, as these resolutions appear to have said, that it is not within the constitutional competence of the Senate, of the President, and two-thirds of the States represented by the Senate, acting under that clause of the Constitution, to make any treaty upon the subject of commercial intercourse or of trade, is in my opinion to say that which the Constitution does not warrant, and to do that, if it were carried out, which President Washington thought would be injurious to the common interest of the whole country, and would impair the right of the various States, as States interested in protecting the integrity and safety and peace of the whole Union, to exercise as such States their power touching all matters of foreign relations.

But, as I have said, Mr. President, the time does not allow me to pursue this subject. So far as regards the object which the Legislature of my honored State has in view—that is, to ask me to vote against the ratification of this treaty—as I said before, I shall most cheerfully do it.

Mr. MORRILL, of Vermont. Mr. President, I was not aware that my colleague was about to discuss this subject this morning, but I must say that I shall take the earliest opportunity that the Senate affords me to discuss the whole question which is involved in the proposition mentioned in the resolutions. It seems to me that the resolutions of the State of Vermont particularly refer to the Canadian reciprocity treaty, which has been proposed and which has been published and the injunction of secrecy removed therefrom.

That being so, I shall undertake to show, whenever the question shall properly come up, that reciprocity treaties were compacts unknown at the time of the adoption of the Constitution; that they are directly in the teeth of the Constitution so far as power to regulate commerce has been committed entirely to Congress and to Congress alone. If the President and Senate alone may usurp the power of making treaties interfering with the revenues of the country and compel the House of Representatives to pass laws in accordance with such treaties, it would certainly be done in defiance of this passage of the Constitution, namely:

The Congress shall have power to regulate commerce with foreign nations, and among the several States, and the Indian tribes.

It seems perfectly clear that the Senate and the President cannot make a treaty that shall compel the House either to raise or to diminish tariff duties.

But I am not disposed to consume time this morning. This is a question that requires careful thought and some investigation. I do not believe that we are to make a reciprocity treaty valid by the consent of the House. Can the House give away its constitutional rights and privileges? The present House might give away its constitutional power for the time being, but it could reassert it at any moment, and it could not grant or give away any power of a coming House of Representatives. The power clearly and legitimately belongs to the House of Representatives to originate revenue bills, and the entire Congress alone has control of the subject of regulating commerce as much as Congress has the power to coin money or to pass naturalization laws. If the Senate and the President may take this upon themselves, they may take it upon themselves to coin money, to regulate the naturalization laws, or almost anything else.

I decline, however, to go further into this subject now; but I think so far as the resolutions of the State of Vermont go, they were intended to apply to reciprocity treaties; and so far as that is concerned, I shall hope to satisfy a majority of the Senate that the State of Vermont is entirely right in the ground it has taken. I am very certain that a majority of the House of Representatives will be fully in accord with the State of Vermont.

The resolutions were referred to the Committee on Foreign Relations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, it was

Ordered, That the petitions and papers of citizens of Harrisburgh, Pennsylvania, asking for the erection of a public building in that city, be taken from the files of the Senate and referred to the Committee on Public Buildings and Grounds.

On motion of Mr. WASHBURN, it was

Ordered, That the petition and papers of Daniel J. Browne be taken from the files of the Senate and referred to the Committee on Claims.

SENATOR FROM LOUISIANA.

Mr. WEST. Mr. President, I present the credentials of Mr. Pinchback, Senator elect from Louisiana, and ask that they be read.

The Chief Clerk read as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, January 13, 1875.

I, William Pitt Kellogg, governor of the State of Louisiana, do hereby certify that on Tuesday, the 12th day of January, 1875, the senate of the State of Louisiana met in regular session and proceeded to vote for a Senator to represent the State in the Senate of the United States for the term expiring on the 4th day of March, 1879, whereupon Pinckney B. S. Pinchback received a majority of all the votes cast.

I further certify that on the same day the house of representatives of the State of Louisiana also met in regular session, and proceeded to vote for a Senator to represent the State in the Senate of the United States for the term expiring as above mentioned, whereupon Pinckney B. S. Pinchback received a majority of all the votes cast.

I also further certify that on Wednesday, the 13th day of January, 1875, the two houses met in joint session and compared their respective journals of the previous day, whereupon Pinckney B. S. Pinchback was declared duly elected to represent the State of Louisiana in the Senate of the United States for the term expiring March 4, 1879.

Given under my hand and the seal of the State this 13th day of January, A. D. 1875, and of the Independence of the United States the ninety-ninth.

[L. S.] WM. P. KELLOGG.

By the governor.
P. G. DESLONDE, *Secretary of State.*

Mr. SHERMAN. I move that the credentials just read, together with all the papers relating to the subject on the files of the Secretary, be referred to the Committee on Privileges and Elections.

Mr. THURMAN. I wish to know the scope of that motion. The credentials, or what purported to be the credentials, of this person were presented two years ago. They were referred to the Committee on Privileges and Elections. Afterward the committee was discharged from their consideration. Subsequently to that the Senator from Indiana moved to refer them again to the committee, and that motion has never been disposed of. What I wish to know is whether the motion of my colleague includes all the papers, those heretofore presented as well as those just presented. I suppose it is proper to include them all.

Mr. SHERMAN. My motion does include them all; and it is manifestly impossible for the Committee on Privileges and Elections to consider the legal effect of these papers unless they have all the

papers in the case, and therefore I make my motion broad enough to comprehend all papers in regard to the election of the Senator from Louisiana, that all be referred to the Committee on Privileges and Elections.

Mr. THURMAN. That is right.

The VICE-PRESIDENT. The question is on the motion to refer.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. OGLESBY. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona, to report it without amendment and to ask the Senate to consider it now. It will take but two minutes to read it and pass it.

The VICE-PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill by its title.

Mr. EDMUNDS. O, Mr. President, that will not do.

The VICE-PRESIDENT. The Senator from Vermont objects.

Mr. CAMERON from the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 4443) in regard to the visit of his Majesty the King of the Hawaiian Islands, reported it without amendment.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds to report back a resolution of the American Seamen's Society of New York, in favor of the erection of a merchant-marine hospital at the port of New York, and to ask to be discharged from its further consideration. I will state that there is a bill before the Committee on Commerce which if it should pass would probably make our marine hospitals self-supporting; and while the Secretary of the Treasury is opposed to any appropriation at the present time to erect a marine hospital, if that bill from the Committee on Commerce should pass, perhaps in another year the Committee on Public Buildings and Grounds would receive such information as would enable them to report in favor of it.

The VICE-PRESIDENT. The question is on discharging the committee.

The motion was agreed to.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky, reported it without amendment.

Mr. MORRILL, of Vermont. I am also directed by the same committee, to whom was referred the bill (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri, to report it without amendment. The Committee on Appropriations and the Committee on Public Buildings and Grounds agree that there is so much of an exigency for the passage of this bill that it ought to be passed this morning. I therefore, if there is no objection, ask to have it considered now.

Mr. EDMUNDS. O no, do not do that. I have just objected to one bill. It will be called on the Calendar in a day or two.

Mr. MORRILL, of Vermont. It ought to be passed at once.

The VICE-PRESIDENT. Objection is made, and the bill will be placed upon the Calendar.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 3778) changing the name and location of Pittsfield National Bank, Pittsfield, New Hampshire, to Second National Bank of Manchester, Manchester, Hillsborough County, in said State, to ask to be discharged from the further consideration of the same and that it be indefinitely postponed. I will say upon it that a law having been passed by which persons can start new national banks wherever they please and wind up old ones, it seems therefore hardly necessary to provide by law for any transfer of one bank from one place to another.

The bill was postponed indefinitely.

Mr. LEWIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 4449) to amend an act entitled "An act to revive with amendments an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, reported it without amendment.

Mr. HAMILTON, of Maryland, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1031) to incorporate the Mutual Protection Fire Insurance Company of the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1066) to incorporate the Georgetown and Tennallytown Railroad Company of the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes, reported it without amendment.

Mr. ANTHONY. Yesterday the Senator from Massachusetts, [Mr. BOUTWELL,] from the Committee on Commerce, reported a bill (S. No. 1053) to amend chapter 7 of title 33 of the Revised Statutes, and it was indefinitely postponed. I move to reconsider that vote and that the bill be placed on the Calendar, with the assent of the Senator from Massachusetts.

The motion was agreed to, and the bill was placed on the Calendar with the adverse report.

TEXAS PACIFIC RAILWAY.

Mr. CLAYTON. At the request of citizen of Arkansas, I beg leave to present a proposed amendment to the bill (S. No. 989) amendatory of, and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the acts supplementary thereto. I move that it be referred to the Committee on Railroads, and printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. TIPTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1179) to settle the accounts of Lieutenant Charles B. Smith, late of the Fifth Regiment Iowa Volunteer Cavalry; which was read twice by its title, and referred to the Committee on Claims.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1180) to provide for the organization of a bar of the two Houses of Congress; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1181) to repeal an act entitled "An act to provide a government for the District of Columbia, and for other purposes," approved June 20, 1874; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1182) to establish a court of contested elections; which was read twice by its title.

Mr. EDMUNDS. As that bill relates entirely to judicial proceedings, I move that it be referred to the Committee on the Judiciary, and printed.

The motion was agreed to.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1183) to provide for the reduction of salaries for the time therein named; which was read twice by its title, referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1184) providing for the permanent improvement of the mouth of the Willamette River, in the State of Oregon, according to the plans of H. J. Chapman, civil engineer; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1185) for the relief of F. V. Hayden, disbursing agent for the United States geological survey of the Territories; which was read twice by its title.

Mr. SARGENT. I should like to call the attention of the chairman of the Committee on Finance to the bill. It is necessary in the settlement of Mr. Hayden's accounts at the Treasury. I move that it be referred to the Committee on Finance, and printed.

The motion was agreed to.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1186) for the relief of A. P. Jackson and others; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

ADJOURNMENT TO MONDAY.

On motion of Mr. HAMLIN it was

Ordered, That when the Senate adjourns to-day, it be to meet on Monday next.

HOUSE BILL REFERRED.

The bill (H. R. No. 4459) for the relief of the heirs of Alfred Fry was read twice by its title and referred to the Committee on Military Affairs.

VIENNA EXPOSITION.

Mr. SARGENT. I offer the following resolution:

Resolved, That the Secretary of State be directed to communicate to the Senate all the reports of the commissioners to the Vienna exposition which have reached the State Department.

At the last session, I offered a resolution that the Secretary of State be directed to communicate to the Senate a certain report on metallurgy, which I thought from what I heard of it would be extremely useful to the miners and smelters of the Pacific coast. On the suggestion of the Senator from Vermont, I modified the resolution so as to direct him to send to the Senate all the reports of the commissioners to the Vienna exposition. From a recent communication with the Secretary, I understand that these reports are not all in, but some of them are in, and I especially desire to have this report on metallurgy. I know of no way to reach it except by the resolution which I now offer, requiring the Secretary of State to send in the reports which have reached the Department. It is now some years since the exposition closed, and if these reports are ever to be of any benefit to the scientific world or the practical world, it is time that they were published. The one that I have in my mind I think will be extremely useful, and I therefore ask that he send to us those reports he now has.

The resolution was considered by unanimous consent, and agreed to.

BUSINESS OF NAVAL COMMITTEE.

The VICE-PRESIDENT. The Chair calls on the Committee on Naval Affairs for business in the morning hour.

Mr. CRAGIN. It is only five minutes to one o'clock, and it is evident that it will be of very little use to the Committee on Naval Affairs to endeavor to do anything this morning; and, as so much time was occupied in debate on the presentation of a petition this morning, I ask unanimous consent that the Committee on Naval Affairs may have the next morning hour, and that the unfinished business of yesterday be now proceeded with, as it is so near one o'clock.

Mr. SARGENT. I think that is fair; I hope there will be consent to that.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the Committee on Naval Affairs may have the next morning. The Chair hears no objection to the request.

POST-OFFICE BUILDING AT SAINT LOUIS.

Mr. SCHURZ. I move that the Senate proceed to the consideration of the bill with regard to the public building in Saint Louis, reported this morning by the Committee on Public Buildings and Grounds, which has been agreed to also by the Committee on Appropriations; and I would say that it is necessary that the appropriation be made soon, because the neglect of the work may involve great loss.

There being no objection, the bill (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri, was considered as in Committee of the Whole. It appropriates $150,000, to be available immediately for the purpose of continuing the construction of the custom-house and post-office at Saint Louis, Missouri, now in course of construction.

Mr. MORRILL, of Vermont. This appropriation of $150,000 is to enable the workmen and the machinery now there to be usefully employed; and it is to be taken out (as will be seen by the debate and by the documents presented in the House when the bill was considered there) of the regular appropriation that will be called for of $750,000, toward the completion of the building. This $150,000 is merely in anticipation of the regular appropriation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4462) for the relief of Alexander Burtch; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a resolution for the printing of five thousand additional copies of the report of the Commissioner of Fish and Fisheries; in which it requested the concurrence of the Senate.

FORT YUMA RESERVATION.

Mr. SPRAGUE. I desire to call up a bill reported this morning by the Senator from Illinois [Mr. OGLESBY] from the Committee on Public Lands, which will take but a moment. It is important that it should be considered.

Mr. EDMUNDS. Take up some bill that you reported yesterday. Your committee will be reached in a day or so.

Mr. SPRAGUE. We will take up this bill now, if the Senate will permit.

The VICE-PRESIDENT. The question is on the motion to take up the bill (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona.

Mr. EDMUNDS. Was that bill reported to-day?

The VICE-PRESIDENT. The Senator from Rhode Island moves to proceed to its consideration to-day.

Mr. EDMUNDS. I ask the Chair if the bill was reported to-day?

The VICE-PRESIDENT. It was reported this morning.

Mr. EDMUNDS. Then it requires unanimous consent, and I shall be glad to hear the report read before we determine whether it shall be taken up or not.

Mr. SPRAGUE. It is a House bill to set apart a small reservation to the town of Yuma. The reservation impedes the navigation of the stream on which the town of Yuma is situated. There is a ferry upon this small reservation, and if it is put into the market under the land laws it will be bought up by speculators and impede the town's intercourse with the stream. I submit a communication from the Commissioner of the General Land Office.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 28, 1874.

SIR: I have examined House bill No. 4119, entitled "A bill authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona."

The land involved has recently been released by the Secretary of War from military reservation under authority of the act of June 22, 1874, and lies within the town site limits, as shown by the survey on file in this office. From what examination I have given the subject it clearly appears that the land is necessary for the town as furnishing a water-front, and worth little for any other purpose. So far as is shown by the records of this office, there is no adverse applicant for the tract. I have no hesitation in stating that I deem the appropriation of the land to the purpose indicated in said bill as being advisable and in the public interest. I would suggest—as the actual area of the tract will somewhat exceed five acres—that the word "ten" be substituted for the word "five," occurring next after the word "exceeding," in the seventh line in the printed bill.

I am, very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. R. C. MCCORMICK,
House of Representatives.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the Commissioner of the General Land-Office to include, under the patent for the town site of the town of Yuma, county of Yuma, Arizona, that part of Fort Yuma military reservation (not exceeding ten acres of land in all) restored to the public domain under the act of Congress entitled "An act authorizing the Secretary of War to relinquish and turn over to the Interior Department such parts of certain reservations in the Territory of Arizona as may be no longer required for military purposes," approved June 22, 1874.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 16) proposing an amendment to the Constitution prescribing the manner of electing the President and Vice-President of the United States; the pending question being on the motion of Mr. THURMAN, that the further consideration of the joint resolution be postponed until the first Monday in February.

Mr. ANTHONY. I ask the Senator from Ohio to withdraw his motion for a short time.

Mr. EDMUNDS. The motion is debatable.

Mr. MORTON. I hope the Senator from Ohio will withdraw his motion.

Mr. EDMUNDS. The merits are open to debate on this motion.

Mr. ANTHONY. I suppose I can as well speak on the motion pending.

Mr. THURMAN. I understand the Senator from Rhode Island is prepared to speak on the proposed constitutional amendment. I therefore withdraw the motion for his accommodation.

The VICE-PRESIDENT. The motion to postpone is withdrawn.

Mr. ANTHONY. Mr. President, this subject has been so thoroughly discussed in the elaborate and exhaustive report, for which we are indebted to the industry and learning of the chairman of the Committee on Privileges and Elections, that nothing remains to be said upon the inconvenience and danger of the present system of electing the President of the United States and the desirableness of a change. Nor, on the whole, considering the varied rights and interests and traditions to be consulted, does there appear a better mode of reform than the one proposed. Agreeing with the conclusion of the report, although not fully with some of its reasoning, I shall briefly consider the subject particularly with reference to the smaller States of the Union, one of which I have the honor, in part, to represent.

But first, while I fully appreciate the peril of the existing system, in some respects, I apprehend no danger from the election of a President, in the last resort, in the mode in which the Constitution provides, the mode which the people ordained, the mode to which every State has solemnly assented, and which has been twice tried, and the President thereby elected has exercised, undisputed, all the authority of his office. The people of the United States are a law-abiding people. They must be a very restless and unreasonable people who would revolt at a mode of election which themselves had ordained, and had twice consented to, and which they have the power to change. There are reasons sufficient for the change proposed, there is danger sufficient in the present system, without supposing one which could arise only from the insubordination of the people to their own law, changeable, at their pleasure, in the mode which they have provided. That an election illegally or fraudulently forced through the House of Representatives might endanger the stability of the Government is just as probable as that an election illegally or fraudulently accomplished in any other way might produce that result. In either case, the dissatisfaction would be, not with the provisions of the Constitution, but with the perversion, the violation of those provisions. In the case of James K. Polk, who was thought by the friends of Henry Clay to have been elected by the naturalization frauds in New York and by the Plaquemine frauds in Louisiana, the people submitted, because there was no legal remedy, and because all the forms of law had been complied with. And moreover, although the supporters of Mr. Clay believed that a majority ought to have been returned for him, it was undeniable that the difference in the legal votes of the two candidates was small. It was not as though a President had been forced on the people against the wish of the great majority.

In the case of John Quincy Adams, although there was a good deal of partisan talk about not submitting to the election by the House of Representatives, there was never any real danger to the public tranquillity; and the talk was not against the constitutional mode of the election, but against the agencies by which it was alleged to have been accomplished. That these allegations of fraudulent or improper agencies were the suspicions or the inventions of heated partisanship history has well established. But they had, at the time, a great effect; indeed

to them was due all the apprehension, real or imaginary, of danger from the unusual but constitutional mode of the election. There was no proper cause of complaint, certainly none of indignation. There was no outrage upon popular rights. The people had divided their votes among four candidates, and neither having a majority, the election came into the House of Representatives. Jackson received 99 electoral votes and Adams 84, and there were 78 against both With so small a plurality, and in so decided a minority, the candidate who received the highest number of votes had no right to claim from the Representatives, on whom the election devolved, the subordination of their own judgment to that of a minority of the electors, who had cast their votes for the highest candidate. To claim this would be to claim an election by a simple plurality, and to make the election by the House less than a ministerial office, a mere farce. It was on no such ground that the friends of Jackson denounced the Representatives who had exercised their constitutional right and their constitutional duty. It was on the pretense of corrupt bargaining in the election, a pretense which deceived many well-meaning men.

The previous case of the election of Jefferson presented a much more serious cause of alarm. Yet this did not arise out of the mode of the election, but out of the singular complications which threatened to prevent an election of either President or Vice-President, and to bring the Government to a stand-still. It was reported that the opponents of Jefferson had gone so far as to determine that, rather than submit to his election, they would prevent an organization, and drive the country to revolution. No such purpose was entertained, unless by a few hot-headed men, who are found in every party, and for which no party should be held responsible. Hamilton disapproved even of the initial proceeding, and frankly and earnestly declared that it was more than a mistake, that it was full of danger, and that its success would threaten the very existence of the Government. Jefferson, who naturally listened with credulity to these reports, said that while he would have joined in armed hostility against any act of usurpation, he would have cheerfully yielded to the election of Burr and taken the place of Vice-President, "because, however it might have been variant from the intention of the voters, yet it would have been agreeable to the Constitution." The crisis did not grow out of any unfairness in the mode of election by States, but out of an apprehended abuse of that mode of election, as any other mode might be abused. Had the same dead-lock occurred by the equal division of the electoral or of the popular vote, a similar danger might have occurred. The danger was not in the system, but in the party madness which strove to pervert to party uses the mode appointed for continuing the Government, and to do this, at the risk of destroying the Government itself. There was not, in either case, just cause of complaint of the equality of the States in the election by the House. And in the result it proved that patriotism was too strong for party, and some of the strongest federalists—and these, it must be remarked, were from the smaller States—took the course which Hamilton advised from the beginning, and voted for Jefferson, or cast blank votes, which amounted to the same thing.

The lead in that patriotic act was taken by the grandfather of the Senator, may I not say the hereditary Senator whose credentials of re-election from Delaware have just been read, and whose name has been borne in this Chamber by three generations, *sans peur et sans reproche*.

Moreover, there is great advantage in keeping constantly in view the federal character of the Government and the power of the States out of which the Republic grew. We have been compelled, in the great struggle for national existence, and in reorganizing government on the principles which prevailed in that struggle, to transfer to the General Government power and authority which had hitherto been exercised by the States, and which we had been educated to believe could be best exercised by them. While the necessity of this sacrifice was to be regretted, no patriotic man regrets that it was rendered. In that way alone could the rights, the existence of the States themselves, be preserved.

Nor do I agree in all that is said about the unfairness of this mode of election. If the election were made originally by the States, each State having one vote, the objection urged to it would be unanswerable; but as the choice is confined to the three candidates who have received the highest number of electoral votes, the only power of the House is to select which one of three men, high in the public confidence and favor, shall exercise the office which must be exercised by somebody, and the people cannot decide upon whom to confer it. The action of the House is very different from a free election; it partakes of a judicial as well as of a political character.

In yielding my assent to the proposed amendment, I am not therefore influenced by apprehension of resistance to the election of the President by the House of Representatives in the mode provided by the Constitution. But the existing system is an acknowledged failure of the expectations with which it was adopted. Nothing is perfect. The more we study the Constitution of the United States, the more we admire the wisdom with which it was framed, and the elasticity with which it adapts itself to enlarged limits, multiplied population and altered conditions of society. But in respect to the election of President and Vice-President, it never once fulfilled the intention, which was that the electors should be unpledged men, not appointed for a mere ministerial office, but chosen for their character, their wisdom, their patriotism, to perform, according to their own judgment, the highest and most responsible duty that could be delegated by the constituents of a representative government to their most trusted public servants. Instead of that, the electors, as we all know, have been selected to vote for candidates already designated, and the character of the electors does not even enter the consideration of the voters by whom they are chosen. The cumbrous machinery which interposes between the people and the candidates of their choice performs no real service, and is only a needless obstacle and delay. But more than this, it restricts the choice of the people; and instead of leaving their selection open to the whole body of the citizenship, confines it to those who have a sufficient following, in the State in which the voter lives, to receive the nomination of a full college of electors. And even should a candidate have a considerable support in the aggregate, it is all wasted, unless it can be concentrated in sufficient number in one State. A candidate may have powerful support and large minorities, scattered among five or six States, but, unless he has a plurality in some one State, every vote for him is thrown away. Practically, the chance is limited to two, or at most to three candidates; and these must be the candidates of a recognized party, strong enough to perfect an organization, and to put an electoral ticket in the field. As the voter cannot vote for his candidate personally, he must vote for a number of candidates equal to the number of electors to which his State is entitled, and must find that number who are precisely of his way of thinking, and who will consent to serve if elected; and moreover they must be distributed all over the State. Nor can the voter select the President of one party and the Vice-President of another; he cannot vote for his choice, for one of these offices, unless he accepts the candidate associated on the ticket with him. At the last election, the choice of every voter was practically restricted to Grant and Greeley. If he desired a man other than either of them, he had no way of making his choice effective, even to the extent of his own vote. Nor could he vote for Grant and Brown or Greeley and Wilson. He was obliged to vote for Grant and Wilson or for Greeley and Brown, or to throw away his vote, which he would do just as effectually by voting for any other candidate, or for any two of them, except on the ticket on which the two were associated.

A great evil of this is that it strengthens and perpetuates, indeed it makes quite necessary the caucus or convention, which has grown to be almost as much a part of our political system as though it were embodied in the Constitution, and which crushes the individuality of the voter, and makes him only a part of a great partisan machine, his only choice being to which party he shall surrender his rights of private judgment. How this opens the way for intrigues and disreputable combinations and for conspiracies to obtain power for personal objects, how it pledges in advance, and as the price of support in the convention, that great patronage which the President wields I need not point out. It would greatly purify our elections if the voters could select their candidates from the whole body of their fellow-citizens, uncontrolled by convention or caucus, and responsible only to their own sense of right. It would not indeed supersede the convention, but would deprive it of its tyranny, and make it responsible to a patriotic public opinion. The voter, if he did not like a candidate, would not be obliged to vote for him because there was no other way to vote except for one that he liked still less. And this consideration would compel the nominating conventions to greater prudence and wisdom in the selection of candidates.

All the machinery of the existing system is absurd, and is an obstacle rather than a facility, on any other theory than that upon which indeed the Constitution was adopted, but which has utterly failed, that the electors should be unpledged men, charged with the duty of choosing a President, according to their own judgment, and to what they might consider the public good, not controlled or in any way directed by the popular voice, which it was supposed that they would guide, not follow. Every one argues that the system should be abandoned, that the theory of the election should be conformed to the practice, and that the machinery should be better adapted to the purpose which it is intended to accomplish.

At the same time it is very much better to make the change with as little violence as is practicable to the traditions of the Government, and to retain, as far as possible, all of the original intentions of the Constitution, except where the intention has manifestly failed in practice. Especially is it necessary to preserve the recognition of the States, in the two electors which belong to each equally, beyond those to which they are entitled on the basis of population. Not only is this right, but no amendment which failed to recognize this equality could obtain a two-thirds vote in this body, or receive the requisite assent of three-quarters of the States.

The amendment proposed happily secures the right of individual selection, without infringing upon the rights already secured to the States. It permits every voter to vote for the candidates of his choice for President and for Vice-President, and yet preserves to the States the equivalent of the two electoral votes to which, by the original compact, they are entitled, in addition to those which are based on population. It presents the natural mode of election, and abolishes the unnecessary formalities which separate the people from the candidates. While it is desirable that the Chief Executive of the country should be elected by a majority of the people, and that his authority should rest on the broadest basis of the popular will, yet since so desirable result can only be attained by the general concurrence of opinion

which must be left to its own free expression, it is a matter of necessity that some expedient be resorted to, in the failure of such concurrence. To require an absolute majority to elect the President might practically prevent an election; and if there be no one whom a majority of the people prefer, then the natural expedient is to elect that one whom the greater number prefer. In the first instance, absolute unanimity would be desirable; but that is practically impossible; so a majority is accepted; and by the same natural conclusion, if an absolute majority be unattainable, a plurality is next best. So plain is this, that, in nearly all the States, a plurality elects the State officers, executive, legislative, and, when they are chosen by the people, the judicial; in some States, a majority is required for members of Congress on the first trial; but in all, a plurality elects on the second. Nor does the present mode of election secure a majority of the people to the election of President. It may happen, and has happened, that the candidate receiving a majority of the electoral vote is in a minority of the popular vote. On the whole, it must be admitted that, next to an absolute majority, a plurality presents the most natural and the fairest mode of election, and that the other expedients, however well planned, have not commended themselves in practice.

Although, therefore, I do not object to the election by the House of Representatives, for the reasons that have been stated elsewhere, I freely agree that it should be abandoned. It may seem, at first, that the smaller States make some surrender of power by changing the system which gives them an equal suffrage in the last resort. This might be true if the smaller States had some interest apart from the larger ones and opposed to them. If it were so, I should recognize a deep if not a fatal defect in our political system. I see no such opposition of interests. Experience has shown that the questions which have organized parties and divided the country pass over State lines without noting them, and invade alike the large and the small States. There is nothing in the disparity of the geographical limits which makes it probable that New York and Rhode Island shall separate on political questions, or that Delaware and Florida shall unite. The smaller States are distributed in all parts of the Union, East, West, North, South, and Middle. They have no purposes that are not as likely to be common to the larger States as to each other. All the apprehensions of a combination of the larger States, to the disadvantage of the smaller, have proved groundless. There is nothing for them to combine for or against. The great interests of the country are common to all the States, and where there have been separate interests, real or imaginary, they have not been based on the territorial limits of the members of the Union. I do not, therefore, regard the surrender of the equal suffrage in the election by the House of Representatives as an important concession. But I can plainly see that in the mode proposed of election by districts the overshadowing power of the great States is destroyed. They will no longer cast their solid vote for President, bearing down four or five of the smaller States, each of which may, possibly, cast a greater popular majority, the other way. New York may cast thirty-five votes for one candidate, while the popular majority is less than that which Delaware, with but three votes, gives for the opposing candidate. The present system gives immense power to majorities, however small, in the great States, and disfranchises the minority, however near it rises toward the majority. Thus the State of New York, outside the city, may give a majority one way, and the overwhelming vote of the city, not the purest and most authentic, may reverse it, and carry, not only the force that properly belongs to the city, but the entire State, leaving to the rest of the State, to the great inland cities, to the rich rural districts, to the prosperous and enterprising communities, from the Hudson to the great lakes, no voiec in the election, for which the heterogeneous and often the corrupt masses of the city speak, not for itself alone, but for the State. By the system proposed, the minority in each State will be represented, and a great State, divided nearly equally, will have no greater preponderance than a small State united upon one candidate. The greater fairness of this, its nearer approximation to the expression of the popular will, need not be illustrated, certainly cannot be better illustrated than it is in the report of the committee from which I copy.

An examination of the working of the electoral college for the last fifty years will prove beyond all question that in a number of cases the will of the majority has been completely defeated; that if the majority is represented in the result of a presidential election it is quite as much the result of accident as of the natural working of the machinery; that the final result produced by the electoral machinery has not within fifty years approached as near as within 10 per cent. of being a true representation of the will of the people as expressed in their votes, and in a number of instances has departed from it over 30 per cent.

The following statement of the result in the different presidential elections from 1872 back to 1844 will establish the truth of what we have said:

In 1872 General Grant received 55 per cent. of the votes of the people; in the electoral college he received 81 per cent.

In 1868 General Grant received 52 per cent. of the popular vote, and 73 per cent. of the electoral vote.

In 1864 Mr. Lincoln received 55 per cent. of the popular vote, and 91 per cent. of the electoral vote.

In 1860 Mr. Lincoln received only 40 per cent. of the popular vote; he received 59 per cent. of the electoral vote.

In 1856 Mr. Buchanan received only 45 per cent. of the popular vote; he received 59 per cent. of the electoral vote.

In this election Fillmore received 25 per cent. of the popular vote, and only 2 per cent. of the electoral vote; but fourteen of his friends were elected to Congress.

In 1852 Pierce received 51 per cent. of the popular vote, and 85 per cent. of the electoral vote.

In 1848 General Taylor received 47 per cent. of the popular vote, and 56 per cent. of the electoral vote. At this election Mr. Van Buren received about 10 per cent. of the popular vote, and received no electoral vote; but three of his friends were elected to the House of Representatives.

In 1844 Mr. Polk received not quite 50 per cent. of the popular vote. He received 62 per cent. of the electoral vote.

To illustrate the operation of the district system, we will consider the comparative results of the elections for President and for members of Congress, in the four States of Pennsylvania, Ohio, Indiana, and Illinois, from 1860 to 1872.

These States voted solidly for Mr. Lincoln in 1860, casting 74 electoral votes. At the same election they returned 66 members of Congress, of whom 24 were democrats.

In 1864 the same States cast 76 electoral votes for Mr. Lincoln again, and elected the same year 68 members of Congress, of whom 16 were democrats.

In 1868 the same States threw 76 electoral votes solidly for General Grant, and elected 68 members of Congress, of whom 22 were democrats.

In 1872 the same States again voted solidly, giving 85 electoral votes to General Grant, and elected 77 members of Congress, of whom 25 were democrats.

In these four States the democratic strength, as compared with the republican, has been about as 9 to 10, but under the operation of the general-ticket system they had been wholly unrepresented in the electoral college; but in the House of Representatives, under the district system, they have had an average of nearly one-third of the members.

Take the State of New York alone for the same period. In 1860 New York cast her 35 electoral votes solidly for Mr. Lincoln. At the same time she elected 33 members of Congress, of whom 9 were democrats. In 1864 she again cast her 33 electoral votes solidly for Mr. Lincoln, and at the same time elected 31 members of Congress, of whom 11 were democrats. In 1868 she cast her 33 electoral votes solidly for Mr. Seymour. The State was carried for Mr. Seymour by his overwhelming majority in the city of New York, about the character of which grave charges were made, but of which the committee expresses no opinion; but the rest of the State, unaffected in their districts by this large majority in the city, returned 18 out of the 31 members of Congress, who were opposed to Mr. Seymour, thus showing conclusively how the voice of the people of New York outside of the city had been stifled in the presidential election by the city majority, operating through the general-ticket system. In 1872 New York cast her 35 electoral votes solidly for General Grant, at the same time electing 33 members of Congress, of whom 9 were democrats.

The frauds which in 1844 carried the 36 electoral votes of New York for Polk, under the present system, would, under the amendments proposed, have carried only the 4 votes in the city, and the inducement to the frauds would have been wanting, for the honest vote of the city was for Polk, and the frauds were perpetrated only to overbalance the suffrage of the interior. Thus the purity of the election would be greatly promoted by the change. The motive to fraud would be much diminished, and the effect of fraud would be much lessened.

The danger of a disputed election for President, in a State whose electoral vote would decide the contest, is a most serious one. There is no tribunal for the verification of the votes, and although the election may be carried, notoriously, by fraud, or by violence, the electoral votes must be returned and counted. The fraud or the violence may be punished, but for the wrong that they have committed remains, and there is no redress for it. And the appointment of the electors being left entirely with the Legislatures of the States, there would be no mode or power of appointment, if a State Legislature should repeal the law directing the manner of the election. The Federal Government has no power to perpetuate the executive authority. In the exciting election which resulted in the choice of Jefferson by the House of Rrepresentatives, the Legislature of Maryland was federal, and it was supposed that the popular vote would be for Jefferson. It was seriously contemplated that the Legislature should repeal the law under which the electors were chosen by the people, and should choose them by the Legislature; and this, on the avowed ground that it was necessary to defeat the candidate whom it was supposed that the majority of the people preferred. This was recommended on no less authority than that of Charles Carroll, of Carrollton. When a man so pure, so patriotic, and so conservative, could see his way clear to make such a recommendation, what might be apprehended from heated partisans and selfish aspirants for political power? If that suggestion had been carried out, and the 10 electoral votes of Maryland had been given wholly for Adams, he would have been elected. They were divided equally between the two, each receiving 5. Jefferson's total vote was 73, Adams's 65. Had all the votes of Maryland been given for Adams, his total would have swelled to 70, and Jefferson's would have shrunk to 68; and the election would have been strictly and unquestionably legal and constitutional. The Legislature of Maryland would have exercised no power but that which the Constitution clearly conferred upon it, and confers upon it still, and there was no authority to review its doings. Such a proposition, although not carried to the extent of a precedent, yet was urged on such authority as gives to it almost the weight of a precedent.

And be that as it may, it might have been done then, and it might be done now; and those who resisted it would place themselves against the law, and expose themselves to the penalties of the law. A President thus elected, however he might lack the moral support which should underlie his great office, would be "every inch" a President, would command the Army and the Navy, and must have the solemn judgment of the Supreme Court.

From all the difficulties of the existing system, from all the evils and the dangers which experience has developed in it, the proposed amendment appears to offer a mode of relief; and while it commends itself to all the States, I think that it is especially desirable to those, if any there still be, who apprehend the danger to the smaller members of the Union, from the ambition or the aggression of the larger.

Representing, in part, one of the smaller States, but one of those which brought its original sovereignty into the compact, and

which required no vote of the other States for admission into the Government, which she had done her full share to establish, I give my cordial assent to this important change which is so clearly for she general good; and which, by dividing all the States into single electoral districts, yet preserving to each the equal votes that the has enjoyed, in recognition of her equal membership in the Union, breaks down the unhealthy if not dangerous preponderance that the larger States possess.

Mr. SHERMAN. I now move that the joint resolution be postponed until Monday, with a view to take up the resolution in regard to Louisiana.

Mr. MORTON. I suggest that it be passed over informally, subject to be called up as the regular order. I am willing that it shall go over until Monday if no other Senator wishes to speak to-day, subject, however, to be called up as the regular order. I do not want it to lose its place.

Mr. THURMAN. I would have no objection to that, with the understanding that there is to be no pressing it to a vote until it has been fully considered. I would greatly prefer, and I believe we shall arrive at a full consideration of the subject better by so doing, that the consideration of the resolution be postponed until the first Monday in February.

Mr. MORTON. I think that is too late.

Mr. CONKLING. Suppose we name some day next week.

Mr. MORTON. Let it go over informally.

Mr. THURMAN. This is one of the greatest subjects that could possibly engage the attention of the Senate; and I do not think a casual consideration of it, calling it up and then laying it over in a casual way, is likely to be productive of much good. If a time is set for its discussion and we go on with the discussion of it, Senators will attend to it and understand the question; but if it is taken up in a perfunctory way one day and then laid aside and again taken up three days afterward, nobody ever knowing when it is to be up, it will not receive that consideration which it ought to have. I therefore intended to renew my motion to postpone to the first Monday in February; or I suppose I can amend the motion of my colleague, which is to postpone to next Monday, by striking out "next Monday" and inserting "the first Monday in February."

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Ohio moves to amend the pending motion by providing that the joint resolution be postponed to the first Monday in February.

Mr. CONKLING. I suggest to the Senator from Ohio, [Mr. THURMAN,] concurring with him in wanting this matter postponed for the present, that the day he has named is too far distant. I cannot vote with him for that day, and other Senators feeling as I do may not be able to do so. If the Senator will name an earlier day—some day next week which will not in any way conclude him in respect of submitting a further motion to postpone, and take the sense of the Senate upon that—he will find his motion stronger than it is.

Mr. THURMAN. It is only a few days' difference. The first Monday of February is next Monday week, if my almanac is right, so that there is only a very few days' difference.

Mr. CONKLING. Say next Wednesday.

Mr. THURMAN. Very well, let it be Wednesday.

The PRESIDING OFFICER. Does the Senator from Ohio [Mr. SHERMAN] accept the amendment fixing Wednesday?

Mr. SHERMAN. Yes, sir; I accept the amendment, "next Wednesday."

The PRESIDING OFFICER. The Senator from Ohio moves to postpone the pending joint resolution until Wednesday next.

The motion was agreed to.

SELF-GOVERNMENT IN LOUISIANA.

Mr. SHERMAN. I now move to take up the resolution offered by the Senator from Missouri in regard to Louisiana.

The motion was agreed to; and the Senate resumed the consideration of the following resolution, submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. SHERMAN. Mr. President, the principles involved in the Louisiana case are as important as any that have been discussed in the Senate of the United States since the foundation of the Government. Their gravity cannot be overstated or overestimated; and therefore I do not regret that some little time has elapsed since this discussion commenced and that more time will still elapse before any vote can be had or any practical measure affecting the state of affairs in Louisiana be adopted. I think I can properly invoke on the part of the Senate of the United States a spirit of fairness and calmness in discussing a question that is so exciting.

If this question cannot be here seriously and calmly considered, it can be nowhere. It is manifest that the excited parties to this contest in the State of Louisiana are rather in a condition of war, of force, of violence, than a condition of calm discussion. The general tone of the public prints throughout the country is not one that indicates a fair and proper decision of this question. If it cannot be decided here without heat or animosity, it can be nowhere.

When on Saturday last I gave way to an adjournment, I had called the attention of the Senate to a rule of law which is fundamental in its nature and must be the corner-stone of all republican government—that is, that the majority must rule. This law applies not only to the electoral college, to the votes among the people, but to all assemblies, religious, clerical, or lay. It is the foundation of the parliamentary law of all assemblages of men in any capacity whatever. Mr. Cushing, the well-known writer upon this subject, in the extracts which I had read at the close of my remarks last week, lays down this principle in very clear and strong language, and it is repeated in many parts of his work.

The first question always is, Who compose the constituent body of which the majority must rule? That is a question that in this case, it seems to me, is settled by clear law in the State of Louisiana; that is, that the persons named on a list prepared by a returning board organized under the State law, and containing on it one hundred and six names, of whom one hundred and two responded to their names on the roll-call on the 4th of January. That was the constituent body. No one had a right to vote unless on that roll; the law of Louisiana is clear and explicit that *none other* than those named on that list could vote. Of the one hundred and two who answered to their names fifty-two were known to be republicans and fifty democrats.

Here we have an initial point that my colleague seemed to dispute; but I think upon further reflection he will not dispute that no one could vote except those named on this list. Of those named in the list one hundred and two were present. Those whose seats were contested could not vote, because by the language of the law of the State of Louisiana "none other" than those returned by the returning board could vote, and these five were not only not returned as members, but they were expressly named as contestants or claimants to seats, and their claims were referred to the house when organized.

Then the next question is, how is the majority of this body of one hundred and two members then present to be ascertained; and here again there is no doubt about the law. By parliamentary law, in the absence of constitutional or statute law, the majority may be ascertained either by voice, by a division, by tellers, or by a vote by yeas and nays. In the old Grecian assemblies generally the loudest voices carried the day. So in more modern parliamentary assemblies, even in England, they have not yet a well-considered manner of ascertaining the sense of the majority. There the usual vote is by tellers, by persons on one side passing out of one lobby and those on the other side out of another, and the votes being ascertained in this way the result is announced by the speaker. But in this Government of ours, from the time of the framing of the Constitution to this hour, there has been one fixed, immutable rule, that is now, I believe, prescribed by the constitution of every State of the Union, that the only proper way in a disputed case to ascertain the wish of the majority is by a yea and nay vote. Therefore it is that in the Constitution of the United States it is provided that a small portion of the body may at any time demand the yeas and nays. In the constitution of the State of Louisiana this right is expressly secured to any two members; and this right is important not only to the minority in fixing the responsibility of the majority and of the members composing it, but it is also important to the majority, because it is the only correct mode of ascertaining who constitute the majority. This is the only way of passing laws or having a fair vote on any contested proposition.

We find this fundamental rule laid down in Cushing's Manual, and I will ask the Secretary to read the paragraph that I send to the desk marked on this subject, to show the universality and importance of this rule.

The Chief Clerk read as follows:

5. *Of taking the question by yeas and nays.*

1493. It is provided in almost all the American constitutions that the yeas and nays of the members of our legislative bodies, on any question pending before them, shall be taken and recorded in their journal on the demand of a certain number of the members present, or of a certain proportion of their number; but no mode is therein pointed out for ascertaining whether that form of taking the question is demanded by the requisite number. This is left to be done by putting the question, on the demand of a single member, in the ordinary manner.

Mr. SHERMAN. To show that this rule of parliamentary law is a part of the constitution of the State of Louisiana, and is the controlling element in this question, I ask that a brief article of the constitution of Louisiana, article 36, be read.

The Chief Clerk read as follows:

ART. 36. Each house of the General Assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question, at the desire of any two of them, shall be entered on the journal.

Mr. SHERMAN. This rule of parliamentary and constitutional law has been deemed so important that it is prescribed in every State of this Union. It is prescribed as to all branches of the Government of the United States. It is a fundamental principle, by which alone the will of the majority can be ascertained. Now, test the usurpation of Wiltz by this simple, plain, constitutional rule; and is it not apparent to every man, unless he is guided by mere partisan feeling, that the conduct of Wiltz on that occasion was a bold, glaring usurpation, which would have justified the majority in having gone up and torn him from his seat. What did Wiltz do? I will now, in order to quote from documents not contested by any one, read the conduct of Wiltz as given to us by a sub-committee of a committee of the House of Representatives, composed of Mr. FOSTER, Mr. PHELPS, and Mr.

POTTER, a document that I have no doubt will be assented to on this point as the testimony of impartial and disinterested witnesses giving a narrative of what they saw. I ask the Secretary to read the marked passages in this statement.

The Chief Clerk read as follows:

The instant the clerk finished the roll-call, several members rose to their feet, but the floor was successfully held by Mr. Billieu, who said that he nominated L. A. Wiltz as temporary chairman. The clerk suggested that the legal motion was to elect a speaker. Mr. Billieu himself, paying no attention to the clerk, proceeded hurriedly to put his own motion, which was received by loud yeas, and followed by as loud nays, and declared it carried. Mr. Wiltz sprang instantly to the platform, took from the clerk the gavel, was quickly sworn in by Justice Houston, who followed him to the platform, and then rapped the house, which, during this time, had been in great confusion, into a temporary quiet. Mr. Wiltz, as temporary chairman, administered the oath to the members *en masse*, who rose to receive it. Some members made a motion to elect Terzevant clerk. Wiltz put the motion and declared it carried. Terzevant at once came forward and took the clerk's chair; immediately after, and with the same haste, a Mr. Flood was elected sergeant-at-arms, and at once, whether on motion or not your committee do not remember, a number of assistant sergeants-at-arms were appointed, who promptly appeared wearing badges, on which were printed "assistant sergeant-at-arms." *While the above-mentioned motions were being put, numbers objected and called for the yeas and nays, all of which was disregarded and pronounced out of order by the acting chairman. Colonel Lowell, a republican member, made the point of order that the constitution of the State allowed any two members to call for the yeas and nays on any motion, but the temporary chairman decided the point was not well taken until a motion for permanent organization.* Next, a motion to go into an election for a permanent organization was offered, and declared premature. *Against this ruling the republicans protested.* A motion to seat the democratic members alleged to be elected in the four parishes, referred to the Legislature, was immediately made and carried. During this stage there was much disorder. *The republican members protested, but their protests were disregarded.*

Mr. SHERMAN. Mr. President, this statement shows that Wiltz openly trampled under foot the constitution of the State of Louisiana, parliamentary law, and all laws of fairness and decency. I have been amazed that while my honorable colleague, [Mr. THURMAN,] my friend from Delaware, [Mr. BAYARD,] and the Senator from Missouri [Mr. SCHURZ] were denouncing General Sheridan and General Grant for doing the acts complained of, not one single word of compaint has been uttered by any of these gentlemen in regard to Mr. Wiltz; and yet Mr. Wiltz plainly and palpably violated the law of Louisiana, the constitution of Louisiana, the principles of popular government, and the very basis and structure of republican government.

Mr. BAYARD. I desire to say to my honorable friend that we did not consider that we were sitting upon the regularity or the irregularity of Mr. Wiltz's action. The point we were upon was this: That whether he was regular or irregular, it was not the part of the President of the United States, or the governor of Louisiana, or the military forces of the United States to decide.

Mr. SHERMAN. This shows the glaring unfairness of the statements of these honorable gentlemen. They denounce the President of the United States and General Sheridan without knowing the actual facts; and yet, knowing the actual facts of this bold usurpation, this direct trampling upon every law that governs the subject, they never uttered one single word of reproach against Mr. Wiltz. I will say now that the act of Mr. Wiltz is a crime more dangerous in its consequences than the murder of a hundred men, or of a thousand men. The idea that a body of men with great authority, with power to make laws for Louisiana, should be thus controlled is monstrous. Suppose the Senate of the United States should meet together, and that suddenly without a vote some one would rush to that chair and put questions, and when protests were made, when the yeas and nays were demanded, and those securities invoked which were intended to guard the rights of the minority as well as the majority, that man sitting in that chair should disregard the Constitution of the United States, refuse to allow the yeas and nays to be called, refuse to put a question in the face of protests—I ask you what would be your indignation against such an atrocity? Would not the man who would thus trample under foot constitution and law meet at once with the universal denunciation of all fair-minded men? And yet that man Wiltz, when he seized upon the chair of the speaker of that house without authority of law, in plain disregard of the will of the majority, knowing at the time that he would not be voted for by a majority, having been nominated already by forty-nine men, when fifty-two men had nominated another gentleman, went there and refused to put a question, when, under the constitution of Louisiana, members arose and demanded the yeas and nays, called for the roll, and did all that men could do in the presence of an unlawful violence, he disregarded these calls, he trampled under foot that constitution that he had just a moment before irregularly sworn to. He violated his oath, taken there not two minutes before this thing occurred. He trampled upon the rights of the majority, usurped its authority, committed perjury if his oath was valid, and introduced a scene of lawless disorder, outrage, and wrong; and yet this act of Wiltz, admitted on all hands to be illegal, in violation of the constitution, revolutionary, destructive of the very foundation and fundamental principles of republican government, in the face of law, written and divine, has not caused one word of reproach, not one word of honest indignation, from those so ready to denounce others. And yet I say to you now, with full knowledge and with full investigation of this matter, that the crime of Wiltz—yea, the CRIME of Wiltz—to say nothing of his perjury, to say nothing of his disregard of the fundamental principles that he had only a moment before sworn to, was infinitely greater than the murder in cold blood of a hundred men, because it struck at the liberty of the whole people. If the principle which guided Wiltz should become the rule and habit of our legislative assemblies in this country, then popular liberty is at an end and republican governments are overthrown. If our Legislatures, our houses of representatives and senates, are to be organized by this lawless violence and disregard of constitutional and fundamental law, then all your boasted republics have already disappeared, and are not worth the parchment upon which their constitutions are written.

And yet that was the scene which was continued from twelve o'clock on that day until General De Trobriand appeared there and took out five men who had no right to participate in that organization. Compared with what was done by others in any view you may take of this question, the crime of Wiltz ought to stamp him with infamy. His crime is much worse than the crime of Cromwell, who dispersed the Rump Parliament, or any one else who interfered with lawless violence in the organization of a legislative body. His crime must be admitted to be lawless, revolutionary, bold, and desperate; and by law any man who was injured might have gone up to that chair and dragged him from his seat by violence, and the law would have maintained that action. When a man appears as speaker by the consent of the majority, even if irregularly ascertained, even if it is not ascertained in accordance with parliamentary law in the mode and manner pointed out, that is one thing; but when a man, knowing that he represents the minority, goes and seizes upon this power, denies to a majority their right to govern, deprives every one of the members of that body of the right to call for the yeas and nays, lawlessly and violently maintaining the power that he has thus seized, I say that he is guilty of a crime which would justify any member of that body to go up and drag him from his seat.

If Wiltz's conduct is not entirely lawless and revolutionary, how can a majority ever control a political body? How can a majority rule either among the people or in legislative halls? It cannot be done. If the minority by their representatives in this way can disregard constitution and law, there is an end of the idea that a majority must rule, because here a minority, through their agent, Wiltz, by preconcert seized upon the power of the majority and denied to the majority not only their right to rule, but even the ordinary incidents which are granted to a minority, the right to call for the yeas and nays, the right to demand the vote.

Sir, I have read many cases in history where the majority have trampled upon the rights of the minority. The majority sometimes with a bold hand exercise their power. I have participated in cutting off debate and in crowding the minority, but never before have I read in any history where a minority usurped the rights of a majority, and denied the majority even the plainest constitutional rights of the minority.

Mr. STEVENSON. Will the Senator allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. STEVENSON. If the five members who were not on the list, but who were returned by the returning board, were regarded as part of that Legislature, then was Mr. Wiltz the organ of a minority?

Mr. SHERMAN. In the first place, no one can, in the face of the law of Louisiana, claim that those five men could participate in that organization, because the law of Louisiana expressly recognizes the fact, and so declares, that none others should participate except those members returned by the returning board.

Mr. MORTON. They were not returned by the board.

Mr. STEVENSON. I say they were returned.

Mr. SHERMAN. Not at all.

Mr. STEVENSON. I say it on authority. The rule of law is that you cannot read part of an instrument without the whole. You have quoted from the report of the House committee that went down there, and I assert that they say they were returned and were legally elected.

Mr. SHERMAN. That committee say that they perhaps were legally elected and the board did wrong in excluding them from the list; but they do not say that they were returned by that board.

Mr. STEVENSON. Then the argument of my honorable friend from Ohio puts the liberties of the people and this great right of suffrage in the hands of a self-constituted board.

Mr. SHERMAN. My friend from Kentucky is a little too excited. On the contrary that board was constituted by his own political friends. The Warmoth law, as it was called, expressly provided for that board.

Mr. HAMILTON, of Maryland. Will my honorable friend allow me to correct him also?

Mr. SHERMAN. I hope I am not to be cut up in my remarks in this way.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. SHERMAN. I would rather not have so many interruptions at once.

Mr. HAMILTON, of Maryland. Will the Senator not allow me?

Mr. SHERMAN. I hope the Senator will permit me to proceed.

The VICE-PRESIDENT. The Senator from Ohio is entitled to the floor.

Mr. SHERMAN. That law of Louisiana is like the law of many of the States. It turns over to a select body of men the power to pass upon the returns, in the first instance, and the same law declares that

their action shall be final until the house is organized, and that the persons returned by that board and none others shall participate in that organization. Another reply to my honorable friend from Kentucky is this, that Wiltz himself conceded this. He admitted the fact, he acted upon it, that those five men had no right to vote. Otherwise why deny the yeas and nays? Why deny all the constitutional rights of a majority? Why refuse to take a vote? Why suddenly before the organization by a vote admit the five members? Who admitted them? Could they vote in their own case? But I will come to that again. To say that these five men had a right to participate, as is claimed, is entirely absurd; and Wiltz himself never based their right to vote there upon such a claim as that. On the contrary he undertook to give them the right by a vote subsequently had, and there was even then a refusal to take the vote by yeas and nays upon the admission of these members.

Mr. STEVENSON. The question which I submitted to my honorable friend was that if they were legally elected members of the Legislature—not entering into the discussion, admitting that they were legally elected members of that Legislature—then was Wiltz the speaker of a minority?

Mr. SHERMAN. No, sir.

Mr. STEVENSON. We will discuss hereafter the question of their denial of the right to seats.

Mr. SHERMAN. I will discuss hereafter what rights those men had. They had a right to present their claims as members, to be admitted if a majority of those legally entitled to vote would allow them to be admitted; but I will come to that in a moment. My friend from Kentucky goes along a little faster than I do.

Now, Mr. President, the signal-gun of all that followed was this usurpation by Wiltz and the denial to the majority of a right that is conceded to a small minority in every legislative body, the right to call the yeas and nays. But for this unlawful conduct of Wiltz there would have been no interference with the Legislature of Louisiana. Senators must see that in looking at causes and events you trace the whole back to this refusal by Wiltz, this revolutionary violence by Wiltz, and his denial to either a majority or minority of the plainest rights that anybody possesses as a member of a legislative body. This was the signal-gun, and all that followed was but the natural and necessary sequence of this one event. Every single thing that was done after that resulted from this lawless and revolutionary violence. Therefore when you denounce men who participated in the subsequent proceedings, why not denounce this act, the beginning of this revolutionary violence? There was where I thought my honorable friend from Missouri, in his carefully-prepared statement, failed to do his duty. He promised that calmness and fairness should guide him in making what he said was to be a parting speech to the Senate, and yet he did not put any stress or even state the facts in regard to the usurpation of Wiltz and his denial of the yea and nay vote which was the signal, the beginning and the cause of every act that followed.

Mr. SCHURZ. Will the Senator from Ohio permit me to interrupt him for a moment?

Mr. SHERMAN. Yes, sir; as I alluded to the Senator.

Mr. SCHURZ. When the Senator speaks about the cause and the signal of the disturbance, is he willing to accept the report of the House sub-committee sent down to Louisiana to investigate things, as true?

Mr. SHERMAN. I was called off a moment, and did not hear the remark of the Senator from Missouri.

Mr. SCHURZ. I was going to ask, is the Senator, in speaking of the cause and signal of the disturbance, willing to take the report of the sub-committee sent by the House of Representatives down to Louisiana as true?

Mr. SHERMAN. I will come to the part the Senator alludes to, presently.

Mr. SCHURZ. I merely put that question to the Senator.

Mr. SHERMAN. I do not wish to refer to that now. I have no doubt at all that the majority of that body had a right to pass upon the claims and rights of members; but I will speak of that hereafter.

Mr. SCHURZ. I do not refer to that. If the Senator wants to go to the bottom of things, then he will have to admit, according to that report, that a gross fraud was perpetrated by the returning board and that that returning board was, in its very constitution, not according to the constitution and laws of Louisiana, and that there the cause of the whole disturbance is to be found.

Mr. SHERMAN. Does not everybody see the transparent evasion of the point I made on the honorable Senator? He makes no answer to the allegation I make that he omitted the material facts of this whole controversy.

Mr. SCHURZ. The Senator does not do me justice. I did not omit that, for in my statement of the circumstances I said expressly that when the question was put with regard to the temporary chairmanship, it was not put by the clerk.

Mr. SHERMAN. Ah, but that is not the point.

Mr. SCHURZ. I admitted further that although the organization of that Legislature should have been in accordance with the statutes of the State, yet it was not for a general of the United States Army to decide that question.

Mr. SHERMAN. The Senator will fail to show me where he admitted that this man, with force and violence, seized the speaker's chair and refused the yeas and nays, which it was the constitutional right of any two members of that body to demand. He says now, in order to evade this point, which he cannot evade, that I neglected to state the conduct of the returning board. I will not neglect to state the conduct of the returning board, but shall discuss it in due time, for I shall not avoid anything of the kind.

Now, I say the initial cause of this whole trouble was the illegal seizure by Wiltz and the minority of that body of the powers of that house when, by the law and the constitution of Louisiana, they had no right to do it. It was the denial to the majority of the rights that are conceded to a minority of two, the refusal to take a vote and the attempt to pass upon the right of five men to seats there without the right of the majority to vote according to the constitution. And here is the whole trouble, and the beginning and the end; and the popular voice, always more just even than the Senate of the United States, seized at once on this point, and while they might not have justified Sheridan in the telegram that I will refer to, or perhaps the appearance of the military in that hall, yet they saw at once that these men who resorted to violence, who resorted to fraud, who trampled under foot constitutions and laws, were not the persons to make technical or carping objections to the mode and manner of enforcing legal authority and overthrowing their lawless usurpation. Those who resort to force must expect force.

Now, Mr. President, I want to show further that this usurpation by Wiltz was not acquiesced in at any stage of this controversy. We have the statement of General Sheridan, clear and explicit, concurred in by every eye-witness, that every movement made by this revolutionary body, controlled by Wiltz, was protested against; the yeas and nays were demanded; every opposition was made to it that men could peaceably make; and in my judgment his usurpation would have been overthrown by force by the majority of members then present but for the interposition of General De Trobriand. It is apparent that after an hour or two of lawless seizure the republican members, together with outsiders, called the lobby, were about to intervene; and I do believe that but for the intervention of General De Trobriand Wiltz would have been torn from that seat, tumbled out of it. He had no right there. I appeal to lawyers to say whether, if blood had been shed in an attempt by force to drag Wiltz from the seat that he usurped, it would not have rested upon his skirts and not upon those who by force expelled him. After peaceable means were exhausted, how else could they assert their rights as a majority? It is not necessary to discuss this question, for fortunately it was avoided. It is sufficient to know that force would have been used by the republican members, by the majority of that body having the right to that organization, and by those in that hall who sympathized with them but for the appeals made by Wiltz himself to the Army of the United States to protect him in his usurpation. All the statements given to us by eye-witnesses, some of whom I have conversed with, agree that at the moment when the motion was made to call General De Trobriand to come in and interfere there was imminent danger of an outbreak, when blood would have been shed, and Wiltz himself, perhaps, would have been the first victim. There can be little doubt that if that request had not been made by Wiltz and by those who voted with him for the intervention of the military authorities, a scene of bloodshed would have occurred in that hall. Does my honorable friend from Missouri doubt it? I understood from his own statement that bloodshed would have resulted but for the interference of General De Trobriand in the first instance there to quiet and put down disorder. So, sir, the minority, having firmly placed themselves in possession unlawfully of the speaker's chair, denying to the majority all rights whatever, appealed by vote to the Army of the United States to protect them by armed force from the power of the majority; then General De Trobriand was by a vote sent for, not as a mere citizen or constable, but as an officer of the Army with troops at hand in warlike array. A committee waited upon him outside, brought him in, and he came in with his uniform on, with his sword by his side and with his two aids-de-camp.

Here is another point where my honorable friend [Mr. SCHURZ] strangely was led by his feeling rather than by his sense of calmness and justice. He describes De Trobriand appearing on the second time with his sword by his side, his belt around him, his aids and his bayonets; but when De Trobiand appeared in the first instance, according to the description of the Senator from Missouri, he appeared as a kind-mannered man, a gentleman of pleasing address, to put down lawless disturbance, to restore quiet, to pour oil upon water instead of, according to the actual fact, as an Army officer, with his sword at his side, with two aids with him, and with men and bayonets right at the door.

Mr. SCHURZ. Where does the Senator get that?

Mr. SHERMAN. In the telegram.

Mr. SCHURZ. Turn to it.

Mr. SHERMAN. I cannot turn to it now, but you will find it in that statement.

Mr. SCHURZ. Whose statement?

Mr. SHERMAN. General Sheridan makes the statement that when De Trobriand appeared in the first instance on the call of the speaker of the house by a vote, he appeared with his sword at his side, with two aids with him, and with soldiers outside.

Mr. SCHURZ. Where does the Senator get that in the first instance?

Mr. SHERMAN. I think it is in General Sheridan's dispatches, but I will try and satisfy the Senator on that point.

Mr. SCHURZ. O, no; I do not care about it.

Mr. SHERMAN. I will show it to the Senator. The same language is used. This is the telegram of General Sheridan:

The excitement was now very great. The acting speaker directed the sergeant-at-arms to prevent the egress or ingress of members or others, and several exciting scuffles, in which knives and pistols were drawn, took place, and for a few moments it seemed that bloodshed would ensue.

He goes on:

At this juncture Mr. Dupre, a democratic member from the parish of Orleans, moved that the military power of the General Government be invoked to preserve the peace, and that a committee be appointed to wait upon General De Trobriand, the commanding officer of the United States troops stationed at the State-house, and request his assistance in clearing the lobby.

Here was not a mild-mannered gentleman, as General De Trobiand is, called on to act as a peace officer or constable, but here was an appeal to the military power of the United States, and a call made on the commanding officer, with troops then in the presence and in possession of the State-house. Let us go on and see:

The motion was adopted. A committee of five, of which Mr. Dupre was made chairman, was sent to wait upon General De Trobriand, and soon returned with that officer, who was accompanied by two of his staff officers.

The same language was used when he appeared afterward as when he came in first. When he was called upon the second time by Governor Kellogg, he went in in the same way with two staff officers, and it was not until Wiltz resisted his action that he brought in superior force to carry out the order under which he was acting. Thus, sir, I have shown you that the revolutionary violence of Wiltz would have been overthrown by the rightful power of the majority but for the interposition of the Army of the United States. It is true that we should have had a scene of bloodshed in that chamber, for which all the blame and all the wrong would have been on the part of Wiltz and his associates. They were the usurpers; they were guilty of revolutionary violence; they denied all right to the yeas and nays, and they refused to take the vote. They refused to obey the law of Louisiana which required that only those named on a certain list should vote, and none other. If that violence had been met by violence, theirs would have been the wrong. They appealed to the military authority and on their appeal the military authority did intervene; but here is the difference in the two cases: The republicans, who were plainly in the right at this stage of the contest, obeyed with kindness and gentleness the remonstrance of General De Trobriand and they left the hall. They did not require actual force to be shown and a military array to be brought there to compel them to go out; but they left; while on the other hand, when the same officer appeared at the request of Governor Kellogg, then Wiltz refused to yield to apparent force, to the officer of the Army, the same officer that he had himself appealed to, but demanded that actual force should be used in order to make a show of resistance. Then it was that the United States soldiers were marched into that hall and five men were taken out of it. And when this force was used only to the extent made necessary to execute the order they fill the land with the cry of military violence and usurpation!

Mr. SCHURZ. I asked the Senator where he got that description of General De Trobriand's interference, and he read from General Sheridan's dispatch. I suppose he will have no objection, although I attach very little importance to that point, if I just quote the report of the House committee upon that:

A committee was appointed to wait on General De Trobriand and request his compliance. Colonel De Trobriand soon came to the bar unaccompanied, except by one aid, whom he left there, and then alone approached the speaker. The speaker requested him to ask for order in the lobby. Colonel De Trobriand did so, and order was then restored.

Mr. SHERMAN. There is no substantial difference.

Mr. SCHURZ. I say I do not attach any importance to this matter.

Mr. SHERMAN. The only difference is this: When De Trobriand appeared at the call of Wiltz, the republicans who were making the noise and confusion and threatening to turn out Wiltz head over heels quietly subsided at the appeal of the officer of the United States. On the other hand, when Kellogg called on the troops to put down lawless violence, Wiltz, the usurper, the man who had committed perjury, the man who had started this scene of revolutionary violence, would not yield to the request of General De Trobriand. When General De Trobriand said "Do not compel me to use force; you five gentlemen come out; do not compel me to use force," Wiltz replied, "You must use force; you shall do it; not one of these men shall leave his seat until you use force;" and then De Trobriand, like a soldier, used only the force necessary to put these men out. There is the difference. De Trobriand in both cases appeared as an officer of the United States, with his sword by his side, on duty, in command, with a large body of armed soldiers at the door; and he appeared there in the first instance at the call of Wiltz, who had no more right to be in that seat than any one of us had a right to be speaker of the house of representatives of Louisiana.

Mr. THURMAN. I do not wish to misunderstand my colleague, and I should like therefore to ask him now whether I am to understand him as justifying De Trobriand's expulsion of those five members?

Mr. SHERMAN. My colleague ought to know me well enough to know that he cannot catch me by any premature question. I will tell him precisely how far I do approve of General De Trobriand's conduct before I get through. His question would lead me to a point not now before us.

I here again repeat the point that the usurpation of Wiltz was never for one moment acquiesced in. It was protested against. Every parliamentary expedient to which even the best parliamentarians could resort was resorted to to resist that revolutionary violence; and the majority would have gone further, and with the power and right of the majority they would have controlled that organization but for the interference of an Army officer with the Army at his back; but they yielded; and what did they do then?

Before I go any further, when General De Trobriand appeared in that hall and practically expelled republican members, because that was the effect of his action on the first call of Wiltz, I ask any Senator whether that house of representatives was a lawful house? Had it the power of a house of representatives in any sense of the word? Was it a lawful organization? It is impossible to say so; and I appeal now to Senators who are called upon to consider these facts as they are presented to us to say whether or not the house of representatives as it existed with Wiltz in the chair, and when De Trobriand appeared and practically expelled the majority, who were certain to resist the action of the minority—was that a lawful assembly in any sense of the word? Palpably they were usurpers. If such a body is lawful in our republican Government, what in the name of Heaven is unlawful!

Here is a case where a man without a lawful vote seized the speaker's chair, refused to take the vote, denied the call of the yeas and nays, swore five men in upon the report of a committee against the protests of the majority. There never was a vote from beginning to end. Sir, in this whole proceeding there was no constitutional vote; there was no legal vote. There was no organization. There was no element of lawful assembly.

Mr. BAYARD. The Senator has stated that a *viva voce* vote upon a motion to elect a speaker may be decided by the sound. He admits that that could be done lawfully. In this case the *viva voce* vote was put by Mr. Billieu, who had the floor and maintained it, and Mr. Wiltz was chosen or declared by him to have been chosen, and he assumed the chair and was sworn. Then Mr. Wiltz, having been so sworn by an officer recognized by the laws and constitution of Louisiana to swear him in, administered the oath to the one hundred and two members who were present.

Mr. SHERMAN. My friend ought not to interpose argument while I am on the floor.

Mr. BAYARD. I beg the Senator's pardon. I will not argue at all; but as he spoke of facts, I was merely reciting facts that made that permanent organization, in my opinion, a lawful one. When the one hundred and two members took the oath, by rising, from Mr. Wiltz's lips; when their party friends who left the city of Washington to engineer things, members of the other House, saw some of the members sitting down, they went to them and urged them to rise and take the oath, so as to be included in the temporary organization of the house. Then came the call for a permanent organization.

Mr. SHERMAN. I must insist on going on. Now, since several Senators have rather, I was about to say, abused the courtesy of asking me to yield for a question, I must insist on going on in order.

Mr. BAYARD. I beg the honorable Senator's pardon if I did so. I thought he asked for the facts, and I merely answered him as I thought in order.

Mr. SHERMAN. All that I asked the Senator was whether in his opinion that organization was lawful, and his answer was "yes," and there was the end of it; and after that I do not think he was at liberty to state facts in the nature of argument. It is a common practice in the Senate, but it is a bad one. No one knows better than my honorable friend that a *viva voce* vote is never conclusive when there is a demand for the yeas and nays. The demand for the yeas and nays when granted supersedes at once the *viva voce* vote. I have here the statement of Mr. FOSTER and of his associates that in every stage, on every question that was put, the yeas and nays were called for. Here is what Mr. POTTER and these other gentlemen of the House committee say:

While the above-mentioned motions were being put, numbers objected and called for the yeas and nays, all of which was disregarded and pronounced out of order by the acting chairman.

When a *viva voce* vote is taken and a yea and nay vote is called for there is the end of the *viva voce* vote; it is no longer to be regarded; it is superseded. We see that every day here in our daily business. When a vote is called for and there is much or little sound, and anybody rises and calls for the yeas and nays and they are ordered, that is the end of the *viva voce* vote.

Mr. BAYARD. Was there not a yea and nay vote on the permanent organization?

Mr. SHERMAN. On every motion, according to the testimony of these gentleman, the yeas and nays were called for but not allowed to be taken. And what the Senator calls the vote on permanent organization was not put until the majority of members were practically expelled, nor until the constituent body was changed by the admission of five new members. Suppose the Clerk of the House of Representatives when General Banks was elected Speaker had denied the call of the roll until after a permanent organization. Suppose, when I had the honor to be a candidate for Speaker, the Clerk of the House at that time had denied the call of the roll to the minority of the body. Would it not have created bloodshed and revolution? Who ever

dreamed of such a thing? The right to call the yeas and nays is just as important in the preliminary vote as any other. This list is furnished for the very purpose, that the clerk might know who should vote; and every vote from the beginning, according to the constitution of Louisiana, is protected by the right to the yeas and nays. There have been half a dozen times in the history of our country where if a yea and nay vote had been denied it would have created a revolution in this country. No man can question the fact. When Mr. Cobb was elected Speaker over Mr. Winthrop, if the yeas and nays had been refused there would have been bloodshed. So when General Banks was elected; so when Mr. Pennington was elected. The yea and nay vote is the very beginning, the foundation of republican government and of parliamentary regular government; and the denial of that right on the organization was the commencement of this trouble in Louisiana. To say that the majority did not resist, did not remonstrate, did not appeal, did not demand the yeas and nays, is an allegation that is denied by every man who participated in that body. I asked several gentlemen who were witnesses, and they said that in every stage, from the very beginning, at the moment Wiltz rushed up without the question being put so that it could be heard by anybody, all these calls were made, made with violence sometimes, but always made. So that this proceeding was lawless, revolutionery, by a lawless, desperate, armed mob; for I have no doubt both sides were armed, according to the information I have received.

After this organization had been perfected, as they say, by Wiltz, what was done? Then a legislative act was done. They proposed to admit five persons to seats as members. Who voted to admit those five men? There is again a conundrum I should like to have my honorable friend from Delaware answer at his leisure—who voted to admit those five men? They could not vote in their own cases. The constitution of Louisiana in this particular is like our own Constitution. Excluding those five men, who doubts but what the majority were republicans? Who claims that a majority voted to admit the five? Who admitted the five men who were sworn in there with the solemn sanction of an oath by Wiltz, the usurper? I ask my colleague and the Senator from Delaware, who now stand upon the right of the five men to vote, who voted to admit them? The question was put and they were admitted, but who voted for it? Not the majority, because they were denied the right to vote and the yeas and nays were forbidden. It was the minority who admitted those men in the preliminary organization, and upon that lawless vote, a vote taken in plain and palpable denial of the simplest right of parliamentary law and of the constitution of Louisiana, five men were sworn in and then participated. First the minority seized upon the chair and the organization by violence, then the same minority without a vote put in five more men, and then without a vote claimed to be the majority, and then rode rough-shod over the constitution and laws of that State and all principles of parliamentary law. It will not do. It is an outrage; and no sophistry, no eloquence, no ability can excuse, palliate, or defend the lawless usurpation of Wiltz and his associates. Here was the beginning of this trouble, and but for this there would be now no trouble in Louisiana. If those one hundred and two men had met there on their organization, then passed promptly upon the claim of the five persons to seats, the probability is that the democratic party might in due process and in due form of law have obtained the majority; but they would not do it. They seized upon that organization by force and violence; they trampled upon every principle of the constitution and parliamentary law. They would rather win by force than gain by fairness; and thus it was that the troubles which have occurred in Louisiana, and which now disgrace our republican form of government, were precipitated by a lawless band of desperate men who would not pursue the forms of law to gain what they claimed to be the rights of a majority of that body.

Mr. President, to show you that I have taken a dispassionate view of this matter, I propose to have read a brief extract from a paper that I saw published in the New York Times, and which contains my view of this case so strongly that I venture, although I do not know the gentleman but I am told he is a democratic lawyer of standing in the city of New York—Mr. E. W. Stoughton—to ask that his statement of the legal aspect of the question as it was presented by Mr. Wiltz's seizure upon the organization, be read. I gladly embody his opinion as my own, and it is better stated than I can state it.

The Chief Clerk read as follows:

While the roll was being called by the old clerk, a member nominated Wiltz as temporary speaker, and without a moment's delay he was declared elected, not by the clerk, says Mr. SCHURZ, and sprang to and took forcible possession of the speaker's chair and gavel. There, in defiance of the efforts of the clerk to proceed and regularly organize the assembly, Wiltz called upon a justice present to swear him in. This was done, and then a temporary clerk was nominated and declared elected, and then, in the same manner, a sergeant-at-arms; and immediately following this, numerous assistant sergeants-at-arms, who, on being declared elected, opened their coats and displayed badges of office, showing clearly that all this fraud and outrage had been carefully planned and contrived beforehand, and that these assistant sergeants were selected, and doubtless armed, with a view to holding violent possession of the house, and of its organization, after the fraud should have been perpetrated. Immediately after this temporary organization, the conspirators —*not a legislative body peaceably, or otherwise, assembled*—proceeded to declare five persons, who had obtained access to the hall, but who had not been returned by the returning board, members, and entitled to sit as such. Thus had been accomplished by fraud and violence a great public wrong against the State of Louisiana—subversive of law, of constitutional rights—by means of which, if successful, the legislative power was delivered over to the persons not charged with it as representatives of the people, but who—a minority at the outset—had by fraud and force so added to their numbers as to become a majority.

Mr. SHERMAN. That is the opinion of a lawyer who, I am informed, stands in the very first rank in his profession in New York, but does not agree with me in politics.

It is said sometimes that it is within the sole and exclusive power of the house of representatives of Louisiana, like all other legislative bodies, to pass upon the election, returns, and qualifications of its own members. So it is. That again is a fundamental principle of constitutional law. From the very necessity of the case, each house must judge of the elections, returns, and qualifications of its members; but who is to judge? Each house. Who is the house? Is it a lawless band of usurpers described by Mr. Stoughton? Have they alone the power to pass upon that question? If it was left to the house then present in Louisiana, it is plain and manifest that in the first instance at least those five men could not have been admitted to seats. But each house shall judge of the election. How judge? By vote. That is the only way that a legislative body can judge, by hearing the case; or by a vote even without hearing they may decide. Was there any hearing there? Were there any papers presented showing that these five men were entitled to seats? Was there any discussion? Was there any opportunity of discussion? Was there any vote? No; but the usurper who sat in the chair, according to Mr. Stoughton, refused the majority of the members of the house of representatives of Louisiana that which is conceded by the constitution of that State to any two of them. He refused when they called for the yeas and nays upon the vote to admit those five men. Could those five men vote to admit themselves? My friend said that if you add those five men to the minority of democrats that would have made a majority. But can that minority admit five men in order to make a majority—there is the question—and that without a vote by yeas and nays? Not at all.

Mr. LOGAN. They could not vote on their own admission.

Mr. SHERMAN. Certainly they could not vote on their own case anyway, even if their right was undisputed and indisputable; and clearly the majority would have been against them, at least in the first instance. Upon this point I will ask the Clerk to read the opinion of Mr. Stoughton, because it presents this particular point stronger than I can do.

The Chief Clerk read as follows:

It has been said in the speeches to which I have alluded that it is the right of every legislative body to determine who shall sit as its members. With certain qualifications this is true; but can the persons not lawfully returned as members, but claiming to sit, and whose right is contested, vote as members for the purpose of establishing this right? Take the case we are considering. There were fifty-two republicans and fifty democrats enrolled as members. Five others—democrats—claimed the right to sit. They must have voted for Wiltz as temporary speaker or he could not have had a majority. Nor could they have been declared members without also voting on that question if there had been a lawful oganization, for in that event there would have been a majority of republicans. The proposition that every legislative assembly is to judge of the qualifications of its members of course assumes that the persons whose right to sit is in question are not to act or vote as members until a lawfully constituted assembly has determined that right. This proposition was perverted and misapplied by speakers at the Cooper Institute.

Mr. SHERMAN. I will also ask the Secretary to read the conclusion of Mr. Stoughton, after a lawyer-like examination of the whole case, as to whether that body thus organized was a legal house.

The Chief Clerk read as follows:

In view of these facts, who will say that this was a legislative body? Who that it had peaceably assembled? It had come into existence by violence and fraud. It had by force and fraud expelled a majority of the lawfully returned members, and had thus deprived them of all participation in the organization of the house. It was a lawless body, forcibly, not peaceably assembled. It held the hall of the house of representatives by violent means, and the five members unlawfully admitted and employed to accomplish this were the instruments by which this scheme had been made effective.

Mr. SHERMAN. That summary shows this whole case. A lawless and desperate minority seized upon the organization of the house when assembled there to organize the house, refused to the majority all parliamentary rights, and then, in violation of the laws of Louisiana, undertook before the organization of that house to swear in five men without a vote, without an examination, without a hearing; and having sworn in those five men in this way, then, presto—change—a vote was allowed! After they had elected a temporary speaker, after they had elected a clerk and sergeant-at-arms and admitted five new members, had half a dozen different *viva voce* votes, against protests, against repeated calls for the yeas and nays, then, after they had accomplished their revolutionary purpose, lo and behold they are ready for a vote! Then a vote was demanded by one of them; a vote was taken before the final organization, and with the five men thus unlawfully admitted they claimed to have a majority, and then they appealed to General De Trobriand to put out the lawless fellows who were making a little fuss!

Let us now examine the question put to me awhile ago, and see what General De Trobriand did do; but first let us see what he did not do. General De Trobriand appeared just as he had done before, with the same number of aids, and with the same uniform, with an order from Governor Kellogg, sanctioned by his immediate commanding officer, General Emory; and what did he do? He went there, exhibited his order, told them that it was a very unpleasant duty, that he was a soldier, and asked Mr. Wiltz (recognizing him to that extent) to point out the five men whom it was his duty to expel from that body—no rudeness, no violence, no force except the force that they themselves had appealed to. What then? Did General

De Trobriand eject any man who had a right to vote in that organization? Did he eject any man whose name was on that roll as a member? Did he expel any democrat because he was a democrat, or any republican because he was a republican? No, sir; but he ejected five men who had no right to vote in that organization, whose claims, if they had any, were claims to be decided by the body itself after it should have organized, as contestants or claimants. Five men were then in possession of certificates in due form of law, acting for the very parishes that these five men claimed to represent. Among the lawless acts of violence was to turn out five men who were then in——

Mr. BAYARD. There was no expulsion. They were members from parishes which had not been acted upon by the returning board, and no contestant appeared at all against those men.

Mr. SHERMAN. Perhaps I am mistaken in that particular, but it makes no difference to the argument. Those five men were not on the list; they were not returned by the returning board as members, and their cases were very properly referred to the body itself, when it should be organized. These were the five men, no one of whom had a right to vote in any part of that organization, who were gently expelled.

Mr. BAYARD. May I ask the Senator whether he considers it the duty of General De Trobriand to turn out those five men?

Mr. SHERMAN. I will come to that; I will tell precisely my opinion. This officer did not do this as a partisan. It was not like some of the historic cases where lawless violence at the will of party and for partisan advantage has subverted the law and used military force for that purpose. Nobody could say that of General De Trobriand. He was a gentleman, in every sense of the word, in manner, education, and habit; he had been appealed to by both sides; and we know, from the current history of the country, that General De Trobriand was regarded with great favor by all the people of Louisiana on both sides of politics. He is simply a military officer seeking to do his duty. There was therefore no partisan warfare waged by him. It was upon the wr itten order of the governor of the State, whose oath required him to enforce the law, that he appeared.

I have seen a great deal of complaint made about the powers of the governor of Louisiana, and I am free to say that I never would vote for a constitution that contains the powers granted to the governor of Louisiana; but it is the constitution of Louisiana, and it must be obeyed, and it must be enforced there. The power given to Governor Kellogg by that constitution is very much greater than is given to the governor of the State of Ohio or to the governor of any other State that I know of. He is armed with discretionary power in many cases where it is not conferred by the laws of other States. This act of De Trobriand was done under the order of Kellogg. We must inquire into the power of Kellogg to issue the order and as to the extent ot that power. I will read first a paragraph from article 48 of the constitution of Louisiana:

> The supreme executive power of the State shall be vested in a chief magistrate who shall be styled the governor of the State of Louisiana.

Then after defining the duration of his office, &c., article 59 provides:

> He shall be commander-in-chief of the militia of this State, except when they shall be called into the service of the United States.

Article 65 provides:

> He shall take care that the laws be faithfully executed.

Then his oath is contained in article 100:

> I, (A. B.) do solemnly swear (or affirm) that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right, privilege, or immunity enjoyed by any other class of men; that I will support the Constitution and laws of the United States, and the constitution and laws of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as —— according to the best of my ability and understanding: so help me God.

This constitution makes the governor of Louisiana not only the chief executive officer and the commander-in-chief of the militia of the State, but requires him to take this stringent oath, and also requires that he shall take care that the laws be faithfully executed. How did Governor Kellogg intervene in this case? It must be remembered that he intervened upon an authority very unusual and very remarkable. Here a majority of the men who were elected to the house of representatives of that Legislature, who appeared there on the 4th day of January, fifty-two all told, signed a written request——

Mr. SCHURZ. Mr. President——

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from Ohio yield to the Senator from Missouri.

Mr. SHERMAN. I would rather not.

Mr. SCHURZ. I merely want to put this question, whether the Senator calls fifty-two a majority of the men who were elected to the lower house of the Legislature of Louisiana?

Mr. SHERMAN. I say that fifty-two men were a majority of those who had a right to vote on the organization of the house.

Mr. SCHURZ. If I understand the Senator correctly, he said that fifty-two were a majority of the men who had been elected to the lower house of Louisiana.

Mr. SHERMAN. If I said that, my friend is so acute as to have detected it quickly. What I meant to say and what I now say is that the majority of those who were elected and had the right to sit there on that day, and who were present, made the request of the governor.

Mr. SCHURZ. The Senator then admits that fifty-two were a majority of the men who were elected to the lower house of the Louisiana Legislature?

Mr. SHERMAN. Upon my word, if the Senator thinks that before the people of the United States he can make any headway by that kind of technicality, he has very much mistaken their intelligence and their spirit. One hundred and eleven men were elected; one hundred and two of those thus elected appeared with their legally-constituted certificates, and only one hundred and two—one hundred and two all told; and no man, woman, or child in all the broad limits of the United States of America had any right to participate in that organization except those one hundred and two men, because theirs were the names responded to when the roll was called, and none others by the law of Louisiana could participate. Governor Kellogg only intervened upon the demand of fifty-two men, a majority of those entitled to vote.

Ah, but why did not these fifty-two men send their request to the governor in the ordinary way? Why did they not meet and vote to send their request to the governor? Because a lawless minority had usurped their place in the house of representatives and that lawless minority had called on the military authority to expel practically the majority, for that was the effect of it; and this was the only way in which this majority could speak. Their voice was silent in the usual parliamentary way. The only way they could speak was by signing a paper calling upon the governor of the State of Louisiana, as he would answer to God at the great day, on the solemnity of his oath, to see that the law for the organization of the Legislature of Louisiana was faithfully observed. Mark it; if there was any irregularity in this proceeding, it was an irregularity caused by the men who complain of the execution of this order. If it was not the house that spoke to Governor Kellogg, it was because the minority usurped the house and the majority could only speak by a written statement to the governor; and they made that statement and demanded of Governor Kellogg to intervene.

Now, I will go a step farther. I will say that Governor Kellogg had the undoubted right, it was his bounden duty, whether he lived or died in the effort, to put down that lawless violence when thus called upon by a majority of the men who had a right to control that voice.

Mr. SCHURZ rose.

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. SHERMAN. No; it interrupts my argument. The Senator had his say and was listened to with great respect and attention. Every word of his speech I heard myself without interrupting him; but for some reason I cannot speak here without being continually interrupted.

Any irregularity that occurred, I repeat, was an irregularity caused by the lawless violence of Wiltz; and there was an opportunity for Kellogg to have immortalized himself. Had he been a bold, audacious man, even if he was ambitious, had he gone into the presence of that turbulent house without a single soldier behind him and had compelled those men to listen to the law which directed the organization, to listen to his oath, to listen to the obligations imposed upon him by the constitution, he would have been not only defended but authorized and justified in the use of any force whatever to put down that violence. My friend from Indiana says he would have been murdered. That might have been true. It only shows still more the dangers of society in Louisiana, the lawless audacity which controls matters there, which would murder the governor because he would resist the usurpation by a minority of a house of the organization of the house. It was one of those occasions where a bold man may impress his name upon history; and I am inclined to think that if he had gone there in that way they would not have dared to murder him. But my friend from Indiana says he would have been murdered, and perhaps he would.

What else did he do? He gave his order. He ought to have called upon the *posse comitatus;* he ought to have called on the police authorities; he ought to have called upon such forces as were within his reach. Why did he not do that? There my friend from Indiana would give a very satisfactory explanation, that in the excited state of feeling in Louisiana he could not call on the constables or the militia. He was commander of the militia; he had power to call upon them to aid him in executing the laws. He could not do it without creating bloodshed and murder; and perhaps that is a good reason. We know very well that such is the state of society in New Orleans that probably any appeal whatever, any attempt by any legal authority either to suppress a riot or to put down lawless violence, especially where politics mingles in it, would probably lead to general war and general bloodshed. That is one of the misfortunes of the state of society in Louisiana. What then? With this letter before him, signed by fifty-two men who had the right to control the organization of that house, with the probability that if he entered there in the discharge of his duty he would be murdered, leaving Louisiana without a governor, with the probability that if he called on the militia it would not respond to his call or would not obey his order, that if he called on the constabulary force it would only precipitate a conflict between armed men—under these circumstances of difficulty Governor Kellogg called upon General De Trobriand, and General De Trobriand went

there, with a heart that was white and free from offense, without any intention to trample on any man's liberties, in obedience to a lawful call, as he supposed, by Governor Kellogg to put out five men whose presence interrupted the organization of the house of representatives of Louisiana.

My colleague asks me if I approve this thing. I cannot say that I do; but this I say, that I approve it precisely to the extent that the President of the United States approves it, and God forbid that I, on account of my respect to law and my ideas about the use of military authority, should cast ashes upon the head of General De Trobriand who in a time of great difficulty, under circumstances of peculiar and critical urgency, simply did what he supposed to be his duty.

There is the whole case. The President of the United States so states it. There is the whole of it. To call this one of those great historical outrages when the rights of a free people are trampled upon, is simply making a mountain out of a mole-hill. All the violence that was used was compelled by Wiltz, and only enough was used to execute what General De Trobriand believed to be a lawful order of Governor Kellogg in expelling men who prevented the organization of that body.

In addition to that, Governor Kellogg had the undoubted right to call on the President of the United States for the military force of the United States to suppress domestic violence. At that time the Legislature was not organized and could not be organized by reason of the very events that I have narrated. The Constitution of the United States in that case, and precisely in such a case, gives to the governor the power to call on the President to suppress domestic violence, and this order of Governor Kellogg was made in pursuance of that provision of the Constitution, though on account of the urgency of the matter it was not made through a special call on the President of the United States.

Troops being then present under a previous call justified by the general sentiment of the people of this country, they acted at once without a direct order from the President of the United States. I cannot say that it would be right for an officer of the Army, upon the call of Governor Kellogg, without a direct order from the President of the United States, to appear there and enter into that legislative hall and do the duties of a constable. My idea of the Army is that it is an organized force only to speak on great occasions, and then against an armed enemy in its front. I do not think the Army of the United States ought to be used for many of the purposes for which it has been used. I think it ought to be kept intact, free, clear from all political associations or affinities, stand aloof only to meet force with force, and only to suppress violence when called upon to do so in the constitutional way. That was the case here, except that there was no legal order from the President. The circumstances were peculiar. They were imminent. They were urgent. Anybody in Louisiana, any citizen of Louisiana, any portion of the militia of that State would have been perfectly justified, under the call of Governor Kellogg, in doing all that the troops of the United States did. If we place any reliance upon the constitution, it was the duty of the governor to act, and act promptly, but only by a civil or military force under his command. The troops of the United States, in my judgment, ought to have been kept out of that arena; but God forbid, as I said before, that I should cast any reproaches upon General De Trobriand or any other officer of the Army who under these circumstances did what he believed to be his plain duty. What was the result? Nothing except that the majority were restored to their power to organize that house, to pass upon the elections, returns, and qualifications of the members, and to go on in pursuance of law to make laws for the people of Louisiana.

Mr. President, this is all I desire to say about the particular events that occurred on the 4th of January; and I now come to some collateral questions which are necessarily brought into the case, and to which my attention has already been directed by several inquiries made by Senators and also by the general latitude and scope of this debate; and the first one is the action of the returning board.

My colleague and the Senator from Delaware, who must be embarrassed by the difficulties of their position in seeking to defend this lawless and desperate revolutionary usurpation by Wiltz, say that the returning board of Louisiana, according to the report of the committee of the House of Representatives, were guilty of illegal, fraudulent, and improper acts; that they did not do their duty; that they refused to return five men who were lawfully elected. It appears that this board returned that the election of these five men was secured by fraud, violence, and intimidation; that under the law they were returned not elected, but their cases were referred to the house to be passed upon by the house itself. They claim also that the returning board were guilty of fraud, inasmuch as that by the returns submitted to the board there was a democratic majority of 29 in the house of representatives, and they say they were cheated out of that majority, and a return made of 53 republicans and 53 democrats, instead of giving the democrats a majority of 29.

Mr. THURMAN. Not that.

Mr. SHERMAN. I think that is the substance of it. I think the returning board returned 53 democrats and 53 republicans.

Mr. THURMAN. Fifty-four republicans and 52 democrats.

Mr. SHERMAN. The Senator from Louisiana tells me the return was fifty-three democrats and fifty-three republicans, and five men were returned as not elected and their cases referred to the action of the organized house. Here is the case. What then? Suppose we admit your whole charge; my colleague is a lawyer, and has been an able and excellent judge; would he stand up here in the Senate and say that because all these things have been done any portion of that body could go there and with revolutionary violence seize upon the organization, disregard the rights of the majority or minority there, refuse a call for the yeas and nays, refuse a vote, put in five men without a vote, and in many respects violate the law of its organization? I think not. If you admit all that these gentlemen claim, what is the remedy? The remedy pointed out by the constitution of Louisiana, the same that is pointed out by the rule of the House of Representatives of Congress; that the house, when organized, shall pass upon the elections, returns, and qualifications of the disputed persons. The intervention of the returning board is a kind of agency that I am not familiar with. We have no such tribunals in Ohio. We have no such returning board in the sense in which this board existed, with power to refuse men their certificates because of alleged fraud, intimidation, or violence. But that is the law of Louisiana, and this case must be governed by that law. The present law of Louisiana, as I understand, is similar to the law they have had there for a number of years in this particular, for a returning board—a very dangerous and bad tribunal, in my judgment, because if the returning board is controlled by partisan politics, it may do just what these gentlemen say this returning board did. But still there is the law, and these men were bound to obey the law. The law must govern in the proceedings to organize that house; and under that law the men whose names were returned by them alone could vote. But upon what evidence does my colleague say that these things were done? Upon what evidence does he say that the returning board committed a fraud? Upon the statement made by three members of the House of Representatives of this Congress, all highly respectable gentlemen, made upon a short and cursory examination of a few days, made without the presence of the president or any member of that board, so far as appears—certainly without the presence of Governor Wells, an old citizen of Louisiana, who was not present before them; made in haste. Upon this information, no doubt honestly given, because I know each of the gentlemen whose names appear to that report, and I know that neither Mr. FOSTER nor Mr. PHELPS nor Mr. POTTER would sign anything that they did not believe to be true—upon this statement suddenly made by them, on going there in ignorance of all the facts, made however upon their honest responsibility, believing these facts to be true, these charges are alleged. Suppose it to be so, what difference does it make? It does not affect the legal questions involved in the organization of that house; but until you hear both sides of that question is it wise to condemn the board by wholesale.

There is one rule of law which is universal, and that is that every person charged with the performance of a public duty is presumed to do his duty unless the contrary appear. You cannot go on with a representative government, where all the powers of the government are conducted by agents, unless you give to the acts of those agents a reasonable inference of purity and justice. That is the rule of the law. We are bound to presume that the returning board had a legal basis and a just basis for all their actions. If you cannot rely upon it, it shows that the organization of that board was wrong, that its members were corrupt, or that they grossly violated their public duty. None of these things are to be inferred, nor can they be hastily proven upon the hurried statements of a committee sent there to examine this among a great many other things, without the presence of the five men who were members of the returning board, without the evidence of the president of the board, who it would seem was absent. Although he sent his affidavit, it was not received. I have nothing to say in mitigation of the conduct of the board. If they did what my colleague says, they violated their duty, and ought to be held up to public scorn and contempt; but that must not be presumed. It must not be hurriedly assumed upon a statement like this. We know that at this moment other gentlemen—probably it would be no derogation to the committee who signed the report to say men at least equally able as lawyers, as intelligent and as patriotic as citizens, have gone there to re-examine the conclusions of that committee. But suppose it turns out to be that the statements of this report cannot be varied, does that affect the question? Not at all. It still leaves the law of Louisiana intact; it still gives to those returned by the returning board the power to organize the house.

But, says my colleague, that is yielding everything. There again they assume that the majority of the house thus returned will wrongfully and fraudulently exclude men legally elected. The Constitution of the United States places upon the Senate the power to pass upon the returns of our members. It may be that the Senate fraudulently, corruptly, or with improper motives may reject a man who has been duly elected a Senator; but there is no other tribunal that can pass upon the question from the nature of things. So in the House of Representatives. The Constitution gives to that House the power to judge of the elections, returns, and qualification of its members. I have seen democrats seated by a republican House. I have seen republicans seated by a democratic House. It is to be presumed that these high political bodies will perform their duty according to law. If you cannot base that presumption upon reasonable probabilities, then our Government is not worth a rope of straw. It rests upon the general intelligence and fairness of the majority rather than the mi-

nority. So in the house of representatives of Louisiana. What right have these gentlemen to assume that because they have been cheated out of the returns of some of the members, the republican majority returned by the returning board would exclude five men if they were legally elected? I do not believe they would. Indeed I have heard from information, just as we gather it from others, by those who were present, that there is scarcely a doubt that whatever might have been the disposition of a majority of the republican members returned, there were enough men among them of character and fairness and justice who would have fairly decided upon any case that might be brought before them.

Mr. THURMAN. I do not wish to interrupt my colleague even for a moment, because he dislikes to be interrupted; but I want to ask him if he does not know that what is called by the republicans the Legislature of Louisiana, that same body that professed to elect Mr. Pinchback on last Tuesday, have actually, without any investigation whatever, seated the five men who were defeated for the seats that were occupied by the five men who were expelled by De Trobriand?

Mr. SHERMAN. If that be so, I hope that the republican majority in this Senate will do its duty when it comes to examine the question referred to the Committee on Privileges and Elections. But is it to be presumed that the majority will not do its duty? Here the arraignment would go directly to us that we are not to be trusted in passing upon the Pinchback case, because, forsooth, we may trample upon the rights of the minority!

There is no rule which governs the organization of parliamentary bodies more universal in its application than this: that although returning boards and reports from secretaries of state and other merely executive officers may in the first place prepare a list that is not just, not fair, not proper under the circumstances, yet the power of the house, it is presumed, will be exercised always to seat men who have been lawfully elected, and will not in any case expel a man who has been elected from his seat, although he is in the minority. Therefore I dismiss from my view of the case the action of this returning board, first, because we have not yet sufficiently developed the facts in the case; and next, even if the facts are shown to be as now claimed by Senators on the other side, they will not justify in the slightest degree or palliate any of this lawless violence, but we must rest upon presumption that a majority duly returned will act fairly and honestly upon the returns of the members who have been elected.

There is another thing: This case is constantly affected and shadowed by the doubts that rest on the election of Kellogg. That ought to be dismissed. Whether Kellogg was lawfully elected or wrongfully elected, probably will never be ascertained, because, according to the report of the committee of this body, the condition of fraud, violence, intimidation, and wrong that prevailed in 1872 will forever prevent any solution of the question as to whether Kellogg was legally or illegally elected, whether McEnery or Kellogg was elected. It is one of those questions that probably we cannot decide. It is a painful question to me. I never have voted yet to recognize the results of the Louisiana election of 1872, because, after reading the able reports that were made by the majority and minority of our committee, I was totally at a loss to say whether or not Kellogg was elected. But Kellogg was there, recognized by the local authorities, recognized by the supreme court of the State of Louisiana, by judges elected before the election occurred, is now recognized by the President of the United States, recognized also by the action of the House of Representatives in admitting members who were elected on the same ticket with him. He being recognized by all these departments of the Government, whatever may be our opinion in regard to the election of Kellogg, no one can question his right while acting *de facto;* as governor to exercise all the powers of governor, until his right to do so may be disputed, we cannot measure his powers as governor at any less gange than if he had been elected without dispute or controversy as to the majority. We have nothing to do with the case. He is there in possession of the executive authority, armed with the powers given him as governor. He appoints judges; he appoints nearly all the officers of the State. They are there now in the enjoyment of their offices. He has been recognized by the supreme court of the State in two or three decisions. We cannot overthrow his government without the most careful examination; and until we do overthrow it by some legal act we must recognize him as governor and give to his acts all the force and all the consequences of the acts of a lawful governor.

Now I come to another point upon which a great deal of declamation has been expended, and that is the telegrams of Sheridan. It is now admitted and known to all the people of the United States that these honorable Senators who would not knowingly do injustice to any one, high or low, did do the grossest injustice to General Sheridan and the President of the United States. All over this country the cry of a military despot, a tyrant, a usurper, was rung and repeated against General Grant and General Sheridan. It turns out, when we have the facts, that General Grant did not know any more about the events of the 4th of January than we did; that all the orders he had given were legal orders, approved and sanctioned by public opinion, in consequence of the attempted revolution in September, 1874. This *émeute*, this sudden violence, was a surprise to him, and he heard of it with the same sentiments that we felt when we read the dispatches on the morning of the 5th. All was new to him, and he was in no sense responsible. So with General Sheridan; he was there, not desiring, not intending to assume command, when suddenly Wiltz seized upon that organization, put the brand to the burning pile, aroused the whole population there, and Sheridan under the excitement of the moment sent his indignant telegrams. What are they? This brave soldier, who has carried our banner in many a hard-fought field, and nearly always to victory, one of those whom the American people have been delighted to honor—what has he done, in the name of Heaven, that brings down upon him now all the reproaches of party heat and party hate? Let us see. No act, remember, of his; he did not participate in General De Trobriand's act, whatever it was; his command commenced at nine o'clock that night, at a time when a fever heat prevailed in New Orleans, when at any moment armed bodies of men might be brought into collision. Being then there, a soldier of superior rank, armed with authority, he assumed the responsibility, and from that time forward he is responsible for what he has said and done, but up to that time he is not for anything done there. Let us see what he said in his first telegram, because he has actually done nothing. Here is the dispatch, written within probably an hour after he assumed command, because it seems to have been received here at 11.45 p. m. on the 4th of January:

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people, all security usually afforded by law will be overridden. Defiance to the laws and the murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General United States Army.

This is a terrible statement of facts. If they existed, it was the duty of Sheridan to communicate them, however much it might stir up the feelings of others. If they are false, then General Sheridan has either ignorantly or willfully deceived and misled the President upon a most vital point. What are the facts? When I read that telegram, I must confess that I shuddered, because, if true, it was a fearful picture of demoralization in Louisiana; if false, it was an equally fatal error on the part of Sheridan, an Army officer, to state such facts if they did not exist, and unless he knew that they existed. Now, read that telegram in connection with the full information we have of the condition of affairs in Louisiana; and I tell you, sir, that after reading a later telegram of his, on a subsequent page of this document, if that is a statement of what has actually occurred there, where dates, and figures, and amounts, are given, then I turn back to the telegram of General Sheridan on the evening of the 4th of January, and I say that telegram is true, every word of it. You may read these two telegrams together. My colleague cannot make light of this. There are the words of a soldier in black and white, like an indictment stated with more than the precision of a lawyer. If the telegram of the date of January 10, 1875, is true about Louisiana, then every word that General Sheridan said in his telegram of the 4th is true.

Mr. THURMAN. Where did he get the proof from?

Mr. SHERMAN. Do you deny any fact he asserts?

Mr. THURMAN. Palpably——

Mr. SHERMAN. I ask the Secretary to read that, and I hope Senators will see how much the statements made by him rest upon historical facts, records which cannot be denied; and if that telegram is true, I say that the first telegram is true.

Mr. THURMAN. Where did Sheridan get his knowledge?

Mr. SHERMAN. Where we get our knowledge—from facts; it makes no difference, if he stated the facts.

The Chief Clerk read as follows:

NEW ORLEANS, *January* 10, 1875—11.30 p. m.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Since the year 1866 nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In 1868 the official record shows that eighteen hundred and eighty-four were killed and wounded. From 1868 to the present time no official investigation has been made, and the civil authorities, in all but a few cases, have been unable to arrest, convict, and punish perpetrators. Consequently, there are no correct records to be consulted for information. There is ample evidence, however, to show that more than twelve hundred persons have been killed and wounded during this time on account of their political sentiments. Frightful massacres have occurred in the parishes of Bossier, Caddo, Catahoula, Saint Bernard, Saint Landry, Grant, and Orleans. The general character of the massacres in the above-named parishes is so well known that it is unnecessary to describe them.

The isolated cases can best be illustrated by the following instances, which I take from a mass of evidence now lying before me of men killed on account of their political principles: In Natchitoches Parish, the number of isolated cases reported is thirty-three; in the parish of Bienville the number of men killed is thirty; in Red River Parish the isolated cases of men killed is thirty-four; in Winn Parish the number of isolated cases where men were killed is fifteen; in Jackson Parish the number killed is twenty; and in Catahoula Parish the number of isolated cases reported where men were killed is fifty, and most of the country parishes throughout the State will show a corresponding state of affairs. The following statements will illustrate the character and kind of these outrages:

On the 30th of August, 1874, in Red River Parish, six State and parish officers, named Twitchell, Divers, Holland, Howell, Edgerton, and Willis, were taken, together with four negroes, under guard to be carried out of the State, and were deliberately murdered on the 29th of August, 1874. The White League tried, sentenced, and hung two negroes on the 28th of August, 1874. Three negroes were shot and killed at Brownsville, just before the arrival of the United States troops in this parish. Two white-leaguers rode up to a negro cabin and called for a drink of water. When the old colored man turned to draw it, they shot him in the back

and killed him. The courts were all broken up in this district, and the district judge driven out.

In the parish of Caddo, prior to the arrival of the United States troops, all of the officers at Shreveport were compelled to abdicate by the White League, which took possession of the place. Among those obliged to abdicate were Walsh, the mayor, Rapers, the sheriff, Wheaton, clerk of the court, Durant, the recorder, and Ferguson and Renfro, administrators. Two colored men, who had given evidence in regard to frauds committed in the parish, were compelled to flee for their lives, and reached this city last night, having been smuggled through in a cargo of cotton.

In the parish of Bossier the White League have attempted to force the abdication of Judge Baker, the United States commissioner and parish judge, together with O'Neal, the sheriff, and Walker, the clerk of the court; and they have compelled the parish and district courts to suspend operations. Judge Baker states that the white-leaguers notified him several times that if he became a candidate on the republican ticket, or if he attempted to organize the republican party, he should not live until election.

They also tried to intimidate him through his family by making the same threats to his wife, and when told by him that he was a United States commissioner, they notified him not to attempt to exercise the functions of his office. In but few of the country parishes can it be truly said that the law is properly enforced, and in some of the parishes the judges have not been able to hold court for the past two years. Human life in this State is held so cheaply, that when men are killed on account of political opinions, the murderers are regarded rather as heroes than as criminals in the localities where they reside and by the White League and their supporters.

An illustration of the ostracism that prevails in the State may be found in a resolution of a White League club in the parish of De Soto, which states "that they pledge themselves under (no !) circumstances after the coming election to employ, rent land to, or in any other manner give aid, comfort, or credit to any man, white or black, who votes against the nominees of the white man's party." Safety for individuals who express their opinion in the isolated portions of this State has existed only when that opinion was in favor of the principles and party supported by the Ku-Klux and White League organizations. Only yesterday Judge Myers, the parish judge of the parish of Natchitoches, called on me upon his arrival in this city, and stated that in order to reach here alive he was obliged to leave his home by stealth and after nightfall, and make his way to Little Rock, Arkansas, and come to this city by way of Memphis.

He further states that while his father was lying at the point of death in the same village, he was unable to visit him for fear of assassination, and yet he is a native of the parish, and proscribed for his political sentiments only. It is more than probable that if bad government has existed in this State it is the result of the armed organizations, which have now crystallized into what is called the White League; instead of bad government developing them, they have by their terrorism prevented to a considerable extent the collection of taxes, the holding of courts, the punishment of criminals, and vitiated public sentiment by familiarizing it with the scenes above described. I am now engaged in compiling evidence for a detailed report upon the above subject, but it will be some time before I can obtain all the requisite data to cover the cases that have occurred throughout the State. I will also report in due time upon the same subject in the States of Arkansas and Mississippi.

P. H. SHERIDAN,
Lieutenant-General.

Mr. SHERMAN. Here is the statement of a high officer of the United States that the people of this country will believe if my colleague does not. He is there on the ground. I ask if he cannot learn the facts better than my colleague who sits here in the Senate Chamber, where we are all peaceable and quiet, and where our disputes are only wordy, instead of the bitter disputes they have in Louisiana. General Sheridan states in that document historical facts already proven by testimony upon our records, like the bloody story of Colfax, like the Coushatta murder, the murder of judges and attorneys in the discharge of their duties. General Sheridan also tells you what he knows himself from persons whom he has communicated with there. Sir, I say to my colleague in all kindness that if that dispatch of General Sheridan be true, as I fully believe it is, and it would not have been made up except upon a strong showing, then all that has been said of Louisiana has never been sufficient to denounce as strongly as they ought to have been the atrocities there committed.

Mr. BAYARD. Does the Senator give any effect at all to the response of the merchants and the leading clergymen of every denomination in the city of New Orleans?

Mr. SHERMAN. I will come to that in a moment; but I say this——

Mr. BAYARD. And the report of the sub-committee of the other House, all northern men?

Mr. SHERMAN. I know very well how in the state of things in Louisiana such denials come from the clergy in New Orleans. Do they deny the Colfax murder? Do they deny the murder of judges? They simply say that a state of lawlessness does not exist there. What they deny is not Sheridan's second dispatch but Sheridan's first dispatch, and that dispatch is simply a declaration that lawlessness prevailed. Now, I ask, if the second dispatch is true, does not lawlessness prevail? I do not want to go into the particulars, but these are historical facts. These men may meet together in chambers of commerce, though in one case they struck from their roll a man who told the truth; they may meet in their conventionals, these religious denominations, and preach and deny these general facts; but when they rest on purely historical documents so easily proved as physical facts, the people of the United States will believe them, and will attribute these denials either to the careless ignorance of those gentlemen who utter them or to a desire to avoid the terrible indictment thus made against the State of Louisiana.

Mr. WEST. If the Senator will allow me to interrupt him a moment—I was not paying attention a few moments ago, but I understood that the Senator's colleague asserted that five men from these disputed parishes have been admitted by the republican members of the Legislature.

Mr. THURMAN. I have seen it so stated.

Mr. WEST. The Senator is misinformed. There were three out of the five, and those three came from parishes that were returned as republican.

Mr. SHERMAN. Now, I want to go a little further. The first dispatch I entirely approve every word of upon the information we have, and I have no doubt we have as much information as is known anywhere. Now, in regard to other telegrams of General Sheridan which have been commented upon with great violence and great injustice, let me read them. On the 5th of January, the day after these transactions, he telegraphed:

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Please say to the President that he need give himself no uneasiness about the condition of affairs here. I will preserve the peace, which it is not hard to do with the naval and military forces in and about the city; and if Congress will declare the White Leagues and other similar organizations, white or black, banditti, I will relieve it from the necessity of any special legislation for the preservation of peace and equality of rights in the States of Louisiana, Mississippi, Arkansas, and the Executive from much of the trouble heretofore had in this section of the country.

P. H. SHERIDAN,
Lieutenant-General United States Army.

That is, "If Congress will do so and so, I will do the rest." Very well; I have no doubt that if Congress would do as General Sheridan here suggests he would do the rest; but Congress will not do it, cannot do it, ought not to do it, and that is the end of it. If General Sheridan is to be punished for bad advice given to Congress, God save all the people of the United States who have sent us here schemes enough to ruin the whole Government a thousand times over. Is General Sheridan to be punished for a telegram based upon what Congress might do when he suggests "If Congress would do so and so, I will do so and so?" This telegram has been spread over the country as evidence on the part of Sheridan of an incendiary spirit which would burn the city of New Orleans and scatter havoc and devastation over the whole country; and my friend from Maryland [Mr. HAMILTON] became so indignant and so eloquent about this that I really did not know what would become of him and of us all. Here was a mere suggestion that if Congress would do so and so, he would do so and so. He can perform what he agreed to do, but we cannot do what he proposed that we should, and nobody supposes we could. On the contrary, Congress has exercised its power in dealing with these turbulent and lawless Ku-Klux organizations by making law, and that law has been enforced in the courts aided by military authority. That is the only remedy we can give in such cases, and that remedy we have given.

Now let me read the next dispatch:

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair-dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

Here again is a repetition of Sheridan's advice: If Congress would declare them banditti, then he would put them down; and if the President would issue a proclamation, he might probably be able to do the same; and he says:

The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished.

Should they not be? Those scoundrels—I will not use any harsh word, it is not necessary—those lawless men, armed and organized in violation of the law of the State of Louisiana, who subverted its government on the 14th of September, ought they not to be punished? They killed one hundred men. Is that no crime? They still possess the arms that they stole from the arsenal, according to the statement of the Senator from Louisiana. Is that no crime? Is it no crime to have within the State an armed organization sworn to overthrow the State?

The President of the United States thought this ought to be punished, and he did all he could by issuing his proclamation and saying, "Gentlemen, disperse in five days or I shall be called upon to perform my constitutional duty," and they dispersed. But does that make their crime any the less? No, sir; they are guilty of murder, and they ought to be tried and punished.

But the use of the word "banditti" gives offense to gentlemen, and it has been said that General Sheridan called the whole people of Louisiana banditti. He did not do it. He says the ringleaders of the White League are banditti. "Declare them banditti, and I will settle them." "Bandit" is a strong word; but I have been looking at the dictionaries to see whether or not General Sheridan was exactly right in using that word. I have taken the definitions of all the standard authorities; and let us see whether the acts I shall mention make these men banditti:

BANDIT. One declared to be banned, banished, exiled, outlawed; an outlaw.—*Richardson.* (Best English authority.)

> No savage fierce, bandit, or mountaineer
> Will dare to soil her virgin purity.
>
> *Milton.* (Comus.)

Who are they who can be said to be governed by laws of their own making? I never heard or read of any such, except, perhaps, among pirates *and other banditti*, who, trampling on all laws, divine and human, refuse to be governed in any other way than by their own licentious regulations.—*Beattie.* (Moral Science.)

BANDITTI. Persons who live by rapine, and find themselves in open revolt against the laws of the country.—*Encyclopédie du XIXe. Siècle.* (French.)

In Italy the banditti are very numerous and form a regular society, subject to a formal organization.—*Ibid.*

BANDITTI, (Italian). A band of robbers, outlaws, or ruffians.—*Worcester.*

BANDITTI. Men outlawed—robbers.—*Johnson*, (edited by Latham.)

A Roman sworder and banditto slave
Murdered sweet Tully.
Shakespeare. (The only case of its use in his plays.)

BANDIT; plural, BANDITTI. An outlaw; also, in a general sense, a robber, a highwayman; a lawless or desperate fellow.—*Webster.*

Now, let us look and see whether these men are banditti within the meaning of the word. He was speaking of the Ku-Klux, the white-leaguers; and as the Ku-Klux now have been pretty well developed, we know what they were—an armed band, sworn in secret, concealed, doing murder by night, robbing, plundering, crucifying; yes, nameless crimes, which dare not be uttered, were committed by these bandits. The bandit of Italy, where the word came from, only captures the rich. The men whom the Ku-Klux plunder, as they say, are the poor. The Italian bandits stopped the rich priest or nobleman and made him pay a good, heavy ransom, but they never capture the poor, the ignorant, and the lowly. So the Spanish bandit always deals out something like mercy or something like justice, and his punishment depends upon the ability of the person to pay. If he has nothing to pay, he is treated with a night's rest and good fare and sent to his home again. We had in English history a few hundred years ago another kind of bandits called the "merrie men of Sherwood," Robin Hood and Friar Tuck and that class of bandits. They always, like the Italian bandits, captured rich priests, levied contributions on monasteries and castles, and occasionally made a very big haul; but the justice administered at Sherwood was the justice of honesty. The poor were always protected; and yet they were English bandits or outlaws.

What are these Ku-Klux? They are just as much worse than the Italian bandit or the Spanish bandit, or the Engish bandit, as robbery of the poor is worse than robbery of the rich, as murder of the defenseless is worse than of the armed, as murder by night, under concealment and disguise, with the weapons of the coward, is than in the bright daylight, when the breast is presented to the lance of the enemy. Why, sir, for the Ku-Klux, as they have now been developed, the word "bandit" is too respectable. I have here a report, called "The Key to the Ku-Klux: individual report and revelation, by Edward A. Pollard, of the condition of the South." He is the historian of the southern rebellion, a southern man in every sense of the term. I will read what he says of the Ku-Klux, and see whether they and their lineal descendants, the White Leagues, are banditti or not. This was printed in 1872:

It is no longer questionable that there exists in the South a very detestable sort of lawlessness banded under the name of the Ku-Klux, and committing various crimes, even to the extent of murder; this is *res adjudicata.*

There is the admission that they are lawless bands of murderers and outlaws. If they be not banditti, then I do not know what it can be; but I will read a little further. He goes on to show that this organization grows out of hostility to the negro, and then proceeds:

They never omit an opportunity to strike at the black man, and that, however differing in other respects, they all unite in persecuting the negro. This is their secret bond of sympathy, the common ground of all the varieties of the Ku-Klux, the true explanation—

Mark the words—

of a parti-colored conspiracy in the South that, at once occult and shifting, has by its various disguises and transformations confused criticism, and for some time baffled even the most searching and determined investigations.

Again:

The writer thinks enough so far has been given of the description of the Ku-Klux to establish its true character, and to strip, alike, from it, on the one hand, its own flimsy disguises by which it has attempted to impose upon public toleration or allowance, and, on the other hand, the weak pretenses by which the Federal Government has sought to construe it as incipient treason, and to magnify it into an occasion for martial law and other machinery of despotic interference and usurpation. This mysterious order in the South, which has so disturbed the imaginations of the country, turns out to be a very vulgar and ordinary thing—hateful enough, but not quite so fearful as the fancy of alarmists or the design of politicians had made it. It is not a knight with his visor down, nor a disguised missionary in great public affairs—there is no romance about it; *it is only a vulgar, skulking foot-pad and murderer, to be ruthlessly hunted down and exterminated without compunction or mercy.*

Are not those bandits? I think General Sheridan must have been reading this book, not only for his epithet but for his remedy. I will read a little further. Here is a single case given by Mr. Pollard that in atrocity I think passes anything I ever read. It seems to me a horrible atrocity, and yet it is written by a gentleman who is endeavoring to induce the southern people to put down the Ku-Klux:

The bravery which could kick in the heart a poor manacled negro or grind under its heel the torn, bloody face of a fallen victim; which had the nerve to jeer at the last dumb agonies which attend the ever unknown, unutterable mystery of death; which was capable of such scenes as that related to us by an eye-witness of one of the executions of the Ku-Klux, where, when the victim was swinging from the limb of a tree, one of his murderers leaped out of the crowd and by a sudden feat of activity vaulted on the shoulders of the dying man, so as by increase of weight to tighten the grasp of the rope and insure its work, and, amid huzzas at his agility, sat there, crouched and grinning like a demon, until the unruly and struggling body beneath him was still and he was sure that his knees pressed only a breathless corpse.

That was an organization in the Southern States. I ask you if they were not banditti, and was not Sheridan right? I say, sir, that the atrocities of these men always stirred my blood. I do believe now from the best information we have, although it is not as full and complete as I hope it will be made, because we ought not to act hastily upon insufficient information, that the White League is but the same thing over again. These lawless acts of violence which have made a bloody page in the history of Louisiana, which have written on that record contained in the telegram of Sheridan a tale of atrocity that seems more like a record of some period of the Middle Ages, a record partly described here by the chosen author of the History of the Southern Rebellion—I tell you, gentlemen, that such atrocities by such men demand not only the name which has been given by General Sheridan of "banditti," but they demand of us the exercise of every power of the General Government that we may lawfully and constitutionally exercise to put down and exterminate the men guilty of them.

The error of General Sheridan's advice was that, not being a lawyer or statesman but a soldier, he probably assumed that the Government would have the power to deal summarily with all these desperadoes that he called banditti. We must deal with them according to law, but in some way or other we must put an end to these atrocities, or else the very name and fame of republican institutions will be a by-word and reproach. Sir, there is that in these lawless acts of violence that not only arouses the sympathy of mankind for the victims, but the stern condemnation of the actors by every just man; and I know that my fellow Senators here on the democratic side feel that all these outrages are wrong and must feel as I express myself; but all these outrages are committed in the name of and for the benefit of the democratic party. If that day should come to which many of you look forward with hope, when the democratic party shall be in power in this Government, then one of two things will be true: either the blacks of the South will be turned over to the tender mercies of these men, or you will have again the fires of rebellion kindled in our midst.

We have sworn, in taking our oaths to maintain the Constitution of the United States, to secure to all the people life, liberty, and property. We are as much bound to secure the emancipated blacks life, liberty, and property as we are bound to secure them to our own home and kindred. We must do it, or this Government is forever disgraced. I would not so dread the accession of the democratic party to power but for the fear that springs in the minds of hundreds of thousands of good people of this country that you would not have the power to resist the overwhelming and controlling influence of the very bandits whom I have been characterizing.

Mr. BAYARD. I wish to understand whether the Senator——

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. SHERMAN. I cannot refuse to yield to a question, but I would rather not.

Mr. BAYARD. Go on.

Mr. SHERMAN. I say then that while I wholly disapprove of the remedies proposed by General Sheridan—and he simply submitted them to the Congress of the United States—yet after a sober review of such papers as I have before me, which I could accumulate until the sun sat and rose again, furnished me by my honorable friend on my right, [Mr. SCOTT,] who was chairman of the committee on the Ku-Klux organization but I will not weary the Senate with them, I insist that something must be done to suppress these White League manifestations. This White League organization is of the same affinity as the Ku-Klux. I had a document here which shows by the admission of some southern men that the White Leagues and these other associations sprang out of the Ku-Klux. The Ku-Klux were suppressed by the law, which was enforced in some of the States, and they abandoned it or probably abandoned it partly on the urgent appeals of such men as Mr. Pollard, who denounced them as a great disgrace against civilization. But the White League comes in, armed, organized, and disciplined, sworn to overthrow the State government of Louisiana. They say they are for protection. We know they are not. What would my colleague and I feel if the laws of the State which we have the honor to represent had not the power to suppress at once any military organization aimed at its life? We boast that we represent here three millions of people, peaceful, quiet, and happy, who differ about everything and have the right to differ, who speak their minds boldly and freely, a community that we are proud to represent; and yet, if any of these things were brought home to the knowledge of the democrats in Ohio, and they could hear and see that by the ascendency of democratic rule there would be a revival and an encouragement of acts of atrocity like these, they would shrink from the enterprise, however desirable it might be in other respects. Sir, you will have to convince the northern people that this story is not true. You cannot do it, my worthy colleague, by sneers or smiles; it must be done by sober facts, because here are indictments which cannot be answered lightly.

Now, Mr. President, I wish to correct a misapprehension that might grow out of my remarks denunciatory of the White Leagues and the banditti. I do not say that all the people of Louisiana are of that mode of thinking at all. I know that we republicans sometimes neglect to give to these people in their present condition due consideration for some of the circumstances by which they are surrounded. In the first place, in Louisiana the war has left its excitement; and some of the scenes of the war in the Red River country,

in this very Coushatta region on the upper part of Red River, and in New Orleans, have left great animosities, and we cannot expect these to die away in a moment. We must take that into consideration in viewing the conduct of the people of Louisiana. Besides, they have a mixed population. We know that there is a portion of the population of French descent, a portion of Spanish descent, many and probably a majority of colored people, some from foreign lands, some from our own Northern States, some from other Southern States. Probably there is no portion of the people of the United States that has a more mixed origin than the people of Louisiana. In all cases that tends to promote violence, because sometimes speaking different languages they cannot understand each other; sometimes being educated in different lands and under different institutions they cannot appreciate the institutions under which we live. All these things are to be considered.

They have to encounter another great difficulty in the novelty of former masters and slaves living together as freemen. This we know by all history is a most difficult problem. Those who were once slaves, whose wives and children were bartered and sold like sheep, are now citizens. The masters have been impoverished; they have lost their slaves; they have lost the use of their lands; all their labor is broken up. All these things are to be considered, and we must not overlook them. We must not therefore expect from them the same orderly regularity, the same freedom from violence and force, that we should expect in a stable, orderly people like the people of Ohio or New York. All the sources of wealth, are dried up. When I was there last winter I conversed with gentlemen of all political parties, and saw the great change in the value of their property and the amount of their income. Some families had incomes dependent upon the rents of real estate in New Orleans, and the real estate would hardly pay the taxes, and they were reduced to poverty, hardly able to gather money enough to pay their taxes. All that creates acerbity and bitterness of feeling, and no one felt it more than I did at that time. Thoughtful men I say should give heed to all these discouragements and difficulties; but after all, considering them all, we have a right to ask of these people to respect the law, to be obedient to the law. If they have a majority, in the name of God let them have the power of the majority. I would not, I am sure, and I do not believe any of my fellow Senators would, seek to deprive any State of the right to be governed by its own people, by home government, as they call it. What we do say is that they shall not trample down the rights of others; that when they are exercising their own right in voting as they please, electing democrats, electing confederate generals if they please, anybody they choose, they must not trample down the rights of the wards of the nation, who have been emancipated by our policy and by our laws. Equal rights, equal privileges, equal facilities for education, for life, for liberty, and the acquirement and enjoyment of property—that we demand; and in the name of God and by the agency of the republican party we will have it sooner or later. There is no doubt about that.

I will not now dwell upon the remedy. I intended to do so, but I am already too wearied to enter upon it. But I do say that the Senate ought now to take up this matter in a dispassionate way and do equal and exact justice to these people. If a democratic house was elected there last November lawfully and fairly, in the name of Heaven given them the organization, requiring them however to organize according to law, to obey the law and not obtain it by lawless violence. If they get the control of the house in a regular and legal way, let them have it. The republican party is strong enough and I hope brave enough to do justice to our political adversaries. If, as I honestly believe, their success will be an unmixed evil to our country, it can be easily repaired, and the future is all before us. Then let them secure to all the people of Louisiana equal and just rights, and let us hear no more of the wrongs, outrages, and murders that have wronged the State of Louisiana. Why can they not live in peace? I cannot conceive of a state of society where a whole population is overawed and intimidated, as undoubtedly the negro population are to a very large extent in many parishes of that State, where murder can be committed without punishment. The mere statement that a thousand murders—only take one-third of what General Sheridan says—that a thousand murders have been committed in Louisiana and not a single man punished for them is a fact so atrocious, so terrible, so damnable, that I can hardly believe it. Yet there it is. How that matter occurred at Coushatta, how the people there, democrats and all, did not rise and follow the murderers and take instant vengeance on them, or at least secure them and try them before the courts, I cannot imagine. Yet four or five young men from the North who went there with capital, who went merely to build up a little village, were suddenly broken up and murdered after they had surrendered. The murderers violated even the code of honor which always secures a man who surrenders safety. After these men had surrendered and were on their way from the country on the road to Shreveport, they were murdered.

Mr. THURMAN. Why were the murderers of the Italian miners near Pittsburgh not punished?

Mr. SHERMAN. My friend calls attention to a fact that I did not know. In the Northern States when crimes of this kind are committed they are always dealt with and punished, and if not they are subject to denunciation. Sometimes poor human nature will yield to a sudden impulse and commit an atrocious crime, rarely though, in a community where law and order are observed. But does that explain the universal lawlessness that murders over three thousand people in a few years in a small population? Look at the lawless murder that occurred at Colfax where fifty or sixty negroes were killed after they surrendered. Look at the murders of judges and and prosecutors? I hope my colleague will not bring up the occasional crime that is committed in the Northern States to justify or palliate or extenuate any of the offenses. In Ohio when crime is committed, although sometimes it may have been induced by strong feeling and excitement, like a recent case that occurred near Urbana where a man was unlawfully and improperly killed by a mob under the most gross and terrible provocation that could move the human heart—when such things occur, they must be only incidental cases rarely happening in a community like that, but when they do happen the whole population, democratic and republican, rises up to put down and punish everybody who violates the law. But it is not so in the Southern States.

If I have not misread the history of those States, (and certainly I have no desire to heap coals upon their heads, no desire to be unjust to them,) if I have read aright the history of those States as depicted by investigations made by authority of Congress, there has existed a state of lawless violence that has no counterpart in any history I know of. There may be one remedy. These people may submit to the democratic party and produce a kind of peace, but it is not the peace of equality of rights; it is not the peace that your Constitution guarantees to every man; it is the peace of despotism, of violence, which never will give you the peace of prosperity, wealth, education, and progress. What we insist on is, that having by our Constitution made all slaves free and promised all the protection of the law, they should be protected in every right. When one of them is killed, his murderer should be tried and punished just as the murderer of a white man would be tried. If they are plundered and robbed by gangs of outlaws going to their poor cabins, as occurred in one case recently in Tennessee, where they fired into a cabin and killed a poor school-mistress, whose only crime was that she had put up a little school in the neighborhood—when such things occur, the instinctive spirit of the mass of the whole people of all parties should prompt them to see that the guilty are punished. I have no doubt that this is the sincere wish of many good men in Louisiana. When I was there a year ago I saw intelligent merchants, good men, men whose intelligence and ability would enable them to pass anywhere in the world as gentlemen, and in conversing with them they would speak freely of these things. They never denied the atrocities that had been committed. They did not do what has been done in the Northern States a thousand times over. They admit them, but palliate them, and claim that they are utterly powerless to prevent them. Such was the feeling often expressed and with it a generous longing for peace. I saw gentlemen in Louisiana who belonged to different parties, some of the clergy, some merchants, some bankers, some planters; I had the pleasure of enjoying the hospitality of two of the most intelligent sugar-planters. These gentlemen did not deny the outrages of which we have heard, nor did they defend them. They told me the unhappy situation in which they were placed. Society was disorganized and demoralized by the results of the war. I felt for them from the bottom of my heart. Many causes contributed to their discouragement. When they denied that Kellogg was elected, and complained of all the successive governments installed over them, they freely divided the responsibility for their unhappy condition between the lawless crimes and recklessness of white men, the ignorance of the blacks, and the rapacity of plunderers who fatten where lawlessness prevails.

There are a great many lawless young men springing up in Louisiana as well as in other Southern States without apparent employment. Their condition in life is greatly changed by the results of the war. They are the men who fill your Ku-Klux Klans and White Leagues. They have the spirit that is excited by youth and madness, and it is they who make these forays and no one punishes them, and the few good, sober, older men have no power to control them. The power of the South and the power of the democratic party there rests mainly with those young men who were in the confederate service and are now to some extent deprived of means, deprived of employment, with their homes broken up by the freedom of the slaves and the sale of their lands. These things are to be considered. All we ask of them is that they will obey the law, execute the law, respect the life and property of all, and if they have a majority they shall have the power. That is all we ask, and we demand and will have it.

The republican party in its long administration of this Government has never been animated by a desire of depriving any man of any right conferred upon him by law. Our long struggle has been to secure to every man the rights and privileges of freemen, and that whether he be rich or poor, learned or ignorant, white or black. Supported by the people, we have written their rights in the Constitution of the United States. We will demand the faithful observance of this Constitution in all its parts and with all its amendments, and if this is accorded by the democratic party in truth and in fact, our political contests will quietly drift into the minor struggles of men for office or of questions of political economy, which only affect wealth and not life. I do with all my heart respond to the peroration of a

speech made the other day by the Senator from Georgia [Mr. GORDON] for peace, harmony, and good will. He says he is heartily sick of all this stirring up of bad passions. So am I. But they never will rest at your bidding until all men, black or white, native or naturalized, from the North or the South, can go freely and safely anywhere within the limits of the United States and enjoy his rights as a citizen. Such has not been the case in the South. And until then the struggle will go on by the party that upheld our flag in the civil war, that emancipated all slaves, and has sought to reconstruct our republican institutions upon the broad basis of equality before the law, and security of all to exercise anywhere the rights conferred by the law. Whatever I can do to secure the rights of all the people of Louisiana to govern themselves according to law in harmony with the Constitution, and so as to secure them all in life, liberty, and property, this I will surely do.

Mr. JOHNSTON. Mr. Presieent, in the discussions that have taken place on the Louisiana question much general denunciation has been indulged in against the South, but I have heard no special attack upon the State that I have the honor in part to represent. Except and unless we are included in the general terms "the South," "the southern people," "southern society," that State has so far escaped obloquy. It has escaped it justly and properly, because I am willing to institute a comparison between that State and any other of the Union, North or South, in all respects, for observance of the laws, obedience to the Constitution, and regard for the rights of every man in it, of any condition, nationality, or color. Twice since the war has she been left without any civil officer, and even then there was no lawlessness anywhere in her borders. The southern people have been assailed, and assailed with great bitterness. They have been defended upon this floor with ability, earnestness, and zeal by several Senators, and especially by the Senator from Georgia, [Mr. GORDON.] I could add nothing to what he and others have so well said, and will content myself simply with giving my hearty indorsement and approval of what they have said. Senators who affect to see the growth in the South of a design now to inaugurate a new war or to subvert the Government of the United States cannot be very wise observers. They cannot mean what they say. How is a new "rebellion," as they love to phrase it, to be inaugurated? Where is a secession movement to originate? South Carolina led off in the movement before and fired the first gun on Fort Sumter. Is South Carolina, with twenty-five thousand negro majority, with a State government republican in all its departments and "loyal" to the core, likely to repeat the experiment? Mississippi speedily followed South Carolina. But Mississippi has a large republican majority, and has for its governor an officer of the United States Army. Is she likely to follow? When the ball of secession had been put in motion, Louisiana followed. Is Louisiana, with Kellogg for governor, backed up by the Administration and with the Army of the United States occupying New Orleans, likely to go into a new secession movement? In view of these facts, I must doubt the sincerity of any Senator who pretends to see in anything that has occurred any purpose on the part of any Southern State or any southern party to attempt the accomplishment of an overthrow of the Government or to bring about a dissolution of the Union.

Mr. President, this discussion has taken a wide range. The real question which we are considering is whether the act of the United States troops under the command of a general officer, in going into the State-house of a sovereign State and taking therefrom five persons who claimed seats in it, has any warrant under the law and Constitution, and whether the people of the United States and the Congress of the United States are to approve or condemn the act. In order to arrive at a proper understanding of that question it is necessary to consider what occurred. There was a general election in 1874 in the State of Louisiana. It was announced and believed that the democratic party had received a majority in the State and that they had elected twenty-nine majority in the house of representatives of the Legislature. All of the returns are to be examined by a returning board. What that returning board is and what it has done we may learn very clearly from the report of the committee that was sent to Louisiana to investigate the affairs of the State, who say in regard to it:

> The law provides that this board shall consist of five persons, "from all political parties." It consisted at the opening of their last session of five republicans; upon the resignation of one of whom (General Longstreet) Mr. Arroyo, a conservative, was taken to fill the vacancy. After protesting against the action of the board in secret session he resigned about the conclusion of their labors, and his place was not filled, so that, as your committee think, the law as to the constitution of the board was not complied with.

This very law providing for the constitution of their returning board was violated deliberately; and we shall see further on the purpose for which it was done. It was not an accidental thing, done without purpose; but, if we examine the subsequent proceedings of the board, the object of their direct violation of an express law is clearly apparent.

The same committee, speaking of the conduct and proceedings of the board, says:

> The returns by the commissioners of election, compiled and forwarded by the supervisors of registration, gave the conservatives a majority of twenty-nine members out of a total of one hundred and eleven members. In only a few instances were there any protests accompanying these returns.
>
> The returning board was in session many weeks. As finally announced, their findings gave, as Governor Kellogg reckoned it fifty-three members to the republicans, fifty-three members to the democrats; of whom, however, one was regarded as not "a staying democrat." The board made no decision as to the remaining five seats.

Then the committee further goes on to exhibit the manner in which this returning board executed its duties, and takes the parish of Rapides as an example. Here is what the committee say in regard to the parish of Rapides:

> The parish of Rapides chose three members of the Legislature; the returns elected all three conservatives. When the proof closed, the only paper filed with the returning board was the affidavit of the United States supervisor that the election was in all respects full, fair, and free. It was not known in the parish that any contest existed agianst these members. They left their homes and proceeded to New Orleans to be present at the opening of the Legislature, no intimation of contesting their seats or objection to their election having been given by their opponents. At one of their last sessions the returning board declared all republican members elected from that parish. When the papers of the returning board were produced before your committee, there was found among them an affidavit by Mr. Wells, the president of the board, declaring that intimidation had existed at certain polls in that parish, and that the returns from those polls should therefore be rejected. The counsel for the democratic committee testified that they had had no opportunity to contradict the statements of this paper; that they never had seen or known of it before; and that, upon an examination of the papers of the board when the proofs closed, it was not among them. The counsel for the republican committee reserved the right to make explanation upon this point, but offered none. The affidavit was dated the —— day of December, 1874. It appeared that Governor Wells was not himself in the parish on the day of the election, and though at the opening of their first session your committee declared their intention to examine into the action of the returning board, Governor Wells never came forward as a witness. At the close of our proceedings leave was asked that his deposition might be given in. This was declined, and Mr. Wells himself was invited to appear before the committee, but he never came. Leave was also given for taking his testimony by commission, if he desired, but was not availed of.
>
> Your committee are therefore constrained to declare that the action of the returning board, in rejecting these returns in the parish of Rapides and giving the seats for that parish to the republican candidates, was arbitrary, unfair, and without warrant of law.

Mr. MERRIMON. Will my friend from Virginia yield to me a moment?

Mr. JOHNSTON. For what purpose?

Mr. MERRIMON. It is now after four o'clock. The day is far spent. It is not probable the Senator can finish his remarks to-night. If it is agreeable to him, I will move that the Senate do now adjourn.

The PRESIDING OFFICER. Does the Senator from Virginia yield for that purpose?

Mr. JOHNSTON. Yes, sir.

Mr. FERRY, of Michigan. I appeal to the Senator from North Carolina to waive the adjournment and let the Senate go into executive session.

Mr. MERRIMON. Very well; I will so modify my motion.

Mr. JOHNSTON. This motion will not deprive me of the right of proceeding when the subject comes up on Monday? ["No."]

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened; and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 22, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3593) to constitute Patchogue, on the south side of Long Island, in the State of New York, a port of delivery.

AGRICULTURAL COLLEGES.

Mr. MONROE, by unanimous consent, reported from the Committee on Education and Labor the following resolution; which was read, considered, and agreed to:

Resolved, That the Attorney-General be requested to report to this House what measures, if any, should be taken by the United States to secure from any State the fulfillment of its contract to preserve undiminished the principal of the fund derived from the grant of land made by the United States for the support of colleges of agriculture and the mechanic arts, and whether in his judgment the provisions of existing law are sufficient to afford a remedy in the premises.

CONSTRUCTION OF LAWS IMPOSING CUSTOMS DUTIES.

Mr. POLAND. Mr. Speaker, it will be recollected that a few days since a communication was sent to the House by the Secretary of the Treasury, in answer to a resolution of the House reported from the Committee on Ways and Means, asking whether customs duties had been increased on any articles imported since the passage of the Revised Statutes, and if so, whether it was done because of any change of law made by the revision. It will also be remembered

that this communication was referred by the House to the Committee on the Revision of the Statutes, against the protest of the Committee on Ways and Means. That this action was perfectly just under the circumstances was apparent, because the whole point of the resolution was to ascertain whether in the revision actual changes of law had been made in the rates of tariff duties. I felt greatly obliged to the gentleman from New York, [Mr. WOOD,] who first introduced the resolution, because I felt sure that it would afford an opportunity to entirely dispel a cloud of accusation that has been made against the commissioners who made the revision, or the committee of Congress who had it in charge for examination while before Congress.

Inasmuch as I was chairman of the committee, and as it was generally known that I also acted as sub-committee to specially examine that portion of the work covering the whole subject of laws for the collection of duties, and was therefore mainly responsible for the care and thoroughness with which this portion of the work was examined, the attack was made a personal one upon me.

It was charged that not only had the rates of duty been raised on many articles, but that I could not even have the benefit of charity that it was done ignorantly or carelessly. The worst of motives were charged upon me, that I had done it knowingly and by procurement, while deceiving the House and the country by professions that we were only putting the laws in form without change of substance. I recollect one particular charge; that I had been procured by the gentleman from Pennsylvania [Mr. KELLEY] to change argols from the free list to a duty of six cents per pound, and that this was done for the benefit of the manufacturers in Philadelphia of perfumery and perfumed soap.

Why, Mr. Speaker, I did not even know, until working on this revision, what argols were. I then learned that the substance which crystallizes on the inner surface of wine casks and vats bears this name, and that after passing through many processes becomes cream of tartar. But I did not learn then that cream of tartar was used in the manufacture of perfumery or perfumed soap. That knowledge first dawned upon me in reading some of the many tirades against me originating with a certain customs-broker in New York. I had heard of cream of tartar in biscuit and in beer, but my knowledge of its uses went no further. Judge KELLEY, the perfumery manufacturers of Philadelphia, and myself, must therefore all be acquitted of combination and fraud in raising the duty on argols. In one of the exhibits attached to the Secretary's report will be found a decision of this appeal on argols, where it is shown conclusively that there was not the slightest change of duty upon that article. The laws regulating duties were in the most confused condition, and it was often a most perplexing thing to determine what the law was. Strange and contradictory rulings had been made not only in the collection offices and in the Treasury Department, but in the courts.

It was charged that the insertion of a comma had lost the Government many thousand dollars. Every industry almost in the country was affected by the tariff duties, and so delicate and dangerous was it felt to be to undertake to put in form the laws on the subject, that I know an excellent and worthy gentleman in the House who had actually prepared a resolution to offer that the tariff laws should be left as they were, without attempt at revision. I said to this gentleman that certainly no part of the laws needed revision so badly; and I was not willing to admit that on any subject the national laws were so confused and contradictory that they could not be truthfully interpreted and stated. Many gentlemen beside myself know the weary weeks of labor that I bestowed upon that part of the work, and I have the satisfaction of believing that every man in this House believes it was not only laboriously but conscientiously done.

But notwithstanding this, the New York City papers have teemed with articles decrying and denouncing the work, and traducing and vilifying me in connection with it.

Had the public known as well as I did the author of all these articles and his reasons, I should have felt very little alarm; but they did not and could not. It was therefore a matter of gratification to me that the Secretary should be called upon to state the facts upon the subject.

That there might not be mistakes in a work so vast and difficult, and where the time was so short and so much interrupted, I could hardly hope. I should consider it almost miraculous if there were not.

The square and manly report of the Secretary is certainly a matter of great satisfaction to me, and I am very glad he has had an opportunity to make it, and that I have thus an official and conclusive answer to all the charges made against me or my work on the revision. In order that this may go before the country, I ask that the Clerk may read a part of the conclusion of the report, and when that has been done, as the report does not point out any errors to be cured by the action of the Committee on the Revision, I shall move that it now be referred to the Committee on Ways and Means.

The Clerk read as follows:

In further illustration of the general subject of this inquiry, reports have been called for from each of the four leading ports, stating the practice at each, respectively, before and since the enactment of the revision of June 22, 1874; also, the authority or order, either in the text of the law or in the letter or direction of this Department, under which each change was made. In these reports several different letters or circulars of this Department are cited as such authority, copies of each of which are transmitted. Also, the original reports, or schedules themselves, as received from the several collectors. It may be said of the classifications, or rates reported at the leading ports, in the accompanying papers, that they do not in all cases conform to any authorized construction or ruling made public by the Department, and they are not, in such cases, admitted to be the proper construction of the law at the time. They would have been corrected when brought to be the notice of the Department. And as to changes in construction heretofore made, under which refunds took place, the first important one appears to have been that of March 14, 1867, changing the rate on certain descriptions of linens. Large sums were refunded under that and similar decisions, although by both the legislative and judicial constructions now given to the law, as well as in the opinion of the present Secretary, such change of rates was not in accordance with a proper interpretation of the law at the time. In such of these cases as have been brought up for consideration, involving previous refunds and present corrections, it appears that the classification or rate restored is such as would at all times have been sustained in the courts. The correction was necessary, simply to enforce the law as properly construed.

Prior to the recent revision a large number of tariff statutes existed, no one of which in terms repealed the previous law, and it was therefore only by the most careful study that it could be determined how much of either enactment of the series remained in force. Persons interested to resist an increase of duties, constantly invoked the aid of the earlier law, and claimed the benefit of its more lenient provisions. Having always the aid of counsel, and commanding eminent ability for suggesting and pressing forced and extreme constructions of the law, they sometimes obtained acquiescence in their claims not warranted by a just construction, and thus weakened the force of the laws designed to increase rates of duty. The revision, however, brought all that legally remained of the various statutes together, thus giving the later acts their proper effect, and dropping those which had been the cause of much misconstruction. No substantial change of law appears to have been made, the present text is clear and easy of reference, and the confusion and contradictory features of the former state of the law are removed. The diversity of decisions in the local courts, that has existed in customs cases, was due chiefly to this multiplicity of unrepealed statutes; the case of Smythe *vs.* Fisk *et al.*, recently decided in the Supreme Court, being an instance. The court below held that duties were chargeable under the earlier statue, whereas the Supreme Court unanimously decided that the later act was the law in force. The rule then laid down, and before referred to as being established by the Supreme Court decision of 1853, appears to have been observed throughout the revision, and it has been carefully followed in the rulings of this Department under it; this condensed text being of great service in the practical collection of the customs revenue.

I am, very respectfully, your obedient servant,

B. H. BRISTOW,
Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

Mr. MERRIAM. I wish to ask the gentleman from Vermont whether this document contains a letter from General Arthur, collector of the port of New York? If so, I should like to have it read, because it contains information which this House would like to hear.

Mr. BUTLER, of Massachusetts. Let it go into the RECORD.

The SPEAKER. There being no objection, it will be printed in the RECORD.

The letter referred to is as follows:

CUSTOM-HOUSE, NEW YORK,
Collector's Office, January 6, 1875.

SIR: In compliance with the request in your letter of the 26th ultimo, (W. F. C.,) I have the honor to transmit herewith a tabular statement of the changes in the tariff of duties affected by the code of June 22, 1874, and the decisions of the Department thereunder, quoting the authorities of law or instruction, together with a report on the subject from the appraiser.

I am, very respectfully, your obedient servant,

C. A. ARTHUR,
Collector.

Hon. B. H. BRISTOW,
Secretary of the Treasury.

Description of merchandise on which increased or diminished rates of duty have been enacted since June 22, 1874.

Articles.	Rate before June 22, 1874.	Authority of law.	Treasury instructions.	Rate since June 22, 1874.	Section of code.	Treasury instructions.
Argols partially refined	3 cents per pound	Sec. 1, August 5, 1861	Oct. 9, 1873	6 cents per pound	2,504, schedule M.	July 13, 1874.
Linen drills, coatings, brown hollands, blay linens, and damasks:						
Valued at 30 cents and under.	30 per cent	Sec. 14, act 1861, and sec. 10, act 1862.	Mar. 14, 1867	35 per cent	2,504, schedule C.	Aug. 21, 1874.
Valued over 30 cents	35 per cent	do	Mar. 14, 1867	40 per cent	do	Aug. 21, 1874.
Cottons under 100 threads and under 5 ounces:						
Unbleached	2½ cents square yard, less 10 per cent.	do	June 23, 1868	5 cts. sq. yd., less 10 per ct., or 35 per ct., less 10 per ct.	2,504, schedule A, and 2 499.	Sept. 7, 1874.
Bleached	3 cents square yard, less 10 per cent.	do	June 23, 1868	5½ cts. sq. yd., less 10 per ct., or 35 per ct., less 10 per ct.	do	Sept. 7, 1874.
Colored	3½ cts. sq. yd., and 10 per ct., less 10 per cent.	do	June 23, 1868	5½ cts. per sq. yd. and 20 per ct., or 35 per ct., less 10 p. ct.	do	Sept. 7, 1874.
Japanese silks, cotton chief value.	35 per cent., less 10 per cent.	Sec. 22, act 1861, and sec. 13, act 1862.		50 per cent., less 10 per ct., or cotton duty.	2,499	Aug. 29, 1874

Description of merchandise on which increased or diminished rates of duty, &c.—Continued.

Articles.	Rate before June 22, 1874.	Authority of law.	Treasury instructions.	Rate since June 22, 1874.	Section of code.	Treasury instructions.
Striped and fancy Italian cloths: Valued not exceeding 20 cents square yard.	6 cents square yard and 35 per cent., less 10 per cent.	Sec. 2, act 1867		Worsted duty		Aug. 29, 1874.
Valued above 20 cents square yard.	8 cents square yard and 40 per cent., less 10 per cent.	do		do		Aug. 29, 1847.
Slipper patterns, embroidered	35 per cent., less 10 per cent.	Sec. 22, act 1861, and sec. 13, act 1862.	Nov. 1, 1867	Wool or worsted duty		Sept. 7, 1874.
Wearing apparel, linen	35 per cent	do		40 per cent	2,504, schedules C and M.	
Cotton-thread lace	30 per cent., less 10 per cent.	Sec. 20, act 1861, and sec. 6, act 1862.	July 26, 1873	35 per cent., less 10 per cent.	2,504, schedule A.	Sept. 7, 1874.
Silk head-nets	35 per cent	Sec. 22, act 1861, and sec. 13, act 1862.	Dec. 17, 1866	60 per cent	2,504, schedule H.	
Skeep-skins with wool on	10 per cent. on pelt	Sec. 8, act 1862	Nov. 13, 1871	30 per cent. on skins alone	2,504, schedule L.	
Paintings for churches	Free	Sec. 23, act 1861		10 per cent	Not in 2,505	July 28, 1874.
Castile-soap	35 per cent	Sec. 22, act 1861, and sec. 7, act 1862.	Feb. 11, 1873	1 cent per pound and 30 per cent.	2,504, schedule M.	July 30, 1874.
Ale, beer, and porter, in bottles	10 per cent. for breakage	Sec. 59, act 1799	Mar. 18, 1873	No allowance		Sept. 8, 1874.
Liquors, in casks	2 per cent. for leakage	do	Mar. 18, 1873	do		Sept. 8, 1874.
Spirits costing over $4 per gallon	$2 per gallon	Sec. 21, act 1870		50 per cent	2,504, schedule D.	
Articles wholly of India rubber, not otherwise provided for.	20 per cent., less 10 per cent.	Sec. 20, act 1861	July 24, 1873	25 per cent	2,504, schedule M.	
Books and other printed matter	Reduction of 10 per cent	Sec. 2, act 1872	Aug. 22, 1872	No reduction	2,503	Aug. 27, 1874.
Engravings, prints, and chromos	do	do	Aug. 22, 1872	do	do	Sept. 17, 1874.
Printed labels, certain descriptions of.	25 per cent., less 10 per cent.	As printed matter	Mar. 7, 1873	35 per cent., less 10 per cent.	As manufactures of paper.	Sept. 17, 1874.
Photographs	20 per cent	As none	Mar. 3, 1873	25 per cent	2,499	Sept. 17, 1874.
Fans, ivory or bone, chief value	Reduction of 10 per cent	Sec. 2, act 1872		No reduction	2,504, schedule M.	Sept. 4, 1874.
Brown grease	20 per cent	Sec. 21, act 1870	Feb. 12, 1873	10 per cent	do	Sept. 17, 1874.
Compositions of glass on paste, not set.	40 per cent., less 10 per cent	Section 9, act 1864	Aug. 26, 1862	10 per cent	2,504, schedule M.	
Percussion-caps, copper, chief value.	45 per cent	Act February 24, 1869		40 per cent	do	
Musical instruments, chief value	45 per cent., less 10 per cent.	do		30 per cent., less 10 per cent	do	
Sheathing metal, in part of copper.	do	do		3 cents per pound	2,504, schedule E.	
Medals of copper	do	do		Free	2,505	
Copper coins	do	do		do	do	
Merchandise in warehouse June 22, 1874.				At new rates	None	Dec. 8, 1874.
Statuary (statuettes) for religious societies.	Free	Section 23, act 1861		Omitted, (10 per cent.)	2,505 and 1,726 heyl.	
Copper buttons	45 per cent., less 10 per cent.	Act February, 1869		30 per cent	2,504, schedule M.	
Copper philosophical instruments, &c.	do	do		40 per cent	do	
Jute rejections	$5 per ton, less 10 per cent.	Section 24, act March, 1861, and section 11, act July, 1862.	Oct. 18, 1872	$15 per ton	2,504, schedule C	Dec. 19, 1874.
India-rubber shoes and boots	35 per cent., less 10 per cent	Section 2, act August, 1861, and section 13, act July, 1862.		30 per cent	2,504, schedule M.	
Copper, all articles specifically provided for.	45 per cent., less 10 per cent	Act February, 1869		According to special rates for articles provided for.		
Hair, common goat's, too short for fabrics, used for mattresses, uncleaned and unmanufactured.	Free	Sec. 23, act March, 1861	May 2, 1873	10 per cent	2,516	
Worsted embroideries	35 per cent	Sec. 22, act 1861, and sec. 13, act 1862.		Worsted duty	2,504, schedule L.	Sept. 7, 1874.
Linen caps, gloves, leggings, mits, socks, stockings, wove shirts and drawers, and all similar articles made on frames.	do	do		40 per cent. as manufactured flax, (not otherwise provided for.)	2,504, schedule C.	
Dahlia roots	Free	Sec. 23, act March, 1861	May 8, 1874	30 per cent., as similar to bulbous roots.	2,499 and 2,504, schedule M.	
Manufactures of flax and cotton, cotton chief value, (not otherwise provided for.)	35 per cent., less 10 per cent	Sec. 22, act 1861, and sec. 13, act 1862, (mixed-material clause.)		40 per cent	2,499 and 2,504, schedule G.	
Copper, engraved plates of	45 per cent., less 10 per cent.	Act February, 1869		25 per cent	2,504, schedule M.	
Silk and cotton gloves, stockings, &c., cotton chief value, made on frames.	35 per cent	Sec. 22, act 1861, and sec. 13, act 1862.		50 per cent., less 10 per cent.	2,499 and 2,504, schedule H.	
Kangaroo hair, uncleaned and unmanufactured.	Free	Sec. 23, act March, 1861.		10 per cent	2,516	
Camel's hair, uncleaned and unmanufactured, value less than 2 cents per pound.	do	do		10 cents per pound and 11 per cent., less 10 per cent.	2,504, schedule L	Nov. 6, 1874.
Raw Angora goat-skins with wool on.	30 per cent	Sec. 23, act March, 1867.	Mar. 2, 1871, and May 9, 1873.	Wool 10 cents per pound and 11 per cent., less 10 per cent.; pelts 30 per cent.	do	

CUSTOM-HOUSE, NEW YORK, *January* 6, 1875. C. A. ARTHUR, *Collector.*

Mr. POLAND. Mr. Speaker, I insisted the other day this communication should be sent to the Committee on the Revision of the Laws, because we were going carefully over the sections to see if there were any errors, and this was asked for the purpose of ascertaining if there were any errors. Inasmuch as the Secretary of the Treasury now states, on careful examination of the tariff portion of the statutes, they seem to be correctly compiled, that he can find no errors in it, the communication is of no further service to us; and therefore I move our committee be discharged from its further consideration, and it be referred to the Committee on Ways and Means.

The motion was agreed to

JUDICIARY COMMITTEE.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I ask unanimous consent that a day be fixed for receiving reports from the Committee on the Judiciary. There has been an arrangement in the committee that reports supposed to embody political matter are not to be presented under this call. So there is no occasion for the objection made by gentlemen on the other side of the House. I have conferred with members of the committee on that question, and we have a full understanding and agreement which will be carried out. I move that Tuesday next, after the hour of one o'clock, be set apart for the consideration of reports from the Judiciary Committee.

Mr. SPEER. Does this give the committee the right to report the civil-rights bill?

Mr. BUTLER, of Massachusetts. Neither the civil-rights bill nor any political subject will be reported at that time, under the agreement and understanding on the part of members of the committee. Only the current business of the committee is to be reported.

Mr. SPEER. With that understanding, I do not object.

Mr. BROMBERG. I should like to ask the gentleman from Massachusetts whether he proposes to exclude the bill (H. R. No. 3881) to regulate elections in the States of North Carolina, South Carolina, Georgia, Alabama, Louisiana, and Florida, and for other purposes, the bill (H. R. No. 3882) to amend an act entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States,'" and the bill (H. R. No. 4071) to protect the electors and prevent frauds

in congressional elections, and for other purposes, as well as all kindred bills affecting elections or the reconstructed States now pending or hereafter to be introduced?

Mr. BUTLER, of Massachusetts. Those are specially excepted.

Mr. BROMBERG. Then they will not be reported?

Mr. BUTLER, of Massachusetts. They will not be reported at that time.

Mr. BROMBERG. Such is the understanding of the committee.

Mr. BUTLER, of Massachusetts. Certainly.

Mr. KELLOGG. Let the gentleman make it subject to the special order made a long time ago for that day.

Mr. BUTLER, of Massachusetts. I will say, then, immediately after the special order, if there is one, for next Tuesday.

The SPEAKER. Do you mean the next day after it?

Mr. BUTLER, of Massachusetts. I do.

Mr. SPEER. Will bills reported under this arrangement be subject to points of order?

The SPEAKER. Certainly.

Mr. HOLMAN. Except in very extraordinary cases, there is manifest injustice in giving any committee of the House advantages over other committees. The business of no committee except that of the Committee on Appropriations in connection with the regular appropriation bills is of more importance than the business of other committees; and therefore I submit that unless, in a very exceptional case, the regular order of business is the fairest order for reaching all the business that requires the attention of the House.

Mr. BUTLER, of Massachusetts. What makes this an exceptional case is that when the Committee on the Judiciary was called, Judge POLAND was unavoidably prevented from making reports, and I was at the time in the committee-room preparing bills. The call of our committee went over by accident. I hope, as the matters to be reported by the Judiciary Committee affect the business before the courts of the whole country, we will have the power we request.

The SPEAKER. Is there objection to giving the Committee on the Judiciary power to report on Tuesday after one o'clock?

Mr. KELLOGG. I object, unless the special order for that day is excepted.

The SPEAKER. The special order, in charge of the gentleman from Connecticut, [Mr. KELLOGG,] is the bill, which is in Committee of the Whole, to reorganize the Treasury Department. If the order is made as requested by the gentleman from Massachusetts, the construction will be that on that day at one o'clock the gentleman from Connecticut can move to go into Committee of the Whole. If the House declines, then the Committee on the Judiciary will have the floor.

Mr. KELLOGG. With that understanding, I do not object.

Mr. HOLMAN. I understand that the gentleman is only asking for one morning hour.

The SPEAKER. The order includes the whole day after one o'clock. Is there objection? The Chair hears none, and the order is made.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT OVER.

Mr. KELLEY move that when the House adjourns to-day, it be to meet on Monday next.

Mr. BUTLER, of Massachusetts. O, no.

Mr. GARFIELD. I hope that will not be done. There is not an appropriation bill now in the Senate. I hope the House will work to-morrow and finish the appropriation bill pending and go on with another.

Mr. HAWLEY, of Illinois. I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania, [Mr. KELLEY,] that when the House adjourns to-day, it be to meet on Monday next.

Mr. GARFIELD. I hope that will not be done.

Mr. KELLEY. I am not one of the number, but there is a large number of gentlemen who have speeches prepared, and if this motion prevail we may arrange for a day for debate only. It will be the last Saturday during the session that can be set apart for that purpose.

Mr. KELLOGG. We do not want any day for that purpose.

The question being taken on Mr. KELLEY's motion, there were—ayes 76, noes 61; no quorum voting.

Mr. GARFIELD. I call for tellers.

Tellers were ordered; and Mr. KELLEY and Mr. GARFIELD were appointed.

The House again divided; and the tellers reported—ayes 101, noes 73.

Mr. GARFIELD called for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 33, noes 90.

So (more than one-fifth having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 119, not voting 48; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Burchard, Burleigh, Cain, Caldwell, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Curtis, Davis, Dobbins, Durham, Eldredge, Finck, Fort, Giddings, Glover, Gunter, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Kelley, Knapp, Lamar, Lawrence, Leach, Lowndes, Luttrell, Magee, McCrary, Milliken, Mills, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, O'Neill, Packer, Hosea W. Parker, Perry, Phelps, Poland, Potter, Randall, Read, Richmond, Robbins, Ellis H. Roberts, Ross, Sawyer, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Lazarus D. Shoemaker, Sloss, John Q. Smith, Southard, Speer, Stanard, Standiford, Stephens, Stone, Storm, Stowell, Strawbridge, Swann, Charles R. Thomas, Thompson, Townsend, Vance, Waddell, Waldron, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William Williams, Willie, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—121.

NAYS—Messrs. Albright, Barber, Barrere, Barry, Begole, Biery, Buffinton, Bundy, Burrows, Benjamin F. Butler, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Danford, Darrall, Donnan, Dunnell, Eames, Farwell, Field, Foster, Garfield, Gooch, Gunckel, Hagans, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Lamport, Lawson, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, James W. McDill, McNulta, Merriam, Monroe, Morey, Niles, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Pike, Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, James W. Robinson, Rusk, Henry B. Sayler, Sessions, Sheats, Sheldon, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Starkweather, St. John, Strait, Sypher, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Wallace, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William B. Williams, and James Wilson—119.

NOT VOTING—Messrs. Barnum, Bass, Bradley, Buckner, Roderick R. Butler, Dawes, DeWitt, Duell, Eden, Freeman, Frye, Eugene Hale, Harmer, Hendee, Hersey, George F. Hoar, Hunton, Kendall, Killinger, Lamison, Lansing, Lewis, Marshall, Alexander S. McDill, MacDougall, McKee, McLean, Mitchell, Moore, Pelham, Pierce, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Schell, John G. Schumaker, Shanks, Sloan, Small, George L. Smith, William A. Smith, Sprague, Taylor, Walls, Wheeler, Ephraim K. Wilson, and Jeremiah M. Wilson—48.

So the motion was agreed to.

Mr. RANDALL. I move to reconsider the vote by which the motion was agreed to; and also move that the motion to reconsider be laid on the table.

Mr. GARFIELD. I call for a division on that motion.

Mr. RANDALL. I withdraw it.

BREAKWATER AT CLEVELAND.

Mr. DONNAN, from the Committee on Printing, reported back a map accompanying a letter from the Secretary of War, relative to a breakwater at Cleveland, Ohio; and moved that it be printed and referred to the Committee on Commerce.

The motion was agreed to.

OHIO RIVER IMPROVEMENT.

Mr. NEGLEY, by unanimous consent, presented a memorial of the citizens of Allegheny County, Pennsylvania, relative to the Ohio River improvement and transcontinental railways; which was referred to the Committee on Commerce, and ordered to be printed, and also to be printed in the CONGRESSIONAL RECORD.

The memorial is as follows:

PITTSBURGH, PENNSYLVANIA, *January* 15, 1875.

At a meeting of the citizens of Pittsburgh and Allegheny County, without reference to party, convened in La Fayette Hall, Pittsburgh, Wednesday evening, January 6, in pursuance to a call, (the original of which is attached,) the following memorial was adopted unanimously, and, in accordance with the resolution passed, is forwarded to your honorable body.

JOS. D. WEEKS, *Secretary.*

—

THE CHAMBER OF COMMERCE OF PITTSBURGH,
Pittsburgh, Pennsylvania, January 15, 1875.

At a regular meeting of the Chamber of Commerce of Pittsburgh, held at their rooms Tuesday, January 12, 1875, the following resolution was unanimously adopted:

"*Resolved*, That this Chamber of Commerce heartily indorse the proceedings of the citizens' meeting held in La Fayette Hall on the 6th instant, in favor of the improvement of the Ohio River and the national indorsement of transcontinental lines of railroads, and we urgently request our Legislature, now in session, to take such action as will commend these measures to the immediate attention of Congress."

JOS. D. WEEKS,
Secretary Chamber of Commerce.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Believing that at times of great financial and industrial depressions like the present the views of the people as to the best methods of affording relief may not be unacceptable to Congress, we, citizens of Pittsburgh and Allegheny County, respectfully present our views in the following memorial:

The panic of 1873, at first regarded as temporary, has resulted in wide-spread and long-continued disaster; industry has been prostrated, manufacturing crippled, and in many instances broken; capital is idle and labor unemployed, and worst of all, from this stagnation of business an amount of privation and suffering to the laboring classes has followed of which words can convey no adequate idea. As one of the first effects of this panic (and one which in its reaction has intensified and continued it) was the stoppage of work on the great transcontinental lines of railway, we desire to direct your attention to their completion as a means of affording the desired relief. We believe that the framers of our Constitution spoke wisely when in its preamble they declared one of its chief functions to be "to promote the general welfare;" and believing this, we urge that both Government and people are interested in any measure or measures that will revive the dormant industries of the country, and especially where the occupancy and cultivation of its unoccupied land will follow, wealth be developed, and its income largely increased.

Therefore, as labor develops wealth and idleness consumes it unproductively, and as the increase of the wealth of the people strengthens the resources of the Government, we claim that the Government is alike interested with its people in reviving the work of building the great transcontinental railroads—the Texas Pacific and Northern Pacific—as a means of setting in motion the many forms of industry in the country, thus affording employment to the people and increasing the wealth of the nation. In granting this aid in the form of a guarantee of the interest only on the bonds of these roads, the Government being secured by the

return in trust of the lands of these corporations and by a first mortgage on all their franchises and property, we do not consider that a subsidy will in any sense, have been conferred. It is merely the loan of an interest indorsement on the basis of ample security to the indorser.

The advantages of the early completion of the Texas and Pacific Railroad, in part, will be in the protection it will afford our southern frontier as well as against Indian raids on the settlers and miners in the Southern Territories, and will save the Government millions yearly in the cost of transporting supplies to troops and garrisons operating against Indians in that region; it will secure competition in transcontinental traffic, which will reduce rates and draw to the overland route a large share of traffic between Europe and Eastern Asia. Moreover, it is but just to the South, since the present line leaves to the Southwest the capitals and centers of population of a majority of the States; it will also stimulate the production of cotton, thus affording material for export that will aid to pay interest on the debt abroad; it will greatly increase the supply of cattle, thus equalizing the cost of a very important article of food in all parts of the country; it will develop the sheep culture of New Mexico, thus avoiding the necessity for importing large quantities of wool from abroad; it will develop the vast mineral regions of this country and Mexico, thus adding vastly to our production of the precious metals, and attracting a great tide of immigration, thus promoting immeasurably the wealth of the country; especially it will create a great demand for iron and coal and for labor, thus inspiring and developing the activities and resources of nation and country, and bringing plenty to the homes where want and suffering are now felt.

We equally urge the prompt completion of the Northern Pacific Railroad as opening up the finest wheat-producing region of the Northwest; as penetrating the Indian country, and quieting and civilizing the tribes of that region; as opening up the great Yellowstone Valley; as affording communication with the extreme northwestern part of the country; as rendering profitably available the vast trade of the Columbia River region, and as affording a new route to the Orient, in the region of the trade-winds, and with the shortest sea voyage at all available. Many of the reasons which are referred to in connection with the Texas and Pacific apply with equal force to this road, and we claim for both equally the interest and aid of the nation.

We also desire to bespeak your careful consideration of another subject to which your attention has already been called, namely, the permanent improvement of the Ohio River and the mouths of the Mississippi. The commercial importance of such a system of improvements as will make the Ohio navigable at ordinary stages of water can scarcely be overestimated. Nothwithstanding the present uncertainty of its navigation, its commerce reaches in value hundreds of millions of dollars yearly. Draining an area of nearly a quarter of a million square miles, passing in its course through a most fertile and productive valley, besides thousands of busy workshops, along the borders of six most prosperous and wealthy States, the natural highway from the portages of the Allegheny to the Mississippi, and through to the Gulf and the vast Central and South American markets, already opening up to our products, and that must, before many years, be largely supplied from the United States, its claims are not inconsiderable but merit at your hands immediate and liberal consideration, not only in view of the present benefit that will accrue, but also in anticipation of and preparation for the commerce that must find its natural course up and down the Ohio Valley.

In view of these considerations we submit the following:

Resolved, That having carefully examined these subjects in the light of the interests of the Government and welfare of the people, we urge upon the attention of Congress the foregoing as embodying our matured opinion and most earnest expression of sentiment on the subjects mentioned, and that the committee on resolutions be requested to forward this memorial to our Representatives in Congress, with the call for this meeting attached, and that they be requested to present the same.

CHARLES MORGAN.

Mr. SHELDON, from the Committee on Ways and Means, reported back a bill for the relief of Charles Morgan, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

IMPROVEMENTS OF HARBORS IN MICHIGAN.

Mr. HUBBELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish this House with any report or information in his Department on the improvement of the harbors of Charlevoix and Monistique, Michigan.

REPORTS OF COMMISSIONER ON FISH AND FISHERIES.

Mr. HALE, of New York, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed five thousand additional copies of the reports of the Commissioner on Fish and Fisheries for the years 1872 and 1873; one thousand copies thereof to be for the use of the Senate, three thousand for the use of the House of Representatives, and one thousand for the use of the Commissioner.

Mr. HALE, of New York, by unanimous consent, submitted the following resolution; which was read, and referred under the law to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed five thousand additional copies of the third report of Professor Spencer F. Baird, Commissioner on Fish and Fisheries, with the accompanying documents; one thousand for the use of the Senate, three thousand for the use of the House of Representatives, and one thousand for the use of the Commissioner.

ALASKA.

Mr. HALE, of New York, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to this House a copy of the report of Henry W. Elliott on the condition of affairs in Alaska, submitted 13th November, 1874, with the maps and illustrations accompanying the same.

JOHN W. PORTER.

Mr. BUNDY, by unanimous consent, introduced a bill (H. R. No. 4461) granting a pension to John W. Porter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER BURTCH.

Mr. KASSON. I ask unanimous consent to have passed a bill (H. R. No. 4462) which I send to the Clerk's desk. I will state that it is one which has passed the committees of both Houses of Congress at the last session, but which did not reach the President. It is a bill for the relief of Alexander Burtch.

The Clerk read the bill. It authorizes and directs the Adjutant-General of the Army of the United States to change the record of desertion against Alexander Burtch, late a soldier of the First Iowa Artillery, and substitute therefor a record of absence from the regiment. The bill further provides that the said Alexander Burtch shall be paid the amount due to him up to the time of his absence from his regiment, but shall not be entitled to any bounty subsequently granted by the United States.

Mr. SPEER. Has this bill been considered by any committee?

Mr. KASSON. Yes; it has passed through all the committees.

Mr. BARRY. I would like to know why we should deny this man bounty if he was not really a deserter.

Mr. KASSON. It is to correct the technical character of the record.

The bill (H. R. No. 4462) was received *nem. con.*, read three times, and passed.

Mr. KASSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

Mr. COX, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Attorney-General of the United States be directed to inform this House what action, if any, has been taken to recover from the late treasurer of the reform school of the District of Columbia the sum of $31,772.29, the same being involved in the bankruptcy of Jay Cooke & Co., and belonging to the United States, as directed by the last section of the general appropriation bill, passed at the last session, approved June 22, 1874.

TROUBLES IN VICKSBURGH.

Mr. O'BRIEN. I ask unanimous consent to offer the following resolution:

Resolved, That the President be requested, if not incompatible with the public interests, to inform the House by what authority the courts or the officers thereof of the State of Mississippi, at Vicksburgh, have been interfered with by the Army of the United States, and also to report all orders in relation to said military interference.

Mr. CONGER. I object to that resolution because of the presumption in it that the judicial officers in Mississippi have been interfered with.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD, by unanimous consent, from the Committee on Appropriations, reported back the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, with the amendments of the Senate thereto, and asked unanimous consent that the report of the committee on the said amendments be printed and that they be recommitted to the committee.

There was no objection, and it was so ordered.

INTEREST ON UNITED STATES BONDS.

Mr. GARFIELD, by unanimous consent, reported a bill (H. R. No. 4463) for the payment of the interest on the 3.65 bonds of the District of Columbia; which was read a first and second time, recommitted to the committee, not to be brought back by a motion to reconsider, and ordered to be printed.

UTAH CONTESTED-ELECTION CASE.

Mr. HARRISON, by unanimous consent, submitted the views of a minority of the Committee on Elections, in reference to the case of GEORGE Q. CANNON, Delegate from the Territory of Utah; which was recommitted to the committee, and ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I ask unanimous consent that the Indian appropriation bill as it now stands be printed, and I give notice that on Monday next I will ask the House to go into Committee of the Whole on that bill.

The motion to print was granted.

Mr. MAYNARD. I desire to make a parliamentary inquiry of the Chair. It is whether the text that will go the Committee of the Whole will be the Indian appropriation bill and the amendments that were put upon it by the action of the House.

The SPEAKER. It is that bill, as though it were an original bill And anything in it that the Committee of the Whole do not like they can strike out, the same as if it had been reported from the Committee on Appropriations in that form.

SAMUEL W. CRAWFORD.

Mr. ALBRIGHT. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Naval Affairs, House bill, with Senate amendment, for the relief of Samuel W. Crawford of the United States Army

Mr. BUTLER, of Massachusetts. I object to taking out of its order from the Speaker's table any bill so long as the civil-rights bill is kept there.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I insist upon my call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at fourteen minutes past one o'clock. This being Friday, the first business in order during the morning hour is the call of committees for reports of a private nature.

WALTER J. LEE.

Mr. KELLOGG, from the Committee on War Claims, reported as a substitute for House bill 122 a bill (H. R. No. 4464) for the relief of Walter J. Lee, late second lieutenant Twenty-eighth Michigan Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL S. POTTER.

Mr. LAWRENCE. I am instructed by the Committee on War Claims to report back, with a recommendation that the same do pass, Senate bill No. 786, for the relief of Samuel S. Potter, and to ask for its consideration at this time.

Mr. HOLMAN. This same bill passed the last Congress.

The SPEAKER. The bill will be read, after which objections will be in order.

The bill directs the Secretary of the Treasury to pay to Samuel S. Potter $750 in full of all claims against the Government for expenses incurred by the said Potter by reason of the seizure of his seminary building by J. F. Head, medical director of the district of Kentucky, for hospital purposes.

Mr. BUTLER, of Massachusetts. I make the point of order that that bill must receive its first consideration in Committee of the Whole.

The SPEAKER. The point of order is well taken.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar.

WASHINGTON AND ALEXANDRIA TURNPIKE COMPANY.

Mr. LAWRENCE, from the same committee, reported adversely upon the petition of Mrs. M. B. Brown for compensation for use and damage to the Washington and Alexandria turnpike; and the same was laid on the table, and the accompanying report ordered to be printed.

JOHN W. GALL.

Mr. MORRISON, from the same committee, reported as a substitute for House bill No. 3986 a bill (H. R. No. 4465) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SCUDDER, of New Jersey, from the same committee, reported adversely on the petition of John R. Hathaway, praying compensation for the use of his printing office and damage thereto by United States authorities during the late war; and the same was laid on the table, and the report ordered to be printed.

Mr. LAWRENCE, from the same committee, reported adversely upon the bill (H. R. No. 2524) for the relief of Mary E. Twiford, of Norfolk, Virginia; and the same was laid on the table, and the report ordered to be printed.

Mr. HOLMAN, from the same committee, reported adversely on the petition of William M. Cooper, asking compensation for feeding soldiers at Cooper-Shop refreshment saloon during the late war; and the same was laid upon the table, and the report ordered to be printed.

RAPHAEL M. MILLER.

Mr. CESSNA. On behalf of my colleague on the Committee on the Judiciary, the gentleman from Alabama, [Mr. WHITE,] I report back, with an amendment, House bill No. 307 for the relief of Raphael M. Miller.

The bill requires the Secretary of the Treasury to pay Raphael M. Miller the sum of $2,500, and to deliver to said Miller a certain note executed by said Miller on June 13, 1865, the money having been paid, and the note executed in full payment for the purchase of a certain lot of ground sold by the United States marshal for the district of Louisiana under a decree of the United States district court of said State; said decree having afterward been declared to be void and of no effect.

The amendment of the committee was to strike out "$2,500" and insert "$2,000."

Mr. HALE, of New York. I make the point of order that this bill should receive its first consideration in Committee of the Whole.

The SPEAKER. The point of order is well taken.

The bill, with the amendment, was accordingly referred to the Committee of the Whole on the Private Calendar.

LIEUTENANT-COMMANDER FREDERICK PEARSON.

Mr. BUTLER, of Massachusetts. I ask to introduce for consideration at this time a bill permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain. This is the same Commander Pearson for whom we were asked the other day to vote prize-money from the Japanese indemnity fund.

The SPEAKER. Why does the gentleman ask unanimous consent? This is a private bill, and the Committee on the Judiciary are called for reports of a private nature.

Mr. BUTLER, of Massachusetts. This bill has not been acted upon by the committee.

The SPEAKER. The bill will be read, after which objections will be in order.

The bill authorizes Lieutenant-Commander Frederick Pearson, of the Navy of the United States, to accept a decoration of companion of the military division of the Order of the Bath, tendered to him by the Queen of Great Britain as a testimonial of the appreciation of Her Majesty's Government of the courage and conduct displayed by said Lieutenant Pearson in the attack upon the Japanese forts by the combined fleets of Great Britain, France, the Netherlands, and the United States, in September, 1864, because of which said Pearson received the thanks of the British admiral, the senior officer commanding.

No objection was made; and the bill (H. R. No. 4466) was received, read three times, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF LANDS AT VINCENNES, INDIANA.

Mr. PACKARD, from the Committee on Private Land Claims, reported back, with a recommendation that the same do pass, the bill (H. R. No. 3399) authorizing the sale of certain lands at Vincennes, Indiana.

The preamble to the bill states that the United States theretofore acquired for debt, through the intervention of trustees, certain real estate in and near the city of Vincennes, Knox County, Indiana, consisting of about eighty acres of land, more or less, survey numbered 5, township numbered 3 north, range 10 west, second meridian, together with the half of lot numbered 1 and the whole of lot numbered 8 of Harrison's addition to said city of Vincennes, commonly called "the steam-mill tract," or "Hall Neilson property;" and that the Ohio and Mississippi Railway Company, the Evansville and Crawfordsville Railroad Company, and the Indianapolis and Vincennes Railroad Company have severally placed their tracks, switches, and certain buildings on said land while the title to the same was disputed; and it is desirable that said companies shall continue to occupy such portions of said land as may be necessary for the successful operation of their railroad lines.

The bill authorizes the Solicitor of the Treasury, with the approval of the Secretary of the Treasury, to sell or cause to be sold, at private sale, to said companies, so much of the same as may be required for their tracks, switches, shops, and other railroad purposes; provided that the aggregate amount so sold shall not exceed one-third of the whole of said land; and provided further that the remaining portions of said real estate may be sold, under existing laws, in such parcels as may be convenient and desirable.

Mr. HOLMAN. I notice that this bill provides that this land shall be sold at private sale, and not at public sale; but no mode is pointed out to fix the minimum value of the property to be sold.

I submit that, in the event of our authorizing a private sale of this property to these railroad corporations, there ought to be indicated some mode of ascertaining the value which the railroad companies should pay for it.

Mr. PACKARD. I have not distinctly heard all that my colleague has said, but I can explain this bill in two minutes.

Mr. HOLMAN. I say that this land should not be sold to these railroad companies at private sale without our indicating some mode by which the real value of the property shall be ascertained. If it were sold at public sale, there would be of course competition, and the railroad companies, it may be presumed, would be obliged to pay what the land is worth. But if the property is to be sold at private sale, we should provide some means of preventing its being sold below its value.

Mr. DUNNELL. Mr. Speaker, is not this a public bill?

Mr. PACKARD. O, no; it is a private bill.

The SPEAKER. The Chair doubts whether it is a public bill or not; it is just on the doubtful line between a public and a private bill. But the point of order at any rate comes too late.

Mr. PACKARD. The lands which this bill proposes to dispose of are situated in the city of Vincennes, Indiana. Upon those lands three railroad companies have placed buildings and laid their tracks. They did so years ago. The title of the lands in question has been in dispute. At length, after long litigation, the decision has been rendered that the lands belong to the United States; that the title is in the Government. The property of these railroad companies being upon the land, they desire to purchase the portions on which their tracks are located. The bill simply authorizes them to do so. It provides that the Solicitor of the Treasury, with the approval of the Secretary of the Treasury, may sell or cause to be sold to these companies the lands in question, provided that the aggregate amount so sold shall not exceed one-third of the whole of the lands. I am informed that the Secretary of the Treasury approves the measure. There can be no possible objection to it. The bill further provides that the remaining portions of this real estate may be sold under existing laws in such parcels as may be convenient and desirable.

Of course the reason why the bill provides that one-third of the lands may be sold to the railroad companies is because their tracks and buildings are now located there, having been placed there with the intention and expectation of purchasing the land so soon as they had the opportunity to do so. It could not be done before, because the title to the lands was in litigation. Now that it has been decided that the land belongs to the United States, these companies desire to make the purchase from the Government.

For a further explanation I yield to my colleague, [Mr. NIBLACK,] who resides in the city of Vincennes and knows all the circumstances.

Mr. NIBLACK. Mr. Speaker, the tract of land referred to in this bill came into the possession of the Government of the United States about forty years ago in payment of a debt. The old bank of Vincennes, an organization created by the territorial government of Indiana, was indebted to the Government of the United States for moneys which had been from time to time deposited in that bank and for the payment of which the bank made defalcation, having failed and eventually gone into insolvency. Soon after the Government, or rather the trustees representing the Government, acquired title to this real estate, adverse claims were set up, and a series of lawsuits of one sort or another have been prosecuted in regard to it until within the last year, when the title has finally been decided in favor of the Government. In the mean time three railroad companies located their tracks across this land, and erected, I believe, some buildings on portions of it. They instituted proceedings to condemn so much of the land as they desired to use; but subsequent decisions of the courts—the decision of the circuit court of the proper district, confirmed by the supreme court of the State of Indiana—have declared that these persons were not the proper parties against whom proceedings for condemnation should have taken place. Hence those proceedings are of no avail to these companies.

This bill simply provides that now that the title to this real estate has been decided to be in the Government of the United States, these companies shall have the opportunity of purchasing at private sale so much of this land as they need at its market value, the amount not to exceed one-third of the whole tract. The remaining portion is to be sold at public sale just as the law now provides that it shall be. This arrangement will leave fragmentary pieces to be sold at public sale, which I think will be advantageous.

I think it but fair that these railroad companies, having in good faith endeavored to acquire title to so much of this land as they needed, should now have an opportunity to purchase from the Government at private sale the portions which they require, at a fair cash value. Otherwise the result may be that speculators will buy up the whole tract and then endeavor to make the railroad companies pay perhaps an undue price for what they desire.

Furthermore, one of these companies desires to locate machine-shops upon a portion of this land. That is a matter of some local importance to the city of Vincennes, and I believe it is the policy of the Government to allow railroad companies and other corporations to have all proper facilities for the transaction of their business.

This bill, which was introduced by me, was prepared at the office of the Solicitor of the Treasury, and it has the sanction of that Department; in other words, the officials of that Department say that upon my statement of the case they think it but fair that the disposition of the land here proposed should be made. I reside in the city of Vincennes, as my colleagues know, and of course I could not afford to do anything in regard to this matter which would not bear the test of scrutiny. I regard this as a fair bill to the Government, to the railroad companies, and to those persons who may desire to purchase the portions of this real estate which may not be required by these companies. I think by selling this real estate in small parcels or fragments it will bring more to the Government than if it were sold in one body. It will bring more in that way than if sold in the lump without reservation being made in favor of these railroad companies of whatever land they may need for switches, &c.

Mr. HOLMAN. I wish to make a suggestion to my colleague. From his statement it seems to me the bill is a proper one, but ought not there to be some mode included in the bill for preventing this land being sold for less than its full value? I should like to have an amendment included that the lands shall be sold for not less than their appraised value, and such value shall be ascertained by the Secretary of the Treasury, who shall cause the same to be appraised as in other sales of the public lands.

Mr. NIBLACK. I have no objection to that amendment, although I have been told at the office of the Solicitor of the Treasury they never sell at private sales without having an appraisement and that appraisement indorsed by the district attorney and perhaps other United States officers of the locality.

Mr. HOLMAN. It is always well enough to have a bill on its face so provide.

Mr. PACKARD. I have no objection to including the amendment of my colleague.

Mr. HOLMAN. I move the following amendment:

In line 5, after the words "private sale," insert the words "for not less than its appraised value, and such value shall be ascertained by the Secretary of the Treasury, who shall cause the same to be appraised as in other sales of the public lands;" so it will read:

That the Solicitor of the Treasury, with the approval of the Secretary of the Treasury, may sell or cause to be sold, at private sale, for not less than its appraised value, and such value shall be ascertained by the Secretary of the Treasury, who shall cause the same to be appraised as in other sales of the public lands to said companies, so much of the same as may be required for their tracks, switches, shops, and other railroad purposes: *Provided*, That the aggregate amount so sold shall not exceed one-third of the whole of said land: *And provided further*, That the remaining portions of said real estate may be sold, under existing laws, in such parcels as may be convenient and desirable.

Mr. CONGER. Why not provide that it shall be sold at public sale?

Mr. NIBLACK. Existing law requires it to be sold at public sale.

Mr. DUNNELL. Mr. Speaker, there is something novel in this method of disposing of this public land. It seems to me the Secretary of the Interior should have charge of these lands. I am unable to see why the Secretary of the Treasury should have charge of them. It is a province entirely outside of that of the Treasury. The Interior Department has full charge of the public lands and of the machinery for disposing of them. Indeed, this is a public bill, and ought to have gone to the Committee of the Whole. It should have been considered by the Committee on the Public Lands, as it is not in any way a private land matter, but relates to the public land. But why is it provided the Treasury Department shall dispose of it at private sale? It seems it has been adjudged to be public land, and in my judgment the Secretary of the Interior is the proper officer to dispose of the land as may be determined by Congress, and not the Secretary of the Treasury. I move to strike out the word "Treasury" wherever it occurs and insert the words "of the Interior."

Mr. NIBLACK. The gentleman from Minnesota is laboring under a misapprehension. This is real estate which the Government has acquired for debt. Property so taken under existing law is under control of the Treasury Department generally, and specially under the control of the Solicitor of the Treasury. As the law now stands, all the Solicitor of the Treasury has to do is to advertise the land to be sold at public sale. If the gentleman from Minnesota believes the law is wrong in this regard, he ought to bring in a general bill covering all cases, and transfer the whole matter to the Secretary of the Interior. This class of property has always been under the control of the Treasury Department, as I have stated. It is not regarded in legal contemplation as public land. It is a question not yet decided whether lands taken by the Government for debt are subject to taxation by State and local authorities upon the ground that it is not public land. That question cannot arise in this case, because the tax title has been decided to be bad for want of proper description. The objection I take to the gentleman's amendment is that it repeals existing law. I have no objection to the Secretary of the Interior having charge of the matter, but I wish these railroads to have an opportunity to purchase these lands.

Mr. DUNNELL. On the statement of the gentleman from Indiana, I withdraw my amendment. Does the bill provide that the balance of the land shall be sold at public sale?

Mr. PACKARD. It provides that the remaining portion of these lands shall be sold at public sale in such parcels as may be convenient and desirable.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PACKARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONFIRMATION OF LANDS AT SAN JOSÉ, CALIFORNIA.

Mr. SAYLER, of Ohio, from the Committee on Private Land Claims, reported back a bill (H. R. No. 3870) to confirm to the city of San José, in the State of California, the title to certain lands, with the recommendation that it do pass.

The bill, which was read, provides that there be granted and relinquished to the city of San José, in the State of California, its successors and assigns, all the right, title, and interest of the United States in and to all the lands confirmed to said city by the final decree of the district court of the United States for the district of California, by its decree entered in the cause entitled "The United States against the mayor and common council of the city of San José," on the 13th day of June, 1866, pursuant to the decree and mandate of the Supreme Court of the United States in said cause, subject to the deductions, reservations, and limitations contained in said decree.

Mr. HOLMAN. I desire to reserve the point of order on that bill until an explanation shall be given of it.

Mr. SAYLER, of Ohio. I think the statement I propose to make will satisfy the gentleman from Indiana and the House.

The bill provides simply for the legal confirmation of title in the mayor and common council of the city of San José to certain lands, the title of which has already been found by the Supreme Court of the United States to vest in them; so that the United States have practically no interest. But the Supreme Court having held, in 18 Wallace, that the statutes of limitation of the State of California did not begin to run against the title to lands until there had been a legal confirmation of that title, it is the purpose of this bill to obviate the difficulty suggested, and to vest such title in the mayor and common council of San José as that these statutes may begin to run.

There is no land there that belongs to the United States at all, nor

to the city of San José, the land having been all conveyed to private parties and held by them under conveyance from the mayor and common council since the decree of the Supreme Court of the United States, or rather the decree of the district court of the United States in California, under the mandate of the Supreme Court; so that the United States have really no interest whatever in the lands referred to in this bill.

Mr. LAWRENCE. Have not the Committee on Military Affairs reported against this bill?

Mr. SAYLER, of Ohio. Not that I am aware of.

Mr. HOUGHTON rose.

Mr. HOLMAN. I still reserve the point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. HOLMAN. It is that if this bill have any effect whatever it is to pass the title to certain lands belonging to the United States to the city of San José.

Mr. HOUGHTON. If the gentleman from Ohio [Mr. SAYLER] will yield to me one moment I think I can satisfy the House and the gentleman from Indiana [Mr. HOLMAN] that nothing by this bill passes from the United States to the city of San José. The sole purpose of this bill is to set the statute of limitations in motion. It has no other object.

The title to the lands is derived from Mexico, under an act of Congress passed on the 3d of March, 1851, to ascertain and settle private land claims in the State of California. This claim was presented to a commission organized under that act. An appeal was taken from the decree of that commission to the district court of the United States, and an appeal was taken from the decree of the district court to the Supreme Court of the United States. The Supreme Court adjudged that the title was a valid title, and issued its mandate directing the district court of the United States in California to enter a final decree confirming the title to this land by specific boundaries with certain exceptions and limitations—a decree confirming the title of the mayor and common council of the city of San José and their successors.

Now the city of San José under the legislation of Congress is entitled to receive a patent for this land, the courts of the United States having jurisdiction having determined that the United States has no interest in it whatever. This decree has been entered up now ten years, and the statute of limitations, according to the decision of the Supreme Court which has been referred to by the gentleman from Ohio [Mr. SAYLER] who has charge of this bill, never can be set in motion until a patent has been issued.

Our experience in these matters is that there are great delays attending them. There has been already a delay of ten years in this case. And there is no immediate prospect of its being settled in the next ten years if this bill does not pass. Meanwhile it is extremely desirable that the title to this property should become settled in some way. It can only be settled by the operation of the statute of limitations. The purpose of this bill is to set that statute in motion and nothing more.

Mr. SPEER. What is the value of that property?

Mr. HOUGHTON. It embraces a very large tract of land. The tract originally included some forty leagues of land. Out of that tract, however, the United States courts have confirmed grants which include the greater portion of it. To those grants patents have been issued. The title of the remaining portion, the United States courts have found, is in the city of San José, and all or nearly all of it has been conveyed by the city of San José in small parcels to individuals. That is the situation of it. It includes the city of San José. A tract of land was set apart by the Mexican government for the pueblo of San José, to which the present city of San José has succeeded.

The same legislation precisely which is asked in this case was had by Congress in relation to a grant identically like this, in favor of the city of San Francisco, in 1866. What we ask here in favor of the city of San José is precisely the same legislation as was passed by Congress in favor of San Francisco.

Mr. LAWRENCE. Let me inquire of the gentleman whether, in the San Francisco case, there were not adverse reports in both branches of Congress? And let me inquire further, if the title has been confirmed by a decree of the proper courts in California, why has not the Land Office issued a patent for this land?

Mr. SAYLER, of Ohio. I rise to a question of order. I am entirely unable to hear a single word that is said about this bill which I am reporting and for which I am at present sponsor.

The SPEAKER. The House will come to order.

The Chair understood the gentleman from Indiana [Mr. HOLMAN] to make a point of order against the bill, but to waive it until an explanation should be given. Does the gentleman insist on his point of order?

Mr. HOLMAN. After the explanation which has been given, I do not insist on the point of order.

Mr. POTTER. Where is this land situated, as regards San Francisco?

Mr. HOUGHTON. It is fifty miles south of San Francisco.

Mr. WILLARD, of Vermont. I desire to hear the gentleman from Ohio [Mr. SAYLER] state a little more particularly the reasons for the passage of this bill than they have been already stated.

Mr. SAYLER, of Ohio. I will do so cheerfully, and I think I can convince every member of the House that the bill ought to pass without any opposition at all.

Mr. LAWRENCE. I will ask the gentleman why no patent has issued for these lands?

Mr. SAYLER, of Ohio. There was a difficulty in the way which I do not precisely understand, but I have talked with the Commissioner of the General Land Office on this subject, and he has written to me that there is no objection whatever to the passage of this bill. The necessity for the passage of the bill is simply to secure a legal title to the land in the city of San José. As I said before, by the passage of this bill the United States are not deprived of any right they now hold. This tract of land is about forty leagues in extent; but it is not all held by the city of San José. The greater part of it has already been patented to private individuals, but there was a portion of it which had not been so conveyed at the time of the passage of the act of March 3, 1851, to settle titles to land in the State of California. To the commission created by that act, the mayor and common council of the city of San José made appeal for the confirmation of the title. The commission decided that the right was on their side, and under the act of 1851 the proceeding was certified to the district court of the United States for California. An appeal was taken by the United States to the Supreme Court, and a mandate was issued to the district court of California, under which a decree was entered by that court.

This bill, it will be seen, leaves all this land subject to the deductions, reservations, and limitations contained in the decree of the United States district court. Those deductions and limitations are, first, all tracts of land within this grant specifically mentioned in the decree, and in the next place such other parcels of land as have been by grants from lawful authority vested in private proprietorship and have finally been confirmed to parties claiming under said grants by the tribunals of the United States or shall hereafter be finally confirmed to parties claiming thereunder by said tribunals in proceedings now pending therein for that purpose, all of which said excepted parcels of land are included in whole or in part within the boundaries above mentioned, but are excluded from the confirmation to the mayor and common council of the city of San José. This confirmation is in trust for the benefit of the lot-holders under grants from the pueblo, town, or city of San José or other competent authority, as to any residue in trust for the use and benefit of the inhabitants of the city.

Now, Mr. Speaker, since that confirmation by the Supreme Court of the United States, all of this land has been transferred by the mayor and common council of the city of San José. There may possibly be some very small portion that has not been so transferred. We know of none, and can find none upon examination. As I said before to the House, this bill is carefully guarded, and the only purpose of it is this: to vest in the mayor and common council of the city of San José a legal title against which the statute of limitations of the State of California may begin to run. That is the whole purpose of the bill and all that it can accomplish. It conveys nothing that belongs to the United States. It simply gives a legal title where an equitable title already exists. That is all there is in the bill, and I hope it will be passed at once; and to that end I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYLER, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN T. SMITH.

Mr. MYERS, from the Committee on Naval Affairs, reported back, with the recommendation that it do pass, the bill (S. No. 448) for the relief of John T. Smith.

The bill was read. It authorizes the President of the United States to nominate, and by and with the advice and consent of the Senate to appoint, on the retired list of the Navy, with the rank of first assistant engineer, John T. Smith, now second assistant engineer on the active list of the Navy.

Mr. MYERS. I move the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MYERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF CERTAIN OFFICERS OF THE NAVY.

Mr. SCUDDER, of New York, from the Committee on Naval Affairs, reported back, with a recommendation that the same do pass, the bill (S. No. 170) for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855.

The question was upon ordering the bill to be read a third time.

The bill provides that all officers now in the Navy, and the widows or heirs of those who have died while attached to the Navy, including the widow of Captain Elisha Peck, retired by special act of March 3, 1873, who were dropped, furloughed, or retired under the act of February 28, 1855, and who were afterward promoted and restored to the active list of the Navy under the operations of the act

of January 16, 1857, or by the President under the operation of subsequent laws, shall be entitled to receive the difference between the pay respectively received by them and the pay at that time designated by law for officers on the active list of the rank to which they were respectively promoted, for and during the time they were affected by the operation of the said acts of February 28, 1855, and January 16, 1857.

Mr. HOLMAN. If that bill is subject to a point of order, I desire to make it; but I will withhold it until some explanation is made. The bill is somewhat voluminous, and its effect is not readily seen.

Mr. SCUDDER, of New York. I ask that the report of the Senate Committee on Naval Affairs upon this bill be read.

The Clerk read the report, as follows:

The Committee on Naval Affairs, to whom were referred petitions of several officers of the Navy, praying a modification of the act of January 16, 1857, that they may receive the pay of their actual rank, have had the same under consideration, and report as follows:

The petitioners, officers in the United States Navy, were, by the action of a board of naval officers, constituted under the act of February 28, 1855, placed on the retired list, furloughed, or dropped.

That in accordance with the act of January 16, 1857, and the joint resolution of March 10, 1858, authorizing the President to restore certain officers to the active list where the records of courts of inquiry "may render it advisable," these officers were placed on the active list, and were also promoted to date from the day they were placed on the retired list, furloughed, or dropped by the naval board.

The sixth section of the act of January 16, 1857, provides "that all officers who may be restored to active service under the provisions of this act shall be entitled to draw the same pay they were drawing at the time they were retired or dropped, for and during the time of such retirement or suspension from the active service aforesaid."

By the construction given to this section by the accounting officers, these claimants only received the pay to which they were entitled at the time of their retirement, although their commissions on reinstatement to the active list gave them an advanced rank, to date from the time they were retired.

This act and the resolution of March 10, 1858, authorized the President, by and with the advice and consent of the Senate, to restore these officers to the position and rank in the Navy which they would have held had they not been retired, furloughed, or dropped, on the report of the naval board or court of inquiry, but by the interpretation of the sixth section above quoted, they were not allowed and have never received the pay of the rank they hold upon restoration to the active list.

The committee have not deemed it necessary to inquire into the justice or injustice done by this naval board, for if a wrong was perpetrated on the officers who were ordered before it for examination, the President, in the exercise of his powers, reviewed the action and corrected the errors, in restoring these officers with the advice and consent of the Senate; and at the same time promoted them to the positions they would have held, respectively, had it not been for the recommendations of the court of inquiry.

The committee have given this matter a most careful examination, and can see no good reason why an officer in either branch of our service should not receive the pay of his proper rank, withheld from the petitioners as before stated, and therefore report the accompanying bill and ask its passage.

Mr. HOLMAN. I wish to inquire of the gentleman from New York [Mr. SCUDDER] how many officers will be affected by this bill?

Mr. SCUDDER, of New York. About seventeen.

Mr. HOLMAN. What period of time is covered while these officers were retired, and during which by the provisions of this bill they will receive full compensation?

Mr. SCUDDER, of New York. The retirement was in 1855, by a naval retiring board which retired many efficient officers. In 1857, for the purpose of doing justice to these officers, they were replaced. The act replacing them authorized their pay to proceed the same as if they had not been retired; but in the construction of that act their pay was reduced. The purpose of this bill is simply to remedy that injustice.

Mr. HOLMAN. One other question. What sum of money will be taken from the Treasury in carrying out the provisions of this bill?

Mr. SCUDDER, of New York. About $20,000.

The bill was then read the third time, and passed.

Mr. SCUDDER, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SWAMP LANDS, BROOKLYN NAVY-YARD.

Mr. SCUDDER, of New York, from the same committee, reported adversely on the bill (H. R. No. 734) to provide for reclaiming and improving the swamp and overflowed lands connected with the United States navy-yard at Brooklyn, New York; and the same was laid upon the table, and the report, with accompanying documents, ordered to be printed.

DWIGHT F. HAYS.

Mr. SCUDDER, of New York, from the same committee, also reported adversely upon the petition of Dwight F. Hays, praying to be paid one-half the proceeds of the sales of certain cotton or to be authorized to present his claim to the Court of Claims; which was laid on the table, and the accompanying report ordered to be printed.

GRACE B. PECK.

Mr. HAYS, from the Committee on Naval Affairs, reported back, with a recommendation that the same do pass, House bill No. 1602 for the relief of Grace B. Peck.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the act entitled "An act for the relief of Grace B. Peck," approved March 3, 1873, shall be so construed that in making up the difference of pay to be allowed the said Grace B. Peck, she shall receive the duty pay of a captain during the time her late husband was upon duty while upon the retired list as if he had been a captain when he was retired.

Mr. HOLMAN. I think this bill should go to the Committee of the Whole on the Private Calendar.

Mr. KELLOGG. This is exactly like the cases included in the general bill we have just passed.

Mr. HOLMAN. Then why does not that bill cover it?

Mr. HAYS. The Committee on Naval Affairs have carefully considered this bill, which has been before them for a long time. It would be doing this party great injustice not to pass this bill.

Mr. HOLMAN. I ask to have the report read.

Mr. HAYS. There is no report accompanying the bill. Captain Peck was put on the retired list, and remained there some time. He was ordered on duty as captain, and this bill is for the purpose of giving his widow the difference between the pay of lieutenant-commander and captain while he was actually on duty.

Mr. HOLMAN. Why does not the general bill just passed apply to this case?

Mr. HAYS. It does not affect this case.

Mr. HOLMAN. Why not?

Mr. KELLOGG. The phraseology of the Senate bill just passed is so peculiar that it is doubtful whether it will apply to this case. This is the only other case of that class of cases. The phraseology of the Senate bill is this: "who were afterward promoted and restored to the active list of the Navy." Every case is covered by that clause except that of Captain Peck. He was not "afterward promoted and restored to the active list of the Navy;" he was only restored, not promoted. This case of Mrs. Peck stands upon precisely the same ground as all the other cases.

Mr. HOLMAN. The very ground upon which this bill stands is that these officers were restored and promoted.

Mr. KELLOGG. He was restored, but not promoted.

Mr. HOLMAN. I think there should have been a report accompanying a bill like this.

The SPEAKER. The bill can be recommitted to the Committee on Naval Affairs for a report.

Mr. HAYS. I make the motion to recommit the bill.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. As the morning hour has expired, I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. RUSK. I hope that the committees will be called through before that motion is agreed to.

The SPEAKER. The morning hour has expired. This is objection day; and the gentleman from Illinois desires the House to go into Committee of the Whole on the Private Calendar. There is much more business on that Calendar than can possibly be disposed of to-day.

Mr. LAMISON. Has the morning hour expired?

The SPEAKER. It has expired five minutes since.

Mr. LAMISON. I have a bill which I desire to report.

Mr. BUTLER, of Massachusetts. Cannot the House limit debate in Committee of the Whole to the five-minute rule?

The SPEAKER. This is objection day; and there can be no debate in the Committee of the Whole on the Private Calendar without unanimous consent.

Mr. RUSK and Mr. LAMISON rose.

The SPEAKER. Does the gentleman from Illinois [Mr. HAWLEY] yield?

Mr. HAWLEY, of Illinois. I do not.

The question being taken on the motion of Mr. HAWLEY, of Illinois, there were—ayes 69, noes 39; no quorum voting.

Tellers were ordered; and Mr. HAWLEY, of Illinois, and Mr. RUSK were appointed.

The House divided; and the tellers reported ayes 87, noes not counted.

So the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment bills of the following titles:

An act (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona; and

An act (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri.

ORDER OF BUSINESS.

The House resolved itself into the Committee of the Whole, (Mr. POTTER in the chair,) and proceeded to the consideration of business on the Private Calendar.

LANDS, ETC., IN CALIFORNIA.

The first bill on the Private Calendar was the bill (H. R. No. 1718) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights.

The bill was read.

Mr. COBURN. I object.

EUGENE JACOBS.

The next bill on the Private Calendar was the bill (H. R. No. 3158) for the relief of Eugene Jacobs, United States consul at Montevideo.

The bill was read. It provides, as amended by the Committee on Foreign Affairs, that $750 be paid to Eugene Jacobs, United States consul at Montevideo, in full compensation for taking charge of and preserving the archives of the United States legation at Montevideo, from the 17th day of May, 1873, until the 1st day of January, 1874.

The report was read, as follows:

The Committee on Foreign Affairs, to whom was referred the petition of E. Jacobs, United States consul at Montevideo, praying an allowance to be made him of $750 for expenses incurred in performing diplomatic duties at Montevideo in the absence of United States minister, have had the same under consideration, and beg leave to report:

Mr. E. Jacobs, the petitioner, was appointed consul at Montevideo, in the republic of Uruguay, in February, 1873, and arrived at his post of duty about the middle of May in the same year.

The salary of consul at Montevideo is $1,000 a year.

When Mr. Jacobs arrived at Montevideo he found the United States minister, Hon. John L. Stephens, absent.

The archives of the legation were committed to the care of Mr. Jacobs, without authority being given him to act as chargé d'affaires.

Mr. Jacobs being the only official representative of the United States at Montevideo, the entire business of the United States legation had to be performed by him, creating the necessity, among other expenses, of his employing a clerk.

Mr. Jacobs seems to have performed all these duties with fidelity, and in a manner satisfactory to our State Department, and in the performance of these duties was put to the additional and extra expense of $750. In addition to the performance of these extra duties, Mr. Jacobs more than doubled the fees of his consulate. The fees for that consulate for the year ending June 30, 1873, were $884.44; while the fees collected by Mr. Jacobs for two quarters ending December 31, 1873, amount to over $1,100, being at the rate of over $2,200 per annum; "this, too, in a time of greater depression of business than has been known before for many years."

Taking all these facts into consideration, also the high character of Mr. Jacobs, your committee recommend the passage of the bill (H. R. No. 3158) for his relief as amended.

The amendments reported by the Committee on Foreign Affairs were agreed to.

There being no objection, the bill as amended was laid aside, to be reported to the House with a recommendation that it pass.

RICHARD HAWLEY & SONS.

The next bill on the Private Calendar was the bill (H. R. No. 2279) for the relief of Richard Hawley & Sons.

The bill was read. It provides, as amended by the Committee on Ways and Means, that the Secretary of the Treasury be authorized and directed to refund to Richard Hawley & Sons, of Detroit, Michigan, $615.84, collected of them as duty on malt in excess of the amount authorized by law.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. No. 2279) for the relief of Richard Hawley & Sons, respectfully report as follows:

The facts as shown to the committee are as follows: Richard Hawley & Sons, of Detroit, imported from Canada, in July, 1870, three successive lots of malt, amounting in all to sixty-four hundred and fifteen bushels. An excise tax of one cent per pound was imposed in Canada on all malt consumed in that country, but was not imposed on malt for exportation, and did not in fact enter into the price of malt so sold in bond to buyers for the market in the United States. It is shown that the entry in this case was made at the Detroit custom-house, at the true market price paid in Canada. But it was claimed by the customs officers, according to the decision of the precise question previously made by the Secretary of the Treasury, that the excise tax must be added to the market price of malt in bond, and the duty must be collected also on this excise tax, which had never in fact been either demanded or paid. This tax added to the actual cost the sum of forty-eight cents per bushel, in the total $3,079.20, on which the duty was exacted at the rate of 20 per cent., equal to $615.84.

Hawley & Sons paid it, verbally protesting against it, and declared their intention to appeal to the Department against the exaction. They were told by the collecting officer that of course this was their right, but that the Department would undoubtedly reaffirm its decision which had already been made. He then read to them the decision which had been made by the Secretary.

So the business was left for the time. This was in July, 1870. Toward the close of that year Judge Drummond, of the United States court in Chicago, gave a decision on the identical question, then pending in that court, annulling the ruling of the Secretary, and in favor of the importer's claim, deciding that the market price for exportation gave the dutiable value. The Secretary of the Treasury thereafter recognized that decision, and refunded all duties which had been paid under and following the protest and appeal by the importer. But he did not refund the excessive duties paid by this importer, because of his failure to bring up his case regularly on appeal, not deeming himself authorized to recognize the special equities in this case in the absence of the forma' documents.

The committee regard the special facts above recited, and which are fully certified by the collecting officer, as bringing him within the spirit of the remedial statute, and entitling him to relief. They agree perfectly to the rule established by the court, and are of opinion that the United States should return the money so paid into the Treasury in excess of the requirments of law, and report back a bill to accomplish that object.

The amendment reported by the Committee on Ways and Means was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with a recommendation that it pass.

JOHN N. REED.

The next bill on the Private Calendar was the bill (H. R. No. 3268) for the relief of John N. Reed.

The bill was read. It appropriates $4,978.28 to pay John N. Reed for material delivered, labor, time, and demurrages upon the contract of Reed, Pitt & McPherson, approved by the Secretary of War on the 3d day of September, 1860, and assigned to Reed. This payment is to be in full discharge of all claim against the United States in any manner arising upon or by reason of the contract or for any nonfulfillment thereof.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 707) for the relief of John N. Reed, beg leave to report—

That on the 14th day of July, 1860, the said John N. Reed, together with Alexander Pitt and W. McPherson, entered into a contract with the United States, by their agent, Lieutenant W. H. Stevens, to furnish at the wharf at the north end of Pelican Spit, Galveston Bay, one hundred thousand cubic feet of fine shells, one hundred thousand cubic feet of clear clam or cockle-shells, and ten thousand cubic feet of clear, sharp sand, * * * the whole amount delivered not to be less than forty thousand cubic feet of each kind of shell and ten thousand cubic feet of sand per month. The price of fine shells to be two and a half cents per cubic foot, six and one-quarter cents per cubic foot for clam or cockle-shells, and eight and three-quarter cents per cubic foot for sand. And by the contract the United States agreed to receive the shells and sand at the rail of the vessel along side the wharf on the north end of Pelican Spit, Galveston Bay.

Upon a call of the committee the Secretary of War reported that this contract was duly approved by the then Secretary of War on the 3d day of September, 1860; and upon a like call upon the Secretary of the Treasury he reports that Lieutenant W. H. Stevens, United States Engineers, who was engaged in building the fort at Galveston, paid the contractors upon said contract on the 4th day of October, 1860, the sum of $2,040. There is proof made by the clerk and subalterns of Lieutenant Stevens that the United States received from the contractors 52,214 feet of shell:

52,214 feet, at 2½ cents per foot	$1,305 35
14,684 feet cockle-shell, at 6½ cents per foot	954 46
15,926 feet mixed, (half fine and half cockle,) at 4 6-8 cents, which at contract price is equal to	696 76
14,567 feet sharp sand, at 8¾ cents per foot	1,274 68
	4,231 25
These deliveries are proved by the receipts of the officers. If we deduct the payments by the Secretary of the Treasury	2,040 00
There remains a balance due for actual delivery	2,191 25

But the same officers prove that the Government was not prepared to receive the shell at a wharf at the north end of Pelican Spit, Galveston Bay, as stipulated by the contract, and consequently the agents could not receive the articles at the rail of the vessel, but, on the contrary, these agents employed the hands of the contractors for a time, equal to one hundred and thirty-eight days of labor, at $1.50 per day, to wheel off the shell and sand from the vessels to the fort, thus making a just charge of $237. The same officers also certify that the steamer San Antonio and the two schooners Dinslow and Jane were detained seventeen days because the United States were not ready to receive the articles at the rail of the vessel, as stipulated in the contract; and for this demurrage the petitioner charges $2,550, which, under the circumstances, seems to be a just charge.

Add therefore the balance for material actually delivered	$2,191 25
Labor of the petitioner's hands while employed by the United States	237 00
Demurrage for detention of the vessels	2,550 00
Makes a balance	4,978 25

Your committee believe that this whole sum should be allowed to John N. Reed, to whom the whole contract has been assigned.

The claimant insists that owing to the failure to construct a wharf, and the consequent detention of his vessels, and the fact that the United States failed to comply with the contract, after the contractors had purchased a steamer, schooners, and barges for compliance on their part, they are entitled to the whole benefit of the contract, which would give the claimant $9,625, besides the labor of his hands and demurrage of his vessels. The contract was not complied with in consequence of the secession of Texas and the civil war which followed; and while it is true that the claimant lost his vessels, which were seized by the confederate authorities, and was deprived of the further benefit of his contract, the Government cannot be responsible for these casualties.

The committee may add that it was in proof that the claimant, John N. Reed, remained loyal to the United States, and immediately after the close of the war he was appointed one of the deputy collectors of internal revenue in the district of his residence in Texas.

The committee therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported to the House with a recommendation that it pass.

AUGUSTUS SPRAGUE.

The next bill on the Private Calendar was the bill (H. R. No. 1914) for the relief of Augustus Sprague, late a private of Company B, Second Michigan Volunteers.

The bill was read. It directs the Secretary of the Treasury to pay, out of any money appropriated, or hereafter to be appropriated, for the payment of the Army, to Augustus Sprague, late a private of Company B, Second Regiment of Michigan Volunteers, $756, with interest from November 7, 1864, it being the amount by him paid on the date aforesaid to relieve himself as a drafted soldier, to which draft he was not liable by reason of physical disability then existing.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 1914) for the relief of Augustus Sprague, late a private of Company B, Second Michigan Volunteers, having had the same under consideration, ask leave to report:

That said Sprague enlisted as a private in Company B, Second Michigan Volunteers, May 24, 1861, and was discharged by reason of surgeon's certificate of disability October 18, 1862, at Washington City, District of Columbia.

On the 24th of October, 1862, he entered the service of the Government in the capacity of nurse, and while acting in that capacity, in said city of Washington, in 1863, was enrolled and drafted, but alleging some disability by reason of which he had been previously discharged he was exempted by order of the Secretary of War in consequence thereof. On the 26th day of October, A. D. 1864, he was again drafted at Washington City aforesaid, and was examined and accepted by the examining surgeon, and thereupon furnished, at the cost of $756, a substitute, who was regularly mustered into the service of the United States. He, said Sprague, alleges that at the time he was drafted and furnished a substitute as aforesaid the disability which resulted in his discharge from the military service still existed, and your committee believe this may be true; but said Sprague having been regularly examined and accepted by the proper officers, your committee deem it unwise and unjust to open that question to investigation by Congress. They therefore report adversely upon said bill, and recommend that it be rejected.

The bill was laid aside, to be reported to the House with a recommendation that it be laid on the table.

A. L. H. CRENSHAW.

The next bill on the Private Calendar was the bill (H. R. No. 3269) for the relief of A. L. H. Crenshaw, of Jackson County, Missouri.

The bill and report were read.

Mr. LAWRENCE. As I think this bill had better go over for examination, I object.

A. H. VON LUETTWITZ.

The next bill on the Private Calendar was the bill (H. R. No. 3270) to amend an Army officer's record.

The bill was read.

Mr. YOUNG, of Georgia. I object to this bill, as one precisely the same in substance has been passed by both Houses of Congress and is now a law.

MARY CONLY.

The next bill on the Private Calendar was the bill (H. R. No. 3118) for the relief of Mary Conly, late widow of R. H. Murrell, late an officer in the Tenth Tennessee Cavalry.

The bill was read. It directs the Secretary of the Treasury to pay to Mary Conly, late widow of R. H. Murrell, late acting commissary of the Tenth Tennessee Cavalry, the pay of a regimental commissary from the 15th day of September, 1863, to the 26th day of December, 1863, deducting any allowances that Murrell may have received during his term of service.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the case of Mary Conly, late widow of R. H. Murrell, late acting commissary of the Tenth Tennessee Cavalry, submit the following report:

The committee find the following facts: That the said R. H. Murrell was appointed by the colonel of the Tenth Tennessee Cavalry commissary of that regiment; that the regiment was recruited in the lines of the enemy, and that no rolls were made out up to the death of the said R. H. Murrell; that he never was mustered into the service, but that he did perform all the duties of commissary of the Tenth Tennessee Cavalry, and that he did contract the disease of which he died in the earnest performance of his duties in the service of the country, and under the peculiar circumstances of the case the committee recommend the allowance of the relief asked for, and recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported to the House with a recommendation that it pass.

STEPHEN M. HONEYCUTT.

The next bill on the Private Calendar was the bill (H. R. No. 3271) for the relief of Stephen M. Honeycutt.

The bill was read. It directs the Paymaster-General of the Army of the United States, out of any money in his hands for the payment of the Army, to pay to Stephen M. Honeycutt an amount equal to the pay and allowances of a private soldier from the 25th day of March, 1864, until the 8th day of August, 1865.

The report was read as follows:

The Committee on Military Affairs, to whom was referred the petition of Stephen M. Honeycutt, have had the same under consideration, and submit the following report:

It appears from the evidence submitted to the committee that petitioner enlisted in Company E, Third Regiment North Carolina Mounted Infantry, as a private, on the 25th day of March, 1864, but was not mustered into the service, owing to there being no mustering officer present, and that on the 20th of September, 1864, he was detailed on recruiting service; that he went into western North Carolina and recruited a large number of troops for the United States Army, and that while so engaged in recruiting, under the orders of a United States officer, he was captured by the enemy.

The committee, being satisfied that the petitioner rendered valuable service, and the fact of his not being mustered into the service being no fault of his, believe that he should not be refused his compensation as a private soldier. They therefore report the accompanying bill, and recommend that it do pass.

There being no objection, the bill was laid aside, to be reported to the House with a recommendation that it pass.

JOHN T. BURCHELL, KNOXVILLE, TENNESSEE.

The next bill on the Private Calendar was the bill (H. R. No. 3272) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered in a small-pox hospital.

The bill, which was read, provides that the Paymaster-General of the Army of the United States, out of any money in his hands for the payment of the Army, is authorized and directed to pay to John T. Burchell the sum of $135, the balance due him for services rendered at the small-pox hospital at Knoxville, Tennessee, from December 10, 1863, to January 12, 1864.

The report was read. It appears from the testimony that claimant was, on or about the 10th day of December, 1863, in the employ of the Quartermaster's Department, United States Army, at Knoxville, Tennessee, and at the request of Dr. E. Goetz, United States Army, he abandoned his employment to take charge of a small-pox hospital, and rendered service therein for one month and two days. Claimant alleges that Dr. Jackson, medical director Twenty-third Army Corps, agreed to pay him at the rate of $150 per month; and it appears that the only compensation he received for the service was $25, paid him by Quartermaster-Captain Lunt.

The committee are of the opinion that the amount of $150 per month was not an unreasonable compensation for the character of the services rendered, and therefore report the accompanying bill, and recommend that it pass.

There being no objection, the bill was laid aside, to be reported favorably to the House.

NICHOLAS JOSÉ MERRIMET.

The next bill on the Private Calendar was the bill (H. R. No. 3526) for the restoration of the property of Nicholas José Merrimet.

The bill, which was read, provides that in lieu of the schooner Amelia Ann, taken for the use of the United States without right and which cannot be returned, there be allowed and paid to Nicholas José Merrimet the value of said schooner and for damages for taking the same the sum of $1,800; and the Secretary of the Treasury is directed to pay the same out of any money in the Treasury not otherwise appropriated.

The report was read. It appears that the petitioner was a captain and owner of the schooner Amelia Ann on the 15th day of December, 1863, on a trading-voyage from Havana to Matamoras, and that he was captured while approaching the port of his destination by the United States armed steamer Granite City, commanded by one Charles W. Lawson, an officer in the Navy of the United States, duly commissioned in that behalf; that the cargo of said Amelia Ann was sent into New Orleans for adjudication, but the vessel was not sent in, but retained for the use of the Government of the United States upon that station; that on the 25th of June, 1867, upon a libel duly heard and determined, a copy of the record of which is produced by the petitioner, it was determined that there was nothing whatever in the evidence or in the papers found on board that could be held in the slightest degree to justify the capture, but that there was evidence in the case that the schooner had been made use of by the United States authorities as a lighter; and it was therefore ordered, adjudged, and decreed by said court that said vessel and cargo be restored to claimant with costs and damages. Thereupon the cargo was duly delivered to the owner, but the schooner was never returned by the authorities of the United States, leaving the petitioner without any remedy, although he has made every endeavor to recover his property and damages for the taking from the officer then in command of the steamer. And it appears that said Lawson, the officer, is insolvent and not in the country.

It further appears, upon application to the Navy Department, that there is no evidence to controvert the above-stated facts; that thereupon Merrimet brought his loss to the attention of the representative of the Grecian government, whose subject he is, who represented the same to the Department of State, and that no action had been taken by the State Department, nor was there anything in the archives of that Department showing why this claim should not be allowed, which it cannot be without an appropriation by Congress.

Your committee further find that these facts were presented to the Forty-second Congress, and that a bill was reported by the Committee on Claims which passed the House of Representatives, but that the same did not pass the Senate. Believing that this claim is entirely just and exceedingly moderate in its demand, as the whole value of the schooner claimed is only $1,450, and the petitioner claims $3,000 altogether, yet as part of that claim is consequential damages which cannot in this form be allowed by one government to a citizen of another, they recommend that the sum of $1,800 be allowed, and have reported the accompanying bill therefor.

Mr. LAWRENCE. Is that bill for the relief of an alien?

Mr. HALE, of New York. It has the adjudication of the court in its favor.

There being no objection, the bill was laid aside, to be reported favorably to the House.

NICHOLAS FOUQUÉ AND MARC ANTOINE FOUQUÉ.

The next bill on the Private Calendar was the bill (H. R. No. 2860) for the relief of the heirs of Nicholas Fouqué and Marc Antoine Fouqué.

Subsequently the following occurred:

Mr. HALE, of New York. I understand this merely refers to the Court of Claims a claim already established of record. As I did not apprehend at the time the scope of the bill, I now withdraw my objection.

Mr. HOLMAN. This is an old claim, and I think there ought to be a statute of limitation on cases one hundred years old. I object to the bill.

MRS. MARY J. ORR.

The next bill on the Private Calendar was the bill (H. R. No. 1456) for the relief of Mrs. Mary J. Orr, widow of Hon. James L. Orr, late envoy extraordinary and minister plenipotentiary of the United States to Russia, reported from the Committee on Foreign Affairs with the recommendation that it do not pass.

Mr. HOLMAN. I move that the bill be laid aside, to be reported to the House with the recommendation that it be laid upon the table.

The motion was agreed to.

MRS. ELLA P. MURPHY.

The next bill on the Private Calendar was the bill (H. R. No. 3596) for the relief of Mrs. Ella P. Murphy, widow of Patrick Murphy, deceased.

Mr. LAWRENCE. I object to that. We cannot afford to pay for all the Indian depredations.

HENRY WARREN.

The next bill on the Private Calendar was the bill (H. R. No. 3597) for the relief of Henry Warren.

Mr. LAWRENCE. I object.

WILLIAM J. COITE.

The next bill on the Private Calendar was the bill (H. R. No. 3658) for the relief of William J. Coite.

The bill, which was read, provides that the Secretary of the Treasury is hereby authorized and directed to pay to William J. Coite, late acting assistant paymaster, United States Navy, out of any money in the Treasury not otherwise appropriated, the sum of $953.33; the same being the amount falsely returned by the clerk of said Coite, when the same was unable, through sickness, to supervise his final accounts.

The report was read, as follows:

The claimant entered the United States naval service June 12, 1862, and was honorably discharged November 7, 1865. In the final adjustment of his accounts with the Treasury Department there was found to be a deficit of $953.33. As to this amount, the claimant in his petition says:

"That amount ($953.33) I could not comprehend; but at the time I gave it no serious thought or attention, having in my mind the intention of going to Washington as soon as my business would permit, and intending, when there, of inquiring into the matter; all the more deferring the inquiry, as I supposed the item some error, or caused by the absence of some voucher which I could easily replace, and knowing that the matter, if found to be in my favor, would be as readily rectified as ever at a later period. I had no opportunity to go to Washington until on or about the 15th of December, 1872, at which time I went to the office of the Fourth Auditor, and made due inquiry as to the item of $953.33 in my account. I then ascertained that the same was composed of only two amounts, credited in the account current, as follows:

Cash paid officers and crew in specie	$483 75
Prize-money paid to E. Eldridge, engineer	469 58
	953 33

"No vouchers for these amounts had been filed, nor did any mode of accounting for the alleged discrepancy occur to me until I recognized the handwriting of the account current to be that of a clerk in whom I had had the most implicit confidence.

"The writing in the pay-rolls is my own. I remember that this account current was the very last work which this clerk had done for me, and my cash balances, being precisely the amounts called for by this account current, were remitted by me to the Department according to that statement."

This last act of the clerk was performed when Coite was confined to his bed by sickness, caused by a relapse from the yellow fever, which he had while on duty. And it was done in obedience to an order from the Treasury Department. No one could then make it out but this clerk.

The making out of this account current gave him an opportunity to conceal and cover up thefts which he must have committed, and of which the claimant had no suspicion till December, 1872.

Your committee would state that the claimant was furnished with a clerk, Henry S. Beedle, detailed from the enlisted men on the boat on which he did service. The clerk was not required to give any bond to the Government or to Mr. Coite, as will appear by the following letter:

NAVY DEPARTMENT, *Washington, May 5, 1874.*

SIR: In reply to your verbal inquiry, you are informed that the Department is not aware of any law under which clerks of disbursing officers of the Navy have at any time been required to give bond for the faithful performance of their duty.

I am, respectfully, your obedient servant,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. MARK H. DUNNELL,
House of Representatives.

During the service of this clerk, and near at the close of it, false entries were made in the account current, as already stated, covering items which had already been charged or entered on the pay-rolls. These double credits were not discovered by the Treasury Department or Mr. Coite till many months after he had been discharged. At the final settlement of his accounts Mr. Coite was called upon to pay into the Treasury the sum of $2,221.75. This amount he paid, and the books were settled. Afterward it was ascertained that the two items, amounting to the sum asked for, had, as stated, been placed both on the pay-rolls and also on the account current, so placed at the time as wholly to escape detection.

The claimant further makes the following statement: "The original rolls of the steamer Magnolia contained the names and accounts of eight officers and one hundred and ten men. From May 5, 1863, they were increased by the addition of the names and accounts of thirty-eight officers and three hundred and ninety-three men, making a grand total of five hundred and forty-nine accounts, all of which were extras as to pay, subsistence, &c., and were accumulated in a period of about four months from May 5, 1863. Additional to the above, extra duties, as acting in the place of the fleet paymaster until the arrival of the regularly ordered fleet paymaster, a period of about four months, were performed by order of Rear-Admiral T. Bailey, and the responsibility and work of my position were incalculably increased. The extra work had hitherto been and was thereafter performed by a regularly appointed paymaster for the purpose, whose salary was $3,000 per annum. My pay at the time was $1,200 per annum. I performed all these duties cheerfully, promptly, and satisfactorily, and I have not demanded or received any extra compensation or difference in pay for the service."

Your committee, in view of the manner in which the clerk was appointed, in view of the fact of the sickness of the claimant at the time the false entries were made and therefore without any fault or neglect of Coite, and also in consideration of the fact that he did extra service, which was a saving to the Government of an amount equal to about two-thirds of the amount claimed, report the accompanying bill, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

GEORGE CHORPENNING.

The next bill on the Private Calendar was the bill (H. R. No. 3533) to remit the claims of George Chorpenning against the United States to the jurisdiction of the Court of Claims.

Mr. DAWES. I object.

SARAH MORRISON.

The next bill on the Private Calendar was the bill (H. R. No. 3733) for the relief of Sarah Morrison, administratrix of the estate of Christian B. Morrison, deceased.

Mr. HOLMAN. It seems to me that requires further explanation, and I object.

WILL R. HERVEY.

The next bill on the Private Calendar was the bill (H. R. No. 3734) for the relief of Will R. Hervey.

Mr. WILLARD, of Vermont. I object.

MONTRAVILLE PATTON, BUNCOMBE COUNTY, NORTH CAROLINA.

The next bill on the Private Calendar was the bil (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina.

The bill, which was read, provides that the Quartermaster-General be, and he is hereby, instructed to pay Montraville Patton, of Buncombe County, North Carolina, the sum of $130 for supplies furnished the Army in the year 1866, as appears from proofs on file.

The report was read, as follows:

The petition of the claimant, sworn to, is as follows:

"Montraville Patton, of the county of Buncombe, and State of North Carolina, swears that in the year 1865, about the 18th of November, Captain Overturff, of the Federal Army, was stationed at Asheville with troops, and that he bought of me first about seventeen hundred pounds of hay, for which Captain Overturff gave me a voucher, which was paid; and that Captain Overturff was so pleased that he bought of me thirteen thousand pounds of hay at one dollar per hundred pounds; and that Captain Overturff fed the hay to the horses belonging to his company; and Captain Overturff therefore gave him a receipt for the hay, and said when he left Asheville that he would send me a 'voucher from Salisbury for the hay,' but he never did, and if he did, I never received it, and I have never been paid for the thirteen thousand pounds of hay which was sold to Captain Overturff. I held the receipt of Captain Overturff until about two years ago, when I sent it to Colonel Harper, a member of Congress from my district, and he informed me that he offered a resolution to pay me for the hay and it was referred to the Committee on Claims, and that the receipt was filed with the resolution. What has become of it I know not."

Your committee communicated with Quartermaster's Department, United States Army, and the Quartermaster-General replied that if the memorandum receipt stated to have been filed with the Committee on Claims, House of Representatives, could be found and proved genuine, it would be good evidence that the hay was furnished to and used by the United States Army. "The within evidence appears to establish the fact that a receipt was given for the property." The "within evidence" is the sworn statement. Mr. Harper, the ex-member of Congress above referred to, testifies under oath as follows:

"That during the second session of said Congress he presented a bill for the relief of Montraville Patton, of Buncombe County, North Carolina, which bill was referred to the Committee on Claims. That said bill provided for the payment to said Patton of the sum of $130 in full of thirteen thousand pounds of hay, bought by one Captain Joseph E. Overturff from said Patton, in the month of October, 1865, the said Captain Overturff giving a receipt for the same in the usual printed form, and payment was refused by the Government on the ground that, under some regulation or decision of one of the Departments, the war was not at an end (legally) until some time after the date of the said receipt, and in that case (proof of loyalty being required) the said Patton could not collect.

"The said receipt of Captain Overturff, together with an attached certificate from the Second Auditor's Office of the Treasury Department as to the genuineness of the signature of the said Overturff, were filed with said bill for the use of the committee. The said Harper attended meetings of the Committee on Claims on several occasions, but failed to procure any action on said bill; and just before the close of the last session of said Congress he called on the clerk of the committee to procure the receipt in order to return it to Mr. Patton, and on search being made the receipt could not be found, the said Harper having no knowledge whatever as to the cause of the loss of the same."

Your committee report back the bill with the recommendation that the same be passed.

There being no objection, the bill was laid aside, to be reported favorably to the House.

GUSTAVUS F. JOCKNICK.

The next bill on the Private Calendar was the bill (H. R. No. 1515) for the relief of Gustavus F. Jocknick.

The bill, which was read, provides that the sum of $1,717.44 be, and the same is thereby, appropriated to reimburse Gustavus F. Jocknick for expenses incurred by him in defending a prosecution against him in the United States district court for the western district of North Carolina, for an alleged offense committed by him while in the discharge of his duties as an officer of the Government.

The report was read, as follows:

In May, 1869, Silas H. Swetland was appointed by the Secretary of the Interior to make payment of certain moneys to the Eastern Cherokees in North Carolina; and, at the same time, the Secretary directed the Commissioner of Indian Affairs to detail a clerk of the Department to witness the payments; the detail to be made "with particular reference to personal integrity and tried experience as an accountant, as also his qualifications to judge of the evidence filed in support of the claim of legal representatives," &c.

Mr. Jocknick, being a clerk in the Department, was selected by the Commissioner of Indian Affairs, and detailed to accompany Swetland and witness the payments. He did not seek this duty, nor was he consulted as to his wishes in the matter.

The payments were made, so far as Swetland had funds in his hands to make them; and all the payments made were witnessed by Mr. Jocknick.

Long afterward, and about the 29th day of March, 1873, Mr. Jocknick was arrested at his desk in the Department of the Interior, upon the charge, preferred against him in the United States circuit court for the western district of North Carolina, of conspiracy to defraud the Eastern Cherokee Indians. This was the first intimation he had that his actions were not fully approved, both by the Indians and the Department.

At the May term, 1873, of the circuit court, held at Asheville, Mr. Jocknick appeared with his witnesses and counsel. When the case was called, the United States attorney moved the court to enter a *nolle prosequi* as to Mr. Jocknick; whereupon the following proceedings were had:

In the circuit court of the United States in and for the western district of North Carolina.

UNITED STATES
vs.
S. H. SWETLAND *et al.*

The above criminal action having come on to be tried before this court at the May term, 1873, thereof, holden at Asheville, in the county of Buncombe, and the State of North Carolina, and a motion having been made by the district attorney on behalf of the United States to enter a *nolle prosequi* and dismiss the indictment against the defendant, the said Gustavus F. Jocknick; and the court, Hon. Robert P. Dick presiding, having directed a suspension of the entry of a *nolle prosequi* as to the said defendant until the evidence on his behalf should be heard by the court; and the evidence on his behalf having been offered, heard, and considered by the court:

It is considered by the court that the district attorney have leave to enter a *nolle*

prosequi in the action as to the said Gustavus F. Jocknick; that the action of the said district attorney in so doing is proper, and approved.

It is further considered by the court that the evidence offered on behalf of the said Gustavus F. Jocknick fully exculpates him from the charges contained in the indictment against him.

ROBERT P. DICK,
United States District Judge.

MAY 15, 1873.

UNITED STATES OF AMERICA,
Western District of North Carolina:

I, E. R. Hampton, clerk of the United States circuit court for the western district of North Carolina, hereby certify that the foregoing is a true and correct copy of the order made by his honor Judge Dick, who was at that time the presiding judge of the said circuit court, in the case of Gustavus E. Jocknick, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at office in Asheville, on this 16th day of May, A. D. 1873, and in the ninety-seventh year of the American Independence.

[SEAL OF THE COURT.] E. R. HAMPTON,
Clerk United States Circuit Court, Western District of North Carolina.

The Hon. Robert P. Dick, holding the circuit court at Asheville, also certified in regard to the attendance of witnesses as follows:

In the circuit court of the United States in and for the western district of North Carolina.

UNITED STATES
vs.
S. H. SWETLAND *et al.*

I, Robert P. Dick, judge of the district and circuit courts of the United States in and for the western district of North Carolina, hereby certify that it appeared to me in evidence in open court that Major C. A. Earnest, United States Army, Alexander Johnston, and Henry R. Clum were produced as witnesses before this court at the May term, 1873, thereof, at Asheville, on behalf of the defendant, Gustavus F. Jocknick; that subpœnas, under seal of this court, were issued to procure the attendance of said witnesses, under which they were produced; that said first-named witness came from Omaha, Nebraska, and said other witnesses came from Washington, District of Columbia; that an affidavit of said defendant has been filed in this court, declaring his inability to pay the expense of such attendance of such witnesses, but that the same was not filed until after the issuing of said subpœnas, and that consequently an order of this court directing their payment by the United States marshal cannot be made; but, in my judgment, such expenses ought to be paid and reimbursed to the defendant by the Government, and especially under the circumstances of his complete exculpation from the charges brought against him, after hearing by the court, and on motion of the district attorney on behalf of the United States.

It also appeared in open court that said witnesses were very material for the defense.

Dated the 15th day of May, 1873.

ROBERT P. DICK,
United States District Judge.

After his return to Washington, Mr. Jocknick made application to be reimbursed the expenses incurred by him in defending this prosecution, and the Commissioner of Indian Affairs and board of Indian commissioners recommended payment; but the Comptroller of the Treasury decided that there was no appropriation out of which it could be paid, and that its payment was not authorized by existing laws.

The expenses incurred by Mr. Jocknick in this case, according to vouchers placed in the hands of your committee, amount to the sum of $1,717.44.

Your committee regard this as a peculiar case of hardship on Mr. Jocknick, and recommend the passage of an act for his relief.

It may be proper to say that after his arrest he was suspended from his clerkship in the Department of the Interior, but after his exculpation he was reinstated, and has the full confidence of the Department.

The committee therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ANNA W. OSBORNE.

The next bill on the Private Calendar was the bill (H. R. No. 3735) for the relief of Anna W. Osborne.

The bill, which was read, directs the Secretary of the Treasury to pay to Anna W. Osborne the sum of $600, out of any money in the Treasury not otherwise appropriated, the same being the amount of personal property belonging to her and to John W. Osborne, her late husband, of the United States Army, destroyed by fire at the destruction of post hospital at Fort Ripley, Minnesota, July 21, 1870.

The report was read, as follows:

The petition of the claimant is as follows:

My late husband, John W. Osborne, a native of Belfast, Maine, enlisted in the Thirty-sixth Regiment of Massachusetts Infantry on or about June 19, 1862, and was honorably discharged as sergeant Company E, June 19, 1865, at Louisville, Kentucky.

He there re-enlisted on June 22, 1865, and was promoted to hospital steward, United States Army, and was on duty at the Surgeon-General's Office in this city until about the 1st of September, 1866, when he was ordered to Saint Paul, Minnesota, and remained there on duty until June 22, 1868, when he was honorably discharged the second time, having served six years in succession.

He again re-enlisted as hospital steward, United States Army, (I cannot now give the date,) was ordered on duty at Fort Ripley, Morrison County, Minnesota, in April, 1869, and there remained on duty until October 28, 1870, the date of his death, which was accidental, and occurred in this wise: Albert A. Osborne (his brother) and himself were practicing shooting at the target at the above-named fort, one of them remaining in the rifle-pit while the other fired his three shots. His brother had once fired, and for some cause considerable time elapsed before firing the second shot. As he discharged the rifle the second time, John W. Osborne rose from the pit just in time to receive the contents of the piece, which penetrated his neck, severing the jugular vein, and he lived but a few moments, leaving me with two small children, the eldest only three years of age. Another child was born to me on June 1, 1871.

On June 10, 1869, my late husband purchased improvements on homestead, the same being the south half of northeast quarter and west half of southeast quarter section 20, township 130, range 29, State of Minnesota; it being near the fort, we made it our residence until the date of his death. I remained thereupon until about the 20th December, 1870, when I left there and came to Washington, District of Columbia, my native place, it being impossible for me to remain there under the circumstances.

After the birth of my third child, and before I was able to return to my homestead, the six months' limit had expired, and I lost the title, all that was left me, as I was totally unable to commute the said homestead.

I am informed by the officers of the Pension Bureau that "I have no legal claim to a pension, (as the pension law now exists,) as my late husband was not in the actual performance of his duty when he lost his life." Yet, he was not excused from duty at the time, was simply practicing shooting at a target, as was customary at the fort. I therefore pray that the above petition may be favorably considered by your honorable body.

Very respectfully,

MRS. ANNA W. OSBORNE,
Widow of John W. Osborne, deceased.

WASHINGTON, D. C., *January* 22, 1874.

The claimant makes the following further affidavit:

My late husband, John W. Osborne, was at that time hospital steward, United States Army, stationed at said fort. Shortly after the date of the fire he presented a claim for loss by fire to Hon. HENRY WILSON, then United States Senator, requesting said Senator to interest himself in his behalf, and giving a complete list of property destroyed belonging to said John W. Osborne and family, authenticated by the certificate of four officers stationed at that time at Fort Ripley, namely: Colonel Mason, Lieutenants Weaver and Hamlin, and Surgeon Charles K. Winnie.

Said petition, I am informed, has been either lost or mislaid.

The following is the list of articles belonging to my late husband and myself, destroyed by said fire, so far as I can at this late day call to mind, to wit: six ladies' suits, three gentlemen's suits of clothing; jewelry, library, pictures, crockery-ware, &c.

The value of private property so destroyed was estimated in the original petition at $800, to the best of my recollection.

I therefore humbly pray that you will grant the above petition.

Very respectfully, your obedient servant,

ANNA W. OSBORNE.

Subscribed and sworn before me, at the city of Washington, District of Columbia, this 4th day of April, 1874.

THOMAS C. CONNOLLY,
Notary Public.

The above-declared military record of John W. Osborne is confirmed by evidence from the Surgeon-General's Office and also from the Adjutant-General's Office.

An extract from a letter from the Surgeon-General, dated February 25, 1874, is as follows:

"The post hospital at Fort Ripley, Minnesota, was destroyed by fire at 2.30 a. m., July 21, 1870, and all the hospital property, save a few articles of bedding and the hospital records, were consumed."

Your committee recommend that, in view of all the facts in the case, justice demands some compensation, and report a bill giving to the claimant the sum of $600.

Mr. DUNNELL. There is an omission in the report, on the first page, and hence the seeming incongruity of some of the later sentences in the report. While this man was in charge of the hospital at Fort Ripley, it was burned, and while saving the patients in the hospital he lost his own private property. His widow, who has three small children depending upon her, cannot draw a pension.

There being no objection, the bill was laid aside, to be reported favorably to the House.

WILLIAM A. GRIFFIN.

The next bill on the Private Calendar was the bill (S. No. 597) for the relief of William A. Griffin.

The bill, which was read, directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to William A. Griffin, late superintendent of the national cemetery at Andersonville, in the State of Georgia, the sum of $2,325, in full discharge for all claims and demands whatsoever for labor done and damages sustained by him in and about said cemetery.

The report was read, as follows:

The petitioner is a loyal citizen of Tennessee. Immediately after the rebel forces left Andersonville he was informed by some negroes that the swine were uprooting the remains of the Union soldiers and destroying all traces of their graves. He at once visited and examined the grounds, ascertaining that something must be done forthwith to prevent the loss of all traces of identity. He voluntarily took charge of the grounds, secured help, covered up the exposed bodies, placed a guard over them, and personally reported the facts to Major-General Wilson, at Macon, Georgia, then in command of that district. He began operations on the 24th of May, 1865, and reported the facts to General Wilson about the 1st of June. At that time the grounds were unfenced, many of the head-boards were removed from their places, the bones and bodies were being exposed by the washings of rain and the action of swine, and the appearances were very offensive and disagreeable. The people of the neighborhood were opposed to having anything done for the protection or honor of the remains of Union soldiers, or "Yankee bones," as they termed them.

General Wilson gave him verbal orders to take charge of the work, fence the grounds, put the graves in good condition, and do all in his power to preserve their identity. For this purpose General Wilson directed him to provide the requisite number of men and teams and amount of materials, assuring him that the Government would reimburse him for all his expenditures. Upon that assurance he commenced the work, employing from twenty to fifty men and twelve mules constantly, increasing or lessening the number from time to time, as required, until July 25, 1865, and furnished most of the required provisions for their subsistence and forage.

On the 25th July, 1865, Captain (now Brigadier-General) J. M. Moore, assistant quartermaster, arrived at Andersonville and assumed general charge of the place, approved all that had been done by the petitioner, and appointed him superintendent of the cemetery, which appointment was subsequently confirmed by the Quartermaster-General, to date from June 1, 1865.

The petitioner schedules his losses and expenditures thus:

Nine mules died of glanders	$ 1,800 00
Thirteen mules stolen	2,600 00
Five mules taken by Captain M. M. Rankin	1,000 00
Tools and nails	625 00
Cash for subsistence of men six weeks	200 00
Cash for railroad transportation of self and materials	175 00
Cash paid men for labor	325 00
	6,725 00

In explanation of this account, the petitioner sets forth in the petition, in reference to the disease called "glanders:" "There was no such disease in or around this locality until brought there by Army horses. It spread to all the mules in use, which were well and sound until this time;" and in reference to property being stolen, he says: "When not in use the mules were under the protection of the military guard, and were stolen either by the lawless soldiers or the rebels around,

who sought every opportunity to oppress your petitioner." "In December, 1865, your petitioner was accused by one H. B. Weldon, verbally, of malfeasance, was removed, and was compelled to leave all his personal property, mules, tools, &c.; that after an examination by the Quartermaster-General he was restored to his position, but his property had passed into the hands of the military."

The petitioner further shows, that to procure or pay for portions of this lost property, he was obliged to encumber his property in Tennessee, and in consequence of not being reimbursed by the Government, he has lost said property, making to him a loss in the aggregate of not less than $15,000. He alleges that he has never received any property in lieu of that lost, nor any compensation therefor.

In consideration of service and expenditures of a peculiar interest to thousands of families in the land, performed at a time when it was dangerous to show attention to the remains of Union soldiers, the petitioner asks such relief as Congress may think proper. He swears that all statements in his petition are true.

The proofs other than his own oath consist of a printed report of Miss Clara Barton, of her visit to Andersonville in July, 1865, in which she mentions finding him at work there, with men and mules, doing good work, and extols him as a self-sacrificing and energetic volunteer in a good cause, pronouncing hearty encomiums upon him, &c., &c. Also the statement of one John Alexander, of Fort Valley, Georgia, who represents himself as one of the workmen under Griffin, in which is set forth many of the facts alleged in the petition, detailing the difficulties of the situation, the loss of the animals, and the supplying of tools, materials, and provisions by the petitioner in a graphic manner. This statement is very full and minute. It is not sworn, but appears to be attested by a justice of the peace, who says: "We believe the party to be perfectly reliable, having known him for several years."

Another certificate by Thomas W. Brock, who represents himself as an assistant of Mr. Griffin and superintending the work during Griffin's absence from time to time. He details many circumstances of the losses and furnishing of materials, corroborative of the petition. This certificate is not sworn to, but attested by a person signing as justice of the peace.

Colonel James M. Moore, assistant quartermaster, who appears to have been requested to do so by the Quartermaster-General, makes the following report upon the claim:

ASSISTANT QUARTERMASTER'S OFFICE, DEPOT OF WASHINGTON,
Washington, D. C., November 24, 1866.

GENERAL: In compliance with your indorsement of the 4th of August, 1866, on the inclosed claim of W. A. Griffin, for animals lost in the public service at the Andersonville National Cemetery, &c., I have the honor to submit the following report:

I have submitted the claim of W. A. Griffin to a careful scrutiny, and though I do not consider myself competent to attest that all the animals, &c., for which compensation is claimed, were used up or expended in the public service, I do know from personal observation during my stay at Andersonville that claimant sustained severe losses.

On my arrival at that place, I found Mr. Griffin with a force of laborers actively engaged in inclosing the cemetery with a fence and preserving the graves for future identification.

As no material was furnished him, he had resource to his private means for purchasing the necessary tools and means of transportation, for all of which outlays he has never been compensated. From the general knowledge of the man, I fully believe that he actually lost the animals and expended the moneys as stated in his claim.

Though some of the charges made, such as expenses for counsel, &c., will probably not be honored by the Quartermaster's Department, I would respectfully give as my opinion, that by reason of his valuable services rendered at Andersonville, prior to my arrival there, he is justly entitled to some compensation and worthy of the kind consideration of the Government.

I am, general, very respectfully, your obedient servant,
JAMES M. MOORE,
Brevet Lieutenant-Colonel and Assistant Quartermaster, U. S. A.

Brevet Major-General M. C. MEIGS,
Quartermaster-General United States Army.

The following letter shows the decision of the Quartermaster-General:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 9, 1867.

SIR: Your letter of the 1st of August, 1866, submitting account for mules, &c., alleged to have been furnished the Andersonville Cemetery, Georgia, subsequent to June, 1865, amounting to $7,375, has been duly considered, and in reply I have respectfully to inform you, that however equitable this claim may appear to be from your statement, and from the report of Brevet Lieutenant-Colonel James M. Moore, assistant quartermaster, of the 24th November, 1866, yet the Quartermaster-General has no authority to settle, or to recommend for settlement, claims of this class.

I am, sir, respectfully, your obedient servant,
By order of the Quartermaster-General:
JAMES A. EKIN,
Deputy Quartermaster-General, Brevet Brigadier General, U. S. A.

W. A. GRIFFIN, *Washington, D. C.*

The committee are satisfied by the papers and proofs that the petitioner is a faithful and patriotic man; that he undertook this enterprise of preparing and perfecting the Andersonville cemetery in good faith, and performed good service, and is entitled to some compensation for his expenditures at least. He seems to have entered upon the work with great enthusiasm, and without a doubt that the verbal assurances of the major-general commanding the district would be affirmed by the Government. It is questionable how far these irregular and volunteer services should be sanctioned by Congress; but in a case of this kind, where the undertaking is permitted and encouraged by the authorities, and the claimant has proceeded in good faith and conceded efficiency, suffering heavy losses, and expending his money in a praiseworthy object, for the public benefit, it would seem some remuneration should be made. But in fixing damages some reasonable rule should obtain; and the loss of animals by disease and larceny appears too remote for allowances, and must be considered among the risks assumed by the claimant.

The committee have concluded to allow the sum of $2,325 in consideration of the use of animals, and the tools, materials, provisions, and forage furnished and money expended by petitioner at Andersonville.

There being no objection, the bill was laid aside, to be reported favorably to the House.

Mr. HOLMAN. I move the committee rise.

The committee divided; and there were—ayes 93, noes 40.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POTTER reported that the Committee of the Whole House had had under consideration the Private Calendar and had directed him to report back sundry bills, some with the recommendation that they do pass and others that they be laid on the table.

BILLS PASSED.

The following bills, reported from the Committee of the Whole on the Private Calendar, with the recommendation that they do pass, were severally read a third time, and passed:

The bill (H. R. No. 3158) for the relief of Eugene Jacobs, United States consul at Montevideo:

The bill (H. R. No. 3268) for the relief of John M. Reed;

The bill (H. R. No. 3118) for the relief of Mary Conly, late widow of R. H. Murrell, late an officer in the Tenth Tennessee Cavalry;

The bill (H. R. No. 3271) for the relief of Stephen M. Honeycutt;

The bill (H. R. No. 3272) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered in a small-pox hospital;

The bill (H. R. No. 3526) for the restoration of the property of Nicholas José Merrimet;

The bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina;

The bill (H. R. No. 1515) for the relief of Gustavus F. Jocknick;

The bill (H. R. No. 3735) for the relief of Anna W. Osborne; and

The bill (S. No. 597) for the relief of William A. Griffin.

RICHARD HAWLEY & SONS.

The bill (H. R. No. 2279) for the relief of Richard Hawley & Sons, was reported from the Committee of the Whole on the Private Calendar with the recommendation that it do pass.

Mr. WALDRON. Since this bill was reported an examination in the Customs Bureau has shown that there is an error in the bill of about $200. I therefore offer the following amendment:

Strike out "$615.84" and insert "$410.56.

Mr. HOLMAN. That is a decrease in the amount.

The SPEAKER. The amendment reduces the amount.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ADVERSE REPORTS.

The following bills, on which the Committee of the Whole reported adversely, were laid on the table:

The bill (H. R. No. 1914) for the relief of Augustus Sprague, late a private in Company B, Second Michigan Volunteers; and

The bill (H. R. No. 1456) for the relief of Mrs. Mary J. Orr, widow of Hon. James L. Orr, late envoy extraordinary and minister plenipotentiary of the United States to Russia.

RECONSIDERATION.

Mr. VANCE. I move to reconsider the several votes by which bills reported to-day from the Committee of the Whole have been passed or laid on the table; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF POSTAL LAWS.

Mr. COBB, of Kansas, entered a motion to reconsider the vote by which the bill (H. R. No. 4456) to amend certain postal laws was recommitted yesterday to the Committee on the Post-Office and Post-Roads.

SAMUEL S. POTTER.

Mr. LAWRENCE. When the bill (S. No. 786) for the relief of Samuel S. Potter was reported to-day by the Committee on War Claims, the gentleman from Massachusetts [Mr. BUTLER] made the point of order, and it was referred to the Committee of the Whole on the Private Calendar. The gentleman from Massachusetts now withdraws the point of order, and I ask that the bill may be put upon its passage.

The SPEAKER. The bill is not on the Clerk's desk. Gentlemen who desire to bring up bills should always give notice of their intention. This bill, as soon as disposed of, went to the Clerk's office.

BERNARD T. SWART.

Mr. HAZELTON, of Wisconsin, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 4467) for the relief of Bernard T. Swart, of Washington, District of Columbia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

Mr. GARFIELD. I move that the House do now adjourn.

Mr. KELLEY. I ask unanimous consent that the House meet to-morrow for debate only.

Mr. RAINEY and others objected.

The motion to adjourn was agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARMSTRONG: Memorial of the Legislature of Dakota Territory, for an appropriation of lands to the University of Dakota, to the Committee on Education and Labor.

By Mr. BANNING: Letter from the governor of Ohio, transmitting joint resolution of the Legislature of Ohio relating to the expulsion of officers and members of the Louisiana Legislature, to the Select Committee on that portion of the President's message relating to the condition of the South.

Also, the petition of Mary E. Wainwright, for a pension, to the Committee on Invalid Pensions.

By Mr. BIERY: The petition of 40 citizens of Conshohocken, Pennsylvania, for the repeal of so much of the act of June 6, 1872, as reduced duties on imports, and remonstrating against the restoration of duties on tea and coffee or any revival of internal taxes, to the Committee on Ways and Means.

By Mr. CESSNA: The petition of Mrs. Celeste McGowan Freytch, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. CHIPMAN: The petition of Peter Murray & Co., for relief, to the Committee on the District of Columbia.

By Mr. CLAYTON: Letter of United States shipping commissioner at San Francisco, California, in relation to time for filing claims under the Geneva award, to the Committee on the Judiciary.

By Mr. COTTON: The petition of William Ballantyne and Dixon & King, to be compensated for supplies furnished public schools in the District of Columbia prior to act of June 20, 1874, to the Committee on the District of Columbia.

Also, petitions of citizens of Scott County, Iowa, for the construction of the proposed canal from Hennepin to Rock Island, to the Committee on Railways and Canals.

Also, the petition of citizens of Muscatine County, Iowa, of similar import, to the same committee.

By Mr. DUNNELL: A paper for the establishment of certain post-routes in Minnesota, to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: The petition of Miller Hoppock, John Burns, and 320 others, citizens of New Jersey, for the repeal of so much of the act of June 6, 1872, as reduced duties on imports, to the Committee on Ways and Means.

By Mr. HARRIS, of Virginia: The remonstrance of R. B. Dunlap and others, of Virginia, against the restoration of the duty on tea and coffee, to the Committee on Ways and Means.

By Mr. KASSON: The petition of 500 citizens of Des Moines, Iowa, for the construction of the proposed canal from Hennepin to Rock Island, to the Committee on Railways and Canals.

By Mr. LOUGHRIDGE: The petition of citizens of Poweshiek County, Iowa, of similar import, to the Committee on Railways and Canals.

By Mr. MYERS: The petition of the Soldier and Sailors' Union, of Philadelphia, for the equalization of bounties to soldiers, sailors, and marines, to the Committee on Military Affairs.

By Mr. NEAL: The petition of William N. Hall, of Pike County, Ohio, to be compensated for services as private in Company C, One hundred and seventeenth Ohio Volunteers, to the Committee on War Claims.

By Mr. ORTH: The petition of R. E. Bryant, for relief, to the Committee on Military Affairs.

By Mr. ROSS: Petitions of citizens of Potter County, Pennsylvania, for post-routes from Pike Mills to Germania and to Condersport, to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH, of Virginia: The petition of William P. Harvey, of Charles County, Maryland, for relief, to the Committee on War Claims.

By Mr. STEPHENS: The petition of Albert G. Boone, of Denver, Colorado Territory, commissioner appointed in 1861 to make a treaty for cession of territory to the United States with the Arapaho and Cheyenne Indians, and to secure afterward from said Indians their agreement to an amendment to said treaty made by the United States Senate, to be compensated for services as such commissioner and for personal expenses incurred by him and for supplies furnished said Indians, to the Committee on Indian Affairs.

IN SENATE.

MONDAY, *January* 25, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

ELECTION OF PRESIDENT PRO TEMPORE.

The SECRETARY (Hon. GEORGE C. GORHAM) called the Senate to order, saying:

Senators, I have received this communication from the Vice-President:

VICE-PRESIDENT'S CHAMBER,
Capitol, January 23, 1875.

SIR: Please state to the Senate that indispensable engagements will prevent my attendance at the opening of the Senate Monday morning next.

Respectfully, yours,

HENRY WILSON.

To the SECRETARY OF THE SENATE.

Mr. BOUTWELL. Mr. Secretary, I submit for consideration of the Senate the following resolution:

Resolved, That in the absence of the Vice-President Hon. HENRY B. ANTHONY be, and he is hereby, chosen President of the Senate *pro tempore*.

The resolution was considered by unanimous consent, and agreed to.

The SECRETARY. The Senator from Rhode Island is chosen President *pro tempore*.

Mr. ANTHONY thereupon took the chair.

On motion of Mr. BOUTWELL, it was

Ordered, That the Secretary wait upon the President of the United States and inform him that in the absence of the Vice-President the Senate has chosen Hon. HENRY B. ANTHONY, a Senator from the State of Rhode Island, President of the Senate *pro tempore*; and that he make a similar communication to the House of Representatives.

The Secretary proceeded to read the Journal of the proceedings of Friday last, and having proceeded for two minutes—

Mr. SARGENT. As there is a full quorum of the Senate present, I move that the further reading of the Journal be dispensed with.

Mr. DAVIS. I do not think that is proper.

The PRESIDENT *pro tempore*. Objection being made, the motion cannot be entertained.

The Secretary continued the reading of the Journal; which was approved.

CREDENTIALS.

Mr. MORRILL, of Maine, presented the credentials of Hon. HANNIBAL HAMLIN, chosen by the Legislature of Maine a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

REPORTS OF COMMISSIONER ON FISH AND FISHERIES.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed five thousand additional copies of the reports of the Commissioner on Fish and Fisheries for the years 1872 and 1873; one thousand copies thereof to be for the use of the Senate, three thousand for the use of the House of Representatives, and one thousand for the use of the Commissioner.

ALEXANDER BURTCH.

The bill (H. R. No. 4462) for the relief of Alexander Burtch was read twice by its title.

Mr. WRIGHT. That bill, which involves about eighty dollars for the relief of Mr. Burtch, passed both Houses of Congress at the last session at a very late hour in the session and did not reach the President of the United States in time for his approval. It was reported from the committee here as also in the House. There is no question as to the propriety of passing it, and I ask that the bill may now be put on its passage.

Mr. SARGENT. I object until after the morning hour. I will not make any objection after the morning hour.

Mr. WRIGHT. Then I trust it will be laid on the table for the present.

The PRESIDENT *pro tempore*. The bill will be laid on the table.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, transmitting to the Senate, in compliance with a resolution of the 11th instant, copies of correspondence relative to certain disturbances in the State of Louisiana; which, on the motion of Mr. SARGENT, was referred to the Committee on Privileges and Elections, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FLANAGAN presented a petition of the mayor and council of the city of Houston, Texas, praying that Houston be declared a port of entry; which was referred to the Committee on Commerce.

Mr. CHANDLER presented a petition of citizens of Michigan, soldiers in the late war, praying an amendment of the homestead law so as to authorize a wounded soldier to enter upon and improve one hundred and sixty acres of the public lands by proxy; which was referred to the Committee on Military Affairs.

He also presented a memorial of citizens of Wyandotte, Michigan, protesting against the restoration of tax on tea and coffee; which was referred to the Committee on Finance.

Mr. FRELINGHUYSEN. I present the petition of about 300 employés of the Raritan Woolen Mills, in Raritan, New Jersey, asking the repeal of so much of the act of June 6, 1872, as reduces the existing duties on certain foreign commodities inported into this country 10 per cent.; and in presenting this petition let me say that I believe the granting of its prayer would increase our revenue and at the same time give activity to our sluggish industries. A protective tariff, while it fosters home industry, also by giving wealth to the people increases our revenue. And we ought to protect our industry until we have here an aggregation of capital that will enable us successfully to compete with those with whom we are brought into competition. That is the safest and surest and, I hope, the shortest road to free trade. I am happy to learn, I hope correctly, that the Secretary of the Treasury has recommended to the proper committee of the other House, where a measure of this nature must originate, the passage of such a law; and I am glad that that recommendation comes from so worthy a representative of the Western States. I move that this petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. WINDOM. I present the memorial of the Legislature of Minnesota, asking for a preliminary survey of the Saint Croix and Saint Louis Rivers, which form the boundary between the States of Minnesota and Wisconsin, with a view of connecting the Mississippi River by that route with Lake Superior. A similar memorial to this has been presented from the Legislature of Wisconsin within a year or

two, and I ask the special attention of the Committee on Commerce to this. I move its reference to that committee, and that it be printed.

The motion was agreed to.

Mr. SCOTT presented the memorial of the Board of Trade, the Commercial Exchange, and the Marine Underwriters, of Philadelphia, Pennsylvania, praying the passage of House bill No. 4034, to provide for the signal service; which was referred to the Committee on Commerce.

Mr. SCOTT. I also present a memorial of citizens of Reading, Pennsylvania, remonstrating against the restoration of the duty on tea and coffee or any revival of internal taxes, and praying for the repeal of the 10 per cent. tariff reduction of 1872. I also present similar memorials from citizens of Pittsburgh, citizens of Philadelphia, citizens of Danville, citizens of Huntingdon County, and citizens of Blair County, all in the State of Pennsylvania. The Senator from New Jersey [Mr. FRELINGHUYSEN] has made the speech which I would make upon presenting such memorials if speeches were admissible. I adopt his.

The memorials were referred to the Committee on Finance.

Mr. HAMILTON, of Texas, presented a memorial of delegates of the Creek Nation of Indians, praying to be reimbursed for expenses incurred in negotiating the treaty of 1866; which was referred to the Committee on Indian Affairs.

Mr. SHERMAN. I present a memorial of a number of citizens of Hocking County, Ohio, praying for a repeal of the law of 1872 reducing the duties on certain foreign goods by 10 per cent., and also remonstrating against the restoration of the duty on tea and coffee. It seems to be similar in form to those presented by the Senators from New Jersey and Pennsylvania. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN presented a petition of the Cincinnati Light Guard, Ohio Independent Militia, in favor of the passage of a law providing that the arms issued to that State under the act of 1808 shall not be charged to the State; which was referred to the Committee on Military Affairs.

Mr. STEVENSON presented the petition of Libby Sharp, of Cumberland County, Kentucky, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

He also presented the petition of William B. Scott, of Adair County, Kentucky, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. DAVIS. I present the petition of George Harmon and 47 others, of Gladesville, West Virginia, praying that tea and coffee be continued on the free list, and that if the Government must have additional revenue the 10 per cent. taken off the duties on certain goods two years ago be restored. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. KELLY presented a memorial of the Legislative Assembly of the State of Oregon, in favor of the passage of an act extinguishing title to the Umatilla Government reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also presented a memorial of the Legislative Assembly of the State of Oregon, in favor of the passage of an act to refund to the State of Oregon the expenses of the provisional government of Oregon which were paid by that State; which was referred to the Committee on Claims, and ordered to be printed.

He also presented a memorial of the Legislative Assembly of the State of Oregon, in favor of a further appropriation for the improvement of the navigation of the Willamette River; which was referred to the Committee on Commerce, and ordered to be printed.

He also presented a memorial of the Legislative Assembly of the State of Oregon, in favor of the passage of an act providing that all United States securities hereafter issued shall be liable to taxation; which was referred to the Committee on Finance, and ordered to be printed.

He also presented a memorial of the Legislative Assembly of the State of Oregon, in favor of an appropriation of money to aid in the construction of a military wagon-road from Ashland, by way of Linkville, to the Hot Springs in that State; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also presented a memorial of the Legislative Assembly of the State of Oregon, in favor of an appropriation for the improvement of navigation at the mouth of the Coquille River; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. JOHNSTON presented a memorial of James Leonard and a number of other citizens of Shenandoah County, Virginia, remonstrating against any taxation on tea and coffee, and asking for the repeal of the 10 per cent. reduction of 1872; which was referred to the Committee on Finance.

Mr. ROBERTSON. I present a concurrent resolution of the General Assembly of South Carolina, relative to the deepening and widening of Charleston Harbor, and memorializing Congress in relation to the same. I ask that it be read.

The Chief Clerk read the resolution, as follows:

Concurrent resolution relative to the deepening of Charleston Harbor, and memorializing Congress in relation to the same.

Whereas the interests of the people of South Carolina are identified with the commercial importance of the city of Charleston as the chief city on the south Atlantic coast; and whereas the commercial statistics of the past few years conclusively show a constant and rapid increase in every element of commercial prosperity; and whereas her situation on the highway of nations, as the nearest and most available outlet to the growing wealth of the West, her proximity to the trade of the West Indies and South America, makes her the natural emporium of this vast commerce; and whereas the increasing value of her market stands approved in the fact that in 1867 her receipts of cotton, the great southern staple, were 165,000 bales, while in 1874 they had increased to 437,000 bales; her receipts of rice in 1867 were 15,000 tierces, while in 1874 they had increased to 43,000 tierces; her receipts in naval stores had increased in the same time from 54,000 barrels to 221,000 barrels, and her lumber trade from 8,000,000 feet to 20,000,000 feet, showing concusively that the trade of the city of Charleston in the past eight years has been nearly trebled in nearly all the important elements of southern prosperity; and whereas, notwithstanding these facts, and that Charleston, as the commercial center of the south Atlantic coast, throbs with the life and energies of the entire South, and is peculiarly blessed with a most genial climate and a safe and unequaled harbor, yet the National Congress has almost ignored our State in its appropriations to develop the material interests of the South, giving to Georgia over $321,000, to North Carolina over $740,000, and to South Carolina $88,000, a disparity for which there is apparently no just reason; and whereas, with all her great natural advantages, there is but a single disadvantage, the depth of water on her bar, that keeps the city of Charleston from moving vigorously forward to her proper position of commercial greatness, and her citizens recognizing this fact, through her municipality, through her chamber of commerce, through her board of trade, and through every other avenue of public influence, are bending their every energy to the deepening and widening of her splendid harbor; and whereas the city council of Charleston, by the expenditure of nearly $50,000, in which, notwithstanding the hardships of the times, the people of Charleston of all classes have eagerly concurred, have ascertained that the work can be easily and permanently accomplished at an expense comparatively trifling as compared with paramount results it must achieve; and whereas the history of the city of Charleston and the growing trade of this section of our common country prove this enterprise to be of the last importance to the people of South Carolina and to the development of the entire South: Therefore,

Be it resolved by the senate, (the house of representatives concurring,) That our Senators and Representatives in Congress be, and are hereby, requested to use their utmost influence to secure for the city of Charleston an appropriation of $100,000, for the purpose of deepening and widening its harbor, and to advance the material interests of the people of this State.

The memorial was referred to the Committee on Commerce, and ordered to be printed.

Mr. WASHBURN presented the petition of Catharine S. Winslow, widow of Rear-Admiral Winslow, praying to have a reconsideration of her application for an increase of pension; which was referred to the Committee on Pensions.

Mr. CAMERON. I present twenty memorials from different parts of Pennsylvania, signed by workingmen entirely, who remonstrate against the imposition of duties on tea and coffee and who urge the restoration of the 10 per cent. tariff duties repealed in 1872. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON presented a petition signed by seamen of San Francisco, California, urging a modification of the marine-hospital service; which was referred to the Committee on Commerce.

Mr. HAMLIN. I have a memorial signed by the governor, the executive council, and the senators of the Legislature of the State of Maine, in which they ask that Congress provide by law that corporations and others may be prevented from repudiating and delaying the payment of honest and legal debts through the resignation of the officers designated by law to enforce the judgments of courts.

I also present a memorial from Henry Boynton touching the same subject. I move that they be referred severally to the Committee on the Judiciary, and I ask the careful attention and consideration of that committee to the subject. It is one, I think, which demands prompt action. A very serious evil exists, I think, in very many localities; and honest creditors by the resignation of officers are absolutely prevented from collecting their debts on judgments issued by the courts. I ask the careful attention of the committee to the consideration of this subject.

The motion was agreed to.

Mr. FENTON. I present a memorial of citizens of Buffalo, New York, among whom I recognize several prominent business men and manufacturers, protesting against the reimposition of the duties on tea and coffee and asking that the 10 per cent. reduction made by the act of 1872 be repealed. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. FRELINGHUYSEN presented a petition of engineers of the United States Navy, praying an amendment of the Navy prize-law of June 10, 1864, in regard to the distribution of prize money, so as to give a fleet engineer of the Navy a share therein equal to that of a fleet captain commanding; which was referred to the Committee on Naval Affairs.

Mr. INGALLS presented resolutions of a public meeting of citizens of Labette County, Kansas, relating to the establishment of courts in the Indian Territory; which were referred to the Committee on Indian Affairs.

Mr. HARVEY presented a resolution of the Legislature of Kansas, in favor of an appropriation for the improvement of Galveston Harbor, in the State of Texas; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MITCHELL presented a memorial of the Legislature of Oregon, asking that certain post-routes be established in that State; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also presented a memorial of the Legislature of Oregon, in favor of an appropriation for the improvement of navigation at the mouth

of the Coquille River; which was referred to the Committee on Commerce, and ordered to be printed.

He also presented a memorial of the Legislature of Oregon, in favor of the construction of a military wagon-road between the Illinois River and Chiteo, in that State; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also presented a memorial of the Legislature of Oregon, asking an appropriation for the improvement of the navigation of the Yam Hill River, in that State; which was referred to the Committee on Commerce, and ordered to be printed.

He also presented a memorial of the Legislature of Oregon, asking that the channel of the Nehalim River be surveyed and marked by buoys; which was referred to the Committee on Commerce, and ordered to be printed.

He also presented a memorial of the Legislature of Oregon, asking that the duties on jute and burlap, and sacks made from them, be removed; which was referred to the Committee on Finance, and ordered to be printed.

Mr. MORTON presented a petition of workmen of Indianapolis, in the State of Indiana, remonstrating against the restoration of the duties on tea and coffee, and asking the imposition of such duties on foreign trade as will lighten the burdens of the citizens of the United States; which was referred to the Committee on Finance.

Mr. PRATT presented the petition of John Eobbs, late a private in Company C, Third Regiment Kentucky Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BOGY presented the petition of Albert G. Boone, praying compensation for certain public services rendered by him and also for moneys advanced to the Government; which was referred to the Committee on Indian Affairs.

Mr. ALCORN presented the petition of F. Moore, praying for compensation for services rendered by him as assistant assessor of internal revenue in the third district of Mississippi; which was referred to the Committee on Claims.

Mr. STEVENSON presented the petition of William de Rohan, for redress from the government of Italy for the seizure of certain vessels belonging to him; which was referred to the Committee on Foreign Relations.

WITHDRAWAL OF PAPERS.

On motion of Mr. ALCORN, it was

Ordered, That the Committee on Claims be discharged from the further consideration of the petition of R. W. Edmondson, and that the petitioner have leave to withdraw his petition and papers from the files of the Senate.

FIRE AT THE NAVY DEPARTMENT.

Mr. SARGENT. I send a telegram to the desk, and I ask that it be read by the Secretary.

The Secretary read as follows:

WASHINGTON, *January* 25, 1875.

From the War Department to Hon. A. A. SARGENT:

The Navy Department is on fire.

W. W. BELKNAP,
Secretary of War.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 170) for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855;

A bill (S. No. 448) for the relief of John T. Smith; and

A bill (S. No. 597) for the relief of William A. Griffin.

The message also announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 1515) for the relief of Gustavus F. Jocknick;

A bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina;

A bill (H. R. No. 3118) for the relief of Mary Conly, late widow of R. H. Murrell, late an officer in the Tenth Tennessee Cavalry;

A bill (H. R. No. 3526) for the restoration of the property of Nicholas José Merrimet;

A bill (H. R. No. 3658) for the relief of William J. Coite;

A bill (H. R. No. 3735) for the relief of Anna W. Osborne;

A bill (H. R. No. 3870) to confirm to the city of San José, in the State of California, the title to certain lands;

A bill (H. R. No. 2279) for the relief of Richard Hawley & Sons;

A bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain;

A bill (H. R. No. 3158) for the relief of Enoch Jacobs, United States consul at Montevideo;

A bill (H. R. No. 3268) for the relief of John M. Reed;

A bill (H. R. No. 3271) for the relief of Stephen N. Honeycutt;

A bill (H. R. No. 3272) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered in a small-pox hospital; and

A bill (H. R. No. 3399) authorizing the sale of certain lands at Vincennes, Indiana.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the bill (H. R. No. 3593) to constitute Patchogue, on the south side of Long Island, in the State of New York, a port of delivery.

CHANGE OF REFERENCE.

On motion of Mr. LEWIS, it was

Ordered, That the Committee on the District of Columbia be discharged from the further consideration of the bill (S. No. 1098) to aid the Washington and Ohio Railroad Company, and that it be referred to the Select Committee on Transportation Routes to the Seaboard.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Railroads, to whom was referred the bill (S. No. 668) to incorporate the Anglo-American Mutual Company, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SARGENT, from the Committee on Mines and Mining, to whom was referred the bill (S. No. 1104) authorizing the issue of patents to mining claims in certain cases, reported it with amendments.

Mr. FERRY, of Connecticut, from the Committee on Patents, to whom was referred the bill (S. No. 1149) declaring the meaning of an act approved March 9, 1868, relative to a patent for induction apparatus and circuit breakers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 986) explanatory of section 25 of the act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights," reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the petition of Julius D. Pickering, praying for the extension of letters-patent for an improved method of attaching straps to boot-legs, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of J. S. Savage, of Newton, Massachusetts, inventor of a safety ballot-box, praying to be allowed to appear before the proper committee and explain its advantages, asked to be discharged from its further consideration; which was agreed to.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (S. No. 900) granting a pension to the widow and minor children of Ira Wilkins, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PRATT. I am also directed by the same committee, to whom was referred the bill (H. R. No. 1952) granting a pension to Nancy C. Marlette, to report it adversely and move its indefinite postponement, because the object of the bill has been accomplished during its pendency in this body by the granting of a certificate by the Commissioner of Pensions for the arrears claimed in this bill.

The bill was postponed indefinitely.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (S. No. 916) for the relief of Mrs. Ann Cornelia Lanman, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3695) granting a pension to Eliza A. Flamant, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3721) granting a pension to Ezra C. Owen, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 619) granting a pension to Elizabeth Tipton, of Tennessee, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans, reported it without amendment.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the petition of George H. Wellman, for himself and on behalf of the heirs of the late George Wellman, deceased, praying for a further extension of the patent granted his father for an apparatus for stripping top flats for carding engines, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 1051) authorizing the extension of the patent granted to Harvey Lull, of Hoboken, New Jersey, for a self-locking shutter-hinge, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the petition of William Wickersham, a citizen of Massachusettss, praying an extension of his patent for an improvement in sewing-machines, asked to be discharged from its further consideration; which was agreed to.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Elias M. Ritz, praying for the passage of a special act to allow him back pension from June 18, 1866, to April 23, 1873, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 3697) granting a pension to Belinda Craig, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2400) granting a pension to William White, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS. The same committee, to whom was referred the petition of Lucy J. Loop, praying to be allowed a pension for the services of her husband and son, who were killed in action in the late war, direct me to report that the petition is not verified and is accompanied by no evidence. They therefore ask to be discharged from its further consideration; and I make that motion.

The motion was agreed to.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3192) granting a pension to the minor children of J. A. Brewer, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2352) granting a pension to Lewis Hinely, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Daniel G. Gallick, praying for a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. INGALLS. I am also directed by the same committee, to whom was referred the petition of Lucy G. Clark, widow of General Marston G. Clark, of Indiana, praying to be allowed a pension, to report it back. The committee have reported a general bill, which includes the case of the petitioner, and they ask to be discharged from the further consideration of the petition. I make that motion.

The motion was agreed to.

WAGON-ROAD IN UTAH.

Mr. PRATT. The Committee on Public Lands, to whom was referred the bill (S. No. 1166) granting the right of way over the public lands for the construction of a wagon-road in Salt Lake County, Utah Territory, have had the same under consideration, and directed me to report it back with an amendment.

Mr. SPRAGUE. I should like to have the wagon-road bill which has just been reported by the Senator from Indiana acted upon now.

There being no objection, the bill was considered as in Committee of the Whole. It grants the right of way, not exceeding four rods in width, over the public lands of the United States to the Miners' Protective Toll-Road Company, a corporation formed and existing under the laws of Utah Territory, and its assigns, for the construction of a public wagon-road from Granite, at the mouth of the canyon, to or near its head; and from some convenient point on the county-road to and through Big Cottonwood Canyon, to or near a point in that canyon called Silver Springs, with the right to collect tolls thereon at such rates as shall be approved by the district court of the Territory held in and for Salt Lake County; but the right of way thus granted is not to interfere with any rights of settlers upon the public lands heretofore acquired. In case the roads are not constructed within three years after the passage of the act, the right of way is to revert to the United States.

The amendment reported by the Committee on Public Lands was in line 16 of section 1, after the word "acquired," to insert:

And provided further, That said right of way shall not be located upon the road-bed of any railroad heretofore constructed, except where it may be necessary to cross such road-bed; and in making any such crossing it shall be so located as not unnecessarily to obstruct the use of such road-bed.

The amendment was agreed to.

Mr. SARGENT. In section 1, line 16, after the word "acquired," I move to add "or with any existing toll-road or public highway."

Mr. SPRAGUE. That is all right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. CONKLING. Without delaying the passage of the bill, I want to inquire whether the bill contains no grant of any kind except the right of way?

Mr. SPRAGUE. That is all.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1187) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education; which was read twice by its title.

Mr. MORRILL, of Vermont. I move that the bill be printed and lie on the table. I desire at an early day, and at the convenience of the Senate, to submit some remarks in relation to it.

The motion was agreed to.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1188) amendatory of an act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HAMILTON, of Texas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1189) making an appropriation to fulfill treaty stipulations with the Creek Indians; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HAMLIN. I have been furnished with a bill to meet the wishes of the memorialists whose memorial I this morning presented. I do not know how fully it may meet the case. I ask leave to introduce it.

Leave was granted to introduce a bill (S. No. 1190) to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 29, 1789; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 17) authorizing the appointment of a commissioner to an international penitentiary congress; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

ENLISTMENTS IN THE NAVY.

The PRESIDENT *pro tempore*, (having called for resolutions.) If there be no resolutions, under the order of the Senate, the Chair will call for business from the Committee on Naval Affairs.

Mr. CRAGIN. I move that the Senate proceed to the consideration of the bill (H. R. No. 480) to provide for enlistments in the Navy.

The PRESIDENT *pro tempore*. The bill will be considered as before the Senate, if there be no objection.

Mr. CRAGIN. I move the indefinite postponement of the bill.

The motion was agreed to.

DISCHARGE OF SEAMEN.

Mr. CRAGIN. I move now that the Senate proceed to the consideration of the bill (S. No. 706) to amend the act approved July 17, 1862, entitled "An act for the better government of the Navy of the United States."

The bill was considered as in Committee of the Whole.

The Committee on Naval Affairs had reported an amendment to strike out all after the enacting clause of the bill and insert the following:

That the seventeenth section of the act approved July 17, 1862, be so amended as to read as follows:

SEC. 17. That it shall be the duty of the commanding officer of any fleet, squadron or vessel acting singly, when on service, to send to an Atlantic or to a Pacific port of the United States, as their enlistment may have occurred on either the Atlantic or Pacific coast of the United States, in some public or other vessel, all petty officers and persons of inferior ratings desiring to go there at the expiration of their terms of enlistment, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic or Pacific port. All persons enlisted without the limits of the United States may be discharged, on the expiration of their enlistment, either in a foreign port or in a port of the United States, or they may be detained as above provided beyond the term of their enlistment; and that all persons sent home, or detained by a commanding officer, according to the provisions of this act, shall be subject in all respects to the laws and regulations for the government of the Navy until their return to an Atlantic or Pacific port and their regular discharge; and all persons so detained by such officer, or re-entering to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port; and that all persons who shall be so detained beyond their terms of enlistment, or who shall, after the termination of their enlistment, voluntarily re-enter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay: *Provided*, That the shipping articles shall hereafter contain the substance of this section.

Mr. CRAGIN. This is only a slight change in the present law. As the law now exists, seamen and petty officers are discharged at an Atlantic port or on the Atlantic coast. This puts in the Pacific coast and Pacific ports, as within a few years enlistments have taken place upon that coast. This is all the change there is in the law. The bill was prepared at the Navy Department, and is earnestly and urgently recommended.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. CRAGIN. I suppose, since the Revised Statutes have been enacted, it is necessary to amend this bill by striking out lines 3, 4, and 5, in the following words:

That the seventeenth section of the act approved July 17th, 1862, be so amended as to read as follows.

And inserting

That section 1422 of the Revised Statutes be so amended as to read as follows.

The amendment to the amendment was agreed to.

The amendment made as in Committee of the Whole was concurred in as amended.

The bill was ordered to be engrossed for a third reading, read the third time, and passed. Its title was amended so as to read: "A bill to amend section 1422 of the Revised Statutes of the United States."

HOLMES WIKOFF.

Mr. CRAGIN. I move that the Senate now proceed to the consideration of the bill (H. R. No. 3006) authorizing the President to nominate Holmes Wickoff an assistant surgeon in the Navy.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

Mr. STEVENSON. I should like to hear some explanation. I hate these exceptions. Such special legislation I object to.

Mr. CRAGIN. I think the Senator will vote for this bill when he hears the explanation.

Mr. STEVENSON. I should like to hear it.

Mr. CRAGIN. By regulation of the Navy Department some years ago any person was to be admitted as an assistant surgeon of the Navy over the age of twenty-six years. Mr. Wikoff had graduated at the University of Pennsylvania, and was attending another course of lectures. He came to the Secretary of the Navy, asked the privilege of being examined for admission into the naval service, saying to the Secretary that he desired to finish his present course of lectures, which would carry him two or three weeks beyond the age of twenty-six years. The Secretary waived that regulation so far as that gentleman was concerned and he continued at his course of lectures, but before he finished the course of lectures and applied for examination Congress passed an act fixing the age at twenty-six years as the limit, so that the agreement of the Secretary of the Navy was null and void. He then came to be examined, was examined, and passed a very splendid examination, and, there being no way by the law for him to be appointed, the Secretary appointed him an acting assistant surgeon, and he has been in the service ever since. This bill is a House bill simply to cure that two or three weeks' difference in age. He is a very excellent officer, and it is the desire of the Department that the President may be authorized to nominate him notwithstanding this difference in age.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SURVIVORS OF THE POLARIS.

Mr. CRAGIN. Mr. President, I now call up the bill (S. No. 843) for the relief of the survivors of the Polaris, which was reported by the Senator from California, [Mr. SARGENT.]

The bill was read the second time and considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to pay to the survivors of the Polaris engaged in the Arctic exploration under command of Captain Charles F. Hall, their widows, or minor children, and in the order named, a sum of money in addition to that already paid equal in amount to one year's pay, which each would have been entitled to respectively, if continued in the service, under the rules and regulations prescribed by the Secretary of the Navy for that exploring expedition; and to pay to Mercy Ann Hall, widow of Captain Hall, a sum equal in amount to two years' pay, which her husband would have received if living and continued in the service as before provided; and to pay three hundred and sixty dollars each to Joe Eberbing and Hans Hendrick, Esquimaux, who rendered valuable assistance to that part of the ship's crew rescued from the ice-floe on or about the 30th of April, 1873. The payment is to be made direct to each individual claimant upon satisfactory evidence of his identity; and if any sale, assignment, or transfer shall be made of any interest in the gratuity provided by the act, the amount so assigned is to revert to the Government of the United States.

Mr. SARGENT. Mr. President, since this bill was reported a bill has been passed for the relief of Mercy Ann Hall, widow of Captain Hall, and I suppose it is not intended that that shall be duplicated. It was not exactly in the shape of a gratuity, but the purchase of certain documents prepared by her husband of his explorations; and the amount was larger than it would have been had it not been for the unfortunate fate of her husband, leaving his family destitute. I therefore move, in order that it may not be duplicated, to strike out after the word "expedition," in line 12, down to and including the word "provided," in line 15, which will leave the bill to provide simply for the sailors and others who suffered these hardships in the expedition. I submit the amendment.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed, beginning in line 12, to strike out the words—

> And that Mercy Ann Hall, widow of Captain Hall, be paid a sum equal in amount to two years' pay, which her husband would have received if living and continued in the service as before provided.

The amendment was agreed to.

Mr. SARGENT. The time remaining of the morning hour is so brief, there being other important business of the committee, as every Senator unquestionably is acquainted with the history of the Polaris expedition, and knows that the men who are relieved by this bill to the extent of a year's pay were one hundred and ninety-six days upon a floe of ice; were upon one occasion washed off into the sea and recovered their place upon the ice almost by a miracle; that this vessel penetrated to 82° 16′ north, farther than any other vessel ever penetrated upon an exploring expedition; that the gratuity here given, small as it is, has examples much more magnificent by other governments in making compensations for services of this character; that the expedition, although the vessel did not return, was really a great success, so far as its objects were concerned, in carrying the flag of the United States nearer the North Pole than it ever had been before, and also in solving certain geograpical problems to science—I say I will not take up time in reviewing these matters, but will ask that the bill may be favorably considered.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

STEAMER CLARA DOLSON.

Mr. CRAGIN. The next bill is one reported by the Senator from California, [Mr. SARGENT,] being the bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolson.

The bill was considered as in Committee of the Whole. It provides for the payment to the owners of the steamer Clara Dolson of $22,050, in full of all claims for the use of the vessel by the Navy Department, and for all claims for damages to the vessel and furniture while in the service of the Government.

Mr. SHERMAN. Is there a report?

Mr. SARGENT. The written report in this matter is not made by the Senate Committee on Naval Affairs, but was made by the House Committee on Appropriations, a very careful committee. The report is nearly four pages of print. I have no objection to its being read, provided we have time to consider the bill; but if no Senator desires that it shall be read, I can make a statement of the facts, as I understand them and have personally examined them.

Mr. CRAGIN. I wish to make a suggestion to the Senate that this morning, and every morning hereafter until otherwise ordered, each committee as it is called shall have one hour from the time that the committee is called. This has been suggested to me by several Senators, and it strikes me that it would be a great economy of time and labor. If there be no objection, I hope we may pass on that now.

Mr. SHERMAN. I should like to have the report read in this case, because I do not think we ought to vote $20,000 without knowing what it is for.

Mr. SARGENT. I suppose there will be no objection to our having the hour.

Mr. CRAGIN. My suggestion, if adopted, will enable the report to be read and other committees coming after to have much more time. I ask unanimous consent to submit the motion.

Mr. CONKLING. If the Senator will ask an hour for his committee now, I will not object to that; but I do not think we had better break into the rule quite so summarily. All committees may not need an hour.

Mr. CRAGIN. Very well; I will modify my motion, though I would prefer to make it general.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from New Hampshire asks that the Committee on Naval Affairs have an hour this morning.

Mr. CRAGIN. We may not wish to occupy the whole hour; but it is not my way to be selfish and ask for myself what I would not give to others.

Mr. JOHNSTON. I hope that motion will not be made to-day. If the Senator will say half an hour, I will not object.

Mr. SARGENT. Say until half past one o'clock.

The PRESIDING OFFICER. Is there objection to the Committee on Naval Affairs having until half past one o'clock to consider bills in their charge? The Chair hears no objection, and it is so ordered. The report of the committee in the case before the Senate will now be read.

The Secretary read the following report, submitted by Mr. HANCOCK, from the Committee on Appropriations, in the House of Representatives, on the 20th of February, 1874:

> The Committee on Appropriations, to whom was referred the letter of the Secretary of the Navy of the 7th of January, 1873, together with the petition of the claimants asking an appropriation for the payment of the amount reported to be due to the owners of the steamer Clara Dolson, have had the same under consideration, and adopt the following report made at the last Congress:
>
> The letter of the Secretary is as follows:
>
> NAVY DEPARTMENT,
> *Washington, January 7, 1873.*
>
> SIR: The sum of $91,200 is stated by the Solicitor, on examination, as the balance due the owners of the steamer Clara Dolson for the use of that vessel by the Government.
>
> This claim, as reported by the Solicitor, seems to be just and the amount due, but there is no appropriation at the command of the Department from which it can properly be paid at this time.
>
> I therefore, at the request of the parties in interest, refer the claim to you, with the request that a proper appropriation be made to enable the Department to pay it. The grounds upon which it rests are stated in the reports of Admiral Porter and of the Solicitor, herewith transmitted.
>
> Very respectfully, your obedient servant,
>
> GEO. M. ROBESON,
> *Secretary of the Navy.*
>
> Hon. JAMES A. GARFIELD,
> *Chairman of the Committee on Appropriations,*
> *House of Representatives.*

The Clara Dolson, a steamer belonging to loyal citizens residing in the North, was, without the knowledge or consent of the owners, and during their absence, in September, 1861, seized by the confederate forces at Memphis, on the Mississippi River and was for a time held and used by said confederate forces. Afterward the agents of the owners thereof managed to get possession of the steamer, and while in their possession she was seized by the United States naval forces on the 5th day of July, 1862, and libeled in the district court of the United States for the southern district of Illinois, on the ground that "said steamer had been used by the knowledge and consent of the owner in aiding the present rebellion, contrary to the act of August 6, 1861."

Edward Walsh, William T. Dunning, and Samuel S. Edwards claimed the vessel as owners, and prayed that the vessel be delivered to them upon their giving such bond as the court might order, and filed their answer on September 2, 1862, denying that the vessel had been used with their knowledge or consent to aid the rebellion. The court ordered the vessel to be delivered to said owners upon their entering into bond for the appraised value of the vessel, conditioned to abide by and pay the money awarded by the final decree of the court.

The marshal returned to this order that the appraisers having appraised the vessel at $45,000, the claimants, on the 19th day of December, 1862, tendered an approved bond as required by the court, but that he could not deliver the vessel

because the officers of the United States Navy were using the said steamer as a receiving-ship, and declined to surrender her. The court finally dismissed this libel because the vessel was not in possession of the court, and ordered the marshal to restore the vessel to her owners.

After the dismissal of this libel an agreed case was submitted to the court upon a libel for the violation by said vessel of the non-intercourse act, which is as follows:

EXHIBIT F.

In the United States district court, southern district of Illinois.

UNITED STATES OF AMERICA
vs.
STEAMER CLARA DOLSON.

Agreed statement of facts.

It is agreed by and between the claimants and the district attorney, on behalf of the libelant, that the Clara Dolson was impressed into the service of the rebel military authorities at Memphis in the month of September, 1861; that while she was in such service she made several trips to Fort Pillow and one trip to Columbus, Kentucky. That when she made those trips she was in charge of the confederate military authorities, and used to transport munitions of war and supplies for the rebel troops at those points, and made one voluntary trip, transporting goods, wares, and merchandise from New Orleans to Columbus, Kentucky, and back to New Orleans in January, 1862. That Columbus, although situated in the State of Kentucky, was at the time the Clara Dolson made those trips, and for a long time before and after that, in the actual military occupation of the rebel forces, and that all that portion of country in the immediate vicinity of Columbus, and all that portion of Kentucky bordering on the Mississippi River below Columbus and down to the line of the State of Tennessee, was under the civil and military control of the rebel forces, and continued so to be for a long time thereafter, as it had been for a long time before the Clara Dolson made the trips above referred to. The claimants, Edward Walsh and William T. Dunning, reside in the city of Saint Louis, and Samuel S. Edwards resides in the State of New Jersey, and, as the district attorney is informed, are loyal citizens of the United States.

J. H. RANKIN,
For Respondents and Claimants.
L. WELDON,
For United States.

On this the court decreed the confiscation of the vessel. The owners filed an application for the remission of the forfeiture, and the judge indorsed it as follows:

THE UNITED STATES
vs.
THE STEAMER CLARA DOLSON. HER engines, tackle, furniture, &c.

The Clara Dolson was condemned because of a voluntary trip made between New Orleans and Columbus, as stated in the agreed case, (Exhibit F.) In my opinion the Secretary of the Treasury may safely remit the forfeiture thus incurred, on the ground that the trip was made without the consent or connivance of the owners, the case showing that they were residents of a loyal portion of the United States, and it failing to show that they were guilty of any disloyal acts or practices.

S. H. TREAT,
District Judge.

The forfeiture was remitted by the Secretary of the Treasury, by virtue of the authority conferred on him by law.

The Secretary of the Navy gave the following order:

NAVY DEPARTMENT, *March* 4, 1864.

SIR: The proceedings in prize in the case of the Clara Dolson being terminated by a dismissal of the libel on the motion of the district attorney, and a consequent final decree of restitution from which there is now no appeal, and in the proceedings for forfeiture under the statutes, the court having ordered the marshal to deliver the vessel to her owners on their bond, you will deliver the Clara Dolson, after taking out of her all Government property, to the marshal to be disposed of according to the order of the court.

If, after the delivery of the vessel to the owners, you consider it important to retain her in the naval service, you are authorized to do so, and to make the necessary arrangements with them as to compensation in full of all claims on account of the boat, informing the Department of your action in the case.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Rear-Admiral D. D. PORTER,
Commanding Mississippi Squadron, Cairo, Illinois.

In obedience to this order, the steamer was delivered to the owners, but as the naval officers in command at Cairo could not dispense with the use of the vessel at the time, she was retained by agreement for two months longer at a compensation to be paid therefor of $150 per day. For this last term of two months payment has been made by the Department amounting to $9,450.

The vessel was actually in the service of the Government from the 5th day of July, 1862, until the 5th day of May, 1864, as appears by the official certificate of Lieutenant John Scott, commanding receiving-ship at Cairo, Illinois, dated May 6, 1864. The owners presented their claim for this period amounting to the sum of $100,650, and also for the sum of $45,000 damages to the vessel while in the service—the cabin having been torn to pieces to make a small-pox hospital of the vessel, and all the furniture lost or destroyed. But the claimants abandoned the claim for damages, it being conceded that the Navy Department could not adjust a claim for damages, but only for the loss of the vessel. Accompanying the claim were full proofs of the value of the use of the vessel, the damages done upon her, and of the absolute loyalty of the owners.

Your committee are of the opinion that the Secretary of the Treasury was fully justified in remitting the forfeiture. We will not here discuss the validity of the decree, but it is manifest that the judge was satisfied that the forfeiture should be remitted; and, in the opinion of your committee, it is at least questionable whether the decree was authorized by the law and facts of the case.

But as the judgment of your committee is not based on the validity or invalidity of said decree, we will not enter upon a discussion of its merits. It is clearly proven that the use of the vessel was worth at that time at least $150 per day, and the Navy Department has allowed at that rate for the full time that she was in the possession and in the service of the Navy Department, that is, $100,650, deducting the $9,450 heretofore paid. Your committee, however, do not feel satisfied of the justice or equity of the claim against the Government for the use of the vessel from the date of her seizure on the 5th day of May, 1862, to the 18th day of December, 1862, when, the claimants having given satisfactory bond as required by the court, the vessel was by the court ordered to be returned to them. From that time the claimants were unquestionably entitled to the possession and use of their vessel, and that entirely independent of the course or result of subsequent litigation in regard to her.

From the said 18th day of December, 1862, to the 4th of March, 1864, when the Secretary of the Navy issued his peremptory order for the return of the vessel to the owners, and she was actually returned, is four hundred and forty-one days, and at $150 per day would amount to $66,150, which your committee find should be paid, and report herewith a bill to that effect, and recommend its passage.

Mr. SCOTT. There is one inquiry I would wish to make about the facts in this case. I noticed in the reading of the report it was stated that this vessel was used for illicit purposes by the rebels, and that in some way the owners succeeded again in getting possession of her. If she was in possession of the rebel authorities and used for an unlawful purpose, I should like to have explained fully how the owners did again get possession of her; whether it was by capture, or by their intimacy with and knowledge of the rebel authorities.

Mr. SHERMAN. I have an objection to this claim. This is a bill involving a most dangerous class of claims against the Government of the United States, claims for the use of vessels which were of doubtful allegiance during the whole war, sometimes on one side and sometimes on the other. The owners were of doubtful allegiance, and the vessels still more so in many cases. I do not speak of this particular case, for I do not know anything about it; but this vessel was in the service of the confederates at one time and in our service at another, and in the service of its owners at another. It is not a naval claim in any sense of the term. It is simply an ordinary claim for the use of property during the war, taken from the confederates either by private citizens or by the Army or Navy of the United States. I think therefore the claim ought to go to the Committee on Claims and be governed by the rules which control that committee; or rather in my judgment it ought to go to the Court of Claims if the law is so framed as to allow such a claim to go to that court, but I do not know that it is. I move that the bill be referred to the Committee on Claims.

Mr. BOGY. First, there can be no doubt as to the loyalty of the claimants. Mr. Walsh, who was the principal owner of this vessel, was one of the most steadfast Union men we had in Saint Louis, and he was so from the beginning of the war to the very end of it. He was a man of large means who contributed liberally, and of whose loyalty there never was the slighest doubt. Many of the steamboats on the Mississippi River were in a very peculiar condition; some of the officers were not perhaps very loyal, as in this case, and those boats were actually captured on the Lower Mississippi and made to do service in the rebel lines as in this case; but as soon as they could escape, they did escape and got into the Union lines. The owners without exception were all Union men, loyal in every sense of the word.

The amount reported is really very small. The claim, in my estimation, is beyond all doubt. It has been very thoroughly investigated and reported on favorably by the Department. I cannot see how there can be any just objection to a claim of this kind. The boat was used by the Government for a long time, and entirely used up, I may say. It was a large, costly vessel. If the owners had had possession of the vessel during the war, they would have made a very large amount of money. I cannot see really what objection there can be to this claim. The owners were loyal. Some of the officers might not have been, as was the case with a great many of our steamboats in the West, as the Senator from Ohio, who is a western man, should know. But as to the owners themselves, there is no doubt of their loyalty and fidelity at all times.

Mr. SCOTT. I dislike to interpose an objection to a proper claim; but I would present my question to the Senator from Missouri if he can answer it; and that is this: After this property was once in the possession of the rebel authorities, can he inform us in what manner the owners again obtained possession? Was it by capture, or did they voluntarily return it?

Mr. BOGY. Not only in this case, but in many cases, boats south of a particular line, south of Memphis at one time, were captured by the confederates, but most of them afterward escaped and came up to Saint Louis. While they were there, they could not avoid it; there was no help; it was a matter of life and death, and they had to do the work they were assigned to do by the confederate commanders as in this case, but they escaped when they could and came to Saint Louis. Many of them never did escape, but remained down there in spite of all the owners could do. I remember a Captain Miller who was there three years and never escaped, but was a loyal man all the time.

Mr. SARGENT. I have no doubt of the correctness of the position taken by the Senator from Ohio, that claims of this character should be referred to the Committee on Claims. The business of that committee is such that it can give more attention to a particular case, and therefore I think it is a bad plan to send these individual cases to the Committee on Appropriations, or the Committee on Military Affairs, or the Committee on Naval Affairs; but after that has been done in a particular case and the committee has taken pains to get such information as it could, and it has made a report and recommendation of the particular case, it perhaps would be well to give due faith to its proceedings.

Now, as the Committee on Naval Affairs understood this case, here was a vessel that was in the pursuit of ordinary commerce; the rebellion broke out, and the rebels, taking territory after territory, State after State, finally embraced the territory which contains Memphis, where this vessel was in September, 1861. They seized the vessel and ran it two or three trips. On the 5th of July, 1862, as I understand, the owners got possession of her by running her off by going North, as a great many vessels did at that time, and by that means got within the lines controlled by the United States forces.

Upon these proceedings being had, a libel was brought in the district court of the United States for the southern district of Illinois, for the confiscation of the vessel, on the ground that the third trip the vessel

made while she was in the power of rebeldom was made voluntarily or with the consent of the owners of the vessel. The vessel, while that libel was pending, was appraised, the owners applying for possession of it, and offering to give bond. They gave bond to the amount of the appraisement. The United States by that time had taken possession of the vessel and were using it for a small-pox hospital. The United States authorities refused to deliver her on the filing of this bond, and retained possession for a considerable time thereafter. Consequently the judge, as he could not get possession of the vessel, dismissed the proceeding for libel.

Mr. EDMUNDS. But had the judge any authority to make such an order for a delivery bond? He had not any jurisdiction of the case at all.

Mr. SARGENT. That may be. I do not know that the owners of the vessel should be held responsible for a judicial error of the judge of that kind, not by their own procurement; at any rate, it might be a technicality which we could overlook if we were disposed to decide upon the equity of the matter, and I understand that to be the principle on which any application is made here. If there were a positive, clear, ascertained legal right under a contract, I suppose they could have a remedy in the Court of Claims; as they cannot, they come here and ask us to take into consideration the equities of the case.

The libel suit being dismissed, the vessel being in the hands of the United States authorities, and the owners having no apparent method of resuming possession of their property, and the prospects of the war in 1862 being dark and gloomy, without any hope of an early close, when it might run for years, the vessel being entirely used up, as the last resort, I suppose, the owners of the vessel made up an agreed case with the Government authorities to get an adjudication upon it, and upon that agreed case a decision was made against the owners of the vessel; that is to say, it was held that on account of the violation of the non-intercourse act, or whatever it may be called, the vessel was property forfeited to the United States. This forfeiture, however, was remitted by the Secretary of the Treasury on the recommendation, as will be found in the report, of the judge, on the ground that these owners unquestionably were loyal men. The forfeiture being remitted, the Government from that time paid for its use of this vessel at the rate of $150 a day, making the compensation nine or ten thousand dollars. The owners come in with a claim for $100,650 for the use before that, from the time of their proffering the bond, the time that they claimed the vessel ought to have been delivered up to them, and for $45,000 additional for damages which were done to the vessel by tearing out the cabin and otherwise using it as a hospital-ship for infectious disease. The amount of the claim originally was then $100,600 besides $45,000 which was not considered by the Navy Department.

Mr. SHERMAN. I understand the whole value of the vessel was $45,000.

Mr. SARGENT. That was for the purpose of the bond. I do not know what the condition of the vessel was at that time. It may have been already used as a small-pox hospital, and its value decreased. It may, during the time the owners were not in possession, have been subject to great abuse and become very leaky or dilapidated. I should judge that after the Government got through with the vessel it must have been in a very bad condition.

That was the original claim. The Secretary of the Navy, upon that claim and upon the report of Admiral Porter, recommended the payment of $91,200. The House committee, acting upon it, and making the report which has been read, recommended the sum of $66,150, they all proceeding upon the assumption that $150 a day was a fair price, but that the time claimed by the owners was greater than ought to be equitably allowed. They cut down the time, but the House of Representatives, cutting down the time or cutting down the compensation very largely, passed the bill allowing $22,050, which would be something about $50 instead of $150 a day.

It seems to me that, with these facts before the Senate, the Senate is as capable of judging on the merits of the claim as after it shall have been sent to another committee, where it will probably be snowed under and not be heard of during the rest of the session.

There is one consideration in all these cases which must strike every Senator. The importance of action is not as to the amount of relief you give; it is not the larger or the lesser sum; it is prompt relief. It is a reproach to our system of doing things, I think, not to individual Senators, that men and women come here when they are young and grow gray-haired waiting at the portals of the Capitol for that relief which perhaps after they have become gray-haired is found to be their due and is doled out to them, or it may be never is granted, although an examination would show that it is perfectly proper.

Now, this little claim, cut down to about one-fifth of the amount originally recommended after examination, to one-fourth of the amount recommended by the Secretary of the Navy, and to about one-third of the amount recommended by the House Committee, it seems to me, ought to be acted upon promptly. If you send it to another committee after the examination that has been had, it will simply postpone it beyond the session, it may be to a to-morrow that will never come. I therefore hope we may have a vote on the bill, whatever may be its fate.

Mr. ALCORN. I trust this bill may be referred to the Committee on Claims; for as at present advised, if the vote is taken, I shall vote against it, and it might be on an investigation of the case I might be induced to go for it, and I should regret to do injustice on account of any knowledge that may be within my own breast.

I remember the Clara Dolson, if I am not mistaken, and I remember, too, that she was in the employ of the confederate government in the transportation of troops and supplies. I think I cannot mistake the facts in this case. There were a great many vessels, when the war began, that did not know exactly which side to be on, and there were a great many people who did not know which side to be on, who were willing to risk, however, the strong side of the case. The Clara Dolson, my impression is, was one of the vessels that took the chances of the southern confederacy, and when those chances failed sought an opportunity to place herself upon the other side; and if that be true, her owners ought not to be entitled here to compensation.

Mr. SARGENT. Allow me to ask the Senator at what time the chances failed so that the Clara Dolson took the stronger side?

Mr. ALCORN. I will give the Senator full information on that subject, and I state it now, so that if I am mistaken in what I say, I may hereafter be corrected, for I would not say that I may not be mistaken, though I think I cannot be.

The Clara Dolson remained in the employ of the confederate government until the city of Memphis had fallen into the Federal hands, until the Federal forces had taken possession of Memphis. Then it was that Federal forces also had possession of Vicksburgh. That was in the spring of 1862.

I remember upon the banks of the Mississippi River, one hundred miles south of Memphis, at the place where I reside, to have seen the Clara Dolson after the Federal forces had occupied Memphis, and I think too—but perhaps I may be mistaken about that—I was going to say after they had occupied Helena; but I am sure after they occupied Memphis I saw the Clara Dolson coming down the river in a very considerable hurry. That, I think, was in May, 1862. I am stating from memory, and may not be correct as to dates. These suspicious circumstances of her flight caused me to tarry upon the banks of the river for a time, and then I saw a tug-boat, which I took to be a tug in the Federal employ, chasing the Clara Dolson, and they went off down the river together. My judgment at the time was that the Clara Dolson desired to be captured. I thought that. My information subsequent to that time was that the tug-boat after a time came back towing the Clara Dolson up the river into the Federal lines; and that is, I judge, the way the Clara Dolson got back into the Federal lines.

In what I have said I answer the question of the Senator from Pennsylvania. If I am mistaken in what I have said, I speak it here that those who are interested in this claim may correct me before the Committee on Claims.

Mr. BOGY. I will not detain the Senate. I think it would be better, perhaps, to refer this bill to the Committee on Claims now. I think it will be made to appear that this vessel was in the service of the Government from early in 1862—May or June, 1862—until the end of the war. There is no doubt of the fact that at the beginning of the war the vessel was within the confederate lines, but she was not there with the consent of the owners beyond the fact that the owners had agreed that the boat should go to a certain point south before the lines were drawn between the northern and the southern army. She for a while did remain there, and here is the evidence of the fact in the order made by the judge of the district court in the southern district of Illinois:

> The Clara Dolson was condemned because of a voluntary trip made between New Orleans and Columbus, as stated in the agreed case, (Exhibit F.) In my opinion the Secretary of the Treasury may safely remit the forfeiture thus incurred, on the ground that the trip was made without the consent or connivance of the owners, the case showing that they were residents of a loyal portion of the United States, and it failing to show that they were guilty of any disloyal acts or practices.

The vessel was for awhile in the employment of the confederate forces, and it may be that the officers of the vessel might have been inclined that way, but the owners, who are the claimants here, never assented to it in any shape, way, or form.

However, sir, to avoid any consumption of time, and so that this matter may be thoroughly investigated, I move that the bill be referred to the Committee on Claims.

Mr. ALCORN. I would suggest that the honorable Senator present some testimony to show the reason why the Clara Dolson remained in the confederate lines from 1861, at the time the lines were drawn, up to May, 1862. I would wish to be informed on that point, to know why she did not escape, as she had plenty of opportunities; and why did her owners sleep on their loyalty for that long period of time?

Mr. SARGENT. If the Senator from Missouri, who takes some kindly interest in this matter, desires the bill to go to the Committee on Claims, I shall certainly not object and shall ask the Senate to make that order.

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill to the Committee on Claims.

The motion was agreed to.

WILLIAM WHEELER HUBBELL.

Mr. CRAGIN. There is only one other bill that the committee designed to call up this morning, and in that case the report is some five pages of print, which will more than occupy the time left to the committee. It is a bill to settle for the inventions and patents

of William Wheeler Hubbell, which is a very just case. In my judgment it ought to be considered; but seeing that it will be impossible to dispose of it in the time left this morning, as I understand the time of the committee lasts only five minutes longer, I shall give way now to allow the unfinished business to come up.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the bill (S. No. 1009) to enable the Commissioner of Agriculture to make a special distribution of seeds.

ALEXANDER BURTCH.

Mr. WRIGHT. During the morning hour I called attention to a little bill that passed both Houses at the last session and has now passed the House of Representatives again, involving only eighty dollars. I trust the Senate will proceed to its consideration at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4462) for the relief of Alexander Burtch. It directs the Adjutant-General of the Army to change the record of desertion against Alexander Burtch, late a veteran soldier of the First Iowa Artillery, and substitute therefor "absent from September 25, 1865." He is to be allowed the amount due to him up to the time of his absence from his regiment, but shall not be entitled to any bounty subsequently granted by the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 3823) making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. No. 170) for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855;

A bill (S. No. 448) for the relief of John T. Smith; and

A bill (S. No. 597) for the relief of William A. Griffin.

COMMITTEE ON THE JUDICIARY.

On motion of Mr. EDMUNDS, it was

Ordered, That the Committee on the Judiciary have leave to sit during the sessions of the Senate.

ROSALIE C. P. LISLE.

Mr. HAMILTON, of Texas. I desire to ask unanimous consent for the reconsideration of the vote by which the bill (H. R. No. 580) granting a pension to Rosalie C. P. Lisle, was indefinitely postponed. It was reported adversely on the 5th of January.

The PRESIDENT *pro tempore*. It is too late to enter a motion to reconsider if the indefinite postponement was on the 5th of January; but it can be done by unanimous consent.

Mr. HAMILTON, of Texas. That is what I ask.

The PRESIDENT *pro tempore*. If there be no objection, the vote indefinitely postponing the bill will be reconsidered. The Chair hears none.

Mr. HAMILTON, of Texas. Now I move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the following resolution submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their right of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. JOHNSTON. When I yielded the floor on Friday I was referring to the action of the returning board, and had read some extracts from the report of the committee sent down by the House of Representatives to investigate affairs in Louisiana.

In regard to the parish of Iberia, which gave a conservative majority, they reported that the officer who should have had charge of the returns secreted himself and could not be found for twenty-four hours to receive the returns; and when he was found, after the expiration of the twenty-four hours, he refused to receive the returns, upon the ground they were not delivered to him in time; and yet the same officer afterward received other returns, giving the result to a republican member. They also report that in the parish of De Soto the returns showed a majority for the conservative candidate, and the board refused to count the vote of that parish. In Winn Parish, where there were four hundred and four conservative and one hundred and sixty-four republican votes, they rejected the vote of the parish altogether, and returned the radical candidate as elected. And after a full hearing of both sides, and a full and exhaustive examination of the testimony, the committee came to this conclusion in regard to the returning board:

Without now referring to other instances, we are constrained to declare that the action of the returning board, on the whole, was arbitrary, unjust, and, in our opinion, illegal; and that this arbitrary, unjust, and illegal action alone prevented the return by the board of a majority of conservative members of the lower house.

When the returning board got through its long session, lasting nearly two months, the results of its labors was that it made returns of one hundred and six members, the whole number of the House being one hundred and eleven. The other five, be it recollected—and I desire to have the Senate particularly observe and remember that—the other five persons were democrats and had returns from the commissioners of election, and their seats were not contested, but the returning board gave no certificates at all to the members from those parishes, and referred the question of who should be seated to the house itself. On the morning of the 4th of January the Legislature was to meet, and of course the day was anxiously expected. And when it came what a spectacle presented itself! Did we see the capitol of the State open and the citizens going quietly to witness the organization of their Legislature? On the contrary, on that morning the first sight that met the eye was the capitol of the State barricaded, the doors of the building guarded by armed policemen, and the streets around in the possession and occupancy of United States troops, eighteen hundred in number, with guns and bayonets. Nobody was permitted to approach or enter the capitol except at the pleasure of the military.

And though the resolution of the Senator from Ohio [Mr. THURMAN] called for information upon the special point as to how the troops came to be there, the President has given us no information. The President has not told us how it was that the officers of the United States Army were permitted to station troops in the city of New Orleans to prevent the citizens of the State and the people of the country from visiting that capitol on that day. The President's message is as silent as the grave as to how it was—by whose orders it was—that those troops came to be there on that day.

But the hour of meeting came. When it came the parties were nearly balanced. A ballot was taken for speaker. On that ballot, if we count only one hundred and six members as entitled to seats, fifty-four made a quorum; if we count one hundred and eleven, fifty-six were required. But there were no returns from five parishes, and only one hundred and six members had certificates, of which fifty-three were republicans and fifty-two democrats, and one reputed a fishy democrat. Then when the time for organization came on the vote was put. Mr. Wiltz received fifty-five votes, two were given to Hahn, and one blank. So that there were fifty-eight votes cast, more than a quorum, even if it be admitted that a quorum should be a majority of the whole number of a full house. Then the house proceeded to business—the five men elected from the parishes to which I have already referred were in their seats. After the house had been organized two or three hours and was proceeding quietly, General De Trobriand appeared in the capitol accompanied by troops. He appeared in obedience to this order from William P. Kellogg, claiming to be governor of the State of Louisiana:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, January 4, 1875.

General DE TROBRIAND, *commanding:*

An illegal assembly of men having taken possession of the house of representatives, and the police not being able to dislodge them, I respectfully request that you will immediately clear the hall and State-house of persons not returned as legal members of the house of representatives by the returning board of the State.

WM. P. KELLOGG, *Governor.*

KELLOGG TO GENERAL DE TROBRIAND.

EXECUTIVE DEPARTMENT,
New Orleans, January 8, 1875.

General DE TROBRIAND:

The clerk of the house, who has in his possession the roll issued by the secretary of state as the legal members of the house of representatives, will point out to you those persons now in the hall of the house of representatives returned by the legal returning board of the State.

W. P. KELLOGG.

The propriety, legality, and constitutionality of that order are the questions under consideration. I insist that Governor Kellogg, as the governor of the State of Louisiana, admitting him to be such, admitting that he had a legal right to be and was governor of the State of Louisiana *de jure* as well as *de facto*, had no right to give this order under the constitution and laws of Louisiana. When may the United States be called upon to assist the State authorities? The Constitution expressly declares that the Legislature of the State when in session, or the governor of the State when the Legislature cannot be convened, may call in the aid of the United States to suppress domestic violence, and for that purpose only.

Now, I ask the Senate to say whether the order of the so-called Governor of Louisiana was a proceeding under the Constitution of the United States or justified by any of its provisions? He does not pretend to say any domestic violence exists; he does not pretend to say that these five persons were either then guilty of domestic violence or had it in contemplation. The whole purport of the order was that these five persons did not have any right to the seats they occupied, and for that reason, and that reason only, he asked the United States to eject them. He does not say "these men are subverting the government; these men are overthrowing the State constitution; these men are in rebellion against it; these men are guilty of domestic violence;" he says nothing of the sort, but he says "I undertake, as governor of the State, to violate the constitution that I have sworn to support, which makes each house the judge, and the sole judge, of the election of its own members; and I undertake to say who shall and who shall not have seats on the floor, and I call

upon the Army of the United States to execute for me this unconstitutional decision. I call upon them to assist me in violating the constitution and laws of my own State and of the United States, by entering the State-house and declaring who shall and who shall not be members of the house of representatives, who are and who are not regularly elected members of that body and entitled to seats upon the floor." That is all; "only that and nothing more." His order, besides, contains upon its face a false statement. He says "an illegal assembly of men having taken possession of the State-house and the police not being able to dislodge them," &c. The police had not been called upon to dislodge them and had made no attempt to do so. There were only five unarmed and peaceable men to dislodge. The spectators and persons not claiming seats only numbered one hundred and twenty-seven by actual count. There were twenty-seven armed policemen present and eighteen hundred United States troops just outside. The police could as easily have ejected the five men as the troops did; but that did not suit the views of Kellogg and his allies. They wanted to enlist the whole power of the Government in their support, and therefore took advantage of the power given them by the President to bring in the troops and make them do the work of constables.

Mr. President, I submit whether under any state of things that order of Kellogg's was such a one as the governor of any State, *de facto* or *de jure*, had a right to make, and whether it was one that the President of the United States should have allowed the Army of the United States to obey and to execute? The constitutions of the States should be recognized by the President of the United States as well as the Constitution of the United States. It is no part of the duty or power of the President to decide who are and who are not members of a State Legislature. I insist that these five men had as much right to their seats as any other men in the body; and let us see whether that is not so. The constitution of the State of Louisiana guarantees to every part of it a right to representation. The parishes of Winn, Grant, De Soto, and Bienville were just as much entitled to representation as any other parishes in the State of Louisiana, and they could not be deprived of it without violence to the constitution and to the inherent rights of the people of the parishes as citizens of the State. The laws of the State of Louisiana provided that at the elections there should be commissioners of election in each parish, and that they should send up the returns to the returning board of the State, whose duty it was to canvass the returns.

Now, what are the facts in regard to this matter? The commissioners of election gave certificates of election to these five members from the parishes I have mentioned, all being conservatives. They all had a considerable majority, so great that there was no contest to their seats, nobody else claiming them. Then when the returns came to the returning board with these returns of the commissioners of elections giving the seats to the men who had obtained large majorities, against whom there was no protest and no contest, the returning board refused to give them certificates. Of course that action was arbitrary, contrary to law, and fraudulent. There being no contest, no written protest, and only one claimant to the seat, the returning board, unscrupulous and lawless as it was, seemed to shrink from audacity of giving returns to anybody else, and so they declared that they would not decide the question in regard to these parishes, and referred it to the house of representatives.

Even if they had attempted to seat other persons, they could not by that act have deprived the house of its constitutional right to decide upon its own members. The decisions of the returning board were not final, but were subject to revision and reversal at the hands of the house.

Mr. WEST. I trust the Senator will allow me to remind him that in one of those parishes the commissioners of election gave the return to a republican, and in one of the others there was a republican contestant. In the two democratic parishes there were no contestants; but the returns were rejected on account of alleged violence, and in the two other parishes there were republican contestants, and in one of those two republican parishes the commissioners had given a certificate of election to the republican.

Mr. JOHNSTON. I have seen no account anywhere of either protests or contests, and hear of them now for the first time from the Senator from Louisiana. The report of the House committee shows nothing of the sort. Here is what the committee says:

> So in the parish of De Soto, in which the returns showed a conservative elected by over one thousand majority, it was alleged that the supervisor of registration had brought the returns to New Orleans, and had left them with a woman of bad character, who offered to produce them on payment of $1,000. The conservative committee took legal proceedings to compel their production; but the court held that it had no jurisdiction to that end. They then caused to be produced before the board the duplicate of those returns from the office of the secretary of state, together with the tally-sheets, poll-lists, &c., filed there according to law. These duplicates corresponded exactly with the alleged result of the compiled returns which the said woman had produced; and of these alleged facts undisputed proof was also submitted to the board. Nevertheless the board refused to count the vote for that parish.

Again:

> So in Winn Parish, where 404 conservative and 164 republican votes were cast upon a verbal protest that the registrar of elections was not properly qualified, of which the only proof was that he had failed to forward his oath of office to the secretary of state—although there was no pretense that the election was not a fair representation of the will of the people—the whole vote of the parish was rejected, and the case referred to the Legislature.

In Terre Bonne the same, and in Bienville the same. Then, as these conservatives had returns from the commissioners of elections in the parishes, as the returning board did not act upon their cases at all, as the constitution guaranteed these parishes representation, as the returning board expressly referred the matter to the house, I ask when the Legislature was organized and did act upon the question and give these men their seats, why were they not as much entitled to them as anybody there? But I do not care whether they had been admitted or had not been admitted; I insist that there is no power in the President of the United States, in the governor of Louisiana, to pronounce, either before these men were seated or after they were seated, or at any time, whether they were entitled to their seats or not. The time makes no difference; it is a question of constitutional and legal right, and it is no answer to say that these men were not admitted properly or at the right time. I say no matter when the question comes up, either before or after they were qualified, it was equally a breach of the Constitution and laws of the United States and the constitution and laws of Louisiana for the President and the governor of Louisiana to undertake to decide upon their qualifications. I insist that they were there just as much entitled to their seats as any members of the body; and if they were not, there was only one body that could constitutionally unseat them, and that was the house itself.

So it was that these men were admitted. Upon the call of the governor, General De Trobriand marched in with files of soldiers, armed with muskets and bayonets. Everything was quiet in the hall; nobody was creating any disturbance; these five men were pointed out, were taken by the soldiers and ejected from the hall. They were not charged with any crime, because if they had been it would have been the duty of the officers to have kept them in custody and brought them to trial for a criminal offense; but they were simply led to the door and turned into the streets. The object was not to punish men for a crime either against the State or the United States. It could not have been that. If it were, they should have been arrested and regularly tried. But when they were simply taken out of their seats and turned into the street, we cannot suppose that anybody believed that those men were guilty of any breach of the laws of the United States or of the State of Louisiana, or contemplated any domestic violence or intended an overthrow of the government. When the five members were arrested the democrats left the hall, and let us now examine what then occurred.

It is a conceded fact, and reported by the committee of the House, that only fifty-three republicans had certificates from the returning board—a number not sufficient to make a quorum in any event. After the departure of the democrats, Vigers, the clerk of the last house, proceeded to call the roll, and the House committee tells us what then happened.

> Two democratic members had answered to their names when Wiltz interrupted the clerk and called upon the conservative members to refuse to answer and to leave the hall. The interruption over, Vigers began anew his roll-call, and obtained only fifty-two responses; but as the two democratic members had just before answered on the roll-call which was interrupted, he assumed it right to announce fifty-four members had answered to their names. Those who remained after Mr. Wiltz and his friends withdrew elected Hahn speaker by acclamation, and proceeded to the business of the Legislature. There was no subsequent roll-call by which the number of those members whose names were returned by the returning board and who still remained present at these deliberations could be determined.

The report shows that only fifty-three republican members had returns. There is no aspect in which fifty-three could be a quorum of the Legislature. It was not a quorum of those who had certificates; it was not a quorum of the whole number of the Legislature; and admitting the fact that the whole fifty-three republicans were all there present, though we know they were not, still there would be no quorum of the House; and yet the republicans proceeded to elect Hahn speaker and organize and claim to be a Legislature; and one of the first things they did was to seat men from these very parishes from which democrats had just been elected. It was conceded here by the Senator from Louisiana on Friday last that four men had been thus seated. These four men did not even have the returns of the commissioners of elections; they had no majority of the popular vote; they had no returns from the returning board; they were not admitted to their seats by a quorum of the house; and yet they are to-day holding seats without let or hinderance.

The governor, so called, of Louisiana says that the presence of those other five men admitted by the democrats constituted that body an illegal assembly of unauthorized persons and he ordered their expulsion. The President of the United States in his message says that they were a "mob," a "tumultuous and riotous assembly," and therefore properly expelled. The Senator from Wisconsin [Mr. HOWE] said that they were "strangling a Legislature," whatever that means. But how is it now? We find that here are four men in the house, republicans, not having the tithe of a right to their seats that those five men had; and the governor does not say that is an "illegal assembly of unauthorized persons." The President of the United States does not designate them a "mob, or a tumultuous and riotous assembly;" and the Senator from Wisconsin does not accuse them of "strangling a Legislature." Why, sir, if those five democrats were wrongly there, are not these four republicans much more wrongly there? Where be your bayonets now, and why is it that the troops are not called in now, and "this illegal assembly of unauthorized persons," "this mob, this tumultuous, riotous assembly," expelled? There can

be but one answer to the question, and that answer is that that the five men who were expelled were democrats and the four men admitted are republicans. That is the answer, and the only answer. If the purpose was only to maintain and vindicate the law and the Constitution, apply the same rule to all persons irrespective of political associations.

It cannot have escaped the attention of the Senate and the public that, although the resolution of the Senator from Ohio, [Mr. THURMAN,] which was adopted by this body, called upon the President to show by what authority and by whose orders the representatives from four parishes were expelled from their seats, you may look in vain in the message of the President and the papers accompanying it for any authority from anybody except the single order of Kellogg. The President does not tell us under what orders the troops of the United States came to be in Louisiana. He does not inform us what instructions were given to them when they were sent to the State. As far as we can gather from the whole case as it stands now, these troops were sent to the State of Louisiana, as the President himself says, without any order or without any instructions, and are there yet in the same way. Is that exercising the duties of Commander-in-Chief properly? According to the republicans in this body and elsewhere, that southern country is a powder-magazine, ready to explode at any moment. The President says that soldiers are not lawyers, and endeavors to excuse his officers on the ground of their ignorance of those plain provisions of the Constitution which every citizen who can read understands so well. But can he be permitted to offer the excuse of ignorance for himself and his Cabinet? When he leaves a body of ignorant officials, armed with so much power and clothed with so much responsibility in the midst of a community ready, it is said, to explode at any time, it is like putting a man with a lighted torch in his hands in a powder-magazine. And the country will not hold the President blameless for his failure to give these officers definite and specific instructions as to what they were to do, whose orders they were to obey, and what was to be their general scope of action. They have, it appears, been only told "go to Louisiana; do what Kellogg tells you to do." They were to obey Kellogg's orders, right or wrong—lawful or unlawful—constitutional or unconstitutional.

We have not been informed by whose order eighteen hundred soldiers were stationed in the streets of New Orleans on the morning of the 4th of January, nor who directed them to prevent the citizens of the State from going to visit their capitol.

The status of the United States troops this day in that southern country is properly a source of the greatest alarm to the whole community, North and South. It is the duty of the President, as chief executive officer of the United States, as Commander-in-Chief of the Army, to protect everybody and keep the peace. If his generals do not know what the Constitution is, he should have them instructed. If they do not know what the law is, he should tell them what it is. He should tell them what orders of Kellogg they may legally obey. If they do not know their duty, he should not leave them there to excite at any time a riot by executing illegal, unconstitutional, and improper orders. General De Trobriand plainly must have had orders from some superior officer who had the right to direct him. He surely knew his duty well enough to know that Kellogg's orders as such were nothing to him, and could only be made binding on him by authority from the President. He would not have obeyed Kellogg at all unless he knew that it was sanctioned by those in authority; yet no such order is produced.

The President on that subject in his message says:

> Respecting the alleged interference by the military with the organization of the Legislature of Louisiana on the 4th instant, I have no knowledge or information which has not been received by me since that time and published. My first information was from the papers of the morning of the 5th of January. I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence. I am well aware that any military interference by the officers or troops of the United States with the organization of the State Legislature or any of its proceedings, or with any civil department of the Government, is repugnant to our ideas of government. I can conceive of no case, not involving rebellion or insurrection, where such interference by authority of the General Government ought to be permitted or can be justified. But there are circumstances connected with the late legislative imbroglio in Louisiana which seem to exempt the military from any intentional wrong in that matter. Knowing that they had been placed in Louisiana to prevent domestic violence and aid in the enforcement of the State laws, the officers and troops of the United States may well have supposed that it was their duty to act when called upon by the governor for that purpose.

Here the President admits that these men, so ignorant as he says they were, were placed in Louisiana without "orders or suggestions." He himself tells us that he got his first information of the events of the 4th from the papers on the morning of the 5th. Perhaps his officers got their information in the same way—from the newspapers—for they seem to have no other source than that.

Those were the events of the day, and at nine o'clock at night General Sheridan, like a well-graced actor, steps upon the stage and immediately begins an active series of telegrams. His first is as follows:

> HEADQUARTERS MILITARY DIVISION OF MISSOURI,
> *New Orleans, January 4.*
>
> Hon. W. W. BELKNAP,
> *Secretary of War, Washington, D. C.:*
>
> It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or country at large. The lives of citizens have become so jeopardized, that unless something is done to give protection to the people all security usually afforded by law will be overridden. Defiance to laws and murder of individuals seem to be looked upon by the community here from a stand-point which gives immunity to all who choose to indulge in either; and the civil government appears powerless to punish, or even arrest. I have to-night assumed control over the Department of the Gulf.
>
> P. H. SHERIDAN,
> *Lieutenant-General.*

That was on the 4th of January, at nine o'clock p. m. Then, on the next day, he sent the celebrated "banditti" dispatch—the dispatch in which he showed so much knowledge of the Constitution and laws of the country that he pretends to try to execute, and so much Christian charity. He says, in substance, "Let Congress declare them banditti, then they can be tried by a military commission, or let the President issue a proclamation declaring them banditti, and nothing else need be done except what would devolve upon me."

Sir, I say that you may search in vain for so much ignorance or so much disregard of the Constitution and laws of the United States in the same space as are to be found in that brief dispatch. Let us see if it is not so. His first proposition is, "If Congress will declare them banditti, I can try them by military commission." Who he means by "them" does not clearly appear. I lament that law-abiding general and profound constitutional lawyer had not pointed to the law under which he could try "banditti" by military commission. The Senator from Ohio [Mr. SHERMAN] entertained us with a long definition and disquisition on the word "banditti." A bandit is a robber. He is not necessarily a rebel; he may be a warm supporter of the government. The Mexican banditti, I suppose, do not want that government overthrown, because it affords them the opportunity of practicing their profession; yet a bandit who is guilty of a violation of the civil law, and the civil law only, and who is liable to be tried by the civil tribunals, this learned general says you may try by a military commission. If there is any law of that sort, I should be much obliged to General Sheridan, or some of his advocates, to point out the law and let us see it. He does not want the law to take effect from the time of its passage and punish men for what they commit thereafter, but he wants it retroactive, to punish them for what they have done in the past; that is to say, he wants an *ex post facto* law; he wants some power to punish them for what they have done in the past not punishable by existing laws, and he desires, therefore, to have a plain breach of one of the best provisions of the Constitution, namely, that no *ex post facto* law shall be passed. But that is not the only provision of the Constitution which he desires to have disregarded and set at naught. That instrument provides that no man shall be held to answer a criminal charge except upon indictment or presentment, and that he shall have the right of a trial by a jury. Yet he wants no presentment nor indictment and no trial by jury.

But this is not all. He suggests to the President, "You declare them banditti by your proclamation, and if you will do that, then nothing else need be done except what devolves upon me. I will do the rest."

The House committee tell us the purposes of the White Leagues and what description of men General Sheridan wants declared banditti:

> In this connection we refer to the White League mentioned in the message of the President. In the last campaign of Louisiana the opposition was composed of various elements—democrats, reformers, dissatisfied republicans, liberal republicans, old whigs; and in order to induce the co-operation of all, some of whom refused to unite with an organization called democratic, they took the name of "the people's party," called in some localities "the conservative party;" in others, "the white man's party;" in others, "the White League;" and had ordinary political clubs under these names throughout the rural districts, which were ordinary political clubs and nothing more; neither secret nor armed nor otherwise different from usual political organizations. These must not, however, be confounded from similarity of name with the White League of the city of New Orleans.
>
> That league is an organization composed of different clubs, numbering in all between twenty-five and twenty-eight hundred; the members of which have provided arms for themselves, and with or without arms engage in military drill. They have no uniforms, and the arms are the property of the individuals, not of the organization. They comprise a large number of reputable citizens and property-holders in the city of New Orleans. Their purpose they declare to be simply protective; a necessity occasioned by the existence of leagues among the blacks; by the hostility with which the Kellogg government arrayed the black against the white race; and by the want of security to peaceable citizens and their families, which existed for those reasons, and because, also, of the peculiar formation of the police brigade.

This dispatch of General Sheridan naturally called forth responses from the people, who felt themselves outraged by it. Among the persons who made answers were the clergy of New Orleans—Catholics, Presbyterians, Episcopalians, Methodists, and members of the Jewish creed. All of these men, leading Christian and holy lives, come forward and deny these wholesale charges of General Sheridan, and General Sheridan cannot even treat them with the respect their religion and station demand; for his dispatch of January 8 says sneeringly:

> To W. W. BELKNAP,
> *Secretary of War, Washington, D. C.:*
>
> I shall send you this evening a report of affairs as they actually occurred here on the 4th instant. My telegram to you of that date and those of the 5th and 6th instant are so truthful of the condition of affairs in this section and strike so near the water-line, that the ministers of the Gospel and others are appealed to to keep the ship from sinking. Human life has been held too cheaply in this State for many years.
>
> P. H. SHERIDAN,
> *Lieutenant-General.*

He is not content with aspersing the people in general terms: but when Christian ministers interpose a remonstrance to his slander, he must needs respond in a telegram to go over the world that these

men are called upon, not because they believe they are telling what is true upon their honors and their consciences, but because they are engaged in a partisan scheme merely to sustain a sinking cause!

These were the dispatches of General Sheridan up to this time. He has been excused by the President, and by his friends in the Senate, upon the ground that he was a soldier; that he was not very well informed about the Constitution and the laws of the United States, nor skilled in the use of language, but that, according to the Senator from Indiana, [Mr. MORTON,] "he wrote as he felt," and, therefore, his dispatches must not be too closely criticised. But no worse apology could have been offered for him. His apologists had much better have declared that he did not mean what he said. But if he is to be excused for what cannot be openly justified, on the ground of ignorance both of law and language, the Senators who excuse him upon that ground will not offer the same excuse for the President and his Cabinet; for, observe, General Sheridan did not take command, according to his own showing, until nine o'clock on the night of the 4th. He had done nothing up to that time but send telegrams up to the time of the dispatch of the Secretary of War dated January 6. He had given no orders, but other generals were in command when the events of the 4th took place. What did the Administration say about that? On the 6th, two days after, the Secretary of War telegraphs:

Your telegrams all received. The President *and all of us* have full confidence, and thoroughly approve your course.

And, not content with one telegram, for fear that it might not be emphatic enough and that Sheridan might not understand how fully, how deeply, and how profoundly the President and Cabinet approved his course, the Secretary on the same day says:

WAR DEPARTMENT,
Washington, January, 6, 1875.

General P. H. SHERIDAN,
New Orleans, Louisiana:

I telegraphed you hastily to-day, answering your dispatch. You seem to fear that we had been misled by biased or partial statements of your acts. Be assured that the President and Cabinet confide in your wisdom and rest in the belief that all acts of yours have been and will be judicious. This I intended to say in my brief telegram.

WM. W. BELKNAP,
Secretary of War.

Then, as General Sheridan had done nothing but send dispatches, as his principal act had been his "banditti" dispatch, as he had given no order, and as the President and Cabinet sent two telegrams the same day emphatically approving him, what did the President and Cabinet approve? They approved the proposition to pass an *ex post facto* law; they approved the proposition to try men who, if guilty of any crime at all, were guilty of a civil offense, by military commission; they approved the proposition that a man should be taken up and tried by a military commission when the Constitution of the United States gives him the right to be tried by a jury; they approved the proposition that a man should be tried for a criminal offense without an indictment or a presentment by a grand jury; and finally, they approved the intemperate and lawless suggestion that the President should by his proclamation declare certain classes banditti, and leave the rest to General Sheridan. I presume that they will not be allowed to say, "We are not lawyers; we do not know what the Constitution is; we do not know what the rights of the citizens are." Though they say that of General Sheridan they cannot say that of themselves, and they must be written down before the world as having willfully erred when they knew better and of having given their approval and support to illegal and unconstitutional suggestions and propositions.

But General Sheridan was not quite done. He sent a long dispatch purporting to give an account of the situation. He says in one part of it:

I repeatedly heard threats of assassinating the governor, and regrets expressed that he was not killed on the 14th of September last; also threats of the assassination of republican members of the house, in order to secure the election of a democratic speaker.

After such a statement as that it behooved the friends of General Sheridan to say in his defense that he did not understand the meaning of language. If he really meant to say that he heard such threats with his own ears, the statement is incredible. The man must be credulous indeed who believes that the people of New Orleans made such declarations and threats in Sheridan's presence and hearing. It is scarcely possible that he could mean that he heard them himself; he must have meant that he heard them through others. That he is far from being choice or considerate in the uses of phrases is exhibited in the manner in which he describes another event, about which he could not know anything of his own knowledge. Yet one would suppose he was ready to swear to it in a court of justice. He says:

I knew of the kidnaping by banditti of Mr. Cousinier, one of the members-elect of the Legislature.

The report of the committee rather takes issue with him upon that point. He knows so little about it that he does not even know the name of the man whom he says was kidnaped. He puts it down as Mr. Cousinier, the real name of the man being Cousin and the report of the committee states the fact about that. Here is what the report says:

The republicans claimed that one of their members, A. G. Cousin, had been kidnaped and forcibly taken to a district parish to prevent his presence at the organization of the house. Your committee was about to investigate this charge, when in public session it was claimed by the democratic counsel and admitted by the republican counsel, that the arrest was under legal process and by the hands of the sheriff. It was further claimed, and not denied, that the privilege of his office did not shield him from arrest. The charge was embezzlement.

So far from this man being arrested by what General Sheridan calls the banditti, he was arrested by legal process. A warrant was issued by one of Kellogg's own officers and he was seized by one of Kellogg's sheriffs, and General Sheridan was perhaps not far wrong in charging that "banditti" had him.

The President in his message says:

Nobody was disturbed by the military who had a legal right at that time to occupy a seat in the Legislature.

I protest against the President, in response to a resolution asking only a statement of facts, undertaking to say in his message who has or has not a legal right to a seat in the Legislature of Louisiana. That is a thing to be settled by the Legislature only, and it is out of the province of the President to volunteer any opinion on this subject. He was asked who gave orders under which the soldiers entered the capitol of Louisiana and put out certain persons. In response to that he tells us that nobody was taken out that had a right there. The Senate did not ask him who had or who had not a right there, because such a request would have stultified this body. Where in the Constitution or the laws is there anything justifying the President to pronounce an opinion on that subject and then undertake to enforce that opinion with the armed soldiery? The claim of such a right was nothing short of assumption, and its execution nothing but usurpation.

The President also in his message makes this positive statement:

That there was intimidation of republican voters at the election, notwithstanding these precautions, admits of no doubt.

Let us see how the report of the committee, who were there upon the ground and examined witnesses, agrees with him. When they went there the parties who were interested in the contest selected certain parishes as specimen parishes. The republicans say, "These are the facts in a certain parish." The democrats say, "Let us take them then as specimen parishes, and instead of going over the whole State look in the question as to whether there was intimidation in them or not." The parish of Rapides was one of the selected parishes, and here is what the committee says about that:

It so happens that that parish was taken as a sample parish of intimidation. Many witnesses from both parties were examined in reference to it; they show beyond question that there was a free, full, fair, and peaceable election and registration there.

The President says there can be no doubt of intimidation. The committee say that there was a free, full, fair, and peaceable election; and say—

There was no evidence of any intimidation of voters practiced on the day of election, although it was asserted that intimidation of colored men before election had been effected by threats of refusal to employ them, or discharge them, if they voted the republican ticket. No evidence, either of discharge or of refusal to employ, was produced. Certain witnesses, themselves every one office-holders, testified generally to such action; but hardly any one was able to specify a single instance in which he heard of any employer so threatening or discharging any voter, or knew of any employé being so threatened or discharged. Not one single colored man throughout the entire parish was produced to testify, either to such a threat or to the execution of such a purpose, whether before or after the election.

Now let the country put these two statements in contrast. Here is a positive statement of the President declaring that there is no doubt of intimidation. On the other side is the report of the committee, made upon the ground, formed from examining the testimony of persons who were there, some of whom were United States officers, who testify that the election was free, full, fair, and peaceable. The general statement was that the air was full of intimidation, as General Sheridan says it was of assassination; but when the committee asked the witness, "Who was intimidated, where was he intimidated, by whom was he intimidated, when was he intimidated, how was he intimidated?" he could not tell. Witnesses appeared and were ready to swear republican voters were intimidated; that negroes were kept away from the polls, were not allowed to register nor to vote; but when a "bill of particulars" was called for, and names, dates, places, and specific acts demanded, they were not forthcoming.

But was there no intimidation on the other side? If a colored man wanted to exercise the right of a freeman and vote the conservative ticket, could he safely do so? He could not, for the committee says:

On the other hand, it was in evidence that blacks who sought to act with the conservative party were on their part sometimes exposed to enmity and abuse. In the interior, one colored man was shot for making a conservative speech; and in New Orleans, it appeared from the testimony that colored men who sought to co-operate with the conservatives were subject to so much abuse from the police, and otherwise, that an association of lawyers volunteered to protect them, but with little effect.

Not the colored people only but the police—Kellogg's police—the paid and sworn guardians of the people and custodians of the peace, visited abuse upon the colored man whose inclinations and judgment led him to the conservative party. That is the way the question of intimidation stands in the State of Louisiana. The only intimidation proved was of colored men—whose rights the republican party claim to defend exclusively—who wanted to vote as they pleased.

The President, following up his line of excuse and extenuation, says in his message:

If error has been committed by the Army in these matters, it has always been on the side of the preservation of good order, the maintenance of law, and the protection of life.

"Always on the side of maintenance of law?" Is it on the side of the maintenance of law for the President to decide who were entitled to seats in the Legislature of Louisiana? Is it on the side of maintenance of law that Kellogg's orders in that respect should be obeyed? Is it on the side of maintenance of order that soldiers should march into a State-house in which a Legislature was organized, or was trying to organize, and seize persons claiming to be members? Is it in maintenance of law that the streets of a city should be barricaded and no one be allowed to pass except at the pleasure of the soldiery? Is it in the maintenance of law that the doors of the capitol should be guarded by armed police? These be the ideas of the President as to how to maintain law!

It is not only in Louisiana that the President and his soldiers "maintain the law." They have extended the sphere of their operations into Mississippi, and not only make and unmake legislators but make and unmake sheriffs. Witness the following dispatch from Vicksburgh:

VICKSBURGH, *January* 18.

Major George E. Head, with a squad of Federal troops with fixed bayonets, acting, it is said, under orders from General Emory, to-day entered the sheriff's office here, and forcibly ejected Sheriff A. J. Flanagan, who is in possession by virtue of the recent election, about which there is a constitutional question. His right to the office has not, however, been questioned by any legal proceedings. The military appear to have acted under Army orders alone. Major Head reported his action to Chancellor Hill, who was holding court in an adjacent room, by whom the action of the military was countenanced and seemingly approved. Sheriff Flanagan also reported the facts to Chancellor Hill, and appealed to the court to protect him in the discharge of his duties, which request was refused.

"The action of the troops has been always in behalf of the maintenance of the law!" Here is a man elected sheriff by the people, inducted into office, quietly performing its duties, the question of his right undergoing judicial investigation. But the soldiers are prompt people; they cannot await the slow movements of a court, so they "maintain the law" by wresting the case from the courts and by driving the sheriff from his office into the street. By whose orders was this done? The President's; Governor Ames's; General Sheridan's; Collector Casey's; Marshal Packard's; Attorney-General Williams's;—all of whom have at times had command of the Army. If all this was done without the knowledge of the President and is esteemed unlawful by him, why have not the guilty officers been rebuked and punished?

The honorable Senator from Ohio [Mr. SHERMAN] in his speech on Friday went into the past for the purpose of showing that there once existed in the South an order known as the Ku-Klux, which he says were guilty of enormous offenses. The Ku-Klux, like the dodo, are an extinct race. Not one can now be found on the North American continent. Yet so illogical and inconsequential are the arguments of the honorable Senator and his political friends that the mere former existence of the Ku-Klux is made a reason to justify interference with the Louisiana Legislature.

What connection have the two things? How is it that the former existence of the Ku-Klux justified the removal of five democrats from their places in the Louisiana house of representatives? They reason also that murder goes unpunished in the South, and insist that therefore these five democrats should have been ejected; that four thousand murders have been committed since the war in Lousiana, and therefore that the five democrats must be turned out of the hall; that a new order called the White League has sprung into existence, therefore the five democrats cannot be permitted to stay in their seats; that negroes are intimidated, and therefore the five democrats must go; that the very air is impregnated with assassination, therefore the five democrats cannot be longer tolerated.

Never were premises and conclusions further apart. Nothing of all the various excuses alleged affords the slightest justification for the act we complain of.

It is claimed by our republican friends that crime in Louisiana meets with no punishment, that the democrats enjoy an entire immunity for their offenses, and that the law is hopelessly powerless. If that be so, and if the purpose and desire of the democrats be as is charged to weed out the negroes, it can be done with entire success under Kellogg's administration, and why should the democrats want a change of government? But if the democrats have such a hellish purpose, how would they be assisted by having a democratic majority in one house of the Legislature? The senate and the executive department being in the hands of the republicans, a democratic house could pass no laws to protect democratic murderers, nor provide a statute for the speedy extinction of the negro. Suppose the object had been to get an entire democratic government in all its branches; still, according to the charges made on the other side of the Chamber, that democratic government could not do less toward punishing crime than the republicans have done and are doing. If the purpose was merely to escape punishment for crime, there would be no object in changing the government; Kellogg was the best man to be had for that purpose.

Mr. President, the reasons and excuse advanced are all idle. They have no connection with the act done. They afford no pretext for it. There is not one pretext. The whole thing was done, not to insure law and order in Louisiana, not for the purpose of protecting the colored people, but for one purpose and one purpose only; and that was to keep a republican majority in the Legislature of Louisiana; to retain the ascendency of the republican party at all hazards, and, if necessary to that end, to subvert the constitution, make the military force the government in fact, and utterly obliterate the last vestige of civil liberty.

Mr. Lincoln, who had an intuitive wisdom, never exhibited it in a greater degree than when he said in his inaugural address:

Where hostility to the United States in any interior locality shall be so great and so universal as to prevent competent resident citizens from holding the Federal offices, there will be no attempt to force obnoxious strangers among the people for that object.

I do not believe there is hostility to the Government of the United States in the Southern States. But how has the wise and kind advice of the man almost canonized by the northern people been respected? I of course speak in general terms; but as a class, with some honorable exceptions, there has never been in any country government officials so ignorant, so insolent, so incompetent, so dishonest, so justly "obnoxious" to the people as those sent to the South since the war. Collectors, assessors, marshals, deputy marshals, detectives, spies, district attorneys, all seemed to believe they represented in their own persons the whole Government of the United States, and were ready, if a southern man but came between the wind and their nobility, to unfurl the flag of the United States and call in the Army and Navy. They neglected the duties of their offices to meddle in politics; they exasperated by every means in their power the blacks against the whites.

History offers us an example which it would be well for the republican party to take notice of, and that is the conduct of England with regard to Wales. We find it detailed fully in the speech of Mr. Burke on conciliation with America. I have had occasion to read the same extract to the Senate before, but it is so applicable to the present question that I will read some portion of the speech now. He said:

My next example is Wales. This country was said to be reduced by Henry III. It was said more truly to be so by Edward I. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed; and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers—

These lord marchers being a sort of carpet-baggers sent down from England—

a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander-in-chief at present, to whom all civil power is granted as secondary.

The manners of the Welsh nation followed the genius of the government; the people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder, and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things Parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibited by proclamation (with something more of doubt on the legality) the sending arms to America—

That is one thing Kellogg did. He prohibited the sending of arms to the State of Louisiana, arrested people, and searched their houses for arms, and seized their arms—

They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute-book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands—a fine body of precedents for the authority of Parliament and the use of it! I admit it fully; and pray add likewise to those precedents, that all the while Wales rid this kingdom like an incubus; that it was an unprofitable and oppressive burden; and that an Englishman traveling in that country could not go six yards from the high road without being murdered.

The march of the human mind is slow. Sir, it was not, until after two hundred years, discovered that by an eternal law Providence had decreed vexation to violence and poverty to rapine. Your ancestors did, however, at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured; and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry VIII, the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties—the grant of their own property—seemed a thing so incongruous that eight years after—that is, in the thirty-fifth of that reign—a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales by act of Parliament. From that moment, as by a charm, the tumults subsided; obedience was restored; peace, order, and civilization followed in the train of liberty. When the day star of the English constitution had arisen in the hearts, all was harmony within and without.

Does not that describe exactly the course of this Government toward the State of Louisiana? Look at our statute-book, full of penal legislation directed exclusively against the South. Should not this Government profit by that example? Let these people alone; let them govern themselves.

A form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government, with a sort of resemblance, according to the modes of those times, to that of commander-in-chief at present.

Here we have a prophetic picture of the mixed government in Louisiana now carried on by Kellogg and General Sheridan.

The House committee on Louisiana gives us this account:

The general condition of affairs in the State of Louisiana seems to be as follows: The conviction has been general among the whites, since 1872, that the Kellogg

government was a usurpation. This conviction among them has been strengthened by the acts of the Kellogg legislature abolishing existing courts and judges, and substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; by changes in the laws, centralizing in the governor every form of political control, including the supervision of the elections; by continuing the returning board, with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force, maintained at the expense of the city of New Orleans, into an armed brigade of State militia, subject to the command of the governor; by the creation in some places of monopolies in markets, gas-making, water-works, and ferries, cleaning vaults and removing filth, and doing work as wharfingers; by the abolition of courts with elective judges, and the substitution of other courts with judges appointed by Kellogg, in evasion of the constitution of the State; by enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning-board; by unlimited appropriations for the payment of militia expenses and for the payment of legislative warrants, vouchers, and checks issued during the years 1870 and 1872; by laws declaring that no persons in arrears for taxes after default published shall bring any suit in any court of the State or be allowed to be a witness in his own behalf—measures which, when coupled with the extraordinary burdens of taxation, have served to vest, in the language of Governor Kellogg's counsel, "a degree of power in the governor of a State scarcely exercised by any sovereign in the world."

With this conviction is a general want of confidence in the integrity of the existing State and local officials—a want of confidence equally in their purposes, and in their *personnel*—which is accompanied by the paralyzation of business and destruction of values. The most hopeful witness produced by the Kellogg party, while he declared that business was in a sounder condition than ever before, because there was less credit, has since declared that "there was no prosperity." The securities of the State have fallen in two years from 70 or 80 to 25; of the city of New Orleans from 80 or 90 to 30 or 40, while the fall in bank shares, railway shares, city and other corporate companies have in a degree corresponded. Throughout the rural districts of the State the negroes, reared in habits of reliance upon their masters for support, and in a community in which the members are always ready to divide the necessaries of life with each other, not regarding such action as very evil, and having immunity from punishment from the nature of the local officials, had come to filching and stealing fruit, vegetables, and poultry, so generally, as Bishop Wilmarth stated without contradiction from any source, that the raising of these articles had to be entirely abandoned, to the great distress of the white people, while within the parishes, as well as in New Orleans, the taxation had been carried almost literally to the extent of confiscation. In New Orleans the assessors are paid a commission for the amount assessed, and houses and stores are to be had there for the taxes. In Natchitoches the taxation reached about 8 per cent. of the assessed value on the property. In many parishes all the white republicans and all the office-holders belong to a single family. There are five of the Greens in office in Lincoln; there are seven of the Boults in office in Natchitoches.

The southern people have no thought of overthrowing the Government of the United States nor of oppressing or injuring the black race. They desire only to be permitted, without the constant interference of the Army of the United States, to carry on their own private and domestic affairs and their own local self-government. That done, I have no doubt quiet and content will follow, and we will have peace.

Mr. PEASE. Mr. President, I ask consent, as bearing on this subject, to present a resolution passed by the Legislature of the State of Mississippi, relative to the action of General Sheridan in Louisiana. I desire that it be read and laid on the table.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Senate concurrent resolution No. 20, in relation to the action of Lieutenant-General Philip H. Sheridan, at New Orleans, Louisiana.

Be it resolved by the senate of the State of Mississippi, (the house of representatives concurring,) That the action of Lieutenant-General Philip H. Sheridan, since assuming control of the States of Louisiana, Mississippi, and Arkansas, as part of the military district of Missouri, has been such as should meet with the approval of all law-abiding and peace-loving citizens in the land.

Be it further resolved, That we believe, if the policy enunciated by his letters be carried out, not only will murderers who have long escaped justice be punished for their crimes, but that peace and security for life and property will follow, and that every citizen will be enabled to peacefully enjoy the privileges guaranteed by the Constitution of the United States, which up to the present time they have been unable to enjoy in large portions of the above mentioned States.

Be it further resolved, That his excellency the governor be requested to transmit a copy of these resolutions to the President of the United States, and one copy to each of our Senators and Representatives in Congress.

Concurred in by the house of representatives January 12, 1875.

I. D. SHADD,
Speaker of the House.

Adopted by the senate January 12, 1875.

A. K. DAVIS,
President of the Senate.

Approved.

A. AMES, *Governor.*

Mr. PEASE. Mr. President, the subject under consideration has developed one of the most remarkable, and I may say anomalous discussions known in the annals of congressional debates.

On the 5th instant the Senator from Ohio [Mr. THURMAN] introduced a resolution calling upon the President of the United States to inform the Senate whether any portion of the Army or any officer or soldier thereof had interfered, intermeddled, or in any manner controlled the recent organization of the Legislature of the State of Louisiana; and, if so, by what authority such military intervention had taken place.

For one week we were entertained with a series of speeches from the democratic side of this Chamber, arraigning the President before the American people and the world; denouncing him as a tyrant who had trampled under his feet the Constitution he had solemnly sworn to uphold; as ruthlessly striking down the liberties of the people with the mailed arm of military power.

Why, sir, from the fearful pictures drawn representing the dangers which menace our free institutions growing out of the President's action in Louisiana, characterized by one Senator as "worse than oriental despotism," by another as "Cæsarism," I confess that I was somewhat startled, and felt like joining Senators in their righteous indignation and appealing to the American people to rise in their majesty and hurl the despot from his throne. The senior Senator from Delaware portrayed the President as having already folded around himself the robes of a military dictator, erected his throne, and, Cromwell like, he might at any time march his soldiery into this Chamber and disperse the Senate. From the consternation depicted on the countenances of our democratic friends it seemed as if they had indeed seen the "mysterious handwriting upon the wall," and that the days of the Republic were numbered.

The President was not the only victim of this wholesale denunciation, but vials of democratic wrath were poured out without stint upon the heads of the Secretary of War and the Lieutenant-General of the Army, the gallant soldier and noble hero, Sheridan. His dispatch of ten lines, clothed not in the guarded diction of a statesman or of one learned in constitutional law, but in the language of a practical soldier, had caused a howl from the White League banditti of the South, a hiss from the copperhead democracy of the North, and a general wail and clamor along the entire rebel line from Tammany to Texas. The anomalous feature of the whole proceeding is, that the charges preferred against the President, the Army officers and soldiers, the wholesale denunciation of the republican party, were based upon rumors and partisan newspaper reports.

There was not a republican Senator who was not ready and willing to vote for the resolution without interposing an objection, save in the mere form or phraseology. The Senator from New York [Mr. CONKLING] submitted an amendment so as to make the resolution conform to the phraseology usually adopted in resolutions of that character. I say we were not only ready and willing but anxious to obtain the information sought. We were not prepared, however, to adopt the plan pursued by our democratic friends—that of condemning the President or General Sheridan without a hearing, or pass sentence of impeachment and try them afterward.

The resolution was adopted; and while the Senate was awaiting the response of the President, the honorable Senator from Missouri introduced the pending resolution as the basis of an elaborate oration, which the Senator informed us had been prepared in no partisan spirit, but with calm deliberation and studied impartiality. The opinions thus formed, and digested in an atmosphere high above party strife, he proposed to deliver in mild and temperate language. Occupying a position serenely above the clouds which obscure the vision of less far-seeing statesmen, he had taken in the full situation at a glance, and been thus enabled to frame a judgment not to be influenced by any official facts, nor modified by a more comprehensive knowledge of the circumstances and surroundings. He had tried the President, found the condemnation, and proceeded to pass sentence with judicial fairness, without a hearing and before conviction. Sir, I submit that the Senator's speech was more sweeping in its assumptions and more vindictive in spirit than any other democratic speech which had preceded it in this debate. Why, sir, he openly assumed that the President had willfully violated the Constitution which he had sworn to obey and defend, and pronounced a malediction against him without a jot or tittle of official information; and this the Senator calls calm and dispassionate criticism upon the President's action. Such, sir, has been the character of this debate; such the *animus* that seems to have prompted it; such the spirit in which it has been conducted. And, sir, it is no exaggeration to say that the discussion has developed a degree of party passion, of partisan hatred, based upon prejudged opinions, and has been characterized by a measure of unfairness, bitterness, and recklessness of calumny that is wholly without precedent in the history of senatorial debate.

Mr. President, I now pass to the consideration of the questions involved in the Louisiana case, with a profound sense of the magnitude and gravity of the interests involved, particularly in its relations to the present and future welfare of the South.

The President of the United States, promptly responding to the resolution of the Senate, has laid before us his message. The character and tone of this message have been highly complimented by a distinguished democratic Senator [Mr. SAULSBURY] on this floor. All agree that it contains a fair and full response to the inquiries propounded by the Senate.

Instead of any attempt being made by the President to interfere with the government of Louisiana, to interfere with the organization of a Legislature in that State, instead of an attempt to overthrow that State government by military interference, the President did nothing more than was required of him under the Constitution of the country, required of him under the oath he has taken to support that Constitution and see that the laws of the country are faithfully executed. It turns out that he upheld liberty as against licentiousness; it turns out by this report that the President sustained a law-abiding majority in the State of Louisiana against a lawless minority. It appears that the President, upon the requisition of the governor of Louisiana, ordered troops to be sent to that State to protect it against domestic violence.

It appears that in September last a rebellion, a revolution, obtained in the city of New Orleans, the object of which was to overthrow the State government. Eight or ten thousand armed men were in the streets of that city setting at defiance the laws of the State, compelling the governor to seek refuge in the custom-house to preserve his life. This armed body of men, it further appears, had stolen the

arms that belonged to the State government, and they maintained this attitude toward the government from September up to the 4th of January. They had, to be sure, dispersed apparently, but they held in their possession the arms they had stolen from the government; they maintained their organization; they were ready at a moment's warning to spring forth again into open revolt and overthrow constituted authority and plunge the State into anarchy and revolution.

I shall not attempt in this discussion to go into the details of the history of the State of Louisiana and its government for the last three or four years. Suffice it to say that a government has existed in Louisiana. It has been a government republican in form, if not in essence. It has had the machinery of a republican government. It has had a governor, and that governor has been recognized by the United States Government as the governor of that State. Whether he was the governor *de jure* or not I shall not attempt at this time to argue. I will say, however, in passing, that from my knowledge of the situation, based not only upon official facts, but also upon personal knowledge and observation, I have a belief which amounts to an absolute conviction that William Pitt Kellogg and the other State officers of Louisiana, now recognized by the President of the United States as the legal government thereof, represent the popular will of the people of that State as expressed at the polls in the election of 1872; and that they were elected by a majority of the votes actually cast, and had the election been fairly held would have received no less than 20,000 more votes than the ticket headed by John McEnery and Penn. But, sir, he was governor *de facto*. The question of his election had been expressly passed upon by the highest judicial tribunal in the State, and the government of which he was the head had been adjudicated to be the legal government of the State. The President of the United States, following immemorial usage, had recognized that government; it was also recognized by one branch of Congress by the admission of Representatives to their seats.

The President promptly submitted in an official message the fact that he had recognized what is known as the Kellogg government, with the grounds which prompted such recognition, urging, if it entertained any doubt as to the legal character of that government, to take such legislative action as would place the question beyond the reach of controversy. It was the duty of Congress under the Constitution to secure to Louisiana a government republican in form, and either have confirmed the President's action or to have unmistakably affirmed its dissent therefrom. That Congress took no such action was at least a tacit confirmation of the President's position, and that the President was bound to recognize the governor who, under the laws of the State, by the courts of the State, had been declared the lawful governor, and was in the actual exercise of the functions of the office.

We turn now to what took place in that State on the 4th day of January, 1875, and here we find an event that has brought the democratic party all over this country suddenly to their feet. An outcry has been raised that a terrible outrage was committed. An attempt was made by the General Government to subvert the civil authorities of the State with Federal bayonets. Soldiers have entered, it is claimed, a legislative hall and prevented the Legislature from organizing. Now, sir, what are the facts in that case? It turns out that, so far from the military attempting to interfere with the organization of a Legislature in the State of Louisiana, the military were ordered by the governor of that State to quell a riot, to preserve the peace. It turns out that under the laws of that State the Legislature, or men elected to the Legislature, attempted on that day to organize the Legislature. Under the law of Louisiana the legislative body consisted of those men who were elected in the several parishes and the returns of whose election had been examined by a board, the duty of which was to canvass thoroughly these election returns and submit a roll of such returns to the secretary of state, and the secretary of state was to furnish the old clerk of the house with a copy of these returns. Such a copy was furnished to Mr. Vigers, the old clerk of the former legislative body, and the Legislature proceeded to organize.

It appears that on that roll submitted one hundred and six members of the Legislature had been elected in the several parishes of that State. This roll contained the only legal evidence of their election. Through many vicissitudes and dangers, both "by land and by sea," the members-elect finally assembled in the place assigned to organize the Legislature. They proceeded according to law to take the initiatory steps to an organization. The roll was called and one hundred and two members answered to their names. While they were in process of organizing, while the clerk of the old house, who under the law of Louisiana was to occupy the position of the presiding officer of that body until a speaker should be elected, it appears that a member from the parish of Lafourche sprang to his feet and placed in nomination one Mr. Wiltz, former mayor of the city of New Orleans, as *temporary* speaker. The law of Louisiana recognizes no such proceeding and knows no such officer. The law regulating the organization of the Legislature of Louisiana is the same, copied almost *verbatim et literatim*, as the law regulating the organization of the House of Representatives in Congress. Under that law and under the rules that are adopted the clerk of the former house is the only legal presiding officer over that body until a speaker is *elected* on a call of *the roll of members*. It appears, I say, that a motion was made placing one L. A. Wiltz in nomination for *temporary speaker*. I quote now from the official report of General Sheridan, which is fully corroborated in all its leading facts by the report of a committee of the House of Representatives:

> Vigers promptly declared the motion out of order at that time, when some one put the question, and, amid cheers on the democratic side of the house, Mr. Wiltz dashed on the rostrum, pushed aside Mr. Vigers, seized the speaker's chair and gavel, and *declared himself speaker*. A protest against this arbitrary and unlawful proceeding was promptly made by members of the *majority*, but Wiltz paid no attention to their protests.

We are also informed that a call for the yeas and nays was demanded, which was duly seconded, but violently prevented, although explicitly required by the constitution of the State. The usurping Wiltz and his band of co-conspirators proceeded with a pretended organization of the house. Fifty-two members, constituting the majority, subsequently withdrew.

The whole proceeding up to this point was in clear violation of law, and it appears from the evidence now before us that this whole proceeding was a conspiracy; an attempt to overthrow the existing government in Louisiana. This appears from the testimony of a gentleman of character, who speaks from actual knowledge. I refer to General McMillan, who testified before the committee that was sent from the other House to investigate affairs in Louisiana that it was the intention of the democrats to get control in the organization of the lower house, and the democratic senators elected were to join the senators elected on the democratic ticket in 1872 and declare themselves the senate, and that the lower house and senate thus organized in the interests of democracy proposed to declare McEnery governor and revolutionize the government. This was the programme. Now, I ask, in view of the law in the case, in view of the fact that this man Wiltz had no more legal right, no more authority to act in the organization of that Legislature as temporary chairman than you, Mr. President, what becomes of the argument, or clamor rather, that has been made against the President of the United States and the governor of Louisiana for attempting to use the military to overthrow a Legislature? The body presided over by the usurper Wiltz was no Legislature within the purview of the law. It was no more a Legislature than a body of men assembled at the hustings would have been. It was nothing more nor less than a riotous mob usurping the powers and prerogatives of a Legislature. It appears that when the vote was taken for a permanent speaker, Wiltz, contrary to the law regulating the organization of the Legislature and the rules governing its proceedings, contrary to parliamentary usage, declared the vote which elected him a permanent speaker.

The honorable Senator from Missouri gravely informs the Senate that here was a legislative body, *organized* at the time and place and *in the manner* provided by law; and he bases the whole superstructure of his argument upon this assumption. He has built up a showy and shadow structure upon this uncertain foundation, which glitters like a prismatic soap-bubble upon its watery bed, but which shall fade away before the breath of truth and vanish

> Like the baseless fabric of a vision.

I ask, Mr. President, if in the light of the facts, which are clear as the sun at noonday, is it not evident that this Legislature was not *organized* in the manner provided by law, but that it was *disorganized* in violation of law?

It further appears in the history of this case that when they had succeeded in organizing what they called a Legislature, there was evidently imminent danger of difficulty in the lobby and about the doors. So imminent was this danger that the usurping speaker, Wiltz, entertained a motion that was declared carried that the *troops of the United States* should be called upon to preserve order. This was done, remember, by a democratic speaker of the Legislature of that State. General De Trobriand appeared in answer to this call, and he very quietly requested the disorderly persons who surrounded and menaced these patriotic white-leaguers to be quiet; and the mob quieted down. Then it appears that this so-called legislative body passed a vote of thanks for his action in the case in the name of the State of Louisiana.

Then it appears in the history of this event that when the majority of the body, fifty-two to fifty, found that they could have no voice, that they were trampled under foot, that all parliamentary usage, the constitution, and the laws of the State were ignored, sought protection from the governor of the State. They succeeded in getting out of that hall, though an attempt was made to prevent them with knives and pistols marshaled in the service of this usurper Wiltz. They appealed to the governor of the State for protection. The governor, upon this information and upon the fact apparent to every man who is at all conversant with the history of Louisiana, and none was more conversant with the then existing condition than the governor himself, when fifty-two members declared to him in writing that it was impossible for them to organize a Legislature as required by the constitution of that State and the laws of the State, it seems called upon a military officer to furnish a posse to protect the members of the Legislature in the work of organization. Here is his order:

> STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
> *New Orleans, January 4.*
>
> General DE TROBRIAND, *Commanding:*
>
> An illegal assembly of men having taken possession of the hall of the house of representatives, and the police not being able to dislodge them, I respectfully request that you will immediately clear the hall and State-house of all persons not

returned as legal members of the house of representatives by the returning board of the State.

WM. P. KELLOGG,
Governor of the State of Louisiana.

In a subsequent order he says:

The clerk of the house, who has in his possesion the roll isšued by the secretary of state of legal members of the house of representatives, will point out to you those persons now in the hall of the house of representatives returned by the legal returning board of the State.

Here we come to the *gravamen* of the offense alleged to have been committed. The governor of the State, after having been appealed to by a majority of the legal members of that Legislature; after they had represented to him that it was impossible for them to proceed with the organization; that the hall was in the possession of a mob; that men claiming to be members of that Legislature without any authority of law were in control of the house, appeals to the military who were present at the State-house to preserve the peace, and they proceed to the hall and without the use of any unnecessary force remove to the lobby five intruders whose votes were revolutionizing and overriding the voice of the majority of the Legislative Assembly.

Another feature, if I may be pardoned for the digression, shows the nature and character of the conspiracy that existed. While in the process of this sham organization a certain member proposes that they appoint additional sergeants-at-arms. That motion is carried, as were other motions, by acclamation, and all at once a large number of men, who had succeeded in getting into that hall under one pretext and another, throw open the lappels of their coats and display badges prepared beforehand, showing that this whole matter had been concocted and that these men were on the spot ready to carry out their part of this plot, this conspiracy, this revolution. I quote from General Sheridan's report:

Wiltz then again, on another nomination from the democratic side of the house, declared one Flood elected sergeant-at-arms, and ordered that a certain number of assistants be appointed. Instantly a large number of men throughout the hall, who had been admitted on various pretexts, such as reporters, members' friends, and spectators, turned down the lappels of their coats, upon which were pinned blue ribbon badges on which were printed in gold letters "assistant sergeant-at-arms," and the assembly was in possession of the minority, and the White League of Louisiana had made good its threat of seizing the house, many of the assistant sergeants-at-arms being well known as captains of White League companies in this city.

General Sheridan further adds:

Notwithstanding the suddenness of this movement, the leading republican members had not failed to protest again and again against the revolutionary action of the revolutionary minority, but all to no purpose, and many of the republicans rose and left the house in a body. * * * The excitement was now very great. The acting speaker directed the sergeant-at-arms to prevent the ingress or egress of members or others, and several exciting scuffles, in which knives and pistols were drawn, took place, and for a few moments it seemed that bloodshed would ensue. * * * Republicans had now generally withdrawn from the hall, and united in signing a petition to the governor, stating their grievances and asking his aid.

In view, I say, of these facts, the governor of the State of Louisiana was perfectly justified in using all legal means within the scope of his powers to preserve the peace, to see that the laws were faithfully executed.

I challenge any Senator on this floor who is learned in the law to show me that the President of the United States, in the exercise of the powers and duties devolving upon him as defined in the Constitution, did anything more or less than he was required to do. I challenge any Senator to show that General Sheridan, who seems to have been made the special target for White League venom and democratic denunciation, has transcended his powers or his duties, or that General Emory or General De Trobriand have disobeyed in any respect the law of the land. The whole question reduces itself to one single issue: Had the governor of the State of Louisiana the legal right to summon as a posse the military to preserve the peace in that hall, to allow the Legislature to proceed under the laws of the State to an organization?

Now, sir, I take the broad ground that the governor of that State had full authority to summon the military as a civil posse in the emergency to suppress riot and disorder or prevent a breach of the peace.

As to the proposition that the governor, as the chief executive officer of the State, and therefore the officer occupying the position of chief conservator of the peace, had the right to issue such an order, we have only to presume that in doing so he exercised a power incident to his office in an exigency, of which exigency he is the sole judge, which could not be properly met by the ordinary means within his reach or under his control by calling out the *posse comitatus*, the power of the county. Notwithstanding it may be the general impression that the power to call out the *posse comitatus* is limited to sheriffs, or their bailiffs, marshals, and officers of the like character, yet we have only to refer to the best commentaries upon the common law to find that such limitation upon the exercise of the power is not sustained by authority. In Bacon's Abridgement, which as an authority upon common law cannot be questioned, we find this power is not only allowed the sheriff, but is likewise given to his bailiff or other ministers of justice; also a constable or even a private person may assemble a competent number of people in order with force to suppress rioters and afterward with such force actually to suppress them. So also we find that a justice of the peace who has just cause to fear a violent resistance may raise the posse in making an entry or detaining lands, In this authority we find that the power is not limited to sheriffs. their bailiffs, and officers of like character, but extends to all ministers of justice, constables, and justices of the peace, and that a power, if not the same, equal in extent is given to the private citizen to suppress riotous proceedings. No one after reading this authority can for a moment doubt that the highest executive officer of a State, sworn to uphold the law, can properly exercise it in an emergency or under circumstances which demand its exercise. It is not necessary to rehearse in this connection all the circumstances surrounding this eventful crisis in order to show that the governor of Louisiana, in view of history as well as immediate surroundings, was justified in concluding that a riot was imminent, that blood would be shed, and that the peace of that State was about to be disturbed.

A committee of the House of Representatives reported in relation to the massacre that took place in 1866 at New Orleans, as follows:

The committee examined seventy-four persons as to the facts of violence and bloodshed upon that day. It is in evidence that men who were in the hall, terrified by the merciless attacks of the police, sought safety by jumping from the windows, a distance of twenty feet, to the ground, and as they jumped were shot by police or citizens. Some, disfigured by wounds, fought their way down stairs to the street, to be shot or beaten to death on the pavement. Colored persons at distant points in the city, peaceably pursuing their lawful business, were attacked by the police, shot, and cruelly beaten. Men of character and position, some of whom were members and some spectators of the convention, escaped from the hall covered with wounds and blood, and were preserved almost by a miracle from death. Scores of colored citizens bear frightful scars, more numerous than many soldiers of a dozen well-fought fields can show—proofs of fearful danger and strange escape. Men were shot while waving handkerchiefs in token of surrender and submission. White men and black, with arms uplifted, praying for life, were answered by shot and blow from knife and club. The bodies of some "were pounded to a jelly." A colored man was dragged from under a street-crossing and killed at a blow. Men concealed in outhouses and among piles of lumber were eagerly sought for and slaughtered and maimed without remorse. The dead bodies upon the street were violated by shot, kick, and stab. The face of a man "just breathing his last" was gashed by a knife or razor in the hands of a woman. An old gray-haired man, peaceably walking the street at a distance from the institute, was shot through the head. Negroes were taken out of their houses and shot. A policeman riding in a buggy deliberately fired his revolver from the carriage into a crowd of colored men. A colored man two miles away from the convention hall was taken from his shop by the police at about four o'clock in the afternoon of the riot, and shot and wounded in the side, hip, and back. One man was wounded by fourteen blows, shots, and stabs. The body of another received seven pistol-balls. After the slaughter had measurably ceased, carts, wagons, and drays, driven through the streets, gathered the dead, the dying, and the wounded in promiscuous loads, a policeman in some cases riding in the wagon seated upon the living men beneath him.—*Reports of Committees, House of Representatives, second session Thirty-ninth Congress*, page 10.

Sir, in view of such a history, in view of the fact that Governor Kellogg knew the nature, the character, the revolutionary intent of the men who only a few days before had paraded the streets with arms in their hands, had made an unsuccessful attempt to overthrow the government—men who were the leaders and abettors engaged in the riots of 1866 and of September 14, 1874—I undertake to say that the governor, knowing these facts, had there not been other and stronger evidence, would have had just cause to believe that danger, that riots, that bloodshed was imminent. If there be a case or could be a case where the chief conservator of the peace would be authorized by law to summon the *posse comitatus*, it was this case. Not only this, sir; the governor of Louisiana had the history of that State for three or four years in his mind. He knew the character of the men who had been engaged in the terrible murder and slaughter at Colfax; he remembered the inhuman butchery of the men at Coushatta; he remembered the terrible assassination of men in Saint Landry, and he remembered that in 1868, in the short space of four or five months, according to the report of a committee of Congress who were sent there to investigate affairs in Louisiana, two thousand men had been butchered, had been slaughtered, because of their political opinions. I read from the report of that committee:

The testimony shows that over two thousand persons were killed, wounded, and otherwise injured in that State within a few weeks prior to the presidential election; that half the State was overrun by violence; midnight raids, secret murders, and open riot kept the people in constant terror until the republicans surrendered all claims, and the election was carried by the democracy.

But, sir, the governor had more immediate proofs of the desperate intents of these men. During the sittings of the returning board they were constantly surrounded by armed and threatening bodies of men. Moreover, the press of the State teemed with bloody threats, all looking to bloody work at the assembling of the Legislature on the 4th of January. I quote a few of these threats. I also quote from General Sheridan's report to the Secretary of War, as follows:

During the few days in which I was in the city prior to the 4th of January, the general topic of conversation was the scenes of bloodshed that were liable to occur on that day, and I repeatedly heard threats of assassinating the governor and regrets expressed that he was not killed on the 14th of September last; also threats of assassination of the republican members of the house in order to secure the election of a democratic speaker.

In view of all these facts, I again ask, was not Governor Kellogg more than justified, was it not his solemn duty to take every precaution, to resort to every means within his reach to preserve the peace and prevent bloodshed? And yet democrats hold up their hands in holy horror that United States military forces were on the ground and their assistance called in to act with the civil posse.

I now proceed to briefly cite high legal authority that will not certainly be questioned by our democratic friends, to the effect that the power of the governor as a civil magistrate may be properly exercised in calling upon a military officer of the United States and the troops under his command as persons subject to be called upon to act as *posse comitatus;* and, if so, General De Trobriand, when so

called, was bound to obey. Referring to the same authority, Bacon's Abridgement, we find that all the citizens of the country except the decrepit, persons of insane mind, minors, and females are bound to obey. No title, no dignity, no office is exempt. Again we find the extent of this call reaching every citizen. From high American authority I cite the opinion of one of the most learned and distinguished members of the legal profession in this country. I refer to the honorable Caleb Cushing, and the authority I cite is to be found on page 473, volume 6, of the Opinions of the Attorneys-General of the United States. It is as follows:

The *posse comitatus* comprises every person in the district or county above the age of fifteen years, whatever may be their occupation, whether civilians or not, and including the military of all denominations—militia, soldiery, marines—all of whom are alike bound to obey the command of the sheriff or marshal. The fact that they are organized as military bodies, under the immediate command of their own officers, does not in anywise affect their legal character. They are still the *posse comitatus*.

This rule is also to be found in Lord Mansfield's Parliamentary History, page 672.

These authorities of the highest character must be utterly disregarded, or we are bound to conclude that the governor of Louisiana had the right to call upon General De Trobriand and the troops under his command as a part of the *posse comitatus*, and that they and each of them were bound to obey.

If the President of the United States cannot be blamed, if all these allegations that have been brought against him have fallen to the ground as they certainly have, if neither General Sheridan nor General Emory nor General De Trobriand has transcended the scope of his power, has not violated the laws of the country, and the governor of Louisiana on the 4th day of January simply exercised a power incident to his office to summon a posse to preserve order, to preserve the peace, and see that the laws of that State were executed—if, as we have seen, the power of the governor to summon the military to act as civil posse is established by the best legal authorities, what becomes of all this arraignment? What becomes of this clamor that the President of the United States, that the governor of Louisiana, have violated the constitution of the United States, have attempted to usurp powers that are not authorized in the organic law of the land, and have been guilty of willfully attempting to overthrow the liberties of the people?

Mr. President, I believe that I have fully vindicated the action of the military in the affairs of Louisiana, as justified both by fact and by law. But as this question of the employment of the military in the affairs of a State, and particularly all military interference with a legislative body, has been so bitterly denounced, I desire to call the attention of our democratic friends to a few conspicuous democratic precedents that mark the history of this country.

I refer to the instance of General Jackson in New Orleans, where he seized a member of the Legislature, one Loviallier, and absolutely arrested a judge of the Federal court because he had granted his petition for a writ of *habeas corpus*. I refer to the action of President Tyler in the case of the Dorr rebellion in Rhode Island, where, upon a simple letter from the governor of that State a democratic President instructed his Secretary of War to proceed to Rhode Island and investigate the affair; and if, upon his arrival, the governor of that State should make the proper legal requisition for troops, gave him a proclamation already prepared. He was further instructed to investigate the affairs of the State of Massachusetts and of Connecticut, and to ascertain whether they proposed to sustain Mr. Dorr in his effort to establish in Rhode Island a constitution more in consonance with the spirit of our republican institutions. I will also cite another case of Federal interference, the Territory of Kansas, where a democratic governor issued a proclamation forbidding the organization of the free-state legislature, and the Secretary of War, under the instructions of a democratic President, issued orders to the military commandant of the forces in that Territory authorizing the acting governor to use the military forces to disperse the Legislature.

Here is the order of Jefferson Davis, then Secretary of War, which the Clerk will please read.

The Clerk read as follows:

WASHINGTON, *February* 15, 1856.

SIR: The President has by proclamation warned all persons combined for insurrection or invasive aggression against the organized government of the Territory of Kansas, or associate to resist the due execution of the laws therein, to abstain from such revolutionary and lawless proceedings; and has commanded them to disperse and return peaceably to their respective abodes on pain of being resisted by his whole constitutional power. If, therefore, the governor of the Territory, finding the ordinary course of judicial proceedings and the powers vested in United States marshals inadequate for the suppression of insurrectionary combinations or armed resistance to the execution of the law should make requisition upon you to furnish a military force to aid him in the performance of that official duty you are hereby directed to employ for that purpose such part of your command as may in your judgment consistently be detached from their ordinary duty.

In executing this delicate function of the military force of the United States, you will exercise much caution, to avoid, if possible, collision with even insurgent citizens, and will endeavor to suppress resistance of the laws and constituted authorities by that moral force which happily, in our country, is ordinarily sufficient to secure respect to the laws of the land and the regularly-constituted authority of the Government. You will use a sound discretion as to the moment at which the further employment of the military force may be discontinued, and avail yourself of the first opportunity to return with your command to the more grateful and prouder service of the soldier—that of the common defense.

For your guidance in the premises you are referred to the acts of 28th of February, 1795, and 3d of March, 1807, and to the proclamation of the President, a copy of which is herewith transmitted.

Should you need further or more specific instructions, or should in the progress of events doubts arise in your mind as to the course which it may be proper for you to pursue, you will communicate directly with this Department, stating the points upon which you wish to be informed.

Very respectfully, your obedient servant,

JEFFERSON DAVIS.

Official copy:
E. D. TOWNSEND,
Adjutant-General.

Mr. PEASE. The United States troops under Colonel Sumner were used for that purpose; a territorial Legislature were dispersed. That Legislature was menaced with the Army of the United States, with its artillery bearing upon the hall where they were assembled. This was done in the interest and in the furtherance of slavery, and there never has been, to my knowledge, an instance where a democrat has ever censured the action of the President on that occasion. I quote further from the history of that proceeding:

Colonel Sumner, acting under orders from Washington, entered the house of representatives. The roll was called by the clerk, and this officer remarked that he was about to perform the most disagreeable duty of his life, and that was the dispersion of the Legislature. He said his orders were to disperse it; and, in answer to Judge Schuyler, he said he should employ all the force necessary to carry his orders into effect. He then entered the senate chamber, and in like manner dispersed that body.—*Wilson's Rise and Fall of the Slave Power in America*, page 500.

Federal troops were also repeatedly used to arrest fugitive slaves, and in the city of Boston, in 1854, were called in to suppress the mob which had assembled to aid in the rescue of a fugitive. It was in reference to an event of this kind that Hon. Caleb Cushing decided that United States soldiers and marines could be used as the civil posse.

Then, in the case of the invasion of Virginia in 1859, the President of the United States instructed Colonel Lee to proceed to that State with a company of marines and a battery of artillery, without even being called upon by the governor of the State in the manner provided by the Constitution. Assuming that the State was invaded, he orders Colonel Lee (who afterward became the generalissimo of the confederate armies) to proceed to Virginia and arrest this invasion.

In September, 1861, the Legislature of Maryland, a sovereign State occupying a normal relation to the Federal Government, was about to assemble at Annapolis, the capital of the State, and the following order was issued by General George B. McClellan, which speaks for itself:

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, September 12, 1861.

GENERAL: After full consultation with the President, Secretaries of State, War, &c., it has been decided to effect the operation proposed for the 17th. Arrangements have been made to have a Government steamer at Annapolis to receive the prisoners and carry them to their destination.

Some four or five of the chief men in the affair are to be arrested to-day. When they meet on the 17th, you will please have everything prepared to arrest the whole party, and be sure that none escape.

It is understood that you arranged with General Dix and Governor Seward the *modus operandi*. It has been intimated to me that the meeting might take place on the 14th; please be prepared. I would be glad to have you advise me frequently of your arrangements in regard to this very important matter.

If it is successfully carried out, it will go far toward breaking the backbone of the rebellion. It would probably be well to have a special train quietly prepared to take prisoners to Annapolis.

Thus was the Legislature of Maryland interfered with by the military. Some democrats howled against the action of the Government as illegal just as they are doing now. But it went far to "break the back-bone of the rebellion" nevertheless, and in 1864 these same democrats ran McClellan for President. So much for democratic precedent and democratic consistency.

In view of the apprehensions entertained by our democratic friends of the overthrow of constitutional liberty in this country, by Federal usurpation and aggression upon the rights of the States, it is a singular fact that in all the apprehensions for the safety of the Republic they see no danger in organized efforts to strike down the fundamental franchise of an American citizen, the right to express at the ballot-box his preferences in choosing those who are to represent his views upon all questions of public policy; they see no danger to republican institutions from lawless minorities who by means of fraud, violence, and intimidation suppress the voice of the majority—see no danger in the anarchical tendencies, the revolutionary spirit which pervades many of the Southern States. Sir, permit me to say that if ever this Republic is destroyed, the historian will record that the seeds of dissolution were sown in the gradual encroachments upon the rights of the citizen at the ballot-box.

Sir, in all their terrible arraignment we find no count in the indictment against revolt, murder, and assassination on account of differences of opinion in political matters; not a word of censure has fallen from the lips of any democrat in this debate of the gang of murderers who inhumanly butchered the parish officers at Coushatta, or the fiends who slaughtered men by the score at Colfax; not a word of condemnation have we heard of the White League revolt in New Orleans on the 14th of September, in which citizens and public officers were murdered, the archives of the State seized and plundered; no censure upon the revolutionary action of the usurper, Wiltz, in his attempt to use the military of the United States in the furtherance of his revolutionary designs; but on the contrary, (and regret that I am compelled to say,) that partisan feeling has led Senators on the other side to offer extenuations and apologies for treason, revolt, domestic violence, murder, and the most diabolical outrages known in the annals of crime.

Sir, I was astonished that an American statesman, a Senator, could stand in his place in the American Senate, and in the face of the official information by the President of the United States now before us, extenuate or apologize for the lawlessness that obtains in the State of Louisiana, when the President has informed us that three thousand five hundred murders have been committed in that State alone since 1866. "Why murders," says he, "occur everywhere; these accounts of murders and assassinations belong to the outrage mill." "This outrage business," says another Senator, "is played out; the republican party will fail to raise any sympathy by presenting these outrages."

I listened with close attention and with mingled pleasure and disappointment to the splendid display of forensic oratory afforded the Senate by the distinguished Senator from Missouri [Mr. SCHURZ] in his speech in support of the pending resolution. I am not insensible to the lofty character and patriotic tone of his brilliant utterances. I congratulate myself and the Senate that while the honorable Senator referred to the adventurers at the South by way of extenuation for treason and revolution, and crime, he had too much self-respect to indulge in the usual diatribe against carpet-baggers or give utterance to the wholesale slander and sweeping denunciation against those who after the war sought homes in the South and saw proper to engage in the political work of reconstruction.

Perhaps the honorable Senator does not indorse the oligarchical theory that only those are entitled to a voice in public affairs who are "to the manner born," or who subscribe to the dogmas of the secession democracy. But for a more enlightened civilization, a more comprehensive statesmanship, the people of Missouri and the American Congress would have been deprived of the service of her brilliant statesman. True, American civilization and the narrow, bigoted, sectional pride which refuses to recognize any merit outside of the landed aristocracy of the South are widely different things, and I am happy to know that the honorable Senator has heretofore subscribed to the former kind of civilization, and *per consequentia* his place in this body will soon be filled by a representative of quite another type of political philosophy.

Secession democracy, however much it may profess to have been modified, liberalized, or if you please Greeleyized, has no high appreciation of services, however brilliant and patriotic they may be, if as in the Senator's case the public servant should at some period of his political life have deserved well of his country for another and a more commendable service than an apologist for treason and revolution. The eminent Senator has a record which Bourbon democracy can never fully indorse or forget.

I remember when I first engaged in politics, among the first political documents that I ever read, and I read them with great pleasure, were the speeches that fell from the lips of the distinguished Senator in defense of liberty universal, sentiments and arguments against an oligarchy of a million of men controlling thirteen millions. Sir, the history of this Senator is such upon these great questions that have agitated the American people for the last decade, that secession democracy at the South or their allies at the North will never, never forget the Senator. I desire to present some of the views of the Senator on these very questions as expressed in a report that was submitted by him a few years ago relating to the condition of the South, a most masterly report describing every form, feature, and phase of the condition of the South then existing and prospective. In reading this report I was struck with the prophetic utterances of the distinguished Senator. I will read one that struck me with a great deal of force, and that is in relation to these adventurers or carpet-baggers that have brought upon the South, as the Senator would have us believe, much of the present difficulty. Here are some of his views in relation to "adventurers" in the South in 1865:

> A temporary continuation of national control in the Southern States would also have a most beneficial effect as regards the immigration of northern people and Europeans into that country; and such immigration would, in its turn, contribute much to the solution of the labor problem. Nothing is more desirable for the South than the importation of new men and new ideas. One of the greatest drawbacks under which the southern people are laboring is that for fifty years they have been in no sympathetic communion with the progressive ideas of the times. While professing to be in favor of free trade, they adopted and enforced a system of prohibition, as far as those ideas were concerned, which was in conflict with their cherished institution of slavery; and, as almost all the progressive ideas of our days were in conflict with slavery, the prohibition was sweeping. It had one peculiar effect, which we also notice with some Asiatic nations which follow a similar course. The southern people honestly maintained and believed not only that as a people they were highly civilized, but that their civilization was the highest that could be attained, and ought to serve as a model to other nations the world over. The more enlightened individuals among them felt sometimes a vague impression of the barrenness of their mental life and the barbarous peculiarities of their social organization; but very few ever dared to investigate and to expose the true cause of these evils. Thus the people were so wrapped up in self-admiration as to be inaccessible to the voice even of the best-intentioned criticism. Hence the delusion they indulged in as to the absolute superiority of their race—a delusion which, in spite of the severe test it has lately undergone, is not yet given up, and will, as every traveler in the South can testify from experience, sometimes express itself in singular manifestations.

Yes, sir, "singular manifestations." It has been expressing itself, I say, to the Senate for the last four or five years in most singular manifestations. It has expressed itself in the most cowardly, in the most dastardly, in the most abominable murders and assassinations that have ever characterized any nation in the history of this world. Men claiming to belong to the chivalry of the South have armed themselves and covered their cowardly carcasses with disguises, and under the cover of midnight, in bodies of from twenty to one hundred, approached the lone cabin of a negro and taken him out and beaten him until he died because he had the manhood to accept what the Senator himself and the American Congress had given him—the right to vote for whoever he chose to execute the laws of the country. This is one. Another manifestation has developed itself, that because a man happened to be born north of the Ohio River and brought up and educated so as to indorse the ideas of American civilization, believe in free locomotion, believe that a man was a man if he had the elements of manhood about him, virtue, intelligence, and honesty—I say because men entertained those views the singular manifestation in the South has been that that class of men are tabooed; they are ostracized; and those people in their madness, in their rash folly, organize themselves to drive that class of men from their borders, and they are "the adventurers" the Senator so gratuitously threw in our face in his recent speech.

There are some very choice sentiments in this report. I read a sentiment to be found on page 5 of the document:

> The incorrigibles, who will indulge in the swagger which was so customary before and during the war, and still hope for a time when the southern confederacy will achieve its independence. This class consists mostly of young men, and comprises the loiterers of the towns and the idlers of the country. They persecute Union men and negroes whenever they can do so with impunity, insist clamorously upon their "rights," and are extremely impatient of the presence of the Federal soldiers.

I desire to say to the Senator that that condition of things which he found in 1865 obtains in 1875. I regret it; nothing is more painful to me, representing as I do in part here to-day a constituency made up largely of this class of men; but the truth compels me to confess that this condition of things obtains to a greater or less extent throughout the entire South. Men talk about their rights. You cannot find to-day any unrepentant secession democrats, that only a few years ago marshaled themselves together to overthrow the Constitution and to destroy this Government and trample her flag under foot, who are not to-day holding up their hands in horror because the governor of Louisiana summons a portion of the Army to aid as a posse in preserving the peace and preventing a riotous mob of conspirators from usurping the powers and prerogatives of a Legislature.

These patriotic admirers of the Constitution and laws of the country now appeal to Congress and the American people for sympathy! And as these invocations go up from the secession democracy of the South they are met with a hearty response from every "copperhead" democrat at the North, until the country resounds with manufactured clamor. When this clamor was raised a few days ago every miserable unrepenting secession democrat and every copperhead who have through the virtue and patriotism of the American people during and since the war been obliged to hide their faces in shame, when this grand *coup d'état* was promulgated, the democracy from Tammany to Texas have appeared at the front and are attempting to alarm the American people with a hypocritical cry about the overthrow of republican institutions in this country, because, forsooth, General Sheridan has assumed command of the troops in the city of New Orleans, and in the brusqueness of a soldier telegraphed to the President that if he or Congress would give him the authority he would put a stop to murder and assassination in the South.

But I have a little more of this literature furnished us by the distinguished Senator. On page 7 we find the Senator saying:

> I have read in southern papers bitter complaints about the unfriendly spirit exhibited by the northern people, complaints not unfrequently flavored with an admixture of vigorous vituperation.

That is very elegantly put.

From personal experience I can verify the truth of this admixture of "vigorous vituperation." Every man who has the manhood to declare his political sentiments, if perchance they happen to differ from the old slave-holding oligarchy of the South, is denominated a carpet-bagger; "if he happens to have been born north of Mason and Dixon's line, he is denominated by the press of the country and the people of the country as an intruder, and charged as having left his country for his country's good."

They are called "penitentiary convicts," "thieves," "incendiaries." That is the kind of vigorous vituperation which a northern man meets if he happens to be a republican. And a southern man who, when these "fire-eating" democrats in their madness undertook to overthrow the Government and destroy the South, had the courage to stand up and say he was opposed to their rash and suicidal policy, and had the patriotism to stand by the old flag, such men are persecuted and denounced; they are murdered by cowardly midnight assassins, by the very class of men whom the Senator speaks of, as indulging in this kind of "vigorous vituperation." But he says:

> As far as my experience goes, the "unfriendly spirit" exhibited in the North is all mildness and affection compared with the popular temper which in the South vents itself in a variety of ways and on all possible occasions. No observing northern man can come into contact with the different classes composing southern society without noticing it.

But the Senator will say, "that was the condition of things immediately after the war. It is different now." I undertake to say that while these sentiments obtained in 1865, they have been growing worse and worse from that day to this. I will read another extract or two, and then pass from this valuable historical document. He says:

> There are two principal points to which I beg to call your attention. In the first place, the rapid return to power and influence of so many of those who but recently

were engaged in a bitter war against the Union has had one effect which was certainly not originally contemplated by the Government. Treason does, under existing circumstances, not appear odious in the South.

I desire to say to the Senate that the same sentiment obtains to-day. It is not odious with a certain class of people to declare and to maintain that the amendments to the Constitution of the United States—I refer to the thirteenth, fourteenth, and fifteenth articles of amendment—are no part of the Constitution; that they are frauds, conceived in iniquity and carried forward in fraud; that, while they are obliged to accept them, whenever the time shall come that they get the power they propose to make these amendments a dead letter practically; in other words, they propose, if necessary, to revolutionize the country and set at naught the constitutional amendments. "Treason is not odious." In this connection permit me to submit the following, which I quote from the statements and speeches of the leading southern statesmen who subscribe to the doctrines of the democratic party:

Three years ago the Hon. ALEXANDER H. STEPHENS said he believed "all of the reconstruction legislation of Congress to be unconstitutional, fraudulent, and void." The thirteenth amendment he admitted to be valid, because it had been ratified by the rightful governments of the Southern States—the governments *de jure*, and not the governments *de facto* afterward established by bayonets. The fourteenth and fifteenth amendments he claimed were no part of the Constitution, because their pretended ratification had been effected by force and fraud.

In assuming political control of the Atlanta Sun, democratic, he said:

A chief object will be to show, by calm and argumentative appeals to the good sense and patriotism of the true friends of the Constitution, North as well as South, that any departure from the essential principles of that platform will be exceedingly dangerous, if not fatal, to the liberties of the whole country.

The platform referred to above is that adopted by the democratic national convention of 1868.

Robert Toombs, formerly United States Senator, afterward a cabinet officer in the confederate congress, when asked if he would support the new departure of the northern democracy as expounded by Vallandigham, replied:

Never. I would sooner vote for Horace Greeley than for any democrat upon such a platform.

And declared finally—

That the people of the South could never be brought to accept the constitutional amendments as finalities, and if the democratic party took that ground they would have nothing to do with that party. We will fight you again just as soon as we can get ready, and I believe we can get ready much sooner than most people think. I think the South will attempt another war, and I believe I shall live to see southern independence.

Our people are losing the hope that they will see Shiloh in their day, but they are training their children to take up the work.

On the 25th of May, at Augusta, Georgia, Jefferson Davis, who owes his life to the clemency of the Government, thus characterized the people of the North:

Filled with that jealousy which springs from the knowledge of their inferiority and of the justice of your pretensions, and conscious of broken covenants and a violated Constitution, they mistrust every movement and tremble with fear when they think that right may again prevail. But wrong cannot always be triumphant. I will say nothing, and you must do nothing, even though tyranny oppresses grievously upon you. Forbear for a season, and a day will come when all will yet be well. I may not nor may some of you live to see it, but it is surely coming. He who reigns above and lives always will see that justice is done. He will not allow the wicked to always remain in power, nor the righteous to be oppressed. We can wait until that day comes, and in the mean time be quiet. 'Tis an old and wise saying, that "a good biting dog never barks much."

In a speech at Atlanta he said:

I am not of those "who accept the situation." I accept nothing. These cant phrases that we hear so much of about "accepting the situation," and about our rights having been submitted to the "arbitrament of the sword," are but the excuses of cowards. I admit that power prevails over truth. I admit that power is so great that it would be folly to resist it; and therefore I am in favor myself of being acquiescent, and I advise you to the same course; but I do not admit that our rights have ever been submitted to the arbitrament of the sword. Who has the power to submit your liberties to the arbitrament of battle? You never delegated that power to your representatives. I, as your executive, never claimed it, and never, dying or living, will I admit it. And then, my friends, about the much-talked-of subject of "accepting the situation." You are not called upon to acknowledge that you have done wrong unless you feel it. I don't believe I did any wrong, and therefore I don't acknowledge it.

General Leslie, a leading democrat of Kentucky, like Jeff Davis, "accepts nothing." In a stump speech he said:

As to the thirteenth, fourteenth, and fifteenth amendments, I am out and out opposed to them. I care not who in Indiana, Ohio, or elsewhere may be for them. Those amendments were ingrafted upon the Constitution of the country and proclaimed to the country as part and parcel of the Constitution by force and by fraud, and not in the legitimate way laid down in the Constitution. Ten States of this Union were tied hands and feet, and bayonets were presented to their breasts to make them consent against their will to the passage of these amendments. The procuring of these amendments was a fraud upon this people and upon the people of the whole United States; and having thus been obtained, I hold they ought to be repealed. There may be some democrats who are not for their repeal, but the great body of our party is for it.

A prominent Georgia democrat introduced Mr. Davis at Augusta, and in doing so said:

History will vindicate you. I know that you are not rash. You did what you could to save the Republic, to promote peace, to adjust the quarrel. I do not now propose to review the dread drama that closed in the overthrow of the southern cause. That is not a lost cause. It is the cause of constitutional liberty, and will yet triumph.

The Vicksburgh (Mississippi) Herald says:

The southern people have endured long enough. The democrats North have no special claim upon us. Now that the shoe pinches at home many of them want the South to come forward and aid in arresting the military despotism of Grant, which has for its object the perpetuation of the republican party. Mr. Davis is a representative man of the South; by him we are ready to be judged in the future.

The Memphis Appeal is especially outspoken. It says:

When we assert that the constitutional amendments, except the thirteenth, are odious and will be rescinded whenever a convention of the States or absolute democratic power in the Government may render the consumption possible, we tell the simple, unvarnished truth. * * * We are for the lawful repeal of unlawful mockeries of constitutional law.

In corroboration I read further from the honorable Senator's report:

The people are not impressed with any sense of its criminality. And, secondly, there is as yet among the southern people an *utter absence of national feeling*. I made it a business, while in the South, to watch the symptoms of returning loyalty as they appeared not only in private conversation, but in the public press and in the speeches delivered and the resolutions passed at Union meetings. Hardly ever was there an expression of hearty attachment to the great Republic, or an appeal to the impulses of patriotism; but whenever submission to the national authority was declared and advocated, it was almost uniformly placed upon two principal grounds: That, under present circumstances, the southern people could "do no better;" and then that submission was the only means by which they could rid themselves of the Federal soldiers and obtain once more control of their own affairs.

I desire to say to the Senator that the same sentiment obtains to-day, and that this whole effort now being made at the South is to carry out that very programme. We have read in the press of the country of the patriotic and Christian advice sent to some of the rash revolutionists at the South. I recollect reading a few days since some advice given to the rioters in New Orleans from one of our distinguished Senators. He said, "Bear it all; suffer on; do not attempt to resent your injuries. Your very sufferings, your martyrdom, is coming up before the American people; it is reaching their sympathetic hearts, and in a short time, if you will only keep quiet, you will be restored again to power, and then all will be well." That was the substance of the advice. It is simply a policy of "stooping to conquer." But the object and aim of these revolutionists is to get power and the control of those State governments. That is what they are for. The American people may attempt to avoid the issue, but it is inevitable. Recent movements at the South mean revolution; it means destruction to this Republic by breaking down the foundations upon which it rests—the right of the majority to rule. I will pause to read an extract from a letter recently written by Bishop Haven, of Georgia:

Papers of the ability of the Times and Tribune, gentlemen of the culture and breadth of Abel Stevens and James Freeman Clarke, are only specimens of the general surrender in whole or in part of the northern mind to the Georgia domination.

This surrender bids fair to bring forth fatal fruit. It may lead to a recapture by the captured of the whole result of the war. It is the set purpose of the whole South to recover what it has lost—the government of the nation; and to recover this without any more surrender of their old claims than is possible.

ALEXANDER STEPHENS declared just at the close of the war that what they had lost on the field they would recover in Congress, even as Cromwell's rebellion succeeded in the revolution of '88. The present governor of Georgia declares that under their present constitution feudalism, or the control of labor and the laborer, can be completely secured.

The words these leaders utter the white South feel. They are unanimous in this desire and purpose. Of course I exclude from this unanimity the men who stood by the Union and still stand by the ideas that Union involves.

They propose, by a system of intimidation in some instances and by a system of quiet acquiescence in other places, to get into power. All these agencies they propose to use to get control of the Government; and when the time comes, and it is not far distant unless the American people arouse themselves to the danger that menaces the country, when in a short time fifteen of these States will be in the hands of men who are inimical to this Government, who have no more sympathy with free government than they had ten or twelve years ago—men who have been inaugurating and pushing forward in their political policy at the South the doctrine that the amendments to the Constitution that gave freedom to the negro, that gave him the right to vote and that protected him in all his rights, immunities, and privileges as a citizen, they will abrogate these amendments to the Constitution; they will place the negro in his nominal place, make him a "hewer of wood and drawer of water" for a "superior race." That is their purpose, and when they control fifteen States of this Union with one or two Northern States they have, as they had before the war for fifty years, the control of this Government. They made then the American Government kneel down to the Moloch of slavery, and they will make it, if they get control again, bow down to the secession democracy of the South. There is another sentence in the Senator's report that I will read; this is prophetic:

As to the future peace and harmony of the Union, it is of the highest importance that the people lately in rebellion be not permitted to build up another "peculiar institution" whose spirit is in conflict with the fundamental principles of our political system; for as long as they cherish interests peculiar to them in preference to those they have in common with the rest of the American people, their loyalty to the Union will always be uncertain.

The distinguished Senator never uttered in his life a truer sentiment or made a truer statement than that. That is the true solution of the question to-day. It is the want in the South of loyalty to the Government and want of sympathy in a new order of things. The people of that country do not "accept the situation;" they do not regard the revolution as having settled the old political heresy of "State sovereignty." They expect and are entertaining the hope

that sooner or later they will reinstate that doctrine, and control at least fifteen of these States under the idea of the independent sovereignty of a State. But, sir, from the speech of the distinguished Senator, we are bound to conclude that he has yielded, that he has changed his views, that he has faced about and counsels us to do likewise.

Under his political teachings the State of Missouri has been turned over to the secession democracy and he would now have the republican party deliver Louisiana bound hand and foot over to the White League banditti. There were many sentiments expressed in the Senator's speech which I fully indorsed. I admired its lofty, patriotic tone. It was as a whole an excellent homily on the well-established principles of republican government. But when the learned Senator had finished his eloquent thesis on constitutional liberty, I felt constrained to suggest to him that a government of the people for the people and by the people is no utopianism.

Mr. President, just as the American people were congratulating themselves upon the practical application of this theory of government to all the States, after we were flattering ourselves that the practical doctrine of State sovereignty which had been fostered by an oligarchy of slave-owners in fifteen States of this Union was obsolete, blotted out by the sword, the work of reconstruction and the restoration of the insurrectionary States upon the basis of universal suffrage and the majority rule had been complete, we find ourselves confronted with a gigantic conspiracy to overthrow these governments and re-establish the oligarchical or minority rule. I refer to 1870 and 1871, when we were confronted by the gigantic conspiracy known as the Ku-Klux organization. The history of that organization has become familiar to every American, is known in high places and in low places. No man who is acquainted with the history of his country will deny with the facts we have before us that at least half a million, for this is the statement of the chief cyclops of the organization—I refer to General Forrest of Fort Pillow notoriety—that at least five hundred thousand men were organized in those bands with the object of getting control of the State governments by intimidation, by murder, by all kinds and grades of crime.

Why, sir, in the history of this world there never was such a drama presented as the career of that Ku-Klux organization in the South for a period of three years until Congress acted, until the republican party that had been apathetic became aroused. We had been sending up from the South her plea for mercy, asking the Government to come to the rescue and save us from these diabolical bands. Congress halted just as they have in the last two years on this question of the South, until it became so notorious, until the blood of thousands of men had ascended to the "Lord of Sabbaoth," until the American people began to feel that in the name of *Christianity* and of *humanity* the people of the South, the poor negro, and the northern soldier and the southern Union man must have some protection for life, liberty, and castle; and at the close of a session you concluded finally to give us a law that would hunt out these assassins and punish them in the United States courts, and you allowed the Government to use the military to arrest them. No sooner was it done than this revolution, this conspiracy was broken up. When once it is disbanded, lo! we are confronted with another organization of the same intent, with the same purpose. It is the same old organization revamped, but with more power, better organized; and it has in addition to that the *esprit du corps* that it gets by receiving sympathy from the northern democracy, by having on this floor apologists for their assassinations and murders. Men who complain of high taxes and of being plundered of their property because of infamous radical negro rule can find money enough to buy muskets to arm these White Leagues; they can contribute of their pittance hundreds and thousands, yea millions of dollars to organize and arm these bodies of men whose object is, and whose sole object, to overthrow those governments and ultimately to destroy this Republic.

Mr. THURMAN. Will the Senator allow me to interrupt him?

Mr. PEASE. Yes, sir.

Mr. THURMAN. The Senator has said that assassination and murder have apologists on this floor. I demand of the Senator to name an apologist for assassination and murder.

Mr. PEASE. I perhaps ought to qualify that remark. I have not heard a Senator stand in his place and advocate murder and assassination, but I have heard, and the country is aware of the fact, that the speeches which have been delivered from that side of the House have been treating lightly the subject of murder and assassination. When we cite you cases numbering hundreds of peaceable, quiet, inoffensive citizens who have been stricken down at midnight, who have been murdered in the day-time by your political organizations, you say it is a "radical outrage-mill" gotten up for political purposes. When we point you to Trenton, when we point you to Coushatta, when we point you to New Orleans, "O!" you say, "this outrage business is played out." If that is not a kind of apology for crime, for assassination, I know not what it is. When the facts have been presented here by the distinguished Senator from Indiana, [Mr. MORTON,] particularly when he has said that murder abounded throughout that country, that assassinations are common, he is met on the other side with the statement that these things are untrue. When the Senator declares that the reports which have gone up from the Southern Associated Press, a press subsidized by this democracy, a press that has done more by misrepresentation to poison the American mind, done more to bring about this condition of revolution than any other agency—when we make the statement that this Associated Press, invariably in the hands of white-leaguers, members of the Ku-Klux Klan, secession democracy, every single correspondent and every operator of the Western Union line belonging to that organization, sending their statements all over the country, forming the basis of editorials in our metropolitan press, saying to the country that these statements that come up from the negroes and from the Union men in the South are all false, that the negroes are the aggressors, that the negroes are arming, that the negroes are marching on their cities with their "sacks and their wagons" to plunder, that the negroes are attempting to murder and intimidate the white people—when, I say, these statements are presented and are denounced as false on this floor, Senators on the other side of the Chamber treat the matter lightly and deny that any such falsehoods have been propagated and sent over this country. What is that but apology for assassination and murder?

Mr. THURMAN. Will the Senator allow me to interrupt him again?

Mr. PEASE. Yes, sir.

Mr. THURMAN. I utterly deny that there has been by any member on this floor one word of apology for assassination, and there is no foundation for making such a charge, and no man has a right to make it. We have denounced exaggerations and falsehoods, and we will continue to do so; but when it comes to be a question of veracity between the Senator from Mississippi and the gentlemen of the Associated Press, he will allow us to reserve our judgment.

Mr. PEASE. I desire to say, Mr. President, and I make this statement without fear of successful controversy, and every Senator who has listened to the speeches delivered on that side of the House will bear me out in the statement, that in all this arraignment, in all the discussion we have had for the last two weeks over this question, not one single utterance have we heard from that side of the Chamber condemning these murders or pointing out one of them; but when we have stated the facts, matters on record in our courts, matters which are sworn to by men whose veracity cannot be questioned, our statements are treated with contempt as belonging to the "outrage-mill!" A few murders, "unjustifiable homicide," are committed, it is said, "and they are everywhere." That is the way the subject has been treated; that is the way the statements have been met. The Senator "reserves his judgment!" Thank the Lord for that!

Sir, I say that there is an organization existing at the South, and it has its apologists and sympathizers at the North, the object of which is to revolutionize this Government, to get control of the Southern States, and thereby reinstate the old secession and slave democracy. It has, I say, its sympathizers at the North, and the sympathy it is receiving there only infuses it with more life and vigor. The recent elections at the North have been construed by these old, wily Bourbons of the South, men who never learn anything or forget anything, waking up in their fossiliferous condition, in their dreamy hallucination, and they imagine that because of the recent elections in the North and changes in several States there has been really an indorsement of secession, an indorsement of rebellion. They have flattered themselves that these recent elections are but an indorsement that secession was right, and that they were justified in attempting to overthrow this Government. That is the sentiment; and if we entertain the delusion that it is anything else, that they have another purpose in view, ere long, unless something is done to arrest the progress of this conspiracy, you will see the sad results. Though I am not a prophet or the son of a prophet, I venture to say that unless this revolutionary spirit is checked in the South, unless this conspiracy is put down now, you will have another revolution in this country more terrible, more disastrous than the war of the rebellion. It will not be one section warring against another. They will have no separate flag, no "stars and bars" the next time. They will fight under the old flag. They will seek to destroy this Government by anarchy; and to-day the seeds of anarchy have already germinated and are ready almost to blossom in fifteen of these States. In the South to-day, and it is no exaggeration to say it, we are on the verge of the same anarchical condition that prevails in South America and Mexico.

I venture to make another prediction: that in case the democracy shall succeed and these States shall go into the hands of the democratic party, they may have for awhile peace, but it will be of short duration. Let me say to my southern democratic friends that you are in this course placing a chalice to your lips that will poison you. It will destroy your country because of the demoralization that obtains there to-day from the acts of the armed bodies, this banditti, as the noble hero, Sheridan, denominates them—and he never uttered a truer sentiment. I say when they have finished their political work, they will turn to cutting the throat of the citizen, murdering him for his money. That is the tendency of this thing; and if these precedents are allowed to go on unnoticed; if a band of insurrectionists, a band of rioters, can overturn a government in a day; if a minority can rule the majority, and it is winked at by the American Congress, how long will it be before you will have the same sort of thing in your own democratic ranks? Some ambitious candidate will say, "I received a majority of the votes; there has been some fraud in the returning board," and he will arm his clan and overturn your government, and you will resolve yourselves into the condition that obtains, and has for the last fifty years, in Mexico and the South

American States. It devolves upon the American statesman, it devolves upon every patriot, to look this question square in the face; and it is the duty of the American Senator, the American Representative in this Congress to meet it. If further legislation is needed, let us have it; but I can say to you, sir, from my knowledge of the situation, all that it is necessary to do is to let the American people know and feel that there is patriotism, that there is virtue enough left in the republican party, that party which preserved this country through four years of internecine war, carried it through that terrible struggle, to defend it and to secure the glorious achievements of universal freedom in this country. That is all we want. Let that be announced, and white-leaguers will hunt their holes and their sympathyzing copperhead democrats at the North will retire, and we shall have peace and quiet and order in this country.

This body of men have adopted the policy by which when they are unable to vote down they propose to strike down with the hand of the assassin the voter. These assassins, these bands of conspirators, these revolutionists have the audacity to come up before the country and ask the American people, ask the American Senate, to surrender to them. Why, says the distinguished Senator from Virginia, [Mr. JOHNSTON,] "Let us alone;" "let us have our way;" let us revolutionize Arkansas, let us overturn Louisiana; let us, as a minority, overrule and destroy the rights and privileges of the majority. Let us alone. Ask us to surrender! Are we prepared to follow the honorable Senator from Virginia and accede to his demands? Surrender what? The State of Louisiana to the democratic party. That of itself would be a small matter in fact, and a heavy burden would be taken from us, for a burden it has been indeed. Warmoth had bankrupted the State, and then, under the leadership of the distinguished Senator from Missouri, saddled the republican party with all the disaster and reproach of his maladministration, as he sought refuge and was received in the very bosom of the democracy.

Sir, before we make terms of capitulation to the enemy let us fully understand what they involve. In the first place, it will involve the cowardly surrender of a fundamental principle of our representative form of government, namely, the right of the majority to rule. It would be a surrender to the minority. Second, it would involve the sacrifice of all the glorious achievements of the war, universal liberty, and equal protection for all in their personal and political rights. I apprehend that the American Senate is not ready to accept such ignominious terms, or so utterly lost to every sense of justice and patriotism as to turn over a State government into the hands of the worst set of political banditti known in the annals of the Government. In the language of the honorable Senator from Missouri, we might well say, "that it would furnish unmistakable indication of the decline of free institutions in America." When the American people are so lost to patriotism, so lost to that fidelity which every American should exercise toward his country that we will surrender the achievements of the great war of the rebellion, costing its millions of treasure and its oceans of blood—when we are ready to surrender that, I say, we may well exclaim in the language of the distinguished Senator that "free institutions are on the decline and will soon fall to rise no more."

I will go as far as the Senator in the maintenance of constitutional liberty, both in form and in essence; but I do not appreciate that kind of liberty which is not regulated by law. I fail to see any excellence in that kind of self-government where a minority, by means of the pistol and the bowie-knife, riot, murder, and assassination, subverts the will of the majority. I do not envy the reputation or covet the glory that attaches to any Senator who stands in his place in the American Senate and defends a policy which shields treason, revolution, and the whole catalogue of crimes, and strikes down those sublime safeguards of personal and political liberty secured in the fourteenth and fifteenth amendments to the Constitution.

Mr. LOGAN. As it is not probable that the Senator can finish his remarks to-night—it being now after four o'clock—if he will yield to me I will move that the Senate do now adjourn.

Mr. PEASE. I yield for that purpose.

Mr. LOGAN. Then, Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and thirty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 25, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at sixteen minutes after twelve o'clock.

RECIPROCITY OF TRADE WITH CANADA.

Mr. WILLARD, of Vermont. I present a joint resolution of the Legislature of Vermont, in regard to reciprocity of trade with the Dominion of Canada. I ask that it may be read.

The joint resolution was read; and was referred to the Committee on Commerce, and ordered to be printed.

CENTRAL BRANCH UNION PACIFIC RAILROAD.

Mr. HARRIS, of Massachusetts, introduced a bill (H. R. No. 4468) to refer to the Court of Claims and the Supreme Court the determination of the rights of the Central Branch Union Pacific Railroad Company under existing law; which was read a first and second time.

Mr. RANDALL. I ask for the reading of that bill.

The bill was read at length, and was referred to the Committee on the Judiciary, and ordered to be printed.

PROFESSOR AT UNITED STATES NAVAL ACADEMY.

Mr. PIERCE introduced a bill (H. R. No. 4469) to regulate the position of the professor of English studies, history, and law at the United States Naval Academy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TELEGRAPH LINES IN STATES AND TERRITORIES.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 4470) to establish certain telegraph lines in the several States and Territories as post-roads, and regulate the transmission of commercial and other intelligence by telegraph.

Mr. RANDALL asked for the reading of the bill, and it was read.

The bill was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT ERWIN.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 4471) to afford relief in the judicial courts to Robert Erwin; which was read a first and second time, referred to the Committee on the Judicary, and ordered to be printed.

DAVID R. DILLON.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 4472) to authorize the Secretary of the Treasury to defend certain suits against David R. Dillon; which was read a first and second time, referred to the Committee on the Judicary, and ordered to be printed.

ROBERT C. MARMORE.

Mr. KELLOGG introduced a bill (H. R. No. 4473) for the relief of Robert C. Marmore, late postmaster at Derby, Connecticut; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BANKRUPT LAW.

Mr. KELLOGG also introduced a bill (H. R. No. 4474) to amend an act establishing a uniform system of bankruptcy throughout the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF HARLEM RIVER.

Mr. WOOD presented joint resolutions of the Legislature of New York, in relation to the improvement of Harlem River; which were referred to the Committee on Commerce, and ordered to be printed.

SOUTHERN MARYLAND RAILROAD.

Mr. ARCHER (by request) introduced a bill (H. R. No. 4475) to aid in the construction of the Southern Maryland Railroad, and for other purposes.

Mr. RANDALL asked for the reading of the bill, and it was read.

The bill was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

DR. JOSEPH L. M'WILLIAMS.

Mr. ARCHER also introduced a bill (H. R. No. 4476) for the relief of Dr. Joseph L. McWilliams, of Blackistone Island, Maryland; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL MUMMA.

Mr. LOWNDES introduced a bill (H. R. No. 4477) for the relief of Samuel Mumma, of Washington County, Maryland; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES H. SMITH, M. D.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 4478) for the relief of Charles H. Smith, M. D., of Richmond, Virgina, of all political disabilities; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REUBEN WRIGHT.

Mr. HUNTON introduced a bill (H. R. No. 4479) for the relief of Reuben Wright; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

A. B. WOODRUFF.

Mr. WALLACE introduced a bill (H. R. No. 4480) for the relief of A. B. Woodruff, late postmaster at Woodruff's, South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEEPENING OF CHARLESTON HARBOR.

Mr. RANSIER presented joint resolutions of the General Assembly of the State of South Carolina, relative to the deepening of Charleston Harbor, and asking aid for the same.

Mr. RANDALL asked for the reading of the joint resolutions, and they were read.

The joint resolutions were referred to the Committee on Commerce, and ordered to be printed.

CATHOLIC CHURCH, DALTON, GEORGIA.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 4481) for the relief of the Catholic church at Dalton, Georgia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF ETOWAH RIVER.

Mr. YOUNG, of Georgia, also introduced a bill (H. R. No. 4482) to appropriate the sum of $50,000 for the improvement of the Etowah River, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TUSCUMBIA, ALABAMA.

Mr. SLOSS introduced a bill (H. R. No. 4483) to vest the title to commons, public squares, and streets in the city of Tuscumbia, in the State of Alabama, in the corporate authorities of said city; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES REYER.

Mr. SHEATS introduced a bill (H. R. No. 4484) granting a pension to Charles Reyer, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

APPRAISERS AT PORT OF NEW ORLEANS.

Mr. MOREY introduced a bill (H. R. No. 4485) to amend section 2569 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. RANDALL called for the reading of the bill, and it was read.

STERLING T. AUSTIN.

Mr. MOREY also introduced a bill (H. R. No. 4486) referring the claim of Sterling T. Austin to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOYEAN BERHEL.

Mr. SYPHER introduced a bill (H. R. No. 4487) for the relief of Loyean Berhel; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUISIANA.

Mr. FINCK presented a joint resolution of the General Assembly of the State of Ohio, relating to the expulsion of members of the Louisiana Legislature by the armed forces of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed.

DIETRICH GLANDER.

Mr. GUNCKEL introduced a bill (H. R. No. 4488) for the relief of Dietrich Glander, of Preble County, Ohio; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY E. WAINWRIGHT.

Mr. BANNING introduced a bill (H. R. No. 4489) granting a pension to Mary E. Wainwright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET J. COMAR.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. No. 4490) for the relief of Margaret J. Comar, of Delaware County, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RODDY M'CONNELL.

Mr. SPRAGUE introduced a bill (H. R. No. 4491) to pay a pension to Roddy McConnell, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

TAXES ON DISTILLED SPIRITS AND TOBACCO.

Mr. STANDIFORD introduced a bill (H. R. No. 4492) to amend an act entitled "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July 20, 1868; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

M. FILIAN.

Mr. STANDIFORD also introduced a bill (H. R. No. 4493) providing for the payment to M. Filian of $2,515 for extra cut-stone furnished for the United States custom-house at Louisville; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ROBERT S. GOODALL.

Mr. STANDIFORD also introduced a bill (H. R. No. 4494) granting a pension to Robert S. Goodall, late first-class pilot United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENLISTMENTS IN THE ARMY.

Mr. THORNBURGH introduced a bill (H. R. No. 4495) to further regulate enlistments in the regular Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT S. NEWMAN.

Mr. THORNBURGH also introduced a bill (H. R. No. 4496) for the relief of Robert S. Newman, late second lieutenant Ninth Regiment Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. PAUL F. EVE.

Mr. WHITTHORNE introduced a bill (H. R. No. 4497) for the relief of Dr. Paul F. Eve, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

M'MINNVILLE AND MANCHESTER RAILROAD.

Mr. BRIGHT introduced a bill (H. R. No. 4498) to authorize the Postmaster-General to employ the lessees of the McMinnville and Manchester Railroad to carry the mails from Tullahoma to McMinnville, in the State of Tennessee; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NATIONAL UNION TELEGRAPH COMPANY.

Mr. WILLIAMS, of Indiana, introduced a bill (H. R. No. 4499) to incorporate the National Union Telegraph Company; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DISTRICT FIRE-ALARM TELEGRAPH.

Mr. WILLIAMS, of Indiana, also introduced a bill (H. R. No. 4500) for the construction of a fire-alarm telegraph in the District of Columbia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEWIS B. PARKER.

Mr. PACKARD introduced a bill (H. R. No. 4501) authorizing and permitting Lewis B. Parker to file in the Court of Claims his petition for 20 per cent. due him under the act of February 28, 1867; which was read a first and second time, referred to the Committeee on Claims, and ordered to be printed.

MARY L. WOOLSEY.

Mr. HOLMAN introduced a bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES W. LOVE.

Mr. HOLMAN introduced a bill (H. R. No. 4503) for the relief of James W. Love, postmaster at Patriot, Indiana; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOSEPH H. SUTTON.

Mr. CLEMENTS introduced a bill (H. R. No. 4504) for the relief of Joseph H. Sutton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. MORRISON introduced a bill (H. R. No. 4505) donating condemned cannon to the city of Belleville, Illinois, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WAR CLAIMS.

Mr. BUCKNER presented a memorial and joint resolution of the Legislature of the State of Missouri, concerning certain claims of citizens of that State against the United States Government; which was referred to the Committee on Military Affairs, and ordered to be printed.

FREE IMPORTATION OF BOLTING CLOTHS.

Mr. STANARD introduced a bill (H. R. No. 4506) to allow bolting cloths to be imported into the United States free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BRANCH MINT AT SAINT LOUIS, MISSOURI.

Mr. WELLS introduced a bill (H. R. No. 4507) to establish a branch mint of the United States at Saint Louis, in the State of Missouri; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

INSPECTOR-GENERAL'S DEPARTMENT.

Mr. DONNAN introduced a bill (H. R. No. 4508) to fix the Inspector-General's Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM BUTCHER.

Mr. WALDRON introduced a bill (H. R. No. 4509) for the relief of William Butcher; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIGHT-HOUSE ON LAKE SUPERIOR.

Mr. HUBBELL introduced a bill (H. R. No. 4510) to provide for the construction of a light-house at Sand Island, Lake Superior; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. H. JONES.

Mr. SAWYER introduced a bill (H. R. No. 4511) for the relief of J. H. Jones; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY B. RYDER.

Mr. RUSK introduced a bill (H. R. No. 4512) for the relief of Henry B. Ryder, late consul at Chemnitz; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ELIZABETH HUNT.

Mr. HOUGHTON introduced a bill (H. R. No. 4513) granting a pension to Elizabeth Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. J. M'CORMICK.

Mr. HOUGHTON also introduced a bill (H. R. No. 4514) for the relief of W. J. McCormick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JUDICIAL EXPENSES OF WASHINGTON TERRITORY.

Mr. NESMITH introduced a bill (H. R. No. 4515) for the relief of certain holders of checks drawn on the First National Bank of Portland, Oregon, by Hon. R. S. Green, judge of the district court of the United States for Washington Territory, in payment of certain judicial expenses; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF THE MINNESOTA RIVER.

Mr. STRAIT introduced a bill (H. R. No. 4516) to provide for the improvement of the Minnesota River in the State of Minnesota, and the construction of a lock and dam at the Little Rapids on said river; which was read a first and second time, referred to the committee on Commerce, and ordered to be printed.

IMPROVEMENT OF THE SAINT CROIX RIVER.

Mr. AVERILL presented the concurrent resolution of the Legislature of Minnesota, for the improvement of the navigation of the Saint Croix River; which was referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF GALVESTON HARBOR.

Mr. COBB, of Kansas, presented joint memorial of the Legislature of Kansas, asking Congress to make appropriation for the improvement of Galveston Harbor; which was referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDINGS, TOPEKA, KANSAS.

Mr. LOWE introduced a bill (H. R. No. 4517) to authorize the construction of public buildings at Topeka, Kansas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ASSESSMENTS IN THE DISTRICT OF COLUMBIA.

Mr. HAGANS introduced a bill (H. R. No. 4518) relating to assessments in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CAPITAL CITY FIRE INSURANCE COMPANY.

Mr. HAGANS also introduced a bill (H. R. No. 4519) to incorporate the Capital City Fire Insurance Company of Washington, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON MARKET COMPANY.

Mr. HAGANS also introduced a bill (H. R. No. 4520) to amend an act entitled "An act to incorporate the Washington Market Company;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOSEFA PAREZ.

Mr. ELKINS introduced a bill (H. R. No. 4521) granting a pension to Josefa Parez; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERRITORIES OF THE UNITED STATES.

Mr. MAGINNIS introduced a joint resolution (H. R. No. 146) proposing an amendment to the Constitution concerning the Territories of the United States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

TO CURE TITLE TO REAL ESTATE IN THE DISTRICT.

Mr. CHIPMAN introduced a bill (H. R. No. 4522) to cure the title to certain real estate in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NAMES OF STREETS, ETC., IN WASHINGTON AND GEORGETOWN.

Mr. CHIPMAN also introduced a bill (H. R. No. 4523) to fix the names of the streets, places, and avenues, in the cities of Washington and Georgetown; which was read a first and second time, and, with accompanying explanatory memoranda, referred to the Committee on the District of Columbia, and ordered to be printed.

WALLABOUT BAY, NEW YORK.

Mr. CROOKE introduced a bill (H. R. No. 4524) to provide for the exchange of certain lands in Wallabout Bay, New York, between the United States and the city of Brooklyn; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed:

SERVICE OF PROCESS IN UNITED STATES COURTS.

Mr. KELLEY introduced a bill (H. R. No. 4525) to secure service of process in United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EMPLOYÉS OF FOLDING ROOM.

Mr. DAWES, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Clerk of the House be authorized and directed to pay to Samuel S. Strachan, J. E. W. Thompson, William M. Long, and John N. Hubbard their respective salaries as folders, from the 1st day of July, 1874, to the 6th day of December, 1874, inclusive, out of the appropriation made for folding Agricultural Reports for 1872 and 1873.

PRIVILEGES OF THE HOUSE.

Mr. KASSON. A week ago to-day I entered a motion to reconsider the vote by which the House adopted a resolution directing its Sergeant-at-Arms to respond to the writ issued by the supreme court of the District of Columbia in the matter of R. B. Irwin. I desire now to say that since that time a select committee has been appointed on a kindred subject, and I have no doubt it will be satisfactory to the House to reconsider the resolution in Irwin's case, and have both matters reported on by that committee. I move to reconsider the resolution, and, the emergency having passed for immediate action, to refer it to the select committee already examining the question of the privileges of the House.

The motion was agreed to.

Mr. KASSON moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISCHARGE OF RICHARD B. IRWIN.

Mr. DAWES. I rise to make a privileged motion. I move that Richard B. Irwin be discharged from arrest. I make this motion inasmuch as he has appeared before the committee and answered the questions which were propounded to him by the committee and the House, and such other questions as up to this time they have put to him. The committee do not desire to discharge him as a witness, but simply from arrest.

The motion was agreed to.

Mr. DAWES moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Illinois [Mr. HAWLEY] has risen to move a suspension of the rules. But the Chair will first recognize any gentlemen who were not in the Hall when their States were called and who may desire to present bills for reference.

PORT OF ENTRY AT HOUSTON, TEXAS.

Mr. MILLS introduced a bill (H. R. No. 4526) to establish a port of entry at Houston, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

APPLICATIONS FOR PATENTS.

Mr. STORM introduced a bill (H. R. No. 4527) to prevent persons formerly employed in the Patent Office from prosecuting applications for patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DEBT OF THE DISTRICT.

Mr. GARFIELD. Before the resolution of the gentleman from Illinois [Mr. HAWLEY] is submitted, I ask that a day may be set for the hearing of the appropriation bill in reference to the payment of the interest on the District bonds. That bill was reported from the Committee on Appropriations and ordered to be printed. I ask that it may be considered in the House to-morrow after the morning hour.

The SPEAKER. The Judiciary Committee have to-morrow.

Mr. GARFIELD. Well, I will say Wednesday. It is the bill for the payment of interest on the 3.65 bonds of the District of Columbia. I desire only to say now in regard to it, that, if the bill is to be

passed at all, it should be passed so as to be a law by the 1st of February, in order that the payment of interest may not lapse.

Mr. DAWES. Does it change the existing law as to the rate of interest?

Mr. GARFIELD. It does not. I ask that the bill be made a special order in the House, as in Committee of the Whole, on Wednesday, after the morning hour.

Mr. WILLARD, of Vermont. I object.

Mr. GARFIELD. Then I move that the rules be suspended and the order made.

Mr. HAWLEY, of Illinois. I do not yield for that purpose.

PROCEEDINGS IN IRWIN'S CASE.

Mr. DAWES. The gentleman from Illinois [Mr. HAWLEY] yields to me a moment, that I may ask to have printed in the CONGRESSIONAL RECORD the proceedings under the writ of *habeas corpus* in the case of R. B. Irwin. It was found that there is no record preserved of any of the cases of this kind which preceded this one. Those therefore who were engaged in the argument could not refer to precedents. The Committee on Ways and Means caused the case to be reported by a stenographer, including the argument of counsel and the opinion of the court, and they think it will be wise to have it printed in the RECORD, to be there preserved for the benefit of those who come after us.

Mr. DONNAN. What occasion is there for multiplying the matter in the RECORD, by publishing in it these proceedings? Why not have the usual number of copies printed?

Mr. DAWES. It is not the purpose of the committee to have this printed as a document at all. They prefer to have it printed in the RECORD, believing that people would be more likely to go for information in regard to this case to the RECORD than to a document.

Mr. DONNAN. It would have to be carried through all the bound volumes of the RECORD.

Mr. DAWES. It is not for present use of the House. The time for that has passed; but it is for future reference, and if we place it in the RECORD it will go to all the State Legislatures in the country.

Mr. DONNAN. It ought to be printed in a separate document by itself.

Mr. DAWES. I hope the gentleman from Iowa will not object.

There being no objection, the order was made.

[The proceedings of the court will be found at the end of the House proceedings of this date.]

DEBT OF THE DISTRICT OF COLUMBIA.

Mr. GARFIELD. I now ask unanimous consent to make my motion in relation to the bill for the payment of interest on the debt of the District of Columbia.

Mr. RANDALL. I object.

INTERNAL IMPROVEMENTS.

Mr. HAWLEY, of Illinois. I offer the following resolution:

Resolved, That the rules be suspended so as to permit the Committee on Railways and Canals now to report House bill No. 145, for the construction of a canal connecting the waters of Lake Michigan, the Illinois, the Mississippi, and the Rock Rivers, and that said bill be made the special order for consideration in the House on Tuesday, the 2d day of February next, at one o'clock p. m., to the exclusion of all other orders.

Mr. BURCHARD. I suggest that the bill be considered in the House on that day as in Committee of the Whole.

Mr. HOUGHTON. Is there not already a special order for that day?

The SPEAKER. What is it?

Mr. HOUGHTON. The bill in relation to the Omaha bridge.

The SPEAKER. Was that made the special order for the first Tuesday in February?

Mr. HOUGHTON. Yes, sir; for the first Tuesday in February.

Mr. HAWLEY, of Illinois. This resolution would suspend that order, if the House should agree to it.

Mr. HOUGHTON. I object to that.

Mr. SAYLER, of Ohio. Has there been any report by any committee on that bill?

Mr. HOUGHTON. Yes, sir.

The SPEAKER. The Chair thinks that the bill was not made the special order for the first Tuesday in February. The Chair is under the impression that it was only a postponement and that the motion to which the House agreed was that the further consideration of the bill be postponed until the first Tuesday in February. That is the recollection of the Chair, and the Journal sustains the Chair in that recollection. The bill was only postponed until the first Tuesday in February.

Mr. HOUGHTON. The proposition was to make it a special order for that day.

The SPEAKER. That would have required either unanimous consent or a suspension of the rules, and the Chair's recollection is that the arrangement was made by a majority vote.

Mr. HOUGHTON. I believe it was done by unanimous consent.

The SPEAKER. If the gentleman from Illinois will amend his resolution so as to make it Wednesday, the 3d of February, that will avoid any conflict with the bill to which the gentleman from California refers, and the gentleman from California will then hold any rights that he now has in reference to the Omaha bill.

Mr. HAWLEY, of Illinois. I have no objection to the change being made.

The SPEAKER. Then the resolution will be altered so as to read Wednesday, the 3d of February, instead of Tuesday, the 2d.

Mr. HALE, of Maine. The resolution ought to provide that the consideration of the bill shall be confined to one day.

The SPEAKER. But one day is provided for by the resolution; it simply provides that the bill shall be considered on that one day.

The question was put upon seconding the motion to suspend the rules; and on a division there were ayes 120, noes not counted.

So the motion was seconded.

The question recurred upon suspending the rules and adopting the resolution.

Mr. SMITH, of Ohio. Upon that motion I call for the yeas and nays.

Mr. HOLMAN. As this is the entering wedge of a general system of appropriations for internal improvements, I also ask for the yeas and nays.

Mr. CREAMER. I object to debate.

The yeas and nays were ordered.

The question was taken; and there were—yeas 180, nays 55, not voting 53; as follows:

YEAS—Messrs. Adams, Albert, Ashe, Averill, Banning, Barber, Barrere, Barry, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Bundy, Burrows, Roderick R. Butler, Cain, Caldwell, Cannon, Carpenter, Cason, Cessna, John B. Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Creamer, Crittenden, Crooke, Crossland, Crounse, Curtis, Darrall, DeWitt, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Eden, Eldredge, Farwell, Field, Finck, Fort, Foster, Freeman, Glover, Gooch, Gunter, Hagans, Robert S. Hale, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hodges, Houghton, Hubbell, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Knapp, Lamar, Lamison, Lamport, Lansing, Lawrence, Lawson, Leach, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Magee, Martin, Maynard, McCrary, James W. McDill, McNulta, Mills, Moore, Morey, Morrison, Negley, Nesmith, Niblack, Nunn, Orr, Orth, Packard, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Read, Richmond, Robbins, Rusk, Sawyer, Milton Sayler, Schell, John G. Schumaker, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Smart, A. Herr Smith, J. Ambler Smith, Snyder, Sprague, Stanard, Standiford, Starkweather, Stephens, St. John, Stone, Stowell, Strait, Sypher, Charles R. Thomas, Thompson, Thornburgh, Tremain, Vance, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whiteley, George Willard, John M. S. Williams, William Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—180.

NAYS—Messrs. Albright, Arthur, Atkins, Berry, Brown, Buffinton, Burchard, Burleigh, Chittenden, Amos Clark, jr., Freeman Clarke, Clymer, Cox, Davis, Garfield, Giddings, Gunckel, Hamilton, Benjamin W. Harris, Harrison, Holman, Hoskins, Hunter, McLean, Merriam, Monroe, Neal, O'Brien, O'Neill, Hosea W. Parker, Potter, Randall, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Scofield, Lazarus D. Shoemaker, Small, H. Boardman Smith, John Q. Smith, Southard, Speer, Storm, Strawbridge, Taylor, Christopher Y. Thomas, Todd, Townsend, Tyner, Weddell, Waldron, Whitthorne, Charles W. Willard, and William B. Williams—55.

NOT VOTING—Messrs. Archer, Barnum, Bass, Buckner, Benjamin F. Butler, Clinton L. Cobb, Crutchfield, Danford, Dawes, Frye, Eugene Hale, Harmer, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hooper, Howe, Kendall, Killinger, Luttrell, Marshall, Alexander S. McDill, MacDougall, McKee, Milliken, Mitchell, Myers, Niles, Packer, Page, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Henry J. Scudder, Sener, Sloss, George L. Smith, William A. Smith, Swann, Walls, Wheeler, Whitehouse, Wilber, Charles G. Williams, Ephraim K. Wilson, Wood, and Woodworth—53.

So (two-thirds voting in favor thereof) the rules were suspended and the resolution adopted.

Mr. HAWLEY, of Illinois. Under the resolution just adopted the committee are authorized now to report.

Mr. HURLBUT. I report back from the Committee on Railways and Canals House bill No. 145, to provide for the construction of a canal connecting the waters of Lake Michigan, the Illinois, the Mississippi, and Rock Rivers, with amendments. I move that the bill and amendments be printed and recommitted.

The SPEAKER. What is the object of the gentleman in reporting the bill now?

Mr. HOLMAN. I ask that the bill be reported to the House.

Mr. HAWLEY, of Illinois. There is no object in reporting the bill except to have it in the control of the committee.

The SPEAKER. That is the very purpose of the resolution.

Mr. HAWLEY, of Illinois. The resolution is that the committee shall now have leave to report.

The SPEAKER. Certainly; and the bill was made a special order for a certain day. That gives the committee a right to report on that day.

The motion to print and recommit was agreed to.

Mr. HURLBUT. As the committee may be called in my absence, I ask leave to make another report at this time.

Mr. CESSNA. I rise to a privileged motion, and move to suspend the rules for the purpose of adopting the resolution which I send to the Clerk's desk.

FORTIFICATION APPROPRIATION BILL.

Mr. STARKWEATHER. Before that is done, I ask unanimous consent to concur in the Senate amendment to the bill (H. R. No. 3823) making appropriations for fortifications and other works of public defense for the fiscal year ending June 30, 1876. The amendment of the Senate does not increase the amount appropriated by the bill; it merely transfers $15,000 from Fort Jefferson, Garden Key, to Fort Taylor and batteries, Key West.

No objection was made, and the amendment was concurred in.

Mr. STARKWEATHER moved to reconsider the vote by which the

amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUSPENSION OF THE RULES.

Mr. CESSNA. I move that the rules be suspended and the resolution adopted which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the rules of the House of Representatives be so far suspended during the remainder of the present session of the Forty-third Congress as to prevent the Speaker from entertaining any dilatory motion pending the consideration of any public bill or joint resolution, or of any motion to bring, or the result of which may bring, before the House for consideration such public bill or joint resolution; and this order shall apply to amendments offered in the House, or adopted in the Senate and awaiting concurrence in the House, upon such public bills or joint resolutions, and to any report of a committee thereon.

Mr. RANDALL. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. RANDALL. That is an amendment of the rules, and no notice has been given of it.

The SPEAKER. It is a proposition to suspend the rules, among which is the one which requires notice to be given.

Mr. RANDALL. If the Speaker will look at Rule 145, requiring one day's notice to be given——

The SPEAKER. Precisely; that is under the rules. This is a proposition to suspend all the rules, that one included.

Mr. RANDALL. Then I call the yeas and nays.

Mr. ELDREDGE. Would it not be better to abolish all the rules and put the minority absolutely in the hands of the majority?

Mr. CESSNA. I object to debate.

Mr. HOLMAN. Is not the effect of this proposition to deprive the minority of the power to make a record in the House by a yea and nay vote, a right which is guaranteed in the Constitution?

Mr. BUTLER, of Massachusetts. O, no.

Mr. BECK. Is it in order to raise the question of consideration upon this resolution?

The SPEAKER. That is a right under the rules, and this is a proposition to suspend the rules.

Mr. COX. Should not the proposition to suspend the rules to so great an extent as that go to the Committee on Rules?

The SPEAKER. There might be propriety in so referring it, but no parliamentary obligation to do so.

Mr. CESSNA. I object to debate.

Mr. ELDREDGE. I want to ask a question.

Mr. BUTLER, of Massachusetts. This is only to prevent a waste of the public time.

Mr. RANDALL. I give notice that this is a proposition to open the Treasury to every conceivable scheme of public plunder.

Mr. CESSNA. The statement of my colleague [Mr. RANDALL] is not warranted by anything in the resolution.

Mr. WOOD. It is setting a bad example to the next House.

Mr. MERRIAM. I desire to make a parliamentary inquiry. In case of the passage of this resolution, will it deprive us, who desire to defeat all subsidy measures, of all opportunity to do so by dilatory motions, otherwise called filibustering?

The SPEAKER. The Chair apprehends that the resolution refers to proceedings in the House; subsidy bills would probably be considered in Committee of the Whole.

Mr. CESSNA. It carefully avoids that.

Mr. KASSON. I wish to inquire as to the effect of this resolution in limiting the power of amendment. If I understand the resolution rightly, it is enormous in the extent to which it cuts off the right of amendment.

Mr. ELDREDGE. That is the intention of the resolution.

Mr. KASSON. I would be glad to have that clause read again.

Mr. WILLARD, of Vermont. Let it all be read again.

The resolution was again read.

Mr. SMITH, of Ohio. Mr. Speaker, under that resolution, if adopted, would it be in order, when a bill of a public nature is before the House, to move to adjourn?

The SPEAKER. It would be in order to move to adjourn. Under the construction given to "dilatory motions," a motion to adjourn might or might not be regarded as dilatory, according to circumstances.

Mr. SPEER. I desire to ask my colleague [Mr. CESSNA] whether he reports this resolution in obedience to the resolve of any caucus held recently.

Mr. CESSNA. I am responsible for this resolution; it is in my own language.

Mr. SMITH, of Ohio. Would a motion to take a recess be regarded as a dilatory motion within the purview of this resolution?

The SPEAKER. The repetition of such a motion might be so construed.

Mr. CESSNA. Yes, sir; the frequent repetition of it. That is a question I leave to the Chair.

The SPEAKER. A dilatory motion is recognized as one obviously for the purpose of delay.

Mr. COX. Would it be in order to move to amend the resolution so as to provide that all rules be suspended, and that we go home?

Mr. RANDALL. I call for the regular order.

The SPEAKER. The question is upon seconding the motion for a suspension of the rules. On that question the Chair appoints as tellers the gentleman from Pennsylvania, Mr. CESSNA, and his colleague, Mr. RANDALL.

The House divided; and the tellers reported—ayes 126, noes 86.

So the motion to suspend the rules was seconded.

The SPEAKER. The question now recurs on suspending the rules and agreeing to the resolution.

Mr. RANDALL. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 99, not voting 39; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Freeman, Gooch, Gunckel, Hagans, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kellogg, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pike, Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, James W. Robinson, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—150.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Burchard, Burleigh, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Foster, Giddings, Glover, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Kasson, Knapp, Lamar, Lamison, Leach, Lowndes, Luttrell, Magee, McLean, Merriam, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, Ross, Milton Sayler, Schell, Sener, Sloss, J. Ambler Smith, John Q. Smith, Southard, Speer, Standiford, Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Charles W. Willard, George Willard, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—99.

NOT VOTING—Messrs. Albert, Barnum, Freeman Clarke, Danford, Dawes, Eden, Farwell, Frye, Garfield, Harmer, Hendee, Hersey, George F. Hoar, Kelley, Kendall, Killinger, Marshall, Alexander S. McDill, MacDougall, Mitchell, Nesmith, Packer, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Rusk, John G. Schumaker, Scofield, Henry J. Scudder, George L. Smith, William A. Smith, Stowell, Walls, Wheeler, Whitehouse, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodworth—39.

So (two-thirds not voting in favor thereof) the resolution was not agreed to.

During the roll-call the following announcements were made:

Mr. NESMITH. On this question I am paired with the gentlemen from Virginia, Mr. STOWELL and Mr. PLATT. On this question they, if present, would vote "ay," while I would vote "no."

Mr. GUNCKEL. My colleague, Mr. DANFORD, is detained at his room by sickness.

Mr. SHOEMAKER, of Pennsylvania. My colleague, Mr. PACKER, is necessarily absent from the House to-day.

Mr. FOSTER. My colleague, Mr. GARFIELD, is absent in the Supreme Court. If present, he would vote "ay."

Mr. BUTLER, of Massachusetts. Well, why does he not come here and do it?

The result of the vote was announced as above stated.

PACIFIC MAIL STEAMSHIP SUBSIDY.

Mr. SMITH, of Ohio. I move to suspend the rules and adopt the following resolution.

The Clerk read as follows:

Resolved, That it shall be in order in the consideration of the bill making appropriation for the service of the Post-Office Department in the Committee of the Whole to consider the following amendment, namely:

So much of an act entitled "An act making appropriation for the service of the Post Office Department for the year ending June 30, 1873," approved June 1, 1872, as relates to and authorizes a contract to be made by the Postmaster-General with the Pacific Mail Steamship Company, for service between San Francisco and Japan and China, is hereby repealed, and any such contract made in pursuance of said act is hereby annulled.

The motion to suspend the rules was seconded.

The rules were suspended and the resolution adopted.

J. E. D. COUZINS, OF SAINT LOUIS.

Mr. STANARD. I move to suspend the rules for the purpose of taking from the Speaker's table and passing a bill (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis.

The bill, which was read, authorizes the Secretary of the Treasury to pay to J. E. D. Couzins, of Saint Louis, Missouri, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 in full for services rendered to the Government of the United States in the detection and conviction of counterfeiters of United States Treasury notes.

Mr. BUTLER, of Massachusetts. Has that bill gone to any committee in this House?

The SPEAKER. The Chair is not advised.

Mr. BUTLER, of Massachusetts. I do not think we ought to vote for a suspension of the rules in this case, having just voted down a

suspension of the rules to facilitate the transaction of the public business. I do not think this House ought now to agree to take up from the Speaker's table and pass a private bill taking it from under the civil-rights bill.

Mr. STANARD. I am satisfied, if the House will listen to a statement for a few minutes, they will not object to the passage of this bill.

Mr. BUTLER, of Massachusetts. I insist it shall not be taken up from the Speaker's table from under the civil-rights bill.

The House divided; and there were—ayes 52, noes 56.

So the House refused to second the motion to suspend the rules.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. NEGLEY, in pursuance of a previous suspension of the rules, reported from the Committee on Commerce a bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri."

The bill, which was read, in its first section provides that the Saint Clair and Carondelet Bridge Company be, and the same is thereby, authorized and empowered, in constructing the bridge authorized by the act of which the act is amendatory, to erect over the main channel of said river three straight continuous spans of not less than four hundred feet each in the clear, of the pier, at low-water mark, the center span to be placed over the main channel, instead of "the two spans over the main channel of the river" required by the act of which the act is amendatory; provided that any bridge built under the provisions of the act, or the act of which the act is amendatory, shall not be constructed of arched spans.

The second section provides that the said corporation shall accept the bridge site numbered "2" on the plan and survey submitted to the Secretary of War, and the company shall be required to close Cahokia Bend by a dam or similar work to hold the channel against the western bluffs above the bridge; and provided further that after the said company shall have accepted the site and definitely planned the bridge with its piers, the plan shall be submitted to the Secretary of War for his approval. And in maintaining and operating said bridge it shall be subject to all the conditions and restrictions imposed by the act of which this is amendatory.

Mr. WELLS. I hope the gentleman from Pennsylvania will not insist upon having that bill passed under a suspension of the rules without at least allowing some discussion on it. This is a private corporation.

Mr. NEGLEY. I insist on my first having the floor on the bill.

Mr. WELLS. I move the House adjourn.

The House divided; and there were—ayes 59, noes 78.

Mr. STANARD. Will the House listen to me for a moment on the subject of building a bridge across the Mississippi River at Saint Louis?

Mr. BUTLER, of Massachusetts. I rise to a privileged question.

Mr. WELLS. I demand the yeas and nays on the motion to adjourn.

Mr. BUTLER, of Massachusetts. The demand comes too late.

Mr. WELLS. I have been on the floor demanding it all the time.

Mr. BUTLER, of Massachusetts. I rise to a privileged motion.

The SPEAKER. It is not higher than the motion to adjourn.

Mr. BUTLER, of Massachusetts.. I move to go to the business upon the Speaker's table.

The SPEAKER. That is under the rule, and this is a suspension of the rules.

Mr. NEGLEY. Let me be heard for one moment.

Mr. RANDALL. Not unless some one has the right to reply to you.

Mr. NEGLEY. I am not to be dictated to by my colleague.

Mr. RANDALL. I do not care whether you wish it or not, you will receive what I give you.

Mr. NEGLEY. I will retaliate.

Mr. RANDALL. Go ahead.

Mr. NEGLEY. Mr. Speaker——

Mr. RANDALL. I object to debate unless the other side is heard.

Mr. WELLS. I insist on my demand for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 66, nays 163, not voting 59; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Blount, Bowen, Bright, Brown, Burchard, Caldwell, John B. Clark, jr., Cook, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, Hatcher, Havens, Herndon, Hunton, Knapp, Lamar, Lamison, Leach, Magee, Martin, McLean, Milliken, Mills, Neal, Niblack, O'Brien, Hosea W. Parker, Pratt, Read, Robbins, Milton Sayler, Schell, Sloss, Standiford, Stone, Strait, Vance, Waddell, Wells, Whitthorne, Willie, Wolfe, Wood, and John D. Young—66.

NAYS—Messrs. Albert, Albright, Averill, Barrere, Bass, Begole, Biery, Bland, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Cox, Crooke, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Holman, Hoskins, Houghton, Howe, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Lansing, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Maynard, McCrary, James W. McDill, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, Pierce, Thomas C. Platt, Poland, Potter, Rainey, Randall, Ransier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Speer, Sprague, Stansrd, Starkweather, St. John, Storm, Strawbridge, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—163.

NOT VOTING—Messrs. Barber, Barnum, Barry, Bromberg, Buckner, Clinton L. Cobb, Comingo, Curtis, Danford, Dawes, Farwell, Frye, Garfield, Harmer, Harrison, Hendee, Hereford, Hersey, George F. Hoar, Hooper, Hubbell, Hynes, Kendall, Killinger, Lamport, Lawrence, Luttrell, Marshall, Alexander S. McDill MacDougall, McKee, Mitchell, Morrison, Nesmith, Phelps, Pike, James H. Platt, jr., Purman, Rapier, William R. Roberts, James C. Robinson, John G. Schumaker, Isaac W. Scudder, George L. Smith, William A. Smith, Snyder, Southard, Stephens, Stowell, Swann, Sypher, Wallace, Walls, Wheeler, Whitehead, Whitehouse, Ephraim K. Wilson, Woodworth, and Pierce M. B. Young—59.

So the House refused to adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that in the absence of the Vice-President the Senate had chosen Hon. HENRY B. ANTHONY, a Senator from the State of Rhode Island, President of the Senate *pro tempore*.

The message also informed the House that the Senate had passed, without amendment, bills of the House of the following titles:

The bill (H. R. No. 3006) authorizing the President to nominate Holmes Wickoff an assistant surgeon in the Navy; and

The bill (H. R. No. 4462) for the relief of Alexander Burtch.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

The bill (S. No. 706) to amend section 1422 of the Revised Statutes of the United States relating to the better government of the Navy.

The bill (S. No. 843) for the relief of survivors of the Polaris; and

The bill (S. No. 1166) granting the right of way over the public lands for the construction of a wagon-road in Salt Lake County, Utah Territory.

BRIDGE ACROSS THE MISSISSIPPI.

Mr. NEGLEY. I am confident the House does not understand the nature of this bill. I have no objection to discussion. I will yield half of my time to the gentleman from Missouri, [Mr. STANARD,] to allow him to make any remarks he may desire to offer in support of his amendment and to have the sense of the House tested on it.

Mr. BUTLER, of Massachusetts. I rise to a privileged motion. I move that the House proceed to business on the Speaker's table, for the purpose of taking therefrom the civil-rights bill.

The SPEAKER. The bill which the gentleman from Pennsylvania [Mr. NEGLEY] brings to the attention of the House comes up in this way: At an early period of the session in December, on two successive Mondays, the gentleman from Pennsylvania procured the suspension of the rules that there might be one hour given to the consideration of the bill on some succeeding Monday. This was repeated, the Chair thinks, three times. The gentleman's hour has now been about three-fourths exhausted. A little over forty minutes of it have run.

Mr. RANDALL. The gentleman may modify his motion for the suspension of the rules by making it a motion to bring the bill before the House for consideration.

The SPEAKER. The bill, the Chair thinks, is really before the House.

Mr. RANDALL. Very well; let him go on.

Mr. BUTLER, of Massachusetts. I desire to ask the Chair if my motion is in order?

Mr. NEGLEY. The bill has been reported by the Committee on Commerce, and I am directed by the committee to ask its passage without amendment. But I am willing to concede any proper courtesy to the gentleman from the Saint Louis district if I am not met by filibustering.

Mr. BUTLER, of Massachusetts. Is not my motion in order?

The SPEAKER. The Chair thinks the gentleman from Pennsylvania is now proceeding under a suspension of the rules.

Mr. BUTLER, of Massachusetts. But the suspension of the rules was only on that day. That suspension is done and ended, the gentleman having got an hour.

The SPEAKER. When the House suspends the rules and appoints a day to be given exclusively, or an hour to be given exclusively, to any purpose, the day or the hour must be given to that purpose.

Mr. BUTLER, of Massachusetts. Very good.

The SPEAKER. But the order does not exclude filibustering motions.

Mr. STANARD. I do not remember that this bill was made a special order for to-day. It was made a special order on two or three successive Mondays, and those days were allowed to pass without the bill being brought up for consideration.

The SPEAKER. The Chair thinks that the gentleman from Pennsylvania distinctly called the attention of the House to the fact that the privilege of the bill was not waived. The gentleman had the privilege of bringing up the bill during those Mondays. He gave

way for other business but did not waive his privilege, and the Chair does not think he lost his right.

Mr. STANARD. I will say in this connection that I have no objection——

Mr. NEGLEY. I must object to debate.

Mr. STANARD. I am not debating. I have no objection to the consideration of this bill at this time, if sufficient time shall be given to myself and my colleagues who are especially interested in this matter to discuss the subject and bring it properly before the House, so that they may vote on it intelligently.

Mr. NEGLEY. If the gentleman will offer his amendment I will allow it to be pending, and will then call the previous question on the bill and amendment.

Mr. STANARD. How long time does the gentleman propose to allow for the consideration of the bill on this occasion?

Mr. NEGLEY. I will give the gentlemen as much time as he wants out of my hour.

The SPEAKER. The gentleman has not got an hour.

Mr. NEGLEY. Will I not have an hour if the previous question is ordered on the bill and amendment?

The SPEAKER. That will not give the gentleman an hour.

Mr. CONGER. It was agreed in the Committee on Commerce that when this matter should be brought up an hour should be given to the discussion of it; and any motion tending to that——

Mr. BUTLER, of Massachusetts. I call the gentleman from Michigan to order.

Mr. CONGER. I think at least one hour should be given for the discussion of this bill.

Mr. BUTLER, of Massachusetts. I call the gentleman to order. He shall not tell what was done in his committee-room.

Mr. CONGER. I do not ask the gentleman from Massachusetts to protect the honor of the Committee on Commerce or of myself. I can protect my honor myself.

Now, I think it but fair that in pursuance of the order of the House made heretofore one hour should be given to the consideration of this question and that the gentlemen who are opposed to this bill have their proper portion of the time to discuss the bill before the House.

Mr. BUTLER, of Massachusetts. I do not oppose this bill or favor it. I only desire that great public measures shall not be postponed for these small matters.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States, by Mr. BABCOCK, his Private Secretary.

The message informed the House that the President had approved and signed bills of the following titles, namely:

A bill (H. R. No. 4213) to provide for compensating the officers of the Government in observing the transit of Venus; and

A bill (H. R. No. 4214) declaratory of the act entitled "An act to amend the customs-revenue laws and to repeal moieties" approved June 22, 1874.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. NEGLEY. If I were to permit the gentleman from Missouri [Mr. STANARD] to offer his amendment to the bill, could we secure the previous question? If the previous question is seconded on the bill and on the amendment, will not that entitle me to one hour?

The SPEAKER. It will not, because the hour that belongs to a member after the previous question is seconded is only when it is a report from a committee.

Mr. NEGLEY. Then is it not in order for me to move the consideration of the bill?

The SPEAKER. An hour was given to the gentleman, and of course it ran from the time that the bill came before the House; but a motion was made to adjourn, on which the yeas and nays were called, and the time so occupied comes out of the gentleman's hour.

Mr. NEGLEY. I have no desire at all to prevent a discussion on the amendment of the gentleman from Missouri; but if there be no discussion it is due to the fact that my time has been taken up by dilatory motions. Can I not move to suspend the rules?

The SPEAKER. The gentleman is entitled to ask the previous question.

Mr. NEGLEY. Then I ask the previous question on the bill.

Mr. STANDARD. I hope such a bill as this will not be passed under a suspension of the rules, when there is so much to be said upon the subject *pro* and *con*.

Mr. MORRISON. If we wait to pass this bill until my friend from Missouri is ready to pass it, it never will be passed. The bill is substantially the same bill which once passed the House.

Mr. WELLS. I move to lay the bill upon the table.

The question was put; and there were ayes 45, noes not counted.

So the House refused to lay the bill upon the table.

The question recurred upon seconding the previous question on ordering the bill to be engrossed and read a third time.

Mr. COTTON. I ask that the bill be again read.

The Clerk again read the bill.

Mr. BUTLER, of Massachusetts. I rise to a privileged motion. I desire to move that the House proceed to business on the Speaker's table, to take therefrom the civil-rights bill. The morning hour having expired, I can take any one off the floor for that motion.

Mr. RANDALL. I submit that the gentleman cannot do that.

The SPEAKER. The Chair thinks he cannot during the time allotted for the consideration of this bill.

Mr. BUTLER, of Massachusetts. But that time has passed, if I understand it.

The SPEAKER. Not quite.

Mr. NEGLEY. A great deal of my time has been taken up by the introduction of other questions and that time should not be deducted from my hour.

Mr. STANDARD. I understood the gentleman made a motion to suspend the rules and pass the bill.

Mr. NEGLEY. No, sir; I did not. I moved the previous question.

Mr. SPEER. I suggest to my colleague that he allow the amendment of the gentleman from Missouri [Mr. STANARD] to be considered pending; that is fair.

Mr. NEGLEY. I offered him that privilege some time ago, and he would not accept it.

Mr. STANARD. Then I offer the amendment now.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry; when will the hour of the gentleman from Pennsylvania expire?

The SPEAKER. In about five minutes.

The Clerk read Mr. STANARD's amendment, as follows:

In line 7 strike out the word "three" and insert "two;" so that it shall read "two straight, continuous spans;" and in line 7, after the word "hundred," insert the words "and fifty;" so that it will read "less than four hundred and fifty feet."

The previous question was seconded and the main question ordered, being first upon the amendment offered by Mr. STANARD.

Mr. STANARD. May I be allowed to say a word in relation to that amendment?

Mr. NEGLEY. How much time have I left?

The SPEAKER. Only about five minutes.

Mr. STANARD. This bill provides for the construction of a bridge across the Mississippi River at Saint Louis.

Mr. NEGLEY. I must object to debate until I can make some arrangement with the gentleman.

Mr. STANARD. I repeat that this bill provides for the construction of a bridge across the Mississippi River at the city of Saint Louis.

Mr. NEGLEY. I object to debate.

Mr. SCOFIELD. I appeal to my colleague to allow our friend from Saint Louis to say a few words. He certainly ought to be allowed to speak upon this amendment.

Mr. STANARD. I am not opposed to this bill if they will allow an amendment to be put upon it. I wish to tell the House why this amendment should be adopted.

Mr. NEGLEY. I am willing to give the gentleman five or ten minutes to discuss his proposition; but gentlemen commence their operations by filibustering against the bill.

Mr. STANARD. I did not do so.

Mr. WELLS. It is the people of the Mississippi Valley against a private corporation.

Mr. MORRISON. There are as many people in Illinois as in Missouri, and we want this bridge.

Mr. NEGLEY. I will yield to the gentleman from Missouri [Mr. STANARD] for five minutes.

Mr. BUTLER, of Massachusetts. Has the gentleman any five minutes to yield?

The SPEAKER. The previous question has been seconded.

Mr. STANARD. I am obliged to the gentleman from Pennsylvania [Mr. NEGLEY] for yielding five minutes to me. This bill provides——

Mr. NEGLEY. I desire to ask if I will have any time left after the gentleman from Missouri has spoken for five minutes?

The SPEAKER. Only by general consent.

Mr. NEGLEY. I hope the House will yield to me five minutes to make a reply.

The SPEAKER. The Chair hears no objection to the same amount of time being given to the gentleman from Pennsylvania.

Mr. STANARD. This is a bill of a great deal of importance to the city of Saint Louis and to the southern and also the northern commerce of the Mississippi Valley. The bill provides for the construction of a bridge at the southern extremity of Saint Louis or at Carondelet. There has been one bridge built over the Mississippi River at Saint Louis, with five hundred feet span, or five hundred feet between the piers. When that bridge bill was before Congress it was thought that it was necessary to have at least five hundred feet between the piers. The merchants of the city of Saint Louis are still of opinion that it is necessary to have as wide a water-way as possible between the piers of any bridge constructed at such a point.

This bill contemplates the construction of a bridge across the Mississippi River at Saint Louis, or at Carondelet in the city of Saint Louis, with but four hundred feet span, or four hundred feet between the piers, one hundred feet less than the spans of the other bridge. This matter was considered of such great importance that the Secretary of War last summer convened a board of engineers, who were instructed to go to Carondelet and examine in regard to the construction of this bridge, what its width between the piers should be. I will read briefly what they say upon this subject from their report.

After having heard testimony from both sides, those who were in favor of a narrow-span bridge and those who were in favor of a wide-span bridge, and also hearing testimony from those who where mutually interested in both railroad and river commerce and had no private ends to subserve, the commission came to this conclusion—

That the bridge authorized by the preceding section to be built shall be subject to the following conditions: The two spans over the main channel of the river shall not be less than four hundred and fifty feet in the clear from pier to pier at low-water mark.

That is exactly what my amendment contemplates shall be the width of this span, four hundred feet from pier to pier, in accordance with the recommendation of the board of engineers. The commission go on to say:

No fixed span over the water shall be less than two hundred and fifty feet in the clear; the elevation of the channel spans of said bridge shall not be less than one hundred feet above low-water mark, measured to the lowest part of the superstructure; a pivot-draw, giving two clear openings of one hundred and sixty feet each, measured on the low-water line, shall be provided at a place of safe and convenient access at all stages.

The representatives of the city of Saint Louis, with a desire to make a compromise and with no desire to oppose the construction of this bridge, after thorough consultation, have agreed to do away with the draw which this report contemplates, and ask simply that the bridge shall be made with spans of four hundred and fifty feet, instead of four hundred feet in the clear between the piers. They are willing to make this concession to the bridge company. The only matter in dispute now, the only difference of opinion between the constructors of this bridge and the merchants and others is this: the constructors desire to build the bridge with four hundred feet span between the piers, and those opposed want four hundred and fifty feet.

If this bill is to pass, (and I hope it will pass if the House will put on my amendment,) I hope it will be with an amendment giving four hundred and fifty feet span between the piers instead of only four hundred feet. There has yet been constructed no bridge across the Mississippi River between Saint Louis and New Orleans. The commerce upon that river is enormous. The tow-boats run with large tows upon either side. If you allow this bridge to be constructed at the southern extremity of the city of Saint Louis with but four hundred feet span you will be setting a precedent for the building of other bridges every two or three hundred miles from Saint Louis to New Orleans with four hundred feet between the piers, thereby greatly obstructing navigation and commerce.

The engineers say further:

The above provisions are believed to be just and reasonable to the interests of rivers and railroads.

I have no interests to serve here except those of the public. I am as much interested in the construction and maintenance of railroads as I am in the navigation of rivers; but I believe, as a representative of the people of the city where this bridge starts, that this proposition to require spans of four hundred and fifty feet is a fair compromise as between all interests.

Mr. Speaker, the Merchants' Exchange of Saint Louis, composed entirely of merchants, who are as much interested in railroad transportation as in river navigation, have thoroughly considered this subject, and reached conclusions which I have not time to read in full. Some of them are quite radical in their views, believing that this bridge at South Saint Louis should have piers distant five hundred feet, instead of four hundred and fifty; but a majority are willing to agree to a compromise, and consent to spans of four hundred and fifty feet, as the bill will provide if my amendment be adopted. The report of the merchants of the city of Saint Louis, after discussing the matter thoroughly, concludes in this way:

If, however, in the judgment of your board, a truss-bridge of five hundred feet span is impracticable, we would suggest four hundred and fifty feet as being the least width of span at all consistent with the requirements of navigation, with a height of one hundred feet above high-water. We deem it imperatively necessary, to meet the various exigencies that are probable to arise in the future, that no bridge except a suspension bridge should be built without a draw across a navigable stream; and we feel assured that the observation and sound judgment of your board of engineers will fully indorse this necessity.

[Here the hammer fell.]

Mr. NEGLEY. Mr. Speaker, I ask the attention of the House to the provisions of the bill now pending, which has been fully considered by the Committee on Commerce in the last as well as the present session of Congress. The proposition to extend this span is not a proposition to give additional water-way. It will lessen the water-way. The channel at the point of the location of this bridge is only eight hundred feet wide; the whole water-way is about twelve hundred feet at high water. Hence by having three spans of four hundred feet greater water-way will be given than with one or two spans of five hundred feet. Consequently the bill in its present form is in the interest of navigation. Again, this bridge is to be constructed at a great elevation. From the top of the piers to the base in the bottom of the river the distance is one hundred and forty feet. Any additional elevation, entailing an additional expense, will be an unnecessary tax upon commerce. The gentleman from Missouri admits that there is no objection to this bridge. It has been authorized by law. This bill is simply an amendment of the existing law as to the plan of construction. The report of the engineers states that "arch-bridges, unless of extraordinary height, are utterly inadmissible over navigable streams."

Now the opposition as it has been disclosed by the arguments before the committee comes from the friends and stockholders of another bridge company, a company now charging a tax of five dollars a car upon every car-load of coal carried from the coal-fields of Illinois into the State of Missouri. In lessening the expense in the construction of the bridge and removing a monopoly through competition, it is in the interests of commerce. The Committee on Commerce have considered all the objections, and have listened with much patience to every appeal from the friends of the other bridge company, and have directed me to report the bill and ask its passage without the amendment. I trust that the eloquent appeals of the gentleman from Missouri [Mr. STANARD] may not warp the judgment of the House in opposition to a measure proposing cheap transportation and a free right of way across a great river.

Mr. STANARD. We make no opposition to the passage of the bill with the amendment.

Mr. HAZELTON, of Wisconsin. I wish to ask my friend from Pennsylvania [Mr. NEGLEY] whether this bill contains any provision to prevent the rights which it confers upon this company from being assigned or transferred to other parties?

Mr. NEGLEY. I believe it does. The bill provides that the law as it now exists shall remain intact except so far as amended by this bill. I ask a vote. I hope the House will vote down the amendment.

The amendment of Mr. STANARD was read as follows:

Strike out after "river" the word "three," and insert "two;" insert after "hundred" the word "fifty," so as to read: "To erect over the main channel of said river two straight continuous spans of not less than four hundred and fifty feet."

The question being taken on the amendment of Mr. STANARD, it was agreed to; there being—ayes 103, noes 61.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. LAMAR called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 218, nays 5, not voting 65; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Atkins, Averill, Barrere, Bass, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Caldwell, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cook, Cotton, Cox, Creamer, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Davis, Dawes, Dobbins, Donnan, Dunnell, Durham, Eames, Eden, Farwell, Field, Finck, Fort, Foster, Giddings, Glover, Gooch, Gunckel, Gunter, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, E. Rockwood Hoar, Hodges, Holman, Hoskins, Houghton, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Knapp, Lamar, Lamison, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, Magee, Martin, Maynard, McCrary, James W. McDill, McLean, McNulta, Merriam, Milliken, Mills, Monroe, Moore, Morey, Morrison, Myers, Neal, Negley, Niblack, Niles, O'Brien, O'Neill, Orr, Orth, Packard, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Pendleton, Phelps, Phillips, Thomas C. Platt, Poland, Pratt, Rainey, Randall, Rapier, Ray, Read, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Standiford, Starkweather, Stone, Storm, Stowell, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Vance, Waddell, Waldron, Wallace, Marcus L. Ward, Wells, White, Whitehead, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, and John D. Young—218.

NAYS—Messrs. Curtis, Darrall, DeWitt, Potter, and Sheats—5.

NOT VOTING—Messrs. Archer, Banning, Barber, Barnum, Barry, Roderick R. Butler, Cain, Clements, Comingo, Corwin, Danford, Duell, Eldredge, Freeman, Frye, Garfield, Harmer, Hendee, Hersey, George F. Hoar, Hooper, Howe, Hubbell, Kendall, Killinger, Lamport, Lansing, Leach, Lewis, Luttrell, Lynch, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Nesmith, Nunn, Packer, Parsons, Perry, Pierce, Pike, James H. Platt, jr., Purman, Ransier, William R. Roberts, James C. Robinson, John G. Schumaker, Henry J. Scudder, Small, George L. Smith, William A. Smith, Snyder, Stephens, St. John, Swann, Tremain, Walls, Jasper D. Ward, Wheeler, Whitehouse, Ephraim K. Wilson, Woodworth, and Pierce M. B. Young—65.

So the bill was passed.

Mr. NEGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 170) for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855;

An act (S. No. 448) for the relief of John T. Smith; and

An act (S. No. 597) for the relief of William A. Griffin.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona; and

An act (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri.

ALLUVIAL BASIN OF THE MISSISSIPPI RIVER.

The SPEAKER laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I have the honor to transmit herewith the report of the commission of engineers appointed in compliance with the act of Congress approved June 22, 1874, to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

U. S. GRANT.

EXECUTIVE MANSION, *January* 25, 1875.

The communication, with the accompanying documents, was referred to the Select Committee on the Mississippi Levees, and ordered to be printed.

THE CIVIL-RIGHTS BILL.

Mr. BUTLER, of Massachusetts. I move the rules be so suspended that the bill of the Senate known as the civil-rights bill be taken from the Speaker's table for consideration at the present time, and so continuously until a final disposition shall be had thereof; and that no dilatory motion, save a single motion to adjourn, be allowed until such bill and any amendments allowed thereto have been finally disposed of.

Mr. BECK. Pending that I move we adjourn.

Mr. BUTLER, of Massachusetts. Can that be done?

The SPEAKER. Pending the motion to suspend the rules, one motion to adjourn is in order—but one is.

Mr. HOLMAN rose.

Mr. BUTLER, of Massachusetts. I object to debate.

The proposition was again read.

The House divided; and there were—ayes 59, noes not counted.

Mr. ROBBINS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and decided in the negative—yeas 80, nays 153, not voting 55, as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cason, Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Dobbins, Durham, Eden, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Havens, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Sloss, Southard, Speer, Stanard, Standiford, Stone, Storm, Strait, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Wolfe, Wood, and John D. Young—80.

NAYS—Messrs. Adams, Albert, Albright, Averill, Barrere, Barry, Bass, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cain, Cannon, Carpenter, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Hancock, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, McCrary, James W. McDill, McNulta, Merriam, Monroe, Moore, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strawbridge, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Wallace, Jasper D. Ward, Marcus L. Ward White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—154.

NOT VOTING—Messrs. Barber, Barnum, Benjamin F. Butler, Roderick R. Butler, John B. Clark, jr., Clinton L. Cobb, Creamer, Danford, Eldredge, Frye, Robert S. Hale, Harmer, John W. Hazelton, Hendee, Hersey, George F. Hoar, Hooper, Kendall, Killinger, Lansing, Leach, Marshall, Maynard, Alexander S. McDill, MacDougall, McKee, Mitchell, Morey, Nesmith, Nunn, Packer, Phelps, Pike, James H. Platt, jr., Poland, Purman, William R. Roberts, James C. Robinson, John G. Schumaker, Scofield, Henry J. Scudder, George L. Smith, William A. Smith, Stephens, Sypher, Thornburgh, Waldron, Walls, Wheeler, Whitehouse, William Williams, Ephraim K. Wilson, Woodworth, and Pierce M. B. Young—54.

So the House refused to adjourn.

The motion to suspend the rules was seconded.

Mr. RANDALL demanded the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and decided in the negative—yeas 147, nays 93, not voting 48; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hynes, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lynch, Martin, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Henry B. Sayler, Scofield, Isaac W. Scudder, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, Strawbridge, Taylor, Charles R. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—147.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Hunton, Hyde, Lamar, Lamison, Leach, Lofland, Lowndes, Luttrell, Magee, Maynard, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Sener, Sheats, Sloan, Sloss, J. Ambler Smith, Southard, Speer, Stanard, Standiford, Stephens, Stone, Storm, Strait, Swann, Thornburgh, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—93.

NOT VOTING—Messrs. Albert, Barnum, Freeman Clarke, Danford, Eldredge, Field, Freeman, Frye, Harmer, Havens, Hendee, Hersey, George F. Hoar, Hooper, Kendall, Killinger, Knapp, Lansing, Marshall, Alexander S. McDill, MacDougall, Mitchell, Moore, Nesmith, Nunn, Packer, Phelps, Pike, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Sawyer, John G. Schumaker, Henry J. Scudder, Sheldon, George L. Smith, William A. Smith, St. John, Stowell, Sypher, Christopher Y. Thomas, Walls, Wheeler, White, Whitehouse, Ephraim K. Wilson, and Woodworth—48.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. KNAPP. On this question I am paired with Mr. STOWELL, of Virginia, and Mr. PLATT, of Virginia. If they had been present they would have voted "ay," and I would have voted "no."

Mr. MOREY. My colleague, Mr. SHELDON, is unavoidably absent. If present he would have voted "ay."

Mr. HALE, of Maine. My colleague, Mr. FRYE, is absent on business of the House. If present he would have voted "ay."

Mr. MOORE. On this question I am paired with Mr. ELDREDGE, of Wisconsin, who if present would have voted in the negative, while I would have voted in the affirmative.

Mr. SAWYER. I am also paired with my colleague, Mr. ELDREDGE, who if present would have voted "no," while I would have voted "ay."

Mr. ALBERT. I am paired with my colleague, Mr. WILSON. If present, he would have voted "no," and I would have voted "ay."

Mr. FIELD. On this question I also am paired with Mr. WILSON, of Maryland. He would vote "no," and I would vote "ay."

Mr. SMART. My colleague, Mr. MACDOUGALL, is unavoidably absent. If present, he would vote "ay."

Mr. POLAND. My colleague, Mr. HENDEE, is necessarily absent. If here, he would vote "ay."

Mr. GUNCKEL. My colleague, Mr. DANFORD, is absent, detained by sickness.

The result of the vote was then announced as above recorded.

Mr. RANDALL, and Mr. BUTLER of Massachusetts, moved that the House adjourn.

THE FINANCES.

Mr. BRIGHT, by unanimous consent, obtained leave to print in the RECORD some remarks on the financial situation. (See Appendix.)

GROUNDS AROUND COLUMBIA HOSPITAL.

The SPEAKER laid before the House a letter from the Secretary of the Interior, in relation to an appropriation required for completing the purchase of the ground surrounding the Columbia Hospital; which was referred to the Committee on Appropriations, and ordered to be printed.

REORGANIZATION OF THE TREASURY DEPARTMENT.

Mr. KELLOGG. I ask unanimous consent that a letter from the Secretary of the Treasury, in relation to the proposed substitute for the bill (H. R. No. 2978) for reorganizing the Treasury Department, and also a table accompanying the substitute, be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The letter of the Secretary is as follows:

TREASURY DEPARTMENT,
Washington, D. C., January 13, 1875.

SIR: I have carefully examined the amendment in the nature of a substitute proposed to be submitted by Mr. KELLOGG, from the Committee on Reform in the Civil Service, to the bill (H. R. No. 2978) to provide for the reorganization of the Treasury Department of the United States, and for other purposes, and fully approve of the same.

In view of the fact that many of the offices and clerkships of the Department are authorized from year to year by the annual appropriation bills, I deem it highly important that they should be provided for in the form of permanent statute, no reorganization of the Department having been made by law since 1853, and it is very desirable that the reorganization proposed in this bill should now be perfected.

I am, very respectfully,

B. H. BRISTOW,
Secretary.

Hon. STEPHEN W. KELLOGG,
Chairman Committee on Reform in the Civil Service,
House of Representatives.

Statement showing number of officers and employés in Treasury Department, and their compensation, December 31, 1873, and July 1, 1874; and also the number and compensation provided by legislative appropriation bill H. R. No. 3818, and by Mr. Kellogg's amendment to H. R. No. 2978.

Officers.	Officers and employés in the Treasury Department, December 31, 1873.		Officers and employés in the Treasury Department, July 1, 1874, under act of June 23, 1874.		Officers and employés provided for by legislative appropriation bill H. R. No. 3818.		Officers and employés provided for by Mr. Kellogg's amendment to H. R. No. 2978.	
	Number.	Compensation.	Number.	Compensation.	Number.	Compensation.	Number.	Compensation.
Secretary	392	$395,800 00	357	$346,500 00	357	$346,500 00	357	$346,500 00
Architect	14	29,240 00	18	32,040 00	18	32,040 00	18	32,540 00
First Comptroller	53	77,320 00	49	72,600 00	49	72,600 00	49	75,800 00
Second Comptroller	99	138,800 00	78	111,400 00	78	111,400 00	75	110,600 00
Commissioner of Customs	33	48,960 00	33	49,460 00	33	49,460 00	33	49,960 00
First Auditor	41	59,280 00	39	55,480 00	39	55,480 00	39	58,780 00
Second Auditor	284	385,480 00	200	272,080 00	176	240,800 00	176	245,280 00
Third Auditor	213	280,480 00	184	249,720 00	184	249,720 00	173	237,000 00
Fourth Auditor	59	83,820 00	56	78,600 00	56	78,600 00	56	81,000 00
Fifth Auditor	45	60,900 00	39	52,400 00	39	52,400 00	35	50,280 00
Sixth Auditor	209	282,620 00	224	299,620 00	234	309,620 00	233	313,320 00
Register	61	85,520 00	55	76,720 00	55	76,720 00	55	77,720 00
Treasurer	153	197,980 00	138	180,460 00	138	180,460 00	138	180,460 00
Comptroller of the Currency	96	121,880 00	95	121,680 00	95	121,680 00	95	123,580 00
Internal Revenue	265	354,140 00	253	343,540 00	253	343,540 00	240	319,820 00
Light-House	10	13,860 00	10	13,860 00	10	13,860 00	10	14,360 00
Statistics	47	65,440 00	41	59,440 00				
Employed on loans:								
Secretary's office			127	134,933 50	127	134,933 50	127	135,833 50
First Auditor	601	630,233 95	12	18,600 00	12	18,600 00	12	18,600 00
Register			153	167,940 00	153	167,940 00	153	167,940 00
Treasurer			217	214,780 00	217	214,780 00	217	214,780 00
Total	2,675	3,361,733 95	2,378	2,951,853 50	2,323	2,871,133 50	2,291	2,854,153 50

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER, from the Committee on Appropriations, reported a bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, made a special order for Wednesday next after the morning hour, and, with the accompanying report, ordered to be printed.

AMENDMENTS TO POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I move that the rules be suspended and the following resolution adopted:

Resolved, That when the bill providing appropriations for the service of the Post-Office Department for the year ending June 30, 1876, shall be pending in Committee of the Whole House on the state of the Union, it shall be in order to consider changes in existing laws as follows:

First. For change of the mode of compensating and computing the salaries of postmasters;

Second. Concerning the manner of taking the weight of the mails carried over railroad routes;

Third. So as to authorize the payment of clerks, lithographers, and experts employed in the publication and preparation of post-route maps, out of specific appropriations for that purpose;

Fourth. For change in, and repeal of, the law requiring all advertisements, notices, and proposals for contracts for all the Executive Departments of the Government to be advertised in three daily newspapers published in the District of Columbia; and

Fifth. For change in the law concerning the manner of keeping the accounts for the Post-Office Department in the Sixth Auditor's Office.

Mr. COBB, of Kansas. I object, unless there is also a provision to abolish the Committee on the Post-Office and Post-Roads.

Mr. TYNER. I have moved to suspend the rules to make these amendments in order; and I will say to the gentleman from Kansas that some of these amendments have come to me suggested by members of the Committee on the Post-Office and Post-Roads.

Mr. GARFIELD. They are all in the interest of economy.

Mr. TYNER. And let me further say that the Committee on Appropriations, in some of the matters embraced in the resolution, have prepared no amendments, but have been desired to obtain a suspension of the rules so as to enable the Post-Office Committee to propose the changes.

Mr. RANDALL. I insist on the motion to adjourn.

The question being taken on the motion to adjourn, there were—ayes 74, noes 43.

Mr. TYNER. I call for tellers. I have been waiting all day to get this in.

Tellers were ordered; and Mr. TYNER, and Mr. HARRIS of Virginia, were appointed.

Mr. HARRIS, of Virginia. I am on the same side as the gentleman from Indiana, [Mr. TYNER.]

The SPEAKER. The Chair will take the gentleman's count.

The House again divided; and the tellers reported ayes 107, noes not counted.

So the motion was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ARMSTRONG: The petition of citizens of Dakota Territory, for a post-route from Flandreau, Dakota, to Marshall, Minnesota, to the Committee on the Post-Office and Post-Roads.

By Mr. BASS: The petition of the Union Iron Company of Buffalo, New York, and its employés, for the restoration of the 10 per cent. reduction of duties made in 1872, to the Committee on Ways and Means.

By Mr. BRADLEY: The petition of the Alpena Harbor Improvement Company, for an amendment of an act of Congress approved June 23, 1874, to the Committee on Commerce.

By Mr. BUNDY: The petition of citizens of Hocking County, Ohio, for the restoration of the 10 per cent. reduction of duties made in 1872, and opposing any increase of internal taxes and the restoration of duty on tea and coffee, to the Committee on Ways and Means.

By Mr. BURCHARD: The petition of citizens of Fulton, Illinois, that the western terminus of the proposed canal from Hennepin to the Mississippi River be located above the Rock Island Rapids, to the Committee on Railways and Canals.

By Mr. CHIPMAN: The petition of L. V. Dovilliers, to be placed on the rolls of the Navy as and allowed the pay of professor of mathematics in the Navy from October 1, 1871, to the Committee on Naval Affairs.

By Mr. CLYMER: The petitions of citizens of Berks County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, to the Committee on Ways and Means.

Also, two petitions of citizens of Reading, Pennsylvania, of similar import, to the same committee.

Also, the petition of the employés of Wright, Cook & Co., of Berks County, Pennsylvania, of similar import, to the same committee.

By Mr. COMINGO: Memorial and resolutions of the General Assembly of the State of Missouri, concerning certain claims of citizens of said State against the United States, to the Committee on War Claims.

By Mr. CRUTCHFIELD: The petition of William C. Shelton, of Bradley County, Tennessee, for relief, to the Committee on Miltary Affairs.

Also, the petition of William N. Taylor, for relief, to the Committee on Military Affairs.

By Mr. DUNNELL: Memorial of William M. Davis and others, in relation to cheap transportation, to the Committee on Railways and Canals.

By Mr. DURHAM: The petition of citizens of Kentucky, for a post-route from Jamestown to Cain's Store, Kentucky, to the Committee on the Post-Office and Post-Roads.

Also, the petition of 6,000 residents of Kentucky, asking Congress to submit for ratification to the States an amendment to the Constitution of the United States prohibiting the manufacture, importation, and sale of spirituous liquors, said amendment to take effect January 1, 1876, to the Committee on the Judiciary.

By Mr. FARWELL: The petition of John A. Rolf, for a pension, to the Committee on Invalid Pensions.

By Mr. FIELD: The petition of citizens of Wyandotte, Michigan, for the restoration of the 10 per cent. reduction of duties made in 1872 and opposing the restoration of duty on tea and coffee, to the Committee on Ways and Means.

By Mr. GIDDINGS: Memorial of the mayor, aldermen, and inhabitants of Houston, Texas, asking that Houston be declared a port of entry, to the Committee on Commerce.

By Mr. GUNCKEL: The petition of Patrick O'Connell, late captain First Ohio Volunteers, commanding Pioneer Brigade, Department of the Cumberland, for relief, to the Committee on Military Affairs.

Also, the petition of Deitrich Glander, to be refunded money unjustly collected from him, to the Committee on Ways and Means.

By Mr. HAGANS: Memorial of the stockholders and officers of the Washington Market Company, to the Committee on the District of Columbia.

Also, the remonstrance of George Hardman and others, of West Virginia, against the restoration of the duty on tea and coffee, to the Committee on Ways and Means.

By Mr. HARRIS, of Virginia: The remonstrance of James Leonard, and others, of Shenandoah County, Virginia, of similar import, to the Committee on Ways and Means.

By Mr. HAVENS: The petition of the bondsmen of William J. Bodenhamer, late receiver of public moneys at Springfield, Missouri, for relief, to the Committee on the Public Lands.

By Mr. HAWLEY, of Connecticut: The petition of the Connecticut State Temperance Union, for the passage of the Senate bill to provide a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HEREFORD: Resolutions of the common council of the city of Huntington, West Virginia, regarding the improvement of Twelve Pole Bar, in the Ohio River, to the Committee on Commerce.

By Mr. HOLMAN: Papers relating to the claim for relief of J. W. Love, postmaster at Patriot, Indiana, to the Committee on the Post-Office and Post-Roads.

By Mr. HOOPER: The petition of the Massachusetts Society of the Cincinnati, for the settlement of the claims of the officers of the Revolutionary Army, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. HUBBELL: The petition of the governor, State officers, and senate of Michigan, for the passage of the bill (H. R. No. 3830,) to the Committee on Ways and Means.

Also, the petition of citizens of Houghton County, Michigan, of similar import, to the same committee.

Also, the petition of citizens of Mackinaw, for an appropriation for a light-house and fog-signal at that place, to the Committee on Commerce.

Also, the petition of citizens of Charlevoix, Michigan, for an appropriation to improve Charlevoix Harbor, to the Committee on Commerce.

Also, the petition of citizens of Michigan, for the construction of a ship-canal between Glen Lake and Lake Michigan, to the Committee on Commerce.

By Mr. HUNTON: The petition of Reuben Wright, of Virginia, for relief, to the Committee on Indian Affairs.

By Mr. KELLEY: The petition of citizens of Philadelphia, for the restoration of the 10 per cent. reduction of duties made in 1872, and opposing restoration of duty on tea and coffee, to the Committee on Ways and Means.

Also, the petition of several hundred citizens of Schuylkill County, Pennsylvania, of similar import, and further praying for the passage of the currency bill providing for the issue of 3.65 convertible bonds, to the Committee on Ways and Means.

By Mr. LAMPORT: The petition of Sarah H. Milveney, for relief, to the Committee on War Claims.

By Mr. LAWSON: The petition of H. Louise Gates, widow of General William Gates, United States Army, for increase of pension, to the Committee on Invalid Pensions.

By Mr. LOUGHRIDGE: The petition of citizens of Iowa, for the removal of the United States district court for Iowa from Keokuk to Burlington, to the Committee on the Judiciary.

By Mr. LOWNDES: Petition for pensions to James Eli Butts and Malinda F. Butts, to the Committee on Invalid Pensions.

Also, the petition of B. R. White, for relief, to the Committee on War Claims.

By Mr. LUTTRELL: Memorial of Murray Whallon and 200 others, of Sonoma County, California, relative to protection of wine-growers' interests, to the Committee on Ways and Means.

Also, the petition of citizens of California, in relation to the construction of a military road in said State, to the Committee on Military Affairs.

By Mr. McFADDEN: The petition of citizens of Washington Territory, for the construction of the Seattle and Walla-Walla Railroad, to the Committee on the Territories.

By Mr. MOORE: The petition of citizens of Lawrence County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, and opposing restoration of the duty on tea and coffee and any revival of internal taxes, to the Committee on Ways and Means.

By Mr. MOREY: The petition of Sterling T. Austin, of Louisiana, for relief, to the Committee on War Claims.

By Mr. MYERS: The petition of John D. Smith, acting assistant surgeon United States Navy, to be placed on the retired list, to the Committee on Naval Affairs.

By Mr. NESMITH: Papers relating to the suit of the United States against Francis M. Lamper, late United States depositary, Olympia, Washington Territory, to the Committee on Appropriations.

By Mr. NIBLACK: Resolutions adopted at a public meeting of the citizens of Evansville, Indiana, memorializing Congress for the improvement of the Ohio River, to the Committee on Commerce.

Also, memorial of citizens of Evansville, Indiana, of similar import, to the same committee.

By Mr. O'NEILL: The petition of the Board of Trade, of the Commercial Exchange, of the Board of Marine Underwriters, and of citizens of Philadelphia, for the passage of the bill (H. R. No. 4054) relative to the signal service, to the Committee on Military Affairs.

Also, the petition of citizens of Philadelphia, for the restoration of the 10 per cent. reduction of duties made in 1872, and opposing the restoration of duty on tea and coffee and any revival of internal taxes, to the Committee on Ways and Means.

By Mr. PACKER: The petition of citizens of Northumberland County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made by act of 1872, and for the passage of the bill introduced by Hon. W. D. KELLEY for the issue of 3.65 convertible bonds, to the Committee on Ways and Means.

Also, the petition of citizens of Shamokin, Northumberland County, Pennsylvania, of similar import, to the same committee.

By Mr. RANDALL: The petition of Charles Sangston, for increase of pension, to the Committee on Invalid Pensions.

By Mr. ROSS: The petition of one hundred and ten citizens of Mansfield, Tioga County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, and opposing any increase of internal taxes, to the Committee on Ways and Means.

By Mr. RUSK: Papers relating to claim of Henry B. Ryder, for relief, to the Committee on Foreign Affairs.

By Mr. SAWYER: The petition of J. H. Jones, of Wisconsin, for relief, to the Committee on Claims.

By Mr. SAYLER, of Indiana: The petition of the Saint Joseph Valley District Medical Society, in behalf of the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. SMALL: Memorial of the Washington Market Company, to the Committee on the Judiciary.

By Mr. SMART: The petition of George W. Finch and others, for a pension to the widow of the late W. R. Smith, to the Committee on Invalid Pensions.

By Mr. SNYDER: The petition of certain sufferers from excessive drought in Arkansas, for relief, to the Committee on Appropriations.

By Mr. SPEAR: The petition of John W. Scott and others, for the relief of said John W. Scott, to the Committee on Claims.

Also, three petitions of citizens of Hollidaysburgh, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, and remonstrating against the restoration of the duty on tea and coffee, to the Committee on Ways and Means.

Also, the petition of citizens of Barre, Pennsylvania, of similar import, to the Committee on Ways and Means.

By Mr. SPRAGUE: Papers relating to the claim of Roddy McConnell, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. STANARD: Memorial and resolutions of the Missouri Legislature, respecting certain claims of citizens of that State against the United States, to the Committee on War Claims.

By Mr. STANDIFORD: Paper relating to the application of Robert S. Goodall for a pension, to the Committee on Invalid Pensions.

By Mr. STONE: Memorial and resolutions of the Missouri Legislature, respecting certain claims of citizens of that State against the United States, to the Committee on War Claims.

By Mr. STRAWBRIDGE: The petition of 215 citizens of Danville, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, and opposing restoration of duty on tea and coffee and any revival of internal taxes, to the Committee on Ways and Means.

Also, the petition of 51 citizens of Bloomsburgh, Pennsylvania, of similar import, to the same committee.

By Mr. SYPHER: The petition of Loyean Berhel, for relief, to the Committee on War Claims.

By Mr. THORNBURGH: The petition of Robert E. Newman, for relief, to the Committee on Military Affairs.

By Mr. WALLACE: Resolutions of the Legislature of South Carolina, in reference to the Freedman's Savings-Bank, to the Committee on Banking and Currency.

Also, the petition of George W. Williams & Co., and others, for the passage of the bill (H. R. No. 3656) to incorporate the Eastern and Western Transportation Company, to the Committee on Railways and Canals.

Also, the petition of leading business men and firms of Charleston, South Carolina, of similar import, to the Committee on Railways and Canals.

Also, memorial of the Legislature of South Carolina, for an appropriation to improve the harbor of Charleston, to the Committee on Commerce.

Also, the petition of citizens of South Carolina, for the establishment of a certain post-route in said State, to the Committee on the Post-Office and Post-Roads.

Also, the petition of A. B. Woodruff, late postmaster at Woodruff, South Carolina, to be relieved from losses by burning of post-office, to the Committee on Claims.

By Mr. WILLIE: Memorial of mayor, aldermen, and inhabitants of Houston, Texas, that Houston be declared a port of entry, to the Committee on Commerce.

By Mr. WILLIAMS, of Wisconsin: The petition of Nathaniel B. Burtch, for a pension, to the Committee on Invalid Pensions.

By Mr. YOUNG, of Georgia: Papers relating to the destruction of the Roman Catholic church at Dalton, Georgia, to the Committee on Military Affairs.

Also, a paper from Eugene L. Hardy, in relation to the advantages of Rome, Georgia, as a site for a national foundery and arsenal of construction, to the Committee on Military Affairs.

PROCEEDINGS IN THE CASE OF RICHARD B. IRWIN.

The following are the court proceedings under the writ of *habeas corpus* in the case of Richard B. Irwin:

Supreme court of the District of Columbia—before Justice MacArthur, at chambers, Washington, D. C., January 14, 1875.

Proceedings in the matter of the petition of Richard B. Irwin, praying for a writ of *habeas corpus*.

PETITION.

Supreme court District of Columbia—Ex-parte Richard B. Irwin praying for writ of *habeas corpus*.

Petition and affidavit.

To the honorable the supreme court of the District of Columbia:

The petition of Richard B. Irwin, a citizen of the State of California, respectfully represents, that he is now restrained of his liberty and detained in confinement by N. G. Ordway, Sergeant-at-Arms of the House of Representatives of the Congress of the United States; that the said N. G. Ordway claims to act under the authority of the House of Representatives and by virtue of an order issued to him by the Hon. JAMES G. BLAINE, Speaker of the House of Representatives, commanding him, the said Ordway, to take your petitioner into his custody and confine him in the jail of this District.

Your petitioner further shows that the material facts concerning his detention, as he understands them, are that he was summoned before the Committee on Ways and Means of the House of Representatives and questioned concerning certain matters alleged, but erroneously, to be relative to an investigation of an alleged improper use of money to obtain from Congress a subsidy for the Pacific Mail Steamship Company, which questions petitioner declined to answer, because the committee had no authority or legal right to propound them; that your petitioner was then taken into custody by the Sergeant-at-Arms of the House of Representatives, and on the 7th day of January, A. D. 1875, brought to the bar of the House, where certain questions were propounded to him which he refused to answer, because the House of Representatives had no legal right to propound such questions, and on his refusal he was again ordered into custody and confinement, to the end that proceedings in due course of law might be instituted against him by the district attorney of the United States for this District under the act of January 24, 1857. (11 United States Statutes at Large, pages 155, 156.) Your petitioner respectfully represents that his arrest and confinement are contrary to law and in violation of his constitutional and legal rights as a citizen of the United States:

Wherefore he prays, the premises being considered, that your honor will be pleased to issue a writ of *habeas corpus ad subjiciendum*, directed to the said N. G. Ordway, Sergeant-at-Arms of the House of Representatives, commanding him, at such time and place as your honor may signify, to have before you the body of the petitioner, to the end that the cause of his detention may be investigated, and that he may be discharged from further detention, or such other relief be entered in the premises as to law and justice may pertain. And as in duty bound, &c.

RICHARD B. IRWIN.

Richard B. Irwin, being first duly sworn, deposes and says that the facts set forth in the foregoing petition are true.

RICHARD B. IRWIN.

Subscribed and sworn to before me this 8th day of January.

CHARLES WALTER, *J. P.*

DURANT & HORNOR,
Of Counsel for Petitioner.

[Indorsement.]

Order of Judge MacArthur.

Let the writ issue as prayed for, returnable on the 12th instant, at twelve o'clock m., at City Hall.

MACARTHUR, *Justice.*

JANUARY 9, 1875.

Order for extension of time of return to writ.

Let the time to make return to within writ be extended to Thursday, the 14th instant, at eleven o'clock.

MACARTHUR, *Justice.*

JANUARY 12, 1875.

CLERK'S OFFICE OF THE SUPREME COURT DISTRICT OF COLUMBIA,
January 9, 1875.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives, &c.

SIR: By order of Justice MacArthur, one of the justices of the supreme court of the District of Columbia, I hereby notify you that, on the petition of Richard B. Irwin, a copy of which is herewith inclosed, a writ of *habeas corpus* has been allowed and issued, addressed to the Sergeant-at-Arms of the House of Representatives, commanding him to have the body of Richard B. Irwin before one of the justices of said court, at the City Hall, in the city of Washington, on Tuesday, the 12th instant, at twelve o'clock noon of said day.

Respectfully,

R. J. MEIGS,
Clerk of Supreme Court of the District of Columbia.

[Indorsement.]

To Speaker of the House of Representatives, notifying him of the issuance of *habeas corpus* for Richard B. Irwin, returnable before one of the justices, &c., on the 12th instant, at City Hall.

CLERK'S OFFICE SUPREME COURT DISTRICT OF COLUMBIA,
January 9, 1875.

Hon. GEORGE P. FISHER,
United States Attorney for District of Columbia.

SIR: By order of Justice MacArthur, I hereby notify you that Richard B. Irwin, committed to the custody of the Sergeant-at-Arms of the House of Representatives of the Congress of the United States, by order of said House, has sued out a *habeas corpus ad subjiciendum*, which has been served on the Sergeant-at-Arms aforesaid, commanding him to have said Irwin before one of the justices of said court at the City Hall, in the city of Washington, on Tuesday, the 12th instant, at noon of that day.

Respectfully,

R. J. MEIGS,
Clerk of said Court.

[Indorsement.]

To the United States district attorney, notifying him of the issuance of *habeas corpus* for Richard B. Irwin, returnable before one of the justices, &c., on the 12th instant, at the City Hall.

Supreme court District of Columbia—before Justice MacArthur, at chambers.

WASHINGTON, DISTRICT OF COLUMBIA, *January 14, 1875.*

Proceedings in the matter of the petition of Richard B. Irwin, praying for a writ of *habeas corpus*.

There appeared as counsel for the petitioner, Messrs. T. J. Durant, J. W. Moore, and C. P. Culver; as counsel for the respondent, Mr. N. G. Ordway, Sergeant-at-Arms House of Representatives, Messrs. Fisher and Shellabarger. Mr. Ordway accompanied counsel for Government.

Mr. Ordway having sworn to the return, Judge Fisher was about to read the same; when—

Mr. DURANT said: As this is the first time that I have ever had the honor of appearing before this court in a case of this character, and as I am, therefore, not familiar with the proper course of practice, I deem it necessary, in consideration of the important interest involved in this case, both in the nature of the proceeding and the consequences that it has directly in view, touching the liberty of the citizen, that I ask now that no return be listened to from the party to whom this *habeas corpus* was directed until he comply with the order and produce in court the body of the prisoner. And if that be a point regarding which there is the slightest doubt on the mind of your honor, I will say that the authorities both in Great Britain and in the United States are conclusive upon that point; that it is the preliminary duty of whomsoever the writ may be addressed to to comply in the first instance with the order of the court and produce the body of the prisoner. I did not know from the intimation that fell from the learned counsel for the Sergeant-at-Arms, when this case was last before the court, day before yesterday, what would be the course of proceedings to-day. I did not know whether any argument would be entered into to-day, or what course the argument would take; therefore I have not come here prepared with authorities on the subject. If, as I have just intimated, there be any doubt on this point in the mind of the court, I will ask the indulgence of a few moments' time in order that I may have an opportunity of sending a messenger, whom I have brought with me from my office, for the volumes which I have ready, to show exactly what the course of jurisprudence has been in Great Britain and the United States on this point.

The COURT. Will you just read the writ, merely for information of the court without calling for the return?

Mr. Durant then read as follows:

DISTRICT OF COLUMBIA, to wit:

The President of the United States to N. G. Ordway, Sergeant-at-Arms of the House of Representatives of the Congress of the United States of America, greeting:

You are hereby commanded to have the body of Richard B. Irwin, detained under your custody, as it is said, together with the day and cause of his being taken and detained, by whatever name he may be called in the same, before one of the justices of the supreme court of said District, at the City Hall, in the city of Washington, in the District of Columbia, on Tuesday, the 12th day of January, 1875, at twelve o'clock noon of said day, to do and receive whatever shall then and there be considered of in this behalf; and have then there this writ.

Witness Arthur MacArthur, one of the justices of said court, the 9th day of January, 1875.

By order of Justice MacArthur:

[L. S.] R. J. MEIGS, *Clerk.*

[Indorsement.]

Served copy of the within writ on N. G. Ordway, Sergeant-at-Arms House of Representatives of the United States, this 9th day of January, 1875.

ALEX. SHARPE,
United States Marshal, District of Columbia.

Mr. SHELLABARGER. May it please the court, the proposition of my friend, who represents the relator in this case, is perhaps a little premature. The paper that we were about to present to the court has the character as much of a showing why the body of the relator should not be transferred from the custody of the House of Representatives to the custody of this court as it has the character of a return to the writ. The showing that my associate was about to make, by the presentation of the papers, is one bearing upon the very question that we invite this jurisdiction now to entertain, to wit, whether it is within the competency of this court, after the production of the records of the House of Representatives and other proper returns about to be read, it appearing by such records and papers that the custody is now in the House of Representatives, in virtue of the exercise of its constitutional functions and jurisdiction, and is undergoing execution of the judgment of the House of Representatives, to transfer that custody from the House of Representatives and to put it at the disposal of any other tribunal of this country. In order to get before your honor the proper facts bearing upon that question, we were about to present the papers, and we now ask that the court shall take up and entertain the motion that we make at the conclusion of this return or presentation, to wit, that, it being made to appear by the records of the House of Representatives that this custody is in the House, this proceeding shall be here arrested, and that the custody of the House of Representatives shall not be disturbed in virtue of this proceeding. Upon that question we surely shall insist upon the right to be heard fully, now and here, or at any other time that may suit the convenience of the court and of counsel. I recognize fully, as was suggested in the opening sentence of my distinguished and learned friend, the fact that this is a high and important question; important in every possible view of it; important as affecting the liberty of the citizen, as affecting the prerogatives and offices of that great prerogative writ the *habeas corpus*, and also important, your honor, as deeply and vitally affecting the jurisdiction and practice of those two great courts of the country, the two Houses of Congress, and you will go cautiously, I know, and carefully, as we all will, with a full sense of our responsibility, step by step, in the progress of this singular case. Then, to repeat, the proposition that we are now about to make, and which we propose to lay the foundation for arguing by the presentation of these papers, is, that it is competent for the House of Representatives to show to this court that there is custody here which is its own, which cannot be disturbed, whenever to the courts of the country it shall be made to appear, in the proper way, that the subject-matter that has brought about the custody is one of which it has exclusive jurisdiction, and the jurisdictional fact being disclosed by these papers, then the question left, and the only one, is whether that jurisdiction shall be disturbed, or the custody resulting from that jurisdiction shall be interfered with.

Mr. DURANT. I did not propose, may it please your honor, when I arose, to argue the case.

Mr. SHELLABARGER. I have not argued it.

Mr. DURANT. I did not say my learned friend had argued it.

Mr. SHELLABARGER. I only wish to be understood.

Mr. DURANT. I said when I arose I did not propose to argue it, and of course what I propose does not dispose of him. May it please your honor, it may turn out—the gentleman no doubt believes it will—that when he shall have made his showing such as he presumes himself to be in possession of, to this court, that this court may feel itself not authorized to disturb the custody of the prisoner at the bar. But that is not the point in question. The point is whether the preliminary order of this court, which it is not only its undoubted right, but, with due respect, I may be permitted to say, its bounden duty to issue, shall be complied with or not.

Mr. SHELLABARGER. Excuse me a moment. There was one statement I should have made. It is that the very production of the body is a disturbance of the custody of the House.

The COURT. Mr. Shellabarger, is not that incident to every proceeding upon *habeas corpus*, where the person is in custody under color of process, and the mandate of the writ in this case is precisely what it is in all other cases, that the body of the person in custody shall be produced?

Mr. SHELLABARGER. My colleague will reply.

Mr. FISHER. I was simply going to observe, may it please your honor, that according to the form and precedents that we have consulted in the preparation of

the answer of this respondent in this case, particularly in respect to the form and precedent of the return made in the great case of Nugent, which was tried in this District, before the supreme court of the District, some years ago, in 1848 or 1849, and reported in the American Law Journal of that year, there is nothing said in the return about the production of the body. I mean now in cases where parties have been held in custody of the Sergeant-at-Arms of the Senate or House of Representatives of the United States of America. The writ of *habeas corpus* has been issued, and returns have been made, without the production of the body—at least if we may judge at all from inspecting the return itself. In the case of Nugent, Robert Beale then being Sergeant-at-Arms of the Senate—a case in which Nugent had been in prison by order and command of the Senate, or committed to the custody of the Sergeant-at-Arms of that body—in that case the *habeas corpus* was served upon Mr. Beale, and he makes his return in a somewhat similar fashion to that in which we make the return for the respondent in this case, but there was no production of the body, so far as the proceedings in the case, which seem to be fully reported, are concerned, show. If the body of the relator in this case should be produced by the Sergeant-at-Arms, *eo instantia*, upon the production of that body, the House of Representatives, and the Sergeant-at-Arms as the legal officer of that House, into whose custody he has been placed by the House, *eo instantia*, upon his producing him in this court, the jurisdiction of the House is interfered with; the custody of the relator is taken out of the House, and out of its officer's hands, and the relator is put into the custody of this court, and the Sergeant-at-Arms could not possibly be held responsible if an escape were to be made.

I wish further to state, may it please your honor, that in the case of Bell, a case lately occurring in this District, the return was made by this same gentleman, this same respondent here, as is in this case, Mr. ORDWAY, the Sergeant-at-Arms of the House, without the production of the body before Judge Wylie, who issued the writ; and the decision of the judge in that case was that it was not necessary to produce the body, because this court and the judges of this court were bound to take judicial cognizance of all the acts, resolutions, and orders that were passed by either House of Congress of the United States. In that case the writ was produced in the court, and not the body at all. Now, in regard to the remark which I made about the transfer of jurisdiction, the interference with the jurisdiction of the House, and the transfer of the custody, I cite your honor to 12 Wallace, pages 400 and 402, in the case of Barth *vs.* Clise, the syllabus of which case is—I deem it necessary only to read that.

Judge Fisher then read as follows:

"BARTH VS. CLISE, SHERIFF.

"When a sheriff, in obedience to a writ of *habeas corpus*, makes a proper return and brings his prisoner before the court which issued the writ, the safe-keeping of the prisoner while he is before it is entirely under the control and direction of the court to which the return is made. The sheriff is accordingly not responsible for escape of the prisoner while thus in the custody of the court, and before a remand or other order placing new duties on him."

This is the syllabus of the case. I will now read a passage or two from the opinion. The decision is delivered by Mr. Justice Swayne, in which he says:

"By the common law, upon the return of a writ of *habeas corpus* and the production of the body of the party suing it out, the authority under which the original commitment took place is superseded. After that time and until the case is finally disposed of, the safe-keeping of the prisoner is entirely under the control and direction of the court to which the return is made. The prisoner is detained, not under the original commitment, but under the authority of the writ of *habeas corpus*. Pending the hearing he may be bailed *de die in diem*, or be remanded to the jail whence he came, or be committed to any other suitable place of confinement under the control of the court."

So that the jurisdiction of the House of Representatives of the United States, one of the highest courts in the land will be interfered with if we are compelled to produce the body under a mandate of this writ.

The COURT. It is not my design to interfere with the jurisdiction of the House of Representatives of the Congress of the United States, any further than it is absolutely necessary for the purposes of this case. But it appears to me that this court can have no jurisdiction in this case without the production of the body. The authorities just read by counsel are to the effect that the jurisdiction of this court attaches to the body of the person held in restraint, so that it is in the safe-keeping, under the control and supervision of this court, during the examination upon the *habeas corpus*, otherwise this court could have no power whatever to enforce a judgment which it might render upon the case. If, for instance, this court upon very deliberate examination—and certainly no court would come to a conclusion adverse to the jurisdiction of authority of either branch of Congress without mature thought—but if it should happen that this court should conclude, upon the whole, that there is no jurisdiction in the House of Representatives in this particular case, how could that judgment be enforced if we had no jurisdiction of the body of the person held in custody?

Judge FISHER. Will your honor pardon me if I interrupt you a moment to explain that the nature of our return is to cite to your honor a case decided by the Supreme Court of the United States? The nature and character of our return is to exhibit and to make manifest to your honor that your honor had no authority to issue this writ. Now I put this case: If the regular mode of suing out a writ of *habeas corpus*, the court being in session, had been pursued, that is to say, if a motion had been made before your honor, sitting in this court, in this criminal court, or before all the judges sitting *in banc;* if a motion had been made by my learned friend on the other side for a writ of *habeas corpus*, I take it for granted that your honor, or the court *in banc*, would have decided precisely as this superior tribunal has decided in the case of Kearney, to be found in 7 Wheaton, as far back as 1822; and as it is very short, I propose to read it to your honor, to show that if your honor had no authority to issue this writ in the first instance, it certainly is plain for us to show now here the want of authority, and therefore we are not compelled to produce the body of the relator in court.

The COURT. What is the case?

Judge FISHER. The case is Ex-parte Kearney. It is reported in 7 Wheaton on page 38.

The court further says:

"This court has authority to issue a *habeas corpus* where a person is imprisoned under the warrant or order of any other court of the United States. But this court has no appellate jurisdiction in criminal cases confided to it by the laws of the United States, and cannot revise the judgment of the circuit courts by writ of error in any case where a party has been convicted of a public offense.

"Hence the court will not grant a *habeas corpus* where a party has been committed for a contempt adjudged by a court of competent jurisdiction. In such a case this court will not inquire into the sufficiency of the cause of commitment. The case of Crosby, lord mayor of London, 3 Wilson, 188, commented on, and its authority confirmed."

The reporter goes on and gives the proceedings in the case as follows:

"Mr. Jones moved for a *habeas corpus* to bring up the body of John T. Kearney, now in jail in the custody of the marshal, under a commitment of the circuit court for the District of Columbia for an alleged contempt. The petition stated that on the trial of an indictment in that court the petitioner was examined as a witness, and refused to answer a certain question which was put to him, because he conceived it tended materially to implicate him and to criminate him as a *particeps criminis*. The objection was overruled by the court, and he, having persisted in refusing to answer the question, was committed to jail for the supposed contempt, and for no other cause.

"Mr. Jones, for the petitioner, argued: First, That this court has power to issue the writ of *habeas corpus* in every case where the personal liberty of the citizen is restrained under the judicial authority of the Union. The jurisdiction is settled by a uniform series of decisions. It had been exercised in a case of treason; in a case where the warrant of commitment was defective in not showing a good cause certain on oath or affirmation; and at last the case of Bollman and Swartwout settled the power of the court to be universal and co-extensive with the general judicial power of the Union. Second, he insisted that a fit case was made out to justify the exercise of the jurisdiction upon the present application. The jurisdiction of this court cannot depend upon the nature of the commitment by the other court. The writ of *habeas corpus* is a writ of right, and the nature and grounds of the commitment are to be looked into on the return. This court must have power to issue the writ where an inferior court commits even for a contempt; because, if the process of contempt be a branch of criminal judicature, considered as a punishment for an offense, this court has authority to control all inferior courts and magistrates. In England the court of common pleas, although a tribunal of original and civil jurisdiction only, has, from the earliest times, exercised the authority of issuing the writ of *habeas corpus* to inquire into the cause of commitments by other jurisdictions."

I will pass over the argument of the district attorney (Mr. Swann) and proceed to read the opinion of Justice Story.

Mr. Justice Story delivered the opinion of the court, and after stating the case, proceeded as follows:

"Upon the argument of this motion two questions have been made: first, whether this court has authority to issue a *habeas corpus* where a person is in jail under the warrant or order of any other court of the United States; secondly, if it had, whether upon the facts stated a fit case is made out to justify the exercise of such an authority.

"As to the first question, it is unnecessary to say more than that the point has already passed *in rem judicatum* in this court. In the case of Bollman and Swartwout, 4 Cranch, 75, it was expressly decided, upon full argument, that this court possessed such an authority, and the question has ever since been considered at rest.

"The second part is of much more importance. It is to be considered that this court has no appellate jurisdiction confided to it in criminal cases by the laws of the United States. It cannot entertain a writ of error to revise the judgment of the circuit court in any case where a party has been convicted of a public offense. And undoubtedly the denial of this authority proceeded upon great principles of public policy and convenience. If every party had a right to bring before this court every case in which judgment had passed against him for a crime or misdemeanor or felony, the course of justice might be materially delayed and obstructed, and in some cases totally frustrated. If, then, this court cannot directly revise a judgment of the circuit court in a criminal case, what reason is there to suppose that it was intended to vest it with the authority to do so indirectly?

"It is also to be observed that there is no question here but that this commitment was made by a court of competent jurisdiction and in the exercise of an unquestionable authority."

And that is just what we propose to show to your honor in this case; so that if it had been made known to your honor, upon application being made, a motion being made for the issuance of the writ, that the relator was properly in the custody of the Sergeant-at-Arms of the House of Representatives, being committed to his custody by proper authority of a competent court, that then the writ would not have issued—

"The only objection is, not that the court acted beyond its jurisdiction, but that it erred in its judgment of the law applicable to the case. If, then, we are to give any relief in this case, it is by a revision of the opinion of the court"—

Just what your honor would have to do here. You would have to revise the opinion of the House of Representatives—

"given in the course of a criminal trial, and thus asserting a right to control its proceedings and take from them the conclusive effect which the law intended to give them. If this were an application for a *habeas corpus* after judgment on an indictment for an offense within the jurisdiction of the circuit court, it could hardly be maintained that this court could revise such a judgment, or the proceedings which led to it, or set it aside and discharge the prisoner. There is, in principle, no distinction between that case and the present; for when a court commits a party for contempt, their adjudication is a conviction, and their commitment in consequence is execution; and so the law was settled upon full deliberation in the case of Brass Crosby, lord mayor of London." (3 Wilson, 188.)

Now, I submit to your honor that here has been a conviction of the relator in this case by a court of competent jurisdiction, and he is now in custody in execution of a judgment of that court of competent jurisdiction, to wit, the House of Representatives of the United States of America. And it is not in the province of your honor, or of the court of which your honor is an honored member, to sit here as a court of appeals for the House of Representatives, to revise and review the decisions which it has made in regard to the punishment of any offender who has been brought before it for contempt or otherwise.

The COURT. I recognize the entire distinctness and authority of that decision, and under such circumstances as existed in that case it certainly would guide my action here. There can be no doubt at this day, where a person is committed for a contempt by a tribunal having jurisdiction of the case, the judgment is final and conclusive; and no other tribunal on a collateral proceeding, like *habeas corpus* or *certiorari*, can examine into the propriety or justice of that cause. Now, I think that is the full extent of that authority. But that question is to be determined upon the examination of the case itself. If it turns out upon such investigation that the contempt, that the commitment, has been within the jurisdiction of the House of Representatives who had ordered it, that is the end of our jurisdiction here, and then the person in custody is remanded to the Sergeant-at-Arms, into whose custody he was ordered by the House. But that goes to the merits of the case. That is the very essence of the controversy. The Constitution provides that the writ of *habeas corpus* shall not be suspended, except in cases of insurrection and rebellion. And the writ of *habeas corpus* carries along with it, as an indispensable incident, the production of the body held in custody. A few cases have occurred in this country during the exigencies of war in which the military authority, from the necessity of the case, refused to produce the person held in custody under military orders; but I hardly think that would apply to the circumstances under which we are placed. I am very clear, therefore, in my opinion that the Sergeant-at-Arms must produce the body with his return. This court will be very careful, indeed, to see that the jurisdiction of the House over this person shall not be disturbed any further than it is absolutely necessary for the administration of law upon this rule.

Mr. SHELLABARGER. After what has occurred, it would seem indecorous for counsel to make any further suggestion, if it were not for the exceeding gravity of this case and of the consequences that would result from a clash of alleged jurisdictions. In our solicitude, your honor, to avoid that, will you indulge another additional suggestion, or two?

The COURT. Certainly.

Mr. SHELLABARGER. Now our application, your honor, is in the nature, not as I said, of a return to this writ; not in the nature of a trial of the question that will arise upon the writ, but it is in the nature of a motion to quash the writ; or, if you please, of a resistance—had we been heard at the time—a resistance to its being granted. Our position is, that it is that case of improvident issuance of a writ; not improvident in any offensive or any bad sense, but in the sense that such disclosures were not made to your honor as that you could have in advance, *ad limini*, the nature of this custody. Now I could, if the time permitted and the books were

here, point your honor to case after case where this very question has arisen as to improvidence and inadvertence of the issuance of the writ in proposed disturbance of the custody of the houses of Parliament—of Congress; where the courts have said that had we known at the time of the issuance of this writ, the facts that are disclosed by the records of the body which are now returned to us, it never would have been issued. This issuance was *ex parte*, the parties now concerned, whom I represent, having had no opportunity to make any showing. Now I appeal to the court is it not proper, is it not an exceedingly meet thing to do, that here, as a threshold measure, we should bring to your honor, by producing the record of the House, the knowledge of the custody of this witness, which is not assailable, which is invulnerable, and which, as your honor has just intimated, under the authority of the Supreme Court, here cannot be inquired into? Is it not proper before the House of Representatives shall be deprived of the custody of this man that they shall have an opportunity to be heard on a motion to quash this writ, as an improvidently issued one, and to present what there is to be said on that subject? That is what we ask. We ask that your honor shall entertain that motion as if that application for a writ were now first made, and that we shall be heard at any time.

The COURT. I misunderstood the nature of your application.

Mr. SHELLABARGER. I regret the fact.

Judge FISHER. The return we make concludes with asking a prayer that the writ be dismissed.

The COURT. From what transpired in the discussion, I supposed you proposed reading the return.

Mr. SHELLABARGER. It was not, as I said carefully in the opening. It would perform the offices of the return, if this were the time for the return, but it is now presented, as I said, rather in the nature of a motion to arrest here the proceedings. I will get Judge Fisher to read it.

The COURT. Then I understand, now, that your application is a motion to quash the writ.

Mr. SHELLABARGER. Yes, sir.

The COURT. Not to make a return to it.

Mr. DURANT. And in opposition to that motion, I ask that the body of the prisoner be brought here, because that is the order of this court. And unless the primary order of this court be obeyed, this court has no certainty that any other order which it may make in the case will be obeyed. For, after the gentlemen shall have been heard on their motion to quash the writ, if your honor should, perchance, disagree with them, and think it ought not to be quashed, then they will not obey that order.

Mr. SHELLABARGER. Then we will either take the order of the House, or produce the body.

Mr. DURANT. Yes; I am prepared to show, may it please your honor, that in the tribunals of Great Britain, in precisely the same cases as this is, where the prisoner was in custody by the order of the House of Commons, invariably under the order of the court, and as preliminary to everything else, before any movement is made in the matter of a return—the reading of the return—the prisoner is brought into court. I say again, there can be no satisfaction in the mind of the court that any order in this case will be obeyed, unless its first order is obeyed; and in reply to what was intimated very improvidently by the counsel on the other side, that there had been any improvident issue of a writ in this case, I will call his attention to the declaration of the petition itself, which distinctly informs this court that the prisoner was in custody by virtue of an order of the House of Representatives directed to its Sergeant-at-Arms to punish him for a contempt committed, as was alleged, in not answering certain questions propounded to him by the Speaker at the bar of the House, and under the order of the House. So that so far as there being anything improvident, any misunderstanding in the case, as would result from the intimation of the gentlemen that something had been left, something had been omitted which the court was not informed of, it is an entire mistake.

The case in 7 Wheaton, may it please your honor, is entirely dissimilar from this. There is no resemblance whatever. By the Constitution and act of 1789, the Supreme Court of the United States has no jurisdiction; no appellate jurisdiction in criminal cases, save only where the judges of the supreme court differ in opinion in a criminal case, and certify that difference to the Supreme Court of the United States. Now in a case where they should certify a difference of opinion, it would clearly be competent for the Supreme Court of the United States to issue a writ of *habeas corpus* or *certiorari* and have the prisoner, with the cause of his commitment, and the proceedings in the cause, brought before them, as has been done over and over again; as was done very recently in the celebrated case of Lange who was convicted and improperly punished by Judge Benedict, of New York; a case with which your honor is perfectly familiar.

Now, from the time of Lord Raymond—I have Lord Raymond's reports here and I will read from the celebrated case of Paty, to be found on page 1105—down through all the cases, you find that invariably the prisoners were brought before the court:

"In the case of Regina *vs.* Paty *et alios*, Paty and four others were committed by the speaker of the House of Commons by virtue of an order of that house; and upon a *habeas corpus* to bring them before this court, the warrant was returned, which follows *in hæc verba*."

* * * * * * *

"The defendants were brought up upon the Saturday, and Mr. Mountague, Mr. Page, Mr. Lechmere, and Mr. Denton argued that they ought to be discharged."

Judge FISHER. What is that book?

Mr. DURANT. Second volume Lord Raymond's Reports, 1105–1106.

Then I will call attention to the case in 1 Wilson—the case of Hon. Alexander Murray.

Mr. Durant then read as follows:

"An *habeas corpus* directed to the keeper of Newgate to bring the body of Alex. Murray, esq.; whereupon it was returned and certified to the court that the prisoner, by the order of the House of Commons of the 7th of February, was committed to Newgate for an high contempt of that house, and he was not to be permitted to have pen, ink, or paper, nor should anybody be permitted to see him without the order of the house; that the keeper was afterward served with several orders of the house to permit the doctor, apothecary, and some relations to see him, and being now brought to the bar, and appearing to be in a very bad state of health from his imprisonment."

Then, in the case of Bras Crosby, esq., lord mayor of London:

"The lieutenant of the Tower of London was commanded to have before the justices of the bench here the body of Bras Crosby, esq., lord mayor of London, by him detained in the King's prison."

Then follows the writ, which is as follows:

"Whereas the House of Commons have this day adjudged that Bras Crosby, esq., lord mayor of London, a member of this house, having signed a warrant for the commitment of the messenger of the house for having executed the warrant of the speaker, issued under the order of the house, and held the said messenger to bail, is guilty of a breach of the privilege of the house; and whereas the said house hath this day ordered that the said Bras Crosby, esq., and lord mayor of London and a member of this house, be for the said offense committed to the Tower of London: these are therefore to require you to receive into your custody the body of the said Bras Crosby, esq., and him safely keep during the pleasure of the said house, for which this shall be a sufficient warrant.

"Given under my hand the 25th day of March, 1771."

And then adds:

"And that this was the cause of the caption and detention of the said Bras Crosby in the prison aforesaid; the body of which said Bras Crosby he hath here ready, as by the said writ he was commanded." &c.

The COURT. I think there can be no doubt that upon making the return the body must be produced; but it is only when the return is made.

Mr. DURANT. A motion to quash the *habeas corpus* is a thing I never heard of in my life before. The learned gentlemen on the other side have had much more experience at the bar than I, and much more familiarity with the practice of this and other courts, and will no doubt be able to find some authority to throw light upon this subject. I must confess my profound ignorance of a motion to quash the writ of *habeas corpus*, which I have always heard was *ex debito justitiæ*, and no judge could refuse it.

Mr. SHELLABARGER. It was refused in the case read.

Mr. DURANT. My learned friend thinks because it was refused in the case, there may be a motion to quash it.

Mr. SHELLABARGER. You said you never knew it to be refused.

Mr. DURANT. I did not say that I never knew it to be refused. I said that I never knew of the motion being made to quash it. That does not prove there can be no motion to quash it, because there are a vast number of things that I do not know in this world, very naturally; but I said I never heard of it before, and I gave as a reason why I never heard of it that it was *ex debito justitiæ*, and that unless on the face of the petition which the party presents the judge to whom it is presented says that there is no jurisdiction in his court, he must issue it. And that is the law in every civilized state where a common law prevails with whose jurisdiction and legislation I am familiar. But in the States of New York, Pennsylvania, New Jersey, and others I could cite, it is a penal offense, punishable by indictment, fine, and imprisonment, for any judge to whom is presented a case which on the face of it is one of which he has jurisdiction, one in which he can issue a *habeas corpus*, not immediately to issue it. Now, this petition says on the face of it that this man is in prison contrary to the Constitution and laws of the United States. The statutes of the United States say that in every case in which the allegation is made the party must be before the judge to whom it is addressed before he can issue the writ. I suppose it is not necessary for me to go further on that point, upon which your honor is so perfectly clear, as every judge and every lawyer must be, that the production of the body of the prisoner is the first step in these investigations. Whether it be a motion to quash which may possibly, under the authorities which the gentlemen may produce, be a proper motion to make, or whether it be on the return itself, or in any other form of proceeding or any other mode of carrying on the case, the preliminary act is obedience to the order of the court. The court must know first whether it has authority to have its order respected or not. That is the primary question. The primary question with the judge must be: "Is this man who holds the prisoner to obey me in anything? If he does not obey me in the first instance, I have no assurance that he will obey me at all."

The COURT. I must acknowledge that this motion to quash a writ of *habeas corpus* is a "*novus hospes*" to me. Perhaps, however, it is good practice to make a motion of that kind. Upon a motion, however, to quash a writ of *habeas corpus*, the court would decline to examine into the merits of the case, and the motion would only go to matters of form. These matters of form are amendable as they would be in any other case. A writ of *habeas corpus* is amendable and a return to a writ of *habeas corpus* is amendable.

Now, if this motion is founded upon imperfection in the formal part of this proceeding, I think, in analogy to motions in similar cases at law, that it may be entertained. If the motion, however, is based upon what is understood to be merits of the case upon the *habeas corpus*, that is an examination into the jurisdiction of the court making a commitment. I think that is not the form in which to litigate that question. That question must be litigated upon the return, and this court will not examine into the proofs upon that subject until the case is heard upon the return.

Mr. SHELLABARGER. Then, if I understand your honor, we may not look to the petition itself in support of the motion to quash. We would be content. I have never seen the petition. I now, for the first time, learn what it discloses from a statement of counsel. If we may resort even to that paper, and it disclose what my friend says it does, that this party is under arrest in execution of a judgment of the House of Representatives, then upon that we are entirely content to try this question, and to that we wish to appeal in support of the motion to quash, or to arrest this proceeding. If that may be done we are content to go forward.

The COURT. You could probably upon a motion to quash the writ refer to the writ itself, and to the petition upon which it issued; but I doubt whether——

Judge FISHER. We have concluded our paper by asking that the proceeding be dismissed, which we thought was the proper way.

The COURT. Of course; that is the prayer of every writ.

Judge FISHER. Yes, we thought that the writ was improvidently issued, and we think so now, although I have not read this paper through yet; but I think it is manifest from the petition itself that if your honor had considered the matter further, you would not have issued that writ. I propose to read the writ.

Mr. Fisher then proceeded to read as follows:

"Petition of Richard B. Irwin, a citizen of the State of "——

The COURT. Judge Fisher, you are now proceeding to present your motion to quash, are you?

Judge FISHER. Yes, sir.

The COURT. Very well. But I would prefer to have that in a formal presentation. You must either reduce your motion to writing, or the clerk will. But I have no clerk upon this hearing. You can put it in form at your leisure.

Mr. SHELLABARGER. It will be found that, appealing to the disclosures of the petition, a motion to quash and dismiss this proceeding for want of jurisdiction——

The COURT. You can reduce that to form, and file it with the other papers in the case at your convenience.

Mr. SHELLABARGER. We will do so.

Judge Fisher then read the petition, as follows:

"Supreme court District of Columbia—Ex parte Richard B. Irwin, praying for writ of *habeas corpus*.

"*Petition and affidavit.*

"*To the honorable the supreme court of the District of Columbia:*

"The petition of Richard B. Irwin, a citizen of the State of California, respectfully represents: That he is now restrained of his liberty and detained in confinement by N. G. Ordway, Sergeant-at-Arms of the House of Representatives of the Congress of the United States; that the said N. G. Ordway claims to act under the authority of the House of Representatives and by virtue of an order issued to him by the honorable JAMES G. BLAINE, Speaker of the House of Representatives, commanding him, the said Ordway, to take your petitioner into his custody and confine him in the jail of this District.

Your petitioner further shows, that the material facts concerning his detention, as he understands them, are that he was summoned before the Committee on Ways and Means of the House of Representatives and questioned concerning certain matters alleged, but erroneously, to be relative to an investigation of an alleged improper use of money to obtain from Congress a subsidy for the Pacific Mail Steamship Company, which questions petitioner declined to answer, because the committee had no authority or legal right to propound them; that your petitioner was then taken into custody by the Sergeant-at-Arms of the House of Representatives, and on the 7th day of January, A. D. 1875, brought to the bar of the House, where certain questions were propounded to him which he refused to answer, because the House of Representatives had no legal right to propound such questions; and on his refusal, he was again ordered into custody and confinement, to the end

that proceedings in due course of law might be instituted against him by the district-attorney of the United States for this District under the act of January 24, 1875. (14 United States Statutes at Large, pages 155, 156.) Your petitioner respectfully represents that his arrest and confinement are contrary to law and in violation of his constitutional and legal rights as a citizen of the United States.

Wherefore he prays, the premises being considered, that your honor will be pleased to issue a writ of *habeas corpus adsubjiciendum*, directed to the said N. G. Ordway, Sergeant-at-Arms of the House of Representatives, commanding him, at such time and place as your honor may signify, to have before you the body of the petitioner, to the end that the cause of his detention may be investigated, and that he may be discharged from further detention, or such other relief be entered in the premises as to law and justice may pertain. And as in duty bound, &c.

RICHARD B. IRWIN.

Richard B. Irwin, being first duly sworn, deposes and says that the facts set forth in the foregoing petition are true.

RICHARD B. IRWIN.

Subscribed and sworn to before me this 8th day of January.

CHARLES WALTER, *J. P.*

DURANT & HORNOR,
Of Counsel for Petitioner."

The COURT. The particular questions are not stated, I see.

Mr. SHELLABARGER. No, they are not. It will be observed, then, that this petition discloses that this relator was required to answer certain questions before the Committee on Ways and Means of the House of Representatives, which he refused to answer; that he was afterward brought to the bar of the House, and he was there again required to answer certain questions, and that he then and there, in the presence of the House, at its bar, declined to answer those other questions; and that then and thereafter the House adjudged and decided that he was in contempt of the House for that refusal, and ordered that he should be committed into the custody of the Sergeant-at-Arms, &c., and that he is now held in virtue of the writ ordered, authorized by that judgment of the House. So that there is disclosed here fully the jurisdictional fact that the House was making inquiry which they decided was pertinent and within their jurisdiction; that the House considered the question of its jurisdiction over that subject-matter; and that after and upon that consideration they adjudged that the party was in contempt, and ordered the arrest and custody now assailed by this application.

It will be probably observed that the petitioner fails to set forth in his petition the nature, as your honor has just suggested, of the questions that he was required to answer, or of the subject-matter even of those questions, and that he declined to answer them without giving, either in stating the question or the answer, any indication as to what the subject-matter of the inquiry was, and there stops, with this exception, that he then proceeds to inform the court, or the judge to whom he makes the application, that in his judgment, as a legal conclusion from the premises now adverted to in my remarks, he was not held under any authority of the Constitution or the laws; and upon that opinion he asks that this court shall discharge him. So that if we may look now, for the purposes of the point and motion we now make to the petition, as your honor has indicated we may, it presents to us as the subject-matter of this discussion the whole field of inquiry which we supposed would be opened by the motion that we proposed to make when we first came to the bar of the court. Now, with the indulgence of the court, and perhaps with an unnecessary amount of care and fullness, I ask the indulgence of the court to state, step by step, as fully as I may do, with the preparation that I have had opportunity to make, the grounds upon which we suppose that the writ of *habeas corpus* ought not to be allowed.

Mr. DURANT. Well, now, may it please your honor, I object to having this case argued three or four times over on the merits, and I ask that the counsel who represent Mr. Ordway shall be required to reduce to writing the motion which they make, which I understand to be in its design a motion to quash this writ; not to quash my petition, but a motion to quash this writ. It is the order of the court that alone can be objected to, not the form in which I applied for that order. That is not subject to any objection here. That would be destroying the whole virtue of the writ of *habeas corpus*, because if he [Mr. Irwin] could be in the presence of a judge, he might make application himself for the *habeas corpus*, or he might have it made by an unlearned friend, one unskilled not only in law, but in grammar and orthography, and it would be liable to no objection. It is the action of the court only that is liable to objection. What is the difficulty with the forms of this writ? If it be proper to have a motion to quash the writ, I wish the discussion under the order of this court, if I am correct in my view, to be confined to an examination of the requirements of that writ; and if there is anything out of order in it, we will amend it, as we have a right to do. The great question of the liberty of the citizen cannot be tied down by technicalities and forms. If there is anything wrong in the writ, the court has the power to permit amendment, and it will be made. It has been done over and over again. But to argue that this court has no jurisdiction to issue it, as the gentleman intimates that he will do, is substituting his motion for his return; and I say again, and I ask your honor to decide in the interest of public justice and of public liberty—both involved in this case—that nothing shall be done in this case until the order of the court is complied with and the prisoner brought here, for a motion to quash may be just as well made when that is done as after it shall have been done. And I say again that whatever your ruling may be on this motion to quash, when it shall be presented to you in due form, you have no reason to believe that it will be complied with by the party on the other side unless he obeys you in the first instance.

The COURT. I am not entirely clear about this practice, I must acknowledge. It is quite clear, however, to me that when the return is made the body must be produced. That I have no doubt of. The return is not yet made, and therefore the exigency or contingency upon which the production of the body rests has not yet occurred. It would be, perhaps, something like a motion upon an indictment for a felony. At the trial of such an indictment the presence of the prisoner is indispensable. A motion may be made to quash the indictment in his absence. I am therefore inclined to think that if the practice is admissible of making a motion to quash a writ of this description, it may be made anterior to the return, and therefore before the time has arrived for the production of the body of the person in custody. This would appear to be the natural sequence of events in a proceeding of this description. In regard to the other point, that counsel may not refer to the petition on a motion to quash the writ, about that their discussion must be confined exclusively to the writ itself, and I am inclined to think that, inasmuch as the petition accompanies the writ and to be served with it, they are "a concretance," so to speak. They constitute a species of unity, and that the motion, if made at all, may be made on both the petition and the writ.

Mr. DURANT. Then it is a demurrer to the petition.

The COURT. Well, scarcely that. It would have the effect of a demurrer to a regular pleading. Although you may demur to an indictment, you may move to quash it. I do not know that there is any writ that you may not move to quash. You may move to quash a *certiorari*. You may move to quash a summons; you may move to quash a *capias*—in fact anything is quashable almost.

Mr. DURANT. For defect of form.

The COURT. For defect of form.

Mr. DURANT. But I understand they propose going into the substance.

The COURT. Or for anything appearing on its face which shows that the court has no jurisdiction; but it is very true, as stated by counsel, that the liberty of the citizen is not to be impaired by any imperfection of this kind; because in the interest of that liberty the court will amend all such processes, and all the papers or instruments upon which this process may be founded, for the purpose of protecting the citizen in his just rights. And if it should turn out there is anything amendable, either in the petition or the writ, at the end of this discussion the court will allow it. Counsel, of course, must be guided by their own judgment and discretion. It is not for the court to dictate what course they shall pursue, but perhaps all the questions involved would be much more satisfactorily disposed of if the return was made in proper form. I would then listen to the argument upon what would be appropriate to the motion to quash, as well as to the principles involved in the case, and dispose of the matter.

Mr. DURANT. That is undoubtedly the proper way.

The COURT. In conformity with the law of the case.

Judge FISHER. I have drawn up the form of a motion which we desire to present to your honor.

Judge Fisher then read as follows:

"Ex parte Richard B. Irwin, *habeas corpus*, to N. G. Ordway, sergeant, &c.:

And now, to-wit, this 14th day of January, 1875, the said N. G. Ordway by Samuel Shellabarger, his attorney, comes before the Hon. Arthur MacArthur, by whom the writ of *habeas corpus* was issued and returnable, and the petition of said relator being read, the respondent moves that the said petition be dismissed and that the writ thereon issued be revoked, as having been improvidently issued."

Mr. DURANT. I move that this motion to quash be summarily rejected as contrary to all precedent and practice, and because its discussion necessarily involves and will involve the discussion on the merits.

Mr. SHELLABARGER. "Summarily," I suppose, means without being heard.

Mr. DURANT. I never heard that "summarily" meant that before. Perhaps in the gentleman's practice it means so.

The COURT. I have some doubt as to the regularity of the practice adopted here; but in view of what I have said, I think I will allow the motion to be presented.

Judge FISHER. In support of that motion, I submit this simple consideration to your honor.

Mr. DURANT. Your honor will allow me to reserve an exception to your refusing my motion to disallow the motion made.

The COURT. I do not know as there can be a bill of exception from any ruling of mine, sitting at chambers. You can probably only review this matter by *certiorari*.

Mr. DURANT. It ought to appear in some way that I made the objection.

The COURT. That will appear, if you choose to have it appear. It will depend altogether upon yourself, upon what facts you will put upon the records.

Judge FISHER. I merely wish to submit to your honor this simple matter for your honor's consideration in regard to this motion; that your honor, if you had been sitting in the criminal court, or if the court *in banc* had been in session and a motion had been made in either of those courts, your honor would have inquired, or the court would have inquired, into the propriety of issuing the writ in accordance with the prayer of the petition upon which this writ was issued, or the ground laid for the motion. Now if, on a motion being made in court, your honor should consider the propriety of issuing the writ of *habeas corpus*, and if your honor should determine that you would not issue the writ, such a case was disclosed upon the motion as did not justify the issuing of the writ, why, then your honor would withhold the issuing of the writ. Well, now, take the case where the petition is presented to your honor, sitting in chambers, setting forth facts which clearly show to your honor that the House of Representatives in the matter complained of was acting in a constitutional and legal way, acting in a way which by the provisions of the Constitution it has lawful right to do in propounding these questions and in requiring the witness to answer them, and in considering him and adjudging him to be in contempt for not answering them both before the committee and the House of Representatives when brought to its bar—now, when the petition shows to your honor such a case as that, I humbly submit, may it please your honor, that your honor upon full consideration of the case ought not to have issued the writ. Therefore, that the writ being issued upon insufficient petition, being issued upon a petition which sets out fully and shows clearly that the House of Representatives, according to the well-settled and acknowledged principles of law with reference to the matter of *habeas corpus* that every court of competent jurisdiction has a right to commit for contempt, and further the other principles that every court having jurisdiction, having this right to commit for contempt, is to be considered the judge of what constitutes that contempt, then I say, having considered this subject, your honor would and ought to have refused to issue the writ. Now we say we can present the same reasons to your honor; we have the same right to demand of your honor that this writ shall be revoked when it has been improvidently issued as we should have to resist the issuance of it if it were made upon a motion in open court, or upon a petition presented in open court where both sides have an opportunity to be heard.

The COURT. It must be evident to counsel that it is impossible to discuss this motion without going at large into this case. Upon a *habeas corpus*, and upon a motion to quash, I do not think the court would be justified in pursuing that course. I think the far better practice to adopt would be to pursue the ordinary course and dispose of the case upon the return.

Mr. SHELLABARGER. Then, if I understand your honor, the motion now filed is overruled.

The COURT. Yes; I will overrule the motion, formally at least.

Mr. SHELLABARGER. The relations of this jurisdiction to that other jurisdiction which I represent of course makes the case one of singular delicacy, and in view of all that, which we all appreciate, I now ask your honor to lay over and extend the time for making this return until to-morrow, in order that I may have an opportunity to lay before the House of Representatives the question that has arisen and the present posture of the case, so that, with regard to the action that shall be had upon the matter as to the production of the body, we may at least give opportunity to the House to exercise its own pleasure in regard to whether it will take action in the premises or not. If the House should give instructions in regard to the matter, of course they will be adhered to by counsel representing the House. If no instructions should be given, then counsel will take the responsibility of doing what seems to be required in the case.

Mr. DURANT. I hope your honor will not accord any delay. This *habeas corpus* was applied for last week and granted, returnable two days ago. Time was then asked for by the counsel representing the Sergeant-at-Arms to make his return, and the time which he himself desired; none less was accorded by your honor. I will not here discuss the authority and right of the House of Representatives of the United States to hold a contumacious witness in contempt; hold him in detention for alleged contempt; but I will say that I consider it a most extraordinary expansion of the ordinary powers and the ordinary custom of that House to punish him by imprisonment in the common jail, and that, too, in the face, may it please your honor, of a certificate from two of the most respectable physicians in the city—Dr. Johnston and Dr. Garnet; that, too, in the face of a certificate from these two respectable physicians—none more so—that the condition of his health and the prostration of his nervous system from an accident that happened to him on the Pacific coast which fractured his skull, placed him in such a condition that it was dangerous to his life to be confined in that jail, and more, as a reason why you should not delay this case. And I ask the counsel on the other side and Mr. Ordway to listen attentively to what I now say, and to deny it if it be not true, for I state it on my own personal responsibility and that of a gentleman in whom I have the highest confidence, that after this man was confined in prison by order of the Committee on Ways and Means the Surgeon-General of the Army of the United States and the Surgeon-General of the Navy were sent to examine him, and they reported to that respectable body, the Committee on Ways and Means, that

it was unsafe for him to be there, and that this report is suppressed from the knowledge of the House of Representatives, who, I have no doubt, would put him in another and proper place of confinement if they understood the facts. Now, sir, this is not punishment, but it is persecution. It is not the way in which an American citizen should be treated. There is no cause for delay. If the House of Representatives, as they undoubtedly will when they hear of this case, direct their Sergeant-at-Arms to obey the constituted authority of the country, and not by silly technicalities to delay the course of justice—I withdraw the word "silly" and substitute, for nothing that is silly can come from the gentlemen on the other side—I will say to delay it by frivolous technicalities, they will direct him undoubtedly to obey the laws of the country and its constituted tribunals; and if they should refuse, may it please your honor—and if they should refuse, which is not within the possibility of supposition, but if they should refuse to obey the order of this court—then the crisis will come, and we will see whether the liberty of the citizen is to be protected by the tribunals of the country or be subjected to a committee of the House of Representatives. We will see it then, and we may as well see it now. Why delay twenty-four hours to know that? I think, undoubtedly, they will order it. If they will order it, delay is unnecessary. If they will not order, why then your honor will have to meet the question twenty-four hours hence. I therefore think that under these circumstances, where the liberty of the citizen is restrained, and restrained in a dangerous manner, injurious to his health and dangerous to his life, there should be no delay; that already sufficient delay has been had in this case.

Mr. SHELLABARGER. I confess to a little, not much, surprise at the speech just delivered.

Mr. DURANT. You had better reserve your surprise for future speeches.

Mr. SHELLABARGER. It is not silly, but it is unique. It is one which, if I were the court, it seems to me, I would think, not say, had better not have been made. Now, your honor, here is a man in custody——

The COURT. Mr. Shellabarger. I am going to grant your request.

Mr. SHELLABARGER. Then I do not want to make a speech for the purpose of that buncombe that the other speech was made for.

Mr. DURANT. You must pardon something to the spirit of liberty.

The COURT. I think, under the circumstances, that the request of counsel is a reasonable one.

Mr. DURANT. I acquiesce most cheerfully in everything that your honor says.

The COURT. Of course this court does not want to precipitate anything disagreeable between the House of Representatives and this jurisdiction.

Mr. DURANT. There will be nothing.

The COURT. I trust not.

Mr. DURANT. Because it will never be disagreeable to your honor to perform a judicial duty.

Thereupon the court adjourned until to-morrow morning at eleven o'clock.

Second Day's Proceedings.

WASHINGTON, D. C., *January* 15, 1875.

At eleven o'clock, the hour fixed for a further hearing in the Irwin *habeas corpus* matter, Judge MacArthur suspended the trial of a criminal case that was in progress and announced that he was ready to hear counsel in the case of Irwin.

Mr. SHELLABARGER. May it please the court, the counsel representing the House of Representatives, as they indicated to your honor yesterday they would do, proceeded, after the matter was adjourned in this court, to the House of Representatives, and the result of interviews there was that the respondent in this case presented to the House of Representatives, through its organ, the Speaker, the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 14, 1875.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

SIR: I respectfully report to you, and through you to the House of Representatives, that on the 9th day of January, 1875, a writ of *habeas corpus* was served upon me directing me to produce the body of Richard B. Irwin, detained in my custody, before Arthur MacArthur, one of the judges of the supreme court of the District of Columbia, on the 12th day of said January; that thereafter, on the 12th day of January aforesaid, the time for producing the body of said Irwin was further extended to January 14, at eleven o'clock a. m., at which time I appeared before the said Judge MacArthur and presented, through my attorney, Hon. Samuel Shellabarger, the warrant and resolution of the House of Representatives upon which said Irwin was held in my custody. Whereupon Judge MacArthur decided that no return would be received by him until the body of the said Irwin was produced in court.

Inasmuch, therefore, as the production of the said Richard B. Irwin by me would release him from my custody as an officer of the House of Representatives and place him in the custody of the court, I asked for delay until to-morrow, January 15, at eleven o'clock a. m., to obtain further instructions from the House of Representatives.

All of which is respectfully submitted.

Very respectfully, your obedient servant,

N. G. ORDWAY,
Sergeant-at-Arms House of Representatives United States.

The Speaker of the House of Representatives then presented this communication to the House and invited its action. Thereupon, after some debate, the House adopted the following resolution, of which I present to you a certified copy:

FORTY-THIRD CONGRESS, SECOND SESSION,
CONGRESS OF THE UNITED STATES,
In the House of Representatives, January 14, 1875.

On motion of Mr. DAWES,

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to have careful returns of the writ of *habeas corpus* in the case of Richard B. Irwin that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt.

Attest:

EDW. McPHERSON, *Clerk.*

Your honor will permit me to say that the circumstances attending the passage of that resolution, the debate, the resolutions offered and withdrawn, and all the circumstances and history connected with it, which are proper to be looked to in giving it interpretation, show it is an instruction to the Sergeant-at-Arms that his return should be what is here stated, and that it should not include the return of the body of the prisoner into this court. The return should be in its legal effect, in these words, as stated in the body of the resolution: "that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt." It may be, perhaps, not amiss for me to say, in expressing to you the explanation of the conduct of this respondent, that the universal interpretation, so far as it has come to his knowledge and to my knowledge, for I have seen a large number of the members, is just that which I have just put on the resolution; the return in its legal effect should be what is there read, and it should not be accompanied by any surrender of the body. Under these views, counsel appear this morning again, and ask the court to permit us to show to your honor that the conduct of this relator is sustained by the practice, by the authorities, and by the settled law. We wanted yesterday an opportunity, and we ask it again to-day, with all due deference and the most profound respect for the courts of the country and for this court, only to be permitted at your bar here to present to you the unanimous, I believe, decision of the Supreme Court of the United States, as well as the practice of the courts of this District, indicating that we are right in saying that in a case like this the production of a showing that the party is in the custody of another jurisdiction as to a subject-matter where that other court has jurisdiction ends the power of this court, and that that may be shown without the production of the body, and indeed that the Supreme Court of the United States has held that the body ought not to be produced, and that we ask the privilege of doing again this morning, as I have stated, with very sincere deference to the court, and very sincere anxiety to avoid any of the unpleasant conflicts which may seem to be threatened in this case, or which may arise in all cases, if the line of practice is not observed, which, I think, is the true one in a case like this.

Mr. DURANT. The interpretation which has been put upon this order by the learned counsel on the other side is precisely the contradictory of that which I have put upon it from reading the debate of yesterday carefully as reported in the CONGRESSIONAL RECORD of this morning. It is manifest, your honor, that the learned counsels' opinion of what this means or the idea of any single or any number of members of Congress, as to what it means is not the rule of interpretation, but the only real interpretation by which we can be guided is that which declares the sense of a written instrument must be gathered from its terms and forms of expression.

The COURT. I would like to hear that resolution read once more.

Mr. DURANT. I was about to read it. I took it from the desk, as I understood, with the permission of the gentlemen, for the purpose of reading it to the court.

Mr. SHELLABARGER. Certainly; that is right.

Mr. DURANT then read as follows:

FORTY-THIRD CONGRESS, SECOND SESSION,
CONGRESS OF THE UNITED STATES,
In the House of Representatives, January 14, 1875.

On motion of Mr. DAWES,

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to make careful return to the writ of *habeas corpus* in the case of Richard B. Irwin that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt.

Attest:

EDW. McPHERSON, *Clerk.*

Now, it is perfectly manifest, may it please your honor, that if this resolution had not been passed the attitude of the Sergeant-at-Arms and the learned counsel who represent him would be precisely the same as it is after its passage. They would necessarily make a careful return to the writ of *habeas corpus*, and would make that return, necessarily, according to the facts, that Mr. Irwin was detained by order of the House of Representatives to answer for a proceeding against him directed by the House for a contempt of its authority. They would make that return necessarily, because, in the first place, such are the facts, and because it is admitted by the petition which was presented in this court. But how, may it please your honor, does that evince a design on the part of the House of Representatives to defy the law of the land? How does that evince a design on the part of the House of Representatives to say that the proceedings in *habeas corpus* in this case shall not be conducted as they have been in all other cases of a similar kind? Now, I showed you yesterday that by the settled jurisprudence of the court of king's bench in England, in precisely——

Mr. SHELLABARGER. If the law is to be discussed, we beg your honor that we shall be heard also on this question.

Mr. DURANT. I do not see what will prevent the gentlemen from being heard. Certainly I shall make no opposition.

The COURT. Mr. Shellabarger has read this resolution of the House, and he has stated his construction of that resolution, and that it limits the officer in making this return simply to stating the fact that the relator is held upon a commitment for contempt by the House, and he desires the privilege of arguing the proposition which was argued yesterday—that it is not necessary to produce the body here. Now, so far——

Mr. DURANT. If your honor accords him that privilege——

Mr. SHELLABARGER. I say, then, I want the opening.

Mr. DURANT. I do not see why he should not argue it, although it was fully argued yesterday.

The COURT. He desires to reargue the question of practice in that respect, and, as I understand, has made an application to the court.

Mr. DURANT. But he has put an interpretation upon this instrument which, I am endeavoring to show, it cannot be conceived the House of Representatives intended.

The COURT. The resolution may form a topic of a discussion between counsel should the court grant this application. The matter now before the court and for its immediate action is whether we will hear a reargument upon this point of practice.

Mr. DURANT. I await, then, your honor, until your honor decides that question.

The COURT. Although my convictions were quite clear and strong when I disposed of this matter yesterday, in view of the extraordinary position in which we find ourselves placed by the construction which the counsel have placed upon this resolution of the House, I deem it no more than proper that the greatest opportunity should be afforded to examine this question, and that it should be disposed upon the fullest deliberation and discussion. If counsel, therefore, desire to reopen the argument, it is a privilege which I very cheerfully accede to.

Mr. SHELLABARGER. I recognize the patience and courtesy of the court, and I will not consume much of the time of the court. The motion may be regarded as filed.

Judge FISHER. The motion that I put in yesterday I would like to remodel the form of. [Addressing Mr. Durant.] Do you wish to look at it before it is placed upon the file?

Mr. DURANT. No; you can read it; I have no objection to it.

Judge Fisher read as follows:

Ex Parte Richard B. Irwin—before Hon. Arthur MacArthur, one of the justices of the supreme court of the District of Columbia, in chambers.

Habeas corpus to Nehemiah G. Ordway, Sergeant-at-Arms of the House of Representatives of the United States of America, issued January 9, 1875, returnable before said justice at the City Hall, Washington, District of Columbia, Tuesday, January 12, 1875; and on the same day, January 12, 1875, by order of said justice, the time to make return to said writ extended to the 14th day of January, 1875, at eleven a. m.

And now, to-wit, this 14th day of January, 1875, the said Nehemiah G. Ordway, Sergeant-at-Arms, &c., by Samuel Shellabarger and George P. Fisher, his attorneys, comes before the said justice and moves that the petition upon which said writ of *habeas corpus* issued be dismissed, and that the said writ be revoked as having been improvidently issued.

N. G. ORDWAY,
By S. SHELLABARGER,
GEO. P. FISHER,
Attorneys.

Mr. SHELLABARGER. In opening this question, your honor, I shall not go into any general discussion of general principles, but shall confine myself exactly to the question as to whether it is a correct practice in a case like this to disclose to the

court allowing the writ of *habeas corpus* the nature and cause of detention for the purpose of showing to the court that the writ was improvidently issued and that the body cannot be required to be produced in court, or the custody assailed which makes response to the writ. Now, as was stated upon yesterday, in a case in 12 Wallace, the name of which I do not remember at this moment, it is decided by the Supreme Court of the United States that by necessity *ex proprio vigore* the production of the body of a prisoner under a writ of *habeas corpus* changes the custody, so that there is no longer in contemplation of law any custody whatever in the party responding to the writ, and it is in the court. About that I suppose there will be no controversy. But another step, your honor——

Mr. DURANT. What is the case in Wallace that you cite?

Mr. SHELLABARGER. I will give it to you when I get it. I have not it here at this moment. Judge Fisher will hand it to you.

Again, not only is the custody changed from the House of Representatives in this case to this court, but the powers of this court are such that it can, during the trial of the cause, control that custody and even admit the party to bail during the trial, as you will find decided in Ex parte Kaine, 14 Howard, 103, 133.

Again, your honor, this trial may, under the present condition of the law, be continued at the pleasure of the court. Under the statute the relator has five days to answer, and such other additional time as the discretion of the court may give him; and putting now together what I have stated, the result is on the production of this body here—a man in contempt of the House; adjudged to be in that contempt by a tribunal—that is, a court which has tried him, adjudged his case, sent him to prison in execution of judgment and also for enforcing the delivery of testimony. After the court which allows the writ of *habeas corpus* is apprised of those facts just stated, it may bring him out; take him away from the custody of the House of Representatives and admit him to bail; excuse him from giving testimony, and dispose of him according to the pleasure of the court, of course exercising that pleasure with sound judicial discretion, and doing no improper thing. Now, I am assuming all the while that is nothing designedly improper. All these results come from the doctrine that in every case where a *habeas corpus* may be issued, however improvidently it is impossible to make return or to disclose to the court the fact that he is in that jurisdiction, except that disclosure be accompanied by a production of the body and surrender of the witness to be discharged from giving testimony. That is the position of my friend on the other side—that we cannot be heard. We can make no disclosures to this court; we can make no returns; we can do nothing whatever after an *ex parte* issuance of a writ of *habeas corpus* has occurred, however fraudulently procured; we can do nothing whatever as against that issuance, except surrender the custody and put it at the disposal of another tribunal, and that with power to admit to bail and to continue indefinitely to wholly discharge the witness according to the pleasure of the court.

Now, a proposition that would result in such consequences, it seems to me, would, as has been so often said by the courts and—I am now only repeating the language of the courts, the Supreme Court in several instances—would result in infinite mischief and clashing of jurisdictions. Now, your honor, it is because that is not the practice, as I understand it, that we have been solicitous to at least present, as we have here this morning, in obedience to the resolution of the House again the return, the statement disclosing every circumstance and fact connected with his imprisonment. I now go to a statement of the authorities. First, let me state to your honor the history of the Bell case in this court, where I stand to-day; where, upon the production, as was stated, I believe, on yesterday, of the order of the House of Representatives disclosing to that court the fact that Mr. Bell was held by the Sergeant-at-Arms of the House of Representatives under the order of the House—that thereupon the court held in that case that the practice was and that his duty was to stop; to go no further, but to remand, or rather not to remand, because there was no production, but to arrest the proceeding, and it ended.

Now, again——

The COURT. Is there any record of that Bell case?

Mr. SHELLABARGER. There is not, I believe. It was a case at chambers, I believe, and we have searched for it in vain.

Judge FISHER. It was a case decided by Judge Wylie, but I have it from Judge Wylie's own lips. He took no note of the case, and he does not recollect the time sufficiently to enable us to search for a report of it in the newspapers.

Mr. SHELLABARGER. Now, in the Nugent case, to be found on pages 107 and 108 of the American Law Journal of 1848 and 1849, decided by Judge Cranch, I believe it was——

Mr. DURANT. What volume is that?

Mr. SHELLABARGER. No volume; it is of that year.

Mr. DURANT. What book?

Judge FISHER. American Law Journal for 1849.

Mr. SHELLABARGER. Your honor will please observe here that the return, as I shall now read it to you, according to the report here contained, is professed to be given *in hæc verba*, putting the extract from the return in quotation marks, and it reads thus:

"The said return stated that—"

Then begins the quotation mark:

"The said Robert Beale holds the office of Sergeant-at-Arms of the Senate of the United States; that the said Senate is, and has been long before the arrest of the said John Nugent, holding its regular sessions; that certain proceedings were had before the said Senate, in executive sessions, which said proceedings are, by the rules and orders of said Senate, had in secret session, and which the respondent cannot, without violation of his official oath and duty, divulge or make public; that this respondent, as such Sergeant-at-Arms, has received from the Hon. G. M. Dallas, Vice-President of the United States and President of the Senate, a warrant, by which he is ordered and directed, authorized and required, to take into his custody the body of the said John Nugent, and him safely keep according to the terms of said precept or warrant; that in obedience to the order and command of the said Senate of the United States, this respondent, as in duty bound, has arrested and now holds the body of the said John Nugent in legal custody, and now produces and exhibits to the court now here the said order, precept, and warrant as the cause of the caption and detention by him as aforesaid of the body of the said John Nugent, as part of this return."

Then comes the warrant. Throughout the case there is nothing to disclose anything upon the subject of the production of the body, except what I have read. I am right in that, am I not, Judge Fisher?

Judge FISHER. Yes, sir.

Mr. SHELLABARGER. And the indication, of course, is about conclusive that the body was not produced, because the production of the body is almost invariably stated in the return; disclosed by the return. Here it is wholly omitted, with the statement "that in obedience to the order and command of the Senate of the United States, this respondent, as in duty bound, has arrested and now holds the body of said John Nugent in legal custody, and now produces and exhibits to the court now here the said order, precept, and warrant as the cause of the caption and detention."

Mr. DURANT. What is the inference you draw from that?

Mr. SHELLABARGER. That the body was not produced.

Mr. DURANT. That inference contradicts the fact, because Nugent was in court.

Mr. SHELLABARGER. I understand the fact to be otherwise.

Mr. DURANT. From whom?

Mr. SHELLABARGER. From general history. I have never inquired into it especially.

Mr. DURANT. Well, sir, Mr. Walter S. Cox, a member of this bar, told me just now Nugent was sitting by him at the time; was in court.

Mr. SHELLABARGER. Now let us take another step.

The COURT. That was Cox on Nugent, was it?

Mr. SHELLABARGER. I now refer the court to the case of Ableman *vs.* Booth, 21 Howard, 506. This is the case I referred your honor to a short time ago, and which I said I believe the opinion was unanimous in. I will read so much of the syllabus of the case as will disclose the character of the case. It was one arising under the fugitive-slave law, and where there was a question of conflict of jurisdiction between the State and Federal courts.

The COURT. The circumstances of that case transpired under my own personal observation.

Mr. DURANT. That was under the nullification law, was it not?

The COURT. Yes, sir.

Mr. SHELLABARGER. Now I wish to call your honor's attention to what occurred in this case as stated by the court, upon the proposition indicated by the second proposition of the syllabus.

"2. A *habeas corpus* issued by a State judge or court has no authority within the limits of the sovereignty assigned by the Constitution to the United States. The sovereignty of the United States and of a State are distinct and independent of each other within their respective spheres of action, although both exist and exercise their powers within the same territorial limits."

I read in connection with that—I find it necessary—the third:

"3. When a writ of *habeas corpus* is served on a marshal or other person having a prisoner in custody under the authority of the United States, it is his duty, by a proper return, to make known to the State judge or court the authority by which he holds him. But at the same time it is his duty not to obey the process of the State authority, but to obey and execute the process of the United States."

Now I read from page 523 of the opinion in regard to what the duty of the marshal was in that case in regard to surrender of the body to the jurisdiction of the State court:

"We do not question the authority of a State court or judge, who is authorized by the laws of the State which issues the writ of the *habeas corpus* to issue it in any case where the party is in prison within its territorial limits, provided it does not appear when the application is made that the person in prison is in custody or under the authority of the United States."

Now, I want to read that again. It is his duty "provided it does not appear when the application is made that the person imprisoned is in custody under the authority of the United States." The court or judge has a right to inquire, in this mode of proceeding, for what cause and by what authority the prisoner is confined within the territorial limits of the State sovereignty. And it is the duty of the marshal or other person having the custody of the prisoner to make known to the judge or court by a proper return the authority by which he holds him in custody. This right to inquire by process of *habeas corpus*, and the duty of the officer to make a return, grows necessarily out of the complex character of our Government and the existence of two distinct and separate sovereignties within the same territorial space, each of them restricted in its powers, and each within its sphere of action prescribed by the Constitution of the United States, independent of the other. But after the return is made, and the State judge or court judicially apprised that the party is in custody under the authority of the United States, *they can proceed no further* They then know that the prisoner is within the dominion and jurisdiction of another government, and that neither the writ of *habeas corpus*, nor any other process issued under State authority, can pass over the line of division between the two sovereignties. He is then within the dominion and exclusive jurisdiction of the United States. If he has committed an offense against their laws, their tribunals alone can punish him. If he is wrongfully imprisoned, their judicial tribunals can release him and afford him redress. And although, as we have said, it is the duty of the marshal or other person holding him to make known by a proper return the authority under which he detains him, it is at the same time imperatively his duty to obey the process of the United States, to hold the prisoner in custody under it and to refuse obedience to the mandate or process of any other government. And consequently it is his duty not to take the prisoner, nor suffer him to be taken, before a State judge or court upon a *habeas corpus* issued under State authority."

The COURT. What is the date of that decision?

Mr SHELLABARGER. That is 1858. Now, the application of this case, to the case at bar, your honor, is this—and I wish to state it carefully, so that my meaning may be fully apprehended by the court: The claim on the other side is that there is no case where it is proper for a court to issue a writ of *habeas corpus*, and where that court which has properly issued that writ of *habeas corpus* may properly hear the cause of the detention in the absence of the body. That is the proposition of my friend; and it will not do for him to attempt to escape on the ground that this case is distinguishable from the one at bar because this was a case where the State undertook to interfere with Federal courts, and that the case at bar is not of that character. I am bringing it to your honor for the conclusive purpose of defeating the legal position of my learned friend at its very foundation. His proposition is that there is no case where the court may rightly issue a writ of *habeas corpus*, and where an answer may be filed in the nature of a return, in the absence of the body. Now, that case I have produced to your honor. I have shown to your honor that there is a case of this kind by the unanimous judgment of the Supreme Court of the United States; and that case I now proceed to show in its legal elements is not distinguishable from this case. In that case the Supreme Court of the United States say that the moment that the court issuing the writ ascertains by the return that the party is in custody of another jurisdiction, to wit, the Federal, that there he must stop. The very words of the court are: "Can proceed no further." Now, apply that legal principle here, and the result is this: That the return is offered now at your bar which discloses the fact which is also disclosed by the petition itself, that this party is in custody of another jurisdiction—the House of Representatives—in execution of the processes of that court; and hence that the very case in its legal elements is presented to the bar of this court that was in that.

What difference does it make, your honor, in legal principle that because the State courts cannot inquire into the rightfulness or wrongfulness of a commitment by a Federal court, that therefore the State courts must stop? What difference is there between that and this case, whereby every authority—two or three which we have presented of the Supreme Court of the United States—unanimously pronounced, and vindicated by an array of authority presented in this case, decided by your predecessor, Judge Cranch, in this District—an array of authority extending through hundreds of years, all to the effect that the moment a court ascertains that another jurisdiction, and which had jurisdiction of the subject-matter, has adjudged a party in contempt, that the court, whenever it learns that fact, however learned and whenever learned, judicially, must stop. I repeat, then, in the case here they were required to stop; to arrest the proceedings whenever they judicially ascertained by the return that they could go no further, because another jurisdiction, to wit, a Federal one, has the custody. So here, your honor, you have learned by a return, that another jurisdiction—it is Federal just like yourself, I admit; but another jurisdiction—has charge of this man; has him under arrest, in execution of a judgment of the House of Representatives; and, like, as in that case, when you learn the fact, you must also stop; like as in that case it was not the duty to produce the body; so also in this case may that disclosure be made to you in the absence of the body. My friend will find it difficult to say now, after the production of a decision so pronounced—difficult to say that there is no case in which a return may be made to a writ of *habeas corpus* in the absence of the body, for the Supreme Court has declared in this case that that is a legal possibility, and a legal propriety, and that it is the duty—applying the law of that case to this—it is the duty of the Sergeant-at-Arms to obey the process of that jurisdiction to which

he is amenable, and not to yield the custody. Now, if there is anything further to say, as I promised to be brief, I will allow it to be said by my associate in the close.

Mr. DURANT. The question is stated here, as it was yesterday, may it please your honor, not what the return when it shall be made will disclose, because you have not the return before you, but the question is simply and solely whether, in obedience to the order of this court, the Sergeant-at-Arms is bound to produce in court here the body of the prisoner. And I repeat what I said yesterday, and which has not in the slightest degree been modified by the argument.

Mr. SHELLABARGER. Allow me to state that it has been suggested to me by a member of the bar that the case of Ex parte Tarble, 13 Wallace, sustains the same doctrine.

Mr. DURANT. What doctrine?

Mr. SHELLABARGER. Of the case here, that there may be a return of the disclosure of the jurisdiction without the production of the body. I have not seen the case.

Mr. DURANT. There is no such doctrine in the Booth case.

The COURT. That must be a Pennsylvania report.

Mr. DURANT. As there is no such doctrine announced in the Booth case, it is immaterial,

Mr. SHELLABARGER. We will get that case and examine it. I have not seen it.

Judge FISHER. I have sent for it.

The COURT. What is the title of the case?

Mr. SHELLABARGER. The title is, Ex parte Tarble. We will get the case.

The COURT. You may resume, Mr. Durant, the thread of your argument.

Mr. DURANT. A very weak thread, may it please the court, but strong enough to bind this case. May it please your honor, I said yesterday, and I repeat to-day what I said then, which has not been in the slightest degree modified by the argument of the learned counsel on the other side, that when this court issues an order of *habeas corpus*, directed to any one who by the authority of the United States or any agency of the United States has the prisoner in custody, that the tenor of the writ, as it has universally existed from time immemorial in Great Britian from whence we received it, must be obeyed, and the body of the prisoner must be produced in court.

In opposition to this we have brought forward the case of Bell, which nobody knows anything about and which nobody can tell anything about, and with regard to which we have been informed nothing. And we have the case of Nugent, as reported on page 103 of the American Law Journal for 1848 and 1849, which is silent as to the fact of the prisoner's body being produced in court. When a *habeas corpus* was directed by one of the judges of this court, or by the court that existed prior to the act of 1863, of course it must have been to the Sergeant-at-Arms of the Senate, and the inference is produced from the silence of the report in the law magazine as to the fact that the prisoner was not produced in court. Well, there is no inference, may it please the court, proper to be drawn, because it was unnecessary for the author of the article in a law magazine to state anything about it, and because we have to presume that that judge did his duty, as certainly this judge will, and that the Sergeant-at-Arms did his duty, as this one is not doing it. We have to presume that the law was obeyed, and that the body of Nugent was produced in court. That is the legal presumption of the case. It is fortified by the fact which I am authorized to state on the honor of a gentleman of this bar—I do not know whether he is present in court, Mr. Walter S. Cox; I am told he is present in court—who informed me this morning, and for which I am very much obliged to him, that when he was present in court when Nugent was tried the prisoner was there.

Mr. SHELLABARGER. He may have been there as a spectator.

Mr. DURANT. Yes.

"There, chained in the market-place, he stood,
A man of giant form."

But he was in court, and as he had been in the custody of the Sergeant-at-Arms of the Senate of the United States, the idea that he was there as a spectator, is one of those imaginary instances that my learned friend on the other side is so fond of presenting instead of quoting the law. It is not to be presumed that the Sergeant-at-Arms of the Senate of the United States brings his prisoners into court to be spectators. He was in court. That is the fact for me.

Now, may it please your honor, the State of Wisconsin passed a law nullifying the fugitive-slave act, and the courts of Wisconsin, mistakenly, undertook to bring up the marshal of the United States and the prisoner that he had in charge by virtue of the ordinance of the United States.

The COURT. The Legislature did not undertake that, but the supreme court of the State.

Mr. DURANT. The State of Wisconsin, acting by her statute authorities in the particular case in which they were acting, undertook to nullify the fugitive-slave law.

The COURT. I can state in a moment the circumstances of that case, if it will be of any advantage.

Mr. DURANT. It will be very interesting if not of great advantage to us, if the court will so favor us.

The COURT. Booth was indicted in the district court of the United States at Milwaukee for aiding in the escape of a fugitive slave. He declared the fugitive-slave law unconstitutional, and therefore that the arrest was illegal, and applied to one of the justices of the State for a writ of *habeas corpus*. The marshal made the return, which appears in the report of the case in 21 Howard, and under those circumstances the justice who issued the writ regarded it as one of those cases in which he could proceed to try the case in the absence of the relator.

Mr. DURANT. Because he could not get him. [Laughter.]

The COURT. Yes, because he could not get him, [renewed laughter;] and he did not get him.

Mr. DURANT. Necessity, like a good many other fellows, knows no law.

Well, the Supreme Court of the United States, when it came to consider that case, decided in the language that was quoted by the learned counsel on the other side on page 523:

"We do not question the authority of a State court or judge, who is authorized by the laws of the State to issue the writ of *habeas corpus*, to issue it in any case where the party is imprisoned within its territorial limits, provided it does not appear when the application is made that the person imprisoned is in custody under the authority of the United States."

If that did appear when the application was made—only where a judge undertakes to nullify the laws of the United States—if it did appear when the application was made to any judge who felt bound by his oath to obey the constitutions and laws, he would have immediately refused the *habeas corpus*, because he had no right to issue it, and it would equally be the duty of the party to whom it was addressed, as it was stated by the Supreme Court of the United States here, to refuse obedience to it.

Then again:

"Provided it not appear, when the application is made, that the person imprisoned is in custody under the authority of the United States. The court or judge has a right to inquire, in this mode of proceeding, for what cause and by what authority the prisoner is confined within the territorial limits of the State sovereignty. And it is the duty of the marshal, or other person having the custody of the prisoner, to make known to the judge or court by a proper return the authority by which he holds him in custody. This right to inquire by process of *habeas corpus*, and the duty of the officer to make a return, grows necessarily out of the complex character of our Government, and the existence of two distinct and separate sovereignties within the same territorial space."

That was the reason, may it please your honor, of the Booth decision, because there were two distinct and separate sovereignties occupying the same territorial space. Is that the case here, may it please your honor? Is there any other sovereign here than the United States of America? The whole sovereignty of the Government is confided to the three departments here which the Government is divided into, the legislative, executive, judicial. Neither of them is sovereign alone. Far less can it be said that a fraction or any one of them is sovereign, and therefore the case, as it was presented in the Booth case, is entirely wanting in analogy to the one now before the court. Here the court of the same sovereignty by which the prisoner, it is alleged, is held here, is the one to which the application for the writ of *habeas corpus* is made; and it is made under the distinct provision of the law, as I will immediately show. It seems to me, therefore, unnecessary to say anything more of these authorities, because they are plainly inapplicable to the case.

Now, what is the law with regard to the production of the body of a prisoner? Why, may it please your honor, in the first place, does the writ say that the party in whose custody the prisoner is found must produce him in court? Is that a vain thing. Is it put in the writ merely for the purpose of filling up the space? No; it is a substantial matter, and deemed from time immemorial necessary to the administration of justice and the preservation of the rights of a citizen of Great Britain and the citizen here; and that any evil consequences should flow from it, may it please your honor, as the learned gentleman on the other side has depicted, is, in my judgment, merely chimerical. He says—and this is the great reason for refusal to obey the writ thus far—that if the prisoner be produced in the court he will be in the custody of the court. Then, may it please your honor, there he is then in the custody of the same sovereignty from one of whose officers he was taken, and the presumption is, and necessarily must be, that the court will administer justice in the case according to law. If it be found that the prisoner is properly held under the order of the House of Representatives, as a matter of course he will be remanded into custody; but if it be found that he is not held according to law, the judicial tribunals of the country are the proper authorities to announce that fact; otherwise there is no preservation of civil liberty at all. Unless that be the theory, no man's rights are more safe in this country than they would be under the laws of a despotic government or the arbitrary decrees of a despotic power. Therefore it is in vain that there is addressed to your understanding the argument of *inconvenienti*. There is no inconvenience in it whatever. The sole object of this inquiry is to administer the law; and the idea thrown out, rather by way of insinuation than anything else, that the prisoner might possibly escape, and the analogy drawn from the case where it is said the sheriff was not liable for the escape of the prisoner when he was brought before the proper tribunal because he was then in custody of the tribunal, certainly has no application here, because such guards can be provided as would necessarily prevent the slightest possibility of escape if there was anything of the kind had in view, which of course there is not.

Now, I will allude again, may it please your honor, to the cases under the common law of England, where invariably, under writs of *habeas corpus* addressed to the sergeant-at-arms of the House of Commons, the prisoner has been produced. I need not say, may it please your honor, that the Congress of the United States differs materially in its constitution, its organizations, its powers from the Parliament of Great Britian, which it has been said by the writers of the common law is omnipotent, and could do whatever it pleased. And the powers of our Congress are certainly not analogous to those of Great Britian, in that respect, for we have the best—as we have always considered, and I believe considered rightly, and may so consider at this time, that we live under a government of laws and not under a government of men, and that in this country there is no such thing as arbitrary power whatever; and that all the power which any authority of the government can exercise over any citizen must be previously defined by law. I will therefore very rapidly quote those cases which I alluded to on yesterday. I think your honor took a memorandum of them at that time, but for the reason that you have directed a reargument of this case to day, I will cite them again at this time.

The COURT. My memorandum has not been preserved. I will take down your citations.

Mr. DURANT. Then I quote, in the first place, the case of Regina *vs.* Paty *et alios*, from 2 of Lord Raymond's Reports, 1105. I will read very briefly such part of this case as it is necessary to show that I am right in the presentation of the point to which I have just called your honor's attention:

"In the case of Regina *vs.* Paty *et alios*, Paty and four others were committed by the speaker of the House of Commons by virtue of an order of that house; and upon a *habeas corpus* to bring them before this court,"

The warrants was returned, which follows in *hæc verba*:

* * * * * * *

"The defendants were brought up upon the Saturday, and Mr. Mountague, Mr. Page, Mr. Lechmere, and Mr. Denton argued that they ought to be discharged."

Mr. DURANT. Lex Parliamentaria has a very wide grasp in Great Britain.

The COURT. It had in those days.

Mr. DURANT. And even in those days, may it please your honor, the Sergeant-at-Arms did not refuse to produce the body of the prisoner.

The COURT. No; but contempts are very much diminished in number, or the causes for which the House of Commons would commit for contempt are diminished very much.

Mr. DURANT. Very greatly diminished; but where they were more extensive and made rules more rigorous we show that even then the body is produced. It follows the argument is so much the stronger in the present case.

Mr. DURANT then read the return, as follows:

"By virtue of an order of the House of Commons of England in Parliament assembled, this day made, you are required herewith, upon sight hereof, to receive into your own custody the body of John Paty, who, as it appears to the House of Commons, is guilty of commencing and prosecuting an action at common law against the late constables of Ayelsbury, for not allowing his vote in the election of members to serve Parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges of this House, and him in safe custody to keep during the pleasure of the said House of Commons, for which this shall be your warrant. Given under my hand this 5th day of December, A. D., 1704. To the keeper of Her Majesty's gaol of Newgate, or his deputy. The warrant was signed Robert Harley. This *habeas corpus* was moved for on last Monday, but when in the term the court granted the writ returnable the Saturday after. Some persons thought the return too long, and the court were much pressed to make it shorter; but the court would not, but said that in a case of this consequence they ought to give the parties time to consider what return to make, and if there were any delay the parties were the cause of it themselves by not moving sooner."

Your honor will perceive that my learned friend fell into a slight error in saying that a return always shows whether the person is present or not, because here is a very full return of the keeper of the Newgate jail, and it does not show he was present, but the reporter does show immediately afterward.

There is the first case. Then I quote from 1 Wilson, coming down to 1742, where still the powers of Parliament were exceedingly unrestricted. I refer to the case of Hon. Alexander Murray.

Mr. Durant then read as follows:

"An *habeas corpus* directed to the keeperof Newgate, to bring the body of Alex. Murray, esq.; whereupon it was returned and certified to the court that the prisoner, by the order of the House of Commons of the 7th of February, was committed to Newgate for an high contempt of that house, and he was not to be permitted to have pen, ink, or paper, nor should anybody be permitted to see him without the order of the house; that the keeper was afterwards served with several orders of the house to permit the doctor, apothecary, and some relations, to," &c.

Then I will take the case of Bras Crosby, lord mayor of London, 3 Wilson, 188.

"The lieutenant of the Tower of London was commanded to have before the justices of the bench here the body of Bras Crosby, esq., lord mayor of London, by him detained in the king's prison."

Then follows the writ, which is as follows:

"Whereas the House of Commons have this day adjudged that Bras Crosby, esq., lord mayor of London, a member of this house, having signed a warrant for the commitment of the messenger of the house for having executed the warrant of the speaker, issued under the order of the house, and held the said messenger to bail, is guilty of a breach of the privilege of the house; and whereas the said house hath this day ordered that the said Bras Crosby, esq., and lord mayor of London, and a member of this house, be, for the said offense, committed to the Tower of London: These are therefore to require you to receive into your custody the body of the said Bras Crosby, esq., and him safely keep during the pleasure of the said house; for which this shall be a sufficient warrant.

"Given under my hand the 25th day of March, 1771."

And then adds:

"And that this was the cause of the caption and detention of the said Bras Crosby in the prison aforesaid; the body of which said Bras Crosby he hath here ready, as by the said writ he was commanded, &c."

Here he was again immediately brought into court. Now, the modern cases, may it please your honor, go on precisely the same way; but I have purposely taken these from the older reports, at a time when the power of Parliament was in Great Britain much greater than it is now; when the power of both houses was much greater than it is now. In order to show you that even then the Sergeant-at-Arms of the House never undertook to refuse to produce in court the body of the prisoner, accompanying his return to the writ of *habeas corpus*—I suppose it is a matter familiar to every lawyer that in the reports, the various circuit court reports of the United States, the various State reports—that whenever a court, having on the face of the papers jurisdiction of the case, and having nothing brought to its attention that shows it is absolutely without jurisdiction, and issues its writ of *habeas corpus*, that the body of the prisoner is invariably brought up. And in the case now before the court we are told that the House of Representatives has given an order to the Sergeant-at-Arms which virtually precludes him from doing so; but I think no such construction can be put on that order. And I will now proceed, may it please your honor, in addition to the authorities which I have read showing you the course of precedence in this particular instance, to read a few sections from the law, to show exactly what the law is, the law of this land. I quote from the Revised Statutes, page 142, section 756:

"Any person to whom such writ is directed shall make due return thereof within three days thereafter, unless the party be detained beyond the distance of twenty miles; and if beyond that distance and within a distance of one hundred miles, within ten days; and if beyond the distance of a hundred miles, within twenty days."

Now, we have only to inquire, then, whether the individual who holds this prisoner in custody is a person——

The COURT. When was that act passed? I suppose the reference will show.

Mr. DURANT. 1867, 14 Statutes at Large, page 385. Now, the honorable Sergeant-at-Arms of the House of Representatives is not impersonal—he is present.

The COURT. No, in looking at him——

Mr. DURANT. He has, as your honor will see, a very fine presence, and therefore he is one of those included in the expression of the law, "Any person to whom the writ is directed shall certify to the court or justice or judge before whom it is returnable the true cause of the detention of such party."

That, of course, the honorable Sergeant-at-Arms of the House of Representatives of the United States is ready to do, and anxious to do, and perfectly willing to do. But although he is willing to comply with part of the law, he is not willing to comply with all.

"SEC. 758. The person making the return shall at the same time bring the body of the party before the judge who granted the writ." (5 Feb., 1867, c. 28, s. 1. vol. 14, p. 385.)

Now, if the authorities were not clear, are we not to be bound by the textual provisions of the law? The Constitution of the United States, may it please your honor, which happily still governs this country in despite of the force and fraud that have been employed to overthrow it, says that the writ of *habeas corpus* shall not be suspended, except when, in case of invasion or rebellion, the public safety may require it. It does not now. The *habeas corpus* is in existence. The Congress of the United States, the supreme legislative power of the country in everything delegated to it by the United States, has provided in what manner the courts of the country shall proceed under the writs of *habeas corpus*. They have laid down the duty of the judiciary in express terms; in terms so perfectly unambiguous that it is impossible that there should be any mistake about it. Then, when a prisoner is held in custody under any authority of the United States, you could not and would not, and no judge of the United States could, issue a writ of *habeas corpus* for one who is in the custody of a State court, that State court having jurisdiction first. But as the law here says that whenever the person is in custody by the authority, or any authority exercised within the United States, the writ shall be directed to any person having him in charge. That person shall make return, and at the same time he shall produce the body of the prisoner in court. When Chief Justice Taney, presiding in the circuit court of Baltimore during the rebellion, issued a *habeas corpus* for Merriman, which case is perfectly familiar to your honor, he required the party to be brought into court, and because the major-general commanding Fort McHenry had not so brought him into court he ordered the marshal of the United States to bring up that major-general for a contempt. I allude to this to show what the opinion of the Chief Justice was with regard to his duties as a judicial magistrate acting under the law of *habeas corpus;* but "in war laws are silent," as the Latin poet said.

The COURT. It is only when they clash, however, that the laws are silent.

Mr. DURANT. *Inter arma silent leges.*

Judge FISHER. We understand that better.

Mr. DURANT. It was only translated for the benefit of the country members. [Laughter.]

That the prisoner should be in court. By what authority was the prisoner then confined. He was in the custody of the military authorities of the United States, who charged him with treasonable practices, being then a lieutenant in command of a company in arms against the United States, and in aid of the rebellion. He was in charge, as the gentleman on the other side very emphatically says, with regard to this case—in charge of a co-ordinate branch of the Government, the executive power of the United States, then carrying on war for the preservation of the life of the Union. The prisoner was then, may it please your honor, in custody, of what my learned friend has very emphatically said, in speaking of this case, was a co-ordinate branch of the United States.

Mr. SHELLABARGER. I did not use the word "co-ordinate."

Mr. DURANT. What word did you use?

Mr. SHELLABARGER. A good many; but not that one.

Mr. DURANT. If you interrupt me for the purpose of correcting me, which I am very thankful for, I am gratified; but if you do not interrupt me for the purpose of correcting me, it is a work of supererogation.

Mr. SHELLABARGER. It is a co-ordinate branch, and therefore I did not apply that term to the House.

Mr. DURANT. The gentleman does not suggest to me the word that he did employ, and therefore I have to employ the word that suggests itself to my own moderate understanding.

Mr. SHELLABARGER. I used the expression "House of Representatives," if the gentleman is anxious to know what expression I did use.

Mr. DURANT. I am exceedingly anxious.

The COURT. That is a branch of a co-ordinate branch.

Mr. DURANT. A branch of a co-ordinate branch of the Government, and so was Merriman. He was in the charge of the Commander-in-Chief of the Army and Navy of the United States and the chief of the civil executive power of the United States by one of his immediate subordinate agents. Now, that was brought fully to the knowledge of Chief Justice Taney by the return, as will be seen in the volume of these reports. Did he say at once, "I need not have this prisoner before me!" By no means; he ordered his marshal to arrest the major-general and bring him before him to answer for a contempt. The marshal answered that he had gone to the gates of the fortress, and had politely sent in his card, which was returned with the direction that there was no answer. Well, as a matter of course, the Chief Justice, sitting in the circuit court, could not enforce obedience to his commands against the armies of the United States, and therefore he had to go on without the presence of the prisoner.

Now, we come to this conclusion, that by the British precedents, where the prerogatives and privileges of Parliament are, I might say, almost infinitely higher than those of the two branches of our Legislature, the sergeant-at-arms of the House of Commons has invariably produced the prisoner upon the requisition and proper order of the court.

I have further shown that there is no decision of the United States court, or of any court, which is against that view being taken in this country. I have shown that such is the positive direction of the statute law of the United States that any person, without exception, having a prisoner in charge, shall produce his body with his return to the writ. I have shown that such is the interpretation given in the case alluded to by the Chief Justice of the United States sitting on the circuit. Now, may it please your honor——

The COURT. That statute was not in existence at that time, was it?

Mr. DURANT. At what time?

The COURT. At the time of the *habeas corpus* case that you refer to.

[Mr. Durant gave the year, but it was not heard by the reporter.]

The COURT. That must have been after that case some years.

Mr. DURANT. It does not in the slightest degree militate from the view I have the honor to present. It was the view of the Chief Justice, independent of the positive statute regulation and as a matter of correct practice, according to all the precedents under the law of *habeas corpus*, that the body of the prisoner must be produced, and, in addition to that, the statute law of the United States requires it.

The COURT. The Chief Justice in that case, I believe, refused to go further with the case when it was found that the body was not produced; he stopped all further proceedings.

Mr. DURANT. No, sir; I believe he went on and gave his opinion that the prisoner ought to be discharged from illegal custody.

The COURT. My recollection is that he wrote an opinion in the shape of a protest.

Mr. DURANT. Your honor may be more correct. I did not examine that branch of the case.

The COURT. He did not proceed any further with the case.

Mr. DURANT. It was only necessary for my purpose to see what proceedings were had, and what view was taken of the rights at that time of the party having the prisoner in custody, and power of the court over him, by the Chief Justice in that instance.

Now, necessarily, in an argument on the question which the learned counsel so ably presented to the court, he went into some views not improperly at all, but from the very necessity of the case, as to what the return would possibly be. It was inevitable that he should, in explaining to your honor the view of the case he took, show what the return should be; not in precise and accurate terms, but to argue that as soon as this court should perceive by a statement properly made to it, in a form in which it could recognize and act upon, that a prisoner was held in custody by order of the House of Representatives as for a contempt, you would then immediately have to remand the case; that there was nothing further to be done with it. Well, may it please your honor, that is not a proposition of law which in my opinion is correct. It is not sustained by authority, and it is entirely contrary to principle for this reason—and I would adduce this one as the strongest—because it would make the liberty of every citizen of the United States depend upon the arbitrary will of the House of Representatives, or of the Senate; and whenever either of those bodies on a certain state of facts should say that the individual citizen was guilty of contempt, and so certify it, the courts of justice would have nothing further to do with the matter, and whatever the House of Representatives or the Senate chose to say was a breach of privilege, or chose to say was a contempt, would be conclusive. That is, that they would have unlimited and arbitrary power. There is no such idea of government entertained in our country, may it please your honor; there is no judge in the United States, either Federal or State, who ever announced such a doctrine from the bench; I trust there never will be. Such a doctrine never was permitted in Great Britain.

I do not go now into the argument fully of that part of the case. It will come up on the merits of this question, if we ever reach them. Your honor is familiar with the celebrated case of the printers, Stockdale against Hansard, in which the court of king's bench distinctly said, "We cannot consider the House of Commons merely by saying that the thing is a contempt makes it so. We have a right to go into the question and inquire whether a contempt has been committed." I do not know whether the case is fresh in the memory of the court, but I have it before me here; it is in the ninth volume.

The COURT. That is not my recollection of any case that I ever read of. I understand the doctrine to be that where a body has ordered a person into commitment for a contempt, that it is in the nature of a final judgment and it cannot be reviewed on a writ of *habeas corpus;* that is, if the body that has ordered the commitment has jurisdiction of the case.

Mr. DURANT. Shall I read a passage from this decision?

The COURT. What case is it?

Mr. DURANT. The case I alluded to of Stockdale against Hansard, 9 Adolphus & Ellis; or, perhaps, it is more accessible in Johnson's edition of the Common Law Reports, volume 36, page 91.

The COURT. What is the page in 9 Adolphus & Ellis?

Mr. DURANT. It is the first case in the volume, on page 91: "It is said the House of Commons is the sole judge of its own privileges." So I admit as far as proceedings of the House and some other things are concerned; but I do not think it follows that they have the power to declare what their privileges are, so as to preclude inquiry whether what they declare are part of their privileges.

Mr. SHELLABARGER. That we admit.

The COURT. There comes up the question of jurisdiction. I say where the jurisdiction is established the justice of the commitment cannot be gone into on a *habeas corpus.*

Mr. DURANT. The court there decides whether the commitment was for a breach of privilege or not, as a judicial question, could not be finally determined by the House of Commons, and that was subsequently proved by other decisions of the court of king's bench.

Mr. SHELLABARGER. Now, in that case, if it is not an interruption, I see the language of the court quoted here is this: "But it is said that the question of the privilege of the House of Commons comes directly before the court on the pleadings, and therefore, upon all the authorities, it is quite clear that it is not competent for this court to inquire into the question of privilege," &c.

Mr. DURANT. What book is that?

Mr. SHELLABARGER. That is from the same authority as is cited by Judge Cranch in this case.

Mr. DURANT. I am reading from the book itself.

Mr. SHELLABARGER. You will find that there.

Mr. DURANT. It is much better to seek the fountain-head than to go along the rivers. That, however, is a subject more germane to a discussion on the merits. I therefore invoke the action of this court in favor of the uniform rule of Great Britain and this country, and in pursuance of the positive declaration of the statute, that whenever a citizen is deprived of his liberty by any one, that one who so deprives him, being ordered by the court to make a return to show cause of his detention, must at the same time with the return produce the body of the prisoner.

Mr. FISHER. May it please your honor, with all due deference to the superior learning and experience of my learned friend who has appeared here in behalf of this prisoner, Richard B. Irwin, I think I may say that his argument to your honor has been addressed, not to the motion that is now pending before your honor, but has been addressed more to the merits of the case, as if we were trying this cause after a full return had been made, or as if we were attempting to make a full return without a production of the body. Now, may it please your honor, the motion that is now pending before you is a motion that the petition upon which this writ was issued shall be dismissed, and that the writ itself shall be revoked because of its having been improvidently issued. My learned colleague has read to your honor one case, and has referred to another case in which it has been clearly decided and settled that when two jurisdictions come in conflict, when a party is imprisoned rather by one jurisdiction, and an appeal has been made for a writ of *habeas corpus* and an application been made for a writ of *habeas corpus* to another jurisdiction, the moment that the latter jurisdiction finds, ascertains in any mode, no matter what that mode may be, that the other jurisdiction has been lawfully put in exercise, then the jurisdiction appealed to for the writ of *habeas corpus* can go no further.

Now let us reason on this case by analogy. Suppose that your honor had, sitting in the circuit court, on some morning after coming into court, upon a motion by a member of the bar, allowed a judgment to be taken by default against a defendant, what is more common, may it please your honor, than for the counsel on the other side to come in and give information to your honor that the judgment by default had been improvidently given, and your honor would then take it off. Suppose that a chancellor shall issue his writ of injunction, or his writ of sequestration, or his writ of attachment; suppose your honor issues his writ of attachment against a witness, and it should be made known by the production of your records, or in any other way whatever, that the writ had been improvidently issued, then it is to be revoked.

Well, let us go further. Suppose that your honor is sitting here holding a criminal court or a circuit court, and at the other end of this building the supreme court of the District of Columbia is sitting *in banc*. A witness is brought up before your honor, and he refuses to give testimony. Your honor adjudges that the questions that are put to him are pertinent and relevant to the matter in issue before the court and jury; and because he refuses to testify you adjudge him to be in contempt of a privilege of the court, of the authority of the court, and for that reason, upon that judgment so passed and determined upon by your honor, you commit him to prison until he shall purge himself of the contempt; but while in prison he presents his application to the court *in banc* to be relieved from prison—why, your honor would certainly say that that court, if it had issued the writ on the motion of the learned counsel in his behalf, or upon the presentation by some private individual, or written application—if the writ had issued, and upon an inspection of the records simply the clerk of the court, in the most informal manner, no matter how, had produced to the court sitting *in banc* the record of the criminal court presided over by your honor, showing your honor's judgment whereby he was committed for a contempt of this court, certainly the writ would be revoked *eo instantia* that the court became apprised of the fact that it had been issued in a lawful and due exercise of your authority.

Now, may it please your honor, that is simply what we ask in this case, and nothing more. We contend that this petition on its face shows no case. I beg leave to call your honor's attention again to the wording of the petition:

"Your petitioner further shows that the material facts concerning his detention, as he understands them, are that he was summoned before the Committee on Ways and Means of the House of Representatives and questioned concerning certain matters alleged, but erroneously, to be relative to an investigation of an alleged improper use of money to obtain from Congress a subsidy for the Pacific Mail Steamship Company, which question petitioner declined to answer, because the committee had no authority or legal right to propound them; that your petitioner was then taken into custody by the Sergeant-at-Arms of the House of Representatives, and on the 7th day of January, A. D. 1875, brought to the bar of the House, where certain questions were propounded to him which he refused to answer, because the House of Representatives had no legal right to propound such questions."

There, again, is the opinion of the witness. Now, suppose, may it please your honor, that a witness were brought up to this stand and that your honor were holding a criminal or a circuit term, and certain questions were propounded to him which he refused to answer, and your honor had deemed them pertinent and relevant, and had committed him to jail: would the court sitting at the other end or any judge of this court issue his writ; or if he had issued his writ would he have permitted that writ to live one moment after he had become apprised of the fact that your honor had committed the prisoner in the exercise of your lawful powers, and that you acted as judge holding the criminal or circuit term of this court?

Reading again from the petition:

"And on his refusal he was again ordered into custody and confinement, to the end that proceedings in due course of law might be instituted against him by the district attorney of the United States for this District, under the act of January 24, 1857." (11 United States Statutes at Large, pages 155 and 156.)

"Your petitioner respectfully represents that his arrest and confinement were contrary to law and in violation of his constitutional and legal rights as a citizen of the United States."

Now, may it please your honor, I say that before we shall be compelled to make a return—a regular and formal return to this writ of *habeas corpus*, which has been issued by your honor—we have a right to go into the presence of your honor, and by an answer, not a formal return to the writ, but by an answer which shall apprise your honor, give your honor fully to know and understand the authority by which the prisoner is held, and that that authority is right and proper, and has been legally and lawfully exercised. Then, I say, that having the right to go into the presence of your honor and show that, your honor by the decisions which have been read cannot go one step further. Now, that is just what I propose to do, may it please your honor, to read the answer that is made by the respondent in this case, so that your honor can be apprised of the facts and know by what authority the prisoner is held in his custody, in order that you may, in obedience to the law, the ruling of the Supreme Court of the United States, decide that you will go no further in regard to the matter, but will revoke this writ and dismiss the petition.

Judge Fisher then proceeded to read the paper.

Mr. DURANT. Is that the return that you are about to read?

Judge FISHER. No; it is the answer of the respondent.

Mr. DURANT. Is that the return to the writ of *habeas corpus*?

Judge FISHER. You will see when it is read that it is not a return, because it does not produce the body, nor does it give any excuse for not producing it. It is an answer drawn up simply for the purpose of putting his honor in possession of the facts, which we would have had a right to do in the first instance if we had been notified of it. Had the House of Representatives, through its Speaker, received notice of this application, we should have the right to have laid before his honor Judge MacArthur the facts that are set forth in this answer.

The COURT. Is this a paper——

Judge FISHER. It is upon this paper that our motion is founded.

Mr. SHELLABARGER. The petition also.

Judge FISHER. The petition is substantially the same as this paper which I hold in my hand, with this exception that the petition sets out what is not true, that the prisoner was put into the custody of the Sergeant-at-Arms for the purpose of being treated criminally in the supreme court of the District of Columbia under the act of the 24th of January, 1857, whereas he is put there, as the resolution itself shows, for the purpose of having him purge himself of the contempt, by going before the Committee on Ways and Means at any time when he may see proper to do so and giving the testimony which the Committee on Ways and Means and House of Representatives, in its judicial capacity, adjudged were pertinent and proper questions to be answered by the prisoner.

The COURT. That paper ought to have been read at the commencement of the argument, not at the close of it.

Judge FISHER. I proposed to read it yesterday, but your honor would not permit me.

The COURT. No; this morning, upon the opening of the argument all the papers you purposed reading ought to have been presented.

Judge FISHER. Of course our learned friend on the other side will have the privilege of replying.

Mr. DURANT. The proposal that is made now is to read what is to all intents and purposes a return to the writ of *habeas corpus*. The Sergeant-at-Arms comes in and says to the court that he has to declare in answer to the directions the court has given him in that writ—you may call it by whatever name you please; the substance of the thing is not altered by its nomenclature, and it brings us to the same position that we have always been in. I understand the return cannot be made unless in pursuance of the provisions of the statute, which require that the body should be simultaneously produced. That is the tenor of the writ. That is what the statute says. Now, if that is to be decided beforehand, and the party is to be permitted to make his return before it is decided whether he is to bring in the body of the prisoner or not, then the motion I make is virtually overruled.

The COURT. This paper ought to have been read in the beginning of the argument, and the other side should have had an opportunity to deny its statements. The other side has a right to have access to those papers and to make a reply to them.

Judge FISHER. We propose to give them the exercise of that right now.

Mr. DURANT. The statement made in advance was——

The COURT. I am willing to allow every latitude, but really I cannot have this case argued piecemeal in this way.

Judge FISHER. If we cannot read this paper in order to enlighten your honor's judgment in the premises, then of course our case is at an end.

Mr. SHELLABARGER. We can still rely upon the petition. That discloses ——

Mr. DURANT. Certainly.

The COURT. I think it would be irregular to interpose that document now, at this stage of the argument. It would involve a rehearing of the case upon a new presentation of the facts of the case. I see you have a document there, more or less elaborate, covering a good many pages.

Judge FISHER. The answer of the respondent does not occupy a great deal of paper. It consists mostly of resolutions of the House of Representatives.

Mr. SHELLABARGER. The court will remember, probably, that during my argument I did not propose in terms to read this, but I did say that I held in my hand, ready to present to the court, the paper that under our motion we desire to bring to the attention of your honor.

The COURT. Do you desire to read anything more than what you did read, which were the resolutions of yesterday?

Mr. SHELLABARGER. I did not propose to read it, because I did not know whether it was necessary to detain the court, the fact being that the substance of the same paper that we had desired to present to the court is really contained in the petition. The fact is, however, that I did really make a formal offer to the court in regard to reading the same, having the paper in my hand at the time.

Judge FISHER. The facts set forth in the petition correspond substantially with the statement made in the answer that I now propose to read, with a view of enlightening the judgment of the court in regard to this motion that is pending. They correspond with our statement, except as to the reason why the custody of the prisoner was given to the Sergeant-at-Arms, and they differ in this respect, inasmuch as that petition states that the custody is illegal; that these questions were not pertinent and proper to be put to him, or proper to be answered by him, whereas we aver they were. That is about the substance of it. Those are the only matters regarding which they differ. But appended to this paper are the resolutions, which will enable the court to be put fully in the possession of a history of the case. We have not the slightest objection to giving Mr. Durant any time that he may choose to reply to anything that may be presented in this paper.

Mr. DURANT. I desire no other time than is necessary to conduct the case regularly.

The COURT. I think, Judge Fisher, you had better confine your remarks to the other branch of this application, which was discussed by your colleague as well as by Mr. Durant, as to the necessity of producing the body.

Judge FISHER. I will take up, then, the petition of the relator, and I will notice the authorities that have been cited by Mr. Durant, the authorities that have been cited on our own side, and pursue that line of argument, if your honor thinks we ought not to read this paper which we call an answer, but which my learned friends on the other side insist is a return to the writ. Now, may it please your honor, it is clearly shown in the petition, first, that this prisoner in the custody of Mr. Ordway was committed to his custody. First, it says that he was examined before the Committee on Ways and Means of the House of Representatives, and questioned concerning certain matters, alleged erroneously, as he states, to be relative to an investigation of an alleged improper use of money to obtain from Congress a subsidy for the Pacific Mail Steamship Company. There is one fact set out clearly, that he was duly summoned by the House of Representatives to appear before the committee of the House of Representatives, its duly constituted organ, to make inquiry into such matters, to be used before that committee as a witness; that he appeared before that committee; and that while he was before that committee certain questions were put to him by the committee which he declined to answer upon the ground, as he deemed, that the committee had no authority or legal right to propound them.

Mr. DURANT. "As he deemed?" Are those words there?

Judge FISHER. O, no; they are not there; I am not reading the petition now. "That he declined to answer certain questions which were put to him in regard to the alleged improper use of money to obtain from Congress a subsidy for the Pacific Mail Steamship Company."

Now, there is one fact. He is brought before the committee regularly; he is regularly interrogated by the committee; questions are put to him; and he refuses to answer those questions. Then it goes on to state that "your petitioner was then taken into custody by the Sergeant-at-Arms of the House of Representatives." Your honor is to presume that every officer does his duty. That is a well-settled principle of law, that whatever is done by an officer the law presumes to be done rightly and properly, until the contrary shall have been made to appear. He says that he was illegally taken into custody by the Sergeant-at-Arms and retained in his custody until the 7th day of January, which should be the 6th day of January, 1875, when he was brought before the bar of the House, where certain questions were propounded to him.

Now, your honor is to presume that he would not have been brought before the bar of the House except it had been done in a legal and proper way; except the

Sergeant-at-Arms had been instructed by a resolution of the House of Representatives. Your honor is bound to take notice of all such resolutions and orders as are passed by the House of Representatives; to take a judicial cognizance of them; and such resolution was passed.

"And after he had been brought before the bar of the House, certain questions were propounded to him and that he refused to answer them, because"—

In his opinion—

"The House of Representatives had no legal right to propound such a question."

Mr. DURANT. Are the words "in his opinion" in the petition.

Judge FISHER. O, no.

"And on his refusal he was again ordered into custody and confinement, to the end that proceeding in due course of law might be instituted against him by the district attorney of the United States for this district."

Now, if your honor, bound as your honor is to take cognizance of all orders, resolutions, and matters of public notoriety which transpire in the House of Representatives, being bound to take judicial cognizance of them—your honor is informed of the fact that this witness not only refused to testify before the committee when he was lawfully summoned to appear before the committee, and when lawful and proper questions were put to him, pertinent to the subject which was being investigated by the committee, but after he had been brought before the bar of the House and the Speaker of the House, under a resolution or order of the House, had put to him the same two questions that he had refused to answer before the committee, and having answered one of them refused to answer the other, and was contumacious and recusant and guilty of contempt, your honor will take judicial cognizance of the fact by a resolution passed by the House of Representatives on the same day when he was so in contempt he was adjudged in contempt by the House of Representatives; and you will further take judicial cognizance of the fact, that by a further proceeding by the House, or further order of the House, or resolution, the prisoner having been adjudged guilty of contempt by the authorities of the House, the Sergeant-at-Arms was ordered by the Speaker to take him into his custody, and take him to the jail of the District of Columbia. Now, your honor is apprised of all these facts, whether by our answer which we are not permitted to read, or whether by the fact that your honor is bound to take judicial notice of the proceedings of the House of Representatives, all its orders and all its resolutions. No matter in what way you became acquainted with these facts, when your honor has once been certified of them, has been made acquainted with them, your honor, according to the decisions that we have here, which were read by my learned friend this morning, can go no further. The court says in this case in 21 Howard:

"We do not question the authority of State court or judge, who is authorized by the laws of the State to issue the writ of *habeas corpus*, to issue it in any case where the party is in prison within its territorial limits, provided it does not appear when the application is made that the person imprisoned is in custody under the authority of the United States. The court or judge has a right to inquire, in this mode of proceeding, for what cause and by what authority the prisoner is confined within the territorial limits of the State sovereignty. And it is the duty of the marshal or other person having the custody of the prisoner to make known to the judge or court, by a proper return, the authority by which he holds him in custody. This right to inquire by process of *habeas corpus*, and the duty of the officer to make a return, grows necessarily out of the complex character of our Government, and the existence of two distinct and separate sovereignties within the same territorial space, each of them restricted in its powers, and each within its sphere of action prescribed by the Constitution of the United States, independent of the other. But after the return is made and the State judge or court judicially apprised that the party is in custody under the authority of the United States, they can proceed no further. They then know that the prisoner is within the dominion and jurisdiction of another government, and that neither the writ of *habeas corpus* nor any other process issued under State authority can pass over the line of division between the two sovereignties."

And further on the court says:

"No State judge or court, after they are judicially informed that the party is imprisoned under the authority of the United States, has any right to interfere with him or to require him to be brought before them."

Now there, may it please your honor, the question is decided beyond all cavil in regard to a State court, that when the court or judge is judicially informed that the party is imprisoned under the authority of the United States it has not any right to interfere, or require him to be brought before them. If the State court cannot interfere with the United States authority when it becomes judicially informed that the party is imprisoned by the authority of the United States, how is it a United States court can interfere? One court cannot interfere when it becomes judicially cognizant of the fact that the prisoner is held under the authority of another jurisdiction duly and properly exercised. Now, I say, that when your honor considers that you are bound to take judicial cognizance of all orders or resolutions of the House of Representatives, and being bound to take judicial cognizance of that, then you are informed that this party in this case is imprisoned under the authority of the United States House of Representatives by the warrant of its Speaker, duly issued and directed to the Sergeant-at-Arms to keep this prisoner in custody. Now, I say, may it please your honor, that these facts appear not only by the petition, but your honor is bound to take judicial notice of them, and so having been informed, we contend that your honor, according to these decisions, cannot go one step further.

You cannot require us to bring the body of the prisoner into court. You cannot require us to make any return showing why we did not bring him into court after you have become cognizant of the fact, judicially made acquainted with the fact, that the prisoner is held by the authority of the House of Representatives, which authority was legally and constitutionally exercised. The same principle has been decided in the case in 13 Wallace—the case of Ex parte Tarble; it will be found on page 410.

"This right to inquire by process of *habeas corpus*, and the duty of the officer to make a return, 'grows necessarily,' says Mr. Chief Justice Taney, 'out of the complex character of our Government and the existence of two distinct and separate sovereignties within the same territorial space, each of them restricted in its power, and each within its sphere of action prescribed by the Constitution of the United States independent of the other. But after the return is made, and the State judge or court judicially apprised that the party is in custody under the authority of the United States, they can proceed no further.'"

The court then goes on further:

"It would have been unnecessary to enforce, by any extended reasoning such as the Chief Justice uses, the position that when it appeared to the judge or officer issuing the writ that the prisoner was held under undisputed lawful authority, he should proceed no further."

The court then goes on further:

"No Federal judge even could, in such case, release the party from imprisonment, except upon bail when that was allowable. The detention being by admitted lawful authority, no judge could set the proceeding aside. All that is meant by the language used is that the State judge or State court should proceed no further when it appears from the application of the party or the return made that the prisoner is held by an officer of the United States under what, in truth, purports to be the authority of the United States; that is, an authority the validity of which is to be determined by the Constitution and laws of the United States. If a party thus held be illegally imprisoned, it is for the courts or judicial officers of the United States, and those courts or officers alone, to grant him release."

I say, then, to recapitulate, may it please your honor, that by analogy to other proceedings in courts, the issuing of any other writ, the issuing, for instance, of an execution where the court becomes satisfied upon the inspection of the record, or by any other means, that that execution was improvidently issued—for instance, having no judgment as its foundation—or it appearing on the record that the judgment had been satisfied, or anything of that character, wherever the court becomes lawfully apprised of the fact that the execution was improvidently issued, the court will call in the writ. So in the case of an injunction issued out of chancery, or a writ of sequestration, or a writ of attachment, if the court upon an inspection of the record, either on its own motion or when its attention is called to it by a party in interest, or even by a stranger, no matter how the court shall become acquainted with the fact if it become lawfully and judicially acquainted with the fact that the writ was issued without authority, that it was wrongfully issued, and improvidently issued, the court would even of its own motion revoke the writ and recall it. So I say in regard to a writ of *habeas corpus*. If at one end of this building a judge were holding one term of court and another judge holding another, and a party being committed for a contempt of the one court should apply to the other, and a writ of *habeas corpus* should be granted, the moment that the judge who granted the writ of *habeas corpus* should be judicially informed of the fact that he had issued that writ improvidently, he would revoke the writ, and the case would there be ended, and he could go no further.

Mr. DURANT. I believe I have the right to close this discussion.

The COURT. No; I think they make the motion.

Mr. DURANT. The motion and the affirmative of the question comes from my side that the prisoner should be brought into court; that is the affirmative. They say he must not be brought into court, because on the face of the petition the court has no jurisdiction of the body.

Judge FISHER. No, the motion pending before the court is one to dismiss the petition and to revoke the writ.

Mr. DURANT. I think we have the opening and close on this matter.

The COURT. I do not think so. I think the counsel for the respondent have that privilege.

Mr. DURANT. Very well; I yield. I was about to state why I thought I had the close.

Judge MACARTHUR then said:

In granting the right to renew this discussion to-day it was done out of sincere deference and respect to perhaps the most important branch of our Government, the House of Representatives, and to the eminent counsel who represent it here in regard to the matter now before the court. If I have a consciousness in regard to this proceeding more profound than another, it is that it may be thoroughly exhaustive, and that the conclusion may be impartial and in entire accordance with the law. I have no doubt that whatever action the House has taken, or in whatever action it may take hereafter, the argument will be actuated by the highest sense of public duty and impartial justice. I think that the two jurisdictions, acting under such inspirations, may come to a conclusion in this matter which will harmonize any conflict that may exist. At all events nothing on my part shall be wanting to produce that result consistently with my duty in the administration of the law.

The writ of *habeas corpus*, I might be permitted to say in the outset, is a writ peculiarly for the administration of the judiciary. No other power in the land can administer the law of *habeas corpus*. And so valuable is it that the Constitution has declared that it shall never be suspended unless in case of war. It is utterly beyond the power of legislative bodies or judicial tribunals to interfere with the operation and the fullest execution of this writ, which has been embalmed both in the history and spirit of our institutions. Whenever a case occurs for its operation, the court cannot, will not, dare not deny it. The motion presented, in the aspect in which it was discussed by Judge Fisher, goes to the technical presentation in the initiation of this proceeding. It may be observed generally that with regard to a writ appertaining exclusively to personal liberty the court would not insist with great rigor upon formalities, but would look rather at the substance and object to be accomplished, and would not allow the effect of this great writ to be defeated through any imperfection of a mere formal or technical character.

It is said that this writ was improvidently issued. It is so much the custom of judges to issue this writ, and our ideas are so fixed with regard to the liberality with which it is sent forth by the judiciary, that probably this is the first occasion on which the objection was ever taken that a writ of *habeas corpus* was improvidently issued. My own experience recalls no instance of the kind. The extended research of the eminent counsel in behalf of the motion now made has not enabled them to produce a similar application. It will be remembered that when the motion was first presented, it was with some hesitation that I entertained it, and I entertained it more out of respect to the earnestness and conscientiousness that appeared to actuate the counsel in making it than what I considered it to be an exact compliance with the rights of the case. I have listened to that argument with great interest, and if it were a concession which I had made in the first place, the court has been amply compensated by the light and information which has been thrown upon the subject by the argument of counsel. The motion, then, in the first place, is to quash this writ on the ground that it was issued without just cause upon the very face of the proceeding

In his petition, the relator alleges that he is detained by N. G. Ordway, Sergeant-at-Arms of the House of Representatives. He states the cause of this detention, as he was required to by the statute, as well as he was informed upon the subject, that there was a subject-matter under investigation before the Committee on Ways and Means of the House; that upon being examined before that committee he declined to answer questions there put to him, he alleging that the committee had no power to put the questions to him, and had no authority from the House to put the inquiries to him. Subsequently, upon being arraigned at the bar of the House other questions were put to him, which he declares in his petition the House had no right to address to him, and that he refused to respond; whereupon they committed him and ordered him into the custody of the Sergeant-at-Arms. Now, here is a statement, to some extent, of the cause of his detention. The particular interrogatories that were propounded to him are not stated, but he distinctly avers that the inquiries were beyond the power either of the House or of the committee. In a word, he impeached their jurisdiction.

Now, I have more than once remarked in these discussions that the power of the House to commit for contempt was so well established that it was not to be questioned any longer, and I have also announced that a person in custody by their order for a contempt, the judgment in such case was final if within the jurisdiction of the House. This jurisdiction is impeached upon the face of this instrument. I think, therefore, it cannot be said that the writ was issued improvidently, but I go a step further. I regard this motion to quash the writ as founded upon matters of form, and it is therefore to be disposed of upon technical principles. A motion to quash a pleading is like a demurrer. It admits the truth of the facts that are properly and legally stated in the pleadings demurred to, so that upon this motion we are to assume that the allegations of this petition are true; that is, they are admitted to be so for the purpose simply of this argument.

They may be false in point of fact, but for the special purpose under consideration there is an assumption of their truth indulged by the law. So far, therefore, as the motion is concerned to quash this writ upon the ground that it was improvidently issued, I think the motion must fail. The debate, however, has taken a wider scope than this, and it is denied that the officer making this return is required to produce the body. In view of the fact that this man stands charged with contempt, and in the custody of the officer of the House, there can be no doubt from what has transpired here, from what has transpired in the House, that there is a serious difference of opinion in regard to this very particular. It undoubtedly is the general understanding of the judiciary of the country as well as the bar that the body must be produced upon a return to a writ of *habeas corpus*.

Previous to the enactment of the great statute, the *habeas corpus* act of Charles I,

the writ had been greatly abused by the persons to whom it was directed, in delaying to make the returns, but I think there is no instance, even in that dark period, of a case in which the imperative duty of the officer to return the body was questioned. It was the abuse in not producing the body promptly that led to the enactment of that great statute, which directed the officer to whom the writ was addressed to make his return within three days after the service thereof; and most of the States have incorporated that act into their State statutes, and the Congress of the United States has substantially adopted it into the Revised Statutes which are now the statute law of the country. This statute directs that this writ of *habeas corpus* may issue in every case where a person is held under any color of authority of the United States, and the officer is directed to make his return within five days, and along with his return to produce the body of the person so held in custody. This is not discretionary. It was not designed that any proceeding under the statute, with regard to practice upon the writ of *habeas corpus*, should be left to the discretion of judges or of courts or of officers of any court.

The mandate of the statute is that he shall produce the body. Authorities have been read, at least, in which the production of the body was dispensed with, but under very peculiar circumstances. It was where a State court had issued the writ, and where the relator was in confinement under process issuing from a United States court. The two jurisdictions were entirely separate and independent, the sovereignties were different; but here we are all under the same law, and I think upon a careful examination of that very case, it will recognize that the writ may issue in all cases where the government is the same and where the same law extends its dominion over both. I have asked my brother Wylie about the Bell case, and he states to me that he did not think it was necessary that the body should be produced. There was a return made to the effect that he was held in custody by the Sergeant-at-Arms, under an order of either the Senate or the House of Representatives, and that he became aware of that fact and discharged the writ, and did not require the production of the body. I understand from him, however, that the discussion was not very elaborate on the occasion, and it perhaps is therefore not a controlling decision; and although I have for all the legal views of my brother Wylie the greatest respect and deference, and if it had been a well-considered instance that had passed through his examination, I should certainly have long hesitated before differing from him.

The conclusion, therefore, to which I come is similar to that which was announced yesterday. I think it is the imperative duty of the officer to produce the body. I regret extremely that the House of Representatives should take a different view. I read the statute, which is the law of Congress and the law of this court, as leaving no discretion, as making the production of the body an indispensable and necessary incident to the proceeding.

I may repeat, that while Congress has a just and proper sensitiveness upon the question of privilege, that law, the statute law, is greater than privilege, and yet I think there is not a member of this court that would infringe on that privilege to the ten thousandth part of the diameter of a hair. I certainly would not, because I fully recognize not only the power which Congress has to protect itself, but I should uphold it in every just exercise of that power. But as this law binds me, so I must decide. I trust indeed that this matter may be accommodated by compliance with the law in some form.

At the conclusion of the judge's ruling, counsel for the House, for the respondent, entered into consultation. After some fifteen minutes spent in this way, and the counsel having apparently concluded such consultation, the court said: "Judge Fisher, is there any further action contemplated at present?"

Judge FISHER. I do not know that we have any further duties to perform here, may it please your honor, in the premises. We await the action of your honor.

The COURT. I have just acted.

Judge FISHER. Yes, your honor has refused to grant our motion, as I understand.

Mr. SHELLABARGER. Of course the position is one, your honor, of singular embarrassment and difficulty. The Sergeant-at-Arms feels, as he interprets the orders of the House, that he is to obey the orders of the House as a sworn officer of that body. He cannot do otherwise; he must take the consequences of obeying that authority to which he is especially amenable under his commission and oath of office. And I feel a reluctance and hesitancy, I confess, after all the indulgence that the court has so kindly given to us in the way of time to consider and to consult, to ask for further time. I do not make that application in that form, but I do make this suggestion as perhaps one that may relieve the difficulty; I know not. Your honor can tell as well as I; but if an order for examination, an order of this court or of the judge, should issue, directing the Sergeant-at-Arms of the House to show cause why he should not be attached for contempt of this court, there would naturally, as a sequence, come a time for the purpose of showing cause why he should not be attached.

Now, I barely suggest that time may be allowed to him—possibly under the views your honor may take of the exigencies of the case—may be allowed to him now, if you please, without any motion for attachment intervening, or any order to show cause why attachment should not issue. That time may result, for aught I know, in solving this difficulty. I cannot anticipate, any more than the court can, what action the House, if any, may take in the premises. I only know that as my client interprets the action of the House he has no election, no choice.

The COURT. That is a question, Mr. Shellabarger, that it is impossible for me to enlighten your client upon.

Mr. SHELLABARGER. I know; and therefore my suggestion, as far as it has any power or practical bearing, is simply this: whether it would not be wise, all things considered, to adjourn this case over until to-morrow, so that anything may be done in the way of deciding this question that the parties concerned, including the respondent and the House of Representatives, may deem wise in the premises. If that suggestion is not a good one, then no other one occurs to me to make, and the case must take the course which your honor, in your wisdom, may deem wise.

The COURT. Probably a few more hours for reflection might produce a result favorable to harmony in this matter. I am desirous to give every opportunity for reflection and deliberation, both here and elsewhere. I will therefore adjourn the further consideration of this matter until such time as the House will have an opportunity to act upon it, if they are disposed to.

Mr. SHELLABARGER. Will that time be fixed by your honor to suit your own pleasure? We will then report to the House what the action of the court is in this case.

The COURT. Does the House sit on Saturday?

Mr. SHELLABARGER. They are in session to-day, your honor; and if the report of the condition of the case should make it necessary, doubtless they would sit to-morrow in order to dispose of the question.

The COURT. Then I will call the matter up at one o'clock to-morrow. Until that time the matters may remain as they now are.

Third day's proceedings.

WASHINGTON, D. C., *January* 16, 1875.

At one o'clock the judge entered the court-room and took his position upon the bench. Counsel for the respective parties, and the respondent, Mr. Ordway, having in custody the prisoner, R. B. Irwin, had previously entered the court-room and taken their positions at the table.

The COURT. Gentlemen, I am now ready to hear anything that you may have to say in regard to the matter before us.

Mr. SHELLABARGER. May it please your honor, after the adjournment of yesterday which your honor had the kindness to grant us, as intimated to your honor, we proceeded to lay the matter and posture of this case before the House of Representatives; whereupon the House took the action which is disclosed by the following resolution. There is a certified copy of the resolution here somewhere, but as it is not conveniently at hand, with the permission of the court I will read from the RECORD:

Mr. Shellabarger then read as follows:

"*Resolved*, That the Sergeant-at-Arms be, and he is hereby, directed to make careful return to the writ of *habeas corpus* in the case of Richard B. Irwin that the prisoner is duly held by authority of the House of Representatives to answer in the proceeding against him for contempt; and that the Sergeant-at-Arms take with him the body of the said Irwin before the said court when making such return, as required by law."

We now make that return, the body of the relator being in court.

Judge FISHER. I will now proceed, may it please your honor, to read the return.

Judge Fisher then read as follows:

DISTRICT OF COLUMBIA, to wit:

The President of the United States to N. G. Ordway, Sergeant-at-Arms of the House of Representatives of the Congress of the United States of America, greeting:

You are hereby commanded to have the body of Richard B. Irwin, detained under your custody, as it is said, together with the day and cause of his being taken and detained, by whatever name he may be called in the same, before one of the justices of the supreme court of the said District, at the City Hall, in the city of Washington, in the District of Columbia, on Tuesday the 12th day of January, 1875, at twelve o'clock noon of said day, to do and receive whatever shall then and there be considered of in this behalf; and have then there this writ.

Witness Arthur MacArthur, one of the justices of said court, the 9th day of January, 1875.

By order of Justice MacArthur:

R. J. MEIGS, *Clerk*.

To the Hon. ARTHUR MACARTHUR:
Justice of the Supreme Court of the District of Columbia:

The undersigned, Nehemiah G. Ordway, Sergeant-at-Arms of the House of Representatives of the United States of America, respectfully represents that in obedience to the command of the within writ of *habeas corpus ad subjiciendum*, the said undersigned makes the following return, to wit:

That ever since the first Monday in the month of December, in the year of our Lord 1873, the undersigned has held and still continues to hold the office of Sergeant-at-Arms of the House of Representatives aforesaid; that the said House of Representatives was in session at the time of the arrest of Richard B. Irwin, the relator named in the said writ, and was for a long time before that, and also thereafter, and at all the times hereinafter mentioned, lawfully in session.

That prior to the 21st day of December, A. D. 1874, and when said House was duly in session in the city of Washington, and District of Columbia, the said House duly referred to one of the standing committees, to wit, to the Committee on Ways and Means, the investigation of a certain matter coming within the constitutional and legal cognizance of said House, and within its power to make inquiry, and among which was investigation into, that is to say, the subject-matter of, the use and employment of money for the purpose of procuring legislation by the Congress of the United States, in aid of the Pacific Mail Steamship Company; and that, in order to facilitate and make effectual said investigation and inquiry, when so duly in session as aforesaid, passed an order or resolution in the words following, to wit:

"*Resolved*, That the Committee on Ways and Means are hereby authorized and empowered to send for persons and papers and administer oaths in all matters from time to time pending and under examination before said committee."

And that afterward, and in virtue and pursuance of the authority of said resolution and of the power of the said committee acting as the duly-constituted organ of said House, the said committee duly summoned and caused to appear before it the said Richard B. Irwin, to give testimony before said committee touching certain matters pertinent to the aforesaid subject-matter of inquiry then pending before said committee, and that the said Richard B. Irwin was then and there duly sworn according to law to give testimony before said committee pertinent to said subject-matter then and there under investigation as aforesaid before said committee, and that the said Richard B. Irwin was then and there required by said committee to disclose the names of the persons whom he employed to aid him in procuring the subsidy from Congress in 1872 for the Pacific Mail Steamship Company, and was asked by said committee what was the largest sum paid by him to any one person to aid him in procuring that subsidy; and that the said Richard B. Irwin, then being under examination as such witness, as aforesaid, wholly refused to answer said question and to make said disclosure so required of him by said committee as aforesaid; which conduct and refusal to answer as aforesaid was by the said committee afterward, to wit, the 21st day of December, 1874, and while the said House was duly in session, reported to the said House for its adoption thereon; and that the House of Representatives aforesaid, thereupon, then and there, in the exercise of its constitutional and legal jurisdiction and power, and touching the subject-matter so reported to it by said committee, made and passed the following order, that is to say:

"*Ordered*, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Richard B. Irwin, and him bring to the bar of the House, to show cause why he should not be punished for contempt, and in the mean time keep the said Irwin in custody to await the further order of the House."

And that, in pursuance of the order of said House last aforesaid, this respondent, as Sergeant-at-Arms, by virtue of a warrant to him duly issued in pursuance of said last-mentioned order, as aforesaid, brought before the bar of said House on the 6th day of January, 1875, and while said House was in session, as aforesaid, the said Richard B. Irwin, who was then and there fully heard by said House upon the matter named in said order last mentioned, on which he was required to show cause as in said order stated; and that thereupon the said House adopted the following order; that is to say:

"*Resolved*, That the Speaker propound to the witness at the bar the following questions:

"First. Give the names of the persons whom you employed to aid you in procuring the subsidy from Congress in 1872 for the Pacific Mail Steamship Company.

"Second. What was the largest sum paid by you to any one person to aid you in procuring that subsidy?"

And that upon and after the adoption of said last-mentioned order by the said House, to wit, on said 6th day of January, 1875, and while the said House was in session and the said Richard B. Irwin was so present at the bar thereof in pursuance of the action of said House in causing him to be brought before the bar of said House to show cause as aforesaid, the Speaker of said House propounded to him, the said Richard B. Irwin, the interrogatories in said last-mentioned order contained; and the said Richard B. Irwin then and there refused to answer the first interrogatory contained in said last-mentioned order; and that the said House, after having heard and considered the causes then and there showed by said Richard B. Irwin why he should not be punished for contempt of the authority of said House, and after the said Richard B. Irwin had refused to answer said first-named interrogatory in said last-mentioned order contained, to wit, on said 6th day of January, 1875, and after

he had refused to answer the same before said committee, as aforesaid, adopted in the premises aforesaid the order following, that is to say:

"*Resolved*, That Richard B. Irwin, having been heard by the House of Representatives pursuant to an order heretofore made requiring him to show cause why he should not answer the questions propounded to him by the committee and by the Speaker of this House in obedience to its order, has failed to show cause why he should not answer the same; and that said Richard B. Irwin be considered in contempt of the House for failure to make answer thereto."

And that the said House of Representatives afterward, on the said 6th day of January, 1875, and while said House was still in session and in the exercise of its constitutional and lawful powers as the House of Representatives of the Congress of the United States of America, and in execution of the order and judgment of said House declaring "that said Richard B. Irwin be considered in contempt of the House for failure to make answer," passed the following, that is to say:

"*Resolved*, That Richard B. Irwin be remanded to the custody of the Sergeant-at-Arms to abide the further order of this House, and while in such custody he be permitted to be taken by the said Sergeant-at-Arms before the Committee on Ways and Means if he should declare himself ready to answer such questions as may be lawfully put to him, including those asked of him by order of this House; and while he shall so remain in custody the Sergeant-at-Arms shall keep the witness in his custody in the common jail of the District of Columbia."

And that afterward, to wit, upon the same 6th day of January, 1875, in pursuance and execution of the order contained in the resolution last aforesaid, and in virtue of the authority and power thereby conferred, and of all the premises aforesaid, JAMES G. BLAINE, he the said JAMES G. BLAINE then and there being the Speaker of the said House of Representatives, executed, and Edward McPherson, he the said Edward McPherson then and there being the Clerk of said House, attested, the warrant of said Speaker, under the seal of said House, and prior to the arrest and detention of the said Richard B. Irwin delivered the said warrant to this respondent, as Sergeant-at-Arms of the said House, and that in obedience to the warrant aforesaid and the order and command of the House of Representatives of the United States of America, duly and lawfully made in open session of said House, this respondent, as Sergeant-at-Arms as aforesaid and as in duty bound to do, did, on said 6th day of January, 1875, arrest and now holds the body of the said Richard B. Irwin in custody, and now here produces and exhibits the said warrant, precept, and order as the cause of the caption and detention by him, as aforesaid, of the body of the said Richard B. Irwin, as part of this respondent's return.

And this respondent herewith also submits a duly certified copy of the order of the same House, made on the said 21st day of December, 1874, hereinbefore referred to, with a duly certified copy of that warrant of the Speaker of the said House issued there, as also duly certified copies of the resolutions of said House issued on the 6th day of January, 1875, hereinbefore referred to.

Whereupon this respondent, protesting that upon the facts disclosed by the return now made, showing that the relator is lawfully held by this respondent as Sergeant-at-Arms of the House of Representatives, in pursuance and execution of the order of said House, duly adjudging the relator to be in contempt of the authority of said House, the issuance of said writ was improvident and in derogation of the privileges of said House of Representatives; and that the fact of said caption and detention under the authority of said House, as aforesaid, being conclusively established by the certified records of said House, no further proceeding or interference with the custody of the relator by this respondent can be lawfully had under the said writ of *habeas corpus*, and asks that the relator may be remanded to the custody of this respondent as Sergeant-at-Arms, as aforesaid.

NEHEMIAH G. ORDWAY,
Sergeant-at-Arms House of Representatives, United States of America.

Subscribed and sworn to this 16th January, 1875, before
R. J. MEIGS, *Clerk*,
By E. J. MIDDLETON, *Assistant Clerk*.

The papers referred to in the return, may it please your honor, are the following: Judge Fisher then read as follows:

FORTY-THIRD CONGRESS, SECOND SESSION,
CONGRESS OF THE UNITED STATES,
In the House of Representatives, December 21, 1874.

On motion of Mr. DAWES,

Ordered, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Richard B. Irwin, and him bring to the bar of the House, to show cause why he should not be punished for contempt, and in the mean time keep the said Irwin in his custody to wait the further order of the House.

Attest:
EDWARD McPHERSON, *Clerk*,
By ISAAC STROHM, *Assistant Clerk*.

OFFICE OF THE HOUSE OF REPRESENTATIVES UNITED STATES,
December 21, 1874.

SIR: The following order was this day adopted in the House of Representatives:

"*Ordered*, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Richard B. Irwin, and him bring to the bar of the House to show cause why he should not be punished for contempt, and in the mean time keep the said Irwin in his custody to wait the further order of the House."

Now, therefore, I, JAMES G. BLAINE, Speaker of the House of Representatives of the United States, do hereby command you to execute the foregoing order of the House.

In witness whereof I hereunto set my hand and cause the seal of the House of Representatives to be hereunto affixed the day and year first above written.

J. G. BLAINE, *Speaker*.

Attest:
EDWARD McPHERSON, *Clerk*.
By CLINTON LLOYD, *Chief Clerk*.

To NEHEMIAH G. ORDWAY, Esq.,
Sergeant-at-Arms House Representatives United States.

FORTY-THIRD CONGRESS, SECOND SESSION,
CONGRESS OF THE UNITED STATES,
In the House of Representatives, January 6, 1875.

On motion of Mr. DAWES,

Resolved, That the Speaker propound to the witness at the bar the following questions:

First. Give the name of the person whom you employed to aid you in procuring the subsidy from Congress in 1872 for the Pacific Mail Steamship Company.

Second. What was the largest sum paid by you to any one person to aid you in procuring that subsidy?

Attest:
EDWARD McPHERSON, *Clerk*,
By ISAAC STROHM, *Assistant Clerk*.

FORTY-THIRD CONGRESS, SECOND SESSION,
CONGRESS OF THE UNITED STATES,
In the House of Representatives, January 6, 1875.

On motion of Mr. DAWES,

Resolved, That Richard B. Irwin, having been heard by the House pursuant to the order heretofore made requiring him to show cause why he should not answer the questions propounded to him by the committee, and by the Speaker of this House in pursuance of its order, has failed to show sufficient cause why he should not answer the same; and that said Richard B. Irwin be considered in contempt of the House for failure to make answer thereto.

Attest:
EDWARD McPHERSON, *Clerk*,
By ISAAC STROHM, *Assistant Clerk*.

FORTY-THIRD CONGRESS, SECOND SESSION,
CONGRESS OF THE UNITED STATES,
In the House of Representatives, January 6, 1875.

NEHEMIAH G. ORDWAY, Esq.,
Sergeant-at-Arms House of Representatives United States.

SIR: Whereas the House of Representatives this day passed a resolution as follows, to wit:

"*Resolved*, That Richard B. Irwin be remanded to the custody of the Sergeant-at-Arms to abide the further order of this House, and while in such custody he be permitted to be taken by the said Sergeant-at-Arms before the Committee on Ways and Means, if he shall declare himself ready to answer such questions as may be lawfully put to him, including those asked of him by order of this House; and while he shall so remain in custody the Sergeant-at-Arms shall keep the witness in his custody in the common jail of the District of Columbia:"

Now, therefore, I, JAMES G. BLAINE, Speaker of the House of Representatives, do hereby command you to execute the order of the House as contained in said resolution, and the body of said Richard B. Irwin to safely keep in your custody pursuant to the said order of the House of Representatives.

In witness whereof I have herounto set my hand and caused the seal of the House of Representatives to be affixed the day and year first above written.

JAMES G. BLAINE, *Speaker*.

Attest:
EDWARD McPHERSON, *Clerk*,
By CLINTON LLOYD, *Chief Clerk*.

The COURT. Well, Mr. Durant, what have you to say?

Mr. DURANT. I have just asked the gentlemen if that was all they were going to read.

Mr. SHELLABARGER. Yes, sir; that is all.

Judge FISHER. Is not that enough?

Mr. DURANT. No, sir; not quite. I call the attention of the court to section 760 of the Revised Statutes, which reads in these words:

"The petitioner, or the party imprisoned or restrained, may deny any of the facts set forth in the return, or may allege any other facts that may be material in the case; such denials or allegations shall be under oath."

And availing myself of that provision of law, I respectfully beg leave to read to your honor the following statement, which is sworn to by the prisoner.

Mr. Durant then read as follows:

"In the honorable the supreme court of the District of Columbia:

"Richard B. Irwin——

Mr. SHELLABARGER. Just wait one moment, if you please. I wish to suggest to your honor that upon the disclosures that are contained in the return, including the record of the House of Representatives, that the case has now at least reached that stage indicated by the authorities that were read to your honor yesterday, where the court is apprised of the fact that the relator is in the custody of the House of Representatives, and that that custody, being disclosed now by the competent proofs, is one that cannot and will not be further inquired into or assailed. Those records, like all others, purport absolute verity, and when properly authenticated prove themselves, and that as a result of this we have now reached that stage of the case where the law laid down by the Supreme Court in the case of Booth, and afterward reaffirmed in the case of 13 Wallace, has its application, and where, in the language of the Supreme Court, the judge issuing the writ of *habeas corpus* or the court will go no further. I do not wish to argue the question, but simply to call the attention of your honor to that claim now made in the case.

The COURT. What do you wish? To present the plea such as was indicated or contemplated by the section of the Revised Statutes you have just read?

Mr. DURANT. Precisely that, and nothing else.

The COURT. I think you are right in that respect, as prescribed by the law. I shall therefore not interrupt the proceedings at present until I have presented to me the entire record in the case.

Mr. Durant then read as follows:

In the honorable the supreme court of the District of Columbia, Richard B. Irwin, praying for a writ of *habeas corpus*.

The petitioner, Richard B. Irwin, now availing himself of the right accorded to him by the laws of the United States, says that the return to the writ of *habeas corpus* is bad in law, showing no ground sufficient to keep him longer restrained of his liberty; and further petitioner says that on the 6th day of January, 1875, at the time the House of Representatives ordered the Speaker to issue his warrant to the Sergeant-at-Arms to take the petitioner into custody, he, the Speaker, informed the House he desired to call their attention to what he deemed to be his duty under the law, which he, the Speaker, said, made it his duty to certify the facts of the case under the seal of the House to the district attorney of the District of Columbia, to the end that petitioner might in due course of law be presented to the grand jury and the case submitted for their action; and the Speaker then and there said that unless otherwise ordered by the House he should proceed as he had indicated; but the House gave no further order and took no further action in the premises, all of which will appear by reference to the proceedings of the House of Representatives as published in the CONGRESSIONAL RECORD of January 7, 1875, a printed copy of which petitioner files herewith, and marks the same exhibit R. B. I. No. 1, specially referring to pages 29 and 21.

And the petitioner further says that the Speaker of the House, as he is informed and believes, and as he now states to the court, has certified the facts under the seal of the House of Representatives to the district attorney, to the end that the proceedings may be had according to law.

Your petitioner is advised that this action of the Speaker of the House exhausts the whole legal power of that body over him, petitioner, and that he can legally be held for no other purpose than such as the prosecuting officers of the United States, the district attorney and the grand jury, may institute; all of which he is ready to respond to; that by the Constitution and law of the land he is entitled to give bail and thereupon to be released from custody; and he prays that your honor may order his release and give such other or further order in the premises as to law and practice may appertain.

RICHARD B. IRWIN.

Richard B. Irwin being duly sworn says that the facts and allegations of the foregoing statement are true.

RICHARD B. IRWIN.

Subscribed and sworn to this 16th day of January, 1874, before
R. J. MEIGS, *Clerk*.
By E. J. MIDDLETON, *Assistant Clerk*.

THOMAS J. DURANT,
Of Counsel.

[Exhibit R. B. I. No. 1.]

Proceedings of the House of Representatives of January 7, 1875.

"Mr. ELLIS H. ROBERTS, after a brief argument, said:

"Thus the power of the House cannot be denied, nor in this case can the necessity for action be denied. Therefore the passage of a resolution substantially such

as the committee has reported is absolutely required by the circumstances. I am directed, however, by the Committee on Ways and Means to withdraw the particular form of resolution which has been reported, and to submit that which I now send to the Clerk's desk; and upon it I call the previous question.

"The Clerk read as follows:

"'*Resolved*, That Richard B. Irwin be remitted to the custody of the Sergeant-at-Arms to abide the further order of this House; and that while in such custody he be permitted to be taken by the said Sergeant-at-Arms before the Committee on Ways and Means, if he shall declare himself ready to answer such questions as may be lawfully put to him, including those asked of him by order of this House; and while he shall so remain in custody the Sergeant-at-Arms shall keep the witness in his custody in the common jail of the District of Columbia.'

"Mr. MAYNARD. I hope the gentleman will allow me to move to amend by striking out the words 'in the common jail of the District of Columbia.'

"Mr. ELLIS H. ROBERTS. I cannot yield for that purpose.

"Mr. MAYNARD. Then I will ask the Chair whether, if the previous question should not be seconded, the amendment I suggest would be in order?

"The SPEAKER. Of course it would be.

"The previous question was seconded and the main question ordered; and under the operation thereof the resolution of Mr. ELLIS H. ROBERTS was adopted.

"Mr. ELLIS H. ROBERTS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

"The SPEAKER. The Chair desires to call the attention of the House to a point which affects his own duty in this matter. The Clerk will read the third section of the act relating to cases of this kind.

"The Clerk read as follows:

"'SEC. 3. *And be it further enacted*, That when a witness shall fail to testify, as provided in the previous sections of this act, and the fact shall be reported to the House, it shall be the duty of the Speaker of the House or the President of the Senate to certify the fact, under the seal of the House or Senate, to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.'

"The SPEAKER. The question in the mind of the Chair is whether this witness having refused to testify and having been brought before the House, the time has arrived for the action of the Chair under this statute, which seems to be mandatory. On this point the Chair will follow the instructions of the House.

"Mr. DAWES. I suggest, Mr. Speaker, that possibly something may occur which will obviate the necessity for that step; and as it is not peremptory that it shall be done forthwith, the Speaker might wait a little while to see whether such action will be necessary.

"Mr. LAWRENCE. The act imposes the duty on the Speaker; there is no doubt about that.

"Mr. DAWES. Certainly. It is a duty under the law.

"Mr. LAWRENCE. And there is no escape from it.

"The SPEAKER. The statute appears to be mandatory in imposing this duty. In the case of Joseph B. Stewart two years ago it was not performed, and there was some criticism in consequence. The attention of the Chair was not called to the precise language of the statute in that case until some time afterward.

"Mr. DAWES. I suppose, Mr. Speaker, the meaning of the statute is that this certification shall be made if there should be a final refusal. But we have provided a further opportunity for this witness to answer. Therefore I suggest to the Chair that though when the proceedings are complete the duty provided by law will be incumbent upon the Chair if the refusal be persisted in, yet it does not seem to me necessary that this action be taken by the Speaker forthwith to-day.

"Mr. GARFIELD. Will the Chair allow me to make a remark? If the suggestion of the gentleman from Massachusetts [Mr. DAWES] should prevail, the Chair will have to wait until the 4th of March, at noon, to determine whether the proceedings will be finished or not, so as to require the performance of this duty; and when the gavel comes down at that time, you, sir, will cease to be Speaker, and cannot possibly perform this magisterial duty which the statute imposes; so that the suggestion of the gentlemen from Massachusetts would make the statute null so far as the duty of the Speaker is concerned. Having committed the offender to jail, it seems to me we ought now to proceed to determine by some process whether we have any right to put him there.

"Mr. G. F. HOAR. As I understand, a witness who refuses to testify in answer to a lawful question put to him by authority of this House is in precisely the same position as a man who should come within these doors and strike a blow at the Speaker or any member of this House during its session. First, he commits a contempt of the House; but besides he commits a penal offense under a statute of the United States. Under the statute, when that penal offense has been reported to the House, it becomes the duty of the Speaker to certify the fact to the district attorney. That offense has been reported to the House in this case by the committee, and it has been found as a fact by the resolution adopted by the House that such an offense has been committed.

"Now, whatever the witness may do hereafter to purge himself of contempt or to mitigate the punishment which should be inflicted upon him by the House, his offense in disobeying this statute was complete when he refused to answer lawful questions; and when that fact has been reported to the House and affirmed by the House to exist, the duty of the Speaker has become imperative.

"Mr. KASSON. Allow me a single additional suggestion. This case under the statute, as I understand, must go before a grand jury in the District of Columbia. There may be such a body in session at the moment the offense is committed; but if we postpone action, then before any process could be issued upon which the party could be arrested he might be out of the reach of such process; he might be in Europe. Consequently I apprehend the intention of the law to be that as soon as the offense is committed this communication is to be sent to the officer having charge of such prosecutions in the District of Columbia, that proceedings may be instituted at the earliest possible moment, and then it may be reported to the House that process for him has been issued, and he may be discharged or not by the House. At the conclusion of our authority on the 4th of March he is still subject to that process wherever it may find him.

"Mr. LAWRENCE. The grand jury is now in session.

"Mr. HAWLEY, of Illinois. I agree in the main with all that has been said by the gentleman from Massachusetts, [Mr. G. F. HOAR.] I think, however, he has overlooked one point. The House has already taken action with reference to this question. It has determined that this witness shall be held in custody until he shall purge himself of this contempt. Now, it has become the duty of the Speaker under statute to certify this case to the district attorney. Now, the district attorney will find it to be his duty to proceed at once and have the case presented to the grand jury. But the court cannot get control of this case, or at least the body of this witness as a defendant, until the House is through with him. He is all the time in the charge and custody of the House; and although the Speaker does the duty which is required of him by the law, that does not in any sense take the case away from the House of Representatives. This is a distinct offense, and he is to be punished by the law of the land, as any man is to be punished who commits a crime. Therefore I differ from the gentleman from Massachusetts, [Mr. G. F. HOAR,] who, when the duty of the Speaker to certify the case to the courts has been carried out, would then seem to imply the case would be taken away from the control of the House of Representatives.

"Mr. G. F. HOAR. Not in the least.

"Mr. HAWLEY, of Illinois. The gentleman from Iowa said so then.

"Mr. KASSON. Not at all; but, on the contrary, the 4th of March, if not before.

"Mr. HAWLEY, of Illinois. Now, then, the grand jury cannot act on this case for a considerable time—cannot act on it until after that time; but it is the duty of the district attorney to bring it promptly before that grand jury, so he may be indicted and turned over to the courts when Congress is compelled to give him up, if before that time he has not purged himself of the contempt committed before the House of Representatives. Therefore I say there is nothing inconsistent at all in the Speaker certifying this case up to the district attorney—nothing inconsistent with the action of the House to-day. They are not in conflict at all.

"Mr. MAYNARD. It seems to me this law is as plain as one can make it. It provides that any witness who shall fail to testify as provided in previous sections of the act and that fact is reported to the House, it shall be the duty of the Speaker of the House to certify, &c. Here the facts have not only been certified to the House, but it appears in the presence of the House itself that this witness does refuse to answer; and therefore the case contemplated in the third section of the act is made out, and the duty of the Speaker under the law is beyond his discretion and is mandatory.

"The SPEAKER. The Chair has brought the matter to the attention of the House simply for the reason that in previous cases it may have been overlooked or neglected. As he reads the statute, the duty seems to be mandatory upon him officially; and unless otherwise instructed by the House he will perform it.

"Mr. GARFIELD. I move the House adjourn.

"Mr. ELLIS H. ROBERTS. Before the motion to adjourn is put, let me say that the duty of the Speaker cannot be such as to interfere with the bringing of this man before the Committee on Ways and Means as a witness.

"The SPEAKER. The Chair does not so understand it.

"Mr. HAWLEY, of Illinois. The point I made awhile ago was that the performance of that duty by the Speaker can in no way interfere with the action of the House hereafter. Although the witness may be indicted in a court in the District of Columbia, there would be no power on the part of any such court to take him out of the custody and control of the House of Representatives.

"The SPEAKER. The Chair merely desires to repeat, that according to his reading of the statute his duty is plain. Should the House think otherwise, he would of course be governed by the expression of the House, if they made any such expression; but in absence of any such expression, the Chair will feel it to be his duty to certify the case up.

"And then, on motion of Mr. GARFIELD, (at four o'clock and fifty minutes p. m.,) the House adjourned."

Mr. Durant, at the conclusion of the reading, said:

The seven hundred and sixtieth section says:

"The petitioner, or the party imprisoned or restrained, may deny any of the facts set forth in the return, or may allege any other facts that may be material to the case. Such denials or allegations shall be under oath, by return, and all suggestions made against it may be amended by leave of the court, or the justice or judge before whom made, before or after the same are filed, so that thereby the material facts may be ascertained."

Upon filing this, I ask that I may be permitted in some proper manner, by affidavit or otherwise, or by formal admission from the representative of the United States here, (if he be inclined to make such, which I presume he will not be disinclined to, as that it is either true or untrue, as I have stated in the petition,) that the facts have been certified to him by the Speaker of the House of Representatives in accordance with the terms of the law, and what is declared to be his duty under the law, in the paper I have filed. I do not read that portion of the paper, may it please your honor, because I presume that as the facts have been published in the CONGRESSIONAL RECORD, and are familiar to the counsel on the other side, they will not be denied. If there is any doubt about them, or any doubt is intimated, I will read them.

Judge FISHER. What facts do you allude to?

Mr. DURANT. That the Speaker declared to the House that he considered it his duty to certify the matter under the seal of the House to the district attorney. I say those facts appear on the face of the CONGRESSIONAL RECORD. The other fact, may it please your honor, does not appear, and I must substantiate it in some legal way.

The COURT. The certification?

Mr. DURANT. The fact that the Speaker did so certify the proceedings to the district attorney that have been placed in his possession.

The COURT. If you offer proof on that point, it will raise the legal question involved in your reply, whether that is any defense to this return or not.

Mr. DURANT. Of course. It is my desire, and I have no doubt it is participated in by the counsel who represent, respectively, the Government and the Sergeant-at-Arms of the House, that the matter shall be fully understood. It was for that reason that I stated in the fullest terms that I was able my understanding of the case, to embrace at the time all that I knew of the facts in the petition, so that the court or judge to whom I applied might not act improvidently, so far as to be left uninformed of any fact that I knew.

Judge FISHER. We insist, may it please your honor, upon our original motion here, that having made and exhibited to the court by our return that the prisoner is lawfully held in custody in execution of a judgment lawfully pronounced by the House of Representatives of the United States of America, your honor having been certified of that fact, in accordance with the decisions of the Supreme Court of the United States, to which this court is amenable, your honor can take no further step, except to remit the custody of the relator to the respondent. We do not feel authorized to make any admissions, therefore, in regard to the subject-matter.

The COURT. Then, Mr. Durant, you will have to offer proof in regard to the matter. It will bring the case then within what you contend is the operation of the statute.

Mr. DURANT. Yes, sir. I am not prepared at this moment to do so, because I see no one present who is cognizant of those facts except the district attorney himself or some gentleman in his office, who might not possibly be compelled to disclose them, and suggest, as a matter of delicacy on my part, that I would not like to compel a gentleman in the office of the district attorney to prove the fact.

The COURT. I can dispose of the legal question involved.

Mr. SHELLABARGER. We will say this to the counsel and your honor, that as a matter of convenience we have no objection to the proofs being made by Mr. Durant at any time and to let the case proceed as if the proofs were made.

Mr. DURANT. I think that I am fully justified in asking the district attorney at once—for I understand that he does not appear here now as district attorney, though he holds that honorable position, but he appears as counsel of Mr. Ordway—whether he has not those papers in his possession; whether they have not been certified to him; and ask your honor to order him to produce them. I make that motion.

The COURT. You can ask him to take the stand here.

Mr. DURANT. I mean that, of course.

Judge FISHER. May it please your honor, I think I may be justified in saying that about a week ago I received—because it is a matter of public notoriety—those certificates that my learned friend speaks of; but at the same time we insist upon contending that your honor can proceed no further after you have become judicially apprised of the fact——

The COURT. I understand your position on that point. I do not intend at this moment, of course, to decide upon the effect of that statute on the power of the House, after the case has been certified. I shall not do that without hearing counsel; but I think it must be very evident, if the assumption is true, that that statute has exhausted the power of the House in matters of contempt within the meaning of the statute; that is, in the cases of recusant witnesses. However, in this particular case I am not disposed to go behind it, as I said before. There is no fact on this return which is denied by the replication.

Judge FISHER. How?

The COURT. There is no point in your return denied by the replication, and the only question presented on this new matter is whether the House could proceed any further after the case was certified to the district attorney.

Mr. DURANT. That is precisely the position I desire to take. I desire to know, for the sake of precaution, in what way it will appear upon the record—the statement that has been made by Mr. Fisher—because this case may go to the general term, and may possibly go still further, and that fact——

Judge FISHER. I will gratify your desire in that respect. I will have those certificates copied and they may be filed with the papers.

Mr. DURANT. Very well. Then the case is ready for argument, I understand now; but I will ask your honor whether it is to be gone on with to-day, or whether you would prefer to have it on another day. The hour is now late—I mean late with regard to the usual hour of adjournment of the court. Of course there is no possibility of concluding an argument of this sort within the time at which the court usually adjourns. And although of course I am anxious, as it is my duty, to have the matter disposed of as speedily as possible by the judge of this court one way or the other, still there is no need of that precipitate haste which would prevent us from arguing it deliberately. I am prepared to go on to-day; only, if that be the order of the court, I will ask your honor to delay the matter a little until I can send to the office and get my books. The office is but a short distance from here.

Judge FISHER. We desire, may it please your honor, that the argument may be proceeded with to-day. I would like to inquire, while I am on my feet, whether your honor will permit the argument of any other question than simply the one presented by this demurrer, as to whether the power of the House of Representatives has been exhausted by virtue of the act of Congress of the 24th of January, 1857, and by its certification by the Speaker of the House of Representatives, under that act, to the district attorney of the fact of the contumacy of the witness?

Mr. DURANT. But I must remind by honorable friend that Mr. Irwin is the prisoner, and not I.

Judge FISHER. I beg your pardon.

Mr. DURANT. I am not to be limited in the scope of my debate. I suppose my tongue is not to be tied.

Judge FISHER. But I want to know whether your honor——

Mr. DURANT. I shall claim "as large a charter as the wind, to blow on whom I please."

Judge FISHER. That is exactly what I wanted to know.

Mr. DURANT. Whenever I say anything that is improper, his honor will stop me.

The COURT. I do not think the occasion will occur.

Mr. DURANT. I hope not; I shall endeavor to avoid it. Then I will send for my books.

The COURT. If, however, you intend to argue the case at large, I think we could scarcely get through to-day.

Mr. DURANT. We cannot certainly get through by the usual hour of adjournment.

Judge FISHER. You can get through with your argument.

Mr. DURANT. We cannot dispose of the great principles of liberty in thirty minutes.

Judge FISHER. I will say to your honor that I have a telegram which calls me away from here to-day, and I have apologized for my not responding to it by reason of the pendency of this case. I have promised, however, to do so on Monday, so that I would like, for my part, that this argument should be concluded by Monday at noon; at least so far as I am concerned.

The COURT. I will resume the case, then, if it will accomodate counsel, at ten o'clock on Monday morning.

Judge FISHER. I have telegraphed that I would leave here on Monday morning; made arrangements to that effect. I supposed that the case would be through with by twelve o'clock at any rate on Monday, as far as I was concerned.

The COURT. I am not disposed to go on with this case to-day. I have been very hard at work all the week in this and other matters, and I think we had better renew this subject with a fresh week. I should like to have this morning disposed of the matter, or at least to have had it disposed of before the hour of adjournment; but as that seems impossible, I will adjourn the further consideration of this case until Monday morning at ten o'clock.

Now, regarding another matter. Considerable has been said about the custody of the relator here. I would not like to have that matter left with any misunderstanding before the adjournment as to the custody of the relator.

Mr. DURANT. He is in the custody of the Sergeant-at-Arms.

The COURT. If you regard it in that light, that is satisfactory.

Mr. DURANT. That is satisfactory to us.

The court thereupon adjourned until Monday morning at ten o'clock.

Fourth Day's Proceedings.

WASHINGTON, D. C., *January* 18, 1875.

The hearing in the matter of the application for a writ of *habeas corpus*, in the case of R. B. Irwin, was resumed at ten o'clock.

The COURT. In what order, gentlemen, do you desire this argument to be presented?

Mr. DURANT. I supposed, although I am ready to submit myself to the direction of the court, the opening and close lay with me.

The COURT. If there is no objection, I will hear you first, then. You can go on.

Mr. DURANT. May it please your honor, in every case where in our country the life and liberty or the property of a citizen is subjected to the action of governmental authority, the mind immediately addresses itself to the question whether that authority be authorized by positive institution, by the provisions of constitutional law and the acts of legislative authority flowing from it, or whether it emanates from an independent exercise of authority, claimed to be superior to the Constitution and laws, and existing in some vague, uncertain, and indefinite custom and claim of authority on the part of the particular department of Government that exercises control over the individual in question. And accordingly, as we take the monarchical and European view of government or the American and republican, we incline to the one side or the other of this question; for in Europe, and under the monarchical forms, the rights and privileges of the people are not inherent and inalienable, but flow from the grant and transmission of the government itself, whereas in our country the right of the individual is superior to the institution, and all government and all power flow from the sovereign authority of the people, and none other, no matter what department of the Government it may be, whether high or low, legislative or judicial, none other power exists than flows from their will and is expressed in their written Constitution. Therefore, if I were examining this question as a citizen and not as a lawyer, I should take quite a different view of the case than that which I am about to present. Yet it is well for us to look at the view in which we are bound to contemplate this case as citizens, because those who judge us and those who legislate for us are citizens, and are, after the exercise of their power, to return to the mass of their fellow-citizens to be governed by the same laws that they themselves have enacted, or to be controlled by the same decisions which, in judicial functions, they themselves have made.

By way of illustration, therefore, merely as introductory, and not as settling the law in this case, I quote from the opinion of the greatest publicist, in my judgment, that America has ever produced—the one who, far beyond all others, has laid down a distinctive line of demarkation between the powers of government and the rights of the citizen. I quote from a note of Story on the Constitution, second volume, from the pen of Thomas Jefferson.

Mr. Durant then read as follows:

"That Congress have no such natural or necessary power"—

That is, of imprisonment for contempt—for he is commenting on the case of Duane, who, being charged with a libel published in his paper, the Aurora, was brought before the bar of the Senate of the United States and consigned to imprisonment as for a contempt; a power which I suppose it will be claimed by the learned counsel on the other side still exists in either House of Congress.

"That Congress have no such natural or necessary power, or any powers, but such as are given by the Constitution; that was given them directly, exemption from personal arrest, exemption from question elsewhere for what is said in their House; a power over their own members and proceedings. For this no further law is necessary, the Constitution being the law."

Those provisions being contained in the Constitution itself—

"That moreover, by that article of the Constitution which authorizes them to make all laws necessary and proper for carrying into execution the powers vested in them by the Constitution, they may provide by law for an undisturbed exercise of their functions; for example, for the punishment of contempts, of affrays and tumult in their presence, &c.; but until the law be made, it does not exist, and does not exist from their own neglect; that in the mean time, however, they are not unprotected, the ordinary magistrates' courts of law being open, and competent to punish all unjustifiable disturbances or defamations; and even their own sergeant, who may appoint deputies *ad libitum* to aid him, is equal to a small disturbance; that in requiring a previous law, the Constitution had regard to the inviolability of the citizen as well as of the member; and should one House in the regular form of a bill, aim at too broad privileges, it may be changed by the other, and both by the President; and also, as the law is being promulgated, the citizen will know how to avoid offense. But if one branch may assume its own privileges without control; if it may do it on the spur of the occasion; conceal the law in its own breast, and after the fact committed make its sentence, both of the law and the judgment on that fact; if the offense is to be kept undefined, to be *ex re nata*, and according to the passions of the moment, and there be no limitation there in the manner or the measure of the punishment, the condition of the citizen will be perilous indeed."

Now, may it please your honor, although that view has not in its entirety been sanctioned by the adjudication of the Supreme Court of the United States, which I shall have occasion to allude to in the course of this discussion, yet, it is the exposition of what the law should be, of the view of one of the most distinguished citizens, who aided in the formation of the Government, as to what it should be at a time when probably the ideas of individual freedom and the powers of Government were as well defined, were as well understood as they are at the present moment. I say, therefore, may it please your honor, that we must look now exactly at the scope which is claimed by the counsel on the other side for the power of the House of Representatives in this particular case. The prisoner at the bar stands before you, committed by the House of Representatives for failure to answer certain questions propounded to him by the order of the House, through the mouth of the Speaker, at their bar, because, as he avers, the House had no authority to propound such questions, and he has been committed to the common jail of the District, under the charge of the Sergeant-at-Arms, there to remain for a space of time not determined; whether it is to be longer or shorter, the order or warrant directed to the Sergeant-at-Arms does not by limiting any particular time specially state. The counsel who represent the Sergeant-at-Arms here, lay down, as I understand them, this proposition of law, that by the custom of the House of Representatives; by a power inherent in that body; by what may be properly termed, I presume, the *lex parliamentaria*, which they declare exists in this country, the House of Representatives have a discretionary power to punish for what they consider a contempt, and they have even gone so far as to say—though I presume that exaggerated feature of the argument will not be insisted upon to-day—that the House is the exclusive judge of what is a contempt, and when it has settled that point, by the adjudication, by the warrant of the Speaker, ordering the commitment, that all inquiry into this matter is closed, and that the judicial tribunals have no further authority.

Now, in order to arrive at a correct conclusion of what, in a legal point of view, in the view of the decisions of tribunals that have been made on this subject, is the law of the land at present, we must look in the first instance to that country from which these authorities have flowed down to us by tradition. In Great Britain, from which we derive this idea of the *lex parliamentaria*, a frame of government exists which I need scarcely say is essentially different from our own. The executive power there is sovereign and hereditary. There church and state are joined. The Queen or the King is at the head of the church. There one of the houses of the legislature, the House of Lords, is a hereditary legislature, born, and not booted and spurred, to ride over their fellow-creatures; born and vested with the power of legislating and discretion and judgment to make the laws for the people; and by the theory of that government the House of Lords is the supreme court—is the supreme court, judicially, of judicature in the kingdom, to which as a court of final resort all causes may in the end go. And the House of Commons is constituted, I need not say, on very different principles from our House of Representatives. So that in Great Britain, far from acting under a written constitution and by fixed rules of government previously laid down, as is the case with the legislative department and all departments of our Government under the Constitution of the United States, it is a maxim in Great Britain that the power of Parliament is omnipotent, and that no law that is passed by the Parliament of Great Britain can be questioned by the judicial tribunals. The very opposite of the system that prevails with us; for here, every law that is passed by Congress, after it shall have received the sanction of the President of the United States, may not only be questioned, but it is the duty of the judicial tribunals to set it aside as a law operating upon a citizen, if he finds it conflicts with the supreme law of the land; for that instrument lays it down in express terms that the Constitution and the treaties and laws of Congress made in pursuance of it shall be the supreme law of the land. Yet we are told here that there is a law of this land superior to the Constitution and superior to the laws, and that although this tribunal has the undoubted authority to question the validity of any act of Congress after it shall have received all the sanctions of legislation, and set it aside if it be found inconsistent with the Constitution, yet this court has not the power to go behind the order of one of the branches of Congress to see whether it conflicts with the constitutional rights and privileges granted under that instrument to the citizen or not! Such is the theory held by the gentlemen on the other side. I repeat again, that although it is admitted and cannot be denied that any court of justice will strike with nullity any act of Congress as being in violation of the Constitution, yet no court of justice can go behind an order of one of the branches of Congress when that branch shall say we are now deciding upon our own privileges; we are now deciding upon the rights we have over the liberty or the property of the citizen! If this be true, let us see to what extent it goes. I said I would show to what extent it goes in Great Britain, and I will quote some authorities on that point to show the scope of the authority which I have adverted to in the House of Commons in Great Britain. I will read a simple statement from a case that I have already quoted to your honor, that of Regina against Paty, in the second volume of Lord Raymond, page 1105. This was in the third year of the reign of Anne.

I cite this to your honor in order to draw the mind of the court to the inference I draw, to the extent of the privileges of our parliament or House of Representatives. After the Chief Justice had said that this was the first occasion,

as far as his knowledge extended, in which the *habeas corpus* had ever been issued for one imprisoned by order of the House of Commons, he proceeds to say:

"We cannot judge of the privileges of the House of Commons, but they are to debate them among themselves. He said it was objected that by *Magna Charta*, chapter 29, no man ought to be taken or imprisoned but by the law of the land;" from which we derive our constitutional provision that no man shall be deprived of liberty or property except by due process of law. But the answer to this was that there were several laws in this kingdom"—

This is the ingenious way in which judges pandered to the prerogatives of parliament at this time:

"But the answer to this was that there were several laws in this kingdom, among which was the *lex parliamenti*, which law, as it is stated in the 4th Institutes, 15, *Ad omnibus est quæranda a multus ignorata a paucis cognita*"—

Which ought to be sought for by all, and which is unknown to almost everybody, and very few know anything about it, if I understand the Latin—

"And that it was uncertain that these words in the statute *Magna Charta* were to be restrained to the common law. He said that Parliament had laws and customs peculiar to itself, and that this was declared to be *secundum legem parliamenti*, and that the judges ought not to give any answer to questions propounded to them about matters of privilege, because privileges of Parliament are not to be determined by the common law."

Now, may it please your honor, if the privileges of Parliament are not to be determined by the common law of Great Britain, and therefore the great principles of *Magna Charta* protecting the liberties of the citizen were entirely overridden by the parliamentary law, how is it in this country, and what power is there within the limits of the United States which has any authority within our form of government not expressly delegated to it by the Constitution of the United States, or necessary to carry out the powers expressly delegated? Certainly we have no law here in this District superior to the Constitution of the United States, the treaties and the laws made pursuant to the Constitution, and the common law of England. Those laws we are governed by here, and certainly we are governed by no other. But in the space of a century the rights and privileges of British subjects began to be more thoroughly understood, and you will find that in the space of that time there was a very wide departure from the subserviency to the privileges, so called, of Parliament or the House of Commons, as laid down by Justice Gould in that decision; in proof of which I will quote some brief extracts from the case of Stockdale *vs.* Hansard, 9 Adolphus and Ellis, 36 Common Law Reports, 68, 83.

The COURT. Ninth Adolphus & Ellis?

Mr. DURANT. Yes, sir, it is the very first case in 9 Adolphus & Ellis.

The COURT. The celebrated case in which Lord Denman pronounced the judgment, I suppose?

Mr. DURANT. The House of Commons claimed as a privilege they should print and sell their own debates, and under the theory that was advocated by some and strenuously insisted upon by the attorney-general of England at that time, whenever a branch of Parliament laid down that such a thing was their privilege, that was the end of the matter, which is the theory, I understand, of the counsel for the respondent in this case. Whenever the Senate and House of Representatives of the United States shall say "This is our privilege, to punish you for violating it," the power of the court is at an end; and such was the intimation of the law by Justice Gould in the case I have read from Lord Raymond. Here is what Lord Raymond says. I will read now from page 65:

"Parliament is said to be supreme; I most fully acknowledge its supremacy. It follows, then, as before observed, that neither branch of it is supreme when acting by itself."

Parliament is supreme, but neither branch of it is supreme when acting by itself, and under the Constitution of the United States the Congress is supreme, but by the same reasoning neither branch of it is supreme when acting by itself; and that irresistible influence, may it please your honor, at once puts to flight the idea that the decision of the House itself is conclusive as to its own rights and powers. That at once puts to flight the idea that there is any power in this Government which is purely arbitrary, and whose actions cannot be inquired into by the judicial tribunal.

"It is also said that the privilege of each House is the privilege of the whole Parliament. In one sense I agree to this; because whatever impedes the proper action of either impedes those functions which are necessary for the performance of their joint duties. All the essential parts of a machine must be in order before it can work at all. But it by no means follows that the opinion that either House may entertain of the extent of its own privileges is correct; that all its declarations of them are binding. In the course of the argument the privileges of the Commons were said to belong to them for their protection against the encroachment by the Lords. The fact of an attempt at encroachment may then be imagined; we must also suppose that the Commons would resist it. In such a case the claim set up by the two Houses, being inconsistent, both could not be well founded, and an instance would occur of adverse opinions or declarations, while the real privilege, whenever it is ascertained, would certainly be the inherent right of Parliament itself."

At the foot of page 83 of the same volume I read this language:

"In truth, no practical difference can be drawn between the right to sanction all things under the name of 'privilege' and the right to sanction all things whatever by merely ordering them to be done. The second proposition differs from the first in words only. In both cases the law would be superseded by one assembly, and however dignified and respectable that body, in whatever degree superior to all temptation of abusing their power, the power claimed is arbitrary and irresponsible, in itself the most monstrous and intolerable of all abuses.

"Before I finally take leave of this head of the argument, I will dispose of the notion that the House of Commons is a separate court, having exclusive jurisdiction over the subject-matter, on which, for that reason, its adjudication must be final."

When I read these decisions, may it please your honor, I wish to refer again to the profound conviction I have that anything that is said by the courts of Great Britain to abbreviate or curtail the supposed privileges of the houses of Parliament is infinitely stronger when it comes here, from the different nature of the powers of our judiciary when compared with the judiciary establishment of Great Britain, where they are bound by the laws of Parliament as being omnipotent, whereas we are not bound by the acts of Congress unless they are constitutional.

"The argument places the house herein on a level with the spiritual court and the court of admiralty. Adopting this analogy, it appears to me to destroy the defense attempted to the present action. Where the subject-matter falls within their jurisdiction, no doubt, we cannot question their judgment; but we are now inquiring whether the subject-matter does fall within the jurisdiction of the House of Commons. It is contended that they can bring it within their jurisdiction by declaring it so. To this claim, as arising from their privileges, I have already stated my answer. It is perfectly clear that none of these courts could give this jurisdiction by judging that they enjoy it."

So that I hold the matter in England is conclusive, and still more conclusive is the argument here, that the jurisdiction of the House of Representatives to give this order in the shape they did is a matter we can inquire into, and it is a matter entirely under the control of this court; that it is a judicial question in its very essence, and one which the courts of the country must finally determine. Still more strongly is it so, I repeat again, under the dominion of our Constitution than under the theory of the constitution of Great Britain. Now, in the case of the Sheriff of Middlesex, 39 Common Law Reports, 86, there are some other emphatic declarations. (11 Adolphus & Ellis, 272.)

Lord DENMAN, C. J., said:

"I think it necessary to declare that the judgment delivered by this court last Trinity term, in the case of Stockdale *vs.* Hansard, (which is one just read from 9 Adolphus & Ellis,) appears to me in all respects correct.

"The court decided there that there was no power in the country above being questioned by the law."

Lord Denman entertained very different ideas of the rights of British subjects than those put forth by the learned counsel for the House of Representatives in this case in the early part of the debate.

He considered that there was no power in the country above being questioned by the law, even the power of the sovereign, of Parliament, or either house of Parliament.

"The House of Commons there attempted to place its privilege on the footing of an unquestionable and unlimited power. It was argued against that claim that the dicta of the learned judge by which it was supported had in many cases been hastily thrown out, and were encountered by others of a contrary tendency from judges not less eminent, and by precedent. I endeavored to establish that the claim advanced in that case tended to a despotic power which could not be recognized to exist in this country, and that the privilege of publication as there asserted had no legal foundation. To all these positions I, on further consideration, adhere; all of them I believe in my conscience to be true. If this were not so, it is strange that the case should not have been brought before the other ten judges by writ of error."

Therefore, may it please your honor, not only was the law of Great Britain such as I have pointed it out, but it has been reiterated in that and other decisions, and the authority certainly is the fixed law of the land there. It is from that country, therefore, may it please your honor, that we derive the idea that there is over and above the constitutional laws of the land a *lex parlimentaria* here by which the House of Representatives or the Senate may judge of what is a contempt of their authority and proceed to punish it. And I must confess that there is a single decision going to that effect, and that single decision I am not about to call upon this court in the slightest degree to depart from. It would not be proper in me, in the first instance, nor would I suppose your honor would conceive yourself in any degree authorized to depart from the decision of the Supreme Court of the United States.

In 1821 a very worthy old gentleman from Michigan, who had fought in the service of his country and had been wounded, and lost all his property by the British invasion of the northern part of that State, came to advocate his claim to compensation here before Congresss, and was finally successful in having an award made to him of some $9,000 or so. He considered that the chairman of the Committee on Claims had been exceedingly kind to him; that he had done far more than was his ordinary duty as a member of Congress and chairman of the committee. The old man in the goodness of his heart, simply, and without having the slightest idea that he was doing anything wrong, after he had been paid the money, and never having made a hint of the kind before, said to the chairman of the committee, "I wish you would accept $500 for the trouble you have had in this case." The chairman, taking the matter in an entirely improper view, brought the matter before the House as a breach of privilege, and the old gentleman was sent for, and he was brought here and arraigned before the House and he was punished. In the mean time he brought an action of trespass against the Sergeant-at-Arms, and the cause went up from this court to the Supreme Court of the United States. It is reported in 6 Wheaton, which I hold in my hand, and I wish to read a passage from the opinion of the court to show what view was taken of the rights and privileges of the citizen fifty years ago or so—in 1821. The court will observe that this case did not bring directly before the court the power of the Congress of the United States, or rather of either branch of the Congress of the United States, to commit the body of the citizen to the common jail of the District for an alleged contempt—it brought into view the liability of the Sergeant-at-Arms for executing an order of the House of Representatives; and these are two very different things. A man may be very innocent in executing an order, and yet the order itself may be a very questionable authority. The liberty of the citizen under the order may be one thing; the liability of the officer for executing the order is another thing, and an entirely different thing. I read now from page 230, from the case of Anderson *vs.* Dunn, 6 Wheaton, 1821—fifty-four years ago.

After speaking at some length on the authority of the Legislative Assembly, the court said:

"Nor would their situation be materially relieved by resorting to their legislative power within the District. That power may indeed be applied to many purposes; was intended by the Constitution to extend to many purposes; to the security and dignity of the General Government; but there are purposes of a more grave and general character than the offenses which may be denominated 'contempt,' which, from their very nature admit of no precise definition." * * * * *

"We are not now considering the extent to which the punishing power of Congress by a legislative act may be carried. On that subject the bounds of their power are to be found in the provisions of the Constitution."

That is, the bounds of the power of the entire Congress are to be found in the Constitution—the bounds of the power of one of the branches of Congress to punish are to be found somewhere else than in the Constitution; because they are not there.

"The present question is, what is the extent of the punishing power which the deliberative assemblies of the Union may assume, and exercise on the principle of self-preservation?

"And the analogy and the nature of the case furnish the answer, '*the least possible power adequate to the end proposed*,' which is the power of imprisonment. It may at first view, from the history of the practice of our legislative bodies, be thought to extend to other inflictions, but every other will be found to be mere commutation for confinement; since commitment alone is the alternative where the individual proves contumacious. And even to the duration of imprisonment a period is imposed by the nature of things, since the existence of a power that imprisons is indispensable to its continuance; and although the legislative power continues perpetual, the legislative body ceases to exist the moment of its adjournment or periodical dissolution. It follows that the imprisonment must terminate with that adjournment. This view of the subject necessarily sets bounds to the exercise of caprice which has sometimes disgraced the deliberative assemblies, when under the influence of strong passion or wicked leaders, but the instances of which have long since remained on record only as historical facts, not as precedents for imitation"—

And they probably may be, though still continuing as historical facts, though not as precedents for imitation—

"In the present fixed and settled state of English institutions there is more danger of their being revived, probably, than in our own. But the American legislative bodies have never possessed or pretended to the omnipotence which constitutes a leading feature of the legislative assembly of Great Britain, and which may have led occasionally to the exercise of caprice under the specious appearance of merited resentment."

Now, may it please your honor, this is the leading case. It is the great case, and it is the only case that I have heard relied on, so far, for showing what, by the authority of judicial tribunals in our country, or by the judicial tribunal which expounds the supreme law of the land, the power of either House to commit for contempt may be.

This is a case, as I said before, in which the Sergeant-at-Arms of the House was prosecuted in an action at common law for trespass, because he had executed or arrested the party under the order of the Speaker, to bring him forward for a contempt. That contempt consisted in the offer to bribe a member of the body. The contempt here spoken of is of an entirely different character. It is the refusal to answer the questions propounded. The two offenses, if offenses they both be, are matters entirely different in their character, as the court will at once perceive, and

such modifications can be made in the application to the case now at bar of the principle laid down in the case I have just quoted as the difference in the two state of facts necessarily presents.

We take it, therefore, may it please your honor, that according to the decision which was made in 1821 we are not to look to the Constitution of the United States for the power of the House of Representatives to punish for contempt, but we are to look to another and a different quarter; that as to the custom of parliamentary bodies, we are to look to the limitations which are set by the Supreme Court of the United States here on that power; and it is a singular circumstance that although it is admitted that the House of Representatives had the power in their discretion to punish, and though there was nothing in the Constitution nor the law that limited that discretion, yet the judicial tribunal itself, which did act and could only act under the Constitution and the law, did find a mode of settlement and limit to their discretion—a difference which, if it were proper to speak of in any other than the most deferential way of the Supreme Court of the United States, might be said to be somewhat inconsistent. However, there it is. We who are to be guided by these decisions must reconcile them as we may.

In speaking of legislative assemblies throughout the Union, may it please your honor, we must bear this in mind, that the Legislatures of the United States expand as to their attributes and powers in striking contrast to the legislative department of the General Government. For the Legislatures of the Union have, by the nature of their organization, and by the principles of the State government, all the powers which are not expressly denied to them by the Constitution itself, whereas the Congress of the United States has only those powers which are expressly delegated to it by the Constitution. The powers of the Legislatures of the States are unlimited, except where restrained by constitutional enactment. The powers of the Congress of the United States are strictly limited to the cases provided for in the Constitution itself, having only power to do those things which are set down in clear terms in the Constitution, or such things as may be necessary and proper to carry delegated powers into effect. Therefore no analogy can be drawn from the authority of legislative assemblies in the various States of the Union, and we must look to the Constitution of the United States, the laws of the land, and the acts of Congress, and the interpretation which has been set upon them by the Supreme Court of the United States, which for all purposes of investigation in the courts is the supreme and final interpreter of the Constitution. We have advanced, therefore, may it please your honor, thus far that it has been decided by the Supreme Court of the United States, in a certain instance where a bribe was offered, the House of Representatives had power, drawn from some vague, unknown, and undefined series of customs, to punish for contempt. What is its power now in the particular instance before the court? I suppose that after reading such a decision, it will not be denied that the members of the House of Representatives are in a certain degree limited. They do not possess all the powers of the British Parliament. For instance, in the case of Robert Walpole, who was a member of the House of Commons, the House of Commons not only expelled him for having given a bribe, but also committed him to the Tower as a prisoner. It would be abundantly clear that under our Constitution that could not be the case here, because the power of Congress of either branch over their members is expulsion alone. I hold it would be clear that if in addition to expulsion the House of Representatives should attempt to inflict imprisonment on a member, he would be immediately liberated by a judicial tribunal.

This brings you to a consideration of the question as to what are limitations; what are the powers of either branch of Congress. In the first place, it is clear that you have the constitutional limitation. A member may be expelled for contempt. Either House must judge in the last instance (the last resort) of the qualifications of its own members, and in these investigations of course they have the powers of judicature. And again, may it please your honor, if this parliamentary law exists from which either branch of Congress draws its powers, privileges, and rights, it is not only limited by the Constitution, but it must necessarily be limited by positive statutes, because—and I urge this again—the Constitution itself says that the Constitution and laws made in pursuance of it shall be the supreme law of the land; and if this *lex parliamentaria* does exist in our country, it must exist as a part of the law of the land, and must be overriden and controlled by the constitutional provisions or the acts of Congress made in pursuance of the Constitution, which that instrument itself says shall be the highest law of the land.

Now, I will, may it please your honor, lay down this principle, as to the nature of which I presume there will be no difference arising between the counsel on the other side and myself, that when a difference between the common law and a statue arises, it is the statute that is to prevail. This plain principle is elementary, and is laid down by Mr. Blackstone in the first volume of his Commentaries, in this edition, on page 88, edition of 1860, paragraph 7:

"Where the common law and the statute differ, the common law gives place to the statute, and an old statute gives place to a new one."

The two principles are, precisely the same. Now, if there be a common law of Parliament, *ex parliamentaria*, in our country, and Congress proceeded to establish the statute or written law on the same subject, which of the two is to prevail? The common law, the law of custom of Parliament, which existed up to the time of the passage of the statute, or the statute law? It is perfectly clear. The answer is given by the learned commentator himself. The principle is perfectly applicable, and arises at once for its application here. The statute is to prevail over the antecedent custom. Now I shall proceed to fortify this position, may it please your honor, by the most irrefragable authorities, so that if there is the slightest doubt existing with regard to it in the mind of the court or of the learned counsel who are opposed to me, I venture to say that after I shall have quoted the authorities I have before me that doubt will be entirely and forever set at rest. My principle is this: that when enlarging the idea, without in the slightest degree changing it as it is laid down in Blackstone—that when there are two statutes, one earlier and one later, the latter being upon the same subject-matter as the former, and provisions in the former statute which are not mentioned, but which are left out, are repealed, and cease to exist—if that be the case with statute law, may it please your honor, still more must it be the case when the difference arises between the statute law and the common law or the law of custom. In order to illustrate this principle, I will proceed to call the attention of the court, in the first place, to the case of Ellis *vs.* Page, 1 Pickering, 44. In order to be brief, because the court will examine these authorities with the attention they merit, I will read what is on top of page 45.

"It is a well-settled rule that when any statute is revised or one act framed for another, some parts being omitted, the parts omitted are not to be revised by construction, but are to be considered as annulled, although they remain on the statute-book, and have not by any express legislation been repealed."

"To hold otherwise would be to impute to the legislature gross carelessness or negligence, which is altogether inadmissible. We are not, therefore, at liberty to suppose that the proviso or exception in the provincial statute was omitted by mistake; and if not, then clearly it was the intention of the legislature to place all the parole premises on the same footing, for such is the obvious import of the language of the statute of frauds."

This fully justifies what I have stated, that when in a subsequent statute revising a former one certain expressions of the former statute are omitted, though no reference in positive terms whatever be made to them, such portions so omitted are entirely annulled. I quote further from Nichols *vs.*——, 5 Pickering, 169:

"PER CURIAM. We think the statute of 1785, chapter 24, on which the *qui tam* action is founded, is repealed, if not by statute of 1800, chapter 57—and which seems to have a different object in view—yet certainly by statute of 1817, chapter 191, which appears to cover the whole subject-matter of the statute of 1785. By the statute of 1817, the selling of tickets in any lottery not granted or permitted by this commonwealth is prohibited under no new penalty; and where the Legislature impose a second penalty for an offense, whether smaller or larger than the former one, a party cannot be allowed to sue on one or the other at his option. This point of the repeal by implication is supported by authority. In the case of Bartlett *vs.* King, 12 Massachusetts Reports, 557, an exceedingly useful statute, passed in 1754, concerning donations and bequests to pious and charitable uses, was held not to be enforced, the Legislature having in 1785, legislated upon the same subject, but omitted to re-enact the provisions of that statute. This view of the case settles the first action against the plaintiff."

Now, by the undefined *lex parliamentaria* by the undefined and uncertain law of Parliament, it was decided by the Supreme Court of the United States that the House of Representatives had the right to punish for contempt, to punish at its discretion under the control of the court so far that their honors the judges of the Supreme Court of the United States in that instance said the punishment must be the least possible adequate to the nature of the offense, and must be imprisonment. It did not say how long imprisonment must be, except that it must terminate with the power of the body inflicting it. So that your honor will perceive that, under the law as laid down in 6 Wheaton, 1821, the power of the House of Representatives stood thus: Congress, about to expire on the 4th March, has before it a contumacious witness on the 3d March, and he refuses to answer; the Sergeant-at-Arms is directed to take him into custody, and to hold him there in the common jail or elsewhere; but on the 4th of March at twelve o'clock he goes out.

The COURT. He goes out with Congress?

Mr. DURANT. Goes out with Congress.

The COURT. Adjourns at the same time?

Mr. DURANT. Adjourns at the same time.

That was the law as laid down by the Supreme Court of the United States. That was the law which, may it please your honor, I said when I opened this case, as an advocate I am not permitted to dispute. I take it that was the law of the country at that time, in 1821; and I am perfectly willing to admit that it has been the law of the country ever since, for that decision, to my knowledge, has never been disturbed. I am not aware that the same point has ever come up before the Supreme Court of the United States in any subsequent case. There was the law of the land. A contumacious witness might, under the *lex parliamentaria*, be punished in a certain way. If the Congress of the United States, by a positive law made according to the Constitution, and hence the supreme law of the land, had directed such contumacious witness, in a case subsequent to the passage of that law, to be punished in another and different way, as the last statute overrides the preceding law under the authority of the cases I have just quoted, it is the only law under which he could be punished. I will advert to another case which was mentioned in the report I read last of 12 Massachusetts, at page 555, and the following, and I will read a passage from page 563. In speaking of the construction of a certain statute——

Judge FISHER. What is the title of the case?

Mr. DURANT. Bartlett *vs.* King.

Mr. Durant then read as follows:

"It is not, however, very material now to settle the construction of that statute, as we are fully satisfied it is virtually repealed by the subsequent statute of 1785, chapter 51. A subsequent statute revising the whole subject-matter of the former one, and evidently intended as a substitute for it, although it contains no express words to that effect, on the principles of law, as well as of reason and common sense, operates to repeal the former. According to the case of the King against Cator, in which it was decided that a former statute inflicting a punishment of £100 and three months' imprisonment on persons enticing away artificers was virtually repealed by a subsequent statute inflicting £500 penalty and of twelve months' imprisonment for the same offense. The same principle was adopted in the case of the King against Davis. All the subject-matter of the act of 28 George II is contained in the statute of 1785. A part only of its restrictions and limitations in the second section is omitted in the latter, and it is very obvious by comparing them that the legislature considered the latter as a complete substitute and a repeal of the former."

After what I have stated, which I trust is already abundantly clear on the strength of authority, as it is clear in reason, I will call the attention of the court to 11 Wallace, case of Stewart *vs.* Cahn, page 502.

I merely quote the summing up of the court, in which they state the pith of the whole argument, and lay down the principle on the bottom of the page 502:

"It is a rule of law that where a revising statute or one enacted for another omits provisions contained in the original act, the parts omitted cannot be kept in force by construction, but are annulled."

The particular point they were discussing then was the effect of the statute of 1867 on the twenty-fifth section of the judiciary act of 1789, which provides for writs of error from the highest courts of a State, in which a judgment or decree can be had under certain circumstances to the Supreme Court of the United States; and as some important provisions of the section of the act—twenty-fifth section of the act of 1789—had been omitted in the revising act of 1867, it became important for the Supreme Court of the United States to examine what was their condition, and they decided they must be considered as having been repealed, not being found—being omitted from the succeeding statute. And in a recent case, which I am not able to give your honor the title of, but which was decided last Monday in the Supreme Court of the United States, it is still more formally and pointedly decided that the twenty-fifth section of the act of 1789 is entirely superseded and repealed by the act of 1867; though, as I have said, some important provisions of the twenty-fifth section of the act are not embodied in the act of 1867; and this on the principle already adverted to, that when the subsequent statute revises the former one it is taken for granted, in reason and on authority, that the subsequent and last statute exhausts the power of the Legislature and does all that they design to do or have done. It is not probably very important I should quote the case of Burnham against Morrissey, but I will direct the attention of the court to it as an interesting case, and it bears somewhat on the features of this. In the fourteenth volume of Grey, page 240, Grey, the prisoner, was confined in the common jail, and no doubt the idea of this species of confinement occurred to the House of Representatives upon the suggestions of the practice in Massachusetts by the sergeant-at-arms of the house of representatives of Massachusetts. The prisoner was brought out under a writ of *habeas corpus*. The sergeant-at-arms of the house of representatives of Massachusetts being only the sergeant-at-arms of a State Legislature, did not suppose that he could refuse to obey the order of a court in the State of Massachusetts, and brought the prisoner into court—a very natural thing for an officer to do who understands his duty under the law—and the court proceeded to inquire into the causes of commitment. I will only read the syllabus:

"The court has power to inquire into the lawfulness of imprisonment by order of the house of representatives of Massachusetts."

Has the power to do it. They said there that the house of representatives has power to imprison, not by any parliamentary law, but because the State of Massachusetts says they have that power. And they said that the sergeant-at-arms had a right to keep him in jail if the jailer consented. I do not know whether the jailer consented here in our case; probably it is not important to inquire; but those were the circumstances of the case there. All the cases, as I have said, arising in the State courts stand on very different principles when they are interpreting their own State constitutions from ours, because those Legislatures have unlimited powers while ours has only limited powers. In 1857, when there was some great tariff discussion before the House, some gentleman of the press, as gentlemen of the press sometimes will do, insinuated that the manufacturers of Massachusetts had sent large sums of money—I do not know whether they said $750,000

or not; it may not have been necessary to send that amount, in their opinion—but that they had sent large sums of money to affect legislation. Immediately a committee of investigation was appointed to find out what legislators had been influenced by the manufacturers of Massachusetts, and they at once stood in the presence of this decision of the Supreme Court of the United States. They at once stood in the presence of this idea of the law. They were not judges and lawyers in the House of Representatives; they were citizens representing the people; and they said, "Have we or have we not power to punish this man? He will not answer. He has made the grave allegation that money has been used to influence this Congress, but he will not tell the sources of his information. What shall we do?" Why, the thing seemed to be very simple. All they had to do, according to the learned gentlemen on the other side, was to command him *clicto colliga manus*; but they said: "We cannot do this; we have no power to do it; we must have a law on the subject; all the power we have is entirely insufficient. We either have no power to do it at all," which was the opinion of some, "or we have only a restricted and exceeding limited power," which was probably the opinion of others or of many. And you will find in the debates on the subject, as I have recently read them, though of course those debates are no authority—I merely read them for my own information—that the chairman of the committee on the part of the Senate, when the House, hurriedly passing this bill, this bill of 1857, sent it up to the Senate, interrupted Mr. Crittenden, who had the floor at the time, in order to allow the bill to be reported. Mr. Crittenden gave way, and the bill was reported. It was referred, contrary to all usage, at the very same moment after having been read twice, to the Judiciary Committee, and on the same day the Judiciary Committee reported it back; but in the speech made at the time by the chairman of the committee, which I find in the thirty-sixth volume of the Congressional Globe, pages 425 to 434, the chairman of the committee said there was no such thing in the United States of America as *lex parliamentaria*, or common law of Parliament, which gave either House of Congress the right over the liberty of the citizen, and that it could only be invaded or could only be touched by due course of law.

Judge FISHER. Who was the chairman of the committee?

Mr. DURANT. One of the most distinguished gentlemen of that day, Mr. Robert Toombs of Georgia. Well, there was the condition of the law, may it please the court, at that time; vague, uncertain, indefinite. The House of Representatives said: "We have no power to punish this man. We must have a law." The Senate of the United States said: "We agree with you. There is no power to punish a contumacious witness." Or, on the other hand, they must have said, "There is a power to punish a contumacious witness, but it is not sufficient and complete." One or other of those positions, may it please your honor, must necessarily have been occupied at that time by either House of Congress. There they had no power at all, which was the opening of some; or they had inadequate power, which was the opinion of others. In either case, the logical result is precisely the same. They cured all defects, either of want of power on the one side or inadequacy of authority on the other, by the statute of 1857, which, according to the authoritative and logical decisions I have just had the honor of reading to you, exhausted all the power and repealed every other provision that existed on the subject, either of the common parliamentary law, or by preceding statutes *in pari materia*.

This act has been re-enacted in 1873 in the Revised Statutes, which have been frequently read to you. I do not wish to comment on that act further than to say that this is one of the most extraordinary acts of legislation that ever passed the legislature of a free government; for in one of these sections it compels a witness to speak those things that would criminate himself; it compels him to violate the obligations of professional confidence and honor, simply saying that you shall not be called in question in any other place for what you have said here; it violates the most sacred guards that are placed around the honor and integrity of men, for in a court of justice the judge will not allow a question to be propounded, simply and solely because it may make him liable to criminal prosecution. He will not allow a witness to be insulted by having questions propounded to him which tend to degrade him in the estimation of his fellow-citizens. Now, I do not examine into the question as to whether the Congress has the power to grant such an act as that or not; it does not come up here. But they have said, may it please your honor, as I shall proceed to read, exactly what shall be done. I will read the one hundred and third and one hundred and fourth sections of the Revised Statutes:

"No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House of Congress, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

"Fourth. Whenever a witness, summoned as mentioned in section 102, fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter to the grand jury for their action."

This was the act adopted in 1857, and re-enacted under the Revised Statutes of 1873. What was the state of the law then, may it please your honor, antecedent to this act? As I quoted from the sixth volume of Wheaton, when a witness was contumacious it was then the duty of the Speaker of the House of Representatives to issue his warrant to the Sergeant-at-Arms to imprison him as long as Congress might choose to keep him in prison, not extending beyond the term of their session. The Speaker might issue his warrant saying "Put this man in prison or keep him in confinement for ten days, or for thirty days, or for six months," if the session of Congress might last so long. We have sessions, long sessions, which even endure longer than that; and that was the duty of the Speaker then. A contumacious witness was then to be punished under the authority of the parliamentary law by the order of the House, carried out in the warrant of the Speaker directed to the Sergeant-at-Arms to imprison the witness—for the court said in 6 Wheaton no punishment but imprisonment could be inflicted—to imprison a contumacious witness for as long as the House might direct; provided always it did not exceed the duration of their term of service. And it is precisely the same as if it had then been written down in the statute, "When before a committee of either House, or before an investigation of either branch sitting in Committee of the Whole, a witness shall be contumacious and refuse to answer, the Speaker of the House, or the President of the Senate, as the case may be, shall, on the order of either branch, issue his warrant to the Sergeant-at-Arms, and the prisoner be imprisoned or kept in custody for as long a term as the warrant may direct." I say that the condition of the law then as laid down by the decisions of the Supreme Court was none other than precisely equivalent to a statute framed in the language I have just uttered.

And, may it please your honor, Congress in 1857 again legislated upon the subject and said:

"Whenever a witness, summoned as aforesaid in section 102, fails to testify, and the facts are reported to either House"—

Now what are the cases about? Is there any exception, in the first place? Is this for a general class of cases, embracing them all, or is it for a certain number of cases, embracing particulars specified only? It is not, may it please your honor, the latter. It is a law framed to meet every case, for it commences with the expression, "Whenever a witness does so and so;" and that, in plain language, as everybody who hears me knows—that, in plain language, means, "in all cases when a witness shall be found in such and such circumstances." Not that if he does so in this case, or that case, or the other, enumerating as many as Congress might choose, but that whenever he does it, at all times and on all occasions when he does it, every act of this kind that he commits shall be treated in a certain way; and how—

"the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or the seal of the House to the district attorney."

Does it say, may it please your honor, that the Speaker shall commit him to the District jail? It says no such thing, but it says that in every conceivable case where a witness may be contumacious the Speaker of the House shall certify the fact to the district attorney. I say, may it please the court, on the most sure, clear, and certain principles of interpretation of human language, that the expressions of this section, just as the expressions of the act of 1857 from which it is borrowed, include every case of contumacy before a committee of either branch of Congress that mankind can conceive, and that when the statute law says, "Whenever a witness does so and so," it means that in all cases in which he does so, and that in those cases the President of the Senate or the Speaker of the House has but one duty to perform, and not more than one. It is to certify his case to the district attorney for the District, with, of course, incidental power to keep him until he shall be taken care of by the district attorney. It is not to be supposed that he is to be transferred to the district attorney in any other than by lawful means. It constitutes the act, may it please your honor, a misdemeanor, punishes it by fine and imprisonment, and directs, in accordance with the terms of the Constitution, that the matter shall be laid before the grand jury, for happily in our country no man is to be deprived of his life, liberty, or property except by judgment of his peers and the laws of the land, and he has a right, and it is the duty of the prosecuting officers in the first instance to lay his case before a grand jury of his fellow-citizens. Now, may it please your honor, I claim that this exhausted the whole power of the House of Representatives in the case of a contumacious witness.

I will proceed to show what the reason from analogy will demonstrate. In 1789 the judiciary act declared that the courts of the United States should have the power to punish for contempts. The expressions of the act of 1789 were—I am now reading from the Revised Statutes, section 725, which reiterates, word for word, the language of the act of 1789. "The said courts"—speaking of all the courts in the United States—"shall have power to impose and administer all necessary oaths, and to punish by fine or imprisonment, at the discretion of the court, contempts of their authority." It is a literal transcript from the act of 1789. Under that legislation, may it please your honor, what were the powers of Congress? To punish, at their discretion, by fine and imprisonment. I do not know that that discretion was ever, it certainly was very seldom, if ever, abused. There was some complaint about it. There was a complaint in the State of Maryland, in the case of Mr. Samuel Chase, and there was a complaint in Missouri in the case of Judge Peck. Instances of the abuse of that power, under the act of 1789, were so exceedingly few, however, that we may count them for nothing. Yet under that act clearly the judges had unlimited authority, even to imprisonment or fine, according to their discretion. But, may it please your honor, in 1831 the Congress of the United States, by an express statute declared how, when, and under what circumstances courts of the United States should punish for contempt, and laid down they should only punish for those contempts which were committed in their immediate presence, or so close in the vicinity of the court as to disturb its proceedings, and laid down what should be the punishment inflicted, and laid down in a subsequent section "those persons who attempt to bribe judges," &c., detailing a great number of cases, which it is not necessary to specify, and how they should be treated, "by imprisonment and indictment by the grand jury, and trial by the petit jury." Congress, in short, used this language:

"That the power to punish for contempts"—

This is the language as embodied in the same section of the Revised Statutes, 725—

"shall not be construed to extend to any case except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice—the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any such officer or by any juror, party, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts."

In 1831 this act was passed, and this act settled and defined the powers of the courts of the United States, but changing them materially from the large discretions which they had in the act of 1789. This analogy, may it please your honor, is perfectly parallel to the facts in the present case. Antecedent to 1857, by a decision of the Supreme Court of the United States, either branch of Congress had the power to imprison a contumacious witness at its discretion, not extending beyond the term of their own service. By the act of 1789 the courts of the United States had the power to punish at their discretion witnesses, as I have just read. Then the powers of the courts being limited and restrained by the act of 1831, it follows by strict analogical reasoning, which is perfectly conclusive in the present instance, the power of Congress or either branch of Congress to punish for contempt is concluded and limited by the express act of 1857, as embodied in the Revised Statutes of 1873.

The act of 1831, then, regulating contempts in the courts, necessarily superseded and limited with strict definition the powers of the courts as they had been granted by the Congress of the United States under the Constitution and the act of 1789 and in the same way the previously undefined powers of either branch of Congress to punish for contempts under the *lex parliamentaria* as expounded in 6 Wheaton, in the case of Anderson *vs.* Dunn, are limited and defined by the act of 1857 as re-embodied in the statutes of 1873. The course of interpretation uniformly and conclusive in the courts, being in the first place that the provisions of a statute contrary to the common law repeal the principles of the common law so far as they are inconsistent with the statute of that kind; that the subsequent statute repealed all parts of the former statute, though not expressly mentioned, when the subsequent statute is evidently a revision of the former, being then a clear exposition of the legislative will; that the second statute will stand in place of the first. If there should be still any doubt remaining in the mind of the court, which I think there cannot be, it will be removed by referring to the proceedings of the House of Representatives itself in this very case. They are embodied in the exhibit which I filed when filing the answer to this return.

Your honor will find the proceedings of the House on this question, beginning on page 16 and following on of the CONGRESSIONAL RECORD of the 7th of January. Here is the resolution on page 17: "said witness be recommitted to such custody for a continuance of such contempt, and that such custody shall continue until the said witness shall communicate to the House, through said committee, that he is ready to appear before such committee and make such answer; and that in executing this order the Sergeant-at-Arms shall cause said Irwin to be kept in his custody in the jail of the District of Columbia."

After some debate that was adopted. Your honor will find what occurred on its adoption on page 21:

"The SPEAKER. The Chair desires to call the attention of the House to a point which affects his own duty in this matter. The Clerk will read the third section of the act relating to cases of this kind."

The COURT. That is the section requiring him to certify the case.

Mr. DURANT. Yes, sir. As soon as this order which I have just read was passed, directing the Speaker to direct the Sergeant-at-Arms to commit him to the common jail, the Speaker says:

"I call the attention of the House to what I deem my duty"—

What does he deem his duty? It was too plain. It was prescribed in this act. And after the section was read, he says:

"The question in the mind of the Chair is whether the witness having refused to testify and having been brought before the House, the time has arrived for the action of the Chair under this statute, which seems to be mandatory. On this point the Chair will follow the instruction of the House."

Well, the House gave no instructions. The House did not say a word.

"The SPEAKER. The statute appears to be mandatory in imposing this duty. In the case of Joseph B. Stewart two years ago it was not performed, and there was some criticism in consequence. The attention of the Chair was not called to the precise language of the statute in that case until some time afterward."

I think that was one or two years ago. The prisoner on that occasion was not treated by the Speaker as he should have been, because the Speaker had overlooked the law. That does not alter the rights, of course, of the prisoner now before your honor. But the course of proceedings in this case was that the moment that the House of Representatives had ordered the prisoner to be taken in custody, the Speaker says:

"I call the attention of the House to what is my duty under this statute; and that is I am to certify this proceeding to the district attorney of the District."

And that was for the purposes which the statute states, to the end that he might be presented to the grand jury, and if a true bill be found and he be tried before a petit jury, and if convicted, punished at the discretion of the court, under the statute, to one year's imprisonment, or else a thousand dollars or less fine.

Now, may it please your honor, it is a plain principle of reason, a plain principle of common sense, as it is of universal custom of deliberative bodies, that when an officer specially calls the attention of the body to a course which he deems his duty under the law, and says, "This course I will pursue unless the body over which I preside and of which I am the organ gives me contrary instructions," and no contrary instructions are given, it is an acquiescence in his view of the law, and it is the authority of their assent for him to proceed in the way in which he tells them he is about to proceed. It is eminently a case where the law maxim applies, *que tacet consentire videtur*—that whenever any man or a body of men has a duty in hand to reply to a statement made and is silent, the truth of that statement or the propriety of the course indicated is acquiesced in. This is a familiar principle to every lawyer, and is acted upon in every case into the circumstances of which it enters.

You have, therefore, may it please your honor, in this case, it seems to me, a very plain question before you. It is this: What is the power of the House of Representatives or the Senate of the United States over a contumacious witness who refuses to answer? And thereupon two inquiries are suggested. If they have a power over him, is it a European and monarchical power resulting from uncertain, undefined, ambiguous claims of power which has no limit whatever? Or is it a power regulated by a law by which every power should be regulated in a country which boasts of freedom and which is a government of laws and not of men? I say, may it please your honor, there can be no hesitation in the answer to this inquiry. We boast of being governed by law and law alone. We can have no doubt that when the whole Congress of the United States, with the sanction of the executive power, in the exercise of the constitutional privilege of approving bills, has declared that contumacious witness shall be dealt with in one particular way, that that supersedes all other modes of treating him, and that he is then subject only to the laws of the land, as expressed in the legislative will, and as it is to be expounded by an impartial tribunal when the case shall come before it. I hold, therefore, that under the law as expounded in 1821, as it was amended and embodied in the final will of Congress in 1857 and 1873, there can no longer be any matter of doubt, and that the liberties of the citizen in this country, whether he be contumacious or criminal in any other way, are to be determined by judicial tribunals under the law and in no other form or manner; and that the contemporaneous action of this very House of Representatives, when the order for the imprisonment of the prisoner at the bar was given, is clear and conclusive proof that such was the interpretation of the Speaker of the House, and it was the construction of the statute as placed upon it by the House itself by their acquiescence in his interpretation.

I believe, may it please your honor, that these are all the remarks I have to offer at this stage of the case, and I shall wait to hear what falls from the counsel on the other side.

—

The following are the sections of the Revised Statutes referred to in Mr. Durant's argument:

Chapter XIII Revised Statutes of the United States.

SECTION 754. Application for a writ of *habeas corpus* shall be made to the court or justice or judge authorized to issue the same by complaint in writing, signed by the person for whose relief it is intended, setting forth the facts concerning the detention of the party restrained, in whose custody he is detained, and by virtue of what claim or authority, if known. The facts set forth in the complaint shall be verified by the oath of the person making the application.

SEC. 755. The court or justice or judge to whom such application is made shall forthwith award a writ of *habeas corpus*, unless it appears from the petition itself that the party is not entitled thereto. The writ shall be directed to the person in whose custody the party is detained.

SEC. 756. Any person to whom such writ is directed shall make due return thereof within three days thereafter, unless the party be detained beyond the distance of twenty miles; and if beyond that distance and not beyond the distance of one hundred miles within ten days; and if beyond the distance of one hundred miles, twenty days.

SEC. 757. The person to whom the writ is directed shall certify to the court or justice or judge before whom it is returnable the true cause of the detention of such party.

SEC. 758. The person making the return shall, at the same time, bring the body of the party before the judge who granted the writ.

SEC. 759. When the writ is returned, a day shall be set for the hearing of the cause, not exceeding five days thereafter, unless the party petitioning requests a longer time.

SEC. 760. The petitioner or the party imprisoned or restrained may deny any of the facts set forth in the return, or may allege any other facts that are material to the case. Said denials or allegations shall be under oath. The return and all suggestions made against it may be amended, by leave of the court or justice or judge, before or after the same are filed, so that thereby the material facts may be ascertained.

SEC. 761. The court or justice or judge shall proceed in a summary way to determine the facts of the case by hearing the testimony and arguments, and thereupon dispose of the party as law and justice require.

RULING OF THE COURT.

Mr. Shellabarger arising to address the court on behalf of the respondent——

The Court said: Before you proceed, Mr. Shellabarger, I desire to make some suggestions, which may, perhaps, abridge the argument, if not dispense with it. My solicitude in the case has been to preserve, in its full integrity and force, the trial by *habeas corpus;* because, next to the jury trial, I regard it as one of the most invaluable privileges and rights belonging to our system of government. I have, therefore, listened with disfavor to a motion to quash the writ in this case. The petition upon which the writ is founded was presented by counsel whose position at the bar entitle them to a most respectful consideration, and I could scarcely indulge the idea that a frivolous or improvident application would come from such a source, and after some considerable reflection upon the subject I concluded to grant the writ. When the writ of *habeas corpus* is allowed, the subsequent proceedings are regulated by absolute statute law. The officer to whom it is directed is required to make return to the writ and to bring along with his return the body of the person in custody before the officer who issued the writ. The relator is then secured the right by express provision of the statute of denying the facts stated in that return and of introducing new facts upon the record that may be material in the case. The further direction of the law is that the judge shall then hear the case in a summary manner. These are all directions in the law, which, in my opinion, do not rest in the discretion of the court to execute or disregard, and which the officer issuing this writ has no option but to observe; and in all the proceedings which have taken place up to this point I may safely say that there have been no deviations from the requirements of the statute in this respect.

Since the return came in, and since no fact in that return was denied, it was quite evident to my own mind what the final result of this case must be. I did not feel at liberty, however, at that particular point in the case, to act upon my own convictions, however clear they might have been, because I still regard it as the right secured by the law to the party to deny those facts and to introduce other facts which might still entitle him to the remedy which he sought. And I therefore say that no judge, in advance, has any right to say to any man seeking this invaluable remedy that he shall not have it, because it has been denied that he has such right by the officer holding him in custody. I have listened to the discussion of the power of the House to commit for contempt this morning, and the effect of the statute of 1857 upon that power.

There can be no doubt that either House of Congress has the right of committing for contempts—all contempts which infringe upon the order, the dignity, or the purity of their legislation, and for this purpose it is not denied but that they have the power of examination, of investigation, and of calling witnesses into their presence or before their committees, and of administering oaths and putting inquiries and of punishing a refusal to answer. These powers of the House are so very clearly established now, that the learned counsel has not impeached them, unless Congress, by the enactment of 1857, has abrogated this almost indispensable power in Congress. It is to be observed that the statute applies only to a particular species of contempt, and that is to witnesses who refuse to answer questions upon subjects of investigation before Congress or before its committees.

It is said, inasmuch as Congress has created the act of a witness refusing to answer a misdemeanor, they have abolished it as to contempt. I cannot so regard it. It appears to me that the punishment provided in the statute for this as an offense does not merge the contempt and does not abolish the power of the House. It has not been so understood from the time of the enactment of the statute; and I believe this is the first time that that aspect of the case has ever been presented for judicial examination. There is nothing clearer than that the same act may be both a misdemeanor and a contempt. If one member should strike another while the House was in session and in its presence, it would be a contempt of the House and a misdemeanor under the laws, for which he could be punished. It would be no answer to the proceedings in the House for contempt to say that he was liable under the general law of the land to be punished for the misdemeanor.

In the celebrated case of Sam Houston, who was brought before the bar of the House for contempt in striking a member of Congress for words spoken in debate, the power of the House to punish him was disputed; but it was held to be within the power of the House upon the most solemn consideration. And after having been tried and convicted and punished for contempt by the House, he was prosecuted for misdemeanor, probably in this very court, or at all events in one of our local tribunals here. His defense to that action was his conviction before the House for the contempt, and that he could not twice be punished for the same offense. This, of course, was overruled, and Mr. Houston, notwithstanding his distinguished position, having formerly himself been a member of the House, was punished both for contempt and for a misdemeanor before the two jurisdictions.

The power of the House to punish for a contempt extends only to confinement, and terminates with the session of Congress. If the party were found guilty of a contempt but twenty-four hours before the period of adjournment, that must be the limitation of the punishment. Now, this might be a very inadequate protection to the House and a very inadequate punishment for a party in contempt. I have no doubt that Congress intended that recusant witnesses, or witnesses refusing to answer pertinent inquiries upon proper subjects of investigation, should be punished beyond the power of the House to reach them; and that they therefore created the offense a misdemeanor, to be punished by fine and imprisonment in the courts of justice. This statute can by no means purge the contempt or abolish the power of the House to protect itself in this respect as it is able to protect itself from every other species of contempt.

If there ever had been in my mind any doubt about the refusal of a witness to answer a proper question at the bar of the House being a contempt, this statute would now remove it, because it creates it a misdemeanor; and any man who commits a misdemeanor, either by statute or common law, in the presence of a deliberative assembly commits contempt.

Entertaining these views as to the power of the House to punish as for a contempt a witness who refuses to answer a pertinent question in regard to a subject-matter under investigation, there is nothing left for the court to do but to dismiss the writ. I desire to say, however, and I said in the outset, that one of the great objects which I have had in persisting in the observance of the statute law in this case was that nothing might be done which could hereafter be quoted as an evil example. I believe when this writ issues that the party is entitled under it to his trial, as provided by statute, and I not only believe that, but furthermore, that it is entirely competent for any court of justice to inquire into the privilege of Congress, and that the doctrine that Congress is the judge, and the sole and exclusive judge of its own privileges, can never be the rule in a court of justice and can never be sustained. However much we may respect that distinguished body—and no man honors it more than myself—the very assumption of such a power would be dangerous; although, as Lord Denman observes with regard to the House of Commons, it would be improper to indulge in any thought that they would attempt to abuse it. The very assumption of such a power, I say, is dangerous and not to be countenanced anywhere. I am very glad indeed to believe, from the subsequent action of the House, that they quite concur in these views, as they have submitted the body of this man to the jurisdiction of this court to await its final action. It is far more satisfactory in every respect that, after the forms of law should have been observed, this judgment should be pronounced upon the whole case. With these views, it is my opinion that this writ ought to be dismissed, and that the prisoner should be remanded to the custody of the Sergeant-at-Arms; and my convictions are so clear on this subject that I have thought proper to interrupt counsel before they proceed further with the argument.

—

Hon. Samuel Shellabarger's reply to Mr. Durant's argument.

WASHINGTON, D. C., *January* 18, 1875.

[NOTE.—The following are the main propositions of the argument of Mr. Shellabarger, of counsel for the respondent, as taken by the reporter from the brief which had been prepared for the purposes of reply, and which reply was dispensed with by the prompt decision of the case in favor of the respondent at the close of the opening argument for the relator.

This argument is here reported for the purpose of placing upon record a synopsis of the legal grounds upon which the respondent rests his resistance to the invasion of the privileges of the House of Representatives, which were alleged to be involved in the discharge prayed by the petition of Mr. Irwin.]

It is true, as has been repeatedly said by counsel for the relator, that the case now on hearing is one of singular gravity. It is one of singular delicacy also; not only because it involves the liberty of a citizen and the most cherished jurisdiction of the courts, given in defense of the liberties of the citizens, but also because the claims here asserted by the relator, pushed to their logical and necessary conse-

quences, if not upon their very face, challenge and deny the very highest privilege of each House of Congress, and hence assail the very being of those Houses. Because the questions here raised and seriously urged for approval are thus delicate and momentous, I shall take care that each step I shall take in argument shall be taken with the utmost solicitude; that it shall be right, and that nothing shall be intentionally introduced or omitted, the introduction or omission of which may contribute to error in the result of this important cause. At the threshold of the case I wish to condense in a few sentences a synopsis of our reply to the position of opposing counsel, that our reluctance at disobeying the order of the House and making surrender of the relator to the custody of the court, with power to bail and to discharge, when the relator was undergoing the execution of the House's judgment of contempt, was unusual and illegal. Though that part of the case is now past, I shall here put upon record, at the head of this reply, a careful restatement of what I deem the high and most solemn duty of the courts and of the two Houses toward each other in such a case as was presented by the application for this writ.

First. Since the statute, in substance, requires that the application or petition for the writ shall disclose the grounds of the detention and the facts relied on as showing the detention to be unlawful, and since the issuance of the writ is both by statute and the unanimous decision of the Supreme Court, (Ex-parte Kearney, 7 Wheaton, 38,) not a matter of absolute right, and should be refused where the petition shows, as this one does, that the prisoner was held in execution of the judgment of the House, pronounced as to a subject-matter over which the House has, as a court, unquestioned, sole, and exclusive jurisdiction, to wit, the subject-matter of contempt of the authority of the House; therefore the issuance of the writ was improvident and an unintentional invasion of the privileges of the House.

Second. That there are cases in which, as a matter of law and right practice, the respondent has the right and it is his duty, without bringing the body into court, to make showing to the court awarding the writ that the writ ought to be dismissed, of which the case of Ableman against Booth, 21 Howard, 506, is an example, and this even where the writ was rightfully issued, as was decided in the Booth case.

Third. That much more in this case, where it is made to appear to the court both by the petition for a writ and the record of the House disclosed by the return, showing a conviction and a commitment for contempt of the authority of the House, as to which subject-matter of contempt the House has unquestioned jurisdiction, and which judgment no other tribunal can review or reverse, was it proper and competent for the respondent, on a motion to dismiss the writ as improvidently awarded, to show said facts before he surrendered the person to be discharged or bailed, according to the pleasure of such court, having no power to retry the question of contempt.

Fourth. That it is error to suppose, as was intimated by the judge during this hearing, that since the petition disputed the rightfulness of the questions which were refused to be answered, therefore the petition denied jurisdiction of the House over the subject-matter for which the relator was committed. The subject-matter which secured the jurisdiction of the House as the petitioner showed, for which he was convicted and for which he was committed, was "contempt" of the authority of the House, and was not the specific questions refused; as to the rightfulness of which questions the House alone, and no other tribunal, can judge.

Fifth. If, as claimed on the other side, the House must bow to every allowance of the writ, however violative of the principles laid down in Ex parte Kearney, 7 Wheaton, 38, and the House cannot even show on a motion to dismiss the writ that it was allowed, as was not done in this case, under the influence of the grossest imposition or mistake or a wanton abuse of the power of the court, and if the House must submit the person to be discharged at the pleasure of every Federal judge, then the supremely vital powers of the House of Representatives are completely at the mercy of every such judge in America who happens to have jurisdiction to issue the writ, and this although he acted at chambers when the House and its officers were wholly ignorant of the existence of the application.

With this statement in briefest outline of the principles which have actuated us hitherto in the progress of this case, I now proceed to the consideration of the question discussed by the able counsel who has just concluded his argument. The main point relied upon for the discharge of the prisoner is that the act of 1857, and the recent revision thereof, and which make the refusal of the prisoner to answer a misdemeanor and require the Speaker to certify, for prosecution, to the United States district attorney for the District of Columbia, have abolished all power of the House to commit or in any wise punish for this particular contempt, or to enforce answers from the recusant witness.

Other points are also made by the learned argument just ended touching the extent of the jurisdiction of the House, and also affecting the conclusiveness of its judgments in matters relating to its privileges. Each of these two views of the case, as presented by counsel, demands that I shall carefully state the sources from whence the House derives this power over contempts of its authority; the character in which it acts when it tries questions of contempt or questions affecting others of its privileges; the sources and extent of those privileges; the force and binding effects of these judgments touching these and other like questions. Though some of the propositions I am about to state may not be expressly questioned by the other side, yet I find it essential here to restate them, and to refresh our memory of them, to the end that I may show how fatal these propositions are to that main claim of the argument on the other side, namely, that the Congress has by law stripped both of its two Houses of one of the powers most essential to their very existence, and have delegated these powers to the keeping and the control of the grand and petit juries of the District of Columbia.

In now proceeding to the consideration of these various propositions to which I have just alluded, I shall content myself by stating them and the authorities on which they rest, and shall attempt little in the way of elaborate argument. And first of all, the very foundation on which the learned gentleman rested his whole case, and which, if removed, tumbles into ruin his entire argument, is this, in its effect, to wit: That since whatever power the two Houses possess over the matter of contempt of their authority by witnesses is derived from what he calls the *lex parliamentaria*, the common law of Parliament, and is not derived from the Constitution; and hence being so derived as a mere principle of common law, it is competent for Congress to either delegate it to grand juries, or to do with it what else the Congress may please. Now, this proposition is one which I respectfully submit is in the very teeth of the repeated, the express, elaborate, and unanimous decisions of the Supreme Court of the United States, and is against the authority of every great writer upon our Constitution to whom we have access. The proposition is that the power of the House over and in the punishment of contempts is not derived from the Constitution. This is what I have just denied, and I now state, not in full, but briefly, the authorities upon which that denial is based. First, I assert that neither Congress nor either House of Congress possesses any power except such as is derived from the Constitution of the United States, either expressly or by implication. On this point the words of Chief Justice Marshall are, in Martin *vs.* Hunter's Lessee, 1 Wheaton, 326:

"The Government of the United States can claim no powers which are not granted by the Constitution, and the powers actually granted must be such as are expressly given or given by necessary implication."

Mr. Cooley states, page 9:

"The Government of the United States is one of enumerated powers, the Constitution being the instrument which specifies them, and in which authority should be found for the exercise of any power which the National Government assumes to possess."

Upon the very point now under consideration, to wit, whether the power of one of the Houses to imprison witnesses for contempt is one of the powers derived from the Constitution of the United States, the Supreme Court of the United States, after a most elaborate discussion in the case of Anderson *vs.* Dunn, 6 Wheaton, 204, decided that such power is one derived from the Constitution of the United States as one of the implied powers of the several Houses conferred by that instrument. The following is some of the language of the Supreme Court upon this point:

"If the House of Representatives possessed no authority to punish for contempt, the initiating process issued in the assertion of that authority must have been illegal; there was a want of jurisdiction to justify it.

"It is certainly true that there is no power given by the Constitution to either House to punish for contempts, except when committed by their own members; nor does the judicial or criminal power given to the United States in any part, expressly extend to the infliction of punishment for contempt of either House, or any one co-ordinate branch of the Government. Shall we, therefore, decide that no such power exists? It is true that such a power, if it exist, must be derived from *implication*, and the genius and spirit of our institutions are hostile to the exercise of *implied powers*. Had the faculties of man been competent to the framing of a system of Government which would have left nothing to *implication*, it cannot be doubted that the effort would have been made by the framers of the Constitution. But what is the fact? There is not in the whole of that admirable instrument a grant of powers which does not draw after it others, not expressed, but vital to their exercise; not substantive and independent, indeed, but auxiliary and subordinate." (6 Wheaton, 225, 226.)

"But it is argued that the inference, if any, arising under the Constitution is against the exercise of the powers here asserted by the House of Representatives; that the express grant of power to punish their members respectively, and to expel them, by the application of a familiar maxim, raises an implication against the power to punish any other than their own members.

"This argument proves too much; for its direct application would lead to the annihilation of almost every power of Congress. To enforce its laws upon any subject without the sanction of punishment is obviously impossible. Yet there is an express grant of power to punish in one class of cases only, and all the punishing power exercised by Congress in any cases except those which relate to piracy and offenses against the law of nations is derived from *implication*. Nor did the idea ever occur to any one that the express grant in one class of cases repelled the assumption of the punishing power in any other." (6 Wheaton, 231-233.)

"In reply to the suggestion that on this same foundation of necessity might be raised a superstructure of implied powers in the executive and every other department, and even ministerial officers of the Government, it would be sufficient to observe that neither analogy nor precedents support the assertion of such powers in any other than a legislative or judicial body." (6 Wheaton, 233, 234.)

Judge Kent, in speaking of this decision, in the first volume of his Commentaries, side page 236, says:

"There is no power expressly given to either House of Congress to punish for contempts, except when committed by their own members; but in the case of Anderson, who was committed by order of the House of Representatives for a contempt of the House and taken into custody by the Sergeant-at-Arms, an action of trespass was brought against the officer, and the question on the power of the House to commit for contempt was carried by writ of error to the Supreme Court of the United States. The court decided that the House had that power, and that it was an *implied power*, and of vital importance to the safety, character, and dignity of the House."

It is surely safe for us to assume upon these authorities that the power of the House of Representatives over the subject-matter of this commitment, to wit, contempt, is a power that it derives from the Constitution of the United States, and not from the common law of England. The state of the common law of England and of the rights of the two houses of Parliament are looked to by our courts for the two purposes—

First. Of determining whether it was the intention of the framers of the Constitution to confer this power over contempt as one of the implied powers of the Houses, and second to measure and define the extent of that power, if it existed. Having now established that this power over contempts and every other privilege of the several Houses is a power derived from the Constitution, we proceed to the next proposition of our argument.

Second. That the power to punish for contempt is one of the powers of the House, the extent and character of which is measured by the principles of the common law of Parliament, is also well settled. Mr. Cushing says, section 684, page 269:

"It may be laid down, therefore, first, that every legislative assembly in the United States possesses all the powers of jurisdiction in a general way which are recognized by the common parliamentary law."

See also Cushing, page 272, end of section 695, where it is said:

"In the foregoing, and all the States mentioned in this paragraph, therefore, as well those where constitutions do not, as in those where they do, contain the general clause above mentioned, it may be considered that each of the legislative branches has jurisdiction, according to the common parliamentary law, of all offenses committed against it by persons not members."

Mr. Cooley, in Constitutional Limitations, 134, says: "Each House may also punish for contempts of its authority by other persons without express authority from the Constitution therefor." And in support of this proposition he cites Anderson *vs.* Dunn, 6 Wheaton, 204; Burdett, *vs.* Abbott, 14 East, 1; Stockdale *vs.* Hansard, 9 Adolphus & Ellis, 231; Burnham *vs.* Morrissey, 14 Grey, 226; State *vs.* Matthews, 37 New Hamphire, 450.

Third. Each House, in acting on questions of contempt and the like, is a court; its acts are judicial in their nature, and a decision in such case, on a question of contempt, is a judgment of the court.

Cushing's Parliamentary Law, section 642, says, in speaking of the incidental powers of the House other than inquisitorial:

"The other incidental powers of a legislative assembly, being more strictly analogous to those exercised by judicial tribunals, constitute its judicial powers as distinguished from its legislative, and accordingly, in the exercise of these functions, a legislative assembly is considered as a court, and the journal of its proceedings a record." (Ex parte Kearney, 7 Wheaton, 38.)

Justice Story, in discussing the question of the power of one court to discharge on *habeas corpus* a person committed for contempt by another court, says:

"Adopting the words of Lord Chief Justice De Grey in Crosby's case, 3 Wilson, 188, 'When the House of Commons adjudged anything to be a contempt or breach of privilege, their adjudication is a conviction, and their commitment in consequence is execution. And no court can discharge on bail a prisoner that is in execution by the judge of another court.' * * * It can do nothing when a person is in execution by the judge of the court having competent jurisdiction."

In the same case, page 44, Story adds, quoting with approbation the words of Justice Blackstone:

"All courts, by which I mean to include the two houses of Parliament and the courts of Westminster Hall, can have no control in matters of contempt. The sole judicature of contempt and punishment thereof belongs exclusively, and without interfering, to each respective court. Infinite confusion and disaster would follow if courts by writs of *habeas corpus* could examine and determine the contempts of others."

In 1 Kent's Commentaries, side page 236, after showing by the case of Anderson *vs.* Dunn that the Houses held the implied and incidental power to imprison witnesses, the author adds these words:

"The decision of the Supreme Court in the case of Anderson is accompanied with a course of reasoning which would seem to be sufficient to place the authority of

each House of Congress to punish contempts and breaches of privileges on the most solid foundation, independent of the absolute authority of the decision. The constitutional exercise of the same authority by each house of Parliament has been repeatedly vindicated in Westminster Hall. It is a power inherent in all legislative assemblies, and is essential to enable them to execute their great trust with freedom and safety, and it has been frequently exercised, not only in Congress but by the respective branches of the State Legislatures, and may be considered as *indisputably acknowleged and settled.* (Story's Commentaries, volume 2, pages 305, 317.) What acts shall amount to a contempt of either House of Congress are not defined, and must be left to the judgment and discretion of the House under the circumstances of each case."

As to the inconvenience resulting from the doctrine laid down in Anderson *vs.* Dunn, the Supreme Court adds: "Where the law is clear, this argument can be of no avail." And in Dunn *vs.* Anderson, 6 Wheaton, 235, the Supreme Court repeats that this argument of inconvenience is chimerical.

In Ex parte Nugent, American Law Journal 1848-'49, page 107, decided by the circuit court for the District of Columbia in May, 1848, and in which the attempt was made to discharge Nugent, who was in custody of the Sergeant-at-Arms of the Senate for contempt in refusing to answer as a witness, there is a most exhaustive collection and review of the authorities, and a decision expressed in these words in the syllabus:

"Every court, including the Senate and House of Representatives, is the sole judge of its own contempts and in cases of commitment for contempt. In such case, no other court can have a right to inquire directly into the correctness or propriety of the commitment, or to discharge the person on *habeas corpus.*"

Fourth. Because the House has, touching contempts of its authority, the powers of the House of Commons at common law, as defined in the case of Dunn against Anderson, and because further, when it tries and decides a question of contempt it sits as a court, and its order is a judgment of a court, provable by its records or journals; therefore its orders as to a question of contempt are final, not reviewable either on *habeas corpus* or in any other way by any other tribunal, and they have as judgments every attribute of a judgment of every other court of supreme jurisdiction.

Cushing on Parliamentary Law, page 257, section 645, says, in treating of the incidental judicial powers of the House:

"This jurisdiction being conferred for the purpose of enabling a legislative assembly to discharge its peculiar functions in a free, independent, and intelligent manner, is in its very nature exclusive and final." (See also Kearney's case, 7 Wheaton; Kent's Commentaries, 236, note.)

Touching the extent of this implied power to punish witnesses for contempt, we affirm that imprisonment of a witness refusing to give testimony for contempt is among the implied powers of the House; that this is not an open question, being settled not only by the immemorial practice of Parliament by the uniform practice of the House, but also by the unanimous judgment of the Supreme Court of the United States.

In Anderson *vs.* Dunn, 6 Wheaton, 204, after the court had in that case after hearing most elaborate arguments upon an exhaustive review by the court of the whole subject of the existence of this power under the Constitution, the court reached the conclusion that the House of Representatives has jurisdiction to punish and to imprison for contempt, and they declared that any other doctrine is too wild to be suggested.

Mr. Cushing, page 402, section 1011, declares that there is no reason to doubt that the House may put a contumacious witness into close confinement.

In Cushing, page 401, section 1011, it is declared that because these commitments of contumacious witnesses are meant both for punishment and remedy, therefore

"A contumacious witness is usually committed in the first instance to the custody of the sergeant-at-arms. If this fails to induce him to submit himself to the order, he may then be committed to Newgate, or some other public prison.

* * * * * * * *

"There seems no reason to doubt that the House may put a witness in close confinement."

The same author, in section 1011, says:

"When a witness refuses to answer the question which he is directed to answer, or to produce a paper or document, the proceeding against him is intended as not only a punishment for his contempt, *but also to compel him to obey the order.*"

In Barclay's Digest, 231, it is said:

"Failure or refusal of a witness to testify is a breach of the privileges of the House, and has been punished by commitment to the custody of the Sergeant-at-Arms, by expulsion from the floor as a reporter, and by commitment to the common jail of the District of Columbia."

He then adds a reference to the volume and pages of the journal where these commitments to the common jail are shown.

Having now ascertained by the authorities that we have cited that the powers of the House of Representatives touching the privileges of the House are derived from the Constitution of the United States; that in the execution of these powers, in assertion of the privilege of the House, the House acts and sits as a supreme court; that its decisions upon questions of contempt are exclusive and final, as the judgments of any other supreme court; and that such commitments for contempt may be, at the discretion of the House, either to the custody of the Sergeant-at-Arms or to the common jail; that the legal design and purpose of such commitments are not merely punishment, but also remedial, and in aid of its power to enforce the production of testimony.

We are now brought to the consideration of the only ground upon which this application for a discharge is rested. That ground we have already stated, namely, that the Congress by the law of 1857, and the recent revision thereof, has repealed its power to punish for contempt, and delegated it to the authorities of the District of Columbia. This revised statute is in these words:

"Sec. 102. Every person who, having been summoned as a witness by authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House or in committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the subject under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100, and imprisonment in a common jail for not less than one month nor more than twelve months.

"Sec. 103. No witness is privileged to refuse to testify to any fact or to produce any paper respecting which he shall be examined by either House of Congress or by any committee of either House, upon the ground that his testimony to such facts or his production of such paper may tend to disgrace him or otherwise render him infamous.

"Sec. 104. Whenever a witness, summoned as mentioned in section 102, fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact, under the seal of the Senate or House, to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action."

That the enactment of this statute and the revision thereof have not repealed or modified the power of the House to punish for contempt is established by the following considerations and authorities:

First. That it is wholly incompetent for the two Houses of Congress, by law, to strip either House of any one of its constitutional prerogatives or privileges, whether such prerogative or privilege be conferred upon such House by express provision or by necessary implication. Upon the most obvious and self-evident principle is it true that an implied power can no more be legislated away from either House than can an express power. There is no express power in the Constitution anywhere given to either House to subpœna and examine witnesses in any case, and the power to examine a witness in the exercise of the House's power to present impeachments is an implied power. Can it be possible that the two Houses of Congress are competent to enact that hereafter the House of Representatives shall have no power to call or examine witnesses in the matter of presenting impeachments. If the Congress is competent to strip the House of one of its implied powers, to wit, the one to punish witnesses for contempt; then so may the Congress deprive the House of its implied powers to enforce any one of its privileges. How would an act of Congress sound which enacted that hereafter the House of Representatives shall have no power to subpœna witnesses, to punish them for contempt, or to exercise any other of its judicial and implied powers. But if Congress can strip the House of one necessary implied power, it can of all; and if it can do this, by making a district grand jury the tribunal to try whether its powers have been outraged or derided, then it can delegate that trial to a town meeting or to any other authority it may please. If it may strip the House of all its judicial powers, held for its self-preservation, by an act which hands them over to a district grand jury, then it may strip the House of these by their simple abolishment, and without constituting even a constable to try and decide when the House has become a victim of contempt.

Upon the most obvious constitutional principles, therefore, had this law of 1857 in express words attempted to deprive the House of its power to punish witnesses. It would have been simply nugatory, because that power is inalienable, and, as has been a thousand times held, absolutely indispensable to the execution of the powers of the House. But this question of the non-alienability of this power is not an open one upon authority. The Congress of 1851, in the act attempting to regulate the methods by which the House could execute its exclusive power to judge of the election of its members, laid down certain requirements as to giving notices of contests, making answers thereto, and taking and transmitting the testimony in such contests. This act, it will be observed, was not an attempt to delegate the power of the House to judge of an election, but only a regulation of the methods by which the House should be governed in reaching the actual trial and judgment. And yet, as to the binding force of that act upon the House of Representatives, it has been decided as often as the question has arisen in the House that that law, even merely attempting to regulate the methods of the proceedings of the House in a trial over which it has sole jurisdiction, is not a law. It has been held that it is but a wholesome rule, and that the House may, in its discretion, wholly disregard the law in every proceeding in the course of the contest, simply because the Congress has no power to interfere with this exclusive privilege with the House. (See Williamson *vs.* Sickles, 2 Election Cases, 288; Henrison *vs.* Davis, *ibid.*, 241.)

Again, the same thing is in principle decided in the case of the Ohio Life Insurance and Trust Company *vs.* Debolt, 16 Howard, 441, where the Supreme Court says, "No one Legislature can by its own acts disarm its successor of any of the powers or the rights of sovereignty confided by the people to the legislative body, unless authorized to do so by the constitution under which it is elected. Surely no one will contend that it is any more competent for Congress to tie up by legislation the constitutional powers of a future House than it is to tie up the powers of a future Congress. The same thing is in legal principle decided, also in Ex parte Garland, 4 Wallace, 334, where it is held that the power conferred by the Constitution upon the President to grant pardons is unlimited in its operations, except in cases of impeachment, and is not subject to legislative control. Can it be successfully contended that the constitutional power of the House over impeachment, over expulsion of members, over punishments for contempt, and the like, is any more subject to be impaired by legislation than is the constitutional power of the President touching pardons? Plainly, therefore, had the Congress, by the law of 1857 and the revision thereof, expressly enacted that hereafter the House shall have no power to punish for contempt, but that such power shall be delegated to the grand jury of the District of Columbia, the act would have been wholly void.

Again, this act does not purport to strip the House of its power to punish for contempt. It contains no word or hint negativing the continuance of the power of the House to so punish. It simply declares the refusal of witnesses to answer a misdemeanor, and as a method of insuring the prosecution of this misdemeanor, it requires its certification to the District authority. To hold that this statute repeals or abolishes by implication the constitutional power of the House to punish for contempt when it has no word in it indicating that such was the purpose of the act, and when there is nothing in the act repugnant to the idea of its being still left competent for the House to punish the same act as a contempt—to hold that is violative of the established rule of construction of such statutes. Sedgwick on Statutes, page 97, states the rules in these words:

"A general statute without negative words will not repeal the particular provisions of the former one, unless the two acts are irreconcilably inconsistent."

And this is true as to the effect of a statute upon the existing common-law remedy. The old one remains, unless the act necessarily abolishes it. (See Sedgwick on Statutes, 342.)

Again, it is claimed that to punish this contumacy of a witness as to contempt and also as to misdemeanor is in violation of the Constitution, and is the infliction of a double punishment for the same act. This is plainly a mistake. The following suggestions will fully illustrate and enforce the proposition that it is a mistake: The act of February 5, 1867, (14 Statutes at Large, 385,) makes the refusal of the respondent to a writ of *habeas corpus* to obey the writ, or to make return, or the making of a false return, a misdemeanor. So does the act of the 2d of March, 1833. (4 Statutes at Large, 634.)

Now, will it be contended in the present case that your honor in the case now at bar has no power to punish as a contempt a refusal of the defendant to obey your order in this case, because such refusal is also indictable under the statute? The act of February 26, 1853, (10 Statutes at Large, 171,) makes it a high crime to bribe or to offer to bribe a member of Congress. Do you suppose that because this act has made the bribery of a member a high crime that therefore it is lawful, so far as a contempt of a House is concerned, to tender in the presence of the House to every member bribes for his vote during the calling of the roll, in the presence of the House, and that the House would have no power to punish that act as a contempt, because it had been made a high crime?

Again, the Constitution expressly gives the House power to punish members for disorder, and the statute makes a murder or maiming of a member of Congress by a fellow-member high crime, and will punish it as such by indictment; that such statute so making it a crime has taken from the House all power to punish the same act as disorder, when the murder was done in the presence of the House.

Again, assaults and batteries, murders, riots, and arson, frauds by attorneys, and the like, when done in the presence of the courts, are contempts of the courts; and yet these same acts are also indictable and punishable as crimes under statutes. Is it possible that because these acts have been made crimes under statutes, that therefore the same acts when done in the presence of the Houses of Congress or the courts of the country are not punishable as contempts of the courts or of the Houses?

Again, it is not at all unusual for the same act to constitute several offenses against jurisdictions or governments. In Fox *vs.* Ohio, 5 Howard, 410, it was held the same act of uttering of counterfeit coin of the United States may be made indictable and punishable both by State law and Federal law. But the same question came up in a celebrated case of Sam Houston, of Texas for an assault committed in the presence of the House, and he was punished by the House for contempt. He was afterward indicted and punished by the authorities of the District for the same act, and it was held that his punishment by the House was no bar to his punishment under the law of the District.

In volume 2, Opinions of the Attorneys-General, page 668, is found the following opinion, which I give in full:

"Punishment by the House of Representatives for assault and battery on the person of one of its members is no bar to an indictment and conviction in the District court for the same act."

The punishment of General Houston by the House was for a breach of privilege and for contempt of the House; the indictment and conviction were for a violation of a public law.

ATTORNEY-GENERAL'S OFFICE, *June* 25, 1834.

SIR: In answer to the question submitted to me on the memorial of General Houston, who appears to have been indicted, convicted, and fined in a criminal court in this District for an assault on the person of a member of the House of Representatives, after having been previously punished by that House for the same act, as a contempt and breach of privilege, I have the honor to state that, in my opinion, the proceedings of the House constituted no bar to the subsequent indictment and conviction. The fifth amendment to the Constitution of the United States, which provides that no person "shall be subject for the *same offense* to be twice put in jeopardy of life or limb," does not apply to cases of this sort. Courts and other bodies which have the power to punish for contempts are invested with that power, and are supposed to employ it for the purpose of protecting themselves in a due exercise of their appropriate functions, and not for the purpose of vindicating the general law of the land, which may also have been violated by the same act. Technically, therefore, General Houston has not been twice tried for the *same offense*. The act committed by him was one and the same, and it constituted but one indictable offense; and he was, therefore, subject to only one conviction on indictment. But if this act was also a breach of the privileges of the House of Representatives and a contempt of the House, they had the right to punish him for the contempt independently of the action of the criminal court; and so *vice versa*.

I am, sir, &c.,

B. F. BUTLER.

To the PRESIDENT OF THE UNITED STATES.

Again, this question came before the highest court in New York, in the case of Yates *vs.* Lansing, decided in the court of errors of New York. (See 9 Johnson's Reports, 395.) The chancellor committed one of the officers of the court of chancery for malpractice and contempt, and the judge of the supreme court, in application on *habeas corpus*, discharged the prisoner, and the chancellor afterward recommitted for the same cause, and action was brought under the fifth section of the *habeas corpus* act against the chancellor for the penalty attached to an order of commitment for the same cause after discharge on *habeas corpus*. Various questions are elaborately discussed in the case, and among other questions it became material to inquire whether, where the same act was a contempt and also by statute made a crime, the conviction was a bar to proceedings for contempt, or the commitment for contempt a bar to proceedings on indictment. Upon this point Platt, Senator, on pages 216 and 217, S. P., uses the following language:

"The right of punishing for contempts by summary conviction is inherent in all courts of justice and legislative assemblies, and is essential for their protection and existence. It is a branch of the common law adopted and sanctioned by our State constitution. The discretion involved in this power is in a great measure arbitrary and undefinable, and yet experience of ages has demonstrated that it is perfectly compatible with civil liberties and an auxiliary to the purest ends of justice. The known existence of such a power prevents in a thousand instances the necessity of exerting it, and its obvious liability to abuse, is perhaps, a strong reason why it is so seldom abused.

"This power extends not only to acts which directly and openly insult or resist the powers of the court, or the persons of the judges, but to consequential, indirect, and constructive contempts, which obstruct the processes, degrade the authority, or contaminate the purity of the court."—(4 Blackstone's Commentaries, 280; 2 Hawkins, C. 2, C. 22; 1 Com. Dig., Attachment A.)

"The officers of the court are peculiarly subject to its discretionary powers, and may be punished in this summary manner for oppression, extravagant indulgence, or abuse of their official capacity.

"A contempt is an offense against the court as an organ of public justice, and a court rightfully punishes with summary conviction, and whether the same act be punishable as a crime or misdemeanor on indictment or not. To challenge a Senator or a judge may under certain circumstances be a contempt, but it is certainly indictable. A conviction on indictment will not purge the contempt, nor will a conviction for a contempt be a bar to an indictment. The offense may be double, and so are the remedy and the punishment. For instance, assaults in the presence of the court, rescues, expression of libel upon the court or its suitors relating to suits pending, forging a writ, &c., are indictable offenses, and certainly they are also contempts. Contempts are never merged in statute offenses without express words for that purpose."

Still further, the practice of the House is itself the highest possible authority on the question of the joint construction of the statute of 1857. It being confessed on all hands that this jurisdiction in punishment of contempt does belong by common and constitutional law to the two Houses, and that if it be surrendered it is only surrendered by virtue of the construction of the statute, then on such question of surrender by construction I hold that by courtesy, if not by absolute and strict law, such as that laid down in Kearney's case, 7 Wheaton, the courts will defer to and not overrule the decision of the two Houses, which have been uniform ever since this act was passed; that the act was not meant to strip the two Houses of one of their original and highest jurisdictions, even were it constitutionally competent to do so by act of Congress.

It must be remembered that this concession by the courts to the two Houses of the right to determine whether they meant to surrender a jurisdiction confessed to have been conferred upon them by the Constitution is a very different question from the one whether the Constitution has ever conferred a given subject-matter to the two Houses as one of their privileges.

Now, touching the question so elaborately argued by the learned gentleman as to whether it is a judicial question for the courts to determine whether a given subject-matter is one coming within the privileges of the House, I doubt whether the Houses have ever asserted a claim at war with the doctrine in Stockdale *vs.* Hansard, so earnestly commented upon on the other side. Certainly nothing has been or will be claimed in this case which is at war with the doctrine in the Hansard case. The sum total of that case, so far as the relator seeks to use it for the purposes of this case, is that the House order of publication of a libel shall not *per se* be a bar to the suit for libel. Who in this case has disputed that law? Who has said that should the House of Representatives order the seizure of the coach and horses of a private citizen or the British minister for the use of the Speaker of the House, such order would in itself be a defense to replevin brought by the owner for the recovery of his property? And yet this is all there is for the relator in the Hansard case. There there was no judgment of the House for contempt as there is in this.

The question whether a given subject-matter of jurisdiction is or is not one of the privileges of the Houses, is always a judicial question into which the country may look, but the confusion and danger of conflict does not lie here, but does lie rather in the matter of the true legal idea and definition of the words "subject-matter of jurisdiction." This case furnishes a good illustration of this point. The subject-matter in this case over which the House has clear jurisdiction, is the making of inquest as to the use of money to corrupt the legislation of Congress. Here the subject-matter of jurisdiction is not what shall be the character of any particular question or step resorted to in making that inquest as to this last, to wit: what question shall be asked in that inquest the decision of the House is final, and no power on earth can review and retry the question whether the House had asked a relevant or improper question. So when it came to try Irwin on the charge of contempt. Then the subject-matter was "contempt of the House," and that matter being confessedly within the House's jurisdiction, no court can review or reverse the House's judgment of contempt or decide that improper questions were asked him in adjudging upon his contempt. Hence his denial in his petition for the writ that the questions were proper ones is a wholly immaterial denial; is one that has no significance in law as applied to this case, and one that he had no power to either aver or prove as against the judgment of contempt. This is so merely because the attempt to aver and prove that improper questions were asked on his trial is an attempt to review upon the writ of *habeas corpus* a judgment of the House touching a subject-matter of which the House had clear jurisdiction, to wit, the subject-matter of contempt. And so are all the cases upon this point, which extend through centuries. Upon this point take, for example, the case of Murray, 1 Wilson's Reports, 299, where the court uses these words:

"They granted the writ of *habeas corpus* not knowing what the commitment was, but now it appears to be for a contempt of the privileges of the House of Commons. What these privileges of either house are we do not know, nor need they tell us what the contempt was, because we cannot judge of it."

Or take the case of Rex *vs.* Fowler, 8 Term Reports, 341. Lord Kenyon says in that case, where the commons had committed for contempt of the house: "Having seen the return, we are bound to remand the defendant to prison because the subject-matter belongs *ad aliud examen*."

And in the same case Gross, judge, said: "The adjudication of the house on the contempt was a conviction, and the commitment in consequence was execution." "That every court must be sole judge of its own contempts."

Or take the case of Stockdale *vs.* Hansard, 36 Common Law Reports, where the chief justice, Lord Denman, on page 67, expressly declares that "the privilege of committing for contempt is inherent in every deliberative body invested with authority by the constitution."

On page 69 he declares "that in respect to these privileges of the house coming within their jurisdiction, I freely admit that the courts have no right to interfere."

In Howard *vs.* Gosset, 10 Adolphus & Ellis, N. S., 359, 441, the court, after an elaborate consideration, held the same doctrine.

Or, on the same point, take the case of Kearney, 7 Wheaton, 243, Chief Justice Story uses these words:

"It is also to be observed that there is no question here but the commitment was made by a court of competent jurisdiction and in exercise of an unquestionable authority. The only question was, not that the court acted beyond its jurisdiction, but that it erred in its judgment of the law applicable to the case. If, then, we are to give any relief in this case, it is by a revision of the opinion of the court given in the course of a criminal trial, and thus asserting the right to control its proceedings and to take from them the conclusive effect which the law intended to give them. If this were an application for a *habeas corpus* after judgment, on an indictment for an offense within the jurisdiction of the circuit court, it could hardly be maintained that this court could revise such a judgment or the proceedings which led to it, or set it aside and discharge the prisoner. There is in principle no distinction between that case and the present; for if a court commits a party for contempt their adjudication is a conviction, and their commitment in consequence is execution."

And so the law was settled upon full deliberation in the case of Brass Crosby, lord mayor of London, 3 Wilson, 188. And see further the authorities there cited by Justice Story. These cases do authorize me to employ the language of Chancellor Kent touching this point, when he says "that the law laid down may be considered as indisputably acknowledged and settled; that there can be no review on *habeas corpus*, or otherwise, by any tribunal whatever, of the rightfulness of the judgment of the House when it has rendered a judgment of conviction for contempt, when such contempt arises in proceedings in a matter over which the House has jurisdiction."

Having now established upon principle and incontrovertible authority that no court can review the judgment of the House of Representatives upon a subject-matter within the House's jurisdiction as a question of privilege, and that the relator is in custody and under execution of such judgment, and that no act of Congress either has attempted to or could abolish, modify, or interfere with the constitutional power of the House to exclusively judge of such subject-matter, this proceeding, we submit, must be dismissed and the custody of the House no further interfered with.

IN SENATE.

TUESDAY, *January* 26, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

MISSISSIPPI ALLUVIAL BASIN.

The PRESIDENT *pro tempore* laid before the Senate a message of the President of the United States, transmitting the report of the commission of engineers appointed in compliance with the act of Congress approved June 22, 1874, to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

Mr. SHERMAN. That ought to be referred to the Select Committee on Transportation Routes to the Sea-board.

The PRESIDENT *pro tempore*. It will be so referred, if there be no objection.

Mr. ALCORN. With the consent of the Senator from Ohio, I ask to have that message referred to the Committee on the Levees of the Mississippi River, and printed. The report is voluminous, but very important. It is a matter of general interest to the country. I understand the Chief Engineer recommends that ten thousand copies of it be printed. It is a very valuable acquisition to science.

Mr. SHERMAN. I did not know that it was in regard to the levees. I supposed it concerned the mouth of the Mississippi River. The motion to print extra copies must go to the Committee on Printing.

Mr. ALCORN. I move that ten thousand extra copies be printed.

The PRESIDENT *pro tempore*. That motion will be referred to the Committee on Printing, and the message will be referred to the Select Committee on the Levees of the Mississippi River.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, transmitting a copy of the report of the

Commissioner of the General Land Office, and accompanying papers, concerning lands listed to the State of Louisiana under the swamp-land act of Congress of March 2, 1849, in township 12 south, ranges 11 and 12 east, southeastern district of Louisiana, east of the Mississippi River; which was ordered to lie on the table and be printed.

He also laid before the Senate a report of the Secretary of War, transmitting, in obedience to law, a copy of the report of Major J. M. Wilson, of the Corps of Engineers, upon the examination and cost of construction of the third sub-division of the northern transportation route; which was referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, transmitting, in compliance with a resolution of the Senate of May 20, 1874, copies of all documents on file in the War Department concerning the claims of Norman Wiard against the United States for expenditures upon the steamers Augusta, Savannah, Foster, Burnside, Reno, and Parker; which was ordered to lie on the table.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (H. R. No. 3158) for the relief of Enoch Jacobs, United States consul at Montevideo; and

A bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina; and

A bill (H. R. No. 3268) for the relief of John N. Reed.

A bill (H. R. No. 3526) for the restoration of the property of Nicholas José Merrimet; and

A bill (H. R. No. 3735) for the relief of Anna M. Osborne.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs;

A bill (H. R. No. 3118) for the relief of Mary Conly, late widow of R. H. Murrell, late an officer in the Tenth Tennessee Cavalry;

A bill (H. R. No. 3271) for the relief of Stephen N. Honeycutt; and

A bill (H. R. No. 3272) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered in a small-pox hospital.

The bill (H. R. No. 1515) for the relief of Gustavus F. Jocknick was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 3399) authorizing the sale of certain lands at Vincennes, Indiana, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 3870) to confirm to the city of San José, in the State of California, the title to certain lands was read twice by its title, and referred to the Committee on Private Land Claims.

The bill (H. R. No. 2279) for the relief of Richard Hawley & Sons was read twice by its title and referred to the Committee on Finance.

The bill (H. R. No. 3658) for the relief of William J. Coite was read twice by its title, and referred to the Committee on Naval Affairs.

ENROLLED BILLS.

The PRESIDENT *pro tempore* signed the following enrolled bills, which had before received the signature of the Speaker of the House of Representatives:

A bill (S. No. 170) for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855;

A bill (S. No. 448) for the relief of John T. Smith;

A bill (S. No. 597) for the relief of William A. Griffin;

A bill (H. R. No. 3593) to constitute Patchogue, on the south side of Long Island, in the State of New York, a port of delivery;

A bill (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona; and

A bill (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri.

PETITIONS AND MEMORIALS.

Mr. PRATT presented the petition of Joseph Peach and Philemon Jones, praying to be allowed pensions for services rendered in the war of 1812; which was referred to the Committee on Pensions.

Mr. OGLESBY. I present a memorial of late soldiers in the United States volunteers, citizens of Fulton County, Illinois, praying that a bounty be allowed to disabled soldiers. The petition has reference, I take it, to the bill reported from the Committee on Military Affairs now pending in the Senate, and it would have a bearing upon the equalization of bounties as provided for in that bill. I move that the petition be referred to the Committee on Military Affairs, although that committee has already reported a bill for that purpose.

The motion was agreed to.

Mr. HARVEY presented the memorial of Mary Jane Pyle, of Kansas, praying to be allowed a pension on account of the services of her husband, Jesse F. Pyle, late corporal of Company D, Eleventh Regiment Kansas Cavalry Volunteers, in the late war; which was referred to the Committee on Pensions.

He also presented twenty-two petitions of citizens of Kansas, praying for the passage of House bill No. 3281, to amend an act granting aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes; which were referred to the Committee on Railroads.

Mr. SCOTT presented four petitions from citizens of Schuylkill County, Pennsylvania, praying for the restoration of the 10 per cent. duty taken off leading foreign products in 1872 and for the passage of the currency bill submitted by Hon. WILLIAM D. KELLEY providing for the issue of 3.65 convertible bonds; which were referred to the Committee on Finance.

He also presented a memorial of citizens of Philadelphia, a memorial of citizens of Harrisburgh, and a memorial of citizens of Milesburgh, Pennsylvania, remonstrating against the restoration of the duty on tea and coffee and the re-enacting of internal-revenue taxes, and asking the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which were referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented a petition of late soldiers in the United States Volunteers, citizens of Jersey City, New Jersey, praying that a bounty be allowed to disabled soldiers; which was referred to the Committee on Military Affairs.

Mr. WRIGHT. I present the resolutions of the O'Brien Grange of Patrons of Husbandry, State of Iowa, protesting against granting an extension of time for the completion of the McGregor and Sioux City Railroad, setting forth that such extension would be palpably unjust to the settlers along and near the line of said proposed road. I move the reference of these resolutions to the Committee on Public Lands.

The motion was agreed to.

Mr. WRIGHT. I also present a memorial and remonstrance adopted at a meeting of citizens of the District of Columbia, held at Lincoln Hall on the 11th of January, 1875, against the passage of Senate bill No. 963, known as the bill reported from the select committee for the government of the District of Columbia, setting forth at length the objections to said bill. I move its reference to the select committee which reported the bill.

The motion was agreed to.

Mr. WRIGHT presented the memorial and joint resolution of the territorial Legislature of Dakota, asking Congress for a grant of land for the right of way, and not exceeding four sections of land for each ten miles for stations, timber culture, &c., to aid in the construction of railroads in Dakota Territory, from Beloit, Iowa, by Canton and Sioux Falls, to Fargo and Pembina; also from Sheldon, Iowa, via Canton, to the Missouri River, at or near Brule City; also from Yankton, via Beloit, to a connection with the Saint Paul Railroad; which was referred to the Committee on Public Lands.

Mr. MERRIMON presented a petition of citizens of North Carolina, late soldiers in the volunteer forces of the United States, praying for the enactment of a law for the equalization of bounties to all soldiers discharged for disability; which was referred to the Committee on Military Affairs.

Mr. BOUTWELL presented the affidavit of Julius A. Pickering, in support of his petition for the extension of his patent for a bootstrap; which was referred to the Committee on Patents.

Mr. CONKLING. I present a petition signed by many residents of Plattsburgh, New York, setting forth the condition of things touching wages and the depression of industry, and remonstrating against the restoration of duties on tea and coffee, and suggesting other modes of increasing revenue. I present a like petition signed by many residents of Altona, New York, and a similar petition signed by citizens of Mooers, in the State of New York, and move the reference of each to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING. I also present joint resolutions of the Legislature of the State of New York, touching the improvement of the Harlem River and Spuyten Duyvil Creek, from North to East River, through the Harlem Kills. I suppose under the rules these resolutions ought to be read.

The Chief Clerk read the resolutions, as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, January 15, 1875.

On motion of Mr. Smith,

Whereas the commercial interests of the whole country, and especially of the city and State of New York, demand the early improvement of Harlem River and Spuyten Duyvil Creek, from the North River to the East River, through the Harlem Kills, so as to afford a safe and convenient channel for vessels of all classes navigating the North River and bound for ports on the East River, Long Island Sound, and in the Eastern States, thus shortening the distance of the travel between the North River and the waters of the Sound, and of a large portion of the city of Brooklyn lying on the East River, and between the North River and the Eastern States by more than twenty miles around the Battery; of the tedious, expensive, and unsafe navigation of the waters that skirt the city, and thus avoiding the dangerous passage through Hell Gate: Therefore,

Resolved, (if the Senate concur,) That our senators and representatives in Congress be requested to use their influence for an early appropriation of the amount necessary and requisite for such improvements.

By order:

HIRAM CALKINS, *Clerk.*

IN SENATE, *January* 18, 1875.

Concurred in without amendment.

By order:

HENRY A. GLIDDEN, *Clerk.*

Mr. CONKLING. I move that the resolutions be referred to the Committee on Commerce and printed.

The motion was agreed to.

Mr. CONKLING presented the petition of Horace W. Peaselee, of the town of Chatham, Columbia County, New York, praying for the extension of letters-patent granted to him for an improvement in machinery for washing paper-stock; which was referred to the Committee on Patents.

Mr. WASHBURN presented the petition of the heirs of Ebenezer Babcock, praying for a pension; which was referred to the Committee on Pensions.

Mr. LOGAN presented the petition of Hibben & Co., of Chicago, Illinois, praying the passage of an act refunding to them certain taxes which have been twice paid on manufactured tobacco; which was referred to the Committee on Finance.

Mr. INGALLS presented the petition of F. C. Bulkley, contractor for furnishing Indian supplies, praying reimbursement for losses sustained by Indian depredations; which was referred to the Committee on Indian Affairs.

Mr. WEST presented the petition of Daniel Edwards, of New Orleans, praying for payment of certain commissions contracted to be paid him on the sale of crops, and supplies furnished for securing the same on Oaklands and Point Celeste plantations, Louisiana; which was referred to the Committee on Claims.

Mr. HITCHCOCK presented the petition of citizens of Nebraska, praying the establishment of a branch mint for coinage at Omaha, in that State; which was referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

Mr. PRATT. I submit the following order:

Ordered, That Hiram R. Rhea be allowed to withdraw his papers from the files of the Senate.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. PRATT. The gentleman who requests me to ask for this order says that there has been no adverse report, but that his object in withdrawing his papers is for the purpose of presenting them before the War Department. I have a general recollection of the case; that it was an application for a pension, and that the committee reported favorably.

The PRESIDENT *pro tempore*. The order will be entered.

On motion of Mr. PRATT, it was

Ordered, That Wesley Hensley be allowed to withdraw his papers from the files of the Senate.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of Messrs. Gelatt & Moore be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 765) for the relief of Amos B. Ferguson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3004) for the relief of John C. Griffin, late second lieutenant Third Regiment East Tennessee Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. STEVENSON, from the Committee on the Judiciary, to whom was referred the bill (S. No. 454) to authorize the Attorney-General to adjust the claim of the Government upon the purchasers of property at Harper's Ferry, submitted an adverse report thereon, which was ordered to be printed, and recommended the indefinite postponement of the bill.

Mr. DAVIS. I ask that the bill be placed upon the Calendar, with the adverse report of the committee.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) That order will be made, if there be no objection.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1030) limiting the time in which applications for bounty lands shall be received and disposing of suspended cases after a certain date, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Black Beaver, praying payment for services as a guide to United States troops during the late rebellion, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of John Pilmer, late of Company H, Ninth Iowa Cavalry Volunteers, praying to have the charge of desertion removed and that he be allowed his pay and allowances withheld on account of the unjust charge of desertion, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of citizens of Michigan, late soldiers in the First Regiment Michigan Cavalry, praying the passage of a law authorizing the granting to them of honorable discharges from the service, back pay, and bounty, asked to be discharged from its further consideration; which was agreed to.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2419) to provide for the construction of military roads in Arizona, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Duane M. Greene, late captain of Company E, Sixth Regiment California Volunteers, praying compensation for services rendered between the date of his commission and the date of his being mustered into the United States service, asked to be discharged from its further consideration; which was agreed to.

Mr. SCOTT, from the Committee on Finance reported an amendment to the bill (H. R. No. 3825) to amend the national-bank act and fixing the compensation of national-bank examiners; which was ordered to be printed.

Mr. BOUTWELL, from the Committee on Public Lands, to whom was referred the bill (S. No. 471) providing for the survey and disposal of the timber lands of the United States, reported it with amendments.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2901) granting a pension to John Hendrie, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3724) granting a pension to Michael Quarry, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3702) granting a pension to Alice Roper, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3714) granting a pension to Moses B. Hardin, guardian of minors of Stanley Smith, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was recommitted the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain, reported it with amendments.

Mr. PRATT. I am instructed by the Committee on Pensions, to whom was referred the bill (S. No. 985) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted, on application filed previous to January 1, 1875, shall commence from the date of death or discharge, and for the payment of the arrears of pensions, to report the same adversely. There is no written report, but I desire to say that on correspondence with the Pension Office the committee learned that it would require upward of $9,000,000 to meet the requisitions of this bill. The letter of the Commissioner was written some months since, and it is probable that that would be increased to $10,000,000 now. There are undoubtedly individual cases where it would be eminently proper that arrears of pension should be granted, as for example where, on account of excusable neglect, or accident, or mistake, the application has not been made within the period of five years fixed by the general law. Sometimes the case has been delayed in the Pension Office on account of the neglect of agents or attorneys, or by the difficulty in obtaining the required proofs, in consequence of which arrears of pension have been lost. There are, as I have said, individual cases no doubt in great number where it would be eminently proper that these arrears should be paid; but this is a general bill and provides for arrears in all cases—a proposition few would consent to. For economic reasons, as well as others, the committee think that a bill of this kind should not be entertained at the present time. I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2724) for the relief of certain States and Territories on account of ordnance stores issued to them during the late civil war, reported it with amendments.

Mr. CAMERON, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 17) authorizing the appointment of a commissioner to an international penitentiary congress, reported it without amendment.

BILLS INTRODUCED.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1191) to provide for and regulate the counting of votes for President and Vice-President; which was read twice by its title, referred to the Committee on Privileges and Elections, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1192) for the relief of the former occupants of the present military reservation at Point San José, in the city and county of San Francisco; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WASHBURN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1193) to authorize the Secretary of the Treasury to issue an American register to the schooner Matilda; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1194) granting right of way to the San Pete Valley Railway Company; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1195) for the removal of certain bands of Indians from the Coast Range Indian reservation in Oregon, now known as Siletz and Alsea reservations, and their establishment on a

portion thereof; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1196) making an appropriation for the improvement of the military wagon-road from Scottsburgh, Oregon, to Camp Stewart, Oregon; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1197) to aid in the construction of the Southern Maryland Railroad, and for other purposes; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1198) authorizing the President to nominate Henry S. Wetmore a lieutenant in the Navy upon the retired list; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. HITCHCOCK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1199) to survey the Austin-Topolovampo Pacific route; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. CRAGIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1200) for the relief of William Young, of the District of Columbia; which was read twice by its title, and referred to the Committee on Naval Affairs.

JOHN A. CARR.

Mr. MITCHELL. I offer the following resolution and ask for its present consideration:

Resolved, That the Secretary of War be requested, if not incompatible with the public service, to furnish the Senate at the earliest practicable moment all information within the knowledge of his Department relative to the arrest and imprisonment by military authority, in the fall of 1874, of John A. Carr, a United States customs officer in Alaska; and that said Secretary be further requested to state the length of time said Carr was restrained of his liberty, if at all, in what manner, at what particular place or places both within the jurisdiction of the United States and on the high seas, and for what purpose, and upon what authority of law.

Mr. EDMUNDS. I think that resolution had better go to the Committee on Military Affairs in the first instance for inquiry. There may be circumstances when it would not be proper to make public all the particulars connected with the arrest of a deserter or whoever it may be; and as this resolution calls for so much and assumes so much, I think it had better be referred to the committee.

Mr. MITCHELL. I have no objection.

Mr. EDMUNDS. Then I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri;" and

A bill (H. R. No. 4538) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 3006) authorizing the President to nominate Holmes Wickoff an assistant surgeon in the Navy;

A bill (H. R. No. 4462) for the relief of Alexander Burtch; and

A bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

VIENNA EXPOSITION REPORTS.

Mr. SARGENT. On Friday last (this being within the time in which a reconsideration may be moved) I offered a resolution requesting the Secretary of State to furnish certain reports of commissioners to the Vienna exposition to the Senate. On examination of those reports and understanding more fully the circumstances, I am satisfied that some of them at any rate should be edited before they are sent in. I therefore move to reconsider the vote adopting the resolution which I then offered.

The motion to reconsider was agreed to.

Mr. SARGENT. I now move that the resolution lie on the table.

The motion was agreed to.

BUSINESS OF THE JUDICIARY COMMITTEE.

The PRESIDING OFFICER, (Mr. INGALLS.) If there be no further resolutions, the morning business having been completed, the Chair will call on the Committee on the Judiciary for bills.

Mr. EDMUNDS. I ask unanimous consent that this committee, like the Committee on Naval Affairs yesterday, may have not to exceed an hour from this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont? The Chair hears none.

APPEALS TO THE SUPREME COURT.

Mr. EDMUNDS. I call up Senate bill No. 1076.

The bill (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes, was considered as in Committee of the Whole.

The first section provides that the circuit court of the United States, in deciding causes of admiralty and maritime jurisdiction on the instance side of the court, shall find the facts and the conclusions of law upon which it renders its judgments or decrees, and shall state the facts and conclusions of law separately. The review of the judgments and decrees entered upon such findings by the Supreme Court, upon appeal, shall be limited to a determination of the sufficiency of the facts found to support the judgments or decrees entered, and to such rulings of the circuit court, excepted to at the time, as may be presented by a bill of exceptions, prepared as in actions at law.

Section 2 provides that whenever, by the laws now in force, it is required that the matter in dispute shall exceed the sum or value of $2,000, exclusive of costs, in order that the judgments and decrees of the circuit courts of the United States may be re-examined in the Supreme Court, such judgments and decrees hereafter rendered shall not be re-examined in the Supreme Court unless the matter in dispute shall exceed the sum or value of $5,000, exclusive of costs.

Section 3 declares that the act shall take effect on the 1st day of May, 1875.

The first amendment reported by the Committee on the Judiciary was to insert, after the word "separately," in section 1, line 7, the following words:

And in finding the facts, as before provided, said court may, upon the consent of the parties who shall have appeared and put any matter of fact in issue, and subject to such general rules in the premises as shall be made and provided from time to time, impanel a jury of not less than five and not more than twelve persons, to whom shall be submitted the issues of fact in such cause, under the direction of the court, as in cases at common law. And the finding of such jury, unless set aside for lawful cause, shall be entered of record, and stand as the finding of the court, upon which judgment shall be entered according to law.

Mr. BAYARD. I wish to ask the Senator from Vermont, the chairman of the committee, as to the limitation of the right to appeal to suits embracing $5,000. Does it embrace all appeals in admiralty?

Mr. EDMUNDS. It embraces precisely the character of appeals that are now embraced within the existing statutes limited by $2,000. It does not change the rule of appeal; but wherever $2,000 is now the limit as fixed by the act of 1789, it is now made $5,000.

Mr. BAYARD. I am aware that the act of 1789 fixed the amount at $2,000. I dislike to criticise the action of a committee which is generally so carefully conducted; but it did strike me that in admiralty suits there probably would be reasons why the amount to justify an appeal to the Supreme Court of the United States should be somewhat less than in other suits.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The next amendment reported by the Committee on the Judiciary was to strike out in section 1, lines 20 and 21, the words "sufficient of the facts found to support the judgments or decrees entered," and in lieu threof to insert "questions of law arising upon the record;" so as to read:

The review of the judgments and decrees entered upon such findings by the Supreme Court, upon appeal, shall be limited to a determination of the questions of law arising upon the record, and to such rulings of the circuit court, excepted to at the time, as may be presented by a bill of exceptions, prepared as in actions at law.

The amendment was agreed to.

The next amendment reported by the committee was to insert the following as a new section, to come in after section 1:

SEC. 2. That said courts, when sitting in equity for the trial of patent causes, may impanel a jury of not less than five and not more than twelve persons, subject to such general rules in the premises as may, from time to time, be made by the Supreme Court, and submit to them such questions of fact arising in such cause as such circuit court shall deem expedient; and the verdict of such jury shall be treated and proceeded upon in the same manner and with the same effect as in the case of issues sent from chancery to a court of law and returned with such findings.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEES OF CLERKS AND MARSHALS.

Mr. EDMUNDS. I now call up House bill No. 3623.

The bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to amend the twenty-third paragraph of section 3 of the act entitled 'An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes,' approved February 26, 1853," was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to amend the bill by striking out in section 1 the first paragraph, commencing in line 3 and ending in line 8, as follows:

That the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, be amended so as to read as follows.

The amendment was agreed to.

The next amendment was in line 24 of section 1, to strike out the word "it," before the word "may," and after the word "may" to

strike out the words "or may not regard the same proved and justified by law" and insert "be according to law and just;" so as to read:

And the court shall thereupon cause to be entered of record an order approving or disapproving the account, as may be according to law, and just.

The amendment was agreed to.

The next amendment was after the word "court," in line 29 of section 1, to insert "and the court shall pass upon the same in the manner aforesaid;" so as to read:

United States commissioners shall forward their accounts, duly verified by oath, to the district attorneys of their respective districts, by whom they shall be submitted for approval in open court, and the court shall pass upon the same in the manner aforesaid.

The amendment was agreed to.

The next amendment was to insert the word "clerks" before "marshals," in line 31, and after "marshals" to insert "and district attorneys;" so as to read:

Accounts and vouchers of clerks, marshals, and district attorneys shall be made in duplicate, to be marked, respectively, "original" and "duplicate;" and it shall be the duty of the clerk to forward the original accounts and vouchers of the officers above specified, when approved, to the proper accounting officers of the Treasury.

The amendment was agreed to.

The next amendment was in section 2, line 3, before the word "marshal," to insert the words "clerk or;" so as to read:

SEC. 2. That whenever the business of the courts in any judicial district shall make it necessary, in the opinion of the Attorney-General, for the clerk or marshal to furnish greater security than the official bond now required by law, a bond in a sum not to exceed $40,000 shall be given when required by the Attorney-General, who shall fix the amount thereof.

The amendment was agreed to.

The next amendment was to insert the following additional sections:

SEC. 3. That the clerks of the Supreme Court and the circuit and district courts, respectively, shall each, before he enters upon the execution of his office, give bond, with sufficient sureties, to be approved by the court for which he is appointed, to the United States, in the sum of not less than five, and more than twenty thousand dollars, to be determined and regulated by the Attorney-General of the United States, faithfully to discharge the duties of his office and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk; and it shall be the duty of the district attorneys of the United States, upon requirement by the Attorney-General, to give thirty days' notice of motion in their several courts that new bonds, in accordance with the terms of this act, are required to be executed; and upon failure of any clerk to execute such new bonds, his office shall be deemed vacant. The Attorney-General may at any time, upon like notice through the district attorney, require a bond of increased amount, in his discretion, from any of said clerks within the limit of the amount above specified; and the failure of the clerk to execute the same shall in like manner vacate his office. All bonds given by the clerks shall, after approval, be recorded in their respective offices, and copies thereof from the records, certified by the clerks respectively under seal of court, shall be competent evidence in any court. The original bonds shall be filed in the Department of Justice.

SEC. 4. That the circuit courts of the United States, for the purposes of this act, shall have power to award the writ of *mandamus*, according to the course of the common law, upon motion of the Attorney-General or the district attorney of the United States, to any officer thereof, to compel him to make the returns and perform the duties in this act required.

SEC. 5. That if any clerk of any district or circuit court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty, in every such case, to remove such clerk so offending from office by an order in writing for that purpose. And upon the presentation of such order, or a copy thereof, authenticated by the Attorney-General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof. And such district judge, in the case of the clerk of a district court, shall appoint a successor; and in the case of the clerk of a circuit court, the circuit judge shall appoint a successor. And such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal.

SEC. 6. That if any clerk mentioned in the preceding section shall willfully refuse or neglect to make or to forward any such report, certificate, statement, or document therein mentioned, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, in the discretion of the court; but a conviction under this section shall not be necessary as a condition precedent to the removal from office provided for in this act.

SEC. 7. That the proviso in the sixth paragraph of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874, shall not be construed to apply or to have applied to attorneys, marshals, or clerks of courts of the United States, their assistants or deputies. And all accounts of said attorneys, marshals, and clerks, for mileage and for expenses incurred subsequent to the 1st day of July, 1874, shall and may be audited, allowed, and paid at the Treasury Department of the United States in the same manner as if said act had not been passed. And hereafter no allowance shall be made to any such officer or person for mileage or travel not actually performed under the provisions of existing law.

The amendment was agreed to.

Mr. BAYARD. I should like to ask a question of the Senator from Vermont. As these bills come from the committee and are not readily at hand, I am not able to follow them as I should like otherwise to do; but I observe in the latter part of this bill as read by the Clerk an exemption from the general rule of auditing the costs of mileage. Will the Senator be kind enough to explain in what that exemption consists and how special provision in regard to these costs is made?

Mr. EDMUNDS. By the act of 1853 marshals, &c., were allowed mileage for the travel which they performed in serving process and in going to and returning from court, which is a large part of the means they have of living or getting any emoluments from the office. By an act of last year in the military appropriation bill there was provided a clause, as it was said, intended to apply to officers of the Army alone, which declared that they should only have their actual expenses instead of an allowance for mileage. That was construed at the Treasury as applying to marshals and officers of courts, so that they should have only their actual expenses, the result of which is to strip all the marshals and district attorneys, so far as their mileage is concerned, (and as to marshals that is about all there is of it,) of all compensation whatever except for their actual expenses, so that they receive nothing for their time. It is to correct that that this provision is made, and we put it back upon exactly the footing where it stood under the act of 1853, and which was not designed to have been altered. Then we provide what the act of 1853 I think fairly does provide; but there has grown up some doubt about it, that no allowance shall be made to any such officer for mileage or travel not actually performed, so as to make it impossible to have any constructive mileage.

Mr. BAYARD. May I ask also whether the system of constructive fees, which has been so abused in many of the districts, notably in the western district of Arkansas, is affected at all?

Mr. EDMUNDS. It is cut up by this in express terms.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. EDMUNDS. The title of that bill should be changed so as to read, "A bill regulating costs and fees, and for other purposes."

The amendment was agreed to.

DISTRICT JUDGE OF VERMONT.

Mr. EDMUNDS. I call up next Senate bill No. 1012.

The bill (S. No. 1012) for the relief of the district judge of Vermont, was considered as in Committee of the Whole. As the present incumbent of the office of district judge for the district of Vermont is incapacitated by sickness and paralysis from performing the duties of his office, which incapacity is believed to be permanent, the bill provides that, the resignation of the district judge for the district of Vermont being tendered and accepted by the President of the United States, the salary now received by that judge shall be continued to him during his natural life, payable in the same manner and form as if he actually performed the duties of his office.

Mr. BOGY. This bill makes a change in regard to the compensation of judges, and I should like the Senator from Vermont to explain the reason why. Do we intend to pension off all the judges when they resign? If you make a law for the judge in Vermont, it must be made for the judges of the United States generally. We have an old man in my State who has been a very faithful judge for a great many years, and perhaps he would like to retire too. I cannot see why an exception should be made in favor of the judge in Vermont.

Mr. EDMUNDS. This bill was reported by my honorable friend the Senator from Kentucky, [Mr. STEVENSON,] who will, no doubt, render the explanation to the Senator from Missouri that he desires.

Mr. STEVENSON. This is a special bill for the benefit of the district judge of Vermont, who has been a long time on the bench and is known to be one of the most competent and able of the district judges. He has been stricken with paralysis, and it is necessary that some provision should be made for the discharge of the public duty of his position. Therefore it is proposed to allow him to retire as in the case of a supreme judge and continue to him his compensation. He has been on the bench a great many years, perhaps fifteen or more; the Senator from Vermont knows better the extent of his service than I do. The same provision, I will say to the Senator from Missouri, applies to a supreme judge. It is true that some of the Senators on the committee thought there ought to be a general bill. I myself opposed that proposition. "Sufficient unto the day is the evil thereof." It would be difficult at times to ascertain what disability would be necessary in order to allow a judge to retire. You would have to have some board, perhaps, by which this disability should be tested and should be tried. That might or might not be always advisable, and I, expressing only the opinion of myself, thought it best that we should allow each case to stand on its respective merits, that the committee itself and Congress should ascertain the extent of the disability, the extent of the malady, or the accident by which the incapacity to discharge judicial labor was caused, and the permanence of the disability. Therefore I think it entirely proper that this bill should pass, and not merely because of this worthy and upright judge, who is now physically disabled—I will not say mentally, though I have no doubt his mind is affected by paralysis. Instead of a general bill, the same meed of justice which is sought here can in cases similar to this be afforded; and we shall reach it better by referring each individual case as it arises to Congress than we shall if we have a general board, with power to decide upon the incapacity of a judge when he may be so disabled as not to be able to perform judicial labor. That is the extent of this bill, and no more.

Mr. FRELINGHUYSEN. I would only add that there were a number of members of the committee who thought there ought to be a general bill, and I suppose it is not improper for me say that the Senator from Vermont was one of those; but the majority of the committee thought that to pass a general bill would be an invitation to disabilities, and that, instead of the tribunal selected (which

would probably be the Supreme Court of the United States or possibly the President) to determine whether the disability was such as should entitle one to relief, that adjudication could be better made by Congress and by the committees of the Senate and House of Representatives than in any other mode. That was the conclusion which, after a great deal of reflection, a majority of the committee arrived at.

Mr. BOGY. Though I am inclined to vote against this bill, there is no reason why I should oppose this judge in Vermont because he is in Vermont; but I am opposed to it on principle. It is a new departure in favor of pensioning the judiciary. If that be the intention of the committee, a general bill ought to be proposed; and if it be not, I am not prepared to say that this gentleman occupies a position different from any other judge now on the bench in the United States. It does not appear that this man has been a very long time on the bench, ten or fifteen years, it is said. I know judges who have been twice as long on the bench. The fact that he may have been a very good judge and the fact that he may be suffering from disease now—all these facts put together do not justify a departure of this serious nature.

This will lead to the pensioning of the judges of the district courts throughout the United States. If that be the intention, let there be a general bill at once, and let the country know the fact that it is the design of Congress to increase the pension-list, which has heretofore been confined to the Army, and hereafter to extend it to the judges of the courts, and then after awhile it will be extended to somebody else, and so on, for there is no limit to it. This bill involves a very great principle. It is rather ungracious to oppose it on account of the fact that this gentleman is said to be afflicted with disease, but it does involve a principle of sufficient importance to justify me in protesting against its passage. I do not think a bill of this nature ought to pass under the circumstances.

Mr. EDMUNDS. My own opinion was in concurrence with the opinion expressed by the Senator from Missouri respecting having a general provision; but a majority of the gentlemen of the committee thought otherwise, and they certainly had very strong reasons for their opinion, which have been so well stated. This is not a new departure, as the Senator from Missouri seems to suppose, for in the case of one or two western and southwestern judges this identical provision has been made where the judge, a worthy person, had served for a considerable period of time and had become wholly incapacitated to perform the duties by permanent sickness, or as in this case by permanent paralysis. This gentleman is about sixty-five years old. In five years under existing laws he will be entitled to retire and to continue to receive his pay; but during these five years the wheels of justice must be greatly impeded unless he chooses to give up a life office where he has worn himself out in the service, and thereby deprive himself of the means of support. That is the statement of the case. Judge Smalley was appointed by President Pierce during his administration. It must have been in 1853 or 1854, if I recollect aright.

Mr. FLANAGAN. Allow me to suggest that I think we had a case in point in Texas in the instance of Judge Watrous.

Mr. EDMUNDS. There was one case in Texas, and there are two others; so that it is not a matter of new impression. As I say, my own opinion is that a general bill would be better; but the committee thought otherwise, and have reported this bill, and I hope the Senator from Missouri will allow it to pass.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

INDEBTEDNESS OF SOUTHERN RAILROADS.

Mr. EDMUNDS. I ask the Senate now to take up House bill No. 1938.

The bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes," was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary, with an amendment to strike out the preamble and all after the enacting clause, and in lieu of the matter stricken out to insert:

That the Secretary of War and Attorney-General are hereby authorized and empowered jointly to adjust and settle the claims of the United States against the Alexandria, Loudon and Hampshire, the Edgefield and Kentucky, the Knoxville and Kentucky, the McMinnville and Manchester, the Mobile and Ohio, the Memphis, Clarksville and Linnville, the Memphis and Little Rock, the Nashville and Northwestern, the Southwestern Branch Pacific Railroad of Missouri, and the Selma, Rome and Dalton Railroad Companies, and all persons and corporations having any interest in the subject growing out of the sale and transfer by the United States of any rights or property to said railway companies above named respectively, in the years 1865 and 1866, or both, by making such abatement in the amount of such claims respectively as shall be deemed just, in respect of an overvaluation, if any, of the property sold, not exceeding 25 per cent. of the valuation of the property in each case, as made under the authority of the War Department on the occasion of such sales: *Provided*, That such settlements shall be made within one year next after the passage of this act; and that good and sufficient security be given to the United States, by or on behalf of the parties in interest respectively, who do not pay in cash at the time of settlement, for the payment with interest, of such sums as shall, on such settlements, be so found due at such times within ten years as may be agreed upon.

SEC. 2. That this act shall not be construed so as to produce or authorize any delay in the prosecution of said claims respectively other than as aforesaid; and each of said claims not so settled and disposed of as aforesaid shall be prosecuted and enforced according to existing obligations. In such settlements no allowance shall be made in respect of any matter occurring prior to such sales and transfers, nor otherwise, except such payments as may have been made in cash and such credits for transportation as the general course of the business regulations of the Departments authorizes. And in any such settlement, the said Secretary and Attorney-General shall, as a condition thereof, take a full release from the other parties, respectively, of all claims and demands, of every name and nature, theretofore existing, if any such there be, against the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed. Its title was amended to read: "A bill to provide for settlements with certain railway companies."

DEBTS DUE THE UNITED STATES.

Mr. EDMUNDS. I now call up House bill No. 2080.

The bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments, which was to insert after the words "United States," in lines 3 and 4, the words "or other claim duly allowed by legal authority;" in line 6, after the word "plaintiff," to insert the words "or claimant;" in line 9, after the word "judgment," to insert the words "or claim;" in line 10, after the word "plaintiff," to insert the words "or claimant;" in line 11, after the word "judgment," to insert the words "or an amount thereof equal to said debt or claim;" in line 14, after the word "plaintiff," to insert the words "or claimant;" in line 17, after the word "judgment," to insert the words "or claim;" in line 19 to strike out the words "such claim" and insert the words "the debt of the United States;" so as to make the bill read:

That when any final judgment recovered against the United States, or other claim duly allowed by legal authority, shall be presented to the Secretary of the Treasury for payment, and the plaintiff, or claimant, therein shall be indebted to the United States in any manner, whether as principal or surety, it shall be the duty of the Secretary to withhold payment of an amount of such judgment, or claim, equal to the debt thus due to the United States; and if such plaintiff, or claimant, assents to such set-off, and discharges his judgment, or an amount thereof equal to said debt or claim, the Secretary shall execute a discharge of the debt due from the plaintiff to the United States. But if such plaintiff, or claimant, denies his indebtedness to the United States, or refuses to consent to the set-off, then the Secretary shall withhold payment of such further amount of such judgment, or claim, as in his opinion will be sufficient to cover all legal charges and costs in prosecuting the debt of the United States to final judgment. And if such debt is not already in suit, it shall be the duty of the Secretary to cause legal proceedings to be immediately commenced to enforce the same, and to cause the same to be prosecuted to final judgment with all reasonable dispatch. And if in such action judgment shall be rendered against the United States, or the amount recovered for debt and costs shall be less than the amount so withheld, as before provided, the balance shall then be paid over to such plaintiff by such Secretary, with 6 per cent. interest thereon for the time it has been withheld from the plaintiff.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill be read a third time.

The bill was read the third time, and passed.

PUNISHMENT OF MANSLAUGHTER.

Mr. EDMUNDS. I now call up House bill No. 1593.

The bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter was considered as in Committee of the Whole. It provides that whoever shall hereafter be convicted of the crime of manslaughter, in any court of the United States, in any State or Territory, including the District of Columbia, shall be imprisoned not exceeding twenty years and fined not exceeding $1,000; but this act is not to affect or apply to any prosecution now pending or the prosecution of any offense already committed.

The Committee on the Judiciary proposed to amend the bill by striking out in line 6 the word "twenty" and inserting "ten," so as to read "not exceeding ten years."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. EDMUNDS. I ask that the bill be laid aside informally for a moment. It has been suggested that there should be an additional saving clause. The bill was not reported by me, but by the Senator from Ohio. The suggestion is that perhaps there ought to be a saving clause to provide for offenses already committed being punished according to existing laws, inasmuch as this act does not apply to offenses already committed and repeals all inconsistent acts.

Mr. THURMAN. That might be necessary.

Mr. EDMUNDS. If the Senator will draw up a provision of that kind we can pass the bill in a moment.

Mr. WRIGHT. I suggest to the Senator that this bill repeals all prior laws.

Mr. THURMAN. It is very true there ought to be that saving clause. I wish the chairman would draw it up.

Mr. EDMUNDS. I will send it to the gentleman who reported the bill to draw it up.

The PRESIDENT *pro tempore*. The bill will be laid aside for the present.

Mr. THURMAN subsequently said: I ask the Senate now to return to the consideration of House bill No. 1593. I wish to move a proviso to the last section.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter, and the amendment of the Senator from Ohio [Mr. THURMAN] will be read.

The CHIEF CLERK. The amendment is to insert at the end of section 2 the following:

Provided, however, That said acts shall remain in force for the punishment of all persons who have heretofore committed the crime of manslaughter.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE W. ANDERSON.

Mr. EDMUNDS. I next call up Senate bill No. 1147.

The bill (S. No. 1147) for the relief of Courtland Parker, as administrator of George W. Anderson, deceased, was read the second time, and considered as in Committee of the Whole. It instructs the Secretary of the Treasury to pay to Courtland Parker, as administrator of George W. Anderson, the sum of $13,254.67, being the amount received into the Treasury of the United States, under certain proceedings and decree in the southern district of New York, undertaking to condemn the stock and dividends of Anderson in the Minnesota Mining Company, the Rockland Mining Company, the Superior Mining Company, and the Steel River Mining Company, the same being in full for all claims and demands of Parker as administrator, or the heirs or representatives of the estate, against the United States, connected with or in any manner growing out of the claim, for which a receipt is to be taken in full by the proper officer of the Treasury.

Mr. WRIGHT. I suggest that instead of the word "instructed," in the third line, the words "be authorized and directed," as is the usual language in such bills, be inserted.

The amendment was agreed to.

Mr. WRIGHT. In the eighth line the word "decree" should be "decrees," in the plural.

The PRESIDENT *pro tempore*. That verbal correction will be made, if there be no objection.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

COURTS IN TEXAS.

Mr. EDMUNDS. I now ask for the consideration of Senate bill No. 736.

The bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas, and to fix the times and places of holding courts in the same, was considered as in Committee of the Whole.

Mr. EDMUNDS. I move to amend the bill by inserting a section to precede section 11, in these words, merely to cover a possibility:

Whenever defendants reside in more than one of any of the counties named in this act, process against them may be returnable at the places fixed for the county where either resides.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. HAMILTON, of Texas, subsequently moved to reconsider the vote by which the bill was passed; and the motion was entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3880) amendatory of the act of June 22, 1874, relating to bankruptcy;

A bill (H. R. No. 1342) declaratory of the rights of such Mexican citizens as were established in Territories acquired from Mexico by the treaty of Guadalupe Hidalgo and the Gadsden treaty and who have since continued to reside within the limits of the United States; and

A bill (H. R. No. 4531) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874.

ASSIGNMENT OF TERRITORIAL JUDGES.

Mr. EDMUNDS. I now ask to have taken up House bill No. 1393.

The bill (H. R. No. 1393) providing for the assignment of judges in the Territories was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to strike out all after the enacting clause of the bill and in lieu thereof insert the following:

That the judges of the supreme court of the respective Territories, except Utah, or a majority of them, shall, at the first regular or adjourned term of said supreme court, after the passage and approval of this act, and annually thereafter, if expedient, fix the boundaries of the respective districts, and appoint the times and places of holding courts therein, and designate the judges respectively who shall hold the same: *Provided*, That in case of a failure in any of the said Territories so to fix the districts and make such assignments, the Legislature of said Territory shall fix said districts and make such assignment, to continue till the judges, or a majority of them, shall change the same.

Mr. SARGENT. I offer the following amendment: Strike out all after the enacting clause of the bill to and including the word "Territory" in line 6——

Mr. WRIGHT. That is an amendment to the original bill, as I understand.

The PRESIDENT *pro tempore*. The Committee on the Judiciary report an amendment to strike out all after the enacting clause and insert a substitute.

Mr. SARGENT. I think my amendment is in order. The committee propose in effect to strike out all after the enacting clause of the bill and to insert a certain amendment. I propose my amendment in lieu of that reported by the committee.

The PRESIDENT *pro tempore*. If the Senator proposes to amend the bill which the committee move to strike out, it is in order.

Mr. WRIGHT. As an amendment to the original bill?

The PRESIDENT *pro tempore*. It is in order, by way of perfecting the bill before the vote is taken on striking it out. The amendment of the Senator from California will be read.

The CHIEF CLERK. It is proposed to amend the bill by striking out—

That the Legislature of each of the organized Territories of the United States, except the Territory of Utah, shall at each regular session thereof make an assignment of the judges to hold the courts in the several districts in such Territory.

And in lieu thereof to insert:

That the Legislature of each of the organized Territories of the United States, except the Territory of Utah, shall at its first regular session after the passage of this act, and thereafter at any regular session, if expedient, fix the judicial districts of said Territory, appoint the times and places of holding court therein, and designate the judges, respectively, who shall hold the same.

Mr. SARGENT. The time allowed to the Committee on the Judiciary has so very nearly expired, that I suppose any prolonged debate on this bill will prevent action upon it at the present time; but this proposition has been controverted heretofore. It was brought forward at the last session, and after a very extended debate on the part of members of the committee and of Senators who differed with the conclusions of the committee, the bill was recommitted to the committee, and now comes back to us in the form it stood at the time of the recommittal, if I am not in error.

It proposes that the power be taken away from the Legislature in the Territories where that power now resides and be conferred on the judges, and in some other Territories, a little less than half of them, where it is now exercised by the judges, that the power shall be continued in them. There are five Territories of the United States where the power is exercised by the Legislature, and so far as I know—and I have talked with all the Delegates, I believe, on this matter—the power is exercised carefully and to the satisfaction of the people. In three of the Territories it is exercised by the judges. In one of the Territories, in Utah, which is exceptional in a great many respects, it is exercised by the governor of the Territory.

Now, it is proposed that the rule shall be made imperative which applies at present to a minority of these Territories, that the power shall be taken away from the Legislature and conferred on the judges. What sort of representations may have been made to the committee which should lead them to deprive the majority of the Territories of the privilege, as they esteem it, which they now have, to conform them to a rule which is now applied only to the minority, I know not; but I do know that from that source from which we ordinarily derive information of the interest of the Territories—I refer to the Delegates, who as a body are very intelligent men—we receive other representations. At the last session the Delegates from nearly every one of the Territories came to me and said that the people of their Territories desired that this power should reside in the Legislature. As a matter of principle, it seems to me that the power of fixing the boundaries of districts and of naming the place within those districts where courts shall be held should be in the local Legislature, and therefore that these territorial Delegates are right. The Supreme Court of the United States has no power to fix the boundaries of districts or the place within those districts where courts shall be held, and yet a power greater than that conferred on the Supreme Court is to be given to those territorial judges. Why should it be?

As was well said in the debate when this bill was under consideration before, there are favorite spots in the Territories, desirable places in the Territories for judges, and there are places which are not favorite or which are not desirable for places of residence. There are places where there is great business carried on, where there are considerable communities, where large mining operations are carried on; and I might instance such places, although not an exact illustration, as Cottonwood Cañon, in Utah Territory, where there is a very large mining business carried on and a large laboring population. In other words, there are places in the Territories where there are gathered together large bodies of men with large property interests where courts ought to be held, but that are not desirable as places of residence. It is difficult to get any comforts of life in them, and judges and people of pleasure do not like to go to them and live there; and they will not select such places, the people complain, for holding courts, but they hold courts at places remote, where it is easier to live, and witnesses at great cost to themselves and great injury to suitors are carried a long distance in order to attend courts at inconvenient places simply because those places are more suitable to the tastes of the judges as places of residence.

These difficulties arise, and the Delegates say that the Legislature being near the people will consult the wishes of the people of the Territories and that they will determine whether the interests of the community require that courts shall be held at particular places rather than the convenience of the judges——

The PRESIDENT *pro tempore*. The hour assigned to the Committee on the Judiciary having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the following resolution submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. PEASE resumed and said:

Mr. President, I now proceed to examine some of the statements that were presented to the Senate in the speech of my honorable friend from Georgia, [Mr. GORDON.] The Senator stated upon "his honor as a gentleman, a Senator, and a man," that the people of Georgia are loyal to the United States. They have no war to make upon the United States. Well, sir, grant that they are loyal, does that entitle them to any special merit? One would suppose, from the Senator's earnest manner in reminding the Senate and the American people of the present loyal attitude of the people of Georgia—"*my people*," as he denominates them; I suppose he refers to the white people, an oligarchy of twenty thousand slave-holders who have managed and controlled affairs in Georgia for one hundred years—that he thought this entitled them to some special consideration and sympathy. That was the impression that I received from the protestations of the Senator. Sir, loyalty is a good thing; patriotism is commendable; to love one's country and respect its flag is a good thing; but when a people have to protest their loyalty in order to give it currency, it presents at least some grounds for suspicion or doubt as to its genuineness.

"The lady doth protest too much, methinks."

Now, sir, as to the loyal attitude of the secession democracy of Georgia——

Mr. GORDON. Mr. President, my only reply is that I did not say anything of that sort at all.

Mr. PEASE. In reply to that feature of the Senator's speech as to the real loyalty that actuates the hearts of the class of people that he presented to us, I simply refer to one fact which occurred within a few months in that State, and I presume it will not be denied by the Senator, for it is notorious that in the organization of the militia in many portions of that State the companies that were organized under the law passed in 1873 absolutely refused to carry the American flag. I have here a petition which has been presented to Congress, signed by numerous persons living in Georgia, and I desire to read from certain portions of it:

The State of Georgia has received from the United States since the close of the late war 1,180 breech-loading rifle-muskets, 870 rifle-muskets, 520 pistols, 500 cavalry sabers, 5 light 12-pounder bronze guns, and 50 non-commissioned officers' swords with accouterments, cartridges, &c., amounting in all to the value of $64,105.38.

I understood the honorable Senator to say, in relation to this matter of arms in the hands of the people of the South, and particularly of Georgia, that not one white man in a hundred was armed now who was armed before the war. I venture the assertion that prior to the war they had no such armed and equipped militia as is set forth in the petition just read. I will add that, unless the people of Georgia are different from the white people in the vicinity where I reside, the men who are not armed are the exception to the rule. The carrying of concealed weapons is the crying evil of the whole southern country.

I quote further from this petition:

The governor has distributed them as follows: To 21 white companies 1,180 breech-loading rifled muskets; to 14 white companies 700 rifled muskets; to 10 white companies 410 pistols and 410 sabers; and to white companies 5 light 12-pounder bronze guns; to 3 colored companies but 150 rifled muskets. It will be seen that 45 white companies have been armed with muskets, pistols, and sabers, and that but *three* colored companies have been armed; that the breech-loading rifled muskets, pistols, and sabers were all distributed to white companies, and the colored companies put off with muzzle-loading muskets. The governor has refused to organize companies composed of colored men, as we believe, because they are colored men, although it is made his duty by the laws of Georgia to organize all companies that have the required number of men enrolled. He has refused to distribute arms, furnished to the State by the United States, to companies composed of colored men, as we believe, because they are colored men, in violation of the act of Congress of March 3, 1873, which provides "that in the organization and equipment of military companies and organizations with said arms, no discrimination shall be made on account of race, color, or former condition of servitude." Your memorialists assert that it was the purpose of the Legislature in passing the acts of August 24, 1872, and February 22, 1873, to so legislate that the governor could refuse to distribute arms to companies of colored men, and they further assert that the governor of Georgia has, in the organization and equipment of military companies with the arms distributed to the State by the United States, made a discrimination between said companies on account of race, color, and former condition of servitude.

Again, the memorialists say:

Your memorialists respectfully call your attention to the following additional facts: All or nearly all of the white companies are composed of men who fought in the confederate army to destroy the Union. Many of the colored companies are composed of men who fought in the Union Army to sustain the Government. The white companies choose the confederate gray for their uniforms; the colored companies prefer the Union blue. On the 19th day of January last the white companies of Savannah celebrated the anniversary of the birth of General Robert E. Lee, (to which, however, we did not object,) and were reviewed by General Joseph E. Johnston. No national flag was displayed by the companies, twelve in all, although a confederate battle-flag, carried through the late war by the fifty-fourth Georgia regiment, was noticed as the "brigade" marched through the street, and it marked the post of honor where General Johnston stood to review the "brigade." Recently three white companies in Atlanta met for parade, when the commander of the "battalion" requested the captain of one of the companies to send his colors, a national flag, from the line, saying the flag was objectionable to himself and the majority of the men in the companies, and they would not march in the column with it. When colored companies parade they honor the national flag.

So much for the evidences of loyalty that pervade the Georgia militia. Again, the honorable Senator pleads most earnestly that his people are misunderstood. As reluctant as he is to appear in this debate, he could not, he says, remain silent in his place and suffer the gratuitous insults which Senators on this side of the Chamber have deemed proper to utter; he could not permit the people of his section to rest under the imputation that they are murderers and assassins, without raising a voice in their defense.

Sir, I will resent an unjust imputation or aspersion upon the character of the people of the South as promptly as the Senator. Far be it from me to utter a word that would reflect upon the good people of Georgia or of any section of the country. I have the honor to represent on this floor a large constituency made up of southern men, men "to the manner born," and I would not willingly utter a word that would reflect upon the character of southern gentlemen; and I take pleasure in saying that many Mississippians belong to the highest type of gentlemen. While I represent the class of men referred to, I have the honor—and I esteem it an honor—to represent also another class of people at the South. I am one of the representatives of a people at the South numbering between four and five million, who constitute the laboring classes of the country, the men who cultivate the cotton and the corn, who work the sugar fields; and not only that class of laborers, but thousands of poor white men who, heretofore under the old *régime*, had no social or political privileges which the wealthy, chivalric planter was bound to respect, occupying a position lower in the social scale in that country than the veriest slave. In view of that fact, when the Senator and his colleagues upon that side of the Chamber undertake to say that there are no outrages practiced upon the negro and the poor whites of the South, that the people at the South are loyal to the Government, as was said by the Senator from Virginia [Mr. JOHNSTON] yesterday—when they undertake to say that the negro has his rights, that the white people of that country—I mean the dominant classes—are disposed to accord to the negro all the rights which are guaranteed to him under American law, I am compelled to deny that statement. It is an unpleasant duty which I have to perform; but I am constrained to say that outrages are perpetrated at the South for political and partisan purposes, for the purpose of advancing the ends of secession democracy, the main object of that party being the final overthrow of the thirteenth, fourteenth, and fifteenth amendments to the Constitution; and for this reason I deem it my duty as a Senator to present to the Senate, unpleasant though it be, some of the facts which go to demonstrate that outrages, murders, assassinations, and lawlessness do exist at the South, and if it happens to fall upon any of the people of Georgia or of Mississippi, I cannot help it. They are responsible for their acts; they make their own history. The facts to which I propose to advert are matters of record, to be found in our courts of justice, and if in the course of this debate I shall allude to some unpleasant things, it will be simply a history of those men who are governed by their passions and not by their respect for law or the rights of others. The honorable Senator says, "I challenge the refutation of the declaration that wherever in the Southern States people of intelligence have control of affairs, property, life, and rights, political and personal, are as secure as in any State of this Union." Upon the truth or falsity of this statement hangs the solution of the southern question. This impression has obtained throughout the country that there is peace, quiet, order, and adequate protection for person and property at the South, such protection as the organic law of this country, affords to its citizens. This impression in relation to the condition of the South has been brought about by the mendacious representations which have been continually made by the Associated Press at the South, such as: all the difficulties, outrages, &c., were perpetrated by the negroes and those whom they please to call "carpet-baggers," who encourage hostility between the races, array the negro against the white man, plunder and misgovern the people of the South; that when negroes are killed by white men, it is done in defending their wives and children, their lives and their property.

The crying evil of the South to-day, and it is not confined to any one locality, it obtains generally throughout the South, is the prevalence of lawlessness, the inadequate protection of property, and the insecurity of human life. The pistol, bowie-knife, and shot-gun are resorted to in the settlement of personal difficulties, and to an alarming extent for political and partisan purposes. It is a most lamentable fact, which brings a blush of shame to the cheek of a southern man when he is compelled to speak the truth. Public sentiment has become so vitiated, so demoralized, that the people of the South place a low estimate upon human life. The crime of murder is seldom punished. The exceptions, however, are against the negro. He is invariably punished. Justice in the South is loth to shield its sword when the criminal is a colored man. You may search the records of the criminal proceedings in the South since the war, and I venture the assertion that you will not find one single instance where there

was a scintilla of proof against a negro who committed homicide but that he has been punished—either hung, or incarcerated in the State's prison for life. In the State of Louisiana thirty-five hundred murders have been committed since 1866, and I undertake to say, that not a single murderer has been punished in that State to this good day. I quote from the report of General Sheridan, as follows:

[Telegram.]

NEW ORLEANS, *January* 10, 1875—11.30 p. m.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Since the year 1866, nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In 1868 the official record shows that eighteen hundred and eighty-four were killed and wounded. From 1868 to the present time no official investigation has been made, and the civil authorities in all but a few cases have been unable to arrest, convict, and punish perpetrators. Consequently, there are no correct records to be consulted for information. There is ample evidence, however, to show that more than twelve hundred persons have been killed and wounded during this time, on account of their political sentiments. Frightful massacres have occurred in the parishes of Bossier, Caddo, Catahoula, Saint Bernard, Saint Landry, Grant, and Orleans. The general character of the massacres in the above-named parishes is so well known that it is unnecessary to describe them.

The isolated cases can best be illustrated by the following instances, which I take from a mass of evidence now lying before me of men killed on account of their political principles: In Natchitoches Parish the number of isolated cases reported is thirty-three. In the parish of Bienville the number of men killed is thirty. In Red River Parish the isolated cases of men killed is thirty-four. In Winn Parish the number of isolated cases where men were killed is fifteen In Jackson Parish the number killed is twenty; and in Catahoula Parish the number of isolated cases reported where men were killed is fifty, and most of the country parishes throughout the State will show a corresponding state of affairs. The following statements will illustrate the character and kind of these outrages:

On the 30th of August, 1874, in Red River Parish, six State and parish officers, named Twitchell, Divers, Holland, Howell, Edgerton, and Willis, were taken, together with four negroes, under guard to be carried out of the State, and were deliberately murdered on the 29th of August, 1864. The White League tried, sentenced, and hung two negroes on the 28th of August, 1874. Three negroes were shot and killed at Brownsville, just before the arrival of the United States troops in this parish. Two white-leaguers rode up to a negro cabin and called for a drink of water. When the old colored man turned to draw it, they shot him in the back and killed him. The courts were all broken up in this district, and the district judge driven out.

In the parish of Caddo, prior to the arrival of the United States troops, all of the officers at Shreveport were compelled to abdicate by the White League, which took possession of the place. Among those obliged to abdicate were Walsh, the mayor, Rapers, the sheriff, Wheaton, clerk of the court, Durant, the recorder, and Ferguson and Renfro, administrators. Two colored men who had given evidence in regard to frauds committed in the parish were compelled to flee for their lives, and reached this city last night, having been smuggled through in a cargo of cotton.

In the parish of Bossier the White League have attempted to force the abdication of Judge Baker, the United States commissioner and parish judge, together with O'Neal, the sheriff, and Walker, the clerk of the court; and they have compelled the parish and district courts to suspend operations. Judge Baker states that the white-leaguers notified him several times that if he became a candidate on the republican ticket, or if he attempted to organize the republican party, he should not live until election.

This statement is a sad commentary upon the administration of justice in Louisiana. What is true of Louisiana, is true of every other Southern State; and I propose to substantiate what I say before I finish my remarks. I shall not leave it open to uncertainty. I will endeavor to show to our friends on the other side of the Chamber, who have attempted in this debate to cover up the fact, that murder and outrage obtain in the South; and I charge it upon them that they have attempted to cover up and treat with indifference amounting to contempt these facts, because it militates against their party and their party policy. I say to our democratic friends that it will not do. The time has come when the American people will be deceived no longer by newspaper correspondents from the South—men who are in the employ of secession democrats. The time has come when the American people will demand the facts. The evidence to-day is clear that the American people are beginning to appreciate the gravity of the situation at the South.

It has been represented that the republican party was attempting to get up another "bleeding Kansas" for political effect; that they were parading these outrages in order that they might excite sympathy. That thing has been iterated and reiterated in this Hall during this discussion; but the American people, I am happy to know, are beginning to investigate this matter for themselves. When the noble hero Sheridan, an honest, brave, patriotic soldier, states that the very atmosphere of Louisiana is "impregnated" with assassination, the American people begin to feel that it is possible, notwithstanding the democratic press of the country have denied and suppressed the facts, that there may be some truth in it after all?

Now, as to the matter of the administration of justice, and I speak from personal knowledge, I have not been a casual observer of the events of the South for the last twelve or fifteen years; I have been intimately connected with every form and phase, with every shifting social or political scene in the South since the war. I am familiar with the events of the whole period of transition from slavery to freedom, and I know whereof I speak when I say, that as a rule there is no such thing as conviction for the crime of murder in the South, especially where a colored man is the victim. There are very many where white men are killed, though even then adequate punishment is rare. We have some as able, honest, and faithful judges as ever graced the bench in the history of mankind; but there is a vitiated public sentiment in the South that controls our courts, controls our juries, controls all our ministers of justice. A white man may slay a negro, and it may be proven as clear as the noon-day sun that it was a case of murder with malice aforethought; and yet you cannot get a jury to convict, and, in nine cases out of ten, you cannot get a grand jury to indict a white man for killing a negro or a poor white man.

But change the scene. Suppose a negro has committed some crime. The whole country is in arms. A negro has murdered a white man perhaps. The Associated Press throughout the South darts its lightning messages all over this country proclaiming a negro riot. The people in the section where the homicide is committed pretend to be alarmed. The slogan is taken up by the Ku-Klux and White League clans, and suddenly there is a hurrying to and fro. The negro is arrested, and in many cases he is not tried, but summary punishment is administered without judge or jury. Where a white man kills a negro the form of an inquest is sometimes held, and the verdict in nine cases out of ten is a farce, something after this manner: "That the negro came to his death by an inordinate desire to run after a white man's pistol." That is about the way the matter is determined. In this connection, in regard to the statement made by the distinguished Senator from Georgia, in reply to the Senator from Indiana, that in Georgia there was as much protection for human life, for property, and all the rights of a citizen as obtain in the State of Indiana, allow me to present some statistical facts in relation to the prevalence of crime in the South, taken from the census of 1870. In the State of Maine, containing a population of 626,915, we find that there were 7 homicides in the year 1870. In the State of New Hampshire, containing a population of 318,300, there was 1 homicide. In Vermont there was none. In Massachusetts, containing a population of 1,457,351, there were 22 homicides. In Rhode Island, 5. In Connecticut, 6, containing a population of over half a million. In New York, containing 4,000,000 inhabitants, out of that number there were 70 homicides. In New Jersey, 5. In Pennsylvania, 60. In Ohio, containing a population of 2,000,000, there were 54. In Michigan, containing a population of 1,184,000, there were 11 homicides. In Indiana, the State the distinguished Senator from Georgia referred to, containing a population of 1,680,637 inhabitants, there were 32 homicides in 1870. In Wisconsin, 6. In Illinois, 56. In Minnesota, 5. In Iowa, 24. In Nebraska, 11. Kansas, 42. Total in all these States, 417.

Now I come to the Southern States, and I call the attention of the Senator from Georgia to those particularly where the affairs of the State are under the control of the "intelligent and honest people," where their laws are properly executed, where there is the same sort of protection, as the Senator says, to property and to life that obtains in Indiana. In the State of Delaware, containing 125,000 inhabitants, there were 4 homicides. In Maryland, with only 780,000 inhabitants, 20 homicides. In the District of Columbia, 13. Virginia, including West Virginia, containing a million and a half of population, 80 homicides. In Kentucky, containing over 1,000,000 inhabitants, 73 homicides. In North Carolina, 48. In Tennessee, containing 1,258,520 inhabitants, 117 homicides. In South Carolina, containing 705,000 inhabitants, there were 35. In Georgia, containing 1,184,109 inhabitants, we find in the year 1870 160 murders; while in the State of Indiana for the same year, containing about the same population, we find only 32. There is the difference. In Georgia, 116. In Florida, 44. In Mississippi, 89. In Missouri, 94. In Arkansas, 76. Louisiana, 128. In Texas, 323. Now, these statistics of murder were gathered from the records of the courts. They were not gotten up in any "outrage-mill" or for any political purposes. They are matters of statistics that are placed in the archives of the Government. We find in these Southern States during one year 1,351 murders compared with 417 in the Northern States. There is no question in my mind but that at the time these statistics were gathered there were hundreds, yes, I may say, a thousand more murders, the only evidence of which was the bones of the victims lying in the swamps or perhaps newspaper reports, not followed by prosecution.

I have a little further information upon this matter of crime which I desire to present—and I will be as brief as possible—a statement that is made up, giving the number of murders, and by whom perpetrated, and upon whom, in the State of Arkansas since its reconstruction or since the war. Out of a population in 1870 of 122,169 blacks, and 362,115 whites, the number of murders and assaults with intent to kill committed in that State since reconstruction aggregated eleven hundred and sixty-nine. These facts are taken from the records of the courts. They are not all murders, but eleven hundred and sixty-nine comprise murders and assaults with intent to kill. Of those by whom these murders and crimes were committed ten hundred and seventy-eight are whites, and only eighty-two are blacks. Another feature of this statement is, that the victims are eight hundred and sixty-five republicans, and three hundred and four democrats—nearly three to one. There, sir, is a phase of the character of these outrages and murders, where nearly three to one of the victims of murder are republicans. What inference shall we draw from that? Can we draw any other than that these murders are perpetrated to further the partisan ends of a certain party? It is a singular coincidence that in a State three to one of the victims of outrage and murder happen to belong to the republican party. I hold in my hand, but I will not detain the Senate by reading it, a list of murders committed in my own State in the year 1874. They amount to ninety-nine. I have the names taken from the records of the auditor of public accounts, where the payments have been made for expenses in holding coroners' inquests. This does not include the one hundred colored men massacred at Vicksburgh December 7, nor any of the numerous murders upon which no coroners' inquest fees were paid by the State.

In the State of Mississippi there has been up to within the last six months, less lawlessness, better order, more protection for life and property than perhaps in any other Southern State.

It is a notorious fact, a matter that will not be questioned, that Mississippi is one of the best reconstructed States among the fifteen insurrectionary States. We have not had, with but few exceptions, the difficulties that have characterized other Southern States. We have had good government. No charge of misgovernment has been brought against Mississippi. We have had there the best judicial system probably of any Southern State. We have administered justice. Our ministers of justice have held the scales evenly balanced; yet, notwithstanding all these safeguards, notwithstanding these facts, in that State alone, containing less than a million of inhabitants, we have had ninety-nine murders during the last year. And yet it is stated that in the South, where intelligent men have control of the government, there is no more crime, that there is as much protection for human life as in Indiana. I am sorry to be obliged to stand in my place in the Senate and present these facts; they are shameful facts, but they are nevertheless true. It only goes to show that there is a public sentiment at the South so vitiated upon this subject of murder. If a man fancies that his neighbor has insulted him, his redress is the pistol, bowie-knife, and shot-gun.

Now, sir, I propose to refer the Senate to the evidence, and I call the attention of our friends on the other side of the Chamber to the character of the evidence that I propose to adduce. It is evidence, I presume to say, they will not question, because it comes from unwilling witnesses. It proceeds from statements made by the leading democratic journals of the South. It does not come from any southern "outrage-mill;" it does not proceed from any "southern outrage-convention," that gets up these statements of lawlessness for political effect. It is from a pure democratic source, and relates to one of the Southern States which has never been demoralized by "carpet-bag" rule. No strangers have robbed and plundered the people and thereby goaded them, "like the teaser in the Spanish bull-fights" referred to by the honorable Senator from Georgia in his speech, into acts of violence and lawlessness. I refer to the State of Kentucky. I will read an extract from one of the leading journals of that State; and let me say, while I do not pretend that newspaper statements are the most reliable evidence, I think I will be allowed to quote from democratic journals on this question of outrage and murder in the South.

Says the Louisville Courier-Journal in relation to crime in that State:

> The shooter has only to kill or wound his man to make himself certain of escape.

That is the way justice is administered in the good old Commonwealth of Kentucky, the home of Henry Clay.

> We never convict anybody of murder except a nigger or a pauper.

That is the statement of the editor of the Louisville Courier-Journal. I desire to repeat that—

> We never convict anybody of murder except a nigger or a pauper.

He never penned a truer statement in his life; and what is true of Kentucky is true to a greater or less extent of every State south of the Ohio River.

I will quote more democratic authority on this question of the prevalence of crime in the State of Kentucky, where, I repeat, no carpet-baggers and negroes have ruled the country. That State has been in the hands of intelligent, patriotic, high-minded southern democrats. Here is an extract from the "Lexington, Missouri, Caucasian," a leading democratic paper, one of these white-line papers. Its very name indicates the character of its politics, advocating the doctrine that this is a "white man's" Government, and that a negro has no right that a white man is bound to respect. It says:

> Kentucky's criminal record rivals Missouri's—and human language can award it no more appalling pre-eminence.

That is a serious reflection on both these good democratic States. The diction of this editor is not as pure as it might be, but it is characteristic of democratic journalism in the South—

> Hell seems to have been upset and spilled all over the South.

That is the expression of a democratic editor speaking of a neighboring State. He says that from the lawlessness that prevails in the State of Kentucky "Hell seems to have been upset and spilled all over the State." He then says:

> Its very sod is reeking with the blood of slaughter.

This statement was penned only a few months ago, not at the time referred to by the distinguished Senator from Missouri, [Mr. SCHURZ,] when he undertook to palliate the condition of things at the South immediately after the war and the necessary demoralization that followed the terrible revolution, but ten years, a decade, has passed, and yet a democratic editor says that the very sod of the good old State of Kentucky is "reeking with the blood of slaughter." But he goes on:

> Eleven murders, twenty-two shooting and stabbing affrays, and the wholesale killings and burnings at Lancaster, all in four weeks, and not one legal hanging in four times as long, is enough to blast for a generation the fame of any ordinary half-dozen Commonwealths, even though the bones of Clay and Crittenden reposed in each of them. It is a horrid blot upon southern civilization.

There is a statement made by a democratic editor representing the extremest doctrines of the secession democracy; I mean the white-man's doctrine. He says that it is a "horrid blot upon southern civilization;" yet when a republican stands in his place in this Senate and makes the statement that murder, assassination, lawlessness, and outrage have prevailed at the South, the Senator from Georgia rises to his feet and pronounces the statement "false." This was his language. Another Senator rises and says it is "exaggerated." The Senator from Georgia again says: "We have as much peace, quiet, order, and protection for human life and property in the South, where 'intelligent men' control, as in any Northern State." Yet here is a statement made by a democratic editor that the condition of things in the State of Kentucky is a "horrid blot upon southern civilization." If a republican editor had uttered that sentiment in certain sections of the South, he would have been waited upon before the ink was dry on his paper, by a band of white-leaguers, and hung up to the first tree. Because the noble hero, Sheridan, happened to say in a dispatch to the President, speaking of the condition of things in Louisiana, that there were "banditti" there, lawless men banded together for plunder, for riot, for revolution, he is abused, traduced, aspersed, and a Senator from his seat in this Senate says, because he designated these assassins by the only proper name which would express their true character, that this gallant soldier and patriot is "not fit to breathe the air of a free republic." Yet a southern editor of a democratic paper is compelled to admit that crime in Kentucky, is of such a terrible character as to become a "*a blot upon southern civilization.*"

> It gives a tinge of justice—

Says this editor—

> to the Yankee howl about our ruffianism, heathenism, barbarism.

O, how indignant was the honorable Senator from Georgia the other day at the mere mention by the Senator from Vermont of the term "barbarism," as applied to the customs of the South of former days! His virtuous indignation knew no bounds, and we did not know at one time but that the mild-mannered Senator of New England would have to face a dueling-pistol or submit to be "posted" as a coward, after the most approved style of so-called "chivalry."

I have many other quotations from democratic sources. I will read, however, for the edification of our friends, one more statement taken from the same paper, in relation to the condition of things in Kentucky, and then I will pass on. Says the Louisville Courier-Journal:

> The law against carrying concealed weapons is a dead letter. There has scarcely been a conviction of a respectable, well to do man for murder or homicide within the last twenty years. Every coward and bully goes armed. Every case of human slaughter goes unpunished. Every case of shooting with intent to kill passes by as an amusing episode, provided there is no funeral. Even the most atrocious, cold-blooded, deliberate, malignant, dastardly assassinations have left no mark on the statute-books except the mark of acquittal purchased by money or intimidation.

This is the statement of a democratic journal in regard to the law-abiding and law-loving people of Kentucky, where no carpet-bagger has plundered her treasury, where no negro has ruled, that there is a public sentiment, says this democratic editor, that absolutely intimidates the law-respecting people. A jury cannot indict, a petit jury cannot convict because of this intimidation; and yet we are told there is no *intimidation* in the South. I appeal to the good sense of any man if lawless men can intimidate the *noble, patriotic men of old Kentucky* so that her courts fail to convict of crime, what can they not do in Louisiana? And yet, sir, in the face of these admitted facts, we are told that the statements about intimidation, murder, and outrage are all gotten up for "political effect;" "exaggerated," says the honorable Senator from Ohio, [Mr. THURMAN.] "I do not stand up here," he says, "to defend murder, but I propose to protest against these exaggerations." Great heavens! where in the history of any civilized country is there such an arraignment as this democratic editor presents to the world of the condition of things in the State of Kentucky. It is enough to appall the civilization of the nineteenth century, that in this Christian land, in the State of Kentucky, men can murder, can attempt to murder, and the law-abiding people who believe in protecting life and property are so *intimidated* that a grand jury will not indict, nor a petit jury convict. That is the condition of things in Kentucky; and yet Senators say there is no murder in the South. This editor goes on to say:

> Red-handed murderers roam at large among respectable people.—

Not among negroes, not among "carpet-baggers" and "scalawags," but among "respectable people"—

> The rule is that you may kill your man with impunity. There is no danger of the gallows or the prison for the assassin who has money or friends. A drink too many, a word too much, a pull of the trigger of a six-shooter, and a funeral, so the murderer be a good-natured fellow and is rich enough to pay the fiddler.

That is the way the law wags in Kentucky.

I desire here to cite some further authority upon the condition of things in the South as relates to crimes committed, of a political character. The Senator from Georgia said to the honorable Senator from Indiana, "Why do you not arraign the metropolitan press of the North? You say that the associated press of the South have been peddling lies, have been attempting to cover up outrage and murder. Why do you not cite the New York Times?" I propose to give the honorable Senator and the Senate a quotation from the New York Times in a recent publication of that journal.

Says the Times, of date January 2:

Thousands of men voted the democratic ticket in the State of Alabama against their conviction from fear of violence or loss of employment, and many thousands more failed to vote at all from the same cause.

And yet there is no intimidation in Alabama!

The northern people can have no conception of the state of society here, and the testimony taken before the committee cannot but make a deep impression. The evidence fully shows that a republican form of government cannot be maintained in the State of Alabama without the aid of the United States troops.

And yet that State is under democratic control; "intelligent, honest men control its government!"

The evidence shows that the churches and school-houses of the colored people were burned and destroyed by white democrats, only because the colored people who worshiped and sent their children to school therein were republicans; that armed white democrats, in companies of hundreds, visited some of the more intelligent of these colored people, beat them, and drove them from their homes.

Here are some of the good, law-loving, quiet people of Georgia referred to:

On the Georgia border white democrats came to this State and voted not only once, but in some instances three times, and led negroes to the polls and made them vote the democratic ticket. At Girard, in Russell County, the police from Columbus, Georgia, surrounded the polls and kept possession of them all day. It has also been found that the polls at Spring Hill, Barbour County, were destroyed by democrats, and about six hundred votes lost to the republicans, and the son of Judge Kicls, who was the United States supervisor, was killed; also, one hundred and fifty colored republicans killed and wounded at Eufaula, in the same county, on the day of election by armed democrats, and upward of five hundred republican voters driven away from the polls.

Not a particle of evidence has been furnished by the Alabama democrats or any body else that the United States troops in the slightest degree interfered with the election. On the other hand, the subordinate military officers were so bound up by General Order No. 75 that they did not feel authorized to do anything or extend any help whatever to the election officers, except when called upon to assist United States marshals in the execution of writs issued by the United States courts. The proscription, social ostracism, withdrawal of business, and loss of employment among republicans on account of politics amounted to a reign of terror, and thousands of voters were lost to the republican party at the late election from these causes.

This is a statement published to the world by the New York Times, which the honorable Senator from Georgia desired, with a slight tinge of sarcasm, the honorable Senator from Indiana to include in his animadversion upon the Associated Press of the South. I am informed that the committee who have investigated this matter will present not only these facts, but stronger facts, showing that a reign of terror, murder, and assassination prevails in the State of Alabama. I will read the statement of a citizen of Alabama, and a man of no mean repute, a man who was born in that State, who has occupied the honorable position of its chief magistrate. He says in a recent public utterance:

The Ku-Klux and White League are in existence. How can justice be done in a community where they abound, when the oath they take to the organization is obeyed before the one they take to the State? This prowling about the country at night to kill lone men is not the chivalry of the past nor is it the chivalry of the late war.

That is the statement of ex-Governor Parsons. He has always been a conservative man in his political views. He was among the foremost Alabamians when the State seceded. He did his utmost after his State had gone out of the Union to stand by the confederate cause. He says that these Ku-Klux, these *White League organizations do exist; and that justice cannot be executed in the country where they exist*, because the jurymen who are sworn to pass upon crimes are bound by the oaths of their organization, which they regard as paramount to the oath they take to do justice between man and man, to decide upon the law and evidence without fear or favor.

Permit me in this connection to submit several extracts from the President's message in proof of the existence and purposes of the White League banditti:

The following is from the platform of the White League, adopted at Alto on the 11th of July:

"That we regard it the sacred and political duty of every member of this club to discountenance and socially proscribe all white men who unite themselves with the radical party, and to supplant every political opponent in all his vocations by the employment and support of those who ally themselves with the white man's party; and we pledge ourselves to exert our energies and use our means to the consummating of this end."

The following is from the Enterprise of the 6th of August, published at Franklin, Saint Mary's Parish:

"We ask for no assistance; we protest against any intervention. * * * We own this soil of Louisiana, by virtue of our endeavor, as a heritage from our ancestors, and it is ours and ours alone. Science, literature, history, art, civilization, and law belong alone to us, and not to the negroes. They have no record but barbarism and idolatry, nothing since the war but that of error, incapacity, beastliness, voudouism, and crime. Their right to vote is but the result of the war, their exercise of it a monstrous impositon, and a vindictive punishment upon us for that ill-advised rebellion."

"Therefore are we banding together in a White League army, drawn up only on the defensive, exasperated by continual wrong, it is true, but acting under Christian and high-principled leaders, and determined to defeat these negroes in their infamous design of depriving us of all we hold sacred and precious on the soil of our nativity or adoption, or perish in the attempt.

"Come what may, upon the radical party must rest the whole responsibility of this *conflict*, and as sure as there is a just God in heaven their unnatural, cold-blooded, and revengeful measures of reconstruction in Louisiana *will meet with a terrible retribution*."

The following is from the Minden Democrat:

"The remedy for all the evils that afflict our State and every Southern State under negro and carpet-bag rule is very simple. The incendiaries who flood our country at the approach of every election must be looked after; the proceedings of midnight gatherings in dark and gloomy places must be known. Incendiary teachings of the carpet-baggers and scalawags to inflame the minds of the negroes must not be tolerated again."

The following is from the Mansfield Reporter of July 4 and July 11:

"There is nothing to be gained by pleadings or concessions, but everything is within our reach, if we will move forward and grasp it. *Let our actions be such that everybody will know what we want, and let them see that we are in earnest and are determined to carry out the programme, regardless of the consequences.*"

"The lines must be drawn at once, before our opponents are thoroughly organized, for by this means we will prevent many milk-and-cider fellows from falling into the enemy's ranks. While the white man's party guarantees the negro all of his present rights, *they do not intend that white carpet-baggers and renegades shall be permitted to organize and prepare the negroes for the coming campaign.* Without the assistance of these villains the negroes are totally incapable of effectually organizing themselves, and unless they are previously excited and drilled, *one-half of them will not come to the polls*, and a large percentage of the remainder *will vote the white man's ticket.*"

The following is from the Alexandria Democrat of July 15:

"The people have determined that the Kellogg government has to be gotten rid of, and they will *not scruple about the means*, as they have done in the past."

The following is from the Shreveport Times of July 29:

"There has been some red-handed work done in this parish that was necessary, but it was evidently done by cool, determined, and just men, who knew just how far to go, and we doubt not if the same kind of work is necessary it will be done.

We say again that we *fully, cordially, approve* what the white men of Grant and Rapides did at Colfax; the white man who does not is a creature so base that he shames the worst class of his species. We say, again, we are going to carry the elections in this State next fall.

"If the Federal Government again strikes them down then let the infamy of the deed rest upon the shameless despotism that has arisen out of the malignity and hate of the northern people, beneath whose withering influence no sentiment of liberty can survive; under whose policy of meanness, cowardice, and hate, every community that does not worship it must be trampled in the dust, and every civilization that does not pay tribute to it blasted by its curse."

The following preamble and resolutions were adopted by White League No. 1 of the second ward of Livingston Parish:

Resolved, That we will have no man on our farms or in our workshops who votes the radical ticket.

Be it further resolved, That we consider it the duty of (and cordially invite) all white men opposed to radicalism to co-operate with us.

Further resolved, That we consider it beneath our moral dignity to associate with any white man who votes the republican ticket or affiliates with that party in any manner whatever.

Further resolved, That we pledge our support to the democratic party.

Next as to Tennessee. In three counties in Tennessee, the counties of Rutherford, Sumner, and Gibson, during the past year, there have been thirty-nine murders. Tennessee is a State governed by no carpet-baggers; no negroes control affairs in that State; and yet in three counties alone this is a matter of record. It is no information that comes from an "outrage-mill," but is taken from the records of their courts; facts that cannot be controverted. In three counties during the last year thirty-nine murders have been committed; and yet the honorable Senator from Georgia says that in a Southern State where "intelligent men" control, where "honest men" govern, there is as much protection to human life as there is in any of the Northern States.

I desire to have incorporated in my speech—I will not weary the Senate by reading it, because I know that almost every Senator is familiar with it—the statement of the district attorney for the western district of Tennessee in his report to the Attorney-General:

I have the honor to say that from affidavits now on file in my office the following facts appear: Since the election on the 6th of August last bands of men, armed and in disguise and known as the Ku-Klux Klan, have been riding through certain portions of Gibson County, in this district, almost every night, committing outrages upon the colored people, in some instances whipping them and in others threatening to kill them; and on Saturday night, August 16, a number of colored people were shot at on their return home from church by certain of these masked men. An old negro named Joshua was severely whipped, and at the time was told by the Ku-Klux that they should again visit him on Saturday night, August 22. Thereupon, on that night, several of his colored neighbors started to go and assist the old man in defending himself, and on the way thither were met by a party of men, armed, mounted, and in disguise, who first fired upon them, they returning the fire, and either killing or wounding a mule; whereupon both parties fled.

This is, as I suppose, "the conspiracy to take the lives of the white citizens of the neighborhood" for which "sixteen negroes were committed to the jail of Gibson County in this State," referred to in Governor Brown's telegram. The next day, Sunday, the State authorities commenced arresting the black men in the vicinity almost indiscriminately, taking, among others, two colored preachers out of their churches. The prisoners so arrested were confined and guarded to await their preliminary trial the next day. During that night some of these prisoners were taken out of the building in which they were confined by some of the guard, and by means of threats, and in one instance by hanging the prisoner to a tree, confessions were extorted from them, which confessions, so obtained, were used as testimony against them in their examination before the committing court.

During Monday and Tuesday, August 24 and 25, sixteen black men were committed to the jail of the county; fourteen as criminals, the other two as witnesses against them. They were conducted on foot to the jail, a distance of eleven miles, bound together with trace-chains about their necks secured by padlocks, twelve being committed on Monday and four on Tuesday, while the sheriff's posse who conveyed them thither were mounted. On their way to the jail on Monday two attempts were made by armed men in disguise to obtain possession of these colored prisoners, twelve in number, but the attempts were unsuccessful. Fourteen of the prisoners were confined together in a small cell in the jail, two being left in the hall of the jail. On Tuesday night, August 25, a band of masked men, armed, and generally mounted, variously estimated to number from seventy-five to one hundred and fifty, surrounded the jail, forcibly entered it, took out those sixteen colored prisoners, tied them together with ropes, marched them a few hundred yards distant to a bridge crossing a small river, and commenced shooting them indiscriminately, then and there killing four and wounding others, one of whom has since died of his wounds, and some are known to have escaped.

We have these reports lying on our tables as to the character of crime in the State of Tennessee, especially in relation to the Trenton affair. In this connection, allow me to say, that we have in that report an exhibition of the condition of things as regards the courts of the country. One Senator says: "Why do you republicans of the South

complain that you cannot get justice? that your laws are not executed? that crime is not punished? You have the executive officers, you control the courts, you control the constabulary forces, and why is it that you cannot get justice and punish crime; who is to blame?" In that report you will ascertain the condition of things in the State of Tennessee. A murderer has an opportunity under the laws of that State of challenging thirty-five jurors; and in the case there reported, where there is a conspiracy, a large number of men indicted, when they come to be tried, each one of them has an opportunity to challenge thirty-five jurors; and there are so many included in these indictments that they can challenge the whole county peremptorily, and you cannot impanel a jury to convict them. And a similar law obtains in many of the Southern States.

We are asked "How is it that you do not punish crime at the South?" I can answer that question so far as it relates to the State of Mississippi. I blush when I say it, but the cause of truth, the interest I feel in presenting the facts to the American Senate and the American people, compel me to say that in the State of Mississippi, where our laws are executed with as much impartiality as in any other southern State, I do not know among the several hundred homicides committed in that State a single instance, since reconstruction, where a white man has been convicted of killing a negro; and I venture the assertion that there have been over five hundred murders of negroes in that State by white men, and not one of them punished; but I do know of a large number of colored men who have been hung or incarcerated within our penitentiary walls for even making an assault upon a white man with intent to kill. Sir, it is impossible to convict a white man of murder, because if a white man kills a negro there is a public sentiment there which excuses and palliates the crime. This is the natural outgrowth of slavery. Under the slave *régime* a man who killed his neighbor's negro was liable to the owner for the price of the negro, and in some instances, if he was a favorite servant, he would demand further satisfaction, and kill the slayer of his negro. But it was not regarded as homicide to kill a negro in many of the States in the South; and that estimate of a negro's life obtains to a greater or less extent to-day throughout the South, which palliates the slaying of a negro.

There is probably no State in the Union that has more stringent punitive laws than the State of Mississippi, and yet we cannot convict or punish white men of murder, because of the depraved public sentiment and the want of a proper appreciation of the value of human life, the natural outgrowth and concomitant of the institution of slavery. Men who have trafficked in the bodies and souls of men, of buying and selling God's image, become, as a natural sequence, callous to the idea of the sanctity of human life.

The State of Texas is another State controlled by "intelligent, honest men," and, as the honorable Senator from Georgia would have us believe, when they control in the South there is protection for life and property. Let us see about Texas. Over six hundred murders have been committed since Governor Coke, a democratic governor, succeeded Governor Davis. There is a fearful record in a little over a year and a half of *six hundred murders*. In Texas six hundred murders are committed in a year and a half. No one is alarmed for the safety of society. This is no statement of "an outrage-mill." I will now cite a statement in regard to the condition of crime in the State of Texas under democratic rule, taken from a democratic source. I refer to the Saint Louis (Missouri) Republican, a democratic paper of the Bourbon type. It says, in speaking of the condition of Texas:

> Whole counties are under the absolute control of organized bands of desperate men, who set the laws of the State at defiance and levy contributions upon the people at will.

This is a statement certified to by a democratic editor of one of the leading western papers of the condition of Texas. I propose now to call the attention of the honorable Senator from Georgia to the condition of his own State. I refer again to the press of his State. It is conceded that the public press is the great formative power of public sentiment, and at the same time an index of the condition of society in the community or section of the country where it is located. I read from the Daily News, one of the leading democratic papers published at Atlanta, Georgia, as follows:

> Against the fate that confronts us what have the southern people? Is it that "prudence" which such papers as the Louisville Courier-Journal advocate, but which men less gifted than the editor of that paper call a dastardly submission? No! Our only hope is in a stern, resolute resistance, a resistance to the death, if necessary, with arms in our hands. Let there be "White Leagues" formed in every town, village, and hamlet of the South; and let us organize for the great struggle which seems to be inevitable. If the October elections which are to be held at the North are favorable to the radicals, the time will have arrived for us to prepare for the very worst. The radicalism of the republican party must be met by the radicalism of white men. We have no war to make against the United States Government, but against the republican party our hate must be unquenchable, our war interminable and merciless. Fast fleeting away is the day for wordy protests and idle appeals to the magnanimity of the republican party.
>
> By brute force they are endeavoring to force us into acquiescence to their hideous programme. We have submitted long enough to indignities, and it is time to meet brute force with brute force. Every Southern State should swarm with White Leagues, and we should stand ready to act the moment Grant signs the civil-rights bill. It will not do to wait until radicalism has fettered us to the car of social equality before we make an effort to resist it. The signing of the bill will be a declaration of war against the southern whites. It is our duty to ourselves, it is our duty to our children, it is our duty to the white race whose prowess subdued the wilderness of this continent; whose civilization filled it with cities and towns and villages; whose mind gave it power and grandeur, and whose labor imparted to it prosperity, and whose love made peace and happiness dwell within its homes, to take up the gage of battle the moment it is thrown down.
>
> If the white democrats of the North are men, they will not stand idly by and see us borne down by northern radicals and half-barbarous negroes. But no matter what they may do, it is time for us to organize. We have been temporizing long enough. Let northern radicals understand that military supervision of southern elections and the civil-rights bill mean war, that war means bloodshed, and that we are terribly in earnest, and even they, fanatical as they are, may retrace their steps before it is too late.

And again, I desire to present some southern democratic testimony as to the existence of White Leagues and the murders and massacres which have taken place as an offset to the Southern Associated Press denials of the existence and purposes of the organization. From the Atlanta News I will read the following extract from one of its editorials:

Here is what he says about the condition of the South and the purposes of White Leagues:

> Violence is to be deprecated and avoided, if possible; but where these men have been killed they have brought about their deaths by their own acts, and do not merit the sympathy of anybody. We shall not imitate the example of some of our Congressmen by condemning the killing of the men.
>
> * * * * * * *
>
> We are not defending murder; we are not justifying assassination. We admit that there have been instances in which gross outrages have been perpetrated by men who disgraced their section by their acts.
>
> * * * * * * *
>
> At the same time, we recognize the existence of a state of affairs which compels a summary procedure. What was termed the Camilla massacre, which occurred in this State in 1868, was justifiable in any sense of the word. Had every negro been killed who took part in the conflict, the whites would have been justified in killing them. So also in Mississippi, recently; so also in Louisiana.
>
> When Grant holds up our people to public view as assassins, let us tell the story as it exists. There is no denying that men were killed at Colfax and at Coushatta. There is no denying, too, that they were killed by the whites; but, deplorable as their killing was, they were the victims of their own dishonesty, their own villainy, their own incendiarism.

They have found out in Georgia that there is an "irrepressible conflict," and the leading paper of the State urges the people to form leagues and arm themselves for the inevitable struggle. I stated to the Senate that there was a conspiracy existing in the South, the object of which was revolution, rebellion against the Government of the United States. I am aware that it was a startling announcement; but here is a statement from high authority, a leading newspaper in the State of Georgia edited by one of the ablest men of that State, in which he calls on the people *to arm themselves, to organize for the struggle which he says is inevitable. "War must come. We must strike for our rights."* That is the same spirit that pervaded the South in 1860 when the secession democracy "fired the southern heart" into a flame of rebellion.

The same is true of the democratic press of the South; the same rash appeals are made to the people to organize for revolution. The struggle, they say, "is inevitable." Why, sir, when I see the temper and tone of the press of the South, it would seem that history was indeed repeating itself; that the dial had been turned back a decade and that we were really on the eve of another rebellion.

The same spirit animates the leaders of the secession democracy that characterized their efforts in 1861. In justice to the people of the South it is proper that I should make a distinction. I am happy to be able to say that there are thousands of southern men who do not subscribe to the rash follies of the democratic party. There is the old whig party, the men who still cling to the doctrine advocated by Henry Clay. These men were at heart loyal. They opposed the efforts of the secession rule-or-ruin democracy to plunge the country into an internecine war. They pointed out the fearful results to the South, and the sequel proved the truth of their assertions, and they are as powerless to-day as in 1861.

The same rash leaders of the secession democracy who brought bankruptcy and utter ruin upon the beautiful south-land; who plunged her into revolution and left her desolate, an utter waste; filled the land with lamentation and woe; her industries stricken down; her cities and towns reduced to ashes. The very men who brought this destruction upon the South are to-day attempting to revive the old secession party. They control the press of the South. They propose to again "fire the southern heart;" they advocate and indorse the organization of leagues for murder and assassination. "The struggle," in the language of this Georgia editor, "is inevitable," and we must arm.

I do not exaggerate the condition of the South when I say that there are in the South to-day at least half a million of men organized and armed with the most improved weapons, Winchester rifles and needle-guns. What does all this mean? Does the Senator from Georgia say that in his State there is peace, quiet, and order; that the people are loyal; that they are disposed to counsel peace and quiet? But I will proceed to read:

> By brute force they (the republicans) are endeavoring to force us into acquiescence to their hideous programme.

What "hideous programme" has the republican party proposed? What is the programme that is so hideous to the chivalric editor of the Atlanta News? Why, sir, it is the programme of universal liberty, the doctrine of equal protection under American law. That is "the head and front of our offending." Because we demand that the Ku-Klux assassins who go to the cabin of the poor, defenseless negro masked and under the cover of night to scourge and murder him, shall be arrested, and, if necessary, to use Federal bayonets; that they shall be tried, and, if found guilty, punished by a Federal court. That, sir, is "the hideous programme" that he speaks of.

Because we demand that an American citizen shall have the protection of American law at home as well as abroad; because we advocate that doctrine the southern aristocratic democracy propose to arm themselves and organize White Leagues for riot and murder. Why, sir, a few years ago a man who had not become a citizen of the United States, who had only made a declaration of his intention to become such, was seized by the Austrian authorities. I refer to Martin Koszta. The Austrian authorities attempted to take him because of some crime alleged to have been committed against that government. One of our glorious, noble tars, standing up in the defense of the theory that an American citizen was entitled to the protection of the American flag on the high seas, proposed to pour a broadside into the Austrian craft if Koszta was not delivered up immediately. This action of an American naval officer met with a hearty approval from every American all over this broad land. And so in the case of Dr. Houard, the Virginius prisoners, and a hundred of instances that have occurred in the history of this country. Yet when in 1875 the republican party demand of these democratic revolutionists at the South, these White Leagues and assassins at the South, that they shall respect the life of an American citizen, white or black, this is a "hideous programme," an insult, an outrage upon the chivalric Ku-Klux democracy of the South too intolerable to be borne.

I will not detain the Senate by reading further from this paper. There are several more very important points in it, but I pass on.

I will refer to one other instance of the peaceful condition of Georgia. In August last a body of Georgians from Atlanta invaded the State of South Carolina, and by means of murder and other kinds of violence controlled the election in the interest of the democratic party; and yet the honorable Senator from Georgia would have us understand that the people of Georgia are "*law abiding;*" that the people of Georgia allow every man to vote as he pleases; that there is no intimidation used to control the vote of the negro or any class of people. We find a band of men known as the Georgia Tigers invade an adjoining State, and undertake to control, and do control, the election of a whole county in South Carolina, and murder men in the attempt. How much this sounds like the old border-ruffian tales from Kansas!

Now I have another little matter, and I am sorry the Senator is not in his seat. I desire to read the statement of a gentleman who is responsible as a "gentleman and a man" for what he says. I am authorized by this gentleman to present this statement to the Senate. In the late canvass in Georgia, in the town of Montezuma, as the distinguished Senator from Georgia was passing through that city, it was arranged that the rail-train should stop and he should make a political speech. On this occasion, I am informed by this gentleman that the honorable Senator used this language, or words of a similar import: "I suppose there is not a white republican in this county," referring to Macon County; "if there is one, the good people of Macon County should drive him from her soil, and not permit him to live there." The gentleman who authorized me to make that statement is, I am informed, a man of high character. His name is Jack Brown; he was the playmate, school-mate, and confederate in the late war of the honorable Senator. And yet the Senator says that in the canvass he made in his State he advocated the right of every man to vote as he pleased; he was opposed to intimidation. We are informed that he stood on the stump in his State and advised his fellow-citizens to acts of violence because of differences in political opinion.

I do not say that the Senator uttered such a sentiment; I give the authority. But I do undertake to say that if the Senator himself never uttered that sentiment, that that kind of doctrine, that kind of sentiment is heard on every stump from democratic orators in every southern State. I have heard it; I have listened to it myself in the State of Mississippi. And yet we are told there is no intimidation!

By the same authority I am informed that in the town of Americus, where I believe the distinguished Senator from Georgia lives, at least two hundred white men would have voted in the recent election for the republican candidate for Congress but for the proscription and ostracism that prevailed. He says, referring to his own son-in-law, who was employed as book-keeper in one of the leading mercantile firms of that city, the firm known as Pickett & King, after the election the democrats of that town, and the democratic press demanded of this mercantile firm that they should discharge this book-keeper, simply because he had voted for his father-in-law, the republican candidate for Congress.

The fact is, as stated by this gentleman, that in the town where the honorable Senator lives, because a man happens to vote for one of his kindred if he is a republican, the democratic press of the town and the whole democratic party of the town, insist that his employers shall discharge him.

The Senator, in speaking of the peaceful condition of affairs in Georgia, referred to the school-houses that dotted it. He said that all over the hills and vales of the State of Georgia were to be found school-houses where the colored people were educated, which was another evidence of the good feeling between the races; and he cited an instance of the benevolence of the southern people. He called the attention of the Senate to one benevolent man who had donated $100,000 to endow certain eleemosynary institutions for the colored people. Upon examination I find that this man's name was Lamar, Mr. G. B. Lamar, that he was the father of the notorious "Charley Lamar," of the "Wanderer" notoriety, who brought from Africa a cargo of slaves a few years before the war. It turns out that this benevolent individual, who had been a slave-trader all his life, amassed his fortune in buying and selling slaves, gave $50,000 to Savannah to found an asylum for indigent negroes, and the same amount for Augusta; and it further appears that this man who donated so liberally to this commendable purpose, was a loyal man during the war, and has recently received several hundred thousand dollars from the United States Treasury for losses incurred during the war. He has founded an asylum for the colored people, and the honorable Senator would have us believe that such benevolence was characteristic of the feeling that exists among our democratic friends at the South toward the negroes in relation to their education. I have some facts on that question; but I will not detain the Senate by reading them, but I beg leave to incorporate them in my speech.

I desire to refer the Senate to the condition of education in the Southern States, and I take this occasion to say that in almost every instance (and I know whereof I affirm, because I have had the honor to be connected with the educational interests of the South) when those States were reconstructed there was no such thing as an efficient school system in the South, and in many Southern States there was no such thing known. These States had, with scarcely an exception, no school laws, and where they had, they were practically inoperative; but immediately after reconstruction, in those States which were under republican administration, school-houses were built, educational facilities were provided for the blacks and whites alike.

When the State of Mississippi was reconstructed, there was not a single free school in the State. Under republican administration, in three years over two thousand school-houses were built and over three thousand schools were organized. Nearly one hundred thousand children were receiving tuition in the schools under the patronage of a republican administration. The same was true of Tennessee in 1868; but when the power passed from the republican party into the hands of the democracy, one of their first acts was to close the schools. The schools were broken up, and not until quite recently have the people of Tennessee paid any attention to the revival of their school system. This was true also of Georgia. Under republican rule schools were established. As soon as the State passed into the hands of the democrats the schools were practically abolished; and they have to-day a mere nominal school system. I undertake to say, that the different benevolent and educational associations in the North have contributed more money to support the education of the colored children and the white children in the State of Georgia, than the democratic party have ever contributed during the whole history of that State. The same is true of Texas. The amount of the Peabody fund distributed in the South since the war is $3,500,000. The contributions for educational purposes at the South by the American Missionary Association of the North since the war have amounted to $1,663,000. The General Government expended, through the Freedmen's Bureau, nearly $6,000,000 for educational purposes in the South. In the six months ending June 30, 1869, northern or foreign benevolence had contributed $365,000 for the education of southern youth, white and colored. During the last ten years the same benevolence has contributed, aside from the Peabody gift, over $8,000,000 for southern education; and nearly all these contributions have come from republican sources.

In the State of Mississippi, when the democratic party began to feel that they were coming again into power and the Ku-Klux organizations were being formed, instead, as the honorable Senator would have us believe that the southern people were anxious to educate the negro and the masses of the people, the Ku-Klux democracy burned our school-houses. Over fifty school-houses, including church buildings used for schools by the negroes, were burned in Mississippi by these lawless bands; and it is the same class of men who are foremost in the White League movement to-day.

I append a statement of the condition and progress of free schools in the South, made up from official sources, which will fully substantiate my remarks upon this subject:

ARKANSAS.

First public school-house in the State was built by the freedmen in 1864. No free public schools for white or colored children until after the war.—*Report Superintendent Freedmen's Schools Arkansas*, 1864.

On her admission to the Union, in 1836, Arkansas received 928,000 acres of land from the General Government to aid free schools; at the same time two townships to establish a seminary of learning; afterward seventy-two sections of saline lands in aid of education. For more than thirty years no free schools were established. The first effective system was established by republican administration in 1868. In 1870 there were in the State 1,289 school-houses erected since the war; there were 2,537 schools in operation. In 1872 there were 1,292 school-houses, whose value exceeded $255,000. In 1871 there were about 70,000 pupils in the schools. These results were achieved during six years of republican rule and under adverse circumstances.—*Reports Superintendent Public Instruction Arkansas, 1868 to 1873.*

GEORGIA.

Before the war Georgia had no effective free-school system. During the short period of republican administration after the war 816 free public schools were established, in which were taught about 40,000 pupils.—*Report of J. R. Lewis, State Superintendent of Education.*

As soon as the democrats gained political control the public Schools began to languish, and were generally discontinued throughout the State in 1872, the school fund having been diverted from its proper purpose.—*Report State Superintendent Public Instruction.*

In one year 10 school-houses and 1 church used for school purposes were burned by white men in Georgia. This was the second year after the war.—*Report Inspector of Schools Freedmen's Bureau, July, 1867.*

In 1867 a northern benevolent society sustained two schools for poor whites, numbering 255 pupils, at Atlanta.—*Report Inspector of Schools Freedmen's Bureau*, 1868.

LOUISIANA.

Outside of New Orleans there was no system of free schools before the war. In 1873, 101 school-houses were built, 864 schools in operation, 1,474 teachers employed, and 57,433 pupils taught. The lands appropriated by Congress to aid public schools had been so unwisely managed as to render little or no aid prior to 1870.—*Reports Superintendent Public Instruction Louisiana*, 1870–'73.

SOUTH CAROLINA.

In 1870, 110 school-houses were built, 630 free public schools maintained, 734 teachers employed, and 23,441 pupils taught.—*Report of Superintendent Public Instruction State of South Carolina*, 1870–'71.

TENNESSEE.

Tennessee had no efficient free-school system until 1867. In twenty-two months under republican supervision 3,903 schools had been started; 4,614 teachers employed, 185,845 pupils taught; during the same time 629 school-houses have been erected, of which 61 were "burnt or destroyed" during the same period.—*Report Superintendent Public Instruction Tennessee, October*, 1869.

As soon as the State passed under democratic control the school law was repealed, and the system in vogue before the war re-established. The first report after this change showed that but twenty-three counties out of ninety-four levied any tax for school purposes. Number of schools reported 478; the enumeration of scholastic population was 165,067, against 418,729 in 1869.—*Report Superintendent Public Instruction Tennessee*, 1872.

Granger County, Tennessee, in 1869, had 46 white and 8 colored schools, with 4,125 white pupils and 450 colored. In 1872 the superintendent reports "3 schools; scholastic population about 3,200; no school tax voted."—*Comparison of above reports.*

Dyer County, in 1869, had 41 schools, 43 teachers, 1,389 pupils; in 1871 it had no public schools, and the county refused to vote a school tax.—*Comparison of above reports.*

TEXAS.

Free-school system established in 1871, and under its operation 129,542 pupils had been gathered in schools before September of that year. In May, 1872, 1,521 schools had been organized, 2,299 teachers employed, and 84,007 pupils taught. In 1873 the school law was so amended as to almost destroy the efficiency of the system. Thus in September, 1871, there were 587 schools, with 28,800 pupils. In September, 1873, there were 85 schools, with 2,913 pupils; while the number of teachers employed had decreased from 710 in 1871 to 98 in 1873. In 1871 Texas had but one or two public school-houses. About 5,000,000 acres of land were set apart for educational purposes. In 1858 a law was passed appropriating the proceeds of the sale of all public lands to the educational fund; but during the rebellion this revenue, amounting to $236,000, was diverted from its purpose to assist in carrying on the war against the Government. Of the permanent schoool fund $1,285,327 was diverted from its purpose and used in the same manner. Seven hundred and seventy-six thousand seven hundred dollars of United States indemnity bonds belonging to the school fund were also disposed of in like manner.—*See Official Reports Superintendent of Public Instruction Texas for* 1871, 1872, 1873.

THE SOUTH.

Amount of Peabody fund, $3,500,000.—*Appleton's Cyclopedia*, 1869.

Contributions to educational work in the South by the American Missionary Association $1,663,000 in ten years; expended for education by the General Government through the Freedmen's Bureau about $6,000,000.—*Report Commissioner of Education*, 1871, page 15, note.

In six months, ending June 30, 1869, northern and foreign benevolence had contributed $365,000 for the education of southern youth, white and colored.—*Report Inspector of Schools Freedmen's Bureau*, 1869.

During the last ten years the same benevolence has contributed, aside from Peabody's gift, over $8,000,000 for southern education.—*Reports of American Missionary Association, Freedmen's Aid Societies and Church Missionary Boards.*

Now, sir, suppose we admit, as the Senator from Georgia claims, that the people of his section are wronged, maligned, subjected to misgovernment, "a foot-ball for political adventurers." That there has been some bad government in the South no one denies. There is no question but that there has been in quite too many instances of questionable management of the public funds; but I undertake to say, that in almost every case where the public treasuries of the Southern States have been robbed or plundered, it has been done to a greater or less extent, by democrats or their agents. In almost every instance some democrat has had an interest in the schemes of robbery and extravagance. There is hardly an exception.

The democratic party seek to divert attention from the real issue in the South, by parading what they call "misrule," "radical thieving," "negro domination" in the South as a palliation for outrages and crime. They allege that the people are being plundered by "strangers," "adventurers," and plunderers, as the Senator from Georgia denominates the northern immigrants and Federal officers who have settled in the South since the war. And for this reason the southern democracy are justified in organizing themselves into secret bands for the purpose of murder, assassination, and revolution; justified in attempting in defiance of law to overturn existing State and municipal governments. I will repeat, that if you take the history of the South since reconstruction, and there is scarcely an exception to the rule, where a large State debt has been imposed, and excessive taxes levied, the democracy are to a greater or less extent responsible. Those who have been most interested in procuring legislation granting subsidies to one franchise and another, and who have been the principal beneficiaries of these schemes, are democrats, who are howling to-day about robbery and corruption in the South. I make the statement without fear of successful controversy, that at least one-half of the indebtedness of the Southern States has been brought upon them in granting subsidies to railroad corporations, and no republican, white or colored, have received any part of the spoils.

For an illustration take the city of Charleston. I am informed by reliable authority that the people of that city, with a view to revive commerce and to attract capital, voted large sums of money as an inducement for capitalists to open railway communication. What is true of that city is true of Savannah, and true of nearly every other southern city.

In the campaign of 1872, in every democratic newspaper were exhibited tables comparing the condition of the Southern States before the war under democratic rule with republican rule since reconstruction. They attempted to make it appear that the republicans were absolutely bankrupting those States.

The State of Louisiana, which has been held up as a special victim of radical misrule, in about eighteen months under democratic rule, when not a carpet-bagger or negro had anything to do with State affairs, but under a democratic administration was plunged in debt nearly $18,000,000; and of the debt that hangs over Louisiana to-day, which the democracy parade so much before the American people as an evidence of the outrage perpetrated upon the poor people of the South, more than one-half her indebtedness was contracted in eighteen months under democratic rule. These are facts that cannot be controverted. Lest this may be doubted, I submit a tabular statement of each item of expenditure, which, however, I will not detain the Senate to read.

The following is a list of the appropriations made by one democratic Legislature previous to the republicans obtaining power; extra session of December, 1865:

Nature of Appropriation.	No. of act.	Amount.
Legislative expenses	1	$100,000 00
To repair State-house	9	7,050 10
Land offices' expenses	18	6,239 32
Relief of Jewell	24	2,398 75
For charitable associations	27	11,750 00
For relief of Cassady	32	108 00
For penitentiary	34	50,000 00
Levee bonds	35	1,000,000 00
Total	.....	1,177,546 17

Special appropriations made by the Legislature in 1866.

Nature of appropriation.	No. of act.	Amount.
Legislative expenses	1	$75,000 00
Governor authorized to issue certificates of indebtedness	5	2,010,000 00
Governor to issue bonds for warrants of treasury	15	1,505,000 00
Relief of Carrigan	53	125 00
Relief of Kells	54	75 00
Legislative expenses	55	75,000 00
State seminary	63	25,800 00
Other purposes	63	26,600 00
Relief of Palms	69	227 30
Relief of Lockwood	72	1,000 00
Relief of Hailey	88	300 00
Relief of King & Co	97	557 51
Relief of B. Hay	102	3,877 70
Relief of Soldiers' Home	103	20,000 00
Relief of B. Bloomfield	104	750 00
Relief of Hall	110	250 00
Relief of Penniga & McLean	113	6,872 00
Relief of Stark	114	250 00
Relief of veterans of 1814–'15	116	1,056 00
Expenses of Legislature	128	20,000 00
University of Louisiana	130	25,000 06
Relief of Morehead	132	3,495 00
Relief of Wood	132	3,495 00
Levee purposes	135	500,000 00
Clerks of auditor and treasurer	139	2,400 00
Relief of Chisolm	143	210 34
Relief of Durell	144	701 06
English grammar	156	2,000 00
Insane asylum	157	23,000 00
Lease of State-house	158	8,000 00
Total	.....	4,340,941 91
General appropriation bill	120	959,457 84
Grand total	.....	5,300,399 75

Special appropriations made in 1867, *giving the number of the act where found.*

Nature of appropriation.	No. of act.	Amount.
Legislative expenses	3	$75,000 00
Insane asylum	11	4,604 66
Legislative expenses	23	90,000 00
Legislative expenses	25	60,000 00
Repair Mechanics' Institute	30	15,000 00
Return to levee fund $150,000 taken from this fund in 1863 for confederate purposes	33	150,000 00
Assessors	36	10,000 00
Relief of Jamison	38	200 00
Relief of Farrer	42	200 00
Judge Duffil, salary for 1862	45	2,395 83
Waddell, treasurer of East Baton Rouge	54	15 62
District attorney	58	750 00
Issue of bonds for relief of treasurer	64	3,005,000 00
Relief of Peebles	66	1,203 33
Printing bonds and costs	67	25,000 00
Relief of Starns	68	200 00
Relief of McCullough	74	25 25
Relief of Jones	75	288 00
Relief of Tony	77	288 00

Special appropriations made in 1867, &c.—Continued.

Nature of appropriation.	No. of act.	Amount.
Relief of penitentiary	78	$24,583 22
Levees	86	10,000 00
State	88	50,000 00
Relief of board	96	210 00
Relief of levees	104	10,000 00
Relief of levee, bonds to be issued	115	4,010,000 00
Levees	117	700,000 00
Legislative expenses	120	25,000 00
Levees	122	250,000 00
Legislative expenses	127	10,000 00
Robertson	128	1,500 00
Glenn	130	1,200 00
State Seminary	131	400 00
Levees	137	20,000 00
Relief of Pratt	143	500 00
Relief of Boelitz	150	225 00
Paris exposition	151	4,542 10
Superintendent of State seminary	153	1,000 00
To pay tax on issue of city notes	160	250,000 00
State seminary	162	10,000 00
To fit up executive office	163	1,270 63
Relief of McVea	166	1,500 00
Relief of Nixon	167	501 00
Relief of Cambray	169	250 00
Relief of Enete	173	1,056 00
Relief of Flint	174	500 00
To improve Red River	176	220,000 00
Mechanics' and Agricultural fair	181	50,250 00
University of Louisiana	182	3,000 00
Poydras College	184	2,500 00
Tom Bynum, State printer	190	16,150 00
Bayou Courtableau	191	15,000 00
Relief of Allen	192	325 50
Relief of Burbank	193	612 00
Relief of Callory	196	1,313 74
Relief of McBride	198	711 62
Relief of Montain	199	789 00
Relief of Jacob	200	595 00
Relief of Upshend	201	680 00
Amount of general appropriation bill of 1867	119	1,545,174 00
Total		10,651,608 90

RECAPITULATION.

Amount of appropriations in 1865	$1,177,546 17
Amount of appropriations in 1866	5,300,399 75
Amount of appropriations in 1867	10,651,608 90
Total	17,129,554 82
Bonded debt before the war	3,990,000 00
Outstanding indebtedness 1865	362,855 76
Total	21,482,410 58
Less amount taxes collected in 1866 and 1867	3,379,682 00
Amount of State debt transmitted to republican administration	18,102,728 58

The Legislature that made the above appropriation was elected in 1865, and was almost unanimously democratic, composed mostly of such old leading democrats as J. M. Lapeyre, D. F. Kenner, A. Voorhies, J. B. Eustis, W. B. Eagan, and John McEnery. We have seen at the extra session of December, 1865, they appropriated $1,177,546.17; in 1866, $5,300,399.75; in 1867, $10,651,608.90; making a total of $17,129,554.82 appropriated by a single Legislature almost unanimously democratic.

Now permit me to present a few facts relating to the political condition of Louisiana before the war. It is represented that all was peaceable when honesty and intelligence controlled. Our democratic friends hold up the present demoralized condition of the State as the result of oppressive legislation and misgovernment under republican rule since the war.

Gayarre, the historian, referring to the condition of affairs in Louisiana in 1856, says: that Governor Herbert, in his valedictory message, referred with deep mortification to the scenes of intimidation, violence, and bloodshed which had marked the late general elections in New Orleans.

He said that the repetition of such outrages would tarnish our national character and sink us to the level of the anarchical governments of Spanish America; that before the occurrence of those "great public crimes," the hideous deformity of which he could not describe and which were committed with impunity in midday light and in the presence of hundreds of persons, no one could have admitted even the possibility that a blood-thirsty mob could have contemplated to overawe any portion of the people of this State in the exercise of their most valuable rights; "but that what would then have been denied, even as a possibility, is now a historical fact."

Referring to the internal condition of the State, Governor Wickliffe said:

> Bountiful as nature has been to Louisiana, the skill of the engineer is still essential to her full development. With twenty-five millions of acres of fertile lands, hardly a tenth is in cultivation; with a sea-coast a third in length of the State, we have a tonnage almost in its infancy. With capacity to produce all the cotton needed for the British Empire and all the sugar required for this great confederation, we are as yet but laggards in their growth. With thousands of miles of internal navigation, our productions frequently can find no market, and North and South Louisiana are strangers to each other. Toward the cultivation of these millions of acres, toward the improvement of these miles of navigation, toward cementing together these sections, discreet and timely legislation can do much. As yet nothing, absolutely nothing, has been accomplished. A fund for internal improvement has existed for years. Large amounts of it have been expended. Yet it would be difficult for even a curious inquirer to discover any benefit that has resulted from it.

These were sad truths from the lips of the chief magistrate. He further said:

> It is passing strange that, in a popular government, without privileged classes, without stipendiaries on the bounty of the State, mismanagement and recklessness should be tolerated.

Although the presidential election which had secured the success of the democratic party, represented by James Buchanan, to which Governor Wickliffe also refers, had been considered as determining whether the Southern States should continue or not to remain in the Union, and although it had been for this reason the most important which had been held since the foundation of the Federal Government, yet out of 11,817 votes registered in the city of New Orleans only 8,333 were cast, showing apparently at least an inexplicable apathy on the part of 3,484 citizens. The governor commented on this regrettable fact in the following language:

> It demonstrates that some extraordinary cause was at work to prevent a large proportion of lawful voters from enjoying the sacred franchise of the Constitution. It is well known that at the two last general elections many of the streets and approaches to the polls were completely in the hands of organized ruffians, who committed acts of violence on multitudes of our naturalized fellow-citizens who dared venture to exercise the right of suffrage.
>
> Thus nearly one-third of the registered voters of New Orleans have been deterred from exercising their highest and most sacred prerogative. The expression of such elections is an open and palpable fraud on the people, and I recommend you to adopt such measures as shall effectually prevent the true will of the majority from being totally silenced.

The evil pointed out by the governor was of the utmost magnitude, but there was one still more dangerous than any which resulted from open violence. It was that corruption which enabled foreigners just landing on our shores to vote, and which put two or three thousand illegal voters at the disposal of whatever party had the means of buying them. This was the main cause, which, by producing intense disgust, went much further than fear of assassination to prevent honest citizens from resorting to the ballot-box. They knew all our elections to have become so hopelessly fraudulent that it was disgraceful to participate in them, and had retired from the political arena in sullen dispair.

Again permit me to refer to the State of Mississippi, which I have the honor in part to represent. The State of Mississippi, under democratic rule, in the days when "honesty and intelligence" (in the language of the Senator from Georgia) ruled and controlled that country—in about nine years of democratic rule, the democratic party absolutely squandered and robbed that State of nearly $20,000,000; and during a period of thirty-five years of democratic rule in Mississippi they absolutely plundered and squandered $40,000,000! To prove this, I cite my honorable colleague [Mr. ALCORN] who, when a candidate for governor in 1869, in an able speech, arraigned the democratic party, (the leaders of which are the very men who are to-day furnishing the pabulum for democratic newspapers North in the cry of "thief," "plunderer," and like epithets,) proved and demonstrated—and there was not a democrat in Mississippi who could controvert his statement—that the democratic party had stolen out of the trust funds and squandered the public funds of that State to the amount of $40,000,000. And because in the State of South Carolina, under negro rule, as it is called, the State has contracted a debt of a few millions of dollars, the most unheard of and terrible misrule in the history of this government is complained of!

Mr. President, I will cite an authority which will not be questioned by our democratic friends as to the condition of Mississippi in 1838, in the palmy days of democratic rule in that State. No negro domination or radical rule is here portrayed, but pure, unadulterated democratic administration. Governor McNutt, in his message to the Legislature, says: "He could not ascertain the true situation of the State treasurer's books. The total receipts into the treasury from the 7th of December, 1837, to 31st of December, 1838, amounted to $196,919.96, and the disbursements $350,644.19, showing an excess of expenditures over receipts of upward of $150,000." And referring to a democratic auditor of public accounts, John H. Malory, he says:

> It appears that he is a defaulter to the amount of $54,079.96. The trust imposed has been sadly abused, and he has been enabled thus long to conceal his defalcation.

Again, showing the condition of the administration of justice at that time, on page 31, senate journal, we find the governor making use of the following:

> Sheriffs and coroners have resigned about the commencement of the court for the evident purpose of preventing the term being held, and thus defeating the regular administration of the laws.

Further evidence of disorganization follows on page 32 of said journal:

> I am advised that the final records of the courts are rarely made up pursuant to law. It is believed that they are imperfect in almost every office of the State. When a new clerk comes into office he finds the fees for such service collected and the work undone. He refuses, therefore, to bring up the unfinished business of the office, and the records are suffered to remain in their imperfect state.

At page 36 attention is called to the "judicial legislation" of the high court, superior court of chancery, and several circuit courts. The complaint is that "in many cases parties are prohibited from being heard by counsel in open court, but are required to submit

written arguments and briefs," precluding a reply to the arguments and authorities adduced by the opposite party, and placing it "in the power of the judge to overlook the adjudications cited, to the manifest injury of suitors."

Allusion is also made to the probate courts:

Too much power is given to the judge in vacation, and in numerous cases the securities of executors, administrators, and guardians are utterly insolvent when taken.

At page 38 of the senate journal we find the following:

The long list of defaulters given in the auditor's report, and the immense amount of arrearages remaining unpaid, show that something is wrong in the present system. It is outrageous that taxes should be wrung from the hard earnings of the people and squandered by the officers they have chosen to collect them.

Page 39, another extract from the message is as follows:

Thirty-three tax collectors are in default the sum of $90,617.46 for taxes accruing prior to the year 1838; suits have been ordered against them on their bonds. Twenty-six tax collectors are in default in the sum of $26,980.27 for taxes assessed in the year 1838. It is believed that these sums fall far short of the actual defalcations. Immense sums are yearly collected which are not returned on the roll of the assessors, and under the existing laws it is impracticable to bring officers thus in default to account.

The following extracts from the message of Governor McNutt, (senate journal of 1842, page 15,) reveal a sad state of public affairs, and show conclusively that no improvement had taken place in the administration of the government during his four years' of service:

The duties of many of our officers are for long periods of time performed by deputies and clerks. If they are competent to discharge such duties, they deserve the salaries drawn by their principals; if undeserving, they are unfit to be intrusted with the management of such important offices.

Relative to the auditor, treasurer, and secretary of state, he says:

They frequently absent themselves for long periods of time without even notifying the executive of their intentions. During their absence the business of their offices is left in the charge of clerks who neither give bonds nor take the oath of office. Under such circumstances the public business is often neglected and the funds of the State endangered.

It is further stated (page 16) that thousands of dollars are annually lost to the State by delays and failures in the prosecution of suits by the district attorneys against defaulters. A suit had been pending on the bond of a defaulting auditor (who owed the State upward of $50,000) three years; the State employed assistant counsel, but no judgment was obtained. In the mean time the securities of the defaulter had become insolvent, and the whole claim good for nothing. In another place (page 14) we find that assessors and collectors resign and no tax-rolls are returned, &c.

Again—let me cite you another case. The good old Commonwealth of Virginia, which has never been misgoverned by carpet-baggers, radicals, and negroes, that State to-day, so far as its financial condition is concerned, has more than double the debt of any Southern State under a republican administration. Her indebtedness is over $45,000,000; and yet an attempt has been made to convince the American people that the republican party of the South have been plunging those States into an indebtedness and bankruptcy without parallel and beyond precedent. But in Virginia they see no bankruptcy, no misrule. It makes a great difference whether a democrat steals or a republican, and of the two I am inclined to think that a republican thief is the more culpable.

Here are the debts of the Southern States as given in Poor's Manual of Railroads for the year 1874–'75, the latest authority on the subject:

Alabama	$11,258,836 07
Arkansas	10,885,000 00
Georgia	14,871,064 00
Kentucky	2,720,710 00
Louisiana	22,308,800 00
Maryland	10,741,210 60
Mississippi	No debt stated
North Carolina	29,547,045 00
South Carolina	20,650,235 00
Tennessee	20,966,382 19
Texas	3,715,978 88
Virginia	45,718,112 23

Mr. President, I will now cite a case or two of the management of the municipal affairs of some of our southern cities. The city of Louisville, Kentucky. That city has five times the indebtedness of the State of Mississippi, and it has always been under democratic control. Take the city of New Orleans. That city has never been under the control of republicans, and the indebtedness of that city alone, I am informed, is greater than the whole indebtedness of the entire State of Louisiana.

So much for the honest, economical management of the democracy in the control of the finances of the South. I know of my own personal knowledge in the State of Mississippi, that in almost every case where there has been a job, where colored officials have been imposed upon, the men who have profited by these schemes and appropriations of the public funds and plunderings, if you please, have been democrats, who are to-day leaders in that party. The men who have thus enriched themselves are the men who are leading the white-leaguers in their bloody work in Mississippi and in other portions of the South. I do not know of a single northern man or a single southern man who has been connected with the republican party, and is in good standing with the party to-day who has made a dollar that was not legitimately and honestly made; but I do know that various attempts have been made by democrats of that State to secure legislation in favor of various kinds of schemes by which they might be benefited. Why, sir, the city of Vicksburgh is indebted to-day several hundred thousand dollars in bonds issued for internal improvements and railroads, and democrats, white-leaguers, have been the principal beneficiaries of these city grants; and yet the indebtedness of the city of Vicksburgh and the county is paraded by the Associated Press and the democracy of this country as a justification for violently driving their sheriff from office and turning out of office the men that the people have elected, and are even set up as a complete defense for murder and assassination. Much of the clamor about taxation in the South is greatly overdrawn. I present to the Senate the following tabulated statements, compiled from the last census, which I have obtained from an able article published in the New York Nation dated March 28, 1872. Although figures show taxation to be high in the South, yet it is certainly not so alarmingly out of ratio with other communities as to justify the lawlessness that exists. It appears even that certain Northern States are taxed higher than any Southern State.

Rate of taxation per thousand dollars.

1.	Nevada	$26 34
2.	Louisiana	21 85
3.	Arkansas	18 33
4.	Mississippi	17 86
5.	Maine	15 36
6.	Nebraska	14 83
7.	Alabama	14 77
8.	Kansas	14 45
9.	South Carolina	13 30
10.	New Hampshire	12 88
11.	Iowa	12 02
12.	California	12 25
13.	Massachusetts	11 68
14.	Minnesota	11 57
15.	Oregon	11 26
16.	Virginia	11 26
17.	Florida	11 23
18.	Missouri	10 88
19.	Ohio	10 52
20.	Maryland	10 30
21.	Illinois	10 28
22.	Georgia	9 79
23.	Kentucky	9 48
24.	Vermont	9 07
25.	West Virginia	9 03
26.	North Carolina	9 02
27.	Indiana	8 51
28.	New Jersey	7 88
29.	Connecticut	7 83
30.	Wisconsin	7 67
31.	Michigan	7 52
32.	New York	7 47
33.	Rhode Island	7 31
34.	Texas	7 10
35.	Tennessee	6 79
36.	Pennsylvania	6 44
37.	Delaware	4 30

Rate of taxation per head.

1.	Nevada	19 30
2.	Massachusetts	17 10
3.	California	13 95
4.	Connecticut	11 28
5.	New York	11 07
6.	New Hampshire	10 22
7.	Rhode Island	9 98
8.	Louisiana	9 71
9.	Ohio	8 83
10.	Illinois	8 59
11.	Maine	8 53
12.	Maryland	8 49
13.	Nebraska	8 35
14.	New Jersey	8 18
15.	Missouri	8 08
16.	Iowa	7 58
17.	Kansas	7 33
18.	Pennsylvania	6 96
19.	Vermont	6 46
20.	Indiana	6 42
21.	Oregon	6 39
22.	Minnesota	6 02
23.	Arkansas	5 91
24.	Wisconsin	5 10
25.	Michigan	4 57
26.	Mississippi	4 51
27.	Kentucky	4 34
28.	South Carolina	3 92
29.	West Virginia	3 89
30.	Virginia	3 76
31.	Delaware	3 34
32.	Alabama	2 99
33.	Tennessee	2 69
34.	Florida	2 64
35.	Georgia	2 21
36.	North Carolina	2 20
37.	Texas	1 38

One thing further about taxation in my own State. We see a great deal in the way of testimony before congressional committees and in other ways about the taxation on real estate having increased in Mississippi from one mill to twelve or fourteen mills, the present State tax. Sir, this is strictly true. Taxation in Mississippi on *real estate* has been increased tenfold, I do not doubt, and I will tell you how and why. Before the war, when that State was absolutely controlled by an oligarchy of twenty-five thousand democratic land-owners, they adopted a revenue system that placed all the burdens of government upon the industry and enterprise of the country, while property, wealth, was almost completely exempted. Under that system the tax

upon real estate was limited by law at $\frac{1}{10}$ of 1 per cent. and the land owner fixed *his own* valuation upon his land. Lands whose actual valuation was in some instances fifty dollars per acre were assessed at fifty cents per acre. Why, sir, under that system of taxation a poor, free negro barber, whose property consisted of a razor, shaving-brush, and comb, paid more revenue to the State government than a democratic planter worth $10,000 in negroes and lands. As an exhibit of the equitable mode of taxation in the palmy days of democratic rule in Mississippi, I read from the provisions of the revenue laws of Mississippi as they existed prior to reconstruction:

Auctioneers, 2 per cent. on gross sales; stocks, 3 mills on the dollar; banks, $5.0; brokers, 3 mills on their gross sales; mechanics, (including milliners,) ¼ of 1 per cent; on sales of merchandise, 3 mills; on all transient sales, except mules and horses, 2 per cent. on gross sales; livery and sales stables, 2 per cent. on gross receipts of regular business, and on sales 3 mills; telegraph companies, 2 per cent. on gross receipts of each office; each billiard table, $100; exhibitions, $25 per day; confectionery and barber shops, $25; expresss companies, $1,000 each; pleasure carriages, clocks, watches, gold or silver coin, gold or silver plate above the value of fifty dollars, and pianos, 5 mills; gross receipts of all ferries, bridges, turnpikes, or other places where a fee is collected from the passer, 5 mills; on the value of all solvent credits, ¼ of 1 per cent.; cotton grown prior to 1866, $1 per bale; cotton grown after 1866, 50 cents per bale; all cattle over twenty in number, 5 cents per head; all saddle and carriage horses, diamonds and jewelry, 1 per cent. of their value; household furniture over $1,000, 1 per cent.; breweries, $100; distilleries, $100, and $2 per gallon upon the capacity of each still; druggists, upon sales of paints, oils, and glass, 3 mills, and upon all other sales 1 per cent.; on all horses and mules brought into the State for sale, $1; inns, taverns, hotels, or boarding-houses, 1 per cent.; on sales of liquors and wines over one gallon, 5 per cent; on gross earnings of physicians, lawyers, and dentists, 1 per cent.; eating-house or restaurant, $50; on manufacturers, 20 cents on each $100 in value of their several productions; photographers, $50; race-tracks, $100; each raft of logs, 10 cents for each tier of six logs; all salaries, 5 mills; theatres, $10 per day; on any show or performance, where compensation is charged, (except for benevolent or charitable objects,) $10; each peddler, $200, except where he exclusively sells the products of this State, then 3 mills upon gross sales; insurance agencies, 5 mills upon gross receipts; each hack, cab, carriage, or omnibus used for transporting passengers, $5 per head on horses drawing same; drays or wagons used for transporting freight, if drawn by one horse, $5, if drawn by two horses, $10; on each wharf-boat, $10; for every steamboat or flat-boat which may land at said wharf-boat, $1; on gross sales of trade boats, 5 mills; on water-craft engaged in the gulf or coast trade—steamboats, $250; all other boats, over sixty and under one hundred tons, $30; over forty tons and under sixty, $20; all under twenty tons, $10; every stallion or jack, the price which may be charged for the season; ten-pin alley, $50; on every license granted—by any county, city, or town having a population of two thousand, $500; if one thousand and under two thousand, $200; in all other places, $100; news depots, $10; playing-cards, 50 cents; on gross amount of prizes, 5 per cent; on each juggler, magician, or sleight-of-hand performer, $100; poll tax, $2; dogs, 40 cents; ½ per cent. per mile on all travelers over railroads; on fees of officers, 3 mills; ½ of 1 per cent. on all moneys loaned; on all physicians who advertise their special cures, $25 per month; vendors of ice-cream upon the street, $25 per month, in advance; on all bequests and inheritances, 1 per cent; each pistol, having one or more barrels, $2; single barrel, $1; shot-gun, rifle, or army guns 50 cents; bowie-knife, sword-cane, or dirk, $2; on all rents, 3 mills.

All subjects of taxation above enumerated were liable to taxation by the counties, in addition to that of the State, and collected in the same manner. The taxation on property was limited, as I have before stated, to $\frac{1}{10}$ of 1 per cent.

It is one of the chief glories of republican reconstruction in that State that it has wiped out this unequitable system of taxation and placed the burdens of Government where they belong—on wealth and not on industry.

I might startle the Senate by some illustrations of the practical workings of this system as the records show them, but I will not dwell on results which are self-evident. The bad faith of the democratic press of the country in concealing material facts and parading alleged increase of taxation in Mississippi, on real estate, as an evidence of corrupt administration is only one of the numerous methods which they have adopted to impose upon the credulity of the northern people. The increase on wealth or property has been an act of justice.

The honorable Senator from Georgia speaks of oppression in his State. Sir, I will now call the attention of the Senator to a class of people who are indeed oppressed in his State and plundered of their substance, and whose daily toil is no guarantee against daily oppression. I refer to a half million of colored people. So grievous are their wrongs that they are leaving the State. The statistics will show that during the last eight or ten years thousands of the laboring population of Georgia have fled because of oppression, many of whom are settling in Mississippi. The Vicksburgh and Meridian Railroad, in Mississippi, transported several thousand emigrants from Georgia over its line last year. All these immigrants, as they passed through our State, told the same story of oppression. They said: "The colored people have no rights which a Georgia democrat is bound to respect. We are seeking a country where we can have civil liberty, enjoy the privileges of freemen, and eat in peace the bread our own hands have earned."

Mr. President, in this connection allow me to refer to a convention recently held in Georgia—a convention of Georgia democratic planters; and to show the animus of that convention toward the negro, I will quote the language of one of the speakers, a Mr. W. D. Murray. In his address Mr. Murray said:

I have practiced whipping some of my negroes lately, and I always make the victims promise not to prosecute me while the chastisement is going on. In this way I manage to keep my negroes under perfect control.

There is the statement of a Georgia planter, made only a few days ago in a convention in Georgia. Yet we are informed by the honorable Senator from Georgia that the negro is treated well in that State; that he is protected in all his civil and political privileges in Georgia. Another speaker, one Mr. Stafford, said he was in favor of memorializing the State Legislature to pass a law making it a misdemeanor to entice laborers away from Georgia farmers, inducing them to move westward.

I will read an extract from the Atlanta Herald upon this subject:

The negro is remarkable for his love of locality. He generally prefers to stay around the old farm place where he was raised, and will do so unless all the conditions tempt him to leave it. The single obstacle of full, high-priced railroad fare would settle the matter with two-thirds of them.

It is a notorious fact that in many districts where the colored people are in large majorities the right to vote is abridged by the whites through one device and another.

But, says the honorable Senator, "Under the wise administration of the government of Georgia their lands are so valuable that a negro cannot buy them, and because of the maladministration of affairs in republican Mississippi, lands can be bought there for five cents an acre." Well, Mr. President, I am not surprised to learn that land is held at a very high value by a Georgia democratic planter when a negro proposes to buy it, for they maintain the same doctrine that they advocated in 1865, when they attempted to prohibit the negro from purchasing land by law.

I call the attention of the honorable Senator to the value of land in Georgia as compared with the land in Mississippi. According to the census report of 1870 I find the aggregate value of land in Georgia to be $268,469,207; in Mississippi, $209,197,345. Georgia contains nearly twice the area of Mississippi, and it is a much older State; and yet the lands in Mississippi are nearly as valuable in the aggregate as those in the large State of Georgia. I leave the Senator to draw his own conclusions as to the comparative value of land in the face of these statistical facts.

Sir, the colored Georgian comes to Mississippi for his *rights*, not for land. Not one in a thousand of the poor negro immigrants under the benign, wise, and prosperous democratic administration in Georgia has been able to accumulate money enough to buy land even at five cents an acre. They bring to Mississippi muscle and labor, and we in return give them liberty, equal personal privileges and rights, under the laws of our State.

The Senator vaunts before the American Senate and the country that in Georgia "no negro sits at a white man's table," and that in Mississippi social equality obtains, and that is one of the reasons he assigns for the rapid emigration from this State. He represented to the Senate that because of the inducements of social equality held out in the State of Mississippi, because the negro was allowed, as he had been informed, "a seat at the white man's table," he was leaving Georgia. The Senator said "There is no such equality between white men and negroes in Georgia, thank God!" He had heard that it is different in Mississippi. Mr. President, I undertake to say, and I believe, that it is different in degree. I trust it is. I take this occasion to say that some of the most highly esteemed citizens of Mississippi, men who are "to the manner born," who in the question of blood, brains, and bullion will compare with any of our friends of Georgia, have so far rid themselves of irrational prejudices as to recognize the claims of the colored man to equal privileges at theaters, on steamboats, and in hotels, and allow the people to enjoy equal privileges. In the State of Mississippi we have a civil-rights law that gives to all our citizens equal privileges, equal rights, and equal protection. I am happy to say that in the State of Mississippi, in some degree at least, a man is esteemed by the standard of character, of manhood, and not by the color of his skin. Virtue, intelligence, and patriotism are appreciated in Mississippi though they are inclosed in a colored skin. I can readily understand and most fully appreciate how honorable and high-minded men can shrink from contact with the low and the base, with murderers and assassins, be they black or white; but I fail to estimate highly the arrogant assumption which vaunts itself that a man is too good to associate with his equals, and perhaps superiors, because of a difference in the color of his skin. I will presume to say that the American Senate places no very high value on any such display of accidental superiority. From my observation I do not understand that the colored people of Georgia, or anywhere else in this country, have any very inordinate desire to be entertained at the white man's table; but they do desire to be recognized and protected in their rights under American law the same as their white people. That is the kind of equality the colored people of the South seek. They seek it in Georgia, but they seek in vain. They come to Mississippi and they have these rights, and they will continue to have them if the American Congress and the American people can be led to appreciate the present condition of affairs and give us protection. But unless we have it, our civil-rights law will be a dead letter. Unless we have that protection, the white-leaguers who have murdered our citizens by the hundreds in the streets of Vicksburgh in the last month will control the State, and the poor negro will be in a worse condition than he was under the service of his former master.

The honorable Senator from Missouri thinks that the colored men ought to divide their votes between the two parties.

The honorable Senator can rest assured of one thing, that the colored people of the South will be very reluctant to divide their votes in favor of a party whose leading representatives in the United States Senate and in the national Capitol proclaim their inferiority and herald their degredation. When the poor negro understands the fact

that a democratic Senator can here in this Chamber put himself out of the way to parade the fact that in democratic Georgia white men do not recognize the equality of their colored fellow-citizens, they will be very loth to divide their votes with such a party or to sustain such men.

In this connection, and as an offset to the low estimate the honorable Senator from Georgia places upon his colored constituents, I shall beg the Senate to bear with me while I read the testimony of the Hon. Ellingham Lawrence, of Louisiana, to the good character and rapid progress of the colored citizens of that State. This testimony speaks volumes in favor of the wisdom of reconstruction, and ought to cover with shame the democratic malcontents who would deny him justice and who undertake to grind him down and degrade him. It also shows that among the old-time slave-owners of Louisiana there are some men at least who reprobate the diabolical programme of the white-leaguers.

I read the following extracts from a letter of Mr. Lawrence, published in the New Orleans Republican, August 23, 1874:

The men who, while contemplating the negro emerging from a bondage of centuries and still embarrassed by the presence of ignorance, timidity, and servility that belonged to his former serfdom, and making his first essays as a citizen with the political experience of less than ten years, would correct the mistakes, failures, and imperfect efforts of this brief experimental period, and thereupon institute a contrast between the negro and the white man, and should conclude from such comparison that negro citizenship is a failure, and that the negro should be remitted substantially to his former condition as a political chattel, not a political entity controlling his own action, but a political value to be controlled by white men, ungenerously estimates humanity and but poorly appreciates either the temper of the times or the civilization of the age.

A further serious objection to the race-movement is found in the proscriptive methods suggested by its advocates for controlling the negro vote. They would ostracize the white man who honestly gives counsel to the colored masses, and would withhold employment from the negro worker; and, thus deprived of leadership and impoverished, without homes, and without bread, the negro masses will become docile and easily induced to act in harmony with the resident whites. This is a *monstrous* proposition, both in the ends contemplated and the dangerous agencies used to accomplish it. It suggests the idea that the man who hires his muscles to honest toil that he may make honest bread sells his conscience as a citizen to the purchaser of his labor, and proposes that no bronzed son of toil shall have awarded to him by the intelligent conservative white men of Louisiana the right of unproscribed work, except on the condition that the worker shall yield to his employer his honest political convictions. If the negro citizen would for an instant yield to the demand thus conditioned, he would prove thereby not only his incompetency for but his unworthiness of citizenship.

In common with my Anglo-Saxon kindred, I am not indifferent to the reputation and claims of my race to pre-eminence, and feel an honorable pride in the fact that I am a Caucasian. But the pride that leads the superior race, exultant in its strength, to domineer over the inferior, is a questionable virtue in the American system.

Like Dr. Taylor, I had the responsibility attaching to the ownership of three hundred slaves, nor could I feel that their emancipation released me from the obligation to care for them. I have deemed it not only expedient but a duty, as opportunity offered, to do what I could for their intelligent advancement in the new sphere in which they as suffragans have been called upon to move.

Nor have I been disappointed in any reasonable expectation relative to them either as a political or industrial element. They have increased in numbers, made creditable progress in education and in the acquisition of the material comforts of life. As an agricultural community, owning comfortable homes and a sufficiency of good lands, supplied with schools and churches at their doors, they are contented and improving; and in thrift, industry, and obedience to law and decorous conduct they will compare favorably with any agricultural community in this or any other State in the Union. I have not attempted to control their party affiliations, nor to suggest how they shall use their franchise, further than to advise them of the importance and necessity of casting their ballots for competent and honest men. They regard me as a friend, and would, I believe, give due consideration to any proper suggestions I might make.

But I state *to their credit* that no personal friendship for me would induce them either to abandon, as a class, their political convictions or to vote for other than men of their choice. Yet I think they would be perfectly open to frank and kindly appeals which look to the accomplishing friendly relations with the whites and the securement of good local government in the State. I can very readily perceive how the colored men as a class should have given their first political preference to the national party which played so important a part in securing their personal freedom and political rights. And to a simple-minded and trustful race, their surroundings and antecedents considered, any proscriptive or coercive measures, direct or indirect, looking to the control of their political action, seems not only suspicious and threatening, but indicative of a danger to them that will simply drive them furthur from the party so acting.

The honorable Senator makes a plea for peace and reconciliation. In this I join with him most heartily. I had hoped that peace had indeed come when in 1872 the democratic party was utterly vanquished. I congratulated the country upon its demise, particularly the South, which had suffered more than any other part of the country from its political teachings, its corruptions, its treason and rebellion. I hoped that its last chapter of treason and bloodshed had closed, and that a new era of peace had dawned upon the South; but alas the party has revived again, and lo, turmoil and social revolution follow. Intimidation, disorders, prostration of business are upon us.

When business men who come to the country with a view to help revive our waning industries by investing their capital discover disorders; when they witness the terrible murders at Coushatta, the revolt and bloodshed of the 14th of September; when they see all over the country men associating themselves in secret organizations to set the law at defiance; when they see the social revolution, they are not disposed to hazard their capital; for no characteristic of capital is better understood than this: it is always timid in seeking investments. Capital always counts all its surroundings; and I undertake to say that the prospect of a democratic victory in 1876 has done more to paralyze the industries of the South than anything that has happened in the last fifteen months. The panic of 1873 is a simple circumstance, the merest bagatelle, compared to the apprehensions entertained by the business portion of the southern people. They know and feel that a democratic victory would lead to an utter prostration of business in the South.

I again appeal to our southern democratic friends not to indulge in the delusion that the democratic party is now coming into power. This delusion you entertained in 1860. You believed then that the democracy in the North would stand by your revolutionary enterprises. You were told by some of the leading metropolitan journals of the country that if President Lincoln or the republican party should attempt to "coerce a sovereign State" it would prostrate the industries of the North, ruin its commerce, grass would grow in the streets of New York City, the owls and bats would make their nests in the looms of Lowell. Some democratic orator of Illinois said if any of Lincoln's slave-hunting hirelings should attempt to force a State back into the Union they would have to march over the dead bodies of ten thousand Illinoisians; but when in your madness you struck a blow at the Government, when you tore down the flag from Sumter, what was the result? The first men who flew to the capital and tendered their services to the Government were the men who but a few weeks before had been loudest in their professions of sympathy for the South. Prominent leading democrats of the North were here on their knees before Mr. Lincoln pleading for commissions as brigadier or major generals to lead the Yankee Army and strike down with shot and shell the southern insurgents. And so it will turn out in this conspiracy. I will undertake to proffer this advice to our southern democratic friends: do not count too strongly upon the assistance of the northern democracy. Let me remind you that it was upon their pledges of sympathy and support you based the success of your enterprise in 1860.

I tell you the democratic party of the North and the White League democracy of the South are composed of widely different elements. There is patriotism, there is love of order in the democratic party of the North; they have lived under a different kind of civilization; and when your party with its present temper and tendency shall develop its work of revolution, you will find the democratic party of the North will forsake you as they did in 1861.

The democracy of the South during the period of reconstruction and ever since has been antagonistic to the policy of the Government. I will not detain the Senate on this point, but I desire to submit some of the laws that were passed in the different Southern States relating to the liberties of the people, some of the most infamous laws that were ever enacted in the history of civilized legislation.

The following are some of the provisions of the "black code" of Mississippi, denominated in the statute-book "An act to confer civil rights on freedmen, and for other purposes," approved November 24, 1865:

Be it enacted, &c., That all freedmen, free negroes, and mulattoes, may sue and be sued, implead and be impleaded, in all the courts of law and equity of the State, and may acquire personal property and choses in action by descent or purchase, and may dispose of the same in the same manner as white persons: *Provided*, That the provisions of this section shall not be so construed as to allow any freedman, free negro, or mulatto to rent or lease any lands or tenements except in incorporated towns or cities in which places the corporate authorities shall control the same.

* * * * * * *

SEC. 5. *Be it further enacted*, That every freedman, free negro, and mulatto shall on the second Monday of January, 1866, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof.

* * * * * * *

SEC. 7. Every civil officer shall, and every person may, arrest and carry back to his or her employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service; and said officer or person shall be entitled to receive for arresting and carrying back every deserting employé aforesaid the sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery, and the same shall be paid by the employer, and held as a set-off for so much against the wages of said employé.

SEC. 8. Upon the affidavit made by the employer of any freedman, free negro, or mulatto, or any credible person, before any justice of the peace, or member of the board of police, that any freedman, free negro, or mulatto employed by said employer has deserted said employment, such justice of the peace, or member of the board of police, shall issue his warrant, returnable before himself or other such officer, directed to any sheriff, constable, or special deputy, commanding him to arrest said deserter and return him or her to said employer, and the same proceedings shall be had as provided in the preceding section. It shall be lawful for any officer to whom such warrant shall be directed to execute said warrant in any county of this State, and said warrant shall be transmitted without indorsement to any like officer of another county, to be executed as aforesaid, and the said employer shall pay the costs, which shall be set off for so much against the wages of said deserter.

SEC. 9. If any person shall knowingly employ any such deserting freedman, free negro, or mulatto, or shall sell to any such freedman, free negro, or mulatto any food, raiment, or other thing, he or she shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars; * * * and if said fine and costs are not immediately paid, the court shall sentence said convict to not exceeding two months imprisonment in the county jail, and he or she shall moreover be liable in damages to the party injured.

Section 2 of an act to amend the vagrant laws of the State provides:

All freedmen, free negroes, or mulattoes in this State over the age of eighteen years found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found assembling themselves together either in the day or night time shall be deemed vagrants, and on conviction shall be fined fifty dollars. * * * * * * *

SEC. 5. That all fines collected under the provisions of this act shall be paid into the county treasury for general county purposes, and in case any freedman, free negro, or mulatto shall fail for five days after the imposition of any fine or forfeiture upon him or her for violation of any of the provisions of this act to pay the same, then it shall be, and is hereby, made the duty of the sheriff of the proper county to hire out said freedman, free negro, or mulatto to any person who will for the shortest period of service pay said fine or forfeiture and all costs. Preference shall be given to the employer, if there be one, in which case he shall be entitled

to deduct and retain the amount so paid from the wages of such freedman, free negro, or mulatto then due or to become due; and in case such freedman, free negro, or mulatto cannot be hired out, he or she may be dealt with as a pauper.

SEC. 6. In order to secure a support for such indigent freedmen, free negroes, and mulattoes, it shall be lawful, and it is hereby made the duty of the boards of county police of each county in this State, to levy a poll or capitation tax on each and every freedman, free negro, or mulatto, between the ages of eighteen and sixty years, of one dollar annually to each person so taxed, which when collected shall be paid into the county treasurer's hands and constitute a fund to be called the "freedmen's pauper fund," which shall be applied by the commissioners of the poor for the maintenance of the poor of the freedmen, free negroes, and mulattoes of this State, under such regulations as may be established by the boards of county police in the respective counties of this State.

SEC. 7. *Be it further enacted*, That if any freedman, free negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the sixth section of this act, it shall be *prima facie* evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free negro, or mulatto, or such person refusing or neglecting to pay such tax, and proceed at once to hire for the shortest time such delinquent tax-payer to any one who will pay the said tax with accruing costs, giving preference to the employer if there be one.

The same kind of legislation adopted in Mississippi was enacted in all the other Southern States. I call attention to the character of this legislation in the various States, which I will not detain the Senate by reading but ask the Clerk to insert.

ALABAMA.

Bill passed making it unlawful for any freedman, mulatto, or free person of color in this State to own fire-arms, or carry about his person a pistol or other deadly weapon, under a penalty of a fine of $100 or imprisonment three months. Also, making it unlawful for any person to sell, give, or lend fire-arms or ammunition of any description whatever to any freedman, free negro, or mulatto, under a penalty of not less than fifty dollars nor more than one hundred dollars at the discretion of the jury.

TENNESSEE.

January 25, 1866, this bill became a law:

That persons of African and Indian descent are hereby declared to be competent witnesses in all the courts of this State in as full a manner as such persons are by an act of Congress competent witnesses in all the courts of the United States, and all laws and parts of laws of the State excluding such persons from competency are hereby repealed: *Provided, however*, That this act shall not be so construed as to give colored persons the right to vote, hold office, or sit on juries in this State; and that this provision is inserted by virtue of the provision of the ninth section of the amended constitution, ratified February 22, 1865.

LOUISIANA.

December 21 this bill became a law:

SECTION 1. That any one who shall persuade or entice away, feed, harbor, or secrete any person who leaves his or her employer, with whom she or he has contracted or is assigned to live, or any apprentice who is bound as an apprentice, without the permission of his or her employer, said person or persons so offending shall be liable for damages to the employer, and also, upon conviction thereof, shall be subject to pay a fine of not more than $500 nor less than ten dollars, or imprisonment in the parish jail for not more than twelve months nor less than ten days, or both, at the discretion of the court.

GEORGIA.

March 20, 1866.—Crimes defined in certain sections named as felonies are reduced below felonies, and all other crimes punishable by fine or imprisonment, or either, shall be likewise punishable by a fine not exceeding $1,000, imprisonment not exceeding six months, whipping not exceeding thirty-nine lashes, to work in a chain-gang on the public works not to exceed twelve months; and any one or more of these punishments may be ordered in the discretion of the judge.

SOUTH CAROLINA.

An act preliminary to the legislation induced by the emancipation of slaves, October 19, 1865.

Section 10 provides that a person of color who is in the employment of a master engaged in husbandry shall not have the right to sell any corn, rice, pease, wheat, or other grain, any flour, cotton, fodder, hay, bacon, fresh meat of any kind, animal of any kind, or any other product of a farm, without having written evidence from such master, or some person authorized by him, or from the district judge or a magistrate, that he has the right to sell such product; and if any person shall, directly or indirectly, purchase any such product from such person of color without such written evidence, the purchaser and seller shall each be guilty of a misdemeanor.

Section 13 states that persons of color constitute no part of the militia of the State, and no one of them shall, without permission in writing from the district judge or magistrate, be allowed to keep a fire-arm, sword, or other military weapon, except that one of them, who is the owner of a farm, may keep a shot-gun or rifle, such as is ordinarily used in hunting, but not a pistol, musket, or other fire-arm or weapon appropriate for purposes of war. The district judge or a magistrate may give an order, under which any weapon unlawfully kept may be seized and sold, the proceeds of sale to go into the district court fund. The possession of a weapon in violation of this act shall be a misdemeanor which shall be tried before a district court or magistrate, and in case of conviction, shall be punished by a fine equal to twice the value of the weapon so unlawfully kept, and if that be not immediately paid, by corporal punishment.

Section 22 provides that no person of color shall migrate into and reside in this State unless, within twenty days after his arrival within the same, he shall enter into a bond, with two freeholders as sureties, to be approved by the judge of a district court or a magistrate, in a penalty of $1,000, conditioned for his good behavior and for his support, if he should become unable to support himself.

Section 27 provides that whenever, under any law, sentence imposing a fine is passed, if the fine and costs be not immediately paid, there shall be detention of the convict, and substitution of other punishment. If the offense should not involve the *crimen falsi*, and be infamous, the substitution shall be, in the case of a white person, imprisonment for a time proportioned to the fine, at the rate of one day for each dollar; and in the case of a person of color enforced labor, without unnecessary pain or restraint, for a time proportioned to the fine, at the rate of one day for each dollar. But if the offense should be infamous, there shall be substituted for a fine, for imprisonment, or for both, hard labor, corporal punishment, solitary confinement, and confinement in tread-mill or stocks one or more days, at the discretion of the judge of the superior court, the district judge, or the magistrate who pronounces the sentence. In this act, and in respect to all crimes and misdemeanors, the term servants shall be understood to embrace an apprentice as well as a servant under contract.

December 21: An act to establish and regulate the domestic relations of persons of color, and to amend the law in relation to paupers and vagrancy.

A parent may bind his child over two years of age as an apprentice to serve till twenty-one if a male, eighteen if a female. All persons of color who make contracts for service or labor shall be known as servants, and those with whom they contract as masters.

Colored children between eighteen and twenty-one who have neither father nor mother living in the district in which they are found, or whose parents are paupers, or unable to afford them a comfortable maintenance, or whose parents are not teaching them habits of industry and honesty, or are persons of notoriously bad character, or are vagrants, or have been convicted of infamous offenses, and colored children, in all cases where they are in danger of moral contamination, may be bound as apprentices by the district judge or one of the magistrates for the aforesaid term.

It provides "that no person of color shall pursue or practice the art, trade, or business of an artisan, mechanic, or shop-keeper, or any other trade, employment, or business (besides that of husbandry, or that of a servant under a contract for service or labor) on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any person, until he shall have obtained a license therefor from the judge of the district court, which license shall be good for one year only. This license the judge may grant upon petition of the applicant, and upon being satisfied of his skill and fitness and of his good moral character, and upon payment by the applicant to the clerk of the district court of $100, if a shop-keeper or peddler, to be paid annually, and ten dollars if a mechanic, artisan, or to engage in any other trade, also to be paid annually: *Provided, however*, That upon complaint being made and proved to the district judge of an abuse of such license he shall revoke the same."

FLORIDA.

An act to punish vagrants and vagabonds, January 12, 1866.

Section 1 defines as a vagrant "every able-bodied person who has no visible means of living and shall not be employed at some labor to support himself or herself, or shall be leading an idle, immoral, or profligate course of life;" and may be arrested by any justice of the peace or judge of the county criminal court and be bound "in sufficient surety" for good behavior and future industry for one year. Upon refusing or failing to give such security, he or she may be committed for trial, and, if convicted, sentenced to labor or imprisonment not exceeding twelve months, by whipping not exceeding thirty-nine stripes, or being put in the pillory. If sentenced to labor, the "sheriff or other officer of said court shall hire out such person for the term to which he or she shall be sentenced, not exceeding twelve months aforesaid, and the proceeds of such hiring shall be paid into the county treasury." All vagrants going armed may be disarmed by the sheriff, constable, or police officer.

An act prescribing additional penalties for the commission of offenses against the State, and for other purposes, January 15, 1866.

Section 1 provides that whenever in the criminal laws of this State, heretofore enacted, the punishment of the offense is limited to fine and imprisonment, or to fine or imprisonment, there shall be superadded as an alternative the punishment of standing in the pillory for an hour, or whipping not exceeding thirty-nine stripes on the bare back, or both, at the discretion of the jury.

Section 12 makes it unlawful for any negro, mulatto, or person of color to own, use, or keep in possession or under control any bowie-knife, dirk, sword, fire-arms, or ammunition of any kind, unless by license of the county judge of probate, under a penalty of forfeiting them to the informer and of standing in the pillory one hour, or be whipped not exceeding thirty-nine stripes, or both, at the discretion of the jury.

Section 15 provides that persons forming a military organization not authorized by law, or aiding or abetting it, shall be fined not exceeding $1,000, and imprisonment not exceeding six months, or be pilloried for one hour, and be whipped not exceeding thirty-nine stripes, at the discretion of the jury. The penalties to be threefold upon persons who accepted offices in such organizations.

No. 35.—An ordinance relative to the police of negroes recently emancipated within the parish of Saint Landry.

Whereas it was formerly made the duty of the police jury to make suitable regulations for the police of slaves within the limits of the parish; and whereas slaves have become emancipated by action of the ruling powers; and whereas it is necessary, for public order as well as for the comfort and correct deportment of said freedmen, that suitable regulations should be established for their government in their changed condition, the following ordinances are adopted:

SECTION 1. *Be it ordained by the police jury of the parish of Saint Landry*, That no negro shall be allowed to pass within the limits of said parish without a special permit in writing from his employer. Whoever shall violate this provision shall pay a fine of $2.50, or in default thereof shall be forced to work four days on the public roads or suffer corporal punishment, as provided hereinafter.

SEC. 2. *Be it further ordained*, That every negro who shall be found absent from the residence of his employer after ten o'clock at night, without a written permit from his employer, shall pay a fine of five dollars, or in default thereof shall be compelled to work five days on the public road, or suffer corporal punishment, as hereinafter provided.

SEC. 3. *Be it further ordained*, That no negro shall be permitted to rent or keep a house within said parish. Any negro violating this provision shall be immediately ejected and compelled to find an employer; and any person who shall rent or give the use of any house to any negro in violation of this section shall pay a fine of five dollars for each offense.

SEC. 4 *Be it further ordained*, That every negro is required to be in the regular service of some white person or former owner. But said employer or former owner may permit said negro to hire his own time by special permission in writing, which permission shall not extend over seven days at any one time. Any negro violating the provisions of this section shall be fined five dollars for each offense, or in default of the payment thereof shall be forced to work five days on the public road, or suffer corporal punishment as hereinafter provided.

SEC. 5. *Be it further ordained*, That no public meetings or congregations of negroes shall be allowed within said parish after sunset; but such public meetings and congregations may be held between the hours of sunrise and sunset, by the special permission in writing of the captain of patrol within whose beat such meetings shall take place. This prohibition, however, is not intended to prevent negroes from attending the usual church services conducted by white ministers and priests. Every negro violating the provisions of this section shall pay a fine of five dollars, or in default thereof shall be compelled to work five days on the public road, or suffer corporal punishment as hereinafter provided.

SEC. 6. *Be it further ordained*, That no negro shall be permitted to preach, exhort, or otherwise declaim to congregations of colored people, without a special permission in writing from the president of the police jury. Any negro violating the provisions of this section shall pay a fine of ten dollars, or in default thereof shall be forced to work ten days on the public road, or suffer corporal punishment as hereinafter provided.

* * * * * *

SEC. 14. *Be it further ordained*, That the corporal punishment provided for in the foregoing sections shall consist in confining the body of the offender within a barrel placed over his or her shoulders in the manner practiced in the Army, such confinement not to continue longer than twelve hours, and for such time within the aforesaid limit as shall be fixed by the captain or chief of patrol who inflicts the penalty.

Such, sir, was the general character of the legislation in the South for three or four years after the war. Is it to be wondered at that the negro continues to distrust the men who made these enactments;

or can the American people trust to them the liberties and suffrage of the colored people of the South and the guardianship of the principles established in the thirteenth, fourteenth, and fifteenth amendments?

Mr. President, before I close my remarks I desire to say one word in relation to the State of Mississippi and what the republican party has done there. And I will say at the outset that Mississippi is proud of her reconstruction and her republican record. She challenges any State North or South to show a more rapid progress in proportion to her advantages, or a government freer from reproach considering her circumstances and surroundings. The democrats left her without a dollar in her treasury, a bankrupt not only in fortune but in character. We have seen how her democratic Legislature of 1865 and 1866 added to her embarrassment and her shame by putting upon the statute-books some of the most infamous laws that have disgraced modern civilization.

When the work of reconstruction commenced, this very same secession democracy counseled the people to have "nothing to do with the unclean thing." When the question of framing a new constitution was pending and an election was ordered by the military government, the democratic leaders said to their friends "Keep away from the polls, have nothing to do with it," and they succeeded in dissuading a large portion of the intelligent people from participating in the work of reconstructing the State. The result was that a convention met in Jackson composed largely of colored men. But let me say that the white republicans did everything in their power to induce the southern men of Mississippi to come forward and give their aid and assistance and the benefit of their counsels in framing the organic law of the State. But no; the democratic press and the leading democrats of the State threatened and intimidated the people, as they are doing now, to act against their better judgment.

What is true in Mississippi was true in almost every Southern State. When the proposition was made for them to accept the fourteenth amendment to the Constitution, it was spurned with contempt, as they have spurned and resisted every single step in the progress of reconstruction, under the lead of the same rash, fiery, intractable men who would now overthrow the results that have been wrought out and who are determined to do so peaceably if they can—forcibly if they must.

Notwithstanding these adverse circumstances, notwithstanding the opposition of the democracy, we succeeded in framing a constitution that we are indeed proud of. It will compare favorably with the organic law of any State in any country, and there is one feature particularly to which I will allude. In the constitutional convention a proposition was offered by a republican, an adventurer, as they are called by way of opprobrium, that the credit of the State should never be loaned to any corporation, and that was opposed by the democratic members of that convention. In 1869 under the resubmission act of Congress, when the question came up as to whether we would retain that clause in our constitution, the leading democratic paper in that State, the paper that to-day is howling about the plundering and robbery and the terrible condition of the South brought about by misrule under republicans, advocated voting that clause of the constitution out. But the loyal, patriotic republicans of Mississippi voted in its favor, and to-day as a consequence our debt is only nominal, is a mere bagatelle.

After we had framed and adopted our constitution we continued the work of reconstructing our State. We found its treasury empty, not a dollar in it. The democracy had robbed the State of all its trust fund. We commenced the work of repairing our public buildings. We found the capitol ready to fall to the ground; we found our asylums for the blind, the deaf and dumb, and for the insane, in ruins; we have repaired and rebuilt these public buildings; we have established a school system equal to that of any State in this Union, and to-day in Mississippi under republican rule one hundred thousand children are drinking from the fountains of knowledge; we have built up our jails and our court-houses; we have rebuilt the bridges that were burned during the devastation of war. We have accomplished all these things under republican rule, and to-day the State is not in debt to exceed a million dollars, and she owes most of her debt to her own trust fund. We can pay every dollar we owe, and will in less than two years. We have swept out the abominable "black code" that disgraced the statute-books of Mississippi; we have substituted an equitable system of taxation in the place of the unjust and oppressive revenue laws formerly in existence; we have constituted good courts and filled them with good judges; we have established universities and normal schools for both white and black citizens. Our government has been enlightened and progressive. No distinction has ever been made between citizens and no spirit of intolerance or proscription has ever prevailed against any class of men. One of the first things we did was to remove all restriction upon the right of suffrage and to instruct our Senators and Representatives to favor universal amnesty in the national Legislature. Up to the time of the Vicksburgh election last summer universal peace and good-will reigned throughout the State. That it does not now is due entirely to the democratic White League.

The expenditures of our State government are less by a number of thousands of dollars this year than they ever have been any year since the war, and the present feeling and tendency of the republican party is in favor of the utmost economy in our State. And I may say that I believe this is true of every republican State South. What is the present political status of Louisiana and South Carolina in this respect? Is it not a fact that they are improving and reforming? Is it not true that the State of South Carolina is better governed to-day, that there is more economy, that they are on the road to reform? And what is true of South Carolina is especially true of Louisiana. Under Governor Kellogg's administration they have reduced and limited the indebtedness of the State, and lessened taxation almost one-third. There has been a system of economy and reform inaugurated; and yet the democracy have the audacity to say that the tendency of things South under republican administration is destruction and the people are therefore justified in these revolutions. You would think, to hear them talk, that there had never been anything but virtue in the South until the advent of the "carpet-baggers;" but that since the establishment of republican rule, virtue, patriotism, and honesty are unknown. We have had bad men, Mr. President, I do not deny it, but most of them have been driven out from our ranks and are in the democratic party to-day.

One word, Mr. President, if the Senate will bear with me, on this question of "carpet-baggers." Sir, we are a nation of "carpet-baggers." "Carpet-baggers" landed upon Plymouth Rock in 1620; "carpet-baggers" founded the first colony on the James; and "carpet-baggers" have pioneered and settled every State and Territory of this Union. Wherever civilization makes an advance it is the carpet-bagger that makes it. Why, sir, out of twenty governors of Mississippi prior to the war only one was a native of the State, and out of fifty-nine members of Congress and Senators who represented Mississippi in this Capitol before the war only three or four were "to the manner born." I doubt not this is true of all our Western States. It is the feature of our civilization. Here is a list of carpet-baggers in the present Congress:

Statement showing the native and non-native representation in the present Congress.

[NOTE.—The word "native," signifies that the member is a native of the State, and "foreigner," that he is a non-native or foreigner; the few unknown being classed as non-native.]

States.		Senators.	Representatives.	Republican.	Democrat.
Alabama	native	.....	5	3	2
	foreigner	2	3	3	2
Arkansas	native	.....	1	.....	1
	foreigner	2	3	5	.....
California	native	.....	.....	.....	.....
	foreigner	2	4	4	2
Connecticut	native	2	2	3	1
	foreigner	.....	2	2	.....
Delaware	native	.....	1	1	2
	foreigner	2	.....	.....	.....
Florida	native	.....	.....	.....	.....
	foreigner	2	2	4	.....
Georgia	native	2	6	1	7
	foreigner	.....	3	1	2
Illinois	native	1	3	1	3
	foreigner	1	16	15	2
Indiana	native	1	7	5	3
	foreigner	1	6	7	.....
Iowa	native	.....	.....	.....	.....
	foreigner	2	9	11	.....
Kansas	native	.....	.....	.....	.....
	foreigner	2	3	5	.....
New Hampshire	native	1	2	2	1
	foreigner	1	1	2	.....
New Jersey	native	2	6	6	2
	foreigner	.....	1	.....	1
New York	native	2	22	20	4
	foreigner	.....	14	5	6
North Carolina	native	2	8	3	7
	foreigner	.....	.....	.....	.....
Ohio	native	1	14	11	4
	foreigner	1	6	3	4
Oregon	native	.....	.....	.....	.....
	foreigner	2	1	.....	3
Pennsylvania	native	2	24	21	5
	foreigner	.....	3	3	.....
Rhode Island	native	2	.....	2	.....
	foreigner	.....	2	2	.....
Kentucky	native	1	8	.....	9
	foreigner	1	2	.....	3
Louisiana	native	1	.....	1	.....
	foreigner	.....	5	5	.....
Maine	native	2	4	6	.....
	foreigner	.....	1	1	.....
Maryland	native	2	4	1	5
	foreigner	.....	2	1	1
Massachusetts	native	2	8	10	.....
	foreigner	.....	3	3	.....
Michigan	native	1	1	2	.....
	foreigner	1	8	9	.....
Minnesota	native	.....	.....	.....	.....
	foreigner	2	3	5	.....
Mississippi	native	.....	.....	.....	.....
	foreigner	2	6	7	1
Missouri	native	1	1	.....	2
	foreigner	1	12	4	9
Nebraska	native	.....	.....	.....	.....
	foreigner	2	1	2	

Statement showing the native and non-native representation, &c.—Continued.

States.		Senators.	Representatives.	Republican.	Democrat.
Nevada	native	.....	.....	.....	.....
	foreigner	2	1	2	1
South Carolina	native	1	3	4	.....
	foreigner	1	1	2	.....
Tennessee	native	1	7	4	4
	foreigner	1	3	4	.....
Texas	native	.....	.....	.....	.....
	foreigner	2	6	2	6
Vermont	native	2	3	5	.....
	foreigner	.....	.....	.....	.....
Virginia	native	2	7	4	5
	foreigner	.....	2	2	.....
West Virginia	native	.....	2	1	1
	foreigner	2	1	1	2
Wisconsin	native	.....	.....	.....	.....
	foreigner	2	8	8	2
Total native		36	149	117	68
Total non-native		37	141	130	48

Why, sir, how did you expect to carry out your reconstruction except by the "carpet-bagger?" You adopted the thirteenth, fourteenth, and fifteenth amendments, and put on paper some very wise legislation in regard to the rights of American citizens. But, sir, legislation don't carry itself into effect. It was the "carpet-bagger" that carried out your legislation, and at the risk of his life put the ballot practically in the hands of those to whom you had given it as a right. Without the "carpet-bagger" your amendments and your legislation would have been a dead letter, and unless he is sustained the work already accomplished will come to naught.

Mr. President, I have endeavored in my humble way to show to the Senate in the first place that this great clamor that has been raised in this country over Louisiana was perfectly groundless. I have endeavored to show that the President of the United States, in his action in Louisiana, has done nothing more and nothing less than he was required to do under his oath, to uphold and sustain the Constitution.

I have shown that the military officers in command of the Army in the State of Louisiana have simply obeyed the law. I have shown that all this outcry about "military usurpation" and the "terrible blow struck at liberty" in the removal of five men from the legislative hall in New Orleans is groundless and for a purpose. I have endeavored to show that so far from a legislature being invaded, it was nothing but a mob; and that the five men who were ejected from the hall had no right to be there participating in its organization. I have endeavored to show that there was such a condition of things in Louisiana that the governor of that State was authorized and required to do what he did; and had he done anything less he would have been derelict of his duty. When he had the evidence that the law was being trampled under foot, that a mob had entered the very legislative halls, he called upon the *posse comitatus* to preserve the peace and protect the majority of that Legislature from mob violence. I say he called the *posse comitatus*, and I have endeavored to show that in calling upon the military he was justified under the laws of the country; that it is a well-established principle of common law both in England and this country that the posse includes all citizens, not excepting persons in the military service.

I cited to sustain this position the opinion of a most distinguished lawyer, the Hon. Caleb Cushing, to the effect, that a conservator of the peace has a right to call upon the military of any denomination or character as a *posse comitatus;* and therefore, the chief conservator of the peace in Louisiana was justified in calling upon General De Trobriand and his troops to assist him to preserve the peace.

I have endeavored further to show that this hue and cry about the condition of affairs in the South, the plundering of the people by "adventurers" and "strangers," is for the most part gotten up for political effect, and is not founded on facts. I have endeavored to show that outrages, murders, and assassinations have been prevalent in the South, and that organizations of men, led on by a vile "banditti" for the purpose of overthrowing the southern governments, exist there; and the fallacy and absurdity of the attempt made by the opposition to make it appear that these statements are only for partisan effect.

In closing, I desire to say to my democratic friends, I desire to say to the distinguished Senator from Ohio, [Mr. THURMAN,] that instead of palliating he ought to denounce these things. I have great confidence in his patriotism; I admire his ability as a statesman; and I do not believe that if he understood the facts as I understand them, if he knew the real condition of affairs in the South, he would hesitate to give them his censure. I call upon him to investigate this matter and carefully weigh the facts that have been presented, and I say to him that if he as the leader of his party in the Senate would stand in his place and denounce these outrages and say to these miserable murderers at the South, "Stop your murder, stop your assassination, and if there is not force and power enough in your State governments to punish you, we will see that the strong arm of the National Government will reach to you;" if the Senator will make that announcement, and it shall be known that that is the policy of his party, we shall hear no more cries about outrages in the South. Every base Ku-Klux and white-leaguer will disappear; we will have peace and quiet in that country. But so long as these murderers and their inhuman and diabolical crimes find a kind of apology in the very Halls of the national Capitol, so long we shall suffer violence and outrage and revolution, and in the end, in my humble judgment, if continued it will result in the overthrow of our republican institutions.

Mr. THURMAN. Mr. President——

Mr. SARGENT. Does the Senator desire to proceed to-night, or will he yield now?

Mr. THURMAN. I will yield in a moment, as I should prefer to go on to-morrow; but I wish now to notice one thing that was last said by the Senator who has just spoken. He attributes to me an influence that I really do not suppose myself to possess; in fact it is quite true that I do not possess it if his narration of the condition of society in the South is correct. He says that if I raise my voice here and denounce the Ku-Klux outrages of which he speaks, they will cease. I have but little encouragement to hope that my voice is so potential, for it so happens that on the 18th day of January, 1871, I said to the Senate:

> Mr. President, I have never uttered one word in defense of Ku-Klux organizations. The Senate will bear me witness that no one spoke more strongly against them than I did at the last session. If I were looking at the subject simply in a partisan point of view, I am not so stupid as not to know that every outbreak of that kind only injures the party to which I belong, only furnishes the material for our opponents to excite the passions of the people and to excite the passions of Congress. I know it full well; and if my voice could reach every man who violates the law in the South, and could have potential influence with him, it would be addressed to him in three simple words, "Obey the laws." Such are my feelings; such are my natural instincts; and such is my interest and the interest of the party to which I belong. There is nothing to be gained by us by outrages, which only furnish our adversaries with pretexts for passing acts of legislation that but a few years ago would have shocked every sense of liberty, of freedom, and of constitutional law that had an abiding place in the American heart.—*Congressional Globe*, part 1, third session Forty-first Congress, 1870—'71, page 578.

That is what I said four years ago, and for which the then Senator from Alabama [Mr. Warner] expressed on the floor of the Senate his thanks, characterizing my words as "brave and useful words" for which he honored me. Sir, if my declarations, or if similar declarations by other democratic Senators on this floor could have the effect which the Senator from Mississippi attributes to them, there would be no such state of society as he has depicted. If there are outrages there, if there is a state of society there that is to be deplored, it is not the fault of the democratic party on this floor or in the other House. But I must be permitted to say that the picture of southern society is not to be drawn by clipping from newspaper after newspaper *ad nauseam* accounts of murders, violence, and deeds of wrong. I say that there might be a picture of northern society constructed in that way, by clipping from the daily press accounts of crimes in the North, which would make every man living north of the Potomac shudder and blush for his country if that picture were true. That is not the way in which history is to be written; these are not the materials out of which a picture of society is to be made; and it is the poorest service any man can do his country to thus be the compiler and the herald of all those acts that find recital on hearsay in the daily press of the land. Sir, it will not do. This Senate, the CONGRESSIONAL RECORD which we print, is not to be made the great police gazette of the nation, and the whole American people held up to the civilized world as a set of murderers and assassins because the law is violated sometimes at the North, sometimes at the South, sometimes at the East, sometimes at the West. That will not do, sir. Nor can the great theme which now engages the American Senate, that great question of constitutional law, whether constitutional government shall be preserved in this land or military despotism take its place, be obscured by all the clippings from newspapers that industry can possibly collect.

But, sir, I have said more than I wished to say to-night, and now I will yield to any one who wishes to move either to go into executive session or to adjourn, retaining my right to the floor to-morrow.

Mr. SARGENT. I rose to move that the Senate adjourn; but the Senator from Mississippi [Mr. ALCORN] informs me that he desires to offer a resolution.

OFFICERS IN MISSISSIPPI.

Mr. ALCORN. I offer the following resolution:

> *Resolved*, That the Attorney-General be requested to submit to the Senate the report of Clinton Rice, esq., who was commissioned by him under letter of authority dated February 24, 1874, to proceed to the State of Mississippi and investigate certain charges preferred against Mr. Felix Brannigan, United States attorney for the southern district of that State, and also against Mr. Leroy S. Brown, United States marshal for the same district; and that the said Attorney-General be requested to submit also a copy of all correspondence touching said investigation and report with his opinion thereon.

Mr. BOUTWELL. I should like to have that lie over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will lie over.

HOUSE BILLS REFERRED.

Mr. SARGENT. On the suggestion of several Senators I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before putting that question, the Chair will lay before the Senate certain bills from the House of Representatives for reference.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 3880) amendatory of the act of June 22, 1874, relating to bankruptcy;

A bill (H. R. No. 1342) declaratory of the rights of such Mexican citizens as were established in territories acquired from Mexico by the treaty of Guadalupe Hidalgo and the Gadsden treaty, and who have since continued to reside within the limits of the United States; and

A bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections.

The bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri," was read twice by its title, and referred to the Committee on Commerce

The bill (H. R. No. 4531) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, was read twice by its title, and referred to the Committee on Printing.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 26, 1875.

The House met at twelve o'clock m. Prayer by Rev. O. H. TIFFANY, of the Metropolitan Methodist Episcopal church of Washington, District of Columbia.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. MAYNARD. I call for the regular order of business.

The SPEAKER. The regular order of business being called for, the morning hour commences at thirteen minutes past twelve o'clock, and reports are in order from the select committee to inquire into the condition of affairs in the State of Arkansas.

No report being made from that committee, the Speaker proceeded with the call until the Committee on Elections was reached.

Mr. TODD rose.

Mr. SMITH, of New York. I ask liberty for my colleague on the Committee on Elections from Tennessee [Mr. HARRISON] to make a report when he comes into the House.

The SPEAKER. The House meets at twelve o'clock, and the Chair does not think that any further privilege should be asked for members of committees, as much of the time of the committees has been dispensed with during this session by motions to suspend the rules and special orders. The House meets daily at twelve o'clock and the first business in order after the reading of the Journal is the call of committees for reports.

TESTIMONY IN CONTESTED-ELECTION CASES.

Mr. TODD, from the Committee on Elections, reported a bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested election; which was read a first and second time.

The bill, which was read, provides that so much of section 127 of the Revised Statutes as requires the Clerk of the House of Representatives to open, upon the written request of either party, any deposition in a case of contested election, after he shall have received the same, and prior to the meeting of Congress, be repealed.

Mr. TODD. I will state to the House that this bill proposes simply to repeal the last sentence of the fourth section of an act approved on the 10th of January, 1873, which is now the one hundred and twenty-seventh section of the revised code. The law as it now stands allows either party in a contested-election case to have a package of testimony opened in the absence of the opposite party and without notice to the other side. This practice has led during the present session to charges of improper tampering with the evidence. The law on this subject as it originally passed the House did not contain this sentence. It was attached to it in the Senate without due reflection and forecasting of the evil that might result from it.

The practice heretofore had been that when testimony was received by the Clerk it should be retained unopen and unbroken and handed over to the Committee on Elections. We think it better that the old practice should be restored, and that the Clerk should be relieved from the responsibility of allowing a package of testimony to be opened at the request of one party in the absence of the other, and that the parties themselves should not be subjected to charges of improper conduct in tampering with testimony opened in the absence of the opposing party. No harm can result from the repeal of this provision of the law, because both parties have abundant opportunity to have copies of all the testimony at the time it is taken, and after it is submitted to the Committee on Elections, and therefore the committee was unanimously of the opinion that this bill should pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TODD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. HARRISON, from the Committee on Elections, submitted a report in writing upon a joint resolution (H. R. No. 116) proposing an amendment to the Constitution in respect of the election of President and Vice-President.

Mr. SMITH, of New York. For the purpose of obviating the danger and difficulty of a large accumulation of contested-election cases in the electoral districts proposed, and to prevent the gerrymandering of States by partisan majorities in the construction of election districts, and to dispense with the cumbersome machinery of electoral districts, while preserving the autonomy of the States in the election of President and Vice-President, I ask permission to report a substitute for the joint resolution recommended by the majority of the committee.

Mr. HARRISON. I move that the reports be printed and laid upon the table.

Mr. SMITH, of New York. I ask that the joint resolution in each case be printed in the RECORD.

No objection was made, and it was so ordered.

Mr. HARRISON. I have also a resolution which I am instructed to report by the Committee on Elections, providing for printing of five thousand extra copies of the report upon this subject.

The SPEAKER. That resolution will be referred to the Committee on Printing under the law.

Mr. SMITH, of New York. I desire to make a parliamentary inquiry. The Committee on Elections, by special order, have liberty to report this joint resolution at any time. If these reports are laid upon the table, will it be in order for the committee to call up this subject at any time?

The SPEAKER. They had better be recommitted to the committee.

Mr. SMITH, of New York. Then I make that motion.

The motion was agreed to; and accordingly the reports were ordered to be printed and recommitted.

The joint resolution reported by the majority of the committee is as follows:

Joint resolution proposing an amendment of the Constitution in respect of the election of President and Vice-President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article is hereby proposed as an amendment to the Constitution of the United States, and, when ratified by the Legislatures of three-fourths of the several States, shall be valid, to all intents and purposes, as a part of the Constitution to wit:

ARTICLE —.

SECTION 1. The President and Vice-President shall be elected by the direct vote of the people in the manner following: Each State shall be divided into districts, equal in number to the number of Representatives to which the State may be entitled in the Congress, to be composed of contiguous territory, and to be as nearly equal in population as may be; and the person having the highest number of votes in each district for President shall receive the vote of that district, which shall count one presidential vote: but no voter in any State shall vote for candidates for President and Vice-President who are both citizens in the same State with himself.

SEC. 2. The person having the highest number of votes for President in a State shall receive two presidential votes from the State at large.

SEC. 3. The person having the highest number of presidential votes in the United States shall be President.

SEC. 4. If two persons have the same number of votes in any State, it being the highest number, they shall receive each one presidential vote from the State at large; and if more than two persons shall have each the same number of votes in any State, it being the highest number, no presidential vote shall be counted from the State at large. If more persons than one shall have the same number of votes, it being the highest number in any district, no presidential vote shall be counted from that district.

SEC. 5. The foregoing provisions shall apply to the election of Vice-President.

SEC. 6. The Congress shall have power to provide for holding and conducting the elections of President and Vice-President. The returns of such elections shall be made to the Supreme Court of the United States within thirty days after the election. Said court shall, under such rules as may be prescribed by law, or by the court in the absence of law, determine any contest in respect of such returns, canvass the same, and declare, within ninety days after such election, by public proclamation, who is elected President and who is elected Vice-President.

SEC. 7. The States shall be divided into districts by the Legislatures thereof, but the Congress may at any time by law make or alter the same.

SEC. 8. No person who has been a justice of the Supreme Court shall be eligible to the office of President or Vice-President.

The substitute reported by Mr. SMITH, of New York, is as follows:

Joint resolution proposing an amendment of the Constitution in respect of the election of President and Vice-President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article is hereby proposed as an amendment to the Constitution of the United States, and, when ratified by the Legislatures of three-fourths of the several States, shall be valid, to all intents and purposes, as a part of the Constitution, to wit:

ARTICLE —.

SECTION 1. The President and Vice-President shall be elected by the direct vote of the people in the manner following, but no voter in any State shall vote for candidates for President and Vice-President who are both citizens in the same State with himself:

SEC. 2. In counting the votes the aggregate popular vote in each State for President and Vice-President shall be respectively divided by the number of Representatives apportioned to such State in the House of Representatives, and twice the result or quotient shall be added to the vote of the candidate having the highest number of the popular vote in such State for President, as and for the State vote for such candidate. The person having the highest number of votes in all the States, including the popular vote and the State vote, shall be President, and the person having the highest number of votes in all the States, including the popular vote and the State vote for Vice-President, shall be Vice-President.

SEC. 3. The Congress shall have power to provide for holding and conducting the elections of President and Vice-President. The returns of such elections shall be made to the Supreme Court of the United States within thirty days after the election. Said court shall, under such rules as may be prescribed by law, or by the court in the absence of law, determine any contest in respect of such returns, canvass the same, and declare, within ninety days after such election, by public proclamation, who is elected President and who is elected Vice-President.

SEC. 4. No person who has been a justice of the Supreme Court shall be eligible to the office of President or Vice-President.

WHEELER'S EXPLORING EXPEDITION.

Mr. GARFIELD, from the Committee on Appropriations, reported a bill (H. R. No 4531) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1873; which was read a first and second time.

The bill provides that the act referred to in the title shall be amended by adding to the clause relating to the engraving and printing of the plates illustrating the report of the geographical and geological explorations and surveys west of the one hundredth meridian the words, "and that two thousand copies shall be printed by the Congressional Printer," after substituting the word "dollars" in lieu of the concluding word of said clause.

Mr. GARFIELD. The clause of the act referred to appropriates $25,000 for publishing the report of Lieutenant Wheeler's expedition. After the bill had passed both Houses, by some blunder in enrollment it went to the State Department with the clause reading "twenty-five thousand thousand;" the word "dollars" being left out and the word "thousand" substituted in its place. Of course nothing can be drawn from the Treasury for this purpose unless the correction is made. The committee report this bill in order to correct that error of enrollment. The only other change which is made is to name the number of copies of the report to be printed, the number not being named in the original bill.

Mr. RANDALL. What is the estimated cost of these two thousand copies, taken in conjunction with the preparation of the engraved plates? I want to get at the aggregate cost of the publication of this work, so that we may be able to see how much these books cost the Government, books which in very many instances, by reason of the want of proper facilities to get through the mails—that is, free transmission—are treated as old lumber and waste paper.

Mr. ALBRIGHT. I desire to say that we have had under consideration in our committee this morning this work of Lieutenant Wheeler. It is a geographical survey, and of great importance to the country.

Mr. RANDALL. I quite agree with the gentleman that these reports are most valuable. But still, while we are considering this subject it is proper that we should ascertain what they cost.

Mr. GARFIELD. I submit a letter with an accompanying estimate from the Congressional Printer, which will show the estimated cost of this work.

The letter and estimate are as follows:

OFFICE OF THE CONGRESSIONAL PRINTER,
Washington, January 14, 1875.

DEAR SIR: In reply to your note of January 7, I have the honor to transmit herewith an estimate for printing and binding an edition of two thousand copies (six volumes, quarto) of Lieutenant Wheeler's expedition. I have not included the wood-cuts, for the reason that, until I am correctly informed of the number, size, and character of the wood-cuts required, that I may obtain estimates from the engravers of their cost, it is not possible for me to include that item of expense.

I am, very respectfully,

A. M. CLAPP,
Congressional Printer.

Hon. J. A. GARFIELD,
Chairman of Committee on Appropriations.

Estimate (approximate) for printing and binding 2,000 copies (six volumes quarto) of report of Lieutenant Wheeler's expedition.

Volume 1—say 440 pages, 55 signatures:		
Composition, &c., 440 pages, 1,460 ems each, at 87½ cents per page	$385 00	
Press-work, 440 tokens, at 75 cents per token	330 00	
Total cost of printing, &c.	715 00	
Paper, 113 5/20 reams, at $12.42½ per ream	1,407 74	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 1		$3,122 74
Volume 2—say 376 pages, 47 signatures:		
Composition, &c., 376 pages, at 87½ cents per page	329 00	
Press-work, 376 tokens, at 75 cents per token	282 00	
Total cost of printing, &c.	611 00	
Paper, 96 16/20 reams, at $12.42½ per ream	1,202 74	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 2		2,813 74
Volume 3—say 64 pages, 8 signatures:		
Composition, &c., 64 pages, at 87½ cents per page	56 00	
Press-work, 64 tokens, at 75 cents per token	48 00	
Total cost of printing, &c.	104 00	
Paper, 16 16/20 reams, at $12.42½ per ream	205 01	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 3		1,309 01
Volume 4—say 496 pages, 62 signatures:		
Composition, &c., 496 pages, at 87½ cents per page	434 00	
Press-work, 496 tokens, at 75 cents per token	372 00	
Total cost of printing, &c.	806 00	
Paper, 127 14/20 reams, at $12.42½ per ream	1,586 67	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 4		3,392 67
Volume 5—say 128 pages, 16 signatures:		
Composition, &c., 128 pages, at 87½ cents per page	112 00	
Press-work, 128 tokens, at 75 cents per token	96 00	
Total cost of printing, &c.	$208 00	
Paper, 33 reams, at $12.42½ per ream	410 03	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 5		$1,618 03
Volume 6—say 496 pages, 62 signatures:		
Composition, &c., 496 pages, at 87½ cents per page	434 00	
Press-work, 496 tokens, at 75 cents per token	372 00	
Total cost of printing, &c.	806 00	
Paper, 127 14/20 reams, at $12.42½ per ream	1,586 67	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 6		3,392 67
Total cost of 6 volumes, 2,000 copies		15,648 86

RECAPITULATION.

Cost of printing, &c.	$3,250 00
Cost of paper	6,398 86
Cost of binding	6,000 00
Total	15,648 86

Mr. ALBRIGHT. How many of Hayden's Reports are printed?

Mr. GARFIELD. I do not know.

Mr. ALBRIGHT. It seems to me that there should be as many of this report as of Hayden's. They are sent out for the same purpose, and the information which they furnish ought to be equally attainable by the people.

Mr. GARFIELD. This bill is merely to correct an error of enrollment in the law of last year, not for new legislation.

Mr. HOLMAN. How are these two thousand copies to be distributed?

Mr. GARFIELD. They will be placed under the control of the Secretary of War, unless Congress shall direct otherwise. Does the gentleman desire any other distribution of them?

Mr. HOLMAN. I think the same mode of distribution should be adopted in regard to this report as was adopted in regard to the other in order to get them over the entire country.

Mr. GARFIELD. Does the gentleman want to move an amendment to have them distributed by Congress?

Mr. HOLMAN. I think they should be distributed by Congress in the usual proportion between the House and the Senate.

Mr. GARFIELD. One-half of the entire number to the two Houses in the usual proportion.

Mr. RANDALL. That is not enough for Congress; let the Department have three hundred copies, and Congress the rest.

Mr. GARFIELD. I will move to amend so that five hundred copies shall be for the Department and the remainder, fifteen hundred copies, for distribution by Congress in the usual proportion between the two Houses. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE 3.65 DISTRICT BONDS.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to report back with an amendment the bill (H. R. No. 4463) for the payment of interest on the 3.65 bonds of the District of Columbia. The amendment of the committee strikes out the words "in coin" after the words "$182,500."

The bill, as amended by the committee, was read. It provides that $182,500, or so much thereof as may be necessary, be appropriated for the payment of the interest on the bonds of the District of Columbia known as the 3.65 bonds, due February 1, 1875, issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, said interest

to be paid by the Treasurer of the United States or the assistant treasurer in New York, on surrender of the proper coupons; provided that the sum hereby appropriated shall be considered and adjusted as a part of the proper proportional sum to be paid by the United States for the expenses of the government of the District of Columbia, and of the interest on its funded debt.

Mr. RANDALL. Is there any report accompanying this bill?

Mr. GARFIELD. I send to the desk to be read a communication from the commissioners of the District of Columbia.

Mr. RANDALL. I wish to reserve a point of order on this bill.

Mr. GARFIELD. Let the report be read.

Mr. HOLMAN. It should be understood that the point of order on this bill is not waived.

The SPEAKER. The point of order will be reserved till the communication has been read.

The Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
January 11, 1875.

To the Speaker of the House of Representatives:

The commissioners of the District respectfully request that the attention of Congress may be called to the necessity of legislative provision for the payment of the interest on the bonds authorized to be issued by the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes." These bonds are generally known as "3.65 bonds." The act of Congress above cited pledges the faith of the United States to the payment (by proper proportional appropriation and by taxation on property within the District) of the interest on said bonds as well as to the creation of a sinking fund for payment of the principal thereof at maturity.

The same act of Congress contemplates the ascertainment, through future legislation, of the proper proportion of the expense of the government of the District of Columbia, including interest on its funded debt, which should be borne by the District and by the United States respectively. This proportion has not yet been determined by the requisite legislation. Upon the funded debt of the District of Columbia, other than the 3.65 bonds, the interest, including that due January 1, 1875, has been paid, or is in process of payment, out of the revenues from taxes on property in the District.

At its last session Congress authorized an advance from the United States Treasury for the payment of interest on the funded debt of said District, due July 1, 1874, (the 3.65 bonds not then having been issued,) but it was required that the sum thus advanced should be reimbursed to the Treasury of the United States from the treasury of the District, and this reimbursement has been made in full. The 3.65 bonds result in principal part from the funding of floating indebtedness of the late board of public works, which was created by an act of Congress, and whose operations were subject to congressional control, and to some extent were independent of interposition on the part of the municipal government of the District.

After payment from the treasury of the District of the current expense of the municipal government, and of the interest on the funded debt of the District other than the 3.65 bonds, taxes on private property will not afford sufficent revenue to pay any part of the interest on the 3.65 bonds which falls due on February 1, 1875. It results, therefore, that either congressional appropriation for this interest must be made, or that there must be default in the payment of interest to which the faith of the United States is pledged. If the requisite sum be appropriated by Congress, it is advisable that the interest should be paid in the Treasury of the United States and the coupons canceled there. According to law, these bonds are registered in the office of the Register of the United States Treasury. It might also be provided that such sum as may be appropriated for this purpose shall be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia and of the interest on its funded debt.

The commissioners are advised by the board of audit that, in the opinion of that board, "provision should be made for the February interest on $10,000,000 of the 3.65 bonds." The facts upon which this opinion is based are stated in a communication from the board of audit, hereto annexed.

For the semi-annual interest on $10,000,000 of these bonds there would be required $182,500.

The commissioners of the District therefore recommend the appropriation by Congress of $182,500, or so much thereof as may be necessary for the payment of interest on such bonds, due on February 1, 1875, the interest to be paid on surrender of the coupons to the Treasurer of the United States; and the sum thus paid to be considered and adjusted as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia, and toward the payment of the interest on the funded debt of the District.

We venture to call the attention of Congress to the suggestion in our report of the 5th ultimo, for the payment of the interest on the 3.65 bonds in gold, and to the report of the commissioners of the sinking fund, which accompanied our report, on the same subject.

Respectfully, &c.,

WM. DENNISON,
J. H. KETCHAM,
Commissioners District of Columbia.

OFFICE BOARD OF AUDIT,
COLUMBIA BUILDING, FOUR-AND-A-HALF STREET,
Washington, January 8, 1875.

GENTLEMEN: In answer to your letter of this date, we have to say that, in our opinion, provision should be made for the February interest on $10,000,000 of the 3.65 bonds.

Our report of December 7 showed the issue of auditor's certificates to the amount of $6,858,727.18, and claims pending $3,147,787.48. Total, $10,006,514.66.

Other claims have been presented and allowed, and, although the amount of $10,000,000 has not yet been certified, when certified the owners of those based on old claims will be entitled to interest.

Very respectfully, your obedient servants,

R. W. TAYLER,
First Comptroller.
J. M. BRODHEAD,
Second Comptroller, Board of Audit.

Hon. COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C.

Mr. GARFIELD. If gentlemen will allow me, I desire to say simply this: The commissioners of the District have no power to distrain for taxes until March. They cannot sell property for taxes.

Mr. FORT. I submit whether the chairman of the Committee on Appropriations can go on and discuss this bill and thus cut out the point of order.

The SPEAKER. The Chair desires to know whether the point of order is insisted on.

Mr. RANDALL and Mr. HOLMAN. It is.

The SPEAKER. Then the bill goes to the Committee of the Whole on the state of the Union.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DURHAM, from the Committee on Banking and Currency, reported back, with amendments, the bill (H. R. No. 4322) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

Mr. BROMBERG. Mr. Speaker, how does this bill come before the House?

The SPEAKER. It is reported on the regular call by the Committee on Banking and Currency.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the seventh section of the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, as authorizes the selection and appointment of three commissioners to wind up the affairs of said institution be, and the same is hereby, repealed.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to appoint one commissioner, who shall execute a bond to the United States, with good sureties, in the penal sum of $100,000, conditioned for the faithful discharge of his duties as commissioner aforesaid, and take an oath to faithfully perform his duties as such, which bond shall be executed in the presence of said Secretary and approved by him and by him safely kept; and when said bond shall have been executed, and oath taken, then said commissioner shall be invested with the legal title to all the property of said company for the purposes of this act, and the said act of June 20, 1874, and shall have all the rights, prerogatives, and privileges, and perform all the duties, that were conferred and enjoined upon the three commissioners mentioned in said act of June 20, 1874.

SEC. 3. That said commissioner shall have the right and authority to compound and compromise debts due to and liabilities of the company, subject to the approval of the Secretary of the Treasury.

SEC. 4. That said commissioner shall have the right and authority to sell any of the property of said company at public or private sale, as in his judgment he may deem best, and to buy in for the benefit of the company any property which may be offered for sale to pay debts and liabilities to said company, if in his judgment said property is being sacrificed by said sale. He shall make to the purchasers of property sold by him deeds of conveyance to their respective purchases.

SEC. 5. That said commissioner shall not engage in any other business pursuits while winding up the affairs of said company, and shall, by the tenth day of each session of Congress, make a written report to Congress of his actings and doings up to the first day of said session; and for his services as commissioner aforesaid he shall receive an annual salary of $5,000, to be paid out of the funds of said institution.

SEC. 6. That whenever said commissioner is prepared to make a dividend to the depositors, he is authorized and directed, through the United States Treasurer, to place in the various depository banks of the United States which are convenient to said depositors an amount sufficient to pay them; and the officers of said banks shall pay the depositors, or their assignees, and take receipts from them in such way and manner as shall be prescribed by said commissioner and the Secretary of the Treasury; and said evidences of payment shall be returned by said officers to the commissioner, and by him preserved: *Provided*, That where there are no depository banks of the United States, then said commissioner may, with the advice and consent of the Secretary of the Treasury, pay the depositors in said localities in such way as he may deem best.

SEC. 7. That said commissioner may prescribe such form as he may deem right and proper for the depositors to transfer their claims, provided every such transfer shall state the amount of his claim transferred and the amount he receives for the same.

SEC. 8. That said commissioner shall make payments to those depositors only whose pass-books have been properly verified and balanced, unless said pass-books have been lost or destroyed; then, upon satisfactory proof of said loss or destruction, and the amount due them, he may pay as though they had pass-books.

SEC. 9. That said commissioner is hereby authorized and directed, by consent of the Secretary of the Treasury, to employ some suitable and proper attorney at law to look into and investigate the manner in which said company has been managed by its trustees and others having control of the same; and if, in the judgment of said attorney, the affairs of said company have been mismanaged or managed fraudulently and corruptly, then, with the advice of the Secretary of the Treasury, he shall cause such civil and criminal proceedings to be instituted in the courts against those participating in said mismanagement or fraudulent and corrupt management as he deems right and proper to attain the ends of justice. He shall pay fees and costs of suits out of the funds in his hands as commissioner aforesaid.

SEC. 10. That if from any cause there shall be any considerable delay in making a dividend to the depositors, then said commissioner may, under the direction of the Secretary of the Treasury, invest the funds on hand in United States bonds, until such time as he may be prepared to make a dividend, as directed under the act of June 20, 1874.

Mr. DURHAM. I ask now that the amendments reported by the committee be read.

Mr. FORT. I desire to raise a point of order on this bill.

Mr. HOLMAN. I believe the bill is subject to a point of order.

Mr. FORT. The second section of the bill provides for the creation of a new office.

Mr. DURHAM. The gentleman's point of order cannot stand upon this bill, because the fees of this officer are to be paid out of the funds of the institution.

Mr. MAYNARD. I do not see how any point of order can lie upon a bill which has no connection with the public Treasury.

Mr. BUTLER, of Massachusetts. The bill creates a new office.

Mr. MAYNARD. But the officer is not to be paid out of the Treasury.

Mr. BUTLER, of Massachusetts. He will have to be.

Mr. MAYNARD. No, sir.

Mr. FORT. He must be in the first instance.

Mr. MAYNARD. No, sir; there is no such provision.

Mr. DAWES. What authority have we to take money out of the funds of the institution to pay the salary of a new office that we create?

Mr. MAYNARD. We have such right in pursuance of the authority reserved in the creation of the corporation to change, regulate, or modify the law governing the corporation.

The SPEAKER. The gentleman from Illinois [Mr. FORT] will please state specifically his point of order.

Mr. FORT. I see that in the second section of the bill it is provided that the Secretary of the Treasury shall appoint a commissioner; and I suppose it will necessarily follow as a matter of law that this commissioner must be paid; and in the first instance he will have to be paid out of the Treasury.

Mr. HUBBELL. He is to be paid out of the funds of the bank.

Mr. FORT. If it is claimed that he is to be paid out of the funds of the bank, then of course, if those funds are not sufficient——

Mr. MAYNARD. Then he will get no pay.

Mr. FORT. If the funds in the bank are not sufficient to pay him, the Government will not be reimbursed.

The SPEAKER. That is a very remote consideration on which to rest a point of order. The gentleman will observe that the point of order, if good, must lie against a specific provision to take money out of the Treasury of the United States. This bill contains no provision for taking one dollar out of the Treasury.

Mr. DURHAM. I wish it to be understood that I do not yield the floor.

The SPEAKER. Of course the discussion of a point of order does not take the gentleman off the floor.

Mr. BUTLER, of Massachusetts. I was about to make a point of order when my friend from Illinois [Mr. FORT] rose.

Mr. MAYNARD. I desire to suggest that the original act creating this corporation reserved to Congress full and complete power at any time to alter, regulate, or modify the law governing the corporation.

Mr. BROMBERG. Will the gentleman put his finger on any such provision in the law?

Mr. MAYNARD. This bill is simply a measure proposed to be passed in conformity with that reserved power.

Mr. BROMBERG. The gentleman has not stated correctly the law.

Mr. BUTLER, of Massachusetts. My point of order is that this bill provides for an officer to be appointed under the law of the United States by the Secretary of the Treasury of the United States. You must pay—the United States has no right to appropriate anybody else's funds to pay.

Mr. BROMBERG. I wish to correct a statement of the gentleman from Tennessee.

The SPEAKER. The gentleman from Massachusetts knows officers are often designated to do certain things without pay—without any whatever. Does the gentleman from Massachusetts maintain if the bill is passed in its present form the Secretary of the Treasury would be authorized to pay the man?

Mr. BUTLER, of Massachusetts. The man would have a right to go to the Court of Claims.

The SPEAKER. Precisely; he would have the right to go to the Court of Claims, but that does not constitute a point of order that money is appropriated here.

Mr. BUTLER, of Massachusetts. But it takes the money of the United States.

The SPEAKER. The gentleman will observe the point of order does not lie against this bill, because there is nothing in it which takes one dollar of money out of the Treasury of the United States.

Mr. BUTLER, of Massachusetts. He has the right to go to the Court of Claims to get it.

The SPEAKER. He cannot go into the Court of Claims unless Congress authorizes him to do so. The point of order does not lie against the bill.

Mr. BROMBERG. I wish to ask a question of the gentleman from Tennessee.

Mr. DURHAM. I do not yield.

The SPEAKER. If the gentleman has a point of order the Chair will hear it.

Mr. BROMBERG. The gentleman from Tennessee has made a statement, and I wish to ask him what section of the charter authorizes Congress to amend it. I have looked at the charter and cannot find it.

Mr. MAYNARD. You will find it on page 88.

The SPEAKER. That is not a parliamentary point. That Congress transcends its power is not a parliamentary point.

Mr. BROMBERG. I ask for a moment's time so we may understand exactly about this matter. The gentleman from Tennessee made the statement, and I wish to know what foundation he has for it.

Mr. DURHAM. The gentleman will have full opportunity to understand the whole matter. I ask that the amendments reported from the committee be now read.

The Clerk read the amendments, as follows:

In section 4, line 1, after the word "commissioner" insert these words, "with the advice and consent of the Secretary;" so it will read:

SEC. 4. That said commissioner, with the advice and consent of the Secretary, shall have the right and authority to sell any of the property of said company, at public or private sale, as in his judgment he may deem best, and to buy in, for the benefit of the company, any property which may be offered for sale to pay debts and liabilities to said company, if in his judgment said property is being sacrificed by said sale. He shall make to the purchasers of property sold by him deeds of conveyance to their respective purchases.

In section 7, line 1, after the word "commissioner" insert the words "and the Secretary;" so it will read:

SEC. 7. That said commissioner and the Secretary may prescribe such form as he may deem right and proper for the depositors to transfer their claims, provided every such transfer shall state the amount of his claim transferred, and the amount he receives for the same.

At the end of section 9 add the following:

Provided, the aggregate paid to attorneys shall not exceed the sum of $5,000 per annum.

Add the following new section:

SEC. 11. When the commissioner shall have executed the bond and taken the oath as prescribed in section 2 hereof, then the present commissioners shall turn over and transfer to the new commissioner all the assets and securities of every kind now in their hands as commissioners aforesaid, and when said transfer shall have been made, then the present commissioners shall be released from all future liability on their present bond.

The SPEAKER. If there be no objection, the amendments will be considered as agreed to.

There was no objection, and it was ordered accordingly.

The SPEAKER. The pending question now is, Shall the bill be ordered to be engrossed and read a third time?

Mr. FORT. I ask the gentleman from Kentucky to yield to me to move an amendment.

Mr. DURHAM. Wait a moment. I know there was some difference of opinion in the committee in regard to one section of the bill, and I have been asked by quite a number of gentlemen to allow them to submit amendments to it. This matter is of sufficiently grave importance to be fully understood and discussed before the whole country, and consequently as much time as can be given to its discussion by the House I have no objection to, nor to listen to any amendments which may be suggested by the friends or opponents of the bill. I am instructed by the committee to take this course, and if gentlemen have amendments they desire to offer, I have no objection to their coming in to be voted on.

It will state further, Mr. Speaker, that there is a great deal of opposition to putting the power of winding up this concern into the hands of one man, although he may be under the supervision and control of the Secretary of the Treasury. The object of the committee in coming to that conclusion was that this institution, which has been so miserably managed, shall be saved all unnecessary future expense, and therefore we have reported in favor of one commissioner at a salary of $5,000, rather than three commissioners with salaries aggregating $9,000. Therefore it is I have reported the bill in its present form.

Mr. KELLEY. Will the gentleman from Kentucky yield to me at that point?

Mr. DURHAM. Certainly.

Mr. KELLEY. Mr. Speaker, I see a very grave objection in the provision of the bill by which an individual is to be charged with this trust, representing the interests of seventy-two thousand *cestui que trusts* in eleven States of this Union. They are chiefly colored men—almost exclusively so. The business is now in the hands of three men of integrity and character, I believe all of them; one of them being Robert Purvis, who is recognized by the colored people of this country as their representative man on all occasions in which he appears. The idea of effecting a saving——

Mr. DURHAM. Mr. Speaker, I thought I was yielding to the gentleman to make an inquiry. I do not yield to him for an argument until the proper time comes. If he has a question to propound to me, I will answer it; but I have the floor now.

Mr. KELLEY. The gentleman said he would allow discussion or an amendment. As my remarks will not apply to any amendment——

Mr. DURHAM. I do not want to be taken off my feet.

Mr. KELLEY. I do not mean to take the gentleman off his feet.

Mr. DURHAM. I will yield to the gentleman for an inquiry or to offer an amendment

Mr. KELLEY. I do not propose to offer an amendment or make an inquiry. I have simply a suggestion—that the saving of $4,000 would be a small economy if your one trustee in bonds for $100,000 to administrate an estate of millions should become a defaulter.

Mr. DURHAM. I ask the Chair how much time can be allowed for a discussion of this question? I am willing to allow for its discussion all the time the House will give to it.

Mr. RANDALL. I am one of the respectable minority of the committee on this bill, and would like to have a little time to speak on it.

Mr. DURHAM. Gentlemen shall have the time they want if the House will say how much time it is willing to devote to the bill.

Mr. RANDALL. I would like to have five or ten minutes.

Mr. FORT. I desire to offer the amendment which I send to the desk to be read.

The Clerk read as follows:

Add these words:

The United States shall not be liable to pay any expense under the provisions of this act or by reason of closing up the affairs of the said bank.

Mr. RAINEY. I desire to ask what authority the United States have to appropriate other people's money for the purpose of closing up this bank, unless they propose to assume the responsibility of the indebtedness of the bank as an entirety?

Mr. DURHAM. I should like the House to indicate what time will be allowed for the consideration of this bill.

The SPEAKER. Unless some arrangement is made, the bill will hold its position in the morning hour until it is disposed of.

Mr. DURHAM. I yield five minutes to my friend on the committee, the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I do not see that the object of this bill is to change any existing law in regard to the management of this bank. The real controversy is whether there shall be three commissioners at $3,000 each, or whether there shall be but one at $5,000. Now, the parties who are most interested in this matter are the colored people of the various States in which this institution and its branches are located; and so far as I am able to learn, the colored population are unanimously adverse to a change in this respect. In other words, to meet the question fairly, they desire that persons of their own color shall be represented in the board of commissioners.

Now, the fact of the matter is that these colored people have been dealt with very outrageously, and the white people connected with this institution, so far as I have been able to learn, have only been engaged in lending the colored people's money to white people who have abused the confidence placed in them, and for once I am entirely free to say that I think the demand made by the colored people in respect to this bill is a reasonable one and should be granted to them.

Now, sir, as regards the character of the men employed as commissioners. I have but little experience as to their conduct, but of one of them I can speak with great certainty, because I have known him all my life nearly, and a purer man and more upright man, white or black, than that colored man does not live. I speak of Robert Purvis. He stands among the business men of Philadelphia as high as any man in that community; and for one I should violate the judgment of my constituents in respect to that man if I gave any vote here which in the slightest degree cast a reproach on him directly or indirectly.

Mr. BUTLER, of Massachusetts. The hour of one o'clock having arrived, I call the regular order.

Mr. MERRIAM. I wish to ask the gentleman from Pennsylvania whether he would propose to make Purvis one of the commissioners in this bill?

Mr. RANDALL. I would, sir. I am not hostile to many of the features of this bill; but I am entirely opposed to taking the control from the hands of the people who ought to have it, to wit, the colored people of the South.

Mr. MERRIAM. So am I.

Mr. BUTLER, of Massachusetts. It is the white men who have cheated, and not the colored men.

Mr. RANDALL. That is what I have said. The white men have done nothing but take the money out of the banks and keep it. These are the reasons why I shall advocate and vote for an amendment not to reduce the number of commissioners. The rest of the bill, if that amendment is adopted, I approve of and will cordially vote for.

Mr. BUTLER, of Massachusetts. I call for the regular order of business.

The SPEAKER. At the hour of one o'clock this day, by a suspension of the rules or by unanimous consent, the Committee on the Judiciary is entitled to the floor.

Mr. DURHAM. Does this bill go over until to-morrow?

The SPEAKER. It does. The leave given to the Judiciary Committee is subject only to the motion of the gentleman from Connecticut [Mr. KELLOGG] to go into Committee of the Whole on the state of the Union on the bill providing for the reorganization of the Treasury Department.

Mr. DURHAM. After these privileged motions are exhausted will the bill in relation to the Freedman's Savings Bank be called?

The SPEAKER. It will be called in the morning hour, unless the gentleman chooses to try and get the House to fix some special time for its consideration.

Mr. DURHAM. I tried to get that consent the other day, but it was refused.

The SPEAKER. It is now the pending business in the morning hour.

Mr. DURHAM. Well, let it stay there.

Mr. MAYNARD. I stated a few moments since that in the original charter of this bank the right to amend or alter it was reserved. I find that I was mistaken. It was not in the original charter, but was incorporated into an amendment which was subsequently adopted.

ORDER OF BUSINESS.

The SPEAKER. The hour of one o'clock having arrived, the Committee on the Judiciary is entitled to the floor, subject to the motion of the gentleman from Connecticut to go into Committee of the Whole on the state of the Union.

Mr. KELLOGG. I now propose to make the motion that the House resolve itself into Committee of the Whole on the state of the Union on the special order, being the bill providing for the reorganization of the Treasury Department. During the last session that bill was kept off from consideration by the appropriation bills, with the distinct understanding with the Committee on Appropriations that it should come in before the appropriation bills at this session. It is important that this matter should be settled now if it is to be settled at all, and all have conceded that this Department ought to be reorganized, for at present nine-tenths of it is a mere foot-ball in appropriation bills, not organized by law. If the House will agree to go into Committee of the Whole on the state of the Union I will ask only five minutes for general debate, and will take up only so much time as may be necessary to pass the bill.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. If the House goes into Committee of the Whole on this bill, will the Judiciary Committee come in for a day after it shall be disposed of? If we do not, it is a very serious matter.

Mr. KELLOGG. The committee having charge of this bill were postponed by the Appropriation Committee for four months. That committee has now stepped down for one day, and I hope the Judiciary Committee will not take their place.

Mr. BUTLER, of Massachusetts. I think that mine was an order made by unanimous consent, and is therefore a higher order than this.

The SPEAKER. The gentleman from Massachusetts yielded to reserve the right to make this motion to the gentleman from Connecticut.

Mr. KELLOGG. I made that a condition for agreeing to the gentleman's motion.

Mr. BUTLER, of Massachusetts. I yield then only that the sense of the House may be tested on the motion of the gentleman from Connecticut.

The SPEAKER. When the gentleman from Massachusetts asked for the privilege that his committee should have a day to report, the gentleman from Connecticut made it a condition that his motion should be admitted.

Mr. KELLOGG. And the House agreed to that.

Mr. BUTLER, of Massachusetts. On condition the House should go on with the gentleman's bill if they chose to do so.

The SPEAKER. If they chose, of course; it is for the House to determine the question. If the House goes into Committee of the Whole on the state of the Union, they do it upon the general Calendar, and the Chair is compelled to remind gentlemen that there is no such motion as a motion to go into Committee of the Whole on a particular bill. The gentleman from Connecticut moves to go into Committee of the Whole. If he finds that his bill is preceded on the Calendar by other bills, it will not be the fault of the Chair, but the fault of the Calendar.

Mr. KELLOGG. This bill having been made a special order, cannot I move to go into Committee of the Whole on the state of the Union upon it?

The SPEAKER. There is no such motion known to the rules strictly as going into Committee of the Whole on the state of the Union to take up anything. The House goes into two committees, the Committee of the Whole on the state of the Union and the Committee of the Whole, which is the Committee on the Private Calendar. After going into Committee of the Whole on the state of the Union, it is the duty of whoever presides to take up whatever is first upon the Calendar. Special orders come before other business, and the appropriation bills have precedence.

Mr. KELLOGG. There is no appropriation bill ahead of this bill, and this bill is a special order.

The SPEAKER. But the gentleman will observe by the rules that an appropriation bill is preferred to other business. The Chair does not want the gentleman to fall into any trap.

Mr. KELLOGG. But the Committee on Appropriations have agreed to give me this day, and I hope the House will stand by me in my motion.

The SPEAKER. The Indian appropriation bill stands ahead of the gentleman's bill.

Mr. KELLOGG. But I understand that the Committee on Appropriations are willing to postpone that bill until to-morrow.

The SPEAKER. It would require a majority vote of the Committee of the Whole to do that. The Committee on Appropriations have no right to make any such disposition of the business on the Calendar.

Mr. KELLOGG. Then I move simply that the House resolve itself into Committee of the Whole on the state of the Union.

The question was taken; and on a division there were—ayes 43, noes 61; no quorum voting.

Tellers were ordered; and Mr. KELLOGG, and Mr. BUTLER of Massachusetts, were appointed.

The House again divided; and the tellers reported—ayes 56, noes 94.

So the motion was not agreed to.

The SPEAKER. The vote just taken by the House leaves the Committee on the Judiciary entitled to the floor for reports.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3006) authorizing the President to nominate Holmes Wikoff an assistant surgeon in the Navy;

An act (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes; and

An act (H. R. No. 4462) for the relief of Alexander Burtch.

APPOINTMENTS ON COMMITTEES.

The SPEAKER announced the following appointments to fill vacancies:

Committee on Revolutionary Pensions and War of 1812—ANDREW SLOAN, of Georgia.

Committee on Expenditures in the Interior Department—ANDREW SLOAN, of Georgia.

Committee on the District of Columbia—JOHN M. THOMPSON, of Pennsylvania.

GOVERNMENT EMPLOYÉS—RIGHT OF FRANCHISE.

Mr. FINCK, from the Committee on the Judiciary, reported back the petition of Captain W. B. Brown and fifty-four others, asking legislation protecting employés of the Government in their right of franchise; and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

MEXICAN CITIZENS.

Mr. FINCK also, from the same committee, reported back with amendments, the bill (H. R. No. 1342) declaratory of the rights of such Mexican citizens as were established in territories acquired from Mexico by the treaty of Guadalupe Hidalgo and the Gadsden treaty, and who have since continued to reside within the limits of the United States.

The bill provides that all those Mexican citizens and residents who, at the dates of the treaty of Guadalupe Hidalgo and the Gadsden treaty, respectively, were established as such citizens and residents in any territories acquired by the United States from Mexico through the said treaties, and who have since continued to reside in good faith within the limits of the United States, are, and shall be, entitled to have, possess, exercise, and enjoy all such rights, powers, and privileges under the law as belong and are accorded to citizens of the United States.

The second section provides that every such Mexican citizen and resident, having continued to reside as aforesaid, has, and shall continue to have, the right to sue and be sued, to acquire, possess, hold, enjoy, and dispose of property, whether real, personal, or mixed, as fully as any citizen of the United States.

The third section provides that any such Mexican citizen and resident, having continued to reside as aforesaid, and being desirous of actual naturalization under the Constitution and the laws of the United States, shall be entitled to the same on proof of such residence and the other legal requisites in any competent court, without a previous declaration of intention.

The first amendment reported from the committee was to strike out of sections 1 and 2 the following:

And who have since continued to reside in good faith within the limits of the United States, are, and shall be, entitled to have, possess, exercise, and enjoy all such rights, powers, and privileges under the law as belong and are accorded to citizens of the United States.

Sec. 2. That every such Mexican citizen and resident, having continued to reside as aforesaid, has, and shall continue to have.

And to insert in lieu thereof the following:

And who elected to retain their Mexican citizenship under the provisions of said treaties, and have since continued in good faith to reside within the limits of the United States, shall have.

So that the section will read as follows:

That all those Mexican citizens and residents who, at the dates of the treaty of Guadalupe Hidalgo and the Gadsden treaty, respectively, were established as such citizens and residents in any territories acquired by the United States from Mexico through the said treaties, and who elected to retain their Mexican citizenship under the provisions of said treaties, and have since continued in good faith to reside within the limits of the United States, shall have the right to sue and be sued, to acquire, possess, hold, enjoy, and dispose of property, whether real, personal, or mixed, as fully as any citizen of the United States.

The second amendment was to change the number of section 3 to "2."

Mr. FINCK. I will state very briefly for the information of the House that this question originates under the treaty of Guadalupe Hidalgo, the ratifications of which were exchanged between this Government and Mexico in May, 1848. That treaty is to be found in the ninth volume of the Statutes at Large. Article 8 of that treaty refers to the condition of citizens who were in the territory acquired by this Government from Mexico. That article provides that—

Those who prefer to remain in said Territory may either retain the title and right of Mexican citizens or acquire those of citizens of the United States; but they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in said territory, after the expiration of that year, without having declared their intention to retain the character of Mexicans shall be considered to have elected to become citizens of the United States.

It turns out that quite a number of Mexicans who were residents of the Territory when it was acquired under this treaty elected in some manner, within the year, to retain their Mexican citizenship. But it has since been held by one of the courts of New Mexico that that election was irregular in that Territory and Arizona, and confusion has ensued. Sometimes these people are summoned to serve upon juries in the courts; sometimes they present themselves for the purpose of voting at the polls. The question as to their right under this treaty has become a matter of dispute. The governor of New Mexico called the attention of the Legislature of that Territory to this question some years since, and suggested that the Legislature should call upon the Congress of the United States to define the rights of these people. It is represented to the committee that they comprise some of the best citizens of the Territory. As a matter of law under the law of nations, by the acquisition of this Territory, which included Arizona, by the United States, these Mexican citizens would have become citizens of the United States. As they now many of them desire to become citizens of the United States notwithstanding their declaration, it is proposed by this bill to give them the right to make a declaration on oath before a court competent to naturalize, if they have the other qualifications to become citizens, and become naturalized without having first made a declaration of intention. I think this appeals so strongly to Congress that the necessity ought at once to be relieved by the passage of this bill.

Mr. HALE, of New York. Will the gentleman permit an inquiry?

Mr. FINCK. Undoubtedly.

Mr. HALE, of New York. With a brief preliminary statement?

Mr. FINCK. Certainly.

Mr. HALE, of New York. There is, as is well known, a commission now in existence and in session, I think in this city, to adjudicate upon claims of American citizens against Mexico, and of Mexican citizens against the United States. I wish to inquire whether this bill is drawn with a view of changing the status of any Mexican citizens under the present provision of the treaty, so as to enable them to have a standing as American citizens against Mexico before that commission?

Mr. FINCK. The bill contains nothing of that kind, sir.

Mr. HALE, of New York. I am inclined to think that the bill ought to be guarded by inserting a provision that it shall not operate to give such a standing before that commission.

Mr. FINCK. That question is not involved in this bill at all.

Mr. HALE, of New York. It seems to me that it is involved. I do not know that such a case exists; but as I know how many questions of a similar character have arisen before that commission, it seems to me very probable that this bill will cover cases of persons hitherto Mexican citizens, making them citizens of the United States perhaps for the very purpose of giving them a standing before that commission. Of course I do not impute any such motive to the committee.

Mr. FINCK. I reply to the gentleman that this bill includes only the Mexicans who at the time of the exchange of the ratifications of this treaty between our Government and Mexico were within the boundaries of acquired territory and who have constantly since that time continued in good faith to reside within these boundaries.

Mr. HALE, of New York. But they elected to remain Mexican citizens.

Mr. FINCK. They did so elect, but it has been declared by one of the territorial courts that that election was irregular, and that such persons hold an uncertain and undefined position. I ask the Clerk to read a portion of the message of the governor of New Mexico in 1866.

Mr. HALE, of New York. Will the gentleman allow me a single suggestion before that extract is read?

Mr. FINCK. I wish to have this read first.

The Clerk read as follows:

That class of the population of this Territory who have retained the title and rights of Mexican citizens, and who, by a late opinion of the judiciary of this Territory, have been disfranchised, should be incorporated and regarded as a part and portion of the political community of New Mexico. Many of this class of persons were misled and precipitated into the acts which seem to have been an election to retain the character of Mexican citizens. But it is not believed that that legal formality has been observed in the supposed election which should deprive this class of our population of the rights and privileges which pertain to those who were not misled. The Congress of the United States only can remedy this matter. We all know that many of the most intelligent, virtuous, and wealthy residents of New Mexico regret the excitement and circumstances of the time when they were hastily placed in a false position in the land of their birth and that of their ancestors.

Mr. FINCK. I now yield for a moment to the gentleman from Arizona, [Mr. MCCORMICK.]

Mr. MCCORMICK. I simply desire to say that I introduced this bill for the reason that, however clear and explicit the provisions of the treaty, some of the rights of these Mexican citizens have at times been called in question in the courts and elsewhere. One or more of the United States judges in Arizona have written me upon the subject, and suggested a declaratory enactment of this character as desirable, and, indeed, necessary. The last clause of the bill confers a privilege that may with propriety be given to persons who have so long in good faith lived under and respected our national flag and laws.

Mr. FINCK. I call for the previous question.

Mr. HALE, of New York. Before the gentleman does that I wish to submit an amendment, providing in substance that this act shall not be construed to give to any person a standing before the American and Mexican joint commission who is not now by law entitled to such standing.

Mr. FINCK. I am perfectly willing to admit such an amendment. I call the previous question upon the bill and amendments.

The amendment reported by the Committee on the Judiciary was read, as follows:

At the end of the first and the beginning of the second section, strike out the following:

And who have since continued to reside in good faith within the limits of the

United States, are, and shall be, entitled to have, possess, exercise, and enjoy all such rights, powers, and privileges under the law as belong and are accorded to citizens of the United States.

SEC. 2. That every such Mexican citizen and resident, having continued to reside as aforesaid, has and shall continue to have.

And insert the following:

And who elected to retain their Mexican citizenship under the provisions of said treaties, but have since continued in good faith to reside within the limits of the United States, shall have.

Change the number of section 3 to section 2.

Mr. FINCK. The amendment of the gentleman from New York [Mr. HALE] can be added to the first amendment.

The SPEAKER. The amendment of the gentleman from New York, as reduced to writing, will be read.

The Clerk read as follows:

Add to the first section the following:

Provided, That nothing in this act shall be construed to give to any person a standing before the United States and Mexican commission as a citizen of the United States who is not by existing law or treaty entitled to such standing.

The amendment of Mr. HALE, of New York, to the amendment of the committee was agreed to.

The amendment, as amended, was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FINCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURETIES OF GREEN W. CALDWELL, OF NORTH CAROLINA.

Mr. ELDREDGE. I am instructed by the Committee on the Judiciary to report back the bill (H. R. No. 2576) for the relief of the principal and sureties on the official bond of Green W. Caldwell, late superintendent of the branch mint at Charlotte, North Carolina, with the recommendation that it do lie upon the table. The parties who petitioned for this a long time ago are all dead, and it is not now asked for.

The bill was laid on the table.

NEW STATE OUT OF LOUISIANA AND TEXAS.

Mr. ELDREDGE also, from the same committee, reported back a bill (H. R. No. 3776) to create a new State out of the States of Louisiana and Texas, with the recommendation that it do lie on the table.

The bill was laid on the table.

CLAIMS OF SOLDIERS AND SAILORS.

Mr. ELDREDGE. I am directed by the Committee on the Judiciary to report a bill, which is based on numerous petitions, with the recommendation that it do pass. It is a bill (H. R. No. 4532) extending the time within which certain cases may be prosecuted in the Court of Claims.

The bill, which was read a first and second time, provides that the time within which claims for back pay, bounties, extra pay, and pensions, accruing to persons in the military or naval service of the United States during the war of the rebellion, may be presented to the Court of Claims, shall be extended, so that such claims may be prosecuted in said court at any time within three years from the passage of this act, and the provision of section 1069 of an act entitled "An act to revise and consolidate the statutes of the United States in force on the 1st day of December, 1873," approved June 22, 1874, is hereby modified in accordance with the provisions of this act.

Mr. ELDREDGE. I ask the clerk to read the memorial I send up, to show precisely what that provision is and what remedy this bill is intended to furnish.

The Clerk read as follows:

To the United States Senate and House of Representatives:

Your memorialists respectfully represent that some of them were in the Army and some in the Navy during the war of the rebellion; that in the final settlement of their claims against the Government for back pay, bounties, extra pay, pensions, &c., adverse decisions have been rendered and denials of their claims made, which your memorialists believe unjust and erroneous; that the laws of Congress which provide for such cases being carried to the Court of Claims limit the time within which suits can be instituted to six years from the dates when the claims accrued; that in many of this class of cases that time had elapsed when the adverse decisions of the Departments were rendered, and thus your memorialists have no benefit of a resort to the courts. They therefore pray that the Court of Claims be authorized to hear and determine, subject to appeal to the Supreme Court, all such cases at any time within three years after the passage of the act.

Mr. ELDREDGE. The only point in the bill, Mr. Speaker, is whether the United States shall insist upon the statute of limitation or not.

Mr. WILLARD, of Vermont. I made the point of order on this bill some time ago.

Mr. ELDREDGE. The only point in the bill is whether the United States intends to plead the statute of limitations against the honest claims of soldiers and sailors who served during the late war. That is the whole question. The bill provides the statute shall not apply and these parties shall have the right to prosecute their claims in the Court of Claims.

Mr. HALE, of New York. It is only used against dishonest claims.

Mr. ELDREDGE. These are honest claims. It does not add to or renew any claim, but simply provides these soldiers and sailors, who may have lost, by lapse of time, the privilege of going to the Court of Claims with their claims, may still have three years within which to present them before the Court of Claims.

Mr. POLAND. I think it is clear the point of order does not lie against this bill, as it simply regulates the time within which these persons may bring suit.

Mr. HALE, of New York. And thereby money be taken out of the Treasury.

The SPEAKER. It is occasionally well to have the rule read on this subject, because it is very sweeping and comprehensive. The Clerk will read the rule under which the gentleman from Vermont makes his point of order.

The Clerk read as follows:

All proceedings touching appropriations of money, and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in Committee of the Whole House.

The SPEAKER. The question is whether this bill would require an appropriation of money. The Chair thinks it would. The rule is sweeping. The bill will be referred to the Committee of the Whole, and ordered to be printed.

Mr. ELDREDGE. If the gentleman from Vermont insists on such a proposition, of course I cannot help it; he must take the responsibility.

The bill was referred to the Committee of the Whole, and ordered to be printed.

ARREST AND DELIVERY OF DOMESTIC FUGITIVES.

Mr. TREMAIN, from the Committee on the Judiciary, reported back adversely a bill (H. R. No. 3888) to make further provisions for the arrest, detention, and delivery of domestic fugitives from justice; and the same was laid on the table.

AMENDMENT TO NATURALIZATION LAWS.

Mr. TREMAIN also, from the same committee, reported back adversely the petition of citizens of New York, to amend the naturalization laws; and the same was laid on the table.

AMENDMENT TO THE CONSTITUTION.

Mr. TREMAIN also, from the Committee on the Judiciary, reported back, with the recommendation that it do not pass, the joint resolution (H. R. No. 122) proposing an amendment to the Constitution of the United States; and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

Mr. COX. Let the proposed amendment be read.

The Clerk read as follows:

Congress shall not make anything but gold and silver coin a tender in payment of individual debts. Congress shall pass no law impairing the obligation of contracts.

Mr. POTTER. I want to say that I dissent from the report of the committee.

The motion was agreed to; and the joint resolution was laid on the table.

BANKRUPTCY.

Mr. TREMAIN also, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, with amendments, the bill (H. R. No. 3880) amendatory of the act of June 22, 1874, relating to bankruptcy.

The bill was read. It provides that so much of section 9 of the act approved June 22, 1874, entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," as relates to cases of discharge in involuntary or compulsory bankruptcy, shall be deemed and taken to apply to all proceedings in involuntary or compulsory bankruptcy, whether the same were commenced before or after the passage of said act.

The amendments reported by the committee were read, as follows:

Amend by inserting after the word "proceedings," in line 10, the word "pending."

And add at the end of the bill the following proviso:

Provided, The bankrupt shall be entitled to a discharge according to the other provisions of said act.

Mr. TREMAIN. This bill simply states a question about which there have been conflicting decisions of the courts; and its purpose is to bring all cases under a uniform rule such as was established by the act as it was amended at the last session of Congress, so that all cases which were pending when that act passed or have since been commenced shall be governed by the rule provided by that act, so far as it relates to the amount of percentage necessary to be realized from the assets of involuntary bankrupts in order to entitle them to their discharge. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TREMAIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEXAS INDEMNITY BONDS.

Mr. TREMAIN also, from the Committee on the Judiciary, reported back with the recommendation that it do pass, with an amendment, the bill (H. R. No. 4001) to provide for the redemption of overdue bonds of the United States known as Texas indemnity bonds.

The bill was read. It directs the Secretary of the Treasury to pay to the governor of the State of Texas, for the use of that State, the par value of one hundred and fifty-one bonds of the United States, and the coupons due thereon, numbered 4544 to 4604, consecutively and both inclusive, of the series of bonds issued under the act of September 9, 1850, known as Texas indemnity bonds, and to enter the same on the books of the Treasury as redeemed.

The amendment reported by the committee was as follows:

Add at the end of the bill these words:

On the execution to the United States by the State of Texas of a bond to indemnify the United States for any losses they may sustain in consequence of such payment in the penal sum of $250,000, such bond to be duly authorized by the Legislature of the State of Texas and to be approved by the Attorney-General of the United States.

Mr. TREMAIN. I will send to the reporters and have printed as a part of my remarks without asking it to be read, unless some gentleman desires it, the petition of the State of Texas relating to this matter.

Mr. WILSON, of Iowa. I raise the point of order on the bill.

Mr. TREMAIN. It will be perceived that the State of Texas is to indemnify the Government of the United States for any losses that may be sustained under this bill which is intended to provide for the redemption of these bonds under a decree of the Supreme Court decreeing the title to be in the State, but which cannot be made effectual on account of the absence from the country of the parties who hold the bonds.

Mr. E. R. HOAR. I would like to inquire of the gentleman who has charge of the bill whether these are bonds that are in litigation between the State of Texas and other parties?

Mr. TREMAIN. They have been in litigation only so far as a suit has been decided in favor of the State of Texas.

Mr. E. R. HOAR. There are no other suits?

Mr. TREMAIN. Not that I am aware of. There was a suit brought by the State of Texas against the parties holding these bonds, and a decree of the Supreme Court has been entered in favor of the State of Texas as having the title, but the parties being out of the jurisdiction of the court cannot be compelled to produce them here. There is no litigation now pending. There has been an absolute decree, found in 7 Wallace. I have here the petition of the State, through the governor of Texas, and shall print it as part of my remarks.

The petition is as follows:

To the Senate and House of Representatives
of the United States in Congress assembled:

The petition of the State of Texas respectfully represents—

That by virtue of the authority contained in the act of Congress of September 9, 1850, the Secretary of the Treasury issued to the State of Texas $5,000,000 of bonds, denominated "Texan indemnity stock," bearing date January 1, 1851, and redeemable after the 31st day of December, 1864, and made payable to the State of Texas or bearer.

That at the time of receiving said bonds the State of Texas, by act of her Legislature of December 16, 1851, provided as follows: "That no bond issued as aforesaid, as a portion of said five millions of stock payable to bearer, shall be available in the hands of any holder until the same shall have been indorsed in the city of Austin by the governor of Texas."

That of the bonds so issued to the State those numbered from 1 to 4218 inclusive had been indorsed by a governor of Texas, in accordance with the provisions of the aforegoing act, and disposed of before active rebellion in that State, and had been redeemed at the Treasury of the United States.

There were left in the treasury of the State at the breaking out of the rebellion seven hundred and eighty-two of said bonds, numbered from 4218 to 5000 inclusive.

On the 16th of March, 1861, the insurgent convention of Texas, having previously declared the adoption of the secession ordinance, and that Texas had withdrawn from the Union of the States under the Federal Constitution, passed an ordinance declaring that Sam Houston, governor of the State, and E. W. Cave, secretary of state, had refused or omitted to take the oath prescribed, and that their offices were vacant; that the lieutenant-governor should exercise the authority and perform the duties appertaining to the office of governor, and that the deposed officers should deliver and turn over to their successors in office the great seal of the State and all papers, archives, and property in their possession belonging or appertaining to the State.

By virtue of this ordinance, and under the direction and by the orders of the convention, the duly qualified officers of the State were deposed, and its property, including the bonds above referred to as in its treasury at the inauguration of the rebellion, were seized by the insurgents.

Of said bonds so seized, as above set forth, six hundred and thirty-four, numbered from 4219 to 4694 inclusive, and from 4843 to 5000 inclusive, passed into the possession and under the control of an organization known as the "military board," established in the State under the authority of the following acts of the insurgent Legislature, to be disposed of by said board in execution of the trust and duty imposed upon it by said acts:

CHAPTER LVI.

An act to provide arms and ammunition, and for the manufacture of arms and ordnance for the military defense of the State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That $500,000 of the bonds authorized to be issued by "An act authorizing a loan and imposing a specific tax to meet the principal and interest thereof, under the provisions of the thirty-third section of the seventh article of the constitution of the State," approved April 8, 1861, is hereby appropriated for the purpose of procuring arms and ammunition, and for the manufacture of arms and ordnance for the military defense of the State.

SEC. 2. The governor, comptroller, and treasurer are hereby created a military board, any two of whom may act, for the purpose of disposing of said bonds, in any manner they may see proper, in order to accomplish the objects mentioned in the preceding section. Said board may sell the bonds for money, and then buy the arms and ammunition, or for anything else in order to carry out the provisions of the first section of this act.

SEC. 3. That said military board shall have the power to appoint one or more agents to negotiate said bonds, and to purchase said arms and ammunition, and to superintend the manufacture of arms and ordnance. Such agent or agents shall be governed in his or their negotiations by the instructions of said military board.

SEC. 4. Such agent or agents shall be entitled to such reasonable compensation for his or their services as shall be agreed upon between him or them and said military board.

SEC. 5. That said military board may, in their discretion, establish a foundery for the manufacture of ordnance and one or more manufactories of small-arms to be located at such place or places as said board may select.

SEC. 6. That the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying out the provisions of this act.

SEC. 7. That this act shall take effect and be in force from and after its passage.

Approved January 11, 1862.

CHAPTER LXXXI.

An act to provide funds for military purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the governor, comptroller, and treasurer shall constitute a military board, and a majority of said board shall have the power to provide for the defense of the State by means of any bonds and coupons which may be in the treasury on any account, and may so use such funds or their proceeds, and therefore may sell, hypothecate, or barter such bonds and coupons, provided such disposals shall not exceed the amount of $100,000,000 of such bonds and coupons, and that they shall not be disposed of at any discount greater than 20 per cent. of their face amounts.

SEC. 2. Any bonds which may be disposed of under the provisions of this act shall be substituted by equal amounts of any bonds of the Confederate States of America that may be obtained by this State, and the bonds so substituted, respectively, in all respects shall be in place of the funds disposed of as aforesaid.

SEC. 3. That this act be in force from and after its passage.

Approved January 11, 1862.

On the same day, and in connection with the above recited acts, namely, the 11th of January, 1862, the insurgent Legislature passed an act repealing the act of the 16th of December, 1851, prohibiting alienation of the indemnity bonds without the indorsement of the governor of Texas. Said repealing act is as follows:

CHAPTER LXV.

An act to repeal a certain act herein mentioned.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That an act to provide for the reception and deposit of a portion of the indemnity due the State of Texas by the United States for the sale of a portion of her northwestern territory, under the provisions of an act of Congress approved September 9, 1850, which act of the Legislature was approved December 16, 1851, is hereby repealed, but without prejudice to any vested rights that may have arisen from said act; and this act shall take effect and be in force from its passage.

Approved January 11, 1862.

This repealing act was designed to facilitate the negotiation of the bonds in question by the military board, and therefore in aid of the execution of the trust and agency of the board to raise funds for military purposes and in support of the insurgent cause. Had the bonds borne the indorsement of the governor of the insurgent organization of Texas, they would have been comparatively without value in the market. Under the authority of the aforegoing acts the said military board delivered to one John M. Swisher, as its agent, three hundred of said bonds, numbered from 4395 to 4694, inclusive, to be by him taken to England and there negotiated, for the purpose of raising means to carry on the war against the United States. Of said bonds so delivered to Swisher, one hundred and forty-nine, numbered from 4395 to 4543, were sold to George Peabody & Co., and have been redeemed at the Treasury of the United States. The remaining one hundred and fifty-one, numbered from 4544 to 4694, inclusive, were deposited by said Swisher with the firm of Droege & Co., of Manchester, England, for and on account of the State of Texas, and to this one hundred and fifty-one bonds this memorial has special reference.

The State of Texas has repeatedly demanded of said Droege & Co. the delivery of said bonds, but her demand has been refused or evaded on various pretenses. Droege & Co. set up no claim, title, or right in themselves to said bonds, but now pretend to hold them by reason of a notice served on them by one John Chiles, averring a claim of title thereto in himself.

On the 12th day of January, 1865, the military board of Texas executed a certain contract with said Chiles and one George W. White, purporting to convey to them certain of said indemnity bonds then in the treasury of the insurgent State, and also seventy-six of said bonds so "on deposit with Droege & Co., England."

On the 15th of February, 1867, the reconstructed State of Texas filed a bill in equity in the Supreme Court of the United States to set aside and vacate said contract with White and Chiles, and asking that she might be deemed to be the lawful owner of said bonds mentioned in said contract, and entitled to receive and collect the same. At the December term of the Supreme Court, 1868, a decree was passed in accordance with the prayer of the said bill, adjudging and decreeing the title to be in the State, and enjoining the said White and Chiles from setting up a claim to any of said bonds. (See case State of Texas *vs.* White and Chiles, 7 Wallace, 701, 742.) But this decree was not respected by said Droege & Co., of England, who, notwithstanding, refused to deliver said bonds to your memorialist, but still hold the same, pretending that they do so for their own protection against the alleged claim of the said Chiles. And the said Chiles now pretends, as your memorialist is informed, that he claims said bonds under some other and different contract with the military board, executed subsequent to the date of the contract above referred to, to wit, on or about the 4th of March, 1865, and in which said White has no interest. The archives of the State have been carefully examined, and no copy, memorandum, or reference to any such alleged contract can be found, and your memorialist believes that none such ever existed, and charges that if any such does exist, it is void and of no effect by reason of the application of the principles pronounced in said case of Texas *vs.* White and Chiles.

Your memorialist further represents that said Chiles and the said Droege & Co. have fraudulently confederated and combined for the purpose of forcing the State of Texas to institute proceedings in the courts of England, where it is hoped and expected that a decision may be obtained in favor of the said Chiles or Droege & Co. against the said State on certain of the war bonds issued by the insurgent government of Texas, and which have been bought up by one or both of said parties, as openly avowed by said Chiles since the close of the war, and by force of which decision the said indemnity bonds in the hands of Droege & Co. may be subjected to the payment of any judgment that may be obtained against the State in any court of Great Britian to whose jurisdiction she may subject herself by instituting proceedings therein. To accomplish this purpose, the said Droege & Co. not only refuse to deliver said bonds to the State of Texas, though admitting them to be held for said State, and asserting in themselves no claim of title thereto, but carefully and persistently avoid bringing said bonds to the United States, where they might become subject to the jurisdiction of the courts of this country, and have not ventured to present them at the treasury for redemption, though they have been overdue since the 31st day of December, 1864, and consequently have been bearing no interest since that time.

The State of Texas has repudiated said war bonds, as having been issued by an insurgent and unlawful government for the purpose of prosecuting the war against the Federal Government, and as she was required to do by the fourth section of the fourteenth article of the amendments to the Constitution of the United States, by which it is provided that "neither the United States nor any State shall assume

or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States."

The State of Texas, therefore, to the end that her rights may be fully protected by the lawful authorities of this country, and that she may not be compelled to humiliate herself by becoming a suitor in the courts of a foreign country, and thereby submit to their jurisdiction the most important and delicate questions of American polity and constitutional law, prays the Congress of the United States to inquire into the subject of this memorial and by law direct the Secretary of the Treasury to pay to her the full amount of the said one hundred and fifty-one indemnity bonds due by the United States, numbered from 4544 to 4694, inclusive, with coupons thereto attached, now on deposit as the property of said State with said Droege & Co., of Manchester, England, and to enter said bonds on the records or books of the Treasury as discharged and redeemed.

RICHARD COKE,
Governor of the State of Texas,
By THOMAS J. DURANT,
R. T. MERRICK,
His Attorneys in Fact.

Mr. WILSON, of Iowa. I think this bill should go to the Committee of the Whole as well as bills making appropriations reported by other committees.

Mr. BUTLER, of Massachusetts. In my judgment this bill is not open to the point of order. If the Speaker will allow me to state the facts, it will be seen that the United States owes to the State of Texas certain bonds. During the war some of those bonds were taken and carried to Europe and sold. The United States owes them either to the party in Europe or the party in Texas. The Supreme Court of the United States have decided that these bonds were illegally taken; and therefore they are the property of the State of Texas. The State of Texas has attempted to get them back out of the hands of those parties in Europe, but they keep out of the jurisdiction where they can be sued, and will not bring them back.

Now, this bill only provides that the United States may pay the State of Texas, who own these bonds, and it does not impose any new liability on the United States; and if the man in Europe who has possession of these bonds comes and presents them hereafter, the State of Texas is required by this bill to indemnify the United States by a bond sufficient to pay all payments that the United States may be required to make, and in addition to that to give security on other bonds of a like kind in the Treasury of the United States; so that this bill takes no money out of the Treasury that by existing law would not go out of the Treasury, because it only calls on the United States to pay this money to an honest creditor, and not to a dishonest man who has stolen these bonds and gone off to Europe. In other words, it simply provides to whom this money shall be paid. It makes no appropriation.

Mr. GIDDINGS rose.

The SPEAKER. The merits of the case are not under discussion yet. If the gentleman has any remarks to make upon the point of order, the Chair will hear them.

Mr. GIDDINGS. I do not think the point of order applies to this case. This is for the payment of overdue bonds, and an appropriation has already been made to pay the bonds, but the party who holds them refuses to present them for payment. They are part of a lot of three hundred bonds taken by the military forces in Texas in 1862, and sent to Europe and placed in the hands of parties there as brokers. One hundred and forty-nine of those three hundred bonds were sold to Peabody & Co., and a part of the purchase-money was paid. Before all the purchase-money due upon the sale of the one hundred and forty-nine bonds was paid by Peabody & Co., it was ascertained that the Treasurer of the United States refused to pay these bonds, because the State of Texas had passed a statute requiring that such bonds held by the State should be indorsed by the governor of the State. They had not that indorsement, because the loyal governor of the State had been removed, and it was not thought proper to send the name of the governor-elect to the Treasury of the United States. Afterward Peabody & Co. enjoined the funds arising from the sale of the one hundred and forty-nine bonds. There is no doubt that they, the holders in England, were merely brokers for a private individual, and that no consideration ever passed to the State of Texas.

The SPEAKER. The gentleman from Texas is not in order in discussing the merits of the bill. The only question before the House now is the parliamentary point made by the gentleman from Iowa, [Mr. WILSON.] He makes the point that this bill appropriates money from the Treasury of the United States, and therefore should have its first consideration in Committee of the Whole.

Mr. GIDDINGS. Upon that point my answer is that these bonds are overdue, that an appropriation has already been made to pay them, and they have not been paid because the party who holds them will not present them, and he holds them fraudulently.

The SPEAKER. That is a point on the merits of the question. The only question is, does this bill take money out of the Treasury of the United States which would not go out of the Treasury if the bill were not passed?

Mr. GIDDINGS. The bill provides that the State of Texas shall give an indemnifying bond to the United States.

The SPEAKER. That is not the point. Does the bill take out of the Treasury money which would not go out if it were not passed?

Mr. BUTLER, of Massachusetts. If this bill were not passed the money would have to go to the other party.

The SPEAKER. If this bill does not take money out of the Treasury, there is no use in passing it. The Chair knows nothing about the merits of this claim, and it would not be proper for him to express any opinion about it if he did; but the Chair thinks that it directs the payment out of the Treasury of the United States of $151,000 in a certain mode, and therefore that it is strictly liable to the point of order that it must have its first consideration in Committee of the Whole. The Chair therefore sustains the point of order.

Under the ruling of the Chair the bill was referred to the Committee of the Whole on the state of the Union.

DISTRICT JUDGE OF TENNESSEE.

Mr. WHITE, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 2777) providing for a judge for the western district of Tennessee, &c.

Mr. SENER. That bill is liable to a point of order.

Mr. WHITE. Let the bill be read.

The Clerk proceeded to read the bill, and read the first five sections.

Mr. HALE, of New York. I make the point of order on that bill that it creates a new officer and provides for the paymant of a salary to the officer to be appointed.

The SPEAKER. The gentleman had better wait until the Clerk has read the sixth section of the bill.

Mr. HALE, of New York. The first section provides for the appointment of this officer, and I think we may presume that he is to be paid.

Mr. COX. There is another point which I desire to make, which is a political one, upon that bill.

Mr. WHITE. If the gentleman from New York [Mr. HALE] understood the merits of the case, I am sure he would not object to the bill.

Mr. COX. Some one is to be appointed as judge, and I object to the appointment of anybody by the present Executive.

The SPEAKER. That is not a point of order.

Mr. COX. No, sir; but it is a moral point.

ADVERSE REPORTS.

Mr. CESSNA, from the Committee on the Judiciary, reported adversely upon the following bills; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 3956) for the relief of the Southern States by the compromise and settlement of their debts; and

A bill (H. R. No. 3846) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874.

MILEAGE AND TRAVELING EXPENSES.

Mr. CESSNA, from the same committee, reported a substitute for the bill (H. R. No. 3899) explanatory of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1874;" which was read a first and second time.

The first section of the bill provides that the proviso in the sixth paragraph of the act referred to shall only be held and considered as applying to officers of the Army and clerks and employés of officers of the Army and of the War Department, and that all accounts of attorneys, marshals, clerks, and all officers except officers of the Army and clerks and employés of officers of the Army and of the War Department for mileage and for expenses incurred subsequent to the 1st day of July, 1874, shall be audited, allowed, and paid at the Treasury Department in the same manner as if said act had not been passed.

The second section provides that for services hereafter rendered no constructive mileage shall be allowed or paid to marshals of the United States, and that in auditing, settling, and paying such officers for services allowance shall only be made for the number of miles actually and necessarily traveled by them in the service of process or performance of official duty.

Mr. SPEER. I raise the point of order that this bill increases the compensation now authorized by law.

Mr. CESSNA. It does not; it simply declares the true intent and meaning of the proviso of the Army appropriation bill of last year.

The SPEAKER. The Chair understands the point involved here to be that by a proviso in the Army appropriation bill of last year a certain rate of mileage was established by law and that the construction of that proviso included a certain class of officers. This bill is intended to relieve a portion of those officers from that construction.

Mr. CESSNA. That is true.

The SPEAKER. Then of course this bill will necessitate an appropriation and the taking of money out of the Treasury.

Mr. CESSNA. The second section will save more money to the Treasury, by reducing the accounts for mileage.

The SPEAKER. Parliamentary rules do not recognize offsets. The bill is subject to the point of order.

The bill was accordingly referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

POTOMAC RAILROAD COMPANY.

Mr. CESSNA, from the Committee on the Judiciary, reported back a joint resolution (H. R. No. 117) relative to the Potomac Railroad.

Mr. BUTLER, of Massachusetts. I think a point of order will lie against this joint resolution.

Mr. CESSNA. There is no question of that, if it is raised. But I think there will be so much advantage to the Government that it ought not to be raised.

Mr. HALE, of New York. Let it go to the Committee of the Whole, where we can examine and discuss it.

Mr. CESSNA. That is, let it go "where the woodbine twineth."

The SPEAKER. The point of order is well taken.

The joint resolution was accordingly referred to the Committee of the Whole on the state of the Union.

TERMS OF PRESIDENT AND VICE-PRESIDENT.

Mr. POTTER. I am instructed by the Committee on the Judiciary to report back, as a substitute for House joint resolution No. 98, a joint resolution (H. R. No. 147) to fix the term of the presidential office at six years, and to make the President ineligible for more than six years in any term of twelve years after the next presidential election.

The SPEAKER. The substitute only will be read.

The substitute was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of the Constitution, namely:

ARTICLE XVI.

1. From and after the next election for a President of the United States the President shall hold his office during the term of six years, and, together with the Vice-President chosen for the same term, be elected in the manner as now provided or may hereafter be provided; but neither the President nor the Vice-President, when the office of President has devolved upon him, shall be eligible for re-election as President.

Mr. HOLMAN. I ask that the original resolution may be reported.

Mr. POTTER. The substitute reported from the committee is substantially the same as the original resolution, except that the ineligibility which it imposes is made permanent, and is extended to the Vice-President whenever the presidential office may devolve upon him.

Whatever question, Mr. Speaker, there may have been upon this subject in the public mind years ago, your committee think that now, with the vastly increased Federal patronage which has grown up of late years, the time has arrived for such a change in the Constitution as is proposed by this resolution. At any rate it is a question which has been much discussed, and probably every gentleman in the House has fully made up his own mind upon the subject, and so I think nearly every thoughtful citizen of the United States must have done. I shall therefore proceed at once to call the previous question upon this resolution, only saying that if the proposed amendment to the Constitution shall become operative, it will in nowise affect the eligibility of the present incumbent for re-election at the next presidential election. With that statement I call the previous question.

Mr. HALE, of New York. May I ask my colleague [Mr. POTTER] whether this will extend the term of the present Executive?

Mr. POTTER. It does not extend the term of the present Executive.

Mr. COX. Does my colleague [Mr. HALE] want the term of the present Executive extended?

Mr. POTTER. My colleague [Mr. HALE] can himself propose such an amendment if he desires to do so.

Mr. HALE, of New York. I merely asked the question that it might assist us in deciding how to vote.

The previous question was seconded and the main question ordered.

The SPEAKER. The Chair thinks it has been usual to order the yeas and nays on the adoption of a constitutional amendment.

Mr. POTTER. Of course that is proper.

Several MEMBERS called for the reading of the joint resolution; and it was again read.

Mr. E. R. HOAR. I ask the gentleman from New York [Mr. POTTER] whether he thinks it proper that a constitutional amendment should be put through without any opportunity to discuss it.

Mr. POTTER. Mr. Speaker, that is a matter entirely within the discretion of the House. I supposed that if there was any question which had been discussed and rediscussed until every person within and without this House was informed about it, it was this very question.

Mr. GARFIELD. I desire to make a suggestion to the gentleman to see whether I understand this proposition, for I am in favor of it. Suppose that after the adoption of this constitutional amendment a President should die one week before his term of six years had expired and the Vice-President should be sworn in and hold the presidential office for a week; under this provision, would not the Vice-President, serving as President for that one week, be thereby rendered forever ineligible to the office of President? I ask this question as a matter of construction.

Mr. POTTER. It is a perfectly proper question. As I understand this proposition, it would have precisely the effect suggested by the gentleman. How else are you going to prevent the Vice-President from being again eligible when by accident the office of President devolves upon him?

Mr. GARFIELD. I do not know that we could do it in any other way. I should be in favor myself of abolishing the office of Vice-President, and it seems to me this is a good time to do it.

Mr. POTTER. It has been often suggested that the Vice-President ought never to be eligible at all to the office of President; but if he is so unfortunate as to have the office of President devolved upon him, he should take it with all its restrictions and burdens.

Mr. GARFIELD. I only wished to suggest the propriety of dispensing altogether with the office of Vice-President.

Mr. POTTER. I shall be ready to discuss any such amendment whenever the gentleman from Ohio [Mr. GARFIELD] can bring it before the House. I am now, however, instructed to report the amendment I have brought before the House in its present form.

Mr. BUTLER, of Massachusetts. I call for the regular order.

The SPEAKER. The gentleman from New York [Mr. POTTER] is entitled to one hour.

Mr. HOLMAN. I wish to inquire of my friend from New York whether he will not allow an amendment, providing that no citizen shall be eligible to the office of President of the United States for a longer term than eight years?

Mr. BUTLER, of Massachusetts. It is too late to amend; the previous question has been ordered.

The SPEAKER. To receive an amendment would require a reconsideration of the vote by which the main question was ordered. Does the gentleman from New York [Mr. POTTER] yield for that?

Mr. POTTER. No, sir. This proposition limits the eligibility of any person after the next election to a term of six years.

Mr. HOLMAN. I would have the limitation operate from this period.

Mr. POTTER. If anybody proposes to reach that end, there are other methods more feasible for attaining the object than a constitutional amendment, which requires the approval of two-thirds of each House of Congress and three-fourths of the State Legislatures, and which ought never be determined on personal grounds.

Mr. E. R. HOAR. I wish to inquire whether the previous question has been ordered?

The SPEAKER. It has been. There was no objection to it. It is open to reconsideration.

Mr. E. R. HOAR. I move then to reconsider the vote by which the main question was ordered.

Mr. POTTER. The only gentleman in the House who has applied to me to speak on this question is the gentleman from Massachusetts, [Mr. E. R. HOAR,] who wants a few moments. I think the House will give this to him without the necessity of reconsidering the main question.

The SPEAKER. The gentleman from New York [Mr. POTTER] is entitled to one hour and can yield to the gentleman from Massachusetts.

Mr. POTTER. How much time does the gentleman from Massachusetts want?

Mr. E. R. HOAR. I want to say perhaps only a single sentence.

Mr. POTTER. I yield to the gentleman from Massachusetts.

Mr. E. R. HOAR. Mr. Speaker, I do not wish to ask any privilege that every other member of the House shall not have; but it was a surprise to me that a constitutional amendment should be presented to be put through under instructions under the previous question. There is enough objection to the operation of the previous question in ordinary transactions, as it has seemed to me, without applying it to so grave a subject as this. But if this question is not to be debated, all I wish to say on my own behalf is that while I am not of opinion that there is likely to be any occasion on which I should favor, or on which I believe the people of the country would favor the continuance of any person in the presidential office beyond two terms, I do not believe the argument in regard to the corruption of the people by executive power as one upon the strength of which the people should confess that they need such protection against such influences that they will deliberately deprive themselves of the power of selecting whom they please for their Chief Magistrate.

I remember a conversation which I had with an eminent gentleman, standing high in office in the country, in regard to the re-election of the late President Lincoln during the war. He was very much opposed to Mr. Lincoln's renomination and re-election, and did what was in his power to prevent it. I said to him then that I believed the majority of the American people intended to re-elect Mr. Lincoln, if necessary, during the rest of his life, until he was recognized in every part of this country as the President of the United States. I do not for one propose to aid in depriving the American people of the right of determining in any exigency or emergency whom they will keep in the presidential chair.

That we ever shall keep a man beyond the time Washington's example sanctioned, which is one of the traditions of the Republic, I do not believe. But the question whether we shall deprive ourselves by constitutional amendment of the right to do so, of the power to do so, is a very grave and serious one, which I think merits the consideration of this House before they adopt it.

Mr. KASSON. Before the gentleman from New York replies, if he does reply, I wish to ask him for information on two points. One is the force of the expression "from and after the next election." To my mind I did not think it was plain in the first instance, and it does not grow more plain on reflection, unless by unanimous consent of the House it means to apply to the next term; for election is one thing and the term of office is another thing.

Mr. POTTER. "After the next election the term of office shall be" is the language which is used.

Mr. KASSON. Consequently it does apply to the next President. Then the other point is——

Mr. POTTER. It applies to the President elected at the next election.

Mr. KASSON. Then the person elected at the next election President of the United States will continue for six years and be ineligible for re-election.

Mr. POTTER. I so understand it.

Mr. KASSON. The other point is this: This ineligibility is made perpetual. It has been a serious question with all popular governments, with whose history I am acquainted, whether the ineligibility ought not to apply exclusively to the next succeeding term, reserving to the people the right after the intervention of one President to re-elect a former one if they should desire to do so. It is on that account I regret the previous question, because I would like to have some expression of the feeling of the House on that particular point.

Mr. MAYNARD. Let me ask a single question. Suppose this amendment should be submitted to the people or the Legislatures for their action, and it should not be ratified by a sufficient number of Legislatures prior to the next presidential election, after that time would it or not be in the power of a sufficient number of Legislatures to ratify it and keep the President then elected in six years, or if they chose not to ratify it, would his term of itself expire at the end of four years? In other words, if we propose this constitutional amendment now and leave it unratified until after the next presidential election, would not it be in the power of the several Legislatures of the States to ratify it and continue the term for six years?

Mr. BUTLER, of Massachusetts. It would not begin to operate until after it had passed.

Mr. POTTER. And that is a complete answer to the suggestion of the gentleman from Massachusetts, [Mr. E. R. HOAR,] that this resolution tends to inhibit the people from doing as they think best. We cannot inhibit the people. All we can do is to submit it to them to say by three-fourths of their Legislatures whether they do or do not prefer this power of rechoice of President should be inhibited? About that I am of opinion, if there be anything in the world settled in the public mind, that is settled. It will be best determined when the people come to vote on this constitutional amendment whether I am right in my judgment. But whether I am or no, the people should at least have an opportunity of declaring their will in this respect.

Mr. DAWES. The construction put by the gentleman from New York may be the correct one, but in making a constitutional amendment it had better be clear beyond all doubt. It seems to me it will be better to say "from and after this becomes a part of the Constitution," or some words to that effect. His construction may be correct, but the matter should be put beyond all peradventure.

Mr. MAYNARD. If my friend from New York should be elected the next President, and he is quite as likely to be as any one of his party, he then of course would look at the subject from a different point of view from what most of us would look at it.

Mr. POTTER. If lightning should strike in that direction, I hope I will continue to look on this question of presidential re-eligibility as I do now——

Mr. DAWES. The gentleman should put the matter in the plainest words.

Mr. KELLOGG. Is it possible to get the action of three-fourths of the Legislatures of the States in season for the next presidential election?

Mr. POTTER. I presume it would be.

Mr. KASSON. There ought to be some change of expression as to when this resolution will become operative.

Mr. POTTER. Let the gentleman from Iowa frame such words as he thinks are necessary to carry out the object I understand he has in view, and I will probably assent to them.

Mr. E. R. HOAR. I insist on my motion to reconsider the vote by which the previous question was seconded.

The House divided; and there were—ayes 95, noes 55.

So the motion was agreed to; and the seconding of the previous question was reconsidered.

Mr. BUTLER, of Massachusetts. I ask my friend to yield to me for a moment. I simply desire to say a word in regard to the implied censure of the Committee on the Judiciary by my colleague's remarks, that we desire to put through under the previous question a constitutional amendment. I do not think the committee is open to that objection. The only vote on the previous question was asking for unanimous consent. There was no vote. The proposition was open to debate as long as any one chose to debate it. When my colleague asked for the previous question no one objected to it, it being done, as the Chair stated, by unanimous consent. Of course, if we supposed anybody desired to debate it——

Mr. E. R. HOAR. There were two noes here. I was one; the gentleman in front of me was another. Unanimous consent was not given.

Mr. BUTLER, of Massachusetts. I can only say what was the intention of the committee and of my colleague, as I understand it.

Now, I want to say a word upon this question. I do not understand that Congress can control the American people on the matter of constitutional amendments except in one way. If we practically refuse to submit an amendment to them to vote upon, then they cannot have a constitutional amendment except by a convention of all the people of the States, for that is open to them under the Constitution. Therefore, when we offer a constitutional amendment to the whole people of the country, I do not think it a correct statement of the proposition to say that we attempt to bind the American people. We offer to them a proposition for them to dispose of in the States after full consideration without any previous question. But if we say we will not offer them an amendment, then I do not know any way in which they can secure its passage, and we can stand here in the way of constitutional amendments, but we cannot bind the people in any other way. Therefore I should be pretty liberal in voting propositions for constitutional amendments to be sent to the people. For if they want them they ought to have them; and if they do not want them, they will take good care not to pass them in the several States.

Mr. HAZELTON, of Wisconsin. Will the gentleman yield to me for a question?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. HAZELTON, of Wisconsin. Let me ask the gentleman if there have been petitions from the people or from the Legislatures of the different States in favor of this amendment?

Mr. BUTLER, of Massachusetts. There has been for a long series of years an agitation and a petitioning of Congress for this amendment. It has been urged all over the country; and it comes up now without any possibility of a personal relation in it. Nobody, so far as I know, has an idea of any possible personal relations of this amendment to the present Executive.

Now, for one I agree that the people ought to have the right to elect a man just so many times as they choose to do it, and nobody ought to interfere with that right. But then the people ought to have a correlative right, the right of saying that they will not elect a man but once.

Therefore I think it might be well enough to submit this amendment to the people, and not to set up our judgment that the people shall not have an opportunity to pass upon this subject. So far from attempting to bind the people upon that question by offering them the amendment, we bind them on the question when we refuse to offer them the amendment.

Now, almost any reasonable proposition in which a large portion of the people seem to be interested for an amendment of the Constitution I should be in favor of submitting to them, in order that the people might have the opportunity to say in their primary capacity as people of the States, by three-fourths of their representatives in Legislatures chosen with reference to that proposition, if they chose to make it part of a political issue—to say whether they will or will not have a constitutional amendment.

Again, sir, I do not think that this looks to the corruption of the Executive. I think it looks rather, it strikes my mind, to the effect upon Congress as regards its political action. The first Congress comes in with the President under our present system, and the second Congress goes out with the President. Now, it has been said—I do not mean to repeat the saying offensively, but simply to give it as an illustration—it has been said that the first Congress is engaged in getting offices under the new President, and the second is always engaged in seeing how to make a new President, so as to get the offices. It would be well to have one session of Congress intervening to do business without having such a temptation before them. That is one of the arguments before the country on this subject; that is one of the arguments produced before us on the question of six years.

Then, again, it is said that why we have been so unsuccessful in Vice-Presidents when they come to be Presidents—I suppose there will be a general agreement with me in the House on this subject—is that they have always looked to re-election; and, as men are very much alike all over the world, that it would be best to have the temptation of re-election taken away from the Vice-President as well as from the President.

Now, I can conceive, and there I differ from my colleague, [Mr. E. R. HOAR,] a condition of things under which I would vote for a President three, four, five, six, or nine or ten times over.

Mr. E. R. HOAR. How does my colleague differ from me in saying that?

Mr. BUTLER, of Massachusetts. If I do not differ from my colleague, I am glad once in my life to agree with him. I am for this proposition whether I agree or differ with him in regard to it. I believe that one of the sayings of our late President, Mr. Lincoln, which was characterized at once by good sense and good wit, was that it was not worth while to swap horses in crossing a stream. When George Washington set the example he had got across and all was peace and all was quiet. And that example might be followed in times of peace and quiet. But the time that will call for the re-election of a man as President is when a man, a strong man, has hold of the Government, and when the whole people in a time of commotion, in a time of rebellion, in times when thousands upon thousands are murdered in one section of the country without any punishment of the murderers—when the people of the country under such circumstances feel a doubt as to what will be the future of the country without a re-election, then I can conceive of the possibility of the people coming up as one man to re-elect a strong man who shall administer the executive power in the future as he has administered it in the past. Why, they will cry out in the language of the poet laureate of Great Britain—

> O God! for a man with head, heart, and hand,
> Like one of the strong ones long gone by—
> Aristocrat, democrat, autocrat,
> Whatever they call him, what care I—
> One who can rule, and dare not lie.

Now, sir, I can conceive of this as the only thing which can ever make a movement for the third presidential term successful; and I warn my friends on the other side of the House, who are looking me in the face, of it; it will be to keep one section of this country disturbed, at war with itself. If we had peace and quiet throughout the country the question of an election for a third term of a President could not have been possible under our traditions, and it is only the upturning that you threw upon us that made it possible; and if it be possible it will have been made so by you.

Mr. E. R. HOAR. I have no desire or wish to discuss this question further. My sole object in interposing was to draw the attention of the House to what seemed to me a course of proceeding that was not commendable on a question of this grave importance, and that it ought to be discussed if any member of the House desired to discuss it. I do not know that any member does desire to discuss it. But, Mr. Speaker, I wish to say in regard to the remarks of my colleague, that, with his usual facility for misunderstanding the remarks which I make, he was entirely mistaken if he supposed that I suggested that we were binding the American people. I spoke of the wisdom in my opinion of the American people undertaking to bind themselves or their successors upon such a point. And, sir, I would like to ask where the evidence that my colleague has of this strong desire of the American people to bind themselves is found? Are there petitions on your table, and, sir, have any of us been charged with petitions or any urgency for a constitutional amendment like this? It may be so, but I am not aware of it. None have come to me from my district; whether they have come to my colleague from his district he knows. Is it from these same newspapers to which my colleague so frequently adverts that he derives his information? On the contrary, Mr. Speaker, I am willing to trust the American people on all occasions. I believe that there is not half so much danger of corruption in the election of a President as there is in the election of a great many officers inferior in dignity to him which are the subject of personal ambition and desire. The President of the United States is elected by a great wave of public sentiment. The people are always aroused on that occasion, and manifest their will. And why the people of to-day should undertake by constitutional restriction to prevent the people of this country at any future day from expressing their choice of a Chief Magistrate, under the then existing public exigencies, I cannot imagine.

Now, sir, what is the duty of this House? When my colleague says that we prevent the people, whom he supposes to have this desire, from passing on this question through their Legislatures, and voting on such an amendment, I say to him that we are the representatives of the American people here to-day, and our voice is to express what we believe to be their interest and their desire. It is therefore for us to say—no man has a right to say that in giving his vote to send out a constitutional amendment to the people he is willing to send out any amendment that anybody might offer; but his right is to give his vote whether he thinks an amendment is important on this subject, so that it ought to be brought before the people. I have not for one come to the conclusion that it is; and I propose to act in behalf of the people who sent me here, by giving them the benefit of my best judgment and opinion so long as I remain here. I have no desire to take time in the discussion of this matter, and I will yield to the gentleman from New York [Mr. POTTER] whatever parliamentary rights remain to me.

Mr. POTTER rose.

Mr. KASSON. Will the gentleman from New York allow me to offer the amendment which I suggested some moments ago in relation to the expression in the first part of the resolution?

Mr. POTTER. I will yield for that purpose.

Mr. KASSON. In line 9 I move to strike out the word "next" and to insert in line 10, after the word "States," the words "next following the ratification of this article."

Will the gentleman also allow me to say that I desire to test the sense of the House, with his permission, upon adding these words to the resolution: "within six years from the expiration of his previous term." I desire to see if it is the sense of the House to confer upon the people the right to elect the same person after the intervention of one term.

Mr. POTTER. The gentleman from Massachusetts has yielded to me the residue of his time. I desire to know how much time remains?

The SPEAKER. Nearly forty minutes.

Mr. POTTER. You will observe that when the gentleman rose I yielded to him once in order to allow him to speak. He now yields to me, and I yield five minutes of my time to my colleage, [Mr. ELLIS H. ROBERTS.]

Mr. ELLIS H. ROBERTS. Mr. Speaker, I yield to no man on this floor in my confidence in the American people. This is not a question of trust in the people, as of course it in no way relates to our present Executive. It is a question whether or not a great principle had better be settled in time of calm; whether or not a great principle had better be laid down independently of personal considerations.

And it does seem to me that it is well for the American Congress to consider whether the Republic can afford to elect its Chief Magistrate twice, thrice, continuously, as has been suggested by the gentleman from Massachusetts, [Mr. E. R. HOAR.] As I read history, republics are overthrown by the plea of necessity and in times of great excitement. And I desire that in cold blood the American people shall have the opportunity to say whether or not they are willing in any emergency to re-elect a President for the third time. As I read history, dangers to republics come not as the gentleman from Massachusetts [Mr. BUTLER] suggests from below, but always from above. Always the pretense is that the country needs a strong man, always the pretense is that there is disturbance somewhere, that there is need of an army and a military chieftain. Dictators come through the plea of necessity. Tell me one republic that has ever been overthrown in any way other than that. Now, I want the American people to have at least the opportunity to see how they read history, and whether they do not believe that in that way lies murder to the Republic.

For one, I desire now to say, that even in the case which the gentleman from Massachusetts has suggested, the re-election of Mr. Lincoln, it would have been better to have nominated and elected another rather than to have established the principle of a continuous Executive. For one, I am willing to say here that I cannot conceive the contingency in which I would be willing to vote for a continuous Executive in this Republic. And I ask gentlemen upon this side of the House to consider whether or not they will now be put upon the record as willing to invite a contingency in the future when we shall be called upon to meet the alternative of disturbance and excitement or a continuous Executive, of a strong man in a strong Government? My faith is not in strong men; my faith is in the American people.

Constitutions are made in times of deliberation, if they are to be good constitutions. I want the American people to have the privilege of saying what their constitution shall be. And I deem that as infinitely more important than the privilege at any time of being able to call upon any man, however strong or however great. All constitutions are limitations upon the action of the people. This provision is no more open to that objection as made by my friend from Massachusetts [Mr. E. R. HOAR] than any other clause. Written constitutions are designed to establish principles, and these restrict the passions of the hour. Their purpose is to set up defenses and barriers. Surely this is a case where constitutional defenses ought to be erected. I think it is essential to the Republic that an amendment like this shall be put into the Constitution of the United States.

Mr. WARD, of Illinois. I ask my colleague on the committee [Mr. POTTER] to yield to me for a moment.

Mr. POTTER. I will do so.

Mr. WARD, of Illinois. I desire first to state that this morning was the first that I had ever heard of this joint resolution. Not understanding it, not having been present when it was considered in committee, not knowing it was to be introduced here, and not hearing it read, I made no objection at the time.

I cannot understand the arguments made by some gentlemen on this side of the House in favor of this joint resolution, nor can I quite understand some of the objections made against it. Members talk as though, if this amendment was not adopted, some great outrage would be committed in the future; as though the people were not as capable as members here to determine in the future who shall be President; as though we could determine to-day who shall or shall not be eligible to that office better than those who may come after us.

In my examination of this subject, and with the thought I have been able to bestow upon it, I can find no reason sufficient to justify me in saying that the American people shall set up a statute so high that it cannot be readily reached; that we shall say to the people in the future, "You shall elect only this or that man," as if we dreaded lest some man should be elected whom we might not be willing to have elected. Members have addressed themselves to the subject here on the idea that there is a call for this proposition from the people. Now that I deny. I have heard no clamor for it; there is none that has reached my ears to justify the assertion here at least that it is a thing demanded by the American people.

As a proposition standing by itself, the portion extending the term of office of President to six years might be well. But I am willing for one to trust myself in the vote which I may deposit for the next presidential candidate, and I am willing that those who follow me may trust themselves for all time. This attempt to limit the right of the people in that regard is but an evidence of a lack of confidence which gentlemen have in those who may follow them, and an assertion of their superior ability to determine who shall hereafter serve as President in this country.

Having said this, I had proposed to move to lay this joint resolution upon the table. I have stated my objections to it and the reason why at this moment I am opposed to it. I do not desire to cut off debate; I do not know that it is the wish of the House to so dispose of this matter. But in order to test the sense of the House, if the gentleman from New York [Mr. POTTER] will allow me, I will make the motion to lay this joint resolution on the table.

Several MEMBERS. No! No!

Mr. WARD, of Illinois. I will withdraw the motion if there is a desire to debate the resolution further.

Mr. POTTER. I will yield to allow the gentleman from Illinois [Mr. WARD] to make that motion.

Mr. WARD, of Illinois. Then I move that this resolution be laid on the table.

The question was taken upon the motion to lay on the table; and upon a division there were—ayes 71, noes 74.

Before the result of this vote was announced,

Mr. BECK, Mr. HOLMAN, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 98, nays 139, not voting 51; as follows:

YEAS—Messrs. Averill, Barber, Barrere, Barry, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Amos Clark, jr., Freeman Clarke, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Cotton, Crutchfield, Dobbins, Donnan, Eames, Farwell, Fort, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, John B. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Houghton, Howe, Hubbell, Hurlbut, Hyde, Kelley, Lofland, Lowe, Lynch, Martin, Maynard, James W. McDill, Moore, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Pelham, Pendleton, Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, Sprague, Starkweather, St. John, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wilber, Charles G. Williams, William Williams, and James Wilson—98.

NAYS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Caldwell, Cannon, Cessna, Chittenden, John B. Clark, jr., Clayton, Clymer, Comingo, Conger, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Davis, Dawes, Dunnell, Durham, Eldredge, Field, Finck, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph R. Hawley, Hereford, Herndon, Holman, Hoskins, Hunter, Hunton, Kasson, Kellogg, Killinger, Knapp, Lamison, Lawrence, Lawson, Leach, Lowndes, Luttrell, Magee, McCrary, McLean, Merriam, Milliken, Mills, Monroe, Morey, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Hosea W. Parker, Perry, Phillips, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Milton Sayler, Schell, John G. Schumaker, Sloss, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Stanard, Standiford, Stone, Storm, Strawbridge, Swann, Sypher, Thornburgh, Tremain, Vance, Waddell, Wells, White, Whitehead, Whiteley, Whitthorne, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Willie, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—139.

NOT VOTING—Messrs. Barnum, Corwin, Crooke, Curtis, Danford, Darrall, DeWitt, Duell, Eden, Freeman, Frye, Eugene Hale, Hays, John W. Hazelton, Hendee, Hersey, George F. Hoar, Hynes, Kendall, Lamar, Lamport, Lansing, Lewis, Loughridge, Marshall, Alexander S. McDill, MacDougall, McKee, McNulta, Mitchell, Packer, Parsons, Phelps, Pike, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Sener, George L. Smith, William A. Smith, Stephens, Stowell, Walls, Wheeler, Whitehouse, Ephraim K. Wilson, and Woodworth—51.

So the joint resolution was not laid on the table.

Mr. POLAND. I move that this resolution be recommitted to the Judiciary Committee.

Mr. HOLMAN. On that I call for the yeas and nays.

Mr. POLAND. Then I withdraw the motion.

Mr. TREMAIN. Will not my colleague [Mr. POTTER] consent that the taking of the vote (which if taken now must occupy so much of the time we want to give to other reports) shall be postponed for a week?

Mr. POTTER. That will be entirely agreeable to me.

Mr. DAWES. I hope that it will not be postponed, for a mere postponement for a week, without making it a special order, would jeopardize any action upon it.

Mr. TREMAIN. Then fix it as a special order, with the understanding that the question shall be taken without debate.

Mr. ELDREDGE. I object.

Mr. TREMAIN. I hope the gentleman will not object. We want the balance of to-day for other business of our committee.

Mr. ELDREDGE. It is best not to amend the Constitution unless we can take the necessary time to do it.

Mr. TREMAIN. That is just what I am asking.

Mr. ELDREDGE. And that is precisely what I want.

The SPEAKER. The gentleman from New York [Mr. TREMAIN] proposes that this question be postponed for one week, and that the vote be then taken without debate. The Chair desires to suggest that inasmuch as this resolution requires a two-thirds vote for its adoption, it might just as well come up on Monday afternoon, upon a motion to suspend the rules, as to assign an hour on some other day for taking the question without debate. Nothing will be gained by asking unanimous consent for the latter arrangement.

Mr. TREMAIN. I am willing that the proposition be postponed, and that if anybody desires to debate it when it comes up again, it should be debated.

Mr. LAWRENCE. We had better have some debate.

Mr. TREMAIN. Say one hour's debate.

Mr. LAWRENCE. Say two hours' debate.

Mr. WARD, of Illinois. Is it in order to move to recommit the resolution?

The SPEAKER. It is, if the gentleman from New York [Mr. POTTER] yields.

Mr. WARD, of Illinois. I move that the resolution be recommitted to the Committee on the Judiciary.

Mr. TREMAIN. The gentleman cannot take me off the floor.

Mr. WILBER. I think that the resolution ought to be recommitted, and that we should go on with other business. It is time we did some business.

Mr. POTTER. We must either vote now or on some other day, and if we cannot agree to another day, let us vote now.

Mr. TREMAIN. Does it require two-thirds to fix another day for the taking of the vote?

The SPEAKER. The House is competent by a majority vote to postpone the resolution and take the risk of reaching it. It is not competent to assign this measure to a particular day, exclusive of all other orders, except by unanimous consent.

Mr. TREMAIN. Then I move to postpone it for one week from to-day at one o'clock.

The SPEAKER. The Chair had recognized the motion of the gentleman from Illinois, [Mr. WARD,] which was to recommit the bill; but the gentleman from New York [Mr. TREMAIN] moves to postpone until one week from to-day, which motion takes precedence.

Mr. DAWES. I would like to inquire of the Chair whether, if we agree to the motion to postpone, that will certainly bring this measure to a vote on this day week?

The SPEAKER. The Chair thinks the chances are about one in a thousand that it may do so.

Mr. DAWES. I hope, then, the House will understand that agreeing to a motion to postpone to a day certain, without making a special assignment for that day, will give the measure only one chance in a thousand of coming up.

Mr. HAWLEY, of Connecticut, and Mr. LAWRENCE. Make it a special order.

Mr. BUTLER, of Massachusetts. We all agree to that.

The SPEAKER. To make it a special order requires unanimous consent.

Mr. DAWES. I would like to inquire of the gentleman from Illinois [Mr. WARD] what would be gained by recommitting the resolution?

Mr. CESSNA. Mr. Speaker, I rise to a parliamentary inquiry. Is there any motion pending except the motion to postpone? Is the motion to recommit pending?

The SPEAKER. It is.

Mr. CESSNA. If I should call the previous question and it should be sustained by a majority of the House, will it operate upon the motion to postpone and also the motion to recommit?

The SPEAKER. No, sir; the previous question will exhaust itself upon the motion to postpone.

Mr. TREMAIN. In view of the statement of the Chair, I withdraw the motion to postpone.

Mr. CESSNA. I ask the previous question on the motion to recommit and on the joint resolution. We may as well vote now. We all know what we are going to do, and there is no use of wasting another day upon the subject.

Mr. ELDREDGE. The gentleman from Massachusetts [Mr. DAWES] inquired of the Chair a few moments ago what were the chances of this measure being reached if it should be postponed for one week.

The SPEAKER. And the Chair answered about one in a thousand.

Mr. ELDREDGE. I would like the Chair to inform the House what are its chances now.

The SPEAKER. That is a question of voting, which it is for the House to determine.

Mr. CESSNA. I beg to answer the gentleman. The chances are that we shall dispose of the measure one way or another.

The previous question was seconded and the main question ordered.

The question being taken on the motion to recommit, there were—ayes 85, noes 79.

The yeas and nays were demanded, and were ordered.

The question was taken; and it was decided in the negative—yeas 109, nays 123, not voting 56; as follows:

YEAS—Messrs. Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Carpenter, Cason, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cotton, Crutchfield, Donnan, Dunnel, Eames, Farwell, Fort, Gooch, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hurlbut, Hyde, Kelley, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, McNulta, Moore, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Pendleton, Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ross, Rusk, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Sloan, Small, Smart, A. Herr Smith, St. John, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—109.

NAYS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caldwell, Cannon, Cessna, Chittenden, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Davis, Dawes, Durham, Eldredge, Field, Finck, Foster, Freeman, Glover, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hunter, Hunton, Kasson, Kellogg, Killinger, Knapp, Lamison, Lawrence, Lawson, Leach, Lowndes, Luttrell, Magee, McKee, McLean, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Hosea W. Parker, Perry, Phelps, Phillips, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Sawyer, Milton Sayler, Schell, John G. Schumaker, Lazarus D. Shoemaker, Sloss, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Standiford, Stephens, Stone, Storm, Strawbridge, Swann, Tremain, Vance, Waddell, Wells, White, Whitehead, Whitthorne, Charles W. Willard, George Willard, Willie, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—123.

NOT VOTING—Messrs. Barnum, Barry, Bundy, Cain, Corwin, Crooke, Curtis, Danford, Darrall, DeWitt, Dobbins, Duell, Eden, Frye, Garfield, Giddings, Eugene Hale, Hays, John W. Hazelton, Hendee, Hersey, George F. Hoar, Hubbell, Hynes, Kendall, Lamar, Lamport, Lansing, Marshall, Alexander S. McDill, MacDougall, Mitchell, Morey, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pike, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Henry B. Sayler, Sheldon, George L. Smith, William A. Smith, Snyder, Starkweather, Stowell, Sypher, Walls, Wheeler, Whitehouse, Ephraim K. Wilson, and Woodworth—56.

So the House refused to recommit to the Judiciary Committee.

During the vote,

Mr. ORTH stated that his colleague, Mr. SAYLER, was absent on account of illness in his family.

The vote was then announced as above recorded.

The SPEAKER. The question now recurs on the amendment of the gentleman from Iowa, [Mr. KASSON.]

Mr. BUTLER, of Massachussetts. That was agreed to.

Mr. POTTER. I only agreed to admit one amendment.

The Clerk read as follows:

Strike out "next" and insert in line 10, after the word "States," the words "next following the ratification of this article."

Mr. POTTER. I agreed to that amendment, and it was adopted.

Mr. KASSON. Now read the other amendment I proposed.

The Clerk read as follows:

Add to the resolution "within six years from the expiration of his previous term of office;" so it will read:

From and after the election for President of the United States next following the ratification of this article the President shall hold his office during the term of six years, and, together with the Vice-President chosen for the same term, be elected in the manner as now provided or may hereafter be provided; but neither the President nor Vice-President, when the office of President is devolved upon him, shall be eligible for re-election as President.

Mr. POTTER. I did not allow that amendment to come in.

Mr. FORT. Will the gentleman yield to me to move an amendment?

Mr. CESSNA. I object to any more debate or any further amendment.

Mr. FORT. I wish to strike out six and insert four years.

Mr. CESSNA. I object to anybody further debating the question or submitting any amendment.

The question then recurred on ordering the joint resolution to be engrossed and read a third time.

The House divided; and there were—ayes 86, noes 72.

Mr. MAYNARD. Two-thirds have not voted in the affirmative.

The SPEAKER. Two-thirds are not required except on the passage.

So the joint resolution was ordered to be engrossed, and read a third time.

Mr. FORT. Is the resolution engrossed?

The SPEAKER. It is not, but it has been ordered to be read a third time, and the gentleman's point comes too late.

Mr. CESSNA. I demand the previous question on the passage of the joint resolution.

The previous question was seconded and the main question ordered.

Mr. POTTER demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Constitution requires on this question a two-thirds vote to pass the resolution.

The question was taken; and it was decided in the negative—yeas 134, nays 104, not voting 50; as follows:

YEAS—Messrs. Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Beck, Begole, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Caldwell, Cannon, Cessna, Chittenden, John B. Clark, jr., Clayton, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Darrall, Davis, Dawes, Dunnell, Durham, Eldredge, Field, Finck, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, John W. Hazelton, Hereford, Herndon, Holman, Hoskins, Hunter, Hunton, Kasson, Kellogg, Killinger, Knapp, Lamison, Lawrence, Lawson, Leach, Lowndes, Luttrell, Magee, McCrary, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Hosea W. Parker, Perry, Phelps, Phillips, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Sloss, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Stanard, Standiford, Stephens, Stone, Storm, Strait, Strawbridge, Thornburgh, Tremain, Vance, Waddell, Wells, Whitehead, Whitthorne, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Willie, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—134.

NAYS—Messrs. Averill, Barber, Barry, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Amos Clark, jr., Freeman Clarke, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cotton, Crutchfield, Dobbins, Donnan, Eames, Farwell, Fort, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hurlbut, Hyde, Kelley, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, James W. McDill, McKee, McNulta, Moore, Myers, Negley, Nunn, O'Neill, Orth, Packard, Page, Isaac C. Parker, Pelham, Pendleton, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Rusk, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, Snyder, Sprague, Starkweather, St. John, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles G. Williams, William Williams, and James Wilson—104.

NOT VOTING—Messrs. Adams, Barnum, Barrere, Bass, Berry, Corwin, Crooke, Curtis, Danford, DeWitt, Duell, Eden, Freeman, Frye, Hays, Hendee, Hersey, George F. Hoar, Hooper, Hynes, Kendall, Lamar, Lamport, Lansing, Marshall, Alexander S. McDill, MacDougall, McLean, Mitchell, Morey, Orr, Packer, Parsons, Pike, Purman, William R. Roberts, James C. Robinson, Henry B. Sayler, Sheldon, George L. Smith, William A. Smith, Stowell, Swann, Sypher, Walls, Wheeler, White, Whitehouse, Ephraim K. Wilson, and Woodworth—50.

So (two-thirds not having voted in the affirmative) the joint resolution was not passed.

During the call of the roll,

Mr. GUNCKEL stated that his colleague, Mr. DANFORD, of Ohio, was detained at his room by sickness.

The result of the vote was then announced, as above recorded.

Mr. BECK. I move that the House adjourn.

Mr. BUTLER, of Massachusetts. O, no; let us finish our reports.

Mr. BECK. Very well. I withdraw the motion.

JUDICIAL DISTRICT OF OKLAHOMA.

Mr. BUTLER, of Massachusetts. I am also instructed by the Committee on the Judiciary to report back, with the recommendation that it do pass, the bill (H. R. No. 4041) to establish the judicial district of Oklahoma. As the bill establishes a new court, it is open to the point of order, and it may go to the Committee of the Whole without being read.

Mr. SHANKS. I wish to offer an amendment to that bill.

The bill was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

SOUTHERN IOWA UNITED STATES DISTRICT COURT.

Mr. POTTER, from the Committee on the Judiciary, reported back, with the recommendation that it do not pass, the bill (H. R. No. 3906) providing for holding the terms of the United States district court for the southern district of Iowa at Burlington, in said division; and the same was laid on the table, and the accompanying report ordered to be printed.

DISTRICT JUDGE OF VERMONT.

Mr. POTTER also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3920) for the relief of the district judge of Vermont.

The bill was read. The preamble recites that the present incumbent of the office of district judge for the district of Vermont is incapacitated by sickness and paralysis from performing the duties of his office, which incapacity is believed to be permanent. The bill therefore provides that the resignation of the district judge for the district of Vermont being tendered and accepted by the President of the United states, the salary now received by said judge shall be continued to him during his natural life, payable in the same manner and form as if he actually performed the duties of his office.

Mr. HOLMAN. I should desire to hear some explanation of the occasion for this bill, but meanwhile do not waive the point of order.

Mr. POTTER. I think nobody will insist on the point of order on this bill. The law now allows the Federal judges who reach the age of seventy years, and who have served ten years, to retire from their duties, retaining their salaries. In this case Judge Smalley has not quite reached the age of seventy years; I believe he is about sixty-seven years of age. He has been in the judicial service for seventeen or eighteen years continuously. He has been afflicted by an incurable disease, and is absolutely paralyzed and entirely unable to discharge the duties of his office. The interests of the public business require some other person to be put in his place to discharge those duties. This is one of those cases coming within the spirit of the statute relating to judges over seventy years of age, and the relief it affords ought to be extended to him also. I may state further that he is a man utterly without means, having failed, in consequence of his devotion to the duties of his office, to acquire any.

Mr. HOLMAN. I must insist on the point of order. I am opposed to this whole civil pension list. It is against the genius of our institutions.

Mr. ELDREDGE. I hope the gentleman from Indiana will not insist on the point of order. Here is a case in which you cannot compel this judge to resign, and unless this is done he will not resign, but will hold on to the office, and the public business will suffer in consequence.

The SPEAKER. The gentleman from Indiana makes the point of order that this bill takes money from the Treasury of the United States not now authorized by law.

Mr. WILSON, of Indiana. I hope my colleague will withdraw the point of order in the interest of the public service, if for no other reason.

Mr. HOLMAN. I do not withdraw it.

The SPEAKER. The Chair sustains the point of order, and the bill goes to the Committee of the Whole on the state of the Union.

OVERCHARGE OF TONNAGE AND IMPORT DUTIES.

Mr. BUTLER, of Massachusetts, also, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 4451) to provide judicial remedies for overcharge of duties on tonnage and imports.

The Clerk proceeded to read the bill.

Mr. KASSON. It may save time to make the point of order on this bill before the reading is completed. There is a provision in it to pay money out of the Treasury.

Mr. BUTLER, of Massachusetts. There is no provision for paying money out of the Treasury the payment of which is not now authorized by law. Its object is only to provide judicial remedies to determine how much that sum shall be; that is all.

Mr. MERRIAM. If in order I would move that the bill be referred to the Committee on Ways and Means. It seems to me that that is the proper place where it should be considered.

Mr. BUTLER, of Massachusetts. This has nothing to do with the raising of revenue. I asked two or three gentlemen on the Committee on Ways and Means to examine if it did, and they came to the conclusion that it did not. The bill only provides judicial remedies—a method of ascertaining the rights of importers through the court. A report on this subject has been printed, (No. 95,) and if gentlemen would do their duty to their constituents and study the report they would know much more about it.

Mr. MERRIAM. They would do nothing else if they read all the reports.

Mr. DAWES. I would suggest that the bill might be referrred to

the Committee on Ways and Means with power to report it back at any time.

Mr. BUTLER, of Massachusetts. If the bill can be committed to the Committee on Ways and Means with authority to that committee to report it back at any time, I have no objection.

Mr. DAWES. I have not had an opportunity to examine the bill. The purport of it I think to be to secure a very desirable end, but still it is a change in the mode of collecting the revenue, and I think the Committee on Ways and Means ought to have the privilege of examining it.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] made a point of order on the bill.

Mr. KASSON. I withdraw the point of order if the bill can be referred to the Committee on Ways and Means.

Mr. BUTLER, of Massachusetts. I will agree to that reference with great pleasure if the committee can have leave to report it back at any time.

Mr. DAWES. I ask the House, then, to let it be referred to the Committee on Ways and Means, with the privilege of reporting it back at any time; and if there be nothing objectionable in it, we will surrender it, when reported back, to the custody of my colleague from Massachusetts.

The SPEAKER. Does the gentleman ask leave that it be reported back for consideration in the House?

Mr. DAWES. For consideration in the House.

No objection was made; and the bill was referredto the Committee on Ways and Means, with leave to report it back at any time for consideration in the House.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MILLS. I move that the House do now adjourn.

Mr. BUTLER, of Massachusetts. O, no; let us do a little public business. We have been fooling here all afternoon.

SESSION FOR DEBATE.

Mr. DAWES. Before the House adjourns I wish to say that several gentlemen have asked me to request of the House that they may have the privilege of coming up and making speeches to-night.

Mr. SPEER. O, no; I object.

Mr. BUTLER, of Massachusetts. We are all coming here to make speeches to-night.

Mr. DAWES. On their behalf I ask that they may have the privilege of coming here to-morrow night and making speeches in Committee of the Whole.

Mr. WARD, of Illinois. Does that require unanimous consent?

The SPEAKER. Certainly it does.

Mr. WARD, of Illinois. That cannot be granted.

WRITS OF ERROR IN CRIMINAL CAUSES.

Mr. BUTLER, of Massachusetts, also, from the Committee on the Judiciary, reported back, with an amendment, the bill (S. No. 935) to provide for writs of error in certain criminal causes.

The bill was read.

The first section provides that on the trial of any criminal cause in any circuit or district court of the United States, or in any court of any Territory of the United States or in the District of Columbia, the defendant or defendants shall be entitled to a bill of exceptions, which may be settled on the trial or within ten days thereafter, and the same shall be signed by the presiding judge or justice of such court, and shall be deemed to be a part of the record in such cause.

The second section provides that in any criminal cause in any circuit or district court of the United States in which any defendant or defendants shall be sentenced to death, the court shall fix a day, not less than thirty nor more than ninety days after such sentence shall be pronounced, for the said sentence to be carried into execution; and any defendant or defendants sentenced to death as aforesaid may remove said cause, by writ of error, to the Supreme Court of the United States, as matter of right, and without giving bond or security; said writ to be issued and served as in civil causes; and after the service of such writ the execution of said sentence shall be stayed, and the Supreme Court shall proceed to hear and determine said writ of error according to law; and if the day fixed by the sentence in the court below shall have passed before the Supreme Court shall render judgment on said writ of error, and the judgment in the court below shall be affirmed, the Supreme Court shall fix the day, not less than thirty nor more than ninety days after such affirmance, when said sentence shall be carried into execution, and issue a warrant to the proper officer therefor.

The third section provides that in every criminal cause tried in any court of any Territory of the United States or of the District of Columbia, in which any defendant or defendants shall be sentenced to death, the court shall fix a day, not less than thirty nor more than ninety days after such sentence shall be pronounced, for the said sentence to be carried into execution; and any defendant or defendants sentenced to death as aforesaid may remove said cause by writ of error to the supreme court of the said Territory or the District of Columbia, as the case may be, as matter of right; and after said writ of error shall be served, all proceedings in said judgment in the court below shall be stayed, and said supreme court shall proceed to hear and determine said writ of error according to law; and if said supreme court shall affirm said judgment, and the day fixed by the court below for the execution of said sentence shall have passed before said judgment of affirmance shall be rendered, said supreme court shall fix a day not less than thirty nor more than ninety days after such affirmance, upon which said sentence shall be executed; and after such affirmance said defendant or defendants may, by writ of error, and as matter of right, and without giving any bond or security, remove said cause to the Supreme Court of the United States, said writ to be issued and served as in civil causes; and after the service of said writ the execution of said sentence shall be stayed, and the Supreme Court of the United States shall proceed to hear and determine said writ of error according to law; and if the said judgment shall be affirmed by the Supreme Court of the United States, and the day fixed by the said supreme court of such Territory or of the District of Columbia, as the case may be, shall have passed before such affirmance in the Supreme Court of the United States, the last-named court shall fix a day, not less than thirty nor more than ninety days after such affirmance by said court, for the said sentence to be carried into execution, and shall issue a warrant to the proper officer therefor.

The fourth section provides that in all criminal prosecutions, penal actions, or proceedings to enforce a penalty prescribed by law in any circuit or district court of the United States, in which any defendant or defendants shall be sentenced to imprisonment for one year or upward or to a fine of $1,000 or upward; or in which there shall be a recovery for $2,000 or upward; or in any criminal prosecution, penal action, or proceeding to enforce a penalty prescribed by law in any court of any Territory of the United States or of the District of Columbia, in which any defendant or defendants shall be sentenced to imprisonment for one year or upward or to a fine of $1,000 or upward, or in which there shall be a recovery for $1,000 or upward, and the said judgment, sentence, or recovery shall be affirmed by the supreme court of such Territory or the District of Columbia, as the case may be, in which criminal prosecution, action, or proceeding the said defendant or defendants set up or relied upon the Constitution or laws of the United States, or treaties made or which shall be made under their authority, in defense, the defendant or defendants therein may apply to any justice of the Supreme Court of the United States for a writ of error to remove such prosecution, action, or proceeding to the Supreme Court of the United States within one year from the time when final judgment was entered therein by said circuit or district court, or by the supreme court of said Territory or of the District of Columbia, as the case may be; and if the justice so applied to shall be satisfied that such defense was interposed in good faith, or that the Constitution, laws, or treaties of the United States were fairly involved in the said judgment, and that the said defendant or defendants so applying has or have been substantially prejudiced by said judgment, he shall allow a writ of error; and after service thereof, as in civil causes, all proceedings on such judgment shall be stayed, and the Supreme Court of the United States shall proceed to hear and determine said writ of error according to law.

The fifth section provides that at the time said writ of error shall be allowed in the cases mentioned in the next preceding section, or at any time thereafter, the Supreme Court of the United States, or any justice thereof, may admit the said defendant or defendants to bail, in such sum as shall appear to be just, to answer and abide by such judgment therein; and upon giving such new bail, all bail required prior to granting said writ of error shall be discharged; or if said defendant or defendants be in actual custody, he or they shall be discharged upon giving such new bail; but if the defendant or defendants are at large on bail when said writ of error shall be allowed, said bail shall not be discharged by the allowance of said writ.

The amendment reported by the Committee on the Judiciary was to add as an additional section the following:

SEC. 6. That writs of error issued to and allowed as hereinbefore provided shall be entered upon the docket of the Supreme Court forthwith, and the argument of such cases and cases of *habeas corpus* shall have precedence of all other cases in said court.

Mr. BUTLER, of Massachusetts. I will state that this bill was very carefully considered by the Senate and is unanimously reported by the Committee on the Judiciary. I demand the previous question.

The previous question was seconded and the main question ordered, being first upon the amendment reported from the Committee on the Judiciary.

The question was taken and the amendment was agreed to.

The bill, as amended, was then ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTLER, of Massachusetts. I move that the title of the bill be amended by adding to it the following:

For hearing therein and in cases of *habeas corpus*.

The amendment to the title was agreed to.

JUDICIAL DISTRICTS IN MICHIGAN.

Mr. BUTLER, of Massachusetts, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R.

No. 4099) to divide the State of Michigan into three judicial districts, and to establish the northern district of Michigan.

Mr. BUTLER, of Massachusetts. That bill is liable to the point of order, and must be referred to the Committee of the Whole on the state of the Union.

The bill was referred to the Committee of the Whole on the state of the Union.

CHESAPEAKE AND OHIO RAILROAD COMPANY OF VIRGINIA.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 4438) for the relief of the Chesapeake and Ohio Railroad Company of Virginia; and the same was referred to the Committee on the Post-Office and Post-Roads.

DESIGNATED DEPOSITARIES.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 4357) to amend an act to construe the act of March 2, 1853, to allow all depositaries designated under the act of August 6, 1846, &c.; and the same was referred to the Committee on Banking and Currency.

Mr. RANDALL moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN UTAH.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 4269) providing for the payment of certain expenses for holding the United States courts in the Territory of Utah; and the same was referred to the Committee on Expenditures in the Department of Justice.

JURISDICTION OF COURT OF CLAIMS.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported back the bill (H. R. No. 4404) to confer certain jurisdiction on the Court of Claims; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

MRS. JOHN F. PECK.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported back the petition of Mrs. John F. Peck, of Burlington, Vermont, for relief on account of the imprisonment of her husband during the rebellion in the Capitol prison; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. BUTLER, of Massachusetts, moved to reconsider the various votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter;

A bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes;"

A bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor; and

A bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 1012) for the relief of the district judge of Vermont;

A bill (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes; and

A bill (S. No. 1147) for the relief of Courtland Parker, as administrator of George W. Andrews, deceased.

NEW IDRIA MINING COMPANY.

Mr. BUTLER, of Massachusetts. I have been instructed by the Committee on the Judiciary to report a preamble and resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

Whereas the title to the tract of land situated in the counties of Monterey and Fresno, California, known as the Rancho Panoche Grande, and described as follows, northerly, by the lands of Don Julian Ursua; southerly, by the Serralne or Santa Anna River; easterly, by the valley of Tulares; and westerly, by the lands of Don Francisco Arias, is in dispute; and whereas it is alleged that the New Idria Quicksilver Mining Company is in the illegal and wrongful possession of a large part thereof; and whereas the said wrongful possession is alleged to have existed for some seventeen years; and whereas it is also alleged that the same New Idria Mining Company has taken from said land some $7,000,000, and that they are now and for the past year believed to have taken therefrom about $100,000 per month; and whereas, if not the property of any individual claimant, it is the property of the United States: Therefore,

Resolved by the House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and is hereby, requested to immediately employ special counsel, whose duty it shall be to institute legal proceedings in the name of the Government of the United States against the said New Idria Mining Company in the circuit court of the United States for California to restrain the further waste of the property, and for the appointment of a receiver and the recovery of the possession thereof, and also for the recovery of the $7,000,000 in gold alleged to have been illegally and wrongfully taken therefrom by the said New Idria Company, and such other action as the Commissioner may deem proper.

SEC. 2. That all persons who may have claim of title to the aforesaid property shall be permitted to appear and be heard by counsel in the aforesaid proceedings in establishing their title thereto.

SEC. 3. That the Secretary of the Interior be, and he is hereby, directed and instructed to withhold the issuing of any patent, and to allow no proceedings in his Department for the purpose of issuing patents to the said New Idria Mining Company on their alleged claim; and also that no proceedings be taken in the said Department of the Interior to be had on the quicksilver-mining claims now on file in the General Land Office, and known as the "Cerro Bonita," "Andy Johnson," "Fourth of July," and "Boston," until the legal proceedings heretofore referred to shall have been finally determined.

Mr. BUTLER, of Massachusetts. This resolution is for the purpose of directing the proper officer of the Government, having charge of the public lands, to determine the title of the United States in the valuable quicksilver mines known as the New Idria Company mines, or sometimes as the McGarrahan claim.

Mr. KASSON. Is this a joint resolution or a House resolution? If it is a House resolution, can we give it the effect of law?

Mr. BUTLER, of Massachusetts. It is quite possible for one House by resolution, to direct one of the heads of Departments.

Mr. KASSON. This provides for legal proceedings.

Mr. BUTLER, of Massachusetts. One House can direct any head of Department to do that which it is his duty to do.

Mr. KASSON. I wish to reserve the point of order on this resolution. I think it should be a joint resolution.

Mr. BUTLER, of Massachusetts. I have no objection to making it a joint resolution, if necessary.

Mr. HOUGHTON. I raise the point of order that this necessarily requires the expenditure of money, and should be first considered in Committee of the Whole.

Mr. BUTLER, of Massachusetts. That point is too late.

The SPEAKER. This resolution as presented is simply a House resolution.

Mr. KASSON. So I thought.

Mr. BUTLER, of Massachusetts. And so I said. If the official will not obey the order of the House, then it is for the House to take care of its own rights and privileges.

The SPEAKER. The gentleman from California [Mr. HOUGHTON] makes the point of order that this is a proposition to authorize the Commissioner of the General Land Office to do sundry and divers things which will involve the expenditure of money. If it were a joint resolution, the point would be pertinent. But the Chair cannot believe that, being a House resolution, it will have any force at all, and therefore does not rule upon the point of order.

Mr. BUTLER, of Massachusetts. It is a direction to the Commissioner of the General Land Office to do his duty.

Mr. KELLOGG. Will he not do his duty without this?

Mr. BUTLER, of Massachusetts. No, because he is waiting for some action of the House, or of somebody, to set him going; that is the trouble. I call the previous question, unless some gentleman desires to do something more than to quarrel about forms.

Mr. GARFIELD. I wish to make an inquiry of the gentleman. Does not this resolution awaken again into life and bring up for a rehearing the McGarrahan claim, on which this House, after a very long debate, pronounced a few years ago in the most decisive manner? Many members of the House believed that the McGarrahan claim was a fraud of about as marked a character as any that ever had been before the House. Of course there was a difference of opinion on that subject, but the majority of the House took that view.

Mr. BUTLER, of Massachusetts. To that I answer, in the first place, that the House has over and over again sustained the McGarrahan claim, and my friend is utterly mistaken in that. Secondly, this resolution does not revive the claim of anybody, except the claim of that much-suffering individual, the United States. The United States has here four, or five, or eight, or ten, or twelve, or fifteen million dollars—nobody knows how much—of quicksilver, and a company has intruded upon it, and has been using it day by day, at the rate of a million or two of dollars a year, for the last seventeen years. And the majority of the persons composing that company are by law excluded from any mining rights because they reside out of the country—because they are foreigners.

Now, all that we ask by this resolution—and I believe the committee are unanimous in reporting it—is that the Secretary of the Interior shall have admonition from the House that he should take steps to vindicate the title of the United States against whoever may oppose it, fraudulently or otherwise; and if the Secretary of the Interior will not be admonished in this way, there will be found, I have no doubt, a way by which to admonish him.

Mr. GARFIELD. If I were the Secretary of the Interior I would be admonished by the law only.

Mr. BUTLER, of Massachusetts. You would not be Secretary of the Interior very long if you did not respect the admonitions of this House.

Mr. GARFIELD. The House cannot make any man Secretary of the Interior.

Mr. BUTLER, of Massachusetts. But it unmakes a great many.

Mr. KASSON. This resolution was offered originally as a joint resolution, being divided into sections. It is now presented, I believe, explicitly as a House resolution,

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. KASSON. It reads, "Resolved by the House of Representatives of the United States of America in Congress assembled;" and then it goes on with various enactments in the form of sections. It appears therefore that it was originally intended to be passed in the form in which the House has always acted upon matters of this kind. I presume therefore that in its present form the gentleman cannot expect the House to pass it.

Mr. BUTLER, of Massachusetts. Pardon me; that is exactly what I do expect. Are not we "assembled in Congress?" If not, where are we assembled? I thought we were here in Congress.

Mr. GARFIELD. Nothing but the two Houses can be "in Congress assembled," I believe. This House is no doubt a very important body; but it is not Congress.

Mr. HOUGHTON. This resolution ought not to pass in any form. There is litigation now pending before the courts of the country in relation to this property. Two private parties are asserting their rights to it. This resolution seems to be intended to favor one of those parties who for years has been attempting to assert a fraudulent claim to this property—a claim which has been rejected and pronounced a fraud by the courts of the country. It seems to me that the purpose of this resolution is simply to help out that man in his attempt to possess himself of this property. I think it ought not to pass; and I know something of the subject.

A MEMBER. Are you a stockholder in the New Idria Mining Company?

Mr. HOUGHTON. No, sir; I have no stock in that company or any other mining company.

Mr. BUTLER, of Massachusetts. I answer, in the first place, that this resolution does not favor anybody but the United States. It directs suit to be brought to determine the title, and provides that the United States shall be properly represented in that suit. This company are now holding some seven or eight thousand acres of land; and the only title under heaven that they claim to this land is under the mining laws of the country, under which they cannot possibly hold more than three thousand square feet. Yet they have spread themselves all over that country; and they have been able thus far, I am sorry to say, to control action everywhere. The object of this resolution now is simply to direct the proper officers of the United States to vindicate the title of the United States.

Mr. E. R. HOAR. I will ask my colleague whether he thinks that the House of Representatives should undertake executive duties?

Mr. BUTLER, of Massachusetts. No, sir.

Mr. E. R. HOAR. Where the executive officers of the Government fail to do any part of their duty, it may be the province of Congress to make laws requiring the proper performance of such duty; but I have yet to learn that the House of Representatives has any right, except where there is some interference with its own action, to give any direction to an executive officer.

Mr. BUTLER, of Massachusetts. To that I answer that the House of Representatives has a right by resolve to make its wishes and directions known to any executive officer whatever; and in doing this we are not undertaking to perform executive duties. This resolution does not require any executive officer to do anything but——

Mr. E. R. HOAR. Suppose the Senate should pass a resolution instructing this executive officer to do the contrary?

Mr. BUTLER, of Massachusetts. Pardon me; I will answer that. That is exactly what we did in a former House. The Secretary of the Interior was trying to issue patents to this very New Idria Mining Company, and the House of Representatives passed a resolution asking him to do nothing in the matter until we had legislated upon the subject and until certain acts were done. This very resolution called upon the Secretary not to give up the public domain until the question had been tried in court. It is the hardest thing in the world for "Uncle Sam" to keep any property.

Mr. GARFIELD. I remember very distinctly when the Secretary of the Interior to whom the gentleman refers performed his duty by ordering a record made declaring that a certain patent had not issued, had not been completed, had not been signed, although its form had been prepared. An attempt was made in this House to condemn him for doing that duty and to require him to undo the mere recording work he had ordered to be done in his office. That was attempted in the name and on behalf of William McGarrahan—as fraudulent a claimant as ever appeared before this House. But the Secretary of the Interior, nevertheless, did his duty; he did make the record as I have stated. And now, with these matters in controversy before the courts, with the executive officers of the country waiting for the decrees of the courts, it is proposed that the House—not Congress—shall come in and use its influence to require the Secretary of the Interior to do something that the law either already requires him to do or does not require him to do. Now, if the law does not require him to do it, and the gentleman from Massachusetts wants to make a new law on the subject, let him introduce a bill and ask the House to pass it. If the laws at present require this to be done, then why should we undertake to intermeddle by resolution between the law and the duty of the Secretary of the Interior?

I remember to have defended to the best of my ability the then Secretary of the Interior against the attempt to interfere between him and his duties; and I had supposed that the action of Congress at that time had put a quietus upon this attempt to carry through the Interior Department something in the interest of some particular party. I cannot see any pertinency in a mere resolution of this nondescript sort. If the object is to change the law of the land, let the proposition be offered as such, and let us debate it as such.

Mr. BUTLER, of Massachusetts. If this resolution has no force, then it cannot do any harm; and why does the gentleman fight it so hard?

Mr. GARFIELD. Because it is impertinent to pass a resolution on a matter of this sort.

Mr. BUTLER, of Massachusetts. I think you are mistaken in that.

Mr. GARFIELD. And because in a covert way, as it seems to me, this resolution attempts to revive the exploded claim of McGarrahan to a piece of property to which I do not believe he ever had the slightest right.

The SPEAKER. The Chair recognizes the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. BUTLER, of Massachusetts. This is not the revival of a claim at all. The resolution simply provides for enforcing the claim of the United States.

Mr. HAWLEY, of Connecticut. I believe I have the floor.

Mr. BUTLER, of Massachusetts. I understand that I still have the floor.

Mr. HAWLEY, of Connecticut. Did not the Speaker recognize me?

Mr. BUTLER, of Massachusetts. I will yield to the gentleman for a few moments.

Mr. HAWLEY, of Connecticut. I do not wish to occupy the floor as yielded to me by the gentleman. The moment the gentleman from Ohio [Mr. GARFIELD] took his seat I was recognized, and I have the floor according to the Speaker's decision.

Mr. BUTLER, of Massachusetts. Mr. Speaker, when did I lose the floor?

The SPEAKER. The Chair supposed the gentleman surrendered the floor to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. BUTLER, of Massachusetts. I did not. I could not stop him from speaking, though I tried two or three times. I have not yielded the floor. I am advocating this resolution. I desire now to answer further the gentleman from Ohio.

I say that during eight years I have stood here asking over and over again that the title of the United States to this land should be maintained. I have never asked anything else. This much is due to the United States. But the moment anybody asks anything on behalf of the United States there are men here who spring to their feet with the utmost alacrity to resist it. This company has been taking $2,000,000 a year out of these mines; and, in the language of my colleague, [Mr. E. R. HOAR,] there is always great delicacy where there is a great amount of money involved.

Mr. HOUGHTON. Is there any reason why there should be any discrimination made against these parties who are working quicksilver mines that is not made against those who are working mines of gold and silver? Now, it is very important to all the silver-mining interests of the Pacific coast that this quicksilver should be extracted. It is a material necessary for the working of those mines. The price of the article is very high in the market now; and the stopping of these mines will only have a tendency to still further increase the price.

Mr. BUTLER, of Massachusetts. Nobody desires to stop them.

Mr. HOUGHTON. I wish to ask the gentleman whether he does not know it to be a fact that the persons now working and who have been for years working this quicksilver mine have an application pending before the proper Department of this Government to acquire title to the property under existing laws?

Mr. BUTLER, of Massachusetts. I will answer the gentleman.

Mr. HOUGHTON. Is not that a fact?

Mr. BUTLER, of Massachusetts. It is a fact; and they got through this House (one of the Senators from California coming over here to urge the measure) a bill, of which I have a copy on my desk, allowing foreigners to do in regard to quicksilver mines what they cannot do in regard to any other mines.

I say again there is no intention to stop the working of these mines. The intention is to stop this immense revenue from going to private parties and to put it into the hands of the Government. And when I see men peddling about the question of a clerk here or a clerk there and cutting off some black woman's salary, and then coming in and insisting at the same time the United States should be robbed year after year of millions of dollars, I do not understand their consistency.

Mr. GARFIELD. If the gentleman alludes to me, he will remember the old fight on the McGarrahan claim, and understand why I defend now the Secretary of the Interior from being assaulted as one was assaulted before.

Mr. BUTLER, of Massachusetts. No one is assaulting the Secretary of the Interior. I demand the previous question.

Mr. HAWLEY, of Connecticut. Will the gentleman allow me to say a word?

Mr. BUTLER, of Massachusetts. Certainly; how long do you want?

Mr. HAWLEY, of Connecticut. Two or three minutes—say three minutes.

Mr. BUTLER, of Massachusetts. All right.

Mr. HAWLEY, of Connecticut. Mr. Speaker, this resolution was originally offered as a joint resolution, and if it be passed at all should be passed as a joint resolution. I do not believe it is proper, whatever may be strictly technical or legal in the matter, for this House "in Congress assembled," as the resolution reads, to instruct any one of the Department officers in his executive duties. In the next place, whether either House of Congress has any authority whatever to instruct an executive officer of this character to do or not to do a particular thing, I wish to say that in this very case at one time the Attorney-General of the United States (who does not happen to sit far from me) gave an opinion that one House of Congress could not instruct or command him one way or the other in the performance of a strictly executive duty. I knew nothing of this matter. I had forgotten McGarrahan was here now in litigation with the New Idria Company; but as soon as the Clerk began to read the resolution it struck me as suspicious. I do not say it appeared to me as fraudulent upon its face, but that there was something which needed explanation, because it begins in the preamble to decide what is in question in the case, and talks of "the illegal and wrongful possession of that property," "which has existed for seventeen years," and "that $7,000,000 is believed to have been taken therefrom." I believe this is substantially in the interest of private persons—more for their interest than for the interest of the Government. I so believe because McGarrahan has been pushing and advocating it. I say it needs explanation why this was offered originally as a joint resolution and now comes back here with the "joint" crossed off with ink and is attempted to be passed as a simple resolution, and only by this House. Before I vote on the question I wish to know all about it.

Mr. McCRARY. Mr. Speaker, as I offered the original resolution, I desire to say a word about it. The gentleman from Connecticut is mistaken in supposing it was originally a joint resolution. It seems to have been printed as such, but it was not originally drawn with that view.

I have no doubt any Secretary will heed the request of the House of Representatives upon a matter of this kind.

I wish to say further that, during nearly six years I have been in this House, the controversy between McGarrahan and the New Idria Mining Company has been going on in the two Houses of Congress, and gentlemen have urged upon the one side the rights of one private claimant and on the other the rights of another. I have learned in the course of the controversy that some of the best lawyers in the Union believe the title to that very valuable property resides in the United States. Yet nobody has, until this day, brought in any bill or resolution to test the rights of the United States to that property. That is the object of that resolution. I believe, sir, it is the duty of the proper Department to test that without any action by either House of Congress, but I suppose it is perfectly proper for us to request it to be done; for if this vast property belongs to the United States, it is high time the United States should derive some revenue from it, because vast sums of money are being taken from these mines every month.

I believe nobody has ever claimed the New Idria Mining Company has any title at all. A good many people believe the title is in McGarrahan, and honestly think so, and that these other parties are mere squatters seeking, it is true, to perfect their claim to enter these mines under some law of the United States. But I believe under the law it cannot be claimed any mining company can enter more than three thousand feet of mining lands. If, I say again, this property belongs to the United States, it is high time the proper authority should institute the proper proceedings in the courts of the country where such questions should be settled to have the question settled. If it belongs to any private claimant, as a matter of course that private claimant should be heard in the course of the litigation. But let it go out of Congress; let it go into the courts of the country to be settled according to law, and let us know who is the owner of these lands.

Mr. KASSON. Will my colleague allow me to call his attention to section 2, which provides that all persons who may have claim of title to the aforesaid property shall be permitted to appear and be heard by the counsel in the aforesaid proceedings in establishing their title thereto. It also provides for other proceedings. I ask my colleague if he supposes that will be effected simply as a House resolution regulating the rights of parties in courts, or whether it is not indispensable to make it a joint resolution?

Mr. McCRARY. I will answer my colleague. It will not be effected as a rule for the proceeding in court. The law makes all the provision that is necessary for that purpose. When a chancery proceeding is instituted, all the parties would have a right, independent of any legislation, to appear and assert their claims; all the parties can be heard, the Government as well as private claimants.

Mr. WILSON, of Indiana. In connection with what the gentleman from Iowa has stated, I wish to offer another consideration. It is stated by the gentleman from Ohio that there are cases now pending, and the gentleman from California [Mr. HOUGHTON] also says that there are cases now pending wherein this matter is being litigated between private individuals; but none of these gentlemen have ventured to say here that there is anything being done by any officer of this Government to protect the interest of the United States in this valuable property, or that there is any case now pending for that purpose. If these cases are pending, it may perchance be the fact that the United States might come forward and ask to be made a party to these proceedings. Is there any officer of this Government who is stepping forward to have the Government made a party to these proceedings for the purpose of protecting its interest? No, sir. And that these things are not being done by the officers of this Government is one of the very best reasons why this House should say to these gentlemen that they ought to be doing their duty in the premises.

Mr. BUTLER, of Massachusetts. I now call the previous question.

Mr. DAWES. I wish to make an inquiry of my colleague.

Mr. KELLOGG. I move that the House adjourn.

Mr. RANDALL. I ask the gentleman from Massachusetts [Mr. BUTLER] to yield to me for a moment.

Several MEMBERS called for the regular order.

Mr. WILSON, of Indiana. I wish to say a word more. There is nothing unusual in this resolution. I remember very well in the last Congress——

Mr. HALE, of New York. I rise to a question of order.

Mr. MAYNARD. I call for the regular order.

The SPEAKER. The regular order is progressing strictly according to the rules.

Mr. HALE, of New York. Has not the motion to adjourn been made, and is not that motion now pending?

Mr. KELLOGG. I do not wish to press the motion to adjourn against other reports which the committee may desire to make.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] misapprehended the gentleman from Indiana, [Mr. WILSON.] The gentleman from Indiana has not yielded the floor and is entitled to proceed.

Mr. WILSON, of Indiana. I was simply going to add, that there is nothing unusual in this resolution, if I may so characterize it, of instruction to the Department of the Interior to proceed in this matter. Why, sir, I remember very well that in the Forty-second Congress the question arose here with reference to the issuance of patents to large quantities of land as between certain contending railroad companies—the chairman and other gentlemen of the committee will remember about it—and there was a resolution of instruction to the Secretary of the Interior. And I remember that in the last Congress also there were instructions given by this House to the Attorney-General of the United States to institute proceedings against the Pacific Railroad Companies, for the purpose of recovering interest due to the United States; and I further think that my friend from Pennsylvania offered that resolution.

Mr. KELLOGG. Will the gentleman allow me to say right there——

Mr. WILSON, of Indiana. Allow me to proceed. And if this great interest does rest in the United States, notwithstanding what was stated by the gentleman from California, [Mr. HOUGHTON,] that quicksilver was dear—if this great interest does rest in the United States, we ought to be taking care of it. That was a most remarkable argument made by my friend from California, that because quicksilver is dear and necessary for the purposes of the mining interests, this New Idria Mining Company ought to have this thing. That is no argument why this Government should not have its interests protected.

Mr. BUTLER, of Massachusetts. I yield for a few minutes to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I remember very well that about this question there was a three-cornered contest in this House some years ago, and I took some part in it. I voted against the New Idria Company. I then voted against McGarrahan, and on the third vote I voted in favor of the Government obtaining by every proceeding possible the ownership of this land; and I voted with the gentleman from Massachusetts [Mr. BUTLER] in that respect. Now, if I understand the object of this resolution, it is simply this: That upon one occasion the Attorney-General of the United States has appeared against the Government in behalf of the New Idria Company, and it is therefore indelicate at least that that same officer should now sue for the possession by the Government of this land; and this resolution, in its object and in its scope, simply secures the employment of some other lawyer, who shall appear for the Government and endeavor that the Government shall own this land, as I think they have the right to do.

Mr. BUTLER, of Massachusetts. I desire to say that was before Mr. Williams became Attorney-General.

Mr. RANDALL. I am correct. Before Mr. Williams became Attorney-General of the United States he had appeared in this suit against the Government, and therefore there is an indelicacy in the same man in a new capacity appearing on the opposite side. The scope of this resolution is simply to allow the Government every advantage possible in procuring this land which belongs to it.

Mr. DAWES. I desire to inquire if it has that effect?

Mr. BUTLER, of Massachusetts. I object to debate, and call the previous question.

Mr. RANDALL. I am willing to do everything to make this Government possess what it owns.

Mr. BUTLER, of Massachusetts. I insist on the previous question.

Mr. KELLOGG. Pending that motion, I move that the House do now adjourn.

The question was taken; and the House refused to adjourn.

The SPEAKER. The question recurs on the adoption of the resolution.

The SPEAKER put the question, and announced that the ayes had it.

Mr. PAGE and Mr. HOUGHTON called for the yeas and nays.

The yeas and nays were not ordered; only twelve members voting therefor.

Mr. KASSON. I ask now that before the vote the resolution be read.

Mr. BUTLER, of Massachusetts. I object.

The SPEAKER. The Chair had put the question on agreeing to the resolution, and it is too late for the resolution to be read.

Mr. KASSON. I misapprehended the vote, supposing it to be upon seconding the previous question.

The SPEAKER. The Chair supposed that further debate was not desired, and put the question on the resolution without any formal vote being taken upon the previous question. As the gentleman acted under a misapprehension, the resolution will again be read.

The Clerk again read the resolution.

Mr. KELLOGG. If the House adjourns, will not this come up the first thing to-morrow morning as unfinished business?

Several MEMBERS. O, no; do not let us adjourn.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that the words "in Congress assembled" be stricken out and also the "sections," and that the word "resolved" be substituted.

There was no objection; and the modification was made.

The question was then put upon the resolution; and on a division there were—ayes 98, noes 32; no quorum voting.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. HOUGHTON were appointed.

The House again divided; and the tellers reported—ayes 128, noes 5.

Mr. ELDREDGE. The gentleman from Ohio [Mr. GARFIELD] is filibustering; he has not voted.

Mr. RANDALL. I do not think a majority of the House ought to give up to five members.

Mr. COBB, of Kansas. Will a motion for a call of the House be in order?

Mr. ELDREDGE. We shall have to have the yeas and nays, if gentlemen will not vote.

Mr. CESSNA. When the Chair put this question first, the Chair declared that the ayes appeared to have it. Before the determination of the question a call was made for the yeas and nays upon the adoption of the resolution. The Chair asked that all in favor of taking the question by yeas and nays should rise, and the Chair then announced that only twelve gentlemen had risen, and that the yeas and nays were not ordered. That was all done before the gentleman from Iowa [Mr. KASSON] called for the reading of the resolution.

The SPEAKER. There seems to have been a misapprehension on the part of the House in regard to what that particular vote was. The Chair presumed that no further desire for debate existed, and omitted the form of putting the previous question.

Mr. CESSNA. If the minority refuse to vote, then I shall move that there be a call of the House.

The SPEAKER. The Chair thinks there is a quorum in the Hall, and the rules make it the plain duty of members to vote.

Mr. POLAND. I suggest that that rule be read, as some gentlemen do not seem to be aware of its existence.

The SPEAKER. That is the rule, as is well known to members of the House.

Mr. SYPHER. Cannot we send out for soldiers to make members vote?

Mr. WILLARD, of Vermont. I rise to make an inquiry. If the House now adjourns, how would it leave this proposition?

The SPEAKER. It would be the first thing in order in the morning after the reading of the Journal; because, although the Committee on the Judiciary was limited to to-day, the previous question is pending upon this proposition.

The count of the House proceeded, and the tellers reported—ayes 136, noes 11.

So the resolution was adopted.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CENTENNIAL COMMISSION.

The SPEAKER laid before the House a message from the President of the United States, transmitting a report of the progress made to this date of the United States centennial commission, appointed in accordance with the requirements of the act approved June 1, 1873; which was referred to the Select Committee on the Centennial Celebration, and ordered to be printed.

STATE DEPARTMENT BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of State, submitting an estimate of $1,500,000 for continuing the work on the building for the War, State, and Navy Departments; which was referred to the Committee on Appropriations, and ordered to be printed.

SMITHSONIAN INSTITUTION.

The SPEAKER also laid before the House a letter from Professor Joseph Henry, transmitting on behalf of the Board of Regents the annual report of the operations, expenditures, and condition of the Smithsonian Institution for the year 1874; which was referred to the Regents of the Smithsonian Institution, and ordered to be printed.

AUSTIN AND TOPOLOVAMPA PACIFIC ROUTE.

Mr. TOWNSEND, by unanimous consent, introduced a bill (H. R. No. 4533) to survey the Austin and Topolovampa Pacific route; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

GEOLOGICAL AND GEOGRAPHICAL SURVEY.

Mr. TOWNSEND also, by unanimous consent, submitted the following resolution; which was read, and referred under the law to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed five thousand copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for the year 1873, three thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and one thousand for the Smithsonian Institution.

And then, on motion of Mr. KELLOGG, (at five o'clock and forty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBRIGHT: The petition of 65 citizens of Parryville, Carbon County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee or revival of internal taxes, to the Committee on Ways and Means.

By Mr. BASS: The petition of the Methodist Episcopal church of Eden, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. BUFFINTON: Two petitions of citizens of Massachusetts, of similar import, to the same committee.

By Mr. BURLEIGH: The petition of the Methodist Episcopal church of East Readfield, Maine, of similar import, to the same committee.

By Mr. BUTLER, of Massachusetts: The petition of Victoria C. Woodhull, Tennie C. Claflin, and James H. Blood, asking indemnity for false imprisonment by order of a United States court, to the Committee on Claims.

By Mr. CESSNA: The petition of the Supreme Council of the Temple of Honor and Temperance, representing 300 temples and 20,630 members, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. COTTON: The petition of citizens of Lyons, Iowa, that the western terminus of the proposed canal from Hennepin to the Mississippi River be located above the Rock Island Rapids, to the Committee on Railways and Canals.

By Mr. DAWES: Two petitions of citizens of Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. DURHAM: The petition of citizens of Kentucky, for a post-route from Monticello, Kentucky, to Travisville, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. GUNCKEL: The petition of Herman Flock, for a pension, to the Committee on Invalid Pensions.

By Mr. HALE, of Maine: The petition of the Methodist Episcopal Church of Belgrade Mills, Maine, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HALE, of New York: The petition of Horace W. Peaslee, of Chatham, Columbia County, New York, for extension of letters-patent for an improvement in machinery for washing paper-stock, to the Committee on Patents.

Also, the petition of Charles Salisbury and others, of Movers, Clinton County, New York, for the restoration of the 10 per cent. reduction of duties made in 1872, and against the imposition of duties on tea and coffee or any revival of internal taxes, to the Committee on Ways and Means.

Also, the petition of C. F. Hull and others, of Plattsburgh, Clinton County, New York, of similar import, to the same committee.

Also, the petition of Palmer, Williams & Co., and others, of Altona, Clinton County, New York, of similar import, to the same committee.

By Mr. HATCHER: Memorial of the Legislature of Missouri, concerning certain claims of citizens of Missouri against the United States, to the Committee on War Claims.

By Mr. HAYS: Memorial of the Tuscaloosa Board of Industries, for an appropriation to improve Warrior River, to the Committee on Commerce.

By Mr. E. R. HOAR: The petition of the Methodist Episcopal church of South Lawrence, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HOOPER: The petition of the Methodist Episcopal church, Townsend, Massachusetts, of similar import, to the same committee.

By Mr. HAWLEY, of Connecticut: The petition of the Third Methodist Episcopal church of New Haven, Connecticut, of similar import, to the same committee.

By Mr. HAZELTON, of New Jersey: The petition of the High Street Presbyterian church of Newark, New Jersey, of similar import, to the same committee.

By Mr. KELLEY: The petition of mechanics of Philadelphia, for the restoration of the 10 per cent. reduction of duties made in 1872, and against a duty on tea and coffee or revival of internal taxes, to the Committee on Ways and Means.

By Mr. KILLINGER: The petition of citizens of Schuylkill County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, to the same committee.

Also, the petition of citizens of Perry County, Pennsylvania, of similar import, to the same committee.

By Mr. LOWNDES: The petition of citizens of Cumberland, Maryland, of similar import, to the same committee.

Also, the petition of Charles K. Remsburg, of Frederick City, Maryland, for relief, to the Committee on War Claims.

By Mr. LOFLAND: Several petitions of citizens of Delaware, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. LEWIS: Papers relating to the claim of B. J. D. Irwin, surgeon and brevet colonel United States Army, to be reimbursed for losses in the late war, to the Committee on Military Affairs.

By Mr. MONROE: The petition of the Woman's National Temperance Union, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. MYERS: The petition of Captain Henry T. Knox, United States Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. PIERCE: The petition of H. D. Cushing and others, of Massachusetts, for the passage of the Senate bill to provide for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. ELLIS H. ROBERTS: The petition of the Methodist Episcopal church of Volney, New York, of similar import, to the same committee.

Also, the petition of Captain B. F. Pope, for relief, to the Committee on Military Affairs.

By Mr. ROSS: The petition of 177 citizens of Centre County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, and against imposition of duty on tea and coffee and any revival of internal taxes, to the Committee on Ways and Means.

By Mr. SHOEMAKER, of Pennsylvania: The petition of 214 citizens of Luzerne County, Pennsylvania, of similar import, to the same committee.

By Mr. SCUDDER, of New York: The petition of the First Baptist church of Harlem, New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. SMITH, of New York: The petition of Thomas E. Lawson and others, for relief, to the Committee on Appropriations.

By Mr. SMITH, of Virginia: The petition of William P. Posey, to be paid for property taken for the use of the United States Army, to the Committee on War Claims.

By Mr. STORM: Four petitions of citizens of Pennsylvania, for an appropriation for the improvement of the Delaware River, to the Committee on Commerce.

Also, the petition of citizens of Easton, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, and against any duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. THOMAS, of Virginia: The petition of Margaret A. Roland, widow of Alexander Roland, to be paid for supplies furnished United States Army, to the Committee on War Claims.

By Mr. THORNBURGH: The petition of citizens of Sevier County, Tennessee, for an amendment of the internal-revenue laws, to the Committee on Ways and Means.

By Mr. TOWNSEND: The petition of Clingan and Buckley and others, of Hopewell Furnace, Berks County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, to the same committee.

By Mr. WILLIAMS, of Massachusetts: The petition of the Grand Temple of Honor and Temperance, of the State of Massachusetts, for a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

IN SENATE.

WEDNESDAY, *January* 27, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

CENTENNIAL COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting for the information of Congress a report of the progress made to this date by the United States centennial commission appointed in accordance with the requirements of the act approved June 1, 1872; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Rhode Island State Temperance Union, signed by W. F. Sayles, president, Rev. J. W. Willett, secretary, and other officers, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

Mr. FERRY, of Michigan, presented the memorial of H. M. Bradley, and 114 others, citizens of Michigan, protesting against the ratification of the so-called reciprocity treaty with Canada; which was referred to the Committee on Foreign Relations.

Mr. INGALLS presented the petition of Mrs. Mary L. Woolsey, widow of the late Commodore W. B. Woolsey, United States Navy, asking for a pension; which was referred to the Committee on Pensions.

He also presented a memorial of late soldiers of the United States Volunteers, residing in Bourbon County, Kansas, praying for the grant of a bounty to disabled soldiers; which was referred to the Committee on Military Affairs.

Mr. MORRILL, of Vermont, presented a memorial of the Methodist Episcopal church of Pelham, Massachusetts, approved in open congregation and signed by the pastor, and also a memorial of the Third Methodist Episcopal church of New Haven, Connecticutt, signed by its pastor, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which were referred to the Committee on Finance.

Mr. BAYARD. I present the petition and accompanying papers of John and Sarah Saring, of Wilmington, Delaware, praying to be allowed a pension on account of services rendered the United States by their son in the marine service, and I ask leave to say that the signers of the papers accompanying this petition are among the most respectable and worthy citizens of the State. I move the reference of the petition and papers to the Committee on Pensions.

The motion was agreed to.

Mr. BAYARD also presented the memorial of the First Day School of the Society of Friends of Wilmington, Delaware, signed by W. W. Hoopes, and Emma Worrell, superintendents, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of the operatives in the factories and work-shops of John and James Dobson, of Philadelphia, Pennsylvania, praying for the repeal of so much of the act of June 6, 1872, as reduced the duties on certain imports 10 per cent; which was referred to the Committee on Finance.

He also presented the petitions of citizens of Philadelphia, of citizens of Brownsville, of employés in the rolling-mill of C. Winch, of the spring and steel makers of Frankford, of citizens of Hellertown, of citizens of Matilda Furnace, all in the State of Pennsylvania, remonstrating against the restoration of the duties on tea and coffee and the revival of internal taxes, and asking the repeal of the act of 1872 which reduced the duties on certain imports 10 per cent.; which were referred to the Committee on Finance.

Mr. MORRILL, of Maine, presented the memorial of Wilbur F. Berry and other citizens of the State of Maine, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

He also presented a memorial adopted at a meeting of citizens of the District of Columbia, remonstrating against the passage of what is known as the Morrill bill for the government of the District of Columbia; which was ordered to lie on the table.

Mr. PRATT presented the memorial of the Union Hill Methodist Episcopal church of Worcester, Massachusetts, signed by the pastor and officers, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

Mr. BOUTWELL presented a memorial of late soldiers in the United States volunteers, residing in Westminister, Massachusetts, praying for a bounty to disabled soldiers; which was referred to the Committee on Military Affairs.

He also presented a memorial of late soldiers in the United States volunteers, residents of Worcester County, Massachusetts, praying for a bounty to disabled soldiers; which was referred to the Committee on Military Affairs.

He also presented the memorial of Mrs. D. Sackett and other women, of Westfield, Massachusetts, and the memorial of the Methodist Episcopal church of South Lawrence, Massachusetts, signed by the officers, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which were referred to the Committee on Finance.

Mr. DORSEY presented a memorial of the Chamber of Commerce of the city of Memphis, Tennessee, praying Congress to pass the bill providing for the organization of the Territory of Oklahoma; which was referred to the Committee on Territories.

He also presented a petition of citizens of the Indian Territory, and a petition of citizens of Prairie County, Arkansas, asking for the

passage of the bill providing for the organization of the Territory of Oklahoma; which were referred to the Committee on Territories.

Mr. PATTERSON presented a resolution of the Legislature of South Carolina, in favor of an appropriation to improve the harbor of Charleston, in that State; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT presented the petitions of attorneys and citizens of Wapello, Lucas, Wayne, Decatur, Marion, Johnson, Muscatine, Monroe, Mahaska, and Washington, in the State of Iowa, asking for the removal of the Federal courts from Keokuk to Burlington, Iowa; which were referred to the Committee on the Judiciary.

He also presented the memorial of Hon. R. C. Pitman, Rev. George H. Vibbert, H. D. Cushing, and other citizens of Boston, Massachusetts, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

Mr. HAMILTON, of Maryland, presented the petition of Thomas Morgan and others, of Cumberland, Maryland, remonstrating against any taxation on tea and coffee, and asking for the repeal of the 10 per cent. reduction of 1872; which was referred to the Committee on Finance.

Mr. HAMLIN presented a memorial of Rev. J. W. Smith and other citizens of the State of Maine, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

ARREARS OF PENSION.

Mr. PRATT. Yesterday I reported back adversely from the Committee on Pensions a bill to give pensioners arrears of pensions, and I stated that from correspondence had with the Pension Office it appeared that it would require upward of $9,000,000 to satisfy the requisitions of that bill. I did not have on my desk at the time the letter of the Commissioner. I now send it to the Clerk's desk and ask that it be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., May 2, 1874.

SIR: In compliance with your request, I have the honor to state that under the provisions of the proposed law to extend the period of making application for pension from five years after discharge, or after the date when the right accrued, to January 1, 1875, the number of pensioners now on the rolls that would be benefited thereby, and the amount required to pay the arrears to January 1, 1875, is estimated as follows:

Number invalids,——; amount of arrears	$5,262,291
Number widows and others,——; amount of arrears	4,422,154
Total	9,684,445

To obtain the above estimate an examination of six hundred cases, each, of invalids and widows and others was made, and from the results obtained a comparison with the total number of pensioners on the rolls instituted.

See tabular statement inclosed.

Very respectfully,

JOS. LOCKEY,
Acting Commissioner.

Hon. D. D. PRATT,
United States Senate.

Mr. PRATT. I hold in my hand the statement which the Commissioner made and which accompanied that letter, showing the process by which he arrived at the result that $9,654,000 would be required to satisfy the demands of that bill. Without troubling the Senate with listening to this estimate, I ask that it may be incorporated with the letter in the RECORD.

The document is as follows:

Estimate of amount required to pay arrears of pension barred by statutes of limitation.

Dates of cases selected.	Number cases examined.	Number cases barred.	Amount so barred.	Number cases admitted during the year.	Amount required to pay arrears to January 1, 1875.
INVALID.					
1868	100	3	$2,645	270	$238,140
1869	100	4	2,276	275	156,475
1870	100	9	6,604	472	346,448
1871	100	29	13,555	2,220	1,037,850
1872	100	42	14,069	2,545	852,575
1873	100	52	42,395	3,226	2,630,803
Total					5,262,291
WIDOWS AND OTHERS.					
1868	100	9	4,631	1,710	879,795
1869	100	6	3,907	930	605,430
1870	100	13	7,919	1,595	971,355
1871	100	15	12,191	1,229	999,177
1872	100	10	6,477	706	457,488
1873	100	16	13,113	921	508,909
Total widows					4,422,154
Total invalid					5,262,291
Total invalid and widows					9,684,445

REPORTS OF COMMITTEES.

Mr. SCOTT. I am directed by the Committee on Claims, to whom was referred the bill (S. No. 631) to facilitate and reduce the expenses of taking testimony in behalf of claimants, to be used before the commissioners of claims, to report it back and request that it be indefinitely postponed. This action is taken on the ground that this bill is supplied by the provisions of a general bill, House bill No. 1565, reported a few days since from the Committee on Claims. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. SCOTT. I am instructed by the Committee on Claims to report back the bill (H. R. No. 2069) for the relief of the sureties of John L. Robinson, late United States marshal for the district of Indiana, and ask that the Committee on Claims be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

Mr. EDMUNDS. What is the ground for that?

Mr. SCOTT. The Senator from Vermont asks what the ground for this report is. It is upon the ground that this is not a claim for the payment of money at all, but a prayer to be relieved from liability upon the bond of a marshal.

Mr. EDMUNDS. Very good.

The PRESIDENT *pro tempore*. The Committee on Claims will be discharged from the further consideration of the bill, and it will be referred to the Committee on the Judiciary, if there be no objection.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 1186) for the relief of A. P. Jackson and others, to report back the same and ask to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims. It is purely an application by certain citizens of California for relief on account of the overlapping of a grant of lands that had been made to them, they having been ousted under a prior title. It belongs clearly to the Committee on Private Land Claims.

The report was agreed to.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 1077) for the relief of Dwight J. McCann, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred a petition of citizens of Southern Kansas, praying that Isaac T. Gibson may not be confirmed as Indian agent, and for relief from alleged depredations of the Osage tribe of Indians, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of a committee of white settlers on the Allegany Indian reservation in the State of New York, in favor of legislation to define their position upon said reservation, asked to be discharged from its further consideration, a bill on the subject having been reported; which was agreed to.

He also, from the same committee to whom was referred the memorial of Andrew John, delegate of Seneca Nation, New York Indians, remonstrating against the passage of a law to authorize the said nation to lease lands in the Allegany and Cattaraugus reservations, and to confirm such leases, asked to be discharged from its further consideration; which was agreed to.

Mr. WASHBURN, from the Committee on Claims, to whom was referred the bill (S. No. 821) for the relief of Peaslee & McClary, late carriers of mails, of Nashua, New Hampshire, reported it with an amendment.

BILLS INTRODUCED.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1201) to establish certain telegraphic lines in the several States and Territories as post-roads, and to regulate the transmission of commercial and other intelligence by telegraph; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1202) to establish a post-route in the State of Arkansas; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1203) to amend section 3342 of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1204) for the payment of interest on 3.65 bonds of the District of Columbia; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

REPEAL OF THE TWENTY-SECOND JOINT RULE.

Mr. MORTON submitted the following concurrent resolution, which was ordered to lie on the table and be printed:

Resolved by the Senate, (the House of Representatives concurring,) That the twenty-second joint rule of the two Houses be, and the same is hereby, repealed.

BUSINESS OF THE POST-OFFICE COMMITTEE.

The PRESIDENT *pro tempore*. If there be no further resolutions, the Senate under the rule will proceed to the consideration of bills reported from the Committee on Post-Offices and Post-Roads.

Mr. ALCORN. I ask permission of the Senate to call up a bill reported at the last session, being the bill (S. No. 720) conferring the right to construct a tunnel through the White Pine Mountain, State of Nevada, and to purchase public lands contiguous thereto. I do not suppose there will be any objection to it. It will take but a moment of time to pass it. It will require no debate. I will state the character of the bill, if that is desired.

Mr. FERRY, of Michigan. I ask the Senator from Mississippi how much time he proposes to occupy?

Mr. ALCORN. Not five minutes; perhaps not one minute. If it occupies time, I will withdraw it.

Mr. FERRY, of Michigan. From what committee does that bill come?

Mr. ALCORN. From the Committee on Mines and Mining, and it was reported at the last session unanimously. The parties interested are very anxious to have action upon it, and I should be very glad indeed to have it off my hands, so that I may not be troubled continually with regard to calling it up.

Mr. FERRY, of Michigan. I will say to the Senator from Mississippi that I should be very glad to yield to him for that purpose, but that it would be setting a precedent which might be followed in other cases. His committee will be called soon, and he will then have a full opportunity. My impression is that the morning hour will not be fully occupied by the business of the Committee on Post-Offices and Post-Roads, and if that be so, he will then have an opportunity to call up his bill.

Mr. ALCORN. I have great respect for the Senator's regard for precedents; but as I could have passed the bill in less time than we have consumed in talking about it, I will, on the Senator's suggestion, for the time being withdraw my request.

Mr. FERRY, of Michigan. I will state that the chairman of the Committee on Post-Offices and Post-Roads is absent, and I supposed the Senator from Maine, [Mr. HAMLIN,] who is next upon the committee, would be here this morning and take charge of the business of the committee. I see he is not in his seat, and until he does appear I will take charge of bills from the committee. The first case, I think, is Senate bill No. 434.

NORTON AND ROBERTSON POST-MARKING STAMP, ETC.

The bill (S. No. 434) referring to the Court of Claims for adjudication and determination the claims of the parties therein named for the past and future use of the Norton post-marking and postage-canceling hand-stamp and the Robertson improved hand-stamp, was considered as in Committee of the Whole.

Mr. FERRY, of Michigan. This matter has been in charge of the Senator from Texas, [Mr. FLANAGAN.] I yield to him to take charge of the bill.

Mr. EDMUNDS. There is no use in trying to pass that bill this morning. The case has been referred to about all the committees in this body. Such a bill as that was referred to the Judiciary Committee at this very session, and we reported against it, and it has been indefinitely postponed. I do not believe it is worth while to waste your time on this bill.

Mr. FLANAGAN. I ask for the reading of the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report submitted by Mr. FLANAGAN on the 2d of April, 1874:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 434) referring to the Court of Claims for adjudication and determination the claims of the parties therein named for the past and future use of Norton's post-marking and postage canceling hand-stamp and the Robertson improved hand-stamp, report—

That they have duly considered the same and heard the claimants in person, and by an argument in writing, in explanation of such machines and the inventions, of their utility, of their use by the Government, and saving in clerk hire and in the annual expenditures of the Post-Office Department. As that argument contains the facts in the case, it is herewith submitted, having ascertained that the statements therein contained are correct, not only from the mass of evidence submitted for the consideration of the committee, but the written argument itself having been to the Postmaster-General for his examination and opinion thereon, who informed the committee that the facts therein contained are substantially correct and true.

Your committee have carefully examined the whole subject; have determined, from the mass of testimony submitted with the patents, as to the value of the same to the Government, and as to the use of said inventions by the said Government, that the better way to dispose of the matter is to refer the same to the United States Court of Claims, with full jurisdiction, for investigation and determination of the entire case as between the Government and claimants for the past and future use of the inventions and letters-patent thereon, as claimed by them and admitted by the Post-Office Department.

Your committee have carefully examined Senate bill No. 434, referred to them. Therefore, to carry out the conclusions and determinations hereinbefore set forth, we recommend the passage of said Senate bill 434.

Mr. MORRILL, of Vermont. This claim, I believe, has been often before Congress and always been ignominiously disposed of. I think that the claimant has been refused admission to the Patent Office in consequence of some frauds practiced by him. Certainly this bill cannot be expected to pass here. I remember the claim was in the House of Representatatives when I was a member of the House, at least ten years ago. The claimant has sometimes claimed enormous sums and sometimes moderate sums, and has threatened prosecution of his claim in various manners, ways, and means. I think that if this claim is to be considered, the merits of it will have to be thoroughly gone into, and it will take more than the hour that is allotted to the Post-Office Committee to consider a claim of this character.

Mr. FLANAGAN. I will simply say that the action of the committee was based upon the reports of the various Postmasters-General for a number of years. The Government is certainly in possession of the labor and skill of these patentees, and is using it to-day, and has been for a number of years, without any remuneration to the parties in interest in any way, as all the reports manifested very clearly to the committee. Beyond that I know nothing about the case. Certainly injustice has been done to these parties from time to time, as appears from the evidence. Whether the Senate sees proper to consider it in any way, manner, or shape, certainly it is no interest of mine. It can do as it has done heretofore, from what the Senator from Vermont remarks, if it sees proper to do so.

There is merit in the case, however. Heretofore I understand that there has been a conflict between the different patentees as to who should be the preferred party. I understand now they have all agreed, and this bill represents their one claim all consolidated. The Government has been anxious, as I understand, to pay the proper party or parties at any period whenever the true amount should be ascertained. I think the bill, under the circumstances, ought to pass, referring the matter to the Court of Claims.

Senators speak of not disposing of it in an hour here. Well, sir, one hour would not begin to develop the facts pertaining to this case; three hours, perhaps, would not do it satisfactorily; but it will be the business of the Court of Claims to scrutinize it properly, as I have no doubt they will do, and then justice, perhaps, will be meted out to the parties.

Mr. FERRY, of Michigan. May I suggest to the Senator from Texas that he allow this case to be laid aside temporarily until other cases are disposed of.

Mr. EDMUNDS. Not temporarily. I am here now; I do not know that I shall be here when the case is called up after awhile.

Mr. FLANAGAN. Whatever the chairman says I am satisfied with.

Mr. FERRY, of Michigan. I am satisfied the case will provoke considerable discussion and absorb the morning hour, which would be unjust to other meritorious cases. I do not wish by that to say that this case has no merit, because I have given some attention to it, and I think there is some merit in it. The question rests simply upon the measure of compensation. I am satisfied, however, that it will draw out so much discussion as to take up most of the morning hour; and I trust, therefore, the case will be laid aside with the consent of the Senator from Texas.

Mr. FLANAGAN. I have no objection.

Mr. EDMUNDS. I object to the case being laid aside now, for it may be taken up in five minutes, when attention is not called to it and Senators are absent. If the case is to be acted on to-day, now is the best time to do it.

Mr. FERRY, of Michigan. Let it go by.

Mr. EDMUNDS. I will let it go by if you do not take it up to-day. Let it go back on the Calendar.

Mr. FERRY, of Michigan. The practice in the Senate has been, wherever the chairman or any member of the committee entitled to the floor under this call has asked that a case be passed over, to pass it over. The Senator from Vermont now objects to this bill being passed over, and asks that it be considered now in the face of that. I assure him, from the indications I see, that there will be so much discussion that the whole morning hour will be taken up. It strikes me that the Senator from Vermont will not now persist in asking that the case be considered at this time. If so, it will compel the Senator from Texas to insist that the case be not considered to-day. I think this would be unjust to the case and to the parties who are interested. I merely ask that it go over temporarily until the Calendar be passed through and all cases that are in charge of this committee considered.

Mr. FLANAGAN. I have consented to that two or three times.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. I do not think that I ought to be accused of any impoliteness to the Committee on Post-Offices and Post-Roads in not being willing that this case should be passed over temporarily, to be taken up again to-day. Wherever that has been done, it has been when some little defect has been found in a bill to which there was no objection, and it has been laid aside in order that it might be looked into. We all know that this case has been before Congress year after year. We know it has had a good many favorable reports, but that always when it has been brought to a vote it has had an unfavorable vote.

I repeat what I stated before, that this very same claim has been sent to the committee of which I am a member this very year, for it seems the gentlemen who are interested in it are not disposed to rest it upon any one committee, but to saddle it upon us all, like an insurance, so as to take the chances of getting a good report out of some committee. We have examined the case, and have reported against it, and the Senate has indefinitely postponed the bill and decided against it this very session, I do not say upon a discussion and argument, but upon our report.

It being a case of this importance, involving hundreds of thousands of dollars, and being, if the bill is drawn as the one we had, a very

suspicious bill on the face of it, which will require a good deal of amendment if the claim is to go to the Court of Claims at all, in a way that I am pretty sure I can point out to my friend from Texas when we get to it, I do not think it is asking too much to say that this bill shall go over to-day unless the Senator in charge of it wishes to go on with it now. I do not wish to be impolite to my friend.

Mr. FERRY, of Michigan. I am ready to have the case considered now if the Senator from Texas states that he is prepared to go on and discuss it. I say further that, not supposing that the business of the committee would be left in my charge, I have given no recent attention to the case, and would not feel justified in pressing its consideration at this time. If the Senator from Texas is willing to waive its consideration at this time, I am willing to defer to his judgment; otherwise I shall press its consideration.

Mr. FLANAGAN. I desire that it should go over.

Mr. FERRY, of Michigan. Then let the next case be taken up.

Mr. EDMUNDS. Then it goes over until to-morrow.

POSTAL TELEGRAPH.

The next bill on the Calendar reported from the Committee on Post-Offices and Post-Roads was the bill (S. No. 651) to provide for the transmission of correspondence by telegraph.

Mr. FERRY, of Michigan. I ask that this bill go over. The chairman of the committee, who has charge of it, is absent.

The PRESIDENT *pro tempore*. The bill will be passed over.

JOHN CLINTON.

Mr. FERRY, of Michigan. I ask for the consideration of House bill No. 2345.

The bill (H. R. No. 2345) for the relief of John Clinton, postmaster at Brownsville, Tennessee, was considered as in Committee of the Whole. It is a direction to the proper accounting officer of the Treasury to pay $265.35 to John Clinton, or his legal representative, in full of all claim for money stolen from the post-office at Brownsville, Tennessee, on the 1st day of November, 1870.

Mr. PRATT. I inquire whether there is any report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. PRATT. I inquire, for the reason that this claim was before the Committee on Claims in 1872 and there was an adverse report made upon it, and the conclusion of that report I will read to the Senate:

These are the facts, as stated by the memorialist under oath. His deputy confirms the statement that there was a separate, distinct drawer for the use of money received from the issuing of money orders. The commissioner who heard the evidence and committed Ellis certifies that the evidence on the trial showed no negligence on the part of Clinton nor carelessness contributing to the theft, but on the contrary, showed that he took every precaution to protect the interest of the Post-Office Department that prudent and cautious men would take. The prosecuting attorney on the trial and the attorney of the United States for that district confirm the statement of the commissioner. The latter officer certifies that the case is pending before the grand jury of the United States court, but there is doubt of jurisdiction, and no indictment had yet been found. He further certifies that Clinton is a deserving man, and a correct, efficient, and honest postmaster, and recommends that the prayer of his petition be granted. The postmaster at Memphis certifies, under date of February 10, 1871, that since he took charge of that office, June 1, 1869, Clinton had been depositing postal and money-order funds with his office, and he had always found him correct in all his business transactions with him, and expresses the opinion that he is a gentleman of integrity, whose word could be relied on.

That was the conclusion to which the Committee on Claims came when this case was before that committee in December, 1872.

Mr. FERRY, of Michigan. I see by the record that there was no report made by our committee. The bill was reported by the chairman of the committee; I am not conversant with the facts. The Senator from Tennessee perhaps can throw some light upon the subject.

Mr. COOPER. The chairman of the committee made no written report, but I have the report of the House committee, which I desire shall be read.

The Chief Clerk read the following report, made by Mr. NUNN in the House of Representatives on the 6th of March, 1874:

The Committee on Claims, to whom was referred the bill (H. R. No. 627) and the memorial of John Clinton for relief for postal moneys stolen from the post-office at Brownsville, Tennessee, having duly considered the same, submit the following report:

The memorialist was postmaster at Brownsville, Tennessee, on the 1st of November, 1870; he had securely deposited on that day, in the money-drawer of the post-office, (kept expressly for that purpose, and no other,) the sum of $285.37 of money-order funds belonging to the United States Post-Office Department; that the said drawer and post-office were properly locked; but while said memorialist was absent at dinner the said post-office was burglariously entered, and said drawer opened by false keys, and said money stolen; that twenty dollars of it was recovered from the thief, but no more.

The said memorialist has paid said money to the United States Post-Office Department. Your committee find that he was not guilty of negligence in the loss of said money; and, it being clearly shown in the amended petition that the memorialist fully intended to do what was his daily practice, *i. e.*, send that same night by the mail to the post-office at Memphis the proceeds taken during the said day, but was prevented by the robbery taking place during his temporary absence to dinner, your committee recommend that the sum of $265.37 be appropriated for the relief of said memorialist, and herewith report to that effect a substitute for the said bill.

Mr. COOPER. The Committee on Claims in the House of Representatives came to a different conclusion from the Committee on Claims of the Senate. It is simply a question presented to the consideration of the Senate whether this gentleman was guilty of negligence or want of care in the preservation or custody of the money intrusted to his charge. There was voluminous evidence before the committee to satisfy it of the integrity and high character of the postmaster; that it was his custom every day to remit to the proper depository money taken in upon money-orders or taken in at his office; that upon the day in question, with all the care which he had ever exercised, indeed with all the care which he could exercise, he had placed this money in its accustomed place preparatory to sending it off by the evening train to the depository, and during his temporary absence, when everything was closed and locked, the office was entered by false keys and the money taken burglariously; that he immediately undertook to secure the arrest of and had arrested the thief by the proper United States authorities. He recovered twenty dollars of the money, prosecuted the burglar with all vigor by the employment of counsel, and attempted in every way that he could to recover the money.

There is nothing in the case which showed that he could have done anything to preserve the money more than he did do; but it is plain that he exercised every caution, that he was a man of high character and integrity, and that he had occupied the rooms in which the robbery was committed for more than two years without any loss to the Department, and that he paid the money thus stolen into the Department. It is simply a question for the Senate to say whether they will extend this relief or not, the relief not being obtainable anywhere except upon an appeal to Congress for reimbursement. There is no question that at law he would be liable; there is no question that he can obtain no relief on his bond, because it binds him as an insurer; and he only comes in the shape of a petitioner to ask that Congress will relieve him from a hardship which, by no fault or negligence of his, has been visited upon him. I hope that the Senate will not hesitate to give him the relief he asks.

Mr. ALCORN. This is precisely such a case that I take pleasure in making opposition to. Here is a man whose integrity is above question, who stands above suspicion, a public officer, a custodian of public funds, who has been robbed of these funds, and he comes now to Congress to ask relief. I regard all legislation of this sort as dangerous in the extreme. The Congress of the United States is now looking out upon a system of precedents in legislation upon a field on which this Government will be ultimately bankrupted. When an officer of the Government undertakes to discharge a public trust, when he executes his bond and becomes a custodian of public funds, he is promised his commission; and he undertakes upon condition that the Government will allow him a certain commission to discharge that duty and assume all the risk that is incident to the control of these funds. If he loses that money it is his loss, and he has no right to appeal to Congress or elsewhere. If the courts of the country shut him out, there is an end of the matter. When he executes his bond, you leave him with the law; he complies with the law, and let him stand upon his bond and not come to Congress and ask relief in this indirect way.

The proof is always *ex parte*, and must necessarily be so, before our committees. The Government is not represented before those committees for the purpose of bringing proof to show negligence, to show dishonesty, to show conspiracy. Thousands and millions of dollars are held to-day by public officers and are transported between different parts of the country liable to be seized upon, and conspiracies may be inaugurated for the purpose of having men robbed and then they come here with a story of wonderful hardships and ask Congress to relieve them from what? Relieve them from a legal obligation to pay to the Government money that has been placed in their hands for safe-keeping. They receive it, on the promise of a stipulated consideration, with the understanding that they will faithfully appropriate the money and faithfully account for it. I say, sir, while I stand in Congress to every public official thus situated, "Stand upon your bond, and if the law will not relieve you, I will not."

Mr. FERRY, of Michigan. If the proposition of the Senator from Mississippi is to be followed by the Senate, there will be another question arising, whether applicants for offices will be willing to hold them under the practice proposed by the Senator. A moment's reflection will show him that many of these officers have very small salaries, some of them not over ten or twelve dollars per annum, an entirely insufficient consideration to enable the officers to purchase safes and other means of extraordinary security. That answers the objection raised by the Senator from Indiana, [Mr. PRATT.]

Now, let it be understood that the practice of the Senate is to be reversed if the proposition of the Senator from Mississippi is to be adopted. I think the Committee on Post-Offices and Post-Roads have not only established rules, but they have been very carefnl, have scrutinized every case, and have required these things as precedent to the allowance of any claim: First, that the evidence shall appear that the postmaster is a man of integrity, of efficiency; next, that upon the occurrence of a burglary the postmaster has been efficient in notifying the Department, and has taken the usual ordinary, and even extraordinary, precautions to arrest the offender; next, that an agent has been sent to investigate and verify the facts.

Wherever notice has been given to the Department and the Department has failed to respond, it has not been the fault of the postmaster, and the committee have ruled in his favor. In this case this person is not only proved to have been efficient and honest, but was so efficient as to arrest the offender, not only notifying the Department but taking upon himself the responsiblity of arresting the offender and securing a portion of the money stolen.

In these small post-offices, if bondsmen are to be held for these extraordinary acts, where will you find bondsmen, and where will you find office-holders? It seems to me that the committee and the Senate should exercise a liberal construction of such cases and in that way the committee have acted on this case. Since I have listened to the case as detailed here, especially by the Senator from Tennessee, with the general knowledge I had of the facts, I am clear that it comes within the rule of the committee, and I ask that the bill pass.

Mr. WRIGHT. Mr. President, I do not propose to say a word as to the merits of this claim. I put my opposition to it upon this ground, without going beyond it. I think it is agreed here that there should be an end some time of investigation, as in the courts of litigation. This claim was presented to a committee of this body and examined carefully and reported against. There is no additional testimony, as I understand; but after one committee of this body—I do not claim that is any better able to investigate, or more capable of investigating this question, than the committee that reported this bill—had reported against the claim after a most careful consideration, there being no additional testimony, it is referred to another committee, and that committee reports in its favor; and thus these claims are bandied backward and forward first to one committee, reported adversely, and then to another committee with the hope that they can have a favorable report, but being reported adversely there it goes to another committee, and so it goes the round of the committees. Now, because the claim has been once reported adversely, because there is no additional testimony, and because also (if I may be allowed to say one word as to the merits) there does not seem to be one particle of ground upon which the claim can justly and legally stand, I think we ought to dispose of it at once and reject the bill.

Mr. ALCORN. I desire to say a word, and only one word, in reply to the honorable Senator from Michigan. He says that if we lay it down as a rule that we shall hold officers to be responsible on their bonds we shall have difficulty in finding public officers to discharge the trusts necessary to the machinery of this Government. I have seen no dearth of applicants up to this time. Perhaps it is for the reason, as the Senator's argument has suggested, that they come forward upon the idea that if they lose the public funds or if by any accident the public funds are lost in their hands the Government will make good the deficit; that they will be reimbursed by act of Congress. I think that perhaps if we had reversed the rule and let every public officer understand that he must remain liable upon his bond, knowing the fact that courts of equity take jurisdiction of every case of this character which ought to be relieved, perhaps there would not be such a plethora, such an influx, such a continual swelling tide of applicants for public offices. Even though the rule I suggest might require that higher salaries should be paid to officers, it would be a source of economy to the Government to pay salaries to officers which would compensate them for the discharge of their duties, and require them upon their bonds to hold themselves responsible for any defalcation that may accrue to them while in the discharge of their public trusts. But the rule the honorable Senator lays down relaxes altogether the obligation, changes the obligation that the office-holder assumes when he executes his bond. The rule that I lay down may result in special hardships, but it is better that a few deserving men should suffer than that the doors should be opened to a system of legislation of this character.

Mr. FERRY, of Michigan. I believe our committee have occupied not quite one half hour. As it has been the custom to allow other committees a full hour, I ask that the time be extended half an hour to make up an hour.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The Senator from Michigan asks unanimous consent that the time of the Committee on Post-Offices and Post-Roads be extended until half past one o'clock. Is there objection?

Mr. THURMAN. I hope the Senator will not make that motion. I wish to make some remarks on the pending special order, and I do not want them to be prolonged into to-morrow. I hope the Senator will not press his motion or occupy any time that belongs to the regular order.

The PRESIDING OFFICER. The Senator from Ohio objects, the Chair understands.

Mr. FERRY, of Michigan. Before the Senator from Ohio objects, I desire to call his attention to the fact that it has been the practice to allow other committees one full hour. This committee has occupied but half an hour. I am not disposed to interpose now to prevent the Senator from uttering the speech which he proposes to deliver to the Senate; I am willing to defer to him under the circumstances, if to-morrow morning the Post-Office Committee can have one-half hour to make up their hour. Perhaps that can be done without objection. ["Agreed."]

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent that the Committee on Post-Offices and Post-Roads may have one-half hour at the close of resolutions to-morrow morning. Is there objection?

Mr. MORTON. That may interfere with somebody to-morrow morning as much as it does with the Senator from Ohio this morning.

The PRESIDING OFFICER. The Senator from Ohio objects.

Mr. FERRY, of Michigan. Then I ask that the Committee on Post-Offices and Post-Roads have half an hour longer to-day, to make up the time that has been conceded to other committees.

The PRESIDING OFFICER. The Senator from Ohio objects to that, as the Chair understands.

Mr. FERRY, of Michigan. I hope the Senator from Ohio will not object. This has been the practice with other committees. The Senator has the whole day for his speech, and to-morrow if need be.

Mr. THURMAN. No, sir; I do not want to go into to-morrow, but the Committee on Private Land Claims will not occupy ten minutes when they are called, and the Senator can have part of their time.

Mr. CONKLING. I do not think the Senator from Ohio should be called upon to object to such a request. The Senator from Ohio has the floor at the end of the morning hour. He wants to proceed, and I do not think he should be put to making an objection. Here is a bill—I do not say anything about its merits—for a private claim; and it seems to me there is no reason why a Senator should be asked to give way or why the business of the Senate should be changed in its natural course to consider this particular bill. Therefore I hope the Senator from Ohio will be allowed to proceed.

Mr. FERRY, of Michigan. I desire to call the attention of the Senator from New York to the fact that other committees have had their hours prolonged during the discussion upon the Louisiana question, under circumstances precisely similar to the circumstances of to-day. The Senator from Ohio knows very well that I would not interpose, in the line of what I felt to be my duty, any objection to his proceeding with the discussion of the question before the Senate as the regular order. I am only appealing to the practice of the Senate. It is not just to allow other committees one whole hour and shut out this committee from the same privilege. I am not simply contending for this case; there are other cases lying back of it in which other Senators are interested for their constituents, and it is hardly just to them to shut out this committee from its allotted time, the time allowed to other committees, and I think I am verified by the recollection of Senators that this has been the practice.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. FERRY, of Michigan. I ask that unanimous consent be given the Post-Office Committee to occupy half an hour to-morrow.

The PRESIDING OFFICER. The morning hour has expired, and the Senate resumes the consideration of the resolution submitted by the Senator from Missouri [Mr. SCHURZ] on the 8th instant, upon which the Senator from Ohio [Mr. THURMAN] is entitled to the floor.

Mr. FERRY, of Michigan. Now I give notice——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. THURMAN. No, sir.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. THURMAN. I will say to the Senator from Michigan that the day after to-morrow the Committee on Private Land Claims will be called, and they will not occupy ten minutes of the time of the Senate, and then I shall most cheerfully, if I have any power as to the disposition of the time, give him all the rest of our morning.

Mr. FERRY, of Michigan. I thank the Senator for his courtesy, but at the same time he has suggested that he does not hold the power to yield to the Senator from Michigan. I recognize the courtesy, which I am always ready to return to him, but it is beyond his power and lies in the bosom of the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of State, transmitting, in compliance with the requirements of the river and harbor act of June 23, 1874, a copy of the report of Major William P. Craighill on the examination and cost of the construction of the third subdivision of the central transportation route; which was referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 935) to provide for writs of errors in certain criminal causes, with amendments; in which it requested the concurrence of the Senate.

SELF-GOVERNMENT IN LOUISIANA.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The unfinished business of yesterday is before the Senate.

Mr. MORTON. One day last week the resolution in regard to the constitutional amendment was postponed on the motion of the Senator from Ohio [Mr. THURMAN] until this morning. Now, I do not wish to interfere with the personal convenience of the Senator; on the other hand I am unwilling that the consideration of that important question shall be postponed from time to time. According to the Senator's own motion that question was entitled I think to the preference to-day. I am as unwilling as any Senator to interfere with the convenience of the Senator from Ohio or any other member of the Senate who desires to speak; but at the same time, in view of the importance of that question, I cannot consent that it shall be postponed from time to time in this way. I was prepared at that time to go on with it, but the Senator from Ohio insisted that it should be postponed, and upon his own motion it was put off until this morning.

Mr. THURMAN. Mr. President, I desire to submit my views on the subject under consideration before the adjournment of the Senate to-day; but the field is so large, that in order to do that I shall have to condense my remarks to the utmost extent of my power and to

leave much unsaid that under other circumstances I should like to say and that in my judgment might properly be said.

In order that I may not occupy more time than I have indicated, I must request Senators not to interrupt me. When I shall have concluded my remarks I will with the greatest pleasure answer to the best of my ability any pertinent question that any Senator desires to put, but until then I pray that I may not be interrupted. I ask that the resolution under consideration may be read.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the following resolution, submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. THURMAN. That resolution, Mr. President, requires us not to stop at the election in Louisiana of 1874, but to go back to the source of her troubles, the transactions of 1872. I shall therefore first speak of them, and, although I am aware that to many who will hear me what I shall say will be "a thrice-told tale," and therefore necessarily tedious, yet, as no complete presentation of the case can be made without going back to the origin of the difficulties, it is indispensable that I take that course.

There was an election for State officers and members of Congress in Louisiana in the year 1872. The officers voted for were, I believe, all the executive officers of the State. Furthermore, a General Assembly of the State was to be chosen at the same time; and, in addition to these, members of Congress from the several congressional districts and one member to be elected by the voters of the State at large. The result of that election was ascertained three times. It was first ascertained by a board known in that State and in this Senate as the "De Feriet returning board," a board whose duty it was under the law to canvass those returns and declare the result. They were again canvassed by what has been called the Forman board, a board appointed by the senate of Louisiana of what is known as the McEnery legislature; and the third canvass, with the original returns before them, was made by a committee of the Senate of the United States, the Committee on Privileges and Elections, not one member of which was a democrat. And now, sir, what was the result of that election as shown by those official election returns? It was what I am about to read, for these three canvasses all ended in substantially the same result. It appeared by the official returns that John McEnery had for the office of governor received 65,579 votes; that William Pitt Kellogg had received 55,973; leaving a majority in McEnery's favor of 9,606. It appeared that for the office of lieutenant-governor Mr. Penn received 68,251 votes, and Mr. Antoine 53,194; making a majority for Penn of 15,057 votes. I should have said before that McEnery and Penn were the conservative candidates. For secretary of state Mr. Armstead, the conservative candidate, received 62,856 votes, and Mr. Deslonde, the republican candidate, 53,594; making Armstead's majority 9,262; for attorney-general Mr. Ogden, the conservative candidate, received 66,806 votes, and Mr. Field, the republican candidate, 54,848; making Ogden's majority, 11,958; for state auditor Mr. Graham, the conservative candidate, received 66,767 votes, and Mr. Clinton, the republican candidate, 54,479; making Graham's majority 12,288; for superintendent of education Mr. Lusher, the conservative candidate, received 67,835 votes, and Mr. Brown, the republican candidate, 53,558; making Lusher's majority 14,277; for member of Congress at large Mr. Sheridan, conservative, received 65,016 votes, and Mr. Pinchback, republican, 54,402; making Sheridan's majority 10,614.

Of members of the house of representatives of the State Legislature the same returns showed that the conservatives, or, as they were called, the fusionists, elected 71 members, the republicans 32 members, and there were 7 vacancies: making a conservative majority in the house of representatives of 39 members. In the senate there were 21 or 22 new senators elected. The senate consists of 36 members—18 elected one year and 18 elected in another year; but owing to there being three or four vacancies, there were 21 or 22 new senators elected. Of these the republicans elected 4 and the fusionists 15, making 19; and there were two vacancies. Of the old senators there were 7 republicans and 7 conservatives. So that the senate stood, conservatives 22, republicans 11; a conservative majority of 11 members.

Mr. President, one would think, upon this bare statement, that of course the government of Louisiana for the last two years has been in the hands of the men thus appearing, by the official returns, to have been elected; that her governor, her lieutenant-governor, her other executive officers, and her General Assembly have been the men who were, according to the official returns, elected by such large majorities. And if a stranger to the facts were told that such is not the case, that for two years these State offices have been held, in every instance, by the defeated candidates; that for two years the Legislature recognized by the President of the United States, and actually exercising power, has been in the hands of the radicals, what would such a person naturally suppose had taken place? If he had any idea at all of constitutional law, any idea whatever of free institutions, any idea whatever of formal and orderly legal proceeding, he would necessarily suppose that the men who by the official returns were entitled to the offices had gone into possession of them on their *prima fâcie* case; that then their right to them had been contested under the constitution and laws of Louisiana, to which alone the contest belonged; and he would suppose that upon that contest it was proved that McEnery and Penn and Armstead and the rest of them were not actually elected, but that, on the contrary, Kellogg and Antoine and their associates were elected, and that being established under the constitution and laws of Louisiana, McEnery and his associates had been ousted from their offices, and that they had been conferred upon the other parties; and he would also suppose that the seats of the members in the senate and house of representatives of the State of Louisiana had been determined by the respective houses, pursuant to the constitution of the State.

That would be all that any man, knowing nothing but the Constitution and the law, could suppose to have taken place, to account for the astounding fact that men elected to office by from nine to fifteen thousand majority, according to the official returns, and a majority of a Legislature, shown by the same returns to have been elected, are all unseated and out of office, and the offices in the hands of their defeated opponents. And yet, sir, that reasonable expectation of a student of constitutional law, or of any man, student or not, having the least idea of constitutional institutions, would be as far from the truth as one pole of this globe is from the other. Kellogg never obtained his seat by any contest of McEnery's election. Antoine never obtained his seat by any such contest; not one of these executive officers ever inaugurated such a contest, and not one of these defeated candidates for the Legislature ever obtained his seat there by the regular and orderly judgment of the lawful senate or house of representatives of the State. But the men who have exercised supreme power in Louisiana for the last two years have held their offices and exercised their powers, according to the finding of your own Committee on Privileges and Elections, by means of a void midnight order made by a Federal judge without authority and enforced by the bayonets of the Army of the United States, and upheld by the Chief Magistrate of the Republic; and the sole title to-day of William P. Kellogg to be governor of Louisiana is the sanction by the President of the United States of these unconstitutional proceedings, and the sole foundation upon which he stands, the sole thing that upholds him in his usurpation, are the glittering bayonets of the Federal Army.

I cannot go at any length into the disgusting details showing how this usurpation was accomplished; and yet there are some things that I ought to say about it, although in saying them I cannot do more than repeat what is better said in the report of your own committee, or if not better said there, certainly better said in the exhaustive speech delivered by the Senator from Wisconsin [Mr. CARPENTER] at the last session of Congress.

How was this thing done? I trace the beginning of it to Washington City. That is where I believe we must begin. The Legislature of Louisiana was to meet on the 9th day of December, 1872. Before the meeting and before the promulgation of the returns of the election Mr. Kellogg filed in the circuit court of the United States, of which a man now too notorious to need any comment upon his name, one Durell, was the judge. Kellogg filed in that court a bill, the object of which, as it appeared in the bill, was simply to perpetuate testimony, simply to preserve what he said were the returns of the election and the evidence that accompanied those returns. Whether that court had any jurisdiction to entertain that bill or not is a mooted question. To my mind nothing is clearer than that it had no jurisdiction. The majority of your committee evidently inclined to the belief that it had no jurisdiction whatsoever of that case, and I need not say to the lawyers of the Senate or to any man, that the proceedings in a court without jurisdiction are utterly and absolutely nugatory and void. But if it had any jurisdiction, it was simply to preserve the returns of the election and the evidences that accompanied them. It could go no further. By an argument that is perfectly unanswerable the majority of the Committee on Privileges and Elections have demonstrated that it could in nowise go one step beyond that. That bill was filed. It prayed no affirmative relief, except an injunction that should operate to preserve papers. It was nothing in the world but an injunction bill. It prayed no affirmative relief otherwise of any kind. It could not, for the court had no jurisdiction for anything else, even if it had it for that. The bill was filed, and (unless there were previous consultations, unless there was a secret understanding) before it could be known in Washington City that Durell would make any order or any decree whatsoever in the premises—certainly before there was any right to suppose that he would go beyond his jurisdiction and make an order that he had no authority whatsoever to make—this telegram was sent by the Attorney-General of the United States to the United States marshal at New Orleans:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

Where was the necessity for that telegram? There is not a word in all this correspondence up to that time that shows any application to the President for troops, any official representation of danger that the lawful decrees or any decrees of the court would be resisted.

There had simply been a bill filed praying for an injunction, and a provisional injunction had been allowed. There was no affirmative decree to execute. There was no decree that could be resisted in any such wise as to make it the duty of the marshal of the United States with the military power to interfere. Nothing of that kind had taken place; but yet the Attorney-General of the United States, on the 3d day of December, says in advance to the marshal that he is to enforce all decrees and all mandates of the court, no matter by whom resisted, and that he is to call on General Emory, commanding the United States Army in New Orleans, for all the aid which he may need. Why was this telegram sent if there was not a secret understanding that by unlawful orders of Durell and the employment of the Army the Kellogg government was to be installed and the lawful government excluded?

The telegram was sent, and what then took place? It was meant to be, and was understood to be, an assurance that the Federal Executive would sustain the proceeding that had been inaugurated by Kellogg, and which was to be followed by other more effective proceedings. Kellogg's bill was good for nothing by itself. His injunction would amount to nothing. It would not defeat the will of the people; it would not prevent the assembling of the Legislature; it would not prevent the conservatives having a majority in that Legislature—a large majority. That Legislature, by the constitution of Louisiana, was to count and declare the votes for governor and the other officers of the State. Therefore the bill was not sufficient at all; but when this order came to Marshal Packard from the Department of Justice, so called, in this city, what took place? It was sent on the 3d of December. On the night of the 5th, Durell, not sitting in court, holding no court, without any motion of either party in the case, closeted with Marshal Packard and the attorneys of the plaintiff, but without any motion, himself drew up or dictated an order directing Packard to take possession of the State-house of Louisiana and permit no one to enter that State-house except certain persons referred to in that order. There was no process issued upon this so-called order; not one thing that would give validity even to the process of a justice of the peace; and yet, under that midnight order, made not in court, made not by a court, made by this man in conspiracy with this same Marshal Packard and the plaintiff's attorneys, before two o'clock of that night that State-house was seized by the troops of the United States brought there for the purpose, and batteries were planted around it to keep the citizens of Louisiana from entering their own house where the laws were to be made.

Now, Mr. President, would Durell ever have made that order, would Packard ever have attempted to execute that order, but for this telegram which two days beforehand had assured them that they were to have support from Washington? Before anything could be known of the merits of that controversy except that upon official returns the conservative candidates were elected, before anything could be known in Washington city even tending to show that those candidates thus officially returned as elected were not in fact chosen, this Attorney-General sends that mandate to his marshal, that he is to obey and enforce all orders and all mandates of the court down there, and that he is to call for military aid in order to execute them. Then, right on the heel of that comes this midnight order, under which the State-house was seized and held for six weeks by the military of the United States, and not a single man permitted to enter within its portals except the conspirators, their aiders and abetters, unless he had been returned as a member of that Legislature by the Lynch board, as it was called, a board that had no legal existence whatever, and that had no more power to count and canvass the votes than any three Senators on this floor had to count and canvass them.

Thus by the direct interference of the military of the United States under a void order of a judge and not of a court, an order which every member of your Committee on Privileges and Elections has characterized as without parallel and as wholly indefensible, and in language far stronger than that—under that order and with the aid of the Government here at Washington the will of the people of Louisiana was completely overthrown, her constitution set at naught, the mode of contesting elections absolutely disregarded and contemned, and a usurpation established there under which that people have groaned from that day to this, and which has been the pregnant source of all the troubles in that State.

Do I state it too strongly? Who is it, pray, that pretended to count in Kellogg and his associates? Who were they who pretended to count in the radical majority in the Legislature of that State? What is called the "Lynch board," a pretended returning board under the law of 1870 of the State of Louisiana? Was there any such legal board in existence? If anything could be completely demonstrated beyond all possibility of doubt, it is demonstrated by your committee in their report, and it has been again demonstrated by the Senator from Wisconsin [Mr. CARPENTER] in his thorough and exhaustive speech on the subject, that that Lynch board had not even a color of authority, much less any legal right whatsoever, to count those returns. It was a sheer, downright usurpation for that board to assume to count anything. Let us see a little on the subject of this Lynch board and of the canvass which it pretended to make. I read from the report of your Committee on Privileges and Elections:

On the 6th of December, 1872, the Lynch board—Bovee, (who was then acting as secretary of state in place of Herron,) Lynch, Longstreet, and Hawkins—pretended to have canvassed the returns of the election, and certified to the secretary of state that Kellogg had been elected governor; Antoine, lieutenant-governor; Clinton, auditor; Field, attorney-general; Brown, superintendent of education; and Deslondes, secretary of state; and also certified a list of persons whom they had determined to be elected to the Legislature.

Then the committee proceed:

There is nothing in all the comedy of blunders and frauds under consideration more indefensible than the pretended canvass of this board.

The following are some of the objections to the validity of their proceedings:

1. The board had been abolished by the act of November 20.

2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armstead case restraining it from making any canvass not based upon the official returns of the election.

3. Conceding the board was in existence, and had full authority to canvass the returns, it had no returns to canvass.

The returns from the parishes had been made, under the law of 1870, to the governor, and not one of them was before the Lynch board.

It was testified before your committee by Mr. Bovee himself, who participated in this canvass by the Lynch board, that they were determined to have a republican Legislature, and made their canvass to that end. The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns; in other cases they had nothing but newspaper statements, and in other cases, where they had nothing whatever to act upon, they made an estimate based upon their knowledge of the political complexion of the parish, of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits, and delivered them to the Lynch board while it was in session.

And here I may remark it is proved that they counted these forged affidavits as votes:

It is quite unnecessary to waste time in considering this part of the case; for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

That was the pretended canvass under which the whole power of government in the State of Louisiana has been exercised for the last two years. I may be pardoned if I bestow a little more time upon this infamous Lynch board. But in doing so I prefer to quote the language of the distinguished Senator from Wisconsin, in the speech to which I have referred.

I will ask the Clerk to read from that speech the passages I have marked on pages 15 and 18.

The Chief Clerk read as follows:

Mr. EDMUNDS. They could not take a part and reject a part?

Mr. CARPENTER. They could not take a part and reject a part. It was all to be counted, or nothing to be counted. In the first place, they had no jurisdiction to inquire; and, in the second place, if they had jurisdiction, they must either count or reject the return; but in this parish of Bossier they did neither the one nor the other. The returns showed that Mr. McEnery had 953 votes and Kellogg 555. If they had found the riot, &c., then they would have excluded that poll, and neither McEnery nor Kellogg would have had a vote from it; but, nevertheless, by their ciphering they gave Kellogg 1,159 votes; they gave Antoine, the candidate for lieutenant-governor, 1,159 votes; they gave Deslonde 1,159 votes; they gave Clinton 1,159 votes; they gave Field 1,159 votes; they gave Brown 1,159 votes. They gave McEnery nothing, Penn nothing, Armstead nothing, Graham nothing, Ogden nothing, Lusher nothing.

Mr. EDMUNDS. Do you say that is a fact found by the committee in the form of a report or appearing in the evidence there?

Mr. CARPENTER. Certainly. The returns themselves show that McEnery had 953 votes in that parish. He did not get a vote in this return. The returns show that Kellogg had 555 votes; he gets 1,159. How much more satisfactory than an election that is!

Take the parish of Natchitoches. The returns show that McEnery had 1,250 votes; Penn, 1,252; Armstead, 1,243; Ogden, 1,252; Graham, 1,252; Lusher, 1,251; Kellogg, 550; Antoine, 548; Deslonde, 549; Field, 549; Clinton, 548; Brown, 549. This board gave Kellogg 1,206 instead of 550. They gave Antoine, 1,206; Deslonde, 1,206; Clinton, 1,206; Field, 1,206; Brown, 1,206; McEnery, nothing; Penn, nothing; Armstead, nothing; Ogden, nothing; Graham, nothing; Lusher, nothing.

* * * * * * * *

Mr. CARPENTER. Another witness, Mr. Jaques, appeared before the committee, and at first I was strongly impressed with the belief that he was lying, that his whole story was made up, and I went for him with a pretty thorough cross-examination, followed him through several pages, and finally became thoroughly convinced that the man was telling the truth. He swore that he had forged twelve hundred affidavits; he said he took the names from an old worn-out poll-list, that a great many of them were dead, and a great many probably never did live. He made up the affidavits without seeing the men, hundreds of them. They were certified as sworn to in blank by a judge before they were filled; and the proceeding, as he testifies to it, is one of the richest that I know of in the history of politics. His testimony—I will not stop to read it—is found on pages 520, 521, 522, and 523, and pages 526, 527, 528, and 530, and fully sustains all that I say.

The affidavits were printed, and they were delivered to this fellow to be manufactured, and with the jurat of the judge attached certifying that —— —— had sworn to the affidavit. When Mr. Jaques took the affidavits, filled them up, signed names to them, then delivered twelve hundred of them at one time to Mr. Bovee, in the open session of the board, the testimony leaving no doubt that the board knew that they were forged affidavits; and, indeed, he says that Bovee joked him afterward for days by asking him if they had got through voting up at Plaquemine Parish.

In the parish of Tangipahoa, Barkdull swears, on pages 562, 563, and 564, (which I will not take the time to read as I am occupying so much time,) to a very remarkable state of things, and I give the pages so that any Senator can refer to them. The returns show in that parish that Tait had 111 majority over Wands—Tait being the democratic candidate. The witness went to this parish to investigate, and found that there was no particular fraud; nobody had heard of any; and he came down to one of our republican men, and he said, "That won't do; you have got to go back; we are beaten unless we make out some fraud here." He went back, got up some affidavits, came down to this board, and they gave Wands 750 and Tait 622; that is, instead of giving Tait, as the returns showed, 111 majority, they gave his opponent 128.

This is a fair sample and by no means an exaggerated statement; it is taken at random from the proceedings of that board. They went through in this way and reached the end of their labors on the 6th of December, 1872. The entire returns from the State showed that McEnery had 65,579 votes, and that Kellogg had 55,973, so that McEnery's majority was 9,606. That can be seen in this report on page 81. This Lynch board gave Kellogg 72,890 and McEnery 54,029, making Kellogg's majority 18,861; that is in place of McEnery's majority as shown by the returns

being 9,606, they gave Kellogg almost twice that, 18,861. They were not going to do things by halves. If they were going to have a governor, they were not going to stop on the majority that the democratic governor in fact got; they were going better, and they doubled and gave Kellogg 18,000. The returns showed Penn's majority to be 15,000, and they gave Antoine 13,000.

Mr. THURMAN. I wish those who have not looked into this matter to understand what these so-called affidavits were and the use which was made of them. Under the law of Louisiana, if the judges of election at the various polls in the State, called there commissioners of election, certified with the return of the election that a fair election had been prevented by riot, tumult, or the like, and if this certificate of the commissioners was supported by the affidavit of three reputable citizens, then it was the duty of the returning board to investigate that matter, and if they found that there had been such riot, or tumult, or obstruction, as prevented a fair and free election, then what were they to do? Then they were to throw that poll out altogether. They could not take part of it and reject part, but they were to throw it out altogether. Now, what did this Lynch returning board do? Without a single return of that sort from any commissioners of election whomsoever, without one single particle of official representation such as the law required and such as would have been necessary to authorize a legal board to reject a poll, they rejected poll after poll and parish after parish. Mark it, a parish there is equivalent to a county in the other States, and often contains a much larger territory and a larger population than the average counties of the North. They threw out poll after poll and parish after parish. Then what did they do? If they had been a legal board, they could not have gone one step further; but instead of observing even the law under which they pretended to act, they allowed one Colonel Jaques and some other fellows of his kind to come in with what purported to be printed affidavits. Affidavits of what? That men had voted at these polls? No, sir; but that they had not voted, and that if they had been allowed to vote, or had not been afraid to vote, or could have voted without traveling too far, if they had been at the polls, they would have voted the republican ticket. And these pretended affidavits of men that they did not vote but that if they had voted they would have voted the republican ticket, that board counted as so many votes for Kellogg and his associates and for the radical candidates for the Legislature!

Mark it, sir, if they had been genuine affidavits they could not have been counted, for there was no law whatsoever that authorized their count. But these were not genuine affidavits; they were printed affidavits with the *jurat*—that is, a certificate of a judge that they had been sworn to before him—and not one single word of them had been sworn to at all; but they were in blank, without the name of the affiant, at the time the judge delivered them out by thousands to the conspirators who were engaged in or were promoting the pretended canvass by the Lynch board. And what did they do? They delivered over twenty-five hundred of them, I think it was, to this Colonel Jacques. He returned twelve hundred and six at one time, not one single one of which was signed by the man whose name was attached, but every name was a forgery, and of the names to them, many of them were taken from old poll-books and were of persons who were dead and gone. He brought them in in that way to make up the majority for Kellogg and his associates; and, pray, what reception did he have from the board? When he presented himself with twelve hundred forged affidavits that the board knew as well as he did were forgeries, he was greeted with the pleasant and complimentary remark, "Why, Jacques, you are a hell of a fellow!" He was in their estimation a hell of a fellow at getting up affidavits; and so he went on afterward, piling them in from day to day, until the admiring board exclaimed, "Why, colonel, have they not done voting in Plaquemines yet?" And now, sir, the pretended canvass, so conducted, of this infamous "Lynch board" is the only pretense of title of Kellogg and his associates and of that radical majority in the so-called Legislature of Louisiana that has ruled there for the past two years.

I shall not go into what is said in the report of your committee about the pretended recognition of the Lynch board by the courts in Louisiana, and which supposed recognition is completely exposed and exploded in the report. But it might be worth while for a moment to dwell upon one fact, that the very court that decided that this Lynch board was a proper returning board was held by one of the Lynch board himself, who had been appointed judge by Pinchback, and every single man on that returning board, either himself or in the person of a near relative, was rewarded with a lucrative office either by Pinchback or Kellogg or the so-called Legislatnre of Louisiana—every one of them was immediately rewarded. They would not wait for their pay. The members of this pretended returning board got offices, some of them worth $10,000 a year, in payment for such services as I have shown to you from this report and from the extract that I have had read from the speech of the Senator from Wisconsin. Well, sir, to what conclusion did your committee come? After going over the whole ground, this is the conclusion of the majority of the committee:

> Indeed it is impossible not to see that this bill was filed—

That is, one of the bills that was filed in furtherance of the conspiracy—

> and the restraining order thereon was issued for the sole purpose of accomplishing, what no Federal court has the jurisdiction to do, the organization of a State Legislature.

And your committee cannot refrain from expressing their astonishment that any judge of the United States should thus unwarrantably have interfered with a State government, and know no language too strong to express their condemnation of such a proceeding.

It is the opinion of your committee, that but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board, and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people, and that government would have entered quietly upon the exercise of the sovereign power of the State. But the proceedings of Judge Durell, and the support given to him by United States troops, resulted in establishing the authority *de facto* of Kellogg and his associates in State offices, and of the persons declared by the Lynch board to be elected to the Legislature. We have already seen that the proceedings of that board cannot be sustained without disregarding all the principles of law applicable to the subject, and ignoring the distinction between good faith and fraud.

Your committee are, therefore, led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State officers, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State. Considering all the facts established before your committee, there seems no escape from the alternative that the McEnery government must be recognized by Congress, or Congress must provide for a new election.

That was the judgment of the majority of the committee. In those conclusions every member of the committee but one agreed. It is true that Judge Trumbull submitted a separate report of his views, but he concurred fully in what I have read; and Mr. Hill also submitted a separate view, but concurred fully in the positions found by the majority as to the illegality of the pretended canvass of the Lynch board and as to the usurpation of Kellogg and his associates. He presented his own views simply because he differed as to what was the proper remedy.

What said Judge Trumbull upon the subject? I read it because it is in a few words and is extremely well and forcibly expressed. He said:

> The history of the world does not furnish a more palpable instance of usurpation than that by which Pinchback was made governor, and the persons returned by the Lynch board the Legislature of Louisiana; nor can a parallel be found for the unfeeling and despotic answers sent by order of the President to the respectful appeals of the people of Louisiana. This pretended Legislature, installed in power by the aid of the United States Army, in pursuance of a void order of a United States district judge, proceeded to elect John Ray to represent the State of Louisiana in the Senate of the United States; and it is said the Senate must receive him because the supreme court of Louisiana has decided the Pinchback legislature to be the rightful Legislature of the State, and that the Senate is bound to follow the decision of the State court as to what constitutes its Legislature.

Then Senator Trumbull goes on and demonstrates the utter fallacy of any such argument as that.

Mr. President, I should like to refer to the telegrams quoted in Senator Trumbull's "views," showing the animus and purpose of the conspiracy, but I cannot go through them all; it would take up too much time, and I must come down to the present day. But he refers to the respectful appeal made by the people of Louisiana to the President and which was scornfully rejected, and of that I wish to speak.

The first act of the so-called Legislature was to impeach Warmoth, the governor of the State, and, without paying the least regard to the requirements of the law, to suspend him from his functions and to install Pinchback, one of the chief conspirators, and president of the previous senate, as governor. And Pinchback, supported by President Grant and the Army, continued to claim that office until the usurpation was completely effected by the installation of Kellogg as governor.

In this state of the case, and the conspirators having telegraphed the President to recognize Pinchback and his pretended Legislature, McEnery sent to the President by telegraph the following most respectful and reasonable appeal:

NEW ORLEANS, 12*th*, 1872.

His Excellency U. S. GRANT,
President United States:

> Claiming to be governor-elect of this State, I beg you, in the name of all justice, to suspend recognition of either of the dual governments now in operation here until there can be laid before you all facts, and both sides, touching legitimacy of either government. The people denying the legitimacy of Pinchback government and its Legislature simply ask to be heard, through committee of many of our best citizens on eve of departure for Washington, before you recognize the one or the other of said governments. I do not believe we will be condemned before we are fully heard.
>
> JNO. MCENERY.

Not only did McEnery appeal, not only did the members who had been elected to the Legislature appeal to the President, but this telegram was sent to him:

NEW ORLEANS, *December* 12, 1872.

> SIR: As chairman of a committee of citizens appointed under authority of a mass meeting recently held in this city, I am instructed to inform you that said committee is about leaving here for Washington to lay before you and the Congress of the United States the facts of the political difficulties at present existing in this State, and further earnestly to request you to delay executive action in the premises until after the arrival and hearing of said committee, which is composed of business and professional men without regard to past political affiliations.
>
> THOMAS A. ADAMS,
> *Chairman.*

His Excellency U. S. GRANT,
President of the United States.

Could anything have been more respectful, more fair, more consonant with justice, better calculated to produce effect upon a fair-minded Chief Magistrate clothed for the time being with the tremendous power of deciding which was the legitimate government there, (not deciding, as I contend, so as to bind her people forever, as some lawyers have seemed to think, but so far as the United States for

the time being were concerned) clothed with that tremendous power of deciding until Congress should act which of the two governments then in existence, either the McEnery or the Pinchback government, the McEnery legislature or the Pinchback legislature, was the true government in that State—could anything have been better calculated to arrest a fair-minded Magistrate under those circumstances, and make him pause and at least hear both sides?

But what answer was made? There is not a despot on the face of the earth, one would suppose, that would not at least have listened to what the men had to say who were apparently elected to the offices of state by majorities of from 9,000 to 15,000 votes—the men who, being two-thirds in number of the Legislature, appeared by the official returns to be duly elected; and then the citizens themselves, composed of men of all parties and of all occupations, proposing to send here a committee of one hundred, and only asking the President to suspend judgment until they could lay the case before him. I know of no despot on the face of this globe that would have refused to hear men under such circumstances state their case. But what answer was given to these men? On the very next day, just as soon as the telegraphic dispatch was received, the Attorney-General telegraphed as follows:

DEPARTMENT OF JUSTICE, *December* 13, 1872.

Hon. JOHN MCENERY,
New Orleans, Louisiana:

Your visit with a hundred citizens will be unavailing so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

The usurpation began on the 9th day of December, when the pretended Kellogg legislature assembled, when Warmoth, the governor, was impeached and turned out of office in violation of the constitution of Louisiana in less than two hours after the assembling of that Legislature, when Pinchback was inagurated as governor. All that was done on that day, and it was simply impossible that the President could have had all the information before him, which was in the possession of those who were opposed to these revolutionary proceedings; but yet Mr. Attorney-General writes a telegram that the mind of the President is made up and cannot be changed. When did he make up his mind? At the very inception of the difficulties as I believe, but certainly as early as the 12th, when this telegram was sent by the Attorney-General:

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK,
New Orleans Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

That pretended Legislature convened on the 9th, and here, only three days afterward, before the President could hear the other side at all, before he could hear anything but one side, he makes up his mind and the Attorney-General sends out that proclamation; and then, having made up his mind, it is all in vain for the true Legislature, the governor-elect, and the citizens to lay the real facts before him! This man's mind and edicts are like the laws of the Medes and Persians, right or wrong they are never to be altered. I have already stated that McEnery had petitioned to be heard, the conservative members of the Legislature asked to be heard, the people asked to be heard. They were not heard. Who was heard? Packard was heard; Casey, the brother-in-law of the President and the collector of customs, was heard; but the governor-elect, the executive officers-elect, the Legislature-elect, the committee of one hundred, representing thousands of the best citizens of Louisiana, were not heard at all before judgment was given. What was it produced the recognition of the usurping government? Sir, the whole thing is in a nutshell.

There is one most significant telegram which is the key to this whole business. It is a telegram sent here saying that the President must interfere in order to save the republican party of Louisiana. I will read it in a moment. The mind of the President was fixed certainly as early as the 12th of December, for then it is that he telegraphs that Pinchback and that Legislature are to be recognized and upheld. What fixed it? Here is a telegram from his brother-in-law, Casey, the collector, dated the 11th of the month:

The delay in placing troops at disposal of Governor Pinchback, in accordance with joint resolution of Monday—

That is, the joint resolution of the bogus Legislature—

is disheartening our friends and cheering our enemies. If requisition of Legislature is complied with all difficulty will be dissipated, *the party saved*—

That is, the republican party—

and everything go on smoothly.

That was the material thing—"the party will be saved;" and that was more potential in the mansion of the Chief Magistrate of this Republic than all that the officers elected by majorities of thousands could say, than all that the people of Louisiana, though represented by an imposing committee of one hundred of her most eminent citizens could lay before him. Those magic words, "the party will be saved," settled the mind of the President if it had not been settled before. If it was not settled when on the 3d day of that month the Attorney-General sent that remarkable telegram to Packard to enforce all decrees and mandates of the United States court by whomsoever resisted, and to call on General Emory for troops to enforce them, it was when he received this dispatch of the 11th of December that he should recognize that usurpation in order to save the party. Then certainly it became fixed, and it became unchangeable; and hence Mr. Attorney-General Williams, on the 13th, telegraphs to these people who were coming here with their humble petition to be heard—that was all, "to be heard," American citizens, men elected to the highest offices in a State Legislature, and citizens coming here and simply praying to be heard—telegraphs them as imperiously and as contumaciously as if he were the satrap of some Persian emperor, saying in substance, "You need not come here; the mind of the President is made up, and it is unchangeable." He would have no hearing of anything but the one side. The telegrams of the collector of customs and of the United States marshal and the significant declaration sustain Pinchback, sustain the Legislature, and you save the republican party, did the business; that did the work; that silenced every one else; that closed the Executive ear to all appeals, to all representations from any one who entertained a different opinion from that which he desired should prevail.

Here is another significant thing. Something has been said about the decisions of the supreme court of Louisiana. On the 12th day of December, and before any decision had been pronounced by that court or there was any case before it in which it could pronounce a decision, James F. Casey, the President's brother-in-law and the collector of customs at New Orleans, sent him a telegram urging Federal interference, urging the use of Federal troops, and in that dispatch he says:

The supreme court is known to be in sympathy with the republican State government.

The supreme court of Louisiana was known to be in sympathy with the republican State government; that is, with the usurping government. How was it that the supreme court of Louisiana was known, on the 12th day of December, before it had a case before it, much less before it had pronounced any decision, to be "in sympathy with the republican State government?" I do not think it is very difficult to find out when you come to look into the *personnel* of that court. The *personnel* of that court has been examined heretofore in the speech of the Senator from Wisconsin; but there is something that has come to light since then that deserves the attention of the people and of the Senate. Who was the chief justice of that court? The man who presided at the impeachment of Warmoth, and lent his power and influence to proceedings in violation of the constitution and law of that State; for no one can pretend that that impeachment proceeded in accordance with the constitution and the law? Who was the chief justice of that State who presided on that occasion? He was one Chief Justice Ludeling; and what manner of man is he? If any Senator wants to know what manner of man he is, let him refer to a decision of the Supreme Court of the United States, delivered at its present term, in which by name this Ludeling is denounced upon the clearest proof as being one of the most corrupt and fraudulent men to be found on the face of this Republic—a man engaged in fraud up to his eyes, fraud for which any lawyer would be debarred, fraud for which any judge would be impeached wherever there is purity of judicial administration. He is one of the men who are in sympathy with this "republican State government" and presiding at the pretended impeachment of Warmoth, upholding it by his pretended decision when afterward a case is got before his court, and going out of his jurisdiction and beyond the case in order to uphold it. No, sir; you cannot touch this case in any of its forms, in any of its proceedings; you cannot touch any person engaged in the usurpation that you do not touch pitch. Blackness is all around it; corruption in every step that was taken. No man can truthfully deny it.

Now, what pretense was there for upholding this Kellogg government? The pretense was that the people were cheated at the election, that there was fraud practiced or intimidation practiced upon the voters. Suppose that were true; suppose it were true to the full extent alleged, where was the tribunal and the place in which that fraud was to be tried? That tribunal was in Louisiana. Where were the constitution and the law under which it was to be tried? They were the constitution and the law of Louisiana. It was not to be tried elsewhere. It was to be tried according to that constitution and according to that law. It was not tried there; it was not tried according to that constitution and that law; but it was decided in the recess sof a judge's chamber at night by an illegal order made by him and executed by the Army of the United States, and that order never would have been made, that Army never would have been so used, if they had not well known beforehand that it was the decree at Washington that the Pinchback-Kellogg government was to be inaugurated and sustained. Durell has passed away. The other House of Congress resolved to impeach him and he escaped impeachment by resignation. Ludeling is convicted in the Supreme Court of the United States as being no better than a thief. Whether he will resign or be impeached, remains to be seen. One by one they pass away; but the usurpation is still maintained and the people of Louisiana who smart under it, who would not be American citizens if they did not smart under it, are denounced as "banditti" by a Lieutenant-General

of the United States who proposes to restore peace in quite as summary way as order was ever restored at Warsaw.

Sir, I ask you if such a state of things as that was not calculated to produce irritation and bad feeling in Louisiana? I ask you if so plain and flagrant an usurpation was not calculated to stir the hearts of the people who suffered under it? What its effect was we know; but it is so well stated, so calmly, so dispassionately stated—stated, with such judicial accuracy and moderation, in the report of the subcommittee of the House of Representatives that visited New Orleans during this session of Congress—that, long as is the passage in that report, I ask that it be read. I send it to the desk.

The Chief Clerk read as follows:

The general condition of affairs in the State of Louisiana seems to be as follows: The conviction has been general among the whites since 1872 that the Kellogg government was a usurpation. This conviction among them has been strengthened by the acts of the Kellogg legislature abolishing existing courts and judges, and substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; by changes in the laws, centralizing in the governor every form of political control, including the supervision of the elections; by continuing the returning board, with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force, maintained at the expense of the city of New Orleans, into an armed brigade of State militia, subject to the command of the governor; by the creation in some places of monopolies in markets, gas-making, water-works, and ferries, cleaning vaults and removing filth, and doing work as wharfingers; by the abolition of courts with elective judges, and the substitution of other courts with judges appointed by Kellogg, in evasion of the constitution of the State; by enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning board; by unlimited appropriations for the payment of militia expenses and for the payment of legislative warrants, vouchers, and checks, issued during the years 1870 and 1872; by laws declaring that no persons in arrears for taxes after default published shall bring any suit in any court of the State or be allowed to be a witness in his own behalf—measures which, when coupled with the extraordinary burdens of taxation, have served to vest, in the language of Governor Kellogg's counsel, "a degree of power in the governor of a State scarcely exercised by any sovereign in the world."

With this conviction is a general want of confidence in the integrity of the existing State and local officials—a want of confidence equally in their purposes and in their *personnel*—which is accompanied by the paralyzation of business and destruction of values. The most hopeful witness produced by the Kellogg party, while he declared that business was in a sounder condition than ever before, because there was less credit, has since declared that "there was no prosperity." The securities of the State have fallen in two years from 70 or 80 to 25; of the city of New Orleans, from 80 or 90 to 30 or 40, while the fall in bank shares, railway shares, city and other corporate companies, have in a degree corresponded. Throughout the rural districts of the State the negroes, reared in habits of reliance upon their masters for support, and in a community in which the members are always ready to divide the necessaries of life with each other, not regarding such action as very evil, and having immunity from punishment from the nature of the local officials, had come to filching and stealing fruit, vegetables, and poultry so generally—as Bishop Wilmarth stated without contradiction from any source—that the raising of these articles had to be entirely abandoned, to the great distress of the white people, while within the parishes, as well as in New Orleans, the taxation had been carried almost literally to the extent of confiscation. In New Orleans the assessors are paid a commission for the amount assessed, and houses and stores are to be had there for the taxes. In Natchitoches, the taxation reached about 8 per cent. of the assessed value on the property. In many parishes all the white republicans and all the office-holders belong to a single family. There are five of the Greens in office in Lincoln; there are seven of the Boults in office in Natchitoches. As the people saw taxation increase and prosperity diminish—as they grew poor, while officials grew rich—they became naturally sore. That they love their rulers cannot be pretended.

The Kellogg government claims to have reduced taxation. This has been effected in part by establishing a board to fund the debt of the State at 60 per cent. of its face value. This measure aroused great hostility, not so much because of the reduction of its acknowledged debt as because it gave to the funding board, whose powers seem to be absolute and without review, discretionary authority to admit to be funded some six millions of debt alleged to be fraudulent; so that, under the guise of reducing the acknowledged debt, it gave opportunity to swell the fraudulent debt against the State. This nominal reduction of the State taxes has been accompanied by a provision that the parish taxes shall not exceed the State. But the parishes have, notwithstanding, created liabilities. Judgments being recovered on these, the courts have directed taxes to be levied for their payment, and thus the actual taxes have been carried far beyond the authorized rates. Rings have been formed in parishes, composed of the parish officers, their relatives, and sometimes of co-operating democrats, who would buy up these obligations, put them in judgments, and cause them to be enforced, to the great distress of the neighborhood—a distress so general that the sales of lands for taxes have become almost absolutely impossible.

But the reduction of wages, the non-fulfillment of personal or political pledges, the misfeasance of some local officials, disputes among the leading colored persons in other localities, the loss or embezzlement in some cases of the school funds, and the failure of the Freedman's Bank, all combined to divide the views of colored voters during the late campaign. An effort was accordingly made by the conservatives to acquire a part of the negro vote; with that view it was sought in many quarters to propitiate them. Frequent arrests by the United States marshals for intimidation or threats of non-employment, and the apprehension that was felt that the returning board would count out their men if excuse for such a course were offered, all combined, especially after the 14th of September, to put the conservatives on their good behavior, and the result was that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the Legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

Mr. THURMAN. You have seen from this report of the committee of the other House of Congress what is the condition of things in Louisiana, and you have seen some of the causes of it stated with judicial fairness, and one among the chief is the conviction, nay I say the certainty, that they have been living under a usurpation for the last two years, and the further certainty that that usurpation has been distinguished by corruption and oppression in such a degree that no people on the face of this earth could be easy and contented under it. Why, sir, to say nothing about the corruption that exists, just think of one thing—just think of this fact:

The securities of the State have fallen in two years—that is, since Kellogg was inaugurated—

from 70 or 80 to 25: of the city of New Orleans, from 80 or 90 to 30 or 40, while the fall in bank shares, railway shares, city and other corporate companies, have in a degree corresponded. Throughout the rural districts of the State the negroes, reared in habits of reliance upon their masters for support, and in a community in which the members are always ready to divide the necessaries of life with each other, not regarding such action as very evil, and having immunity from punishment from the nature of the local officials, had come to filching and stealing fruit, vegetables, and poultry so generally—as Bishop Wilmarth stated without contradiction from any source—that the raising of these articles had to be entirely abandoned, to the great distress of the white people, while within the parishes, as well as in New Orleans, the taxation had been carried almost literally to the extent of confiscation. In New Orleans the assessors are paid a commission for the amount assessed, and houses and stores are to be had there for the taxes.

That is, you can have among the best of the dwelling-houses in New Orleans, among the best of the stores, without any other rent than the payment of the taxes. But that is not all.

In Natchitoches, the taxation reached about 8 per cent. of the assessed value on the property.

Eight per cent. of the assessed value, and yet the people of Natchitoches are expected to be very quiet and contented! With a taxation more than five times the average taxation in the State of Ohio bearing upon that depressed people, they are expected to be quiet and contented; and if they are not quiet and contented, a Lieutenant-General of the Army of the United States proposes that the President shall proclaim that they are "banditti" and then nothing more will be necessary than the duty that will devolve on him! Ah, sir, I never expected to live to see the day, in what was once called free America, in what was once called a republic, when such things as these could take place and any man who called himself a freeman or a lover of liberty and of free institutions could stand up to defend or even to palliate them. But, sir, I must pass on.

There was another election for the Legislature in 1874. The people of Louisiana had submitted. But they determined to make one more effort to rid themselves by the free and peaceable action of the ballot-box from usurpation and misgovernment. There were men among them who were disheartened; many of them were disheartened; hundreds, nay thousands of them, said: "It is of no use; let us go to the polls as much as we please; let us elect our candidates by as great majorities as we please; let us have a clear majority of both branches of the Assembly, it will do us no good, for the same scenes of fraud and usurpation that took place two years ago will be repeated, and the same military arm that supported the usurpation then, nay that inaugurated it, will support the new usurpation." That is what was said by thousands of voters last fall in the State of Louisiana. But what said the leaders of the conservative party? They appealed to the voters not to give way to despair; they appealed to them not to give way to despondency; they appealed to them to make one more manly and true effort to rescue their State from the misgovernment that prevailed, to rescue it from the usurpation that was there, to elect a majority of the Legislature of the State and thus rescue it from the maladministration by which it was oppressed and the ruin that threatened it.

I remember, sir, seeing those appeals. I remember perfectly well the effect they had on my mind, when the leading men of the conservative party of the State had to beseech the voters not to give way to despair, but to believe that wrong and violence could not always triumph, and that if they did succeed in the election, did succeed in electing a majority of the General Assembly, that majority would be regularly installed in their seats and then all would be well. At last the voters of the State listened to these appeals; men threw off their despair and despondency; they went to the polls; and the result was the election of a house of representatives in which the conservatives had twenty-nine majority and the election of a senate in which they also had a majority, I believe, but a small one. I may be mistaken about the senate. I am not so sure about it; but as to the house there is no mistake. The fact is found in the report of the committee of your House of Representatives, and it is abundantly evidenced otherwise.

Why is it that what republicans call the house of representatives of Louisiana is in the hands of the radicals? Why is it that those twenty-nine conservative majority are not in their seats in the house of representatives of Louisiana? It is simply because the same kind of frauds that were perpetrated two years ago have been repeated now, and the same mighty military arm that upheld them then upholds them again. There is no other reason for it on the face of the earth. A pretended fraudulent returning board two years ago, supported by the military of the United States under the orders of the President, established usurpation in Louisiana, and now another fraudulent returning board has counted out twenty-nine conservative majority in the house of representatives, and the Army of the United States is sustaining that usurpation and imposing upon the people of that State another government which they never chose to rule over them; and yet it is expected that they shall all be very tame and quiet and peaceful and love the Government that does these things, love the Government that thus overrules their will and thus tramples upon every principle of free institutions in their midst and to their great wrong and injury. And now an attempt is made to divert public attention from this enormity of counting out, in plain violation of law, a majority of 29 and returning a majority on the other side, and an attempt is made to palliate it by caviling about the

mode in which the house of representatives was organized, by sticking in the bark; I will not say by pettifogging, for that would be an offensive word, but by sticking in the bark about whether there was perfect regularity in the organization of the house of representatives on the 4th day of this month in New Orleans.

I might admit that it was not regular, and yet what is the Senate of the United States to think of what occurred? Suppose that the five men who were expelled by the United States soldiers had taken part in that organization from the very beginning, even in the choice of Wiltz as temporary speaker, where would have been the wrong done? Were they not elected? No man denies it. The returning board does not deny it, for it was bound to decide against them if they were not elected. By not deciding against them it admitted that they had at least a *prima facie* case. The official returns showed them elected, and no official body had decided that they were not elected. They had then what made a clear *prima facie* case, and at the back of that they had, some of them, more than 1,000 majority. Suppose they had taken part in that organization, where would have been the wrong or the injustice of the thing? Would it not have been a part taken by the chosen representatives of the people; and would not the fact of their election, the fact that they had the certificates, which by the very law were *prima facie* evidence of their rights to seats there, have overridden, in the estimation of any man capable of considering a legal, much less a political question, all matters of mere formal regularity in the organization of the house?

But, sir, I am not driven to any such position as that. I say that those five men had as much right to take part in the organization of that house from the very beginning, and to vote, as I have to take part in the proceedings of this Senate; that they had under the constitution and laws of Louisiana a clear, undeniable right to take part there. Why had they not? The only thing that has been urged to show that they had no such right is a clause in the election law of Louisiana of 1872. That act provides for a returning board, and it provides that the returning board shall deliver a list of the members of assembly elect to the secretary of state, and he shall transmit a list of the senators to the secretary of the senate and a list of the members of the house to the clerk of the last house of representatives; and it further provides that in the organization of that house of representatives the members on that list and none others shall take part. It is upon that provision of the law of 1872, that the members on that list and none others shall take part in the organization of the house, that the whole argument is based to show that Wiltz was not elected speaker and that the organization with him as speaker was a usurpation. Nobody yet has denied that he was elected a member of that house; nobody has yet denied that he had a right to be there and take part in its organization; and why he should be denounced as he has been for simply endeavoring to carry out the will of the people of his State as manifested in the election, according to the usage of legislative bodies almost time out of mind, is past my comprehension.

Let us see whether or not there is anything in that provision of the law which made the act that resulted in the choice of Wiltz as speaker unconstitutional and illegal. In order to understand this, it will be necessary for me to state as briefly as I can what is the election law of that State. It is the act of 1872, which is in almost every particular the same as the act of 1870 of the same State. It provides that there shall be in each parish (which, as I have before remarked, is the same as a county in other States) a supervisor of registration, who is to superintend the registration of the voters in that parish. It then provides that there shall be a suitable number of polls or voting places in each parish, and that the election shall be held under the supervision of three judges of election, who are called commissioners of election. It further provides that after the votes have been received these commissioners of election in each voting precinct are immediately to count the votes and make a return of the number of votes cast for each candidate, and the office for which he was a candidate, and that they are to swear to the truth of that return, and then seal it up and deliver it or cause it to be delivered to the supervisor of registration in that parish, and a duplicate thereof to the clerk of the district court. Then, within twenty-four hours from the receipt of the returns by the supervisor of registration, he is to make a consolidated return as it is called; that is, he is to compile the returns, putting the various precincts together, so as to show by a consolidated return what is the vote in that parish. That makes the return of the whole parish. He does precisely the same thing which in Ohio is done by the the clerk of the court and two justices of the peace, taking the returns from each township and making an abstract of the whole vote of the county. That the supervisor of registration is to do.

Then he is to send that consolidated return, and also the original returns, to the returning board at the seat of government; but before he sends it, it is to be certified as true by the clerk of the district court of the parish. The law does not trust the supervisor of registration alone. He has to take to his assistance the clerk of the district court, and that clerk must certify, as well as the supervisor of registration, that that return is true.

But that is not the whole of the law. The law further provides, in its twenty-sixth section, as follows:

SEC. 26. *Be it further enacted, &c.*, That in any parish, precinct, ward, city, or town in which during the time of registration or revision of registration, or on any day of election, there shall be any riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences, at any place within said parish, or at or near any poll or voting place, or place of registration or revision of registration, which riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences shall prevent, or tend to prevent, a fair, free, peaceable, and full vote of all the qualified electors of said parish, precinct, ward, city, or town, it shall be the duty of the commissioners of election, if such riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences occur on the day of election, or of the supervision of registration of the parish, if they occur during the time of registration or revision of registration, to make in duplicate and under oath a clear and full statement of all the facts relating thereto, and of the effect produced by such riot, tumult, acts of violence, intimidation and disturbance, bribery, or corrupt influences in preventing a fair, free, peaceable, and full registration or election, and of the number of qualified electors deterred by such riots, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences from registering or voting, which statement shall also be corroborated under oath by three respectable citizens, qualified electors of the parish. When such statement is made by a commissioner of election or a supervisor of registration, he shall forward it in duplicate to the supervisor of registration of the parish, if in the city of New Orleans, to the secretary of state, one copy of which, if made to the supervisor of registration, shall be forwarded by him to the returning officers provided for in section 2 of this act, when he makes the returns of election in his parish. His copy of said statement shall be so annexed to his returns of elections by paste, wax, or some adhesive substance, that the same can be kept together, and the other copy the supervisor of registration shall deliver to the clerk of the court of his parish for the use of the district attorney.

What then is the duty of the returning board? The returning board is a body of five men to be elected by the senate of the State, from all political parties as the law declares, and it is their duty to receive these parish returns made by the supervisors of registration and then to proceed to compile them and make an abstract and declare who are the persons elected. What is their duty in making hat compilation under this law? They are first to compile the returns to which there is no certificate of violence or obstruction of any kind. That is, when they take up the return from a parish and look at it and see that it is not accompanied by any protest from the commissioners of election or supervisor of registration, it is their duty to compile it as the law says; that is, to count that and put it down. They have no right whatever to go into any inquiry originating with themselves. Their sole jurisdiction to institute an inquiry is where there comes up with the return this protest or certificate of the commissioners of election or supervisor of registration that a full, free, and fair election was obstructed in one of the ways pointed out by the twenty-sixth section.

Mr. CONKLING. You ignore the proviso at the end of the section?

Mr. THURMAN. What section?

Mr. CONKLING. The section of which you are speaking of the election law of Louisiana.

Mr. WEST. Section 3.

Mr. CONKLING. The same section of which the Senator from Ohio is speaking.

Mr. THURMAN. Let us see whether I ignore anything. The proviso is:

Provided. That any person interested in said election by reason of being a candidate for office shall be allowed a hearing before said returning officers upon making application within the time allowed for the forwarding of the returns of said election.

Is that what you mean? It has no more to do with their inaugurating an examination where there is no certificate from the commissioners of election or supervisor of registration than it has to do with my speaking on this floor. It simply gives the party a right to a hearing, not to inaugurate a contest there.

Mr. CONKLING. The Senator was ignoring it.

Mr. THURMAN. It is enough to make anybody ignore that proviso when it clearly enough has nothing to do with the question before us. Under precisely the same law in substance—for the section in the act of 1870 is substantially the same—your own Committee of Privileges and Elections decided, and without a dissenting voice, that there was no right whatsoever to go into any examination as to an election at any poll unless there came up a certificate of violence, &c., a protest with the return; and they decided right, because that proviso has nothing whatsoever to do with the question of introducing original testimony but simply gives a party who may be interested a right to be heard—not a right to introduce testimony; not a right to inaugurate a case of contested election before these returning officers; and it would be a very funny thing—would it not?—the idea that the governor of a State is to inaugurate a contest before the returning board; that members of the Legislature are to inaugurate a contest before the returning board, when the constitution declares that the votes for governor shall be counted by the General Assembly, and that each house of the Assembly shall be the judge of the elections, qualifications, and returns of its members. Nothing of the kind ever was intended.

Mr. CONKLING. Will it incommode the Senator if I ask him to allow me to understand him at that point?

Mr. THURMAN. I do not know that it will.

Mr. CONKLING. I inquire of the Senator from Ohio whether we are to understand him to maintain that the force and scope of the proviso of the third section which he has been discussing is filled and satisfied if parties interested are allowed to be heard merely, with no right to introduce testimony, with no right to present to the board anything upon which the board can act, but literally and only "to be heard?" I understand the Senator so to maintain, and if that is his understanding, I should be glad to be sure that I apprehend him correctly.

Mr. THURMAN. I do not see how anybody can have any doubt

about it, so far as the question before us is concerned. Suppose they have a right to introduce testimony, in what cases have they such right?

Mr. CONKLING. If my honorable friend will pardon me, I did not mean to tax him so far; I only wanted to know whether he maintained that they had no right to introduce testimony? What the effect may be is another question.

Mr. THURMAN. I have this to say about it: that in no case whatsoever can one word of testimony be introduced except where there comes a protest, as it is called, or a certificate of the commissioners of election or supervisor of registration that there was fraud or violence or the like; and when there is such a case as that, then it may be that they are authorized to go on and take testimony. But their duty is in the first place to inspect the certificate and the affidavits of the three persons, and if they think upon such inspection that no case is made for throwing out the poll, then they are not to throw it out, but they are to compile it, to count it. If there is good reason to believe that there was fraud or violence which interfered with a fair election, then they may go on and summon witnesses, take further testimony; and it may be that in such case as that parties might be heard. I do not say whether they would or not. I do not know what the practice is that may have given an interpretation to the law; but of one thing I am perfectly sure, that they cannot take one particle of testimony against a return unless there comes up with that return this certificate of the commissioners of election or supervisor of registration. That is the only case.

That being so, how was it with these five members? Here was the returning board. It was their duty to compile *all* returns and put on the list of members the names of the persons elected from every parish where there was no such official protest against their election. And here were the five men in question, elected according to the official returns, and no contest of or protest against their election. Plainly the returning board was bound by the law to place their names on the list of members-elect.

But let us look further. These five men were James Brice, jr., of Bienville; Charles Schuyler, of De Soto, and John Scales, of De Soto; C. C. Dunn, of Grant, and George A. Kelley, of Winn. Were they elected or not? Were Schuyler and Scales elected? Why, they had more than 1,000 majority, as reported by the committee of the House, from whose report I have already read, and there was not one particle of protest or certificate of violence, &c., attached to any return that came up from that parish. How was it with C. C. Dunn, of Grant, and George A. Kelley, of Winn? Kelley's majority was 240. I have not Dunn's before me. Those were the five men; two of them elected by over 1,000 majority, another elected by 240, and the others elected by majorities that I have not seen, but I believe they were large. There was not accompanying the returns of those parishes one single word of protest.

Mr. CONKLING. Does the Senator say there was a return from De Soto?

Mr. THURMAN. A return of the election? Yes.

Mr. WEST. Where do you get that fact?

Mr. THURMAN. Tell me why there was not a return from De Soto?

Mr. CONKLING. I am advised there was none; for what reason I cannot say.

Mr. THURMAN. Now, let us see whether there were returns from De Soto or not. I am very glad to have that matter looked at. The House committee say in their report:

> So in the parish of De Soto, in which the returns showed a conservative elected by over 1,000 majority, it was alleged that the supervisor of registration had brought the returns from New Orleans, and had left them with a woman of bad character, who offered to produce them on payment of $1,000.

He was a lovely supervisor of registration! They could not beat the conservatives in any other way than by handing the returns to such a recipient as that.

> The conservative committee took legal proceedings to compel their production; but the court held that it had no jurisdiction to that end.

They have lovely courts down there. When it is necessary to decide in favor of the radical party, they can assume any jurisdiction that is wanted; when it is necessary to compel the production of a paper that the party holding it has no right to and which the public have an interest in, the court has no jurisdiction! What then did the conservative committee do?

> They then caused to be produced before the board the duplicate of those returns from the office of the secretary of state, together with the tally-sheets, poll-lists, &c., filed there according to law. These duplicates corresponded exactly with the alleged result of the compiled returns which the said woman had produced; and of these alleged facts undisputed proof was also submitted to the board. Nevertheless the board refused to count the vote for that parish.

Sir, the returning board did have the returns and a duplicate and "undisputed proof," and yet they threw out the parish. No comment can be necessary upon an act so indefensible and infamous.

They rejected that parish on no pretense whatever that there was any fraud or violence, &c., in the election there; no pretense whatever that there was any intimidation there. Without one single word of protest or contest they threw out the two members from that parish, or refused to put them on the list of members-elect; but with all their hardihood they did not dare to decide that they were not elected. They said nothing about that at all, but simply omitted them from the list. I will presently come to the effect of this proceeding.

> So in Winn Parish, where 404 conservative and 164 republican votes were cast, upon a verbal protest that the registrar of elections was not properly qualified, of which the only proof was that he had failed to forward his oath of office to the secretary of state—although there was no pretense that the election was not a fair representation of the will of the people—the whole vote of the parish was rejected and the case referred to the Legislature.

That is another one of these cases. Suppose the registrar had not forwarded a copy of his oath to the secretary of state, it would have been an omission of a mere ministerial act. Every lawyer knows that it did not in the slightest degree affect his right to hold the office; and every man who ever acted upon a contested-election case knows that such cases are not to be decided upon such figments as that; and yet without any protest, without any pretense of an unfair election, that man was not certified or was left out.

What was the legal effect of this? Now I ask the attention of the Senate to this provision of the law. Here is a section upon which so much reliance is placed, and has excited so much indignation over these five elected members because they dared to appear on that floor; these intruders and scoundrels, as they have been called, whom any citizen of the State of Louisiana, my colleague said, if called on by Governor Kellogg, might have lawfully expelled from that hall. I should like to know where Governor Kellogg got the authority to expel from the hall of the house of representatives of Louisiana five men legally elected and who were there claiming their seats. I should like to know what my colleague would think if Governor Allen, of Ohio, were to assume the power to send a *posse comitatus* into the General Assembly of Ohio to take out five republican members because he said, forsooth, that some little technicality had not been complied with in the organization of the house. What would the republican party of Ohio think of that? No, Mr. President, that will not do. What was this law? Let us see:

> SEC. 44. *Be it further enacted, &c.*, That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly; and it shall be the duty of the said clerk and secretary to place the names of the representatives and senators elect so furnished upon the roll of the house and of the senate, respectively; and those representatives and senators whose names are so placed by the clerk and secretary respectively, in accordance with the foregoing provisions, and none other, shall be competent to organize the house of representatives or senate.

That is what is relied upon to show that the organization was illegal, because the names of these five persons were not on that roll thus furnished by the secretary of state. But my colleague forgot to read what follows:

> Nothing in this act shall be construed to conflict with article 34 of the constitution of the State.

Right in that very section, in the very next sentence after that which my colleague read, which says that none but those on the roll shall participate in the organization of the house, is the provision that nothing in the act shall be construed to conflict with article 34 of the constitution. What is article 34 of the constitution? It is that—

> Each house of the General Assembly shall judge of the qualifications, election, and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

Here is the provision which shows what may be done by law. The mode of contesting an election may be provided by law, but so far as the judgment upon the election, qualifications, and returns of the members is concerned, each house is sovereign judge for itself. The consequence is that this whole law is unconstitutional so far as it interferes with that right, and so your committee decided upon the act of 1870, which was precisely the same in every material particular. Let us see what they decided. Speaking of the act of 1870, they said:

> This act is in conflict with the constitution in several particulars: First, the constitution provides that the return of the election of all the members of the Legislature shall be made to the secretary of state, (see article 46)—

This act sends their returns to the returning board—

> and article 48 provides that the returns of every election for governor and lieutenant-governor shall be sealed up and transmitted to the secretary of state, who shall deliver them to the speaker of the house of representatives then next to be holden, and that the members of the General Assembly—that is, both houses of the Legislature—shall meet in the house of representatives to examine and count the votes for governor and lieutenant-governor
>
> The act provides that the returns shall be made to the governor, and that the governor, the lieutenant-governor, the secretary of state, and John Lynch and T. C. Anderson, or a majority of them, shall be returning officers for all elections in the State; that they shall examine, canvass, and count the votes, and determine who has been elected governor and to other State offices and who members of the Legislature. The act provides a totally different machinery from that provided by the constitution for the safe-keeping, examination, and count of the votes for governor and lieutenant-governor. The act, in so far as it provides that Lynch and Anderson shall be members of said canvassing board, is in conflict with the provisions of the constitution in relation to appointments to office.

I have seldom in my life seen an act more plainly in violation of a constitution than is this act in violation of the constitution of the State of Louisiana. Let us see what it would lead to. The constitution provides that each parish in that State shall have at least one representative. The number of representatives to which the State is entitled is one hundred and eleven. It further provides, as I have said, that the house is to be the judge of the election, qualifications, and returns—mark it, "returns"—of its own members. Now, this law provides that this returning board shall make out a list of the mem-

bers-elect, and it shall send that list to the secretary of state, and the secretary of state shall deliver it to the clerk of the last house of representatives; and then, says the act, those persons who are named on that list, and none others, shall take part in the organization of the house. Now, here were one hundrd and eleven men elected at the last election of Louisiana. This board certified to the election of one hundred and six of them. There are different statements as to the politics of the one hundred and six I believe the committee of the house found that fifty-three of them were supposed to be republicans and fifty-three democrats; but the sworn statement of Wiltz and others, who are better acquainted with their politics, shows that fifty-four of them were republicans and fifty-two democrats. That made one hundred and six. Then the board made no return at all as to five of them, the five members in question. It did not decide against them, it did not decide for them, but simply omitted them from the list. There was not a particle of contest for the seat of either of them; there was no protest coming up from any poll in their parishes, nothing of that kind at all; but they simply omitted those five; and now it is said that that omission by that board of those men, who had *prima facie* evidence of their election, and against whom there was no protest whatsoever, excluded those five men from any part in the organization of the house; that that mere omission by that returning board, which I shall presently show was a violation of their sworn duty to put those five men down on that list, made those five men intruders there, and an officer of the United States Army was thereupon authorized to come in and take them out between files of soldiers with their bayonets fixed. That is republican government, forsooth.

But to proceed with the law. When this same provision, that they and none other shall take part in the organization of that house, is read in connection with the further provision, that "nothing in this act shall be construed to conflict with article 34 of the constitution," this provision that none others than those named in that list shall take part in that organization of the house becomes really and utterly nugatory; or if any effect can be given to it at all, it can only be that the house can decide in all cases who, having the proper parish certificates of election, are entitled to participate, unless the returning board has decided against them and thereby counteracted the *prima facie* case. There is no other way of construing that provision in the act and making it constitutional. But let us see to what an absurdity the construction contended for by my colleague would lead. If this board could exclude five men from taking part in that organization simply by leaving them off the list, five men whose seats were not contested, five men against the election of whom not one single word had been uttered, five men the returns of whose election came up without one word of protest, without one line of a certificate that there had been any fraud, intimidation, or violence—if they simply by leaving off the names of these five men from the list could exclude them from taking part in the organization, they might just as well have left off fifty men. The power to do the one is just as great as the power to do the other. In that way they might have turned that house over into the hands of fifty men, nay, into the hands of ten men. There is no end to the absurdity of such a thing as that. If these men by arbitrarily leaving off the names of members could prevent them from organization, I would like to know what they could not do, or how the Legislature of Louisiana is to be organized at all. I remember when the Senator from New York, who is now taking notes, [Mr. CONKLING,] was last sworn in he had no credentials here at all. We took it for granted that he would not ask to be sworn in unless he had been duly elected, and without any credentials at all he was sworn in. My colleague might just as well have said that President Grant might have ordered a file of soldiers down here and turned him out; that he was an intruder; that his name was not on the list. The credentials of all the other Senators had been presented and their names were on the list of the Secretary at his desk, and they were called up two by two and four by four to be sworn, but the Senator from New York, like the foolish virgin, had no oil in his cruse. [Laughter.] But there was his friend the Ex-Vice-President, [Mr. HAMLIN,] who sat next to him, and who got up and said, "I have known a Senator to be sworn in on common rumor that he was elected, who said he was elected and we believed him, and the same courtesy is due to the Senator from New York." We all said "Amen," and he was sworn in; but according to this new doctrine it would have been perfectly competent for President Grant, if the Senator from New York had been a democrat, to have sent in a couple of files of soldiers and marched him out between fixed bayonets. That will not do at all. You cannot stick in the bark in that way.

Now I want to call the attention of the Senate to what was the duty of this returning board, in order to show that they could not perform their duty and abridge the privileges of that house. Their duty was to compile *all* the returns. It is put down in the law as plainly as can be that they are to decide upon every case. It is put down again and again; it is put down as if it was *per industria* that they should decide. They are not to leave anything undecided. They are to decide whether to count the vote of a parish or poll, or whether to reject it. They cannot leave it without deciding one way or the other. If they leave it to the house, as they call it, then it is precisely as if there were no law for their making any returns at all; and I will come to that in a moment. Perhaps I had better speak of that now. Suppose these men, instead of returning one hundred and six names on the list, had returned none at all? They would have fulfilled their duty just as well as they did. They left off five men whose seats were not contested, against the taking of whose seats there was not a word of protest, and they might just as well have left off the whole one hundred and eleven. Suppose they had done so, would that have deprived the house of representatives of Louisiana of an organization? Could that house not have organized? Could the board have annihilated the house by refusing to put the names of fifty-six men on the roll, and thus left fifty-five, which would have been less than a quorum; for it took fifty-six to make a quorum? If they could not do that, if the effect of doing that would have been, as all must admit, to remit the house to its rights under the constitution to decide for itself, why was not that right remitted to the house in respect to these five members?

But let us see if I am right as to the duty of the board. Section 2 of the statute says:

> That five persons, to be elected by the senate from all political parties, shall be the returning officers for *all* elections in the State.

Not for part of the elections, not for the election of one hundred and six members, and not for the remaining five members, but they shall be the returning officers for *all* elections in the State. Then what is the oath they take?

> I, A B, do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning officer as prescribed by law; that I will carefully and honestly canvass and compile the statements of the votes, and make a true and correct return of the election: so help me God.

They swear to "carefully and honestly canvass and compile the statements of the votes." Here were the statements from Bienville, from Caddo, from Winn, from De Soto, and from Grant. There were the statements from five parishes, and each one of those men swore before Almighty God that he would carefully compile those statements according to the law, and the law required them to put the names of the five men in question on the list of members-elect unless there came up a protest against their election; and there was no such protest. That is the oath that they took. Were they authorized to neglect that duty? Was it in their discretion to perform it or not to perform it? Was it in their discretion to perform it as to a part of the members and not to perform it as to the rest? No man can truthfully say so. They were bound to compile all the returns and decide upon every case. But it does not stop there. What further were they to do? The statute says:

> Within ten days after the closing of the election said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the commissioners of election, and make returns of the election to the secretary of state. *They shall continue in session until such returns have been compiled.*

They are directed positively to continue in session until all the returns have been compiled. They cannot stop short. They say these returns are not compiled from these five parishes. Then they violated their duty, for their oath required them, and the law required them, there to remain until all the returns were compiled. That is not all, sir. The act further provides:

> One copy of such returns they shall file in the office of the secretary of state, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of *all* persons and officers voted for—

Not all persons and officers elected, but all persons and officers voted for—

> The number of votes for each person and the names of the persons who have been duly and lawfully elected.

That is the return they are to make to the secretary of state, and which they are also to promulgate by proclamation in a newspaper. They are to give the names of all persons and officers voted for, the number of votes for each person, and the names of the persons who have been duly and lawfully elected. They did not do any such thing as to five men. Had they done it as to these five men, that would have shown them to have been elected. They did not do it. And the pretense now is that their omission to do that sworn duty deprived these five men of a right to a place on that floor and to take part in the organization of that house. I repeat, that they were required to decide in every case, upon every poll. That is the plain intent of the law. They must either reject the poll or they must count it. There can be no half-way business about it under that law; and when there comes up no certificate of fraud, intimidation, violence, &c., they cannot reject the poll. That was precisely the case in respect of these five parishes. Can any lawyer doubt for one moment that those men had a right in that body; that the parish returns made a *prima facie* case in their favor? I put it to my friend from New York whether, under that law, those parish returns did not make a *prima facie* case before that returning board. There they were. There was no objection to their regularity, no protest, no certificate of fraud, intimidation, violence, &c.; nothing of that kind. They were just as regular as any returns that were before that board, and I ask the Senator, that being the case, if that did not make a *prima facie* case which entitled those men to have their names put upon the roll? If they had that *prima facie* case before that returning board, they had an equally strong *prima facie* case before the house, which, by the constitution, was the sole judge of the election, qualifications, and returns of its members. That is the truth of it, sir; and that is the whole of this case, so far as their right is concerned. Those five men had as much right there

as you have to occupy that seat, and no special pleading, no sticking in the bark, no reading from parliamentary rules or the like can deprive them of that right, or can hide the solid, substantial justice of their title and the enormity of the act by which they were deprived of it.

But my colleague thinks it was a horrible thing that Mr. Vigers, the late clerk of the house, was not allowed to preside there and organize the house. I would like to know where he got the authority from for Mr. Vigers to organize that house. He was not clerk of that house; he was clerk of a defunct house. What right had he there? Why, he had no right at all there, as to that matter. What right could Mr. Vigers have? If he had any right, it was simply to call the roll. The law does not even provide that, I think.

Mr. GORDON. No, sir; it does not.

Mr. THURMAN. It does not even provide that he shall call the roll. Section 44—I will read the whole section—provides:

That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly; and it shall be the duty of the said clerk and secretary to place the names of the representatives and senators elect so furnished upon the roll of the house and of the senate, respectively; and those representatives and senators whose names are so placed by the clerk and secretary, respectively, in accordance with the foregoing provisions, and none other, shall be competent to organize the house of representatives or senate. Nothing in this act shall be construed to conflict with article 34 of the constitution of the State.

Now, I would like to know where is the authority for Mr. Vigers there. He had no more right there than any other citizen of Louisiana had. He had no right to call that roll except by the grace and permission of the members there. The law contemplated that there was to be a roll of the senate, a roll of the house of representatives; rolls that belonged to the archives of the senate or of the house. The house might have declared that that roll should be called by any member of the house. Mr. Vigers had no legal right to call it, and it was simply by the grace of the house that he was permitted to call it at all.

It is suggested to me that there is some law that he is to hold over until his successor is elected. That gives him no right to call that roll; that gives him no right to preside at all. How are houses of Assembly organized? How was the house of representatives organized before there was any law passed upon the subject? I can recollect perfectly well how it was in the house of representatives in my State before the passage of any act of the Legislature upon the subject. The oldest member always called the house of representatives to order in the olden time. Lewis Williams, of North Carolina, regularly, session after session, called the House of Representatives of the United States to order, and then they went on and elected a Speaker, and a Clerk, and the like.

In my own State the oldest member of the Legislature, or he who had served before, one or the other, just as it happened, just as they agreed among themselves, called the house to order, and they proceeded to organize; and it was not until after the difficulty that occurred in the organization of the house of representatives in 1848—not in the administration of Mr. Van Buren, as I erroneously and through a lapse of the tongue stated on a former occasion—it was not until after that occurrence that provision was made in Ohio, and then it was made in the new constitution of the State, so that it might be binding. It was not thought for a moment that you could pass a law which should deprive the house of its constitutional right to judge of the election, qualifications, and returns of its members, but the provision was put in the constitution of the State itself, which regulated the organization of the house, and of the senate too.

This, then, Mr. President, is the case in a nut-shell. That these five men were elected cannot be denied; that the returns from the parishes showed they were elected cannot be denied; that there was no protest against their election accompanying those returns cannot be denied; that that made a *prima facie* case which made it the imperative and sworn duty of that returning board to put them on the list cannot be denied; and that their omission to perform that duty could not affect the rights of those members or the right of the house to recognize them as members is another thing that no lawyer can deny. So much for that. Well, sir, Wiltz was chosen temporary speaker. Then what took place? If there had been any irregularity in his choice, all that irregularity was cured by the fact, by the undeniable fact, that more than a quorum of that body took part in its proceedings before these five men were expelled. In order to prove that, although it is somewhat tedious, I shall have to ask that the statement of the occurrences as they took place may be read, that we may have a full history of this matter. I will say that this statement is fortified by the affidavits of Mr. Wiltz, Mr. Maginnis, and Mr. Booth, members of that house. And after the Clerk reads it, I ask that there may also be read what is contained in this document in regard to the pretended organization of the republican house, beginning on page 3 and ending on page 6.

The Chief Clerk read as follows:

After the completion of the roll-call by William Vigers, clerk of the former house, as provided by section 44, above recited, L. A. Wiltz was nominated as temporary chairman by a member, and was upon a *viva voce* vote declared elected temporary speaker, whereupon he took the chair, and announced himself temporary speaker of the house of representatives, and as such took his oath of office before Judge Houston, and also had said oath administered to him by a member. He thereupon administered the oaths to the members of the house. He then declared the functions of the former clerk, Vigers, at an end. A clerk was then, on motion, nominated and elected. A sergeant-at-arms and assistants were also elected.

During this temporary organization, upon motion put and adopted, the five members whose elections the returning board had not promulgated and had referred to the house were admitted as members and sworn in. Thereafter L. A. Wiltz was nominated as permanent speaker. The roll was called, and Wiltz and Hahn being in nomination, Wiltz received 55 votes, Hahn 2, and 1 blank. Fifty-six being a majority and legal quorum of the whole number, one hundred and eleven, to which the house was entitled, he was thereupon declared duly elected permanent speaker, and was sworn in and then administered the oath to the members, (by fours,) including Michael Hahn, Thomas Baker, Murrell, and Drury, republicans. A committee on credentials was then appointed, of which Hahn and Thomas were appointed members and accepted, and withdrew with the committee. Upon the return to the house of said committee, Hahn made known that he would make a minority report.

About this time, resistance being made to the sergeant-at-arms of the house, and there being great danger of violence and bloodshed, the force of the sergeant-at-arms consisting of only some ten men, the State-house being crowded on the inside and outside with metropolitan police and other unruly persons, said police on the outside being supported by a large array of United States soldiers, the speaker, upon motion of Dupre, a member of the house, put and carried, requested General De Trobriand, who *had previously entered the State-house, accompanied by some United States troops, without the knowledge or request of the speaker*, to speak a few words to the persons in the lobby, the speaker expressing the opinion that the general's remonstrance would prevent a riot, which was imminent. The general complied with the request, and, without the use of any force, restored comparative quiet in the lobby. No other intervention by the United States authorities *was asked for or obtained*. This request was made, as above stated, after the general and some soldiers had entered the room.

About an hour after this, order being *fully restored*, General De Trobriand returned, and informed the speaker that he had been ordered by Governor Kellogg to replace Vigers as clerk and to eject the five members above referred to, upon whose cases the returning board had failed to report, and desired to know whether his orders would be complied with without the use of force. The speaker replied that he was the lawful speaker of the house of representatives of the State of Louisiana and would obey no order from Governor Kellogg, or any other source, unless compelled so to do by actual overpowering force; whereupon the general retired and soon returned with soldiers and requested the speaker to point out the members indicated in his order from Kellogg for ejectment, the general not knowing them personally. This request was also promptly refused; whereupon General Campbell and T. C. Anderson, the former general of Kellogg's militia, by which he was surrounded in and out of the State-house, the latter a member of the Wells returning board, neither being members of the House, were called upon, and pointed out the desired members, who were thereupon seized, each by United States soldiers, with guns and fixed bayonets, and were forced out of the State-house against their oft-repeated protests.

Immediately upon this action by the military authorities of the United States the speaker requested the conservative members to retire with him, which was done without exception. General De Trobriand then ordered Mr. Vigers to call the roll, whereupon Speaker Wiltz reiterated his refusal to allow him to make such call, Vigers persisting, Wiltz had him forcibly ejected by his sergeant-at-arms. During all of these proceedings, the speaker reiterated his protests and refusals to submit to any interference unless compelled by over whelming force. Such force was used by the United States military authorities, and to it alone he yielded.

Mr. THURMAN. My colleague dwelt with great force upon what he said was a violation of the rights of the majority, as he termed it there, in this: that a call for the yeas and nays was decided to be out of order. I will show in a moment that the yeas and nays could not be called, and that the decisions are all against it. Perhaps I might as well do it at once and dispose of it now. There could not be a call of the yeas and nays before the organization of the house, and therefore that call was premature. It is a precisely parallel case to that of the House of Representatives when Mr. John Quincy Adams, as temporary chairman, just as Wiltz was temporary chairman at first, decided that there could not be a call for the yeas and nays. That decision of Mr. Adams, which no one can doubt was sound parliamentary law, is a full and complete justification for that refusal to entertain a call for the yeas and nays. But, good heavens, Mr. President, has it come to this, that if a temporary president or speaker in a State Assembly shall make an erroneous ruling upon a question of order, on a question whether the yeas and nays are demandable, that that shall authorize a brigadier-general of the Army of the United States to enter that hall and take him out of his seat, and eject five members from their seats? Has it come to be the constitutional law of this land that the rulings of the presiding officers in our State Legislatures upon questions of order are to be supervised by the brigadier-generals by brevet of the Army of the United States, and they to back their appellate decision by the bayonets of the Army? I confess, Mr. President, it fills me with amazement to hear such doctrines advocated here, or such positions stated, or any palliations for so plain and flagrant a violation of the constitution and of the rights of the Assembly of a free State, or what ought to be a free State.

But, sir, to proceed, for it is getting late and I want to be done, although there is a great deal more that I would like to say on this subject. But I cannot conclude without some remarks upon the message of the President of the United States and the telegrams of General Sheridan sent to us in answer to the resolution which I had the honor to offer to the Senate and which was adopted. Although that resolution has been answered, and therefore may have been supposed to pass from our consideration, yet as it is upon the subject under consideration it is proper to remark upon that message. On the 5th instant I offered a resolution in the Senate, in these words:

Resolved, That the President of the United States is hereby requested to inform the Senate whether any portion of the Army of the United States, or any officer or officers, soldier or soldiers of such Army, did in any manner interfere or intermeddle with, control or seek to control, the organization of the General Assembly of the State of Louisiana or either branch thereof on the 4th instant; and especially whether any person or persons claiming seats in either branch of said Legislature have been deprived thereof or prevented from taking the same by any such military force, officer, or soldier; and if such has been the case, then that the President inform the Senate by what authority such military intervention or interference took place.

A four days' debate upon this resolution followed, which was participated in by the leaders of the republican party on this floor—a debate remarkable in many respects, but most remarkable for the fact that no one denied the military intervention referred to in the resolution, and no one cited a word of the Constitution or a word of statute law that authorized or in any manner justified such intervention.

On the 13th, on the motion of the Senator from Indiana, [Mr. MORTON,] an amendment, having no necessary connection with the resolution, was added to it, as follows:

And whether he has any information in regard to the existence of armed organizations in the State of Louisiana hostile to the government of the State and intent on overturning such government by force.

And, after being further amended, the resolution was passed in these words:

Resolved, That the President of the United States is hereby requested to inform the Senate, if in his judgment not incompatible with the public interests, whether any portion of the Army of the United States, or any officer or officers, soldier or soldiers, of such Army did in any manner interfere or intermeddle with, control or seek to control, the organization of the General Assembly of the State of Louisiana, or either branch thereof, on the 4th instant; and especially whether any person or persons claiming seats in either branch of said Legislature have been deprived thereof or prevented from taking the same by any such military force, officer, or soldier; and if such has been the case, then that the President inform the Senate under what circumstances and by what authority such military intervention and interference have taken place; and whether he has any information in regard to the existence of armed organizations in the State of Louisiana hostile to the government of the State and intent on overturning such government by force.

Before the adoption of the amendment of the Senator from Indiana, I called the attention of the Senate to the fact that my resolution contained but two inquiries, namely: First, did the military interfere as suggested; second, if yea, by what authority of law did it interfere? And I expressed my apprehension that if the amendment should be adopted, its only tendency would be to obscure these inquiries and divert attention from a flagrant and unparalleled violation of the Constitution. And I expressed the further apprehension that when the answer to the resolution, as amended, should come in, it would tell but half the story. Mr. President, the answer is in, and my apprehensions are fully verified. On the 13th instant the President sent in his message in reply to the resolution, and of that message I feel bound to say that nothing so full of error of statement and of law, nothing so remarkable for omissions of material facts, ever before emanated from the Executive of the Republic. Sir, it is my purpose to observe the courteous rules of the Senate in speaking of the Chief Magistrate—of him personally I shall not speak disrespectfully—but his message is open to every just criticism, and no rule of courtesy or of parliamentary law forbids my speaking of it in any just terms of condemnation, however severe.

And now, sir, let us briefly examine it. Our resolution asked the President, in the first place, to inform us whether any portion of the Army of the United States, or any officer or soldier thereof, did, in any manner, interfere or intermeddle with, control or seek to control, the organization of the General Assembly of Louisiana, or either branch thereof, on the 4th instant, and especially whether any person or persons claiming seats in either branch of said Legislature have been deprived thereof or prevented from taking the same by any such military force, officer, or soldier. Why did we ask this information of the President? Because he is the Commander-in-Chief of the Army, and is presumed to be informed of all its movements; and especially because it could not for a moment be supposed that any officer of the Army had used his command to organize a State Legislature, or to interfere in its organization, without instantly reporting his action, and the reasons for it, through the proper channels, to the President. We had the right, then, to suppose—nay, we were bound to suppose—that if any such military interference had taken place, an official report on the subject was on the files of the Department of War. The interference was on the 4th instant. It was nine days thereafter before the President sent in his message. The amplest time then had elapsed—nay, far more than ample time—for the officer or officers at Orleans to have drawn up and forwarded their official report to Washington. And now what have we? Nothing but a telegram from General Sheridan, written and sent on the fourth day of the Senate debate, (the 8th instant,) and after the whole country was aroused by the news, and indignant protests were being uttered everywhere against the military violence and usurpation that had taken place. No report from General De Trobriand, the officer who actually and in person interfered and turned members out of their seats and out of the hall; no report from General Emory, who was his superior officer at the time of the interference; not a line of statement from either one of these officers. But in lieu of the reports we should have had from them, we have a one-sided telegram from General Sheridan, written four days afterward, from which facts of the most material character are omitted, and in which positions of law are taken that are utterly indefensible.

Sir, have the rights of the States become of so little consequence, has the supremacy of the civil over the military power become so absolute, that a soldier of the Federal Government can invade a State Legislature and eject persons claiming seats therein, and make no report of his proceedings and of the reasons that induced them? Have our generals stationed in the States become irresponsible satraps, ruling over prostrate provinces according to their own supreme will and pleasure? Where, I repeat, is the report of De Trobriand? What account does he give of his acts on that memorable day? What defense does he make for a deed that the President himself is forced to admit was without legal justification? What order of his superior, General Emory, does he produce in his defense; and, if any, what excuse has Emory to allege for issuing the order? And, order or no order, what step has the President taken to bring these offenders against the Constitution and the laws to an account for their misconduct? Upon all these points the message is as silent as the grave. Except inferentially, and by a reference to Sheridan's telegram, it does not even admit that there was military interference at all. But thus admitting it, while it declines to justify, it seeks to palliate and excuse it. We are told that "the Army is not composed of lawyers," and that "there are circumstances connected with the late legislative imbroglio in Louisiana which *seem* to exempt the military from any *intentional* wrong in that matter."

Ah, Mr. President, are we yet to learn that it is no defense for the humblest and most ignorant man in the land, accused of crime, that he was ignorant of the law, and that his intentions in violating it were not willfully wrong, nay, were praiseworthy? In no civilized country, in no country where law prevails, is that defense allowed. But when one of the greatest of crimes against free institutions has been committed in this Republic—when, in plain violation of our fundamental law and of the underlying principle of all free government, the military has set itself above the civil power, then the brigadier-general who acted, the major-general who ordered, and the Lieutenant-General who approves, are exempted from censure by the Commander-in-Chief, the President, on the plea that they are not lawyers, and that no *intentional* wrong was designed. It is of no consequence that the military assumed to decide who were members of a State Legislature; it is of no consequence that they expelled members duly elected, and that in consequence of that expulsion the seats of those members are now held by defeated candidates; it is of no consequence that by these high-handed proceedings the will of the people of Louisiana has been overthrown and a government not of their choice imposed on them by force—all these things are of no consequence, it would seem, in the eyes of the President; for none of these things has he a word of censure or rebuke; for is it not true, he exclaims, that Army people are not lawyers, and whatever may have been their offenses they were guiltless of *intentional* wrong?

Senators, if you wish free institutions to be preserved, it is time to teach the Army, from the highest to the lowest man in it, that there is such a thing as law, and that the absence of intentional wrong does not justify its violation. It is time to teach it that in every free country the military is subordinate to the civil power. It is time to teach it that in this Republic the States as well as the Federal Government have rights that are sacred and must be respected.

But to proceed with the message. It is clearly established that a majority of the members of the house of representatives of Louisiana participated in the proceedings that resulted in the election of Wiltz as speaker. The house, if all the seats had been filled, would have consisted of one hundred and eleven members. Fifty-six would therefore have been a majority and a quorum. Now, what took place? I have already shown that by what I have had read at the desk, and by which it appears that more than a quorum participated in what was done.

Now, sir, why were these important facts omitted from General Sheridan's telegram: 1. That after Wiltz's appointment as temporary speaker the republican members remained in the hall, and that republicans as well as conservatives moved for a permanent organization. 2. That, the motion for such organization being carried, republicans as well as conservatives participated in the election which resulted in the choice of Wiltz as permanent speaker—55 votes being cast for Wiltz, 2 for Hahn, (republican,) and 1 blank; making 58 in all. 3. That Wiltz thereupon proceeded to swear in the members, and that among those sworn in by him were Baker, Drury, Hahn, Murrell, and Thomas, (republicans.) 4. That a committee on privileges and elections was appointed, of which Hahn and, I believe, another republican were members; and that committee made its report brought in by all, and that Hahn asked leave to make a minority report. That the five ejected members were, according to the election returns, duly elected, that their seats were not contested, and that the returning board had not decided against them. Why were these material, nay conclusive, facts suppressed in Sheridan's telegram? I leave his defenders to answer, and it is to be hoped that they may find some better defense than the plea that he is not a lawyer and meant no intentional wrong. Lawyer or no lawyer, it was his duty to tell the whole truth. That he could tell without being a lawyer. He knew that Congress and the country wanted to know the truth and the whole truth. He knew when he wrote that telegram that the Senate was in the fourth day of an excited debate on the subject. He knew that the resolution before the Senate would pass, and the President be called upon for information. He knew that the telegram he was writing would be a portion of the information that the President would communicate to the Senate. All this he must have known unless his ignorance is too profound for description. Why then, I repeat, did he give but a part of the facts? And why, above all things, was it that the facts he omitted to give were precisely the most material facts that he should have stated? And why are these facts left out of the President's message? He was called upon to state the *circumstances* under which the military interference

took place. The right of the five expelled members to their seats was one of the circumstances, and the most important of all. He so considered it, for the message treats them as intruders. But why are not the facts stated that show that they were not intruders?

But I have not done, sir, with the statements and omissions of Sheridan's telegram. Listen to the following extract from it:

Acting on the protest made by the majority of the house—

That is not correct, unless 52 made a majority of 111—

the governor now requested the commanding general of the department to aid him in restoring order, and enable the legally returned members of the house to proceed with its organization according to law. This request was reasonable and in accordance with law.

I should like to see the law that made it reasonable to request the commanding general of the department of Louisiana to interfere in the organization of the house of Assembly of that State. But General Sheridan thinks it was "reasonable and in accordance with law." I do not know what law it is to which he refers unless it is that law by which he thinks he would have the right to hang men by military commission, if the President would only graciously declare them to be banditti. According to that law this may have been very reasonable, but according to no other law that is known among civilized men. But I have not come to the most remarkable thing yet:

Remembering vividly the terrible massacre that took place in the city on the assembling of the constitutional convention in 1866, at the Mechanics' Institute, and believing that the lives of the members of the Legislature were or would be endangered in case an organization under the law was attempted, the posse was furnished, with the request that care should be taken that no memer of the Legislature returned by the returning board should be ejected from the floor.

That was the only care. Eject all who are not returned by the returning board, however clear their right to seats may be, and although their right has been declared by the solemn vote of the house itself. If they have not been returned by the fraudulent returning board, eject them; but take care not to eject any that are returned by that board!

This military posse performed its duty under directions from the governor of the State.

I should like to know where the authority is to put the troops of the United States under the control of the governor of a State for him, in violation of the constitution of his State, to interfere with the organization of the State Legislature. That is a piece of law I should like General Sheridan to point out, as he speaks about law. The President pleads ignorance of law for the Army. The General states that the proceedings were according to law, but he does not vouch his law. I should like him to show where was the law that authorized the Army to be put under the command of the governor of a State, and, above all things, under his command for the purpose of interfering with the organization of one of the houses of the Legislature.

This military posse performed its duty, under directions from the governor of the State, and removed from the floor of the house those persons who had been illegally seated, and who had no legal right to be there, whereupon the democrats rose and left the house, and the remaining members proceeded to effect an organization under the State laws. In all this turmoil, in which bloodshed was imminent, the military posse behaved with great discretion. When Mr. Wiltz, the usurping speaker of the house, called for troops to prevent bloodshed, they were given him. When the governor of the State called for a posse for the same purpose, and to enforce the law, it was furnished also. Had this not been done, it is my firm belief that scenes of bloodshed would have ensued.

Sir, it is marvelous that a man holding the commission of Lieutenant-General of the Army could pen such a dispatch as that. Who was it that threatened bloodshed there? He refers to the massacre in 1866 at the Mechanics' Institute, and he says there would have been danger of bloodshed if there had been an attempt to organize the Legislature according to law. How could there have been bloodshed there? That whole State-house was surrounded by the metropolitan police, which is an armed band of men, brigaded, regular troops, under the command of Kellogg; and in addition to them the troops of the United States surrounded the building completely and prevented any ingress to or egress from it, except of such persons as Governor Kellogg saw fit to admit or to allow to go out. I saw in the hands of my friend from Kentucky [Mr. STEVENSON] the other day a photograph taken by some artist of the State-house as it appeared at that time, a perfect cordon of troops and of bayonets around it. And who were inside to produce bloodshed? There were fifty-five conservative members, a sergeant-at-arms, a clerk, and ten assistant sergeants-at-arms—sixty-seven men in all; while in the lobby of that house were hundreds of Kellogg's troops, the metropolitan police, and they were afterward re-enforced by fifty or sixty of the very worst ruffians of the radical party in the city of New Orleans. Who was it made the disturbance when General De Trobriand was requested by Wiltz to speak to those disorderly persons in the lobby, and which is magnified here into a request that he should intervene with his bayonets, when no such request was ever made; when the request was simply that he should speak to these people? Who were those disorderly persons who were threatening to shed blood? They were certainly not conservatives, for the interest of every conservative there was that there should be peace and order. They were not conservatives, for there were but sixty-seven conservative men in that hall, and there were three or four or five times that number of radicals. They were not conservatives, for the State-house was surrounded by the troops of the governor and the troops of the United States.

Mr. SARGENT. Allow me to ask the Senator a question?

Mr. THURMAN. I would rather not. It is getting late and I want to get through. I said when I got up that I did not desire to be interrupted. The Senator will have ample time to answer me.

Then, sir, it is impossible that the ruffians who threatened to shed blood could have been conservatives. They were not. No white-leaguers were admitted into that house, unless you call the members and their twelve officers white-leaguers; nobody was admitted there except such as Kellogg saw fit to admit; and for the Lieutenant-General of the Army to pretend that it was necessary to march out these five men between bayonets in order to prevent the shedding of blood in that hall is one of the most remarkable statements that I ever have known in all my life. Sir, instead of the mob being marched out, the members were marched out; instead of the disorderly being expelled, the peaceable members were expelled; instead of those who were expelled being a mob, it was the men who clamored for their expulsion who were the mob; instead of the military interference occurring to suppress a riot, it occurred that the rioters might triumph.

But there is another thing, and why does Sheridan ignore that? Why does he ignore the fact that the conservative leaders in all their addresses to the people and in circulars issued by them during that whole day counseled perfect peace and quiet? Why is all that omitted? Why is the attempt made to induce the American people to believe that the intervention of the military was for the purpose of preventing bloodshed? No, sir; it will not do. That house had been quietly engaged in its work for more than an hour when that military interference took place. It took place not for the purpose of restoring order, not for the purpose of preserving order, but for the purpose of usurping the government of Lousiana, just as was done two years before.

But, Mr. President, what do we hear now? When this matter is brought before the Senate of the United States, when acts have been done that are utterly destructive of free institutions, when the very ax is laid to the root of everything like constitutional government, what is the defense—no, I will not say defense, but how is the attention of the people sought to be diverted from this enormity? What kind of sand is it that is thrown in their eyes? Why, sir, we have pictures of southern society presented in which it is represented as in a state of anarchy. General Sheridan telegraphs that there have been thirty-five hundred murders in the State of Louisiana within the last three years—I think that is his statement.

Mr. DAVIS. Since 1866.

Mr. THURMAN. Since 1866 there have been thirty-five hundred murders. How does he know it? He had been in New Orleans four days. How did he learn that there had been thirty-five hundred murders there? From rumor, or the statements of persons interested in libeling the people of Louisiana. Furthermore, it was said yesterday on this floor that not one single case of murder in Louisiana had been punished, if I understood the remarks of the Senator who spoke. Why, sir, I have in my desk a list of no less than thirteen pardons by Kellogg of persons convicted of homicide, and most of them of murder in the first degree, in the single year 1874. No convictions, forsooth!

It has been said again and again that white men are not arrested who commit murder; that nobody but black men are arrested. I have before me a statement of the committals to one of the largest prisons in that State of homicides; and let us see what is the color of the persons arrested and committed for that offense. This covers the time spoken of by Sheridan, and of the arrests for homicide fifty-eight were white and forty-four blacks. Does that look as if white men are allowed to go acquit? More white men were arrested, more white men charged with homicide there than blacks, and yet the number is so nearly equal that one is at a loss to know which class of the community is most to be condemned.

But why undertake to convey the idea that all the homicides in Louisiana or Arkansas or Mississippi are homicides for political purposes, when the fact is notorious that the majority of the homicides committed in those States are by blacks upon blacks, and it could not well be otherwise. You set free that vast population of colored men, the most of them being in profound ignorance. That was all right enough. I am glad they are free, and have always been glad to see them free. But when you have set them free and banded them together as you did in loyal leagues, and set their faces in opposition to the whites, and drawn the race line as plain as a sunbeam—when you did that through your Freedmen's Bureau and the expenditure of public money—when that was done and those negroes had arms in their hands, somebody was bound to be hurt. You could not put arms in the hands of those men in their semi-barbarous condition without their feeling a disposition to use them. It is in their instincts; it is in their nature; and although they do improve, as I have every reason to believe they do, in civilization, year by year, yet it was inevitable that if you put into the hands of seven or eight hundred thousand semi-barbarians instruments of destruction they would use them; and they destroy each other far more than the whites destroy them. Yet every murder that takes place is exaggerated—for it is swelled to ten before you get through with it—and is said to be a murder for political purposes. Ah, Mr. President, the waning fortunes of no political party can be sustained by any such

clamor as this. No, sir; the people of the United States are too wise, are too just, and know too well how to sift testimony, to be imposed upon by any such statements.

The Senator who addressed you yesterday alluded to the State of Alabama. I have here a letter, and as it is not very long I will ask that it may be read, from a member of the House from Alabama who is on the committee of the House that went to that State to investigate its condition.

The Chief Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 25, 1875.

SIR: I was much surprised to hear Senator SHERMAN lending the weight of his character to the slander on the people of Louisiana, uttered by General Sheridan, as to the number of murders that had taken place in that State. While it is not stated by these gentlemen that these thousand murders were political assassinations, the charge has no significance, unless they design it to be so understood. I venture the opinion that it will be found to be an atrocious misrepresentation, with the smallest amount of truth to support it. I come to this conclusion from the testimony adduced before the Alabama committee appointed by the House of Representatives to investigate the condition of affairs in that State during the late political campaign. You will recollect the letter of Hon. CHARLES HAYS to Hon. JOSEPH R. HAWLEY, specifying numerous outrages that had taken place from about the 1st of July to the 15th of September, 1874, and also telegraphic dispatches to the same effect published in the northern papers. The number of murders thus stated as having occurred in the counties of Choctaw, Marengo, Sumter, Pickens, Green, and Coffee, (all of which are included in Mr. HAYS' congressional district except the last,) and which occurred within the space of two months and a half, amounts to thirty-six, to say nothing of twenty or thirty wounded. With the exception of the murder of Billings and Ivey, in Sumter County—the former a white and the latter a colored man—there was not a particle of evidence before the committee that any such killings had taken place in either of these counties, and they were proved to be unfounded as far as a negative can be.

I was of the sub-committee that examined witnesses in Sumter County for four days—near the center of these alleged outrages—and with the exceptions I have mentioned no witness stated that any such homicides, or any homicides at all, had occurred in these counties, as stated in the Hawley letter or the telegraphic dispatch referred to. The evidence, now in course of publication, will confirm my statement in every jot and tittle.

But if by murders is to be understood all homicides of every description, including the killing of negroes by negroes, and the justifiable killing of negroes and white men in the perpetration of a felony, such as robbery, arson, burglary, rape, &c., then there may be some semblance of truth in this statement of General Sheridan, indorsed by Senator SHERMAN. I was informed by a gentleman in Montgomery County, Alabama, that at the time we were there the jail of the county contained upward of one hundred prisoners awaiting trial, principally for felony; that all were negroes except one or two, and that there were not less than a dozen murders in that county during the year 1874, and all of them committed by negroes, upon negroes. This county has a large republican majority and has been entirely under the control of the negroes since reconstruction. I apprehend that a thorough investigation as to these thousand murders in Louisiana will show that at least four-fifths of all that have been committed have no political significance whatever, which General Sheridan knows, if Senator SHERMAN does not.

I have the honor to be, your obedient servant,

A. H. BUCKNER.

Hon. A. G. THURMAN.

Mr. THURMAN. I shall occupy the attention of the Senate but a few moments longer. That there have been deeds of violence in the South no one has ever denied; that deeds of violence have been more common in some portions of the South in proportion to their population than in some parts of the North has been true for fifty years and more, though taking the whole country into view there has, I am told, been as little violence in the South as in the North. The habit of carrying arms has always been more common at the South than at the North; the use of these arms has always been more common there upon causes that at the North would not have been considered justifiable. That is all true; but to attempt to draw a parallel between the South and the North in that respect by the census tables of 1870, and find out that there is a larger percentage of homicides or shootings in the South than there is at the North, is only to repeat the same old story that we used to read in the abolition primers fifty years ago. But that there have been acts of violence there, I say again, nobody denies, and that they have been aggravated by the state of things there is quite possible; and there is nobody who thinks of them with a right mind but deplores them, and they have never been defended upon this floor. But that these reports are greatly exaggerated, I have not the slightest doubt, and I think that that can be proved. Here allow me to ask if the state of society there is such as it has been depicted, then, in God's name, what has been the success of republican rule in this country? You had complete power in the Federal and in most of the southern State governments for years after the war. There has not been a day since Louisiana was reconstructed, as you call it, that she has not been in the hands of the republican party; there has not been a day since the war that the republican party has not been omnipotent in the Federal Government; there has not been a day when Mississippi has not been in the hands of the republican party. Now I want to know what has been your success as rulers if this is the condition of society in these States.

Sir, if the speeches we have heard are true, if your rule has brought such utter ruin upon that country that it is all a Golgotha, that the blood rises from the very ground at every step you take, then I say that it is time for you to give up the rule and let others try their hand at governing that country. I would want no better condemnation of the republican party than this state of things if it were true. It would show conclusively that you have not been equal to the task that was imposed upon you. But, sir, is it true that there has been this state of things? Is it true that it has existed? Is it true that there have been thirty-five hundred murders in the State of Louisiana in the time that General Sheridan talks about? If that is the case I want to know why a remedy has not been applied. If there is an organized conspiracy there to deprive more than half the people of that State of their constitutional rights and to overturn the government of the State and organize a conspiracy against the Government of the United States—but to say nothing of that, confine it to the government of the State—why is it that the republican party in power in that State has applied no remedy?

Sir, you depict a state of things which requires in the opinion of General Sheridan the proclamation of martial law and the trial of men by military commission. That seems to be approved in some quarters. His proposition that the President shall issue a proclamation calling the people banditti or that we should pass a law declaring them to be such may not be directly sanctioned; but Senators seem to think that the state of society and the amount of crime which he asserts to exist would authorize the severest possible measures that he has recommended. Why have they not been adopted? Why has not the radical Legislature of Louisiana long ago declared martial law, I want to know, if the life of a republican is not safe in Louisiana? A State Legislature can declare martial law where there is an insurrection against the State. This was decided both by the supreme court of Rhode Island and by the Supreme Court of the United States in the Dorr case. The Legislature of Louisiana has had the power to declare martial law; and if murder has been so rampant there, if a man cannot with safety express his opinion if he is a republican, if organized murder and assassination are the instruments with which the majority of the people of that State are deprived of their constitutional rights, I want to know why it is that the radical Legislature of that State has not long ago declared martial law and put an end, if martial law could end them, to these horrible crimes. The fact that it has not done so, the fact that it has not taken one step toward such a thing is a plain refutation of these exaggerated stories. I do not deny that there have been homicides there; I do not deny that there has been violence there; I do not deny that it exists in a greater degree than it does in Massachusetts or Ohio. In the unsettled state of society there, with the yoke of a usurping government upon the people, with their property depressed to a fourth of its value and taxation increased until it amounts to confiscation, it is not very wonderful that there should be more crimes and violence than in a well-ordered and peaceable State. But that the State of Louisiana or the States of Arkansas or Mississippi are these perfect dens of iniquity, these perfect fields of gore and of carnage that are described in that telegram of Sheridan's is what I do not believe. I prefer to believe the business men of New Orleans of all parties and of all nativities; I prefer to believe the men trading there from the North; I prefer to believe her organized bodies, her chambers of commerce, her boards of trade, the presidents of her banks, and above all I prefer to believe her reverend clergy, to the rumors that have reached the ear of General Sheridan and which he reports here as official facts.

And when we come to the State of Arkansas, I prefer to believe the reports of her men of business and of her reverend clergy to the statements of Sheridan issued from New Orleans upon rumor and the reports of men interested to distort the truth. He describes Arkansas as nearly as bad or quite as bad as Louisiana. You have seen contradictions of that statement; but there is one of those contradictions to which I beg leave to refer, because it comes from a man whom I have known for many years, and who never was known by any man who did not love, respect, and esteem him. The card published by the clergy of Little Rock, at the head of which stands the name of the bishop of Little Rock, is worth a thousand telegrams of Sheridan on hearsay as to the condition of that State. I know that man, Bishop Fitzgerald. I have known him for many a long year. He formerly lived in my town, and I knew him well. A more upright, humble, truthful Christian man does not walk the face of the earth. There is no consideration that would make that man say what was false. When I see his name signed to that card, and when I know that he travels over the whole of that State more than any man in it, travels on horseback and on foot with the self-sacrificing spirit of a martyr, I know that what he says must be the truth and the unvarnished truth.

Mr. President, one word more and I have done. These outrages, if they exist, are very much to be deplored; but there is something more deplorable than even violence. When you sap the foundation of constitutional government, when you overthrow the free institutions of America, you do an evil, you perpetrate a wrong, fraught with a thousand times more mischief to your fellow-men now and in the future than even the prevalence of crime. You cannot accustom the people of this country to see the military place itself above the civil power; you cannot accustom the people of this country to see armed men intrude themselves into the halls of legislation and decide questions of membership there with the bayonet; you cannot see that done and pass it by even in silence, much less with approbation, much longer without finding that everything like respect for constitutional government and free institutions has vanished from the land. Ah, Mr. President, it is a terrible crime to assassinate a man, but it is worse crime to assassinate the constitution of a free people. These acts of military interference have driven a dagger to the heart of free institutions, and the question now to be settled is whether they can survive the blow.

Mr. CONKLING. Mr. President, the Senator from Louisiana near

me wishes to make some observations touching a point or two referred to by the Senator from Ohio, and I gladly yield to him with the understanding that I may resume the floor at one o'clock to-morrow.

Mr. WEST. Mr. President, at the commencement of the remarks of the Senator from Ohio he took occasion to request that no interruption should be made during the course of his speech, and he said that at the conclusion he would very cheerfully respond to interrogatories that might be propounded. I would ask his attention now for a moment, having complied with his request not to be interrupted, although inadvertently I did make one remark in the course of his speech, and he immediately replied to that. He said that in the parish of De Soto certain democrats were returned elected, and he quoted from the report of the committee of the other House to show that such was the fact; and he also took occasion to say that by the law of Louisiana triplicate returns were made out and forwarded, one to the secretary of state, one to the returning board, and one was kept by the commissioner of elections.

Mr. THURMAN. No; one kept by the clerk of the district court.

Mr. WEST. Well, one kept by the clerk of the district court, transmitted from the commissioners of election. I rise to ask him where he finds that law, and whether he relies on the law of 1872 for his statement of facts?

Mr. THURMAN. I think I can find it for the Senator very quickly.

Mr. WEST. I will say to the Senator that if it is otherwise than in the law of 1872, I have not had an opportunity of seeing the other laws for a reason that he very well knows.

While the Senator is looking for the provision, I will read from the law of 1872, and I will show the Senator and the Senate why those returns never came into the possession of the returning board, and why it would have been a felony—and it was a felony—to put them in the hands of the secretary of state. Section 43 of the act of 1872 provides that the commissioners of election shall make duplicate returns, one of which set of returns shall be sent to the supervisor of registration, and he shall send a compilation of these returns to the returning board, and the other returns are to be filed by the commissioners of election, with the clerk of the district court.

Now, I will just give a piece of history in connection with that parish and one other parish, and that is all I will trespass upon the attention of the Senate with at the present time. The intimidation practiced in the parish of De Soto was so outrageous and so violent that the supervisor of registration took the responsibility of not making a return. He is amenable to the laws of the State if he did not. It is alleged in this report, and there is nothing to substantiate it—a mere allegation—that those returns were put in the hands of a woman of bad character, and that—

> The conservative committee took legal proceedings to compel their production; but the court held that it had no jurisdiction to that end. They then caused to be produced before the board the duplicate of those returns.

How did they get those duplicates? How came they to have them there ready to be produced? Where was the law for it? What does the law say?

> SEC. 45. *Be it further enacted, &c.*, That any civil officer or other person who shall assume or pretend to act in any capacity as a commissioner or other officer of election to receive or count votes, to receive returns or ballot-boxes, or to do any other act toward the holding or conducting elections, or the making returns thereof, in violation of or contrary to the provisions of this act, shall be deemed guilty of a felony.

It was a felony to have had them there, as far as I have seen the law. How could the returning board have taken any cognizance of those returns in view of that provision?

That is the fact in regard to that parish. There are also some other facts which I will not allude to at the present time, but I shall on a subsequent occasion, as to the registration and the conduct of the people in that parish.

Then the Senator passed to Winn Parish, and he contended that members were returned by that parish, and consequently were entitled to their seats. The report on which he relies says:

> In Winn Parish, where 404 conservative and 164 republican votes were cast upon a verbal protest that the registrar of elections was not properly qualified.

I understand the facts are these with respect to that: A registrar who pretended to conduct that election up there was not the appointee of the governor, and was not qualified and could not take the oath without laying himself liable to this penalty; the original registrar who was sent up there was run off by the Ku-Klux and the White League, and had no opportunity of conducting the registration, and the parish improvised a supervisor of registration. Of course the returning board could take no jurisdiction or cognizance of any return made by an officer not qualified or appointed according to law.

I rose to ask of the Senator his information. I have given my information on the point of the law in Louisiana. If he has information, I should be glad to know it, because we all want to know whether he has it.

Mr. THURMAN. In respect to the law requiring these duplicates, it is perfectly immaterial whether the duplicates were to be made by the supervisor of registration, or whether they were to be made by the commissioners of election. In either event they were duplicates of the official returns of the election, and in fact they were entitled to more credit if they were made according to the section which the Senator read, by the commissioners of elections, than if they were made by a mere compiler, the supervisor of registration.

But when the Senator says that a man would be guilty of a felony in any civilized community in the world because he produced before a returning board of the votes of electors the very best evidence which the nature of the case admitted of the result of an election, to wit, the duplicate official returns, and which the law must have contemplated should be used for that very purpose to supply a loss of the original—when he says that that would send a man to the penitentiary in Louisiana, then he makes out a case in which the law is worse than the Ku-Klux.

Now, with regard to De Soto Parish, the Senator says there was such intimidation there! If there was intimidation enough there to make it dangerous for the commissioners of election to enter the protest that the law required, or to make it dangerous for the supervisor of registration, although he really has no authority to record any such thing, I should think there would be a great deal more danger for a supervisor of registration who would run away with the returns to New Orleans and deposit them with such a depositary as this man did; and yet I do not find that this supervisor of registration has been assassinated; I do not find that he has been ku-kluxed in any way.

It is very much like a thing I saw of Ex-Governor Wells—I think that is his name—the man who swore out the vote of the whole parish of Rapides by an *ex post facto* affidavit, when he admits that no protest or certificate came up such as the law required; but he says, just as the Senator now says, why there was such intimidation there that if any man had made a certificate that there was any intimidation he would have been killed outright; and therefore there is no certificate, and therefore the returning board, in plain violation of the statute law, should be authorized upon his affidavit (which nobody ever saw but that returning board) to throw out that whole parish! And yet Ex-Governor Wells is living in the parish of Rapides. He says no man could have put in a simple protest stating the fact that there was intimidation in that parish, without losing his life; and yet this man himself, who has deprived the whole parish of representation in the Legislature upon an *ex parte, ex post facto* affidavit, is allowed to live and to move and to have his being as much as the most peaceable and law-abiding man in the country! Why, sir, I undertake to say if such excuses as these for throwing aside elections and overturning them are to be respected in the Senate of the United States or anywhere in this country, elections are a mockery and a farce; and the faction having a majority either in a State Legislature or in Congress may do whatever it pleases, however violative of right, justice, the Constitution, even decency, and it will be supported by faction!

Mr. WEST. I asked the Senator a question in reference to one parish and he replies by making a statement in regard to another. Now, I stated the fact that according to the law of Louisiana there were no returns from the parish of De Soto, and the Senator cannot contradict it. I asked him for his authority about the duplicate returns. He fails to produce it, but he says there were other returns there and they ought to have been acknowledged. Why, sir, what becomes of his whole argument against the Kellogg election? The whole Kellogg election was based upon the fact of using these very duplicate returns, and the Senator wants them used in this case and would not allow us to use them then.

Mr. THURMAN. When we have here the sworn testimony of that Lynch board that they made up those returns from newspapers and from rumors, and that when they could find neither one nor the other they made them up from their own knowledge of the political complexion of a parish, and that they would put down the returns according as they thought the vote ought to have been, not what it was, but estimated it according to what they thought it ought to have been, and furthermore than that, when they themselves admitted that they counted the affidavits, which were shown to be forged by the thousand, as so many votes, I am amazed that the Senator should say that Kellogg was counted in upon any such duplicate returns as these. If they were duplicates, they showed McEnery elected; but they were no such thing.

Mr. FERRY, of Michigan. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and fifty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 27, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. DURHAM. I call for the regular order of business.

Mr. SENER. I hope the gentleman will waive that call for a moment.

Mr. BUTLER, of Massachusetts. I rise to make a privileged report.

The SPEAKER. The gentleman from Kentucky [Mr. DURHAM] calls for the regular order.

FEES OF CLERKS, MARSHALS, ETC.

Mr. SENER. The gentleman yields to me to ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Expenditures in the Department of Justice the amendments of the Senate to House bill No. 3623, to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

Mr. SENER. I ask that the committee have leave to report this back at any time.

Mr. BUTLER, of Massachusetts. I object to that.

Mr. SENER. Then I move to reconsider the vote by which the bill and amendments were referred; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPEER. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of House bill No. 3208, for the relief of John Henderson, and that it be passed at this time. It is reported unanimously from the Committee on Claims, and makes an appropriation of only forty-eight dollars.

Mr. BUTLER, of Massachusetts. I object to the consideration and passage of any bill at this time. I will not object to references of bills.

The SPEAKER. Objection is made.

CIVIL-RIGHTS BILL.

Mr. BUTLER, of Massachusetts. I rise to make a privileged report from the Committee on the Judiciary, authorized to make that report at any time. And I should like the attention of the House for a few minutes before I proceed.

Mr. RANDALL. If the gentleman wants to speak, he must make his report first, in order to have something to speak upon.

Mr. BUTLER, of Massachusetts. I report the bill which I send to the Clerk's desk, and ask to have it put upon its passage now.

Mr. RANDALL. At the proper time I will raise the question of consideration.

Mr. ELDREDGE. Has the gentleman from Massachusetts [Mr. BUTLER] the right to report that bill at any time? I understand that the only right he has upon the subject is upon a motion to reconsider.

The SPEAKER. The Chair thinks that at the last session the distinct privilege was given to the Committee on the Judiciary to report at any time on this subject.

Mr. ELDREDGE. If in order, I would like to have the record read on that subject.

Mr. BUTLER, of Massachusetts. It is in print, and the gentleman can look at the Journal and read it for himself.

Mr. RANDALL. Go to the record; that is the most reliable witness.

Mr. ELDREDGE. I am aware there has been a sort of understanding about the House, that there was an agreement that the gentleman from Massachusetts [Mr. BUTLER] might report this bill at any time. I do not, however, understand that that is the order that was made.

The SPEAKER. The motion to reconsider, which the gentleman admits was made, amounts to the same thing.

Mr. ELDREDGE. I suppose not; the gentleman cannot supersede the regular order by that motion.

The SPEAKER. O, yes.

Mr. ELDREDGE. It cannot be called up at any time.

The SPEAKER. Yes; it is highly privileged.

Mr. RANDALL. I appeal to the record.

Mr. ELDREDGE. I am highly confident that there is no record giving the right to report at any time.

Mr. BUTLER, of Massachusetts. I desire to state for the information of the House that the bill——

Mr. RANDALL. I object to debate.

Mr. BUTLER, of Massachusetts. I only wish to state the number of the bill. It is number 796, printer's number 4100.

Mr. RANDALL. I am obliged to the gentleman for the information.

Mr. ELDREDGE. I do not think it is any better on account of the high number it is carrying.

The SPEAKER. On the 7th of January, 1874, the chairman of the Committee on the Judiciary reported a bill to protect all persons in their civil and political rights, which bill was recommitted to the Committee on the Judiciary, and the motion to reconsider the recommitment is pending. The Clerk will read the rule upon that subject.

The Clerk read as follows:

When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn; and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration.

The SPEAKER. The Chair may have been in error on the point of the right to report at any time; but this motion to reconsider is precisely tantamount—is just as highly privileged.

Mr. RANDALL. I raise the question of consideration at this time.

Mr. ELDREDGE. I suppose that rule does not authorize the gentleman to call up the motion to reconsider against any other motion.

The SPEAKER. It does; the rule could not be stronger. It can come up against any motion, except the motion to adjourn. It is one of the highest privilege known. The motion derives its high privilege from this fact; whatever the House has done in any direction, if the House should desire to change its action, it ought to have the right to reconsider it. Therefore the motion to reconsider is given this high privilege.

Mr. ELDREDGE. But the rule does not justify that construction. The rule is not that such a motion may supersede other business or any other privileged motion. It may be called up, I suppose——

The SPEAKER. The Chair presumes that the gentleman from Wisconsin did not listen to the rule as read by the Clerk. The Chair will read it himself:

When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day; and *such motion shall take precedence of all other questions, except a motion to adjourn*——

Mr. ELDREDGE. That is, at the time——

The SPEAKER. O, no—

and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration.

Mr. ELDREDGE. "May call it up;" but not, as I suppose, to the exclusion of other business or of special orders.

The SPEAKER. Not only is that the forty-ninth rule of the House, but it has had fifty years of construction. The gentleman from Massachusetts calls up the motion to reconsider the vote whereby the bill (H. R. No. 796) was recommitted. The gentleman from Pennsylvania [Mr. RANDALL] raises the question of consideration. That is in order. The question is, will the House consider the motion for reconsideration?

Mr. RANDALL and others called for the yeas and nays.

The yeas and nays were ordered.

GOVERNMENT HOSPITAL FOR THE INSANE.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a letter from the superintendent of the Government hospital for the insane in relation to the erection of a new building to be devoted solely to the detention and treatment of female patients at the Insane Asylum; which was referred to the Committee on the District of Columbia, and ordered to be printed.

APPROPRIATIONS FOR INDIAN SERVICE.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting a supplemental estimate of appropriations for the Indian service; which was referred to the Committee on Appropriations, and ordered to be printed.

CHIPPEWA INDIANS OF LAKE SUPERIOR.

The SPEAKER also laid before the House a communication from the acting Secretary of the Interior, transmitting an estimate of appropriation for the support and civilization of the Chippewa Indians of Lake Superior, for the fiscal year ending June 30, 1876; which was referred to the Committee on Appropriations, and ordered to be printed.

JICARILLA APACHES AND UTE INDIANS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting a petition of citizens of Colfax County, New Mexico, for the removal of the Jicarilla Apaches and Ute Indians to their reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PRAIRIE BAND OF POTTAWATOMIES.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting a draught of a bill providing for the investment of certain funds belonging to the Prairie band of Pottawatomie Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

KASKASKIA INDIANS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in relation to an estimate of appropriation required for the confederated tribes of the Kaskaskias in the State of Kansas; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, certain claims for Indian depredations; which was referred to the Committee on Indian Affairs.

E. M. SEWELL & CO.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, requesting the return of papers in rela-

tion to the claim of E. M. Sewell & Co. for depredations by Osage Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

IMPROVEMENT OF MOUTH OF MISSISSIPPI.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the improvement of the mouth of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

COST OF MODOC WAR.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting the reports of the Quartermaster-General and the Commissary-General of Subsistence, giving in detail the cost to those Departments of the Modoc war; which was referred to the Committee on Military Affairs, and ordered to be printed.

CONTINGENT MILITARY EXPENSES.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting a statement showing the expenditures of the appropriation for contingent expenses of the military establishment for the year 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

SECOND LIEUTENANT FRANK BAKER.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting a memorial of Second Lieutenant Frank Baker, Thirteenth United States Infantry, asking to be relieved from accountability for certain subsistence funds which were stolen from him while on duty as acting commissary of subsistence at Fort Fred Steele, Wyoming Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

FORT HARKER MILITARY RESERVATION, KANSAS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the quantity of land included within the boundaries of the Fort Harker military reservation, Kansas; which was referred to the Committee on Military Affairs, and ordered to be printed.

FRANK A. PAGE, UNITED STATES ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the case of Frank A. Page, asking to be reinstated in the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

KICKAPOO INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting estimate of appropriation to pay certain members of the Kickapoo tribe of Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

THE CIVIL-RIGHTS BILL.

The SPEAKER. The pending question is whether the House will now consider the motion of the gentleman from Massachusetts, [Mr. BUTLER,] upon which the yeas and nays have been ordered.

Mr. RANDALL. Pending that motion, I move the House adjourn; and also that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. BUTLER, of Massachusetts. I rise to a point of order, and it is that the rules provide in case of reconsideration of a vote only one motion to adjourn is in order.

Mr. RANDALL. The rule refers to another matter entirely.

The SPEAKER. The motion to reconsider is superior to every other motion except a motion to adjourn; and the motion to fix the day to which the House shall adjourn is superior to the motion to adjourn, and must therefore take precedence.

Mr. RANDALL. On the latter motion, that when the House adjourns to-day it adjourn to meet on Friday next, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. ELDREDGE. I move the House adjourn.

The SPEAKER. The pending question is on the motion that when the House adjourns it adjourn until Friday next, and which must first be voted on.

Mr. ELDREDGE. Suppose the House should wish to adjourn without fixing the day to which it shall adjourn over?

The SPEAKER. If the gentleman will enable the Chair to make that construction of the rule, dilatory motions would be at an end immediately.

Mr. ELDREDGE. I do not know how I can enable the Chair to make that construction of the rule. I move now to amend the motion, so that when we adjourn to-day it will be to meet on Saturday instead of Friday next.

Mr. CONGER. I rise to a point of order, that the House has not the power to adjourn over for more than three days.

The SPEAKER. To adjourn over until Saturday is not to adjourn for more than three days. The question is on the motion of the gentleman from Wisconsin, that when the House adjourns to-day it adjourn to meet on Saturday next instead of Friday.

The House divided; and there were—ayes 44, noes 71.

Mr. ELDREDGE demanded tellers.

Tellers were ordered; and Mr. ELDREDGE and Mr. RUSK were appointed.

The House again divided; and the tellers reported—ayes 117, noes 18; no quorum voting.

The SPEAKER. The Chair directs the following rule to be read:

The Clerk read as follows:

Every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without debate.

But on motions to adjourn, to fix the day to which the House shall adjourn, and for a call of the House, it has been held not to be in order to ask to be excused from voting; and for the obvious reason that nothing but a desire to consume time, and thereby delay legislation, or to prevent a majority from adjourning, could possibly influence a member in making the request.

Mr. NIBLACK. I make the point of order that that only applies to votes by yeas and nays and not to votes by tellers.

The SPEAKER. The gentleman's point of order does not apply at all.

Mr. NIBLACK. I think the reading of the rule shows that it does apply. The first part of the rule read demonstrates its application only to votes by yeas and nays.

The SPEAKER. The gentleman's point may be good in this, that then the refusal to vote becomes matter of record; but at the same time the Chair, under the rules, is compelled to recognize at once the failure of a quorum to vote whether upon the yeas and nays or by a division of the House through the tellers, and the rule as read specifically recognizes both. There is a duty laid upon him by the rules not to allow business to proceed if in his judgment there is not a quorum present.

Mr. NIBLACK. The point I make is that the only way in which you can know whether a member votes or not is by the record upon the call of the yeas and nays.

The SPEAKER. The rules do not so contemplate; that is the only way failure to vote can be recorded, but the rules do not contemplate the point the gentleman suggests.

Mr. NIBLACK. When there is a division of the House by tellers or otherwise a member can vote for or against a proposal, and although he may vote in the minority will nevertheless have the right to move a reconsideration, whereas if the vote be by yeas and nays he must vote with the majority or else he cannot move a reconsideration.

The SPEAKER. The gentleman's point is not good, because one of the most important votes in the House is that of seconding the demand for the previous question, where the yeas and nays are not permitted by the rules, and yet if members could take refuge under the gentleman's construction of the rules they could break up a quorum and stop all legislation.

Mr. COX. How can you compel members to vote?

The SPEAKER. That is not for the Chair to say.

Mr. ELDREDGE. The House is dividing, and this discussion is all out of order.

The SPEAKER. It is not out of order, because the rule read is pertinent to the division now proceeding.

Mr. RANDALL. What practical plan does the Chair propose to enforce that rule?

The SPEAKER. None whatever. The Chair only proposes that it shall be made manifest what the rules of the House do require, and that members are required to vote, which some of them are not now doing.

Mr. RANDALL. Then the responsibility rests with those who do not vote.

The SPEAKER. The responsibility of having the rule read rests with the Chair.

Mr. RANDALL. I do not object at all to the Chair having the rule read.

Mr. BUTLER, of Massachusetts. If the Chair decides there is no power in the House to compel members to vote, while there is a constitutional provision to compel their attendance, what is the advantage of their attendance if we cannot compel them to vote? What is the use of compelling their attendance if the whole democratic party is to sit, as it is now doing, like logs, refusing to vote?

Mr. COX. What is the advantage of coming here at all? The gentleman from Massachusetts was himself left at home.

The SPEAKER. The tellers report that 117 have voted in the affirmative and 18 in the negative. No quorum has voted.

Mr. ELDREDGE. I move that there be a call of the House.

The SPEAKER. That motion is not in order. The Chair will say to the gentleman from Wisconsin that a motion for a call of the House is not in order, because a motion to adjourn is pending. The gentleman from Wisconsin will observe that if pending a motion to adjourn there should be a motion to fix a day to which the House should adjourn, and no quorum should vote on that, and then a motion for the call of the House should be in order, the House could never adjourn. The motion is therefore not in order.

Mr. ELDREDGE. The House might vote down my motion.

The SPEAKER. Yes; and they might not; and that would put the House in a position where it could not adjourn.

Mr. ELDREDGE. Provided the motion was voted down. The Chair has not decided the question, as I understand, on account of there being no quorum?

The SPEAKER. Not at all.

Mr. ELDREDGE. I desire the yeas and nays on the motion to amend by making Saturday the day to which the House shall adjourn.

The SPEAKER. That is in order.

Mr. ELDREDGE. I do so because I feel that I am acting in accordance with the republican majority of the House. They have given me their moral support on this question.

The yeas and nays were ordered.

The SPEAKER. The question is will the House amend the motion as to the day to which the House will adjourn by inserting Saturday instead of Friday.

The question was taken; and there were—yeas 72, nays 166, not voting 50; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, Randall, Read, Robbins, Milton Sayler, Schell, John G. Schumaker, Sloss, Southard, Speer, Standiford, Stephens, Stone, Storm, Swann, Vance, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—72.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lamport, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—166.

NOT VOTING—Messrs. Adams, Barnum, Buckner, Freeman Clarke, Creamer, Crooke, Curtis, Danford, DeWitt, Farwell, Frye, Hancock, Hendee, Hersey, George F. Hoar, Kendall, Lamison, Lewis, Lofland, Luttrell, Marshall, Alexander S. McDill, MacDougall, McNulta, Mitchell, O'Brien, Packer, Hosea W. Parker, Parsons, Pelham, Perry, Phelps, Pike, Pratt, Purman, William R. Roberts, James C. Robinson, George L. Smith, William A. Smith, Starkweather, St. John, Stowell, Thompson, Thornburgh, Waddell, Walls, Jasper D. Ward, Wheeler, Whitehouse, Woodworth—50.

So the motion to amend by fixing Saturday as the day to which the House should adjourn was not agreed to.

During the roll-call,

Mr. FARWELL said: I am paired with Mr. MITCHELL, of Wisconsin. If here, Mr. MITCHELL would vote "ay" and I would vote "no." My colleague, Mr. WARD, is necessarily absent. If here, he would vote "no."

Mr. PENDLETON. I move to dispense with the reading of the names.

Mr. ELDREDGE. I object.

The result of the vote was announced as above recorded.

The question recurred on the motion that when the House adjourns to-day it adjourn to meet on Friday, on which the yeas and nays had been ordered.

The question was taken; and there were—yeas 68, nays 150, not voting 70; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Davis, Durham, Eden, Eldredge, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Magee, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, Milton Sayler, Schell, John G. Schumaker, Sloss, Southard, Speer, Standiford, Stone, Swann, Vance, Waddell, Wells, Whitehead, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—68.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Chittenden, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Killinger, Lamport, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Isaac C. Parker, Pelham, Pendleton, Phillips, Pierce, Thomas C. Platt, Poland, Rainey, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—150.

NOT VOTING—Messrs. Adams, Banning, Barnum, Bass, Berry, Buckner, Bundy, Cessna, Amos Clark, jr., Freeman Clarke, Clements, Cox, Creamer, Crooke, Curtis, Danford, Darrall, DeWitt, Farwell, Finck, Frye, Hancock, Hendee, Hersey, George F. Hoar, Hooper, Kasson, Kendall, Lamison, Lewis, Lofland, Luttrell, Marshall, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Mitchell, Morey, Nesmith, Packer, Page, Parsons, Phelps, Pike, James H. Platt, jr., Potter, Pratt, Purman, Ransier, Richmond, William R. Roberts, James C. Robinson, Rusk, Scofield, Smart, George L. Smith, William A. Smith, Stephens, St. John, Storm, Stowell, Todd, Walls, Jasper D. Ward, Wheeler, Whitehouse, Whitthorne, Charles G. Williams, and Woodworth—70.

So the motion was not agreed to.

The question recurred on the motion of Mr. RANDALL that the House do now adjourn.

Mr. RANDALL. I call for the yeas and nays on that motion.

The question was put on ordering the yeas and nays; and on a division there were—ayes 36, noes 94, one-fifth voting therefor.

Mr. GARFIELD. I call for tellers on the yeas and nays.

Tellers were ordered; and Mr. GARFIELD and Mr. RANDALL were appointed.

The House divided; and the tellers reported 58 in the affirmative.

Mr. GARFIELD. That is a sufficient number to order the yeas and nays, and I do not ask for a further count.

Mr. RANDALL. I ask for a count of the other side. You invited us here, and now let us complete the count.

The SPEAKER. The number reported by the tellers is one-fifth of the entire House, and the yeas and nays are therefore ordered.

The question was taken; and there were—yeas 74, nays 160, not voting 54; as follows:

YEAS—Messrs. Adams, Archer, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Holman, Hunton, Knapp, Lamar, Leach, Luttrell, Magee, McLean, Milliken, Mills, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, Milton Sayler, Schell, John G. Schumaker, Sloss, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—74.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Morey, Negley, Niles, Nunn, Orr, Orth, Packard, Page, Isaac C. Parker, Pelham, Pendleton, Pierce, Thomas C. Platt, Poland, Potter, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sener, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, and Woodworth—160.

NOT VOTING—Messrs. Arthur, Barnum, Roderick R. Butler, Freeman Clarke, Creamer, Crooke, Curtis, Danford, Darrall, DeWitt, Eden, Eldredge, Farwell, Frye, Harrison, Hendee, Herndon, Hersey, George F. Hoar, Kendall, Lamison, Lamport, Lansing, Lofland, Marshall, Alexander S. McDill, MacDougall, Mitchell, Morrison, Myers, O'Neill, Packer, Parsons, Phelps, Phillips, Pike, James H. Platt, jr., Purman, Richmond, William R. Roberts, James C. Robinson, Scofield, Henry J. Scudder, Sessions, Sheldon, George L. Smith, William A. Smith, Stephens, St. John, Stowell, Walls, Jasper D. Ward, Wheeler, and Whitehouse—54.

So the House refused to adjourn.

Mr. RANDALL. I move that when the House adjourns to-day it adjourn to meet on Friday next, and on that motion I call for the yeas and nays.

Mr. KELLOGG. Have we not already voted down that motion once?

Mr. CESSNA. I raise the point of order that the motion made by my colleague has already been voted on and voted down by the House.

Mr. RANDALL. I await the decision of the Speaker.

Mr. KELLOGG. No leading vote has been taken since.

Mr. ELDREDGE. A motion to adjourn has since been voted on.

The SPEAKER. The gentleman from Wisconsin is correct; a motion to adjourn has since been voted on.

Mr. RANDALL. I await the decision of the Speaker.

The SPEAKER. Under the usages of the House the motion of the gentleman from Pennsylvania is in order.

Mr. CESSNA. I only made the point of order that the gentleman might see what a pity it would be to change that rule.

Mr. RANDALL. I want to say that we are ready to go on with the appropriation bills.

Mr. ELDREDGE. We have no disposition to antagonize anything else but this bill.

Mr. BUTLER, of Massachusetts. We do not go to the other side of the House to determine what business we shall take up.

Several MEMBERS. Regular order.

Mr. CESSNA. Is debate in order?

The SPEAKER. Debate is not in order.

Mr. ELDREDGE. I was not trying to debate; I was only trying to get in a remark.

Mr. RANDALL. I think we had better do this thing with good nature.

Mr. MAYNARD. I call for tellers on the yeas and nays.

Tellers were ordered; and Mr. MAYNARD and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported 51 in the affirmative.

Mr. MAYNARD. It is very manifest that there are enough to order the yeas and nays and I do not ask for a further count.

Mr. ELDREDGE. I move to amend the motion of the gentleman from Pennsylvania [Mr. RANDALL] by striking out Friday and inserting Saturday, and on that motion I ask for the yeas and nays.

Mr. MAYNARD. I ask for tellers on the yeas and nays.

Tellers were ordered; and Mr. KELLOGG and Mr. BECK were appointed.

The House divided; and the tellers reported ayes 50, noes not counted.

So the yeas and nays were ordered

The question was taken; and there were—yeas 71, nays 151, not voting 66; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Henry R. Harris, John T. Harris, Hatcher, Hereford, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Randall, Read, Robbins, Milton Sayler, John G. Schumaker, Sloss, Southard, Speer, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—71.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagens, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Kelley, Killinger, Lansing, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Maynard, McCrary, James W. McDill, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Page, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Standiford, St. John, Sypher, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—151.

NOT VOTING—Messrs. Barnum, Roderick R. Butler, Freeman Clarke, Clements, Clinton L. Cobb, Coburn, Creamer, Crooke, Curtis, Danford, De Witt, Eden, Farwell, Frye, Gunter, Robert S. Hale, Hancock, Havens, Hendee, Herndon, Hersey, George F. Hoar, Houghton, Hurlbut, Kellogg, Kendall, Lamport, Lofland, Loughridge, Luttrell, Marshall, Martin, Alexander S. McDill, MacDougall, Merriam, Mitchell, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Phelps, Phillips, Pike, Purman, Ransier, William R. Roberts, James C. Robinson, Schell, Scofield, Isaac W. Scudder, George L. Smith, William A. Smith, Starkweather, Stephens, Stowell, Strait, Strawbridge, Charles R. Thomas, Thornburgh, Walls, Jasper D. Ward, Wheeler, Whitehouse, Charles W. Willard, and Wood—66.

So the motion of Mr. ELDREDGE was not agreed to.

During the call of the roll,

Mr. KELLOGG said: On this question I am paired with the gentleman from California, Mr. LUTTRELL; if here he would vote "ay," and I would vote "no."

Mr. LUTTRELL. On this question I am paired with the gentleman from Connecticut, Mr. KELLOGG.

Mr. KELLOGG. If the gentleman will vote, I will.

Mr. SPEER. I move that the House now adjourn.

The SPEAKER. There is a motion pending of higher privilege, to fix the day to which the House will adjourn. The gentleman from Pennsylvania, Mr. RANDALL, has moved that when the House adjourns to-day it be to meet on Friday next; and on that motion the yeas and nays have been ordered.

Mr. CESSNA. I wish to make a parliamentary inquiry of the Chair. Suppose this motion should be carried, will it be in order again during the session of to-day to fix any other or different time for the next meeting of the House?

Mr. RANDALL. There is nothing in that.

Mr. CESSNA. Even should the session of to-day continue through until Friday at twelve o'clock; if the House shall agree that when it adjourns to-day it will meet on Friday next, will a motion to fix any other or different time for the meeting of the House be in order during to-day's session?

Mr. ELDREDGE. You will find your answer in Barclay's Digest.

Mr. CESSNA. I did not ask the gentleman from Wisconsin, [Mr. ELDREDGE.] I can read the Digest and understand it as well as he can.

Mr. ELDREDGE. I did not think that anybody that could do that would ask such a question.

Mr. CESSNA. I presume it would answer the gentleman's purpose to have the whole of Barclay's Digest read. It would consume the day as profitably as what they have been doing.

Several MEMBERS. More so.

The SPEAKER. If the House should vote that when it adjourns to-day it would meet on Friday next and a motion to reconsider that vote be laid upon the table, that would not prevent the motion to adjourn until Saturday.

Mr. CESSNA. That answers the question.

The SPEAKER. So far as putting a stop to dilatory motions is concerned, it would avail nothing to agree to the pending motion.

Mr. CESSNA. I did not expect to do that.

Mr. SPEER. Then what did you expect by asking the question?

Mr. RANDALL. Let us keep in good humor, I beg.

The SPEAKER. Undoubtedly, if the House should agree to adjourn until Friday and should lay upon the table the motion to reconsider, it would not be parliamentary to revive that motion. But the time of meeting could be changed by the House subsequently by agreeing to adjourn until Saturday.

Mr. ELDREDGE. And if the House should agree to adjourn now, that would dispose of the civil-rights bill for to-day.

Mr. CESSNA. Suppose the House should agree to a motion that when it adjourns to-day it would be to meet on Saturday, that being the utmost limit fixed by the Constitution for one House to adjourn without the concurrence of the other, could any motion be made during to-day's session to change that hour of meeting?

The SPEAKER. The Chair thinks it could. If the House should agree that when it adjourns to-day it will be to meet on Saturday, and subsequently some business of great importance should be developed requiring a session on Friday, the House could agree to meet on Friday.

Mr. CESSNA. The House having voted to adjourn to meet on Saturday, would not a motion to meet on Friday be inconsistent with that action?

The SPEAKER. The fact that it might be inconsistent would be a matter for members to determine; but parliamentarily the motion is admissible.

Mr. CESSNA. I do not think my friends on the other side would be inconsistent.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, [Mr. RANDALL,] that when the House adjourns to-day it be to meet on Friday next, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 75, nays 150, not voting 63; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Magee, McLean, Milliken, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Randall, Read, Robbins, Milton Sayler, Schell, John G. Schumaker, Sloss, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—75.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Barry, Bass, Biery, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Kelley, Kellogg, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCreery, James W. McDill, McNulta, Merriam, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Pelham, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Rainey, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Sprague, Stanard, St. John, Stowell, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—150.

NOT VOTING—Messrs. Albert, Barnum, Begole, Bradley, Freeman Clarke, Clements, Clinton L. Cobb, Creamer, Crooke, Curtis, Danford, DeWitt, Eden, Frye, Eugene Hale, Hamilton, Havens, Hendee, Herndon, Hersey, George F. Hoar, Hurlbut, Kendall, Killinger, Lamport, Lansing, Lofland, Luttrell, Marshall, Alexander S. McDill, MacDougall, McKee, Mills, Mitchell, Myers, Nunn, Packer, Hosea W. Parker, Parsons, Phelps, Phillips, Pike, Purman, Ransier, Richmond, William R. Roberts, James C. Robinson, Shanks, Sheats, Sheldon, Sloan, George L. Smith, John Q. Smith, William A. Smith, Starkweather, Stephens, Strait, Charles R. Thomas, Walls, Jasper D. Ward, Wheeler, Whitehouse, and Charles W. Willard—63.

So the motion of Mr. RANDALL, that when the House adjourns it adjourn to meet on Friday next, was not agreed to.

Mr. ELDREDGE. I move that the House now adjourn.

Mr. BUTLER, of Massachusetts. Is that motion in order? We just decided that.

Mr. McCRARY. I rise for the purpose of asking unanimous consent——

Mr. RANDALL. I object.

Mr. ELDREDGE. My motion is a privileged motion.

The SPEAKER *pro tempore*, (Mr. CESSNA in the chair.) The motion of the gentleman from Wisconsin [Mr. ELDREDGE] is a privileged motion, and is in order.

Mr. ELDREDGE. I call for the yeas and nays on that motion.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. McCRARY] asks unanimous consent——

Mr. RANDALL. I object.

Mr. McCRARY. Do you object to having my proposition read?

Mr. RANDALL. Yes, sir; I object.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. ELDREDGE] moves that the House adjourn, and on that motion calls for the yeas and nays.

Mr. BUTLER, of Massachusetts. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported ayes 48, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. RANDALL. I move that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. SPEER. On that motion I demand the yeas and nays.

Mr. BUTLER, of Massachusetts. I raise the point that the House has just voted down that proposition.

The SPEAKER *pro tempore*. The motion is not in order until some other motion has intervened.

Mr. RANDALL. This motion is of higher privilege than the motion to adjourn.

The SPEAKER *pro tempore*. But it has just been voted upon and decided in the negative. It cannot be entertained again until some other motion has been interposed.

Mr. ELDREDGE. I move that when the House adjourns to-day it adjourn to meet on Saturday next.

The SPEAKER *pro tempore*. That motion has also been rejected by a vote of the House.

Mr. ELDREDGE. But there has been a vote taken since that.

The SPEAKER *pro tempore*. The question is on the motion to adjourn.

Mr. ELDREDGE. I appeal from the decision of the Chair ruling out my last motion.

The SPEAKER *pro tempore*. The Chair cannot entertain the appeal.

Mr. ELDREDGE. When the Speaker of the House was in the chair a few moment ago he decided that such a motion was in order.

Many MEMBERS. Regular order!

Mr. ELDREDGE. I insist on my appeal.

Mr. BECK. I deny the right of the Chair to refuse to entertain the appeal.

The SPEAKER, (Mr. BLAINE having resumed the chair.) No appeal is in order. The proposed appeal is obviously out of order.

Mr. MILLS. I wish to ask a parliamentary inquiry.

The SPEAKER. The regular order is called for.

Mr. MILLS. May I not ask a parliamentary inquiry?

The SPEAKER. The Chair will hear a parliamentary inquiry from the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. At what time may I ask to be excused from voting on the question before the House?

The SPEAKER. At no time. The gentleman has no right to ask it.

Mr. MILLS. The Chair said a while ago members could be excused.

The SPEAKER. What on? Not on any question now before the House. The question is on the motion to adjourn.

Mr. RANDALL. I move that when this House adjourns to-day it adjourn to meet on Saturday.

The SPEAKER. That has been decided adversely since the motion to adjourn.

Mr. ELDREDGE. But the motion to adjourn till Friday has been taken since.

The SPEAKER. Gentlemen want to make dilatory motions and there is no necessity for raising points of order, as they can make dilatory motions *ad infinitum*.

Mr. ELDREDGE. The Chair does not object to our raising them when they are raised civilly?

The SPEAKER. Not at all; but where they have been ruled on there is no use of raising them again. The motion now pending is that the House adjourn. If the House negatives that, then the other motion is in order; and if the House negatives that, then a motion to adjourn is in order.

The question was taken; and it was decided in the negative—yeas 70, nays 162, not voting 56; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Garfield, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Randall, Read, Robbins, Schell, John G. Schumaker, Sloss, Speer, Standiford, Stone, Storm, Swann, Vance, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, and Wood—70.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Killinger, Lamison, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sheats, Sheldon, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—162.

NOT VOTING—Messrs. Barnum, Cain, Freeman Clarke, Clinton L. Cobb, Cox, Creamer, Crooke, Curtis, Danford, DeWitt, Eden, Farwell, Frye, Giddings, Eugene Hale, Hancock, Hendee, Hersey, George F. Hoar, Hooper, Hynes, Kendall, Lamport, Lofland, Luttrell, Lynch, Marshall, Alexander S. McDill, MacDougall, Mitchell, Packer, Hosea W. Parker, Parsons, Phelps, Pike, Purman, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, Shanks, Sherwood, Sloan, George L. Smith, William A. Smith, Southard, Stanard, Stephens, Thompson, Waddell, Walls, Jasper D. Ward, Wheeler, Whitehouse, John D. Young, and Pierce M. B. Young—56.

So the House refused to adjourn.

During the vote,

Mr. SOUTHARD stated that he was paired with his colleague, Mr. SHERWOOD, who would if present vote in the negative, while he would vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL. I now move that when the house adjourns to-day it adjourn to meet on Friday next.

Mr. BUTLER. I raise the point of order that that has been voted down twice.

Mr. RANDALL. I demand the yeas and nays on that motion.

The SPEAKER *pro tempore*, (Mr. CESSNA in the chair.) On that the gentleman from Massachusetts raises the point of order that it has been already voted on. It was decided adversely, and other business having intervened, the Chair is compelled to rule the point of order not to be well taken.

Mr. BUTLER, of Massachusetts. Will the gentlemen on the other side listen to a proposition?

Mr. RANDALL. Yes, if the same time be allowed us to answer.

Mr. ELDREDGE. We will give unanimous consent if we are allowed to reply in the same length of time to his proposition.

Mr. BUTLER, of Massachusetts. Certainly.

The SPEAKER *pro tempore*. Is there objection to granting this request with the understanding that the same time shall be allowed to the other side?

There was no objection, and it was ordered accordingly.

Mr. BUTLER, of Massachusetts. We have now wasted four hours of the public time upon the question of the consideration of the civil-rights bill. I desire to say to the opposite side of the House, if the bill is allowed to be considered, we on this side of the House will permit all proper opportunity for debate to be determined by the majority of the House, (after fair time for debate,) and in addition to that we will permit all proper time for amendments—for all germane amendments to be offered. So that the simple question is one of consideration of a public measure, leaving every member to move his amendments and make such speeches as the House will listen to—to consider the bill fairly and properly.

Mr. McCRARY. Will the gentleman allow me to interrupt him for a moment to ask him to accept a resolution which I have prepared as a part of this statement?

Mr. BUTLER, of Massachusetts Certainly.

Mr. ELDREDGE. The gentleman from Massachusetts has concluded his remarks.

The SPEAKER *pro tempore*. He still holds the floor and yields to the request of the gentleman from Iowa.

Mr. McCRARY. As a part of the statement of the gentleman from Massachusetts, I ask that my resolution be read.

The SPEAKER *pro tempore*. Will the gentleman from Massachusetts allow the gentleman from Iowa to present his resolution as a part of his statement?

Mr. BUTLER, of Massachusetts. I will as a part of my statement.

Mr. SPEER. That is not part of the agreement.

Mr. BUTLER, of Massachusetts. I adopt it as part of my statement.

The SPEAKER *pro tempore*. The Chair will not allow any advantage to be taken by one side over the other.

Mr. RANDALL. Unanimous consent only was given to the gentleman from Massachusetts to make a statement of his own and not anybody else's.

The SPEAKER *pro tempore*. The Chair will submit the proposition without receiving suggestions from any one. Is there objection to the resolution of the gentleman from Iowa [Mr. McCRARY] being read?

Mr. BUTLER, of Massachusetts. I adopt it as part of my statement.

Mr. SPEER. I object to the resolution of the gentleman from Iowa being read.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. BUTLER] proposes to make it a part of his statement without any regard whatever to the gentleman from Iowa.

The Clerk proceeded to read as follows:

Resolved, That when the motion to reconsider the vote——

Mr. ELDREDGE. I raise the question of order that that is not in accordance with the arrangement which was made.

Mr. BUTLER, of Massachusetts. Let me have the statement; I will read it myself.

Resolved, That when the motion——

Mr. ELDREDGE. I insist that this is a breach of the arrangement that was made.

Mr. BUTLER, of Massachusetts. This is simply my proposition put in form:

Resolved, That when the motion to reconsider the vote by which the civil-rights bill was recommitted to the Committee on the Judiciary shall again come before

the House, there shall be allowed thereon, if demanded, at least two hours' time for debate, all but thirty minutes of which shall be given to the opponents of said bill; and when said bill shall come before the House for consideration, there shall be allowed, if demanded, four hours for debate, one-half of which shall be given to the opponents of said bill; and before the previous question is ordered not more than six amendments may be offered to said bill; and a separate vote shall be allowed upon each, but no dilatory motion (except one motion to adjourn) shall be allowed pending the consideration of said bill or pending said motion to reconsider and all amendments thereto.

Mr. RANDALL. In reply to the proposition of the gentleman from Massachusetts, I desire to say that there is a special order assigned for to-day, which is the Post-Office appropriation bill. We propose, therefore, to make this proposition—I make it at least—that we shall proceed with that as the regular order by special assignment. I will therefore, if I am permitted, make a motion to go into Committee of the Whole, which I should have done had not the gentleman from Massachusetts, by his motion this morning, cut off the morning hour. The gentleman will understand that, having cut off the morning hour, he prevented me from making a motion to go into Committee of the Whole with the distinct understanding that we should take up the Post-Office appropriation bill, which is the special order for to-day. And in connection with that I will say that we desire to make the same motion as to every appropriation bill.

I make this proposition for myself: that we lay this question aside, take up and pass finally the appropriation bills necessary to carry on the Government from the 1st of July, 1875, to the 30th of June, 1876, and we struggle—for after all it is a question of physical endurance—after we have accomplished all the legislation necessary to carry on the Government for the next fiscal year, we shall struggle together as to this bill.

This is all I want to say except that we want, above all things, so far as I know, the judgment of this side of the House, to avoid an extra session of Congress on the 4th of March.

Mr. BUTLER, of Massachusetts. My answer to that proposition is, first, that the gentleman from Pennsylvania is not upon the Committee on Appropriations which has control of the appropriation bills; secondly, that the majority of this House, being responsible for the legislation of the country, cannot permit the minority to dictate what legislation we shall present for consideration to the House and the country.

Mr. BUCKNER. It is a defeated majority.

Mr. ELDREDGE. I object to the remarks of the gentleman from Massachusetts, [Mr. BUTLER.] They are not in accordance with what was agreed on by unanimous consent.

Mr. BUTLER, of Massachusetts. Then go ahead.

Several members demanded the regular order.

The SPEAKER, (Mr. BLAINE having resumed the chair.) The pending motion is that when the House adjourns to-day it be to meet on Friday next.

Mr. RANDALL. On that I demand the yeas and nays.

The House having divided on the question of ordering the yeas and nays, the Speaker declared that, in the judgment of the Chair, a sufficient number to order them had voted in the affirmative.

Mr. BUTLER, of Massachusetts. I demand tellers on the yeas and nays.

Tellers were ordered; and Mr. RANDALL, and Mr. BUTLER of Massachusetts, were appointed.

The House again divided; and the tellers reported ayes 44.

Mr. BUTLER, of Massachusetts. No further count is insisted on.

Mr. RANDALL. I insist on further count. That is not one-fifth.

Mr. ELDREDGE and Mr. HAMILTON demanded further count.

The count proceeded; and the tellers reported ayes 50.

Mr. ELDREDGE. That is not one-fifth of the whole House.

The SPEAKER. It is one-fifth of the last vote.

Mr. ELDREDGE. I do not understand that to be the rule. I want to get these republicans to help us to filibuster, as they have been doing.

Several members called for the regular order.

Mr. BECK. I move to amend the pending motion by striking out "Friday" and inserting Saturday," so as to provide that when the House adjourns to-day it adjourn to meet on Saturday next; and on that motion I call for the yeas and nays.

Mr. CESSNA. And I call for tellers on the yeas and nays.

Tellers were ordered; and Mr. BECK and Mr. CESSNA were appointed.

The House divided; and the tellers reported ayes 49, noes not counted.

So the yeas and nays were ordered.

Mr. MILLS. Will it not be in order for the democrats to remain down in the area, as we have to come down so often?

The SPEAKER. The Chair does not know of any such designation as democrats in the House.

The question was taken; and there were—yeas 67, nays 162, not voting 59; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Bowen, Bright, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Knapp, Lamar, Lamison, Leach, Magee, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Perry, Randall, Read, Robbins, Milton Sayler, Schell, Speer, Standiford, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—67.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, McKee, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Page, Isaac C. Parker, Pendleton, Phillips, Pierce, Thomas C. Platt, Poland, Potter, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Stowell, Strait, Strawbridge, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—162.

NOT VOTING—Messrs. Barnum, Blount, Bromberg, Freeman Clarke, Creamer, Crooke, Curtis, Danford, DeWitt, Eden, Eldredge, Farwell, Frye, Hancock, Hendee, Hersey, George F. Hoar, Hooper, Hunton, Kendall, Lamport, Lofland, Luttrell, Marshall, James W. McDill, MacDougall, McNulta, Mitchell, Nesmith, Packard, Packer, Hosea W. Parker, Parsons, Pelham, Phelps, Pike, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson John G. Schumaker, Scofield, Sheldon, Sherwood, Sloss, Smart, George L. Smith, William A. Smith, Southard, Stephens, Stone, Sypher, Thornburgh, Walls, Jasper D. Ward, Wheeler, Whitehouse, Jeremiah M. Wilson, and Wolfe—59.

So the motion was not agreed to.

During the roll-call the following announcements were made:

Mr. STONE. I am paired upon this question with the gentleman from Louisiana, Mr. SHELDON. If here he would vote "no," and I should vote "ay."

Mr. SOUTHARD. I desire to state that on this question I am paired with my colleague, Mr. SHERWOOD, who has gone from the city for some days. If present he would vote "no," while I would vote "ay."

Mr. PACKARD. Upon this question I am paired with my colleague, Mr. WOLFE. If present he would vote in the affirmative, and I should vote in the negative.

The result of the vote was announced as above recorded; and the question recurred on the motion of Mr. RANDALL, that when the House adjourns to-day it adjourn to meet on Friday next.

The question was taken; and there were—yeas 62, nays 133, not voting 93; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Beck, Bell, Berry, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Lamar, Leach, Magee, McLean, Milliken, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Read, Robbins, Milton Sayler, Schell, Standiford, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—62.

NAYS—Messrs. Albert, Averill, Barber, Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Foster, Freeman, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Lansing, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McCrearv, James W. McDill, McKee, McNulta, Monroe, Myers, Negley, Niles, O'Neill, Orr, Orth, Page, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ross, Rusk, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thornburgh, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—133.

NOT VOTING—Messrs. Albright, Atkins, Barnum, Bass, Begole, Bland, Burchard, Cain, Freeman Clarke, Comingo, Cox, Creamer, Crooke, Curtis, Danford, Darrall, DeWitt, Eden, Farwell, Fort, Frye, Garfield, Hagans, Harmer, John T. Harris, Hays, John W. Hazelton, Hendee, Hersey, George F. Hoar, Holman, Houghton, Hunter, Kelley, Kellogg, Kendall, Killinger, Lamison, Lamport, Lofland, Loughridge, Luttrell, Marshall, Alexander S. McDill, MacDougall, Merriam, Mills, Mitchell, Moore, Morey, Nunn, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Pike, Potter, Purman, Randall, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, John G. Schumaker, Sheldon, Sherwood, Sloss, George L. Smith, John Q. Smith, William A. Smith, Southard, Speer, Stanard, Stephens, Stone, Storm, Swann, Charles R. Thomas, Thompson, Todd, Walls, Jasper D. Ward, Wheeler, Whitehouse, Charles W. Willard, George Willard, Jeremiah M. Wilson, and Wolfe—93.

So the motion was not agreed to.

During the call of the roll the following announcements were made:

Mr. BEGOLE. I desire to state that I am paired on this question with Mr. STEPHENS, of Georgia; if here he would vote "ay," and I would vote "no."

Mr. WOLFE. I am paired with my colleague, Mr. PACKARD; if here he would vote "no," and I would vote "ay."

Mr. COMINGO. I am paired with my colleague, Mr. STANARD; who if present would vote "no," and I would vote "ay."

Mr. TOWNSEND. I desire to state that my colleague, Mr. STORM, is paired with Mr. PENDLETON, of Rhode Island; if here Mr. STORM would vote "ay," and Mr. PENDLETON "no."

Mr. SENER. I desire to state that Mr. MERRIAM, of New York, is paired with Mr. SPEER, of Pennsylvania; if here Mr. MERRIAM would vote "no," and Mr. SPEER would vote "ay."

Mr. POTTER. I am paired on this question with Mr. WILLARD, of Vermont; if here he would vote "no," and I would vote "ay."

Mr. RANDALL. I move that the House now adjourn, and on that motion I call for the yeas and nays.

Mr. ELDREDGE. Is it in order now to move to fix the time to which the House shall adjourn?

Mr. WILBER. The 4th of March?

The SPEAKER. That will depend upon what time the gentleman would fix.

Mr. ELDREDGE. I would suggest next Friday.

The SPEAKER. That has just been voted down.

Mr. ELDREDGE. Well, if that is the sense of the House, I will then move to fix next Saturday as the time to which the House will adjourn.

The SPEAKER. That motion would be in order.

Mr. ELDREDGE. I will make that motion after the yeas and nays shall have been ordered on the motion to adjourn.

The SPEAKER. It is the superior motion, and the gentleman can have the yeas and nays on that first, if he desires it.

Mr. ELDREDGE. Then I will call for the yeas and nays on my motion.

Mr. CESSNA. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. CESSNA and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported that there were ayes 59.

The SPEAKER. That is one-fifth of the entire House; the yeas and nays are ordered.

Mr. SHANKS. I will ask consent to have read a resolution which I think will settle this whole question.

Mr. ELDREDGE. I object to any resolution.

Mr. SHANKS. I believe it will settle this whole question, and I ask to have it read, for I think it will save a great deal of time.

The Clerk began to read as follows:

We recognize the equality of all men——

Mr. YOUNG, of Georgia. I object.

Mr. SHANKS. That is from the Baltimore platform of 1872.

Mr. ELDREDGE. Read it to your Indians.

Mr. SHANKS. The Indians are all right; it is the white people who object now.

Mr. ROBBINS. I object to casting pearls before swine.

Mr. CRITTENDEN. I move that the gentleman have leave to get his republican friends around him and read it to them himself.

Mr. SHANKS. We read it during the last election; I hope no one will object to it now.

Mr. ELDREDGE. The gentleman need not shake his gory locks at me.

Mr. RANDALL. I move to amend the motion of the gentleman from Wisconsin [Mr. ELDREDGE] by substituting Friday for Saturday as the day to which the House will adjourn.

The SPEAKER. The Chair thinks that that motion would not now be in order, as the House on its last vote refused to agree to such a motion. The question is upon the motion of the gentleman from Wisconsin, [Mr. ELDREDGE,] that when the House adjourns to-day it be to meet Saturday next; and on that question the yeas and nays have been ordered.

The question was taken; and there were—yeas 57, nays 127, not voting 104; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Davis, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Lamar, Leach, Magee, McLean, Milliken, Morrison, Nesmith, Randall, Read, Robbins, Milton Sayler, Schell, Standiford, Stone, Vance, Waddell, Wells, Whitehead, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—57.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Dawes, Donnan, Duell, Dunnell, Eames, Field, Fort, Freeman, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hancock, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Lansing, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Monroe, Moore, Negley, Niles, O'Neill, Orr, Orth, Page, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ross, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—127.

NOT VOTING—Messrs. Barnum, Bass, Begole, Burchard, Roderick R. Butler, Chittenden, Freeman Clarke, Comingo, Cox, Creamer, Crooke, Curtis, Danford, Darrall, DeWitt, Dobbins, Eden, Eldredge, Farwell, Foster, Frye, Garfield, Harmer, Hathorn, Havens, John B. Hawley, Headee, Herndon, Hersey, George F. Hoar, Holman, Hoskins, Hunter, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lawrence, Lawson, Lofland, Luttrell, Marshall, Alexander S. McDill, MacDougall, Merriam, Mills, Mitchell, Morey, Myers, Neal, Niblack, Nunn, O'Brien, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Pierce, Pike, Potter, Pratt, Purman, Ray, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, John G. Schumaker, Henry J. Scudder, Sheldon, Sherwood, Sloan, Sloss, George L. Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Speer, Stanard, Stephens, Storm, Swann, Thompson, Tremain, Walls, Jasper D. Ward, Wheeler, Whitehouse, Whitthorne, Charles W. Willard, Wolfe, and Woodworth—104.

So the motion was not agreed to.

During the call of the roll the following announcements were made:

Mr. WOLFE. On this question I am paired with my colleague, Mr. PACKARD; if here he would vote "no," and I would vote "ay."

Mr. SMITH, of Virginia. Supposing that the next motion would be a motion to adjourn for the day, Mr. SLOAN, of Georgia and myself paired. I should have voted "ay" on the motion to adjourn for the day; but as this is a motion to adjourn until Saturday, I will vote "no," and the gentleman from Georgia [Mr. SLOAN] if here would vote "no" also.

Mr. FINCK. My colleagues, Mr. NEAL and Mr. ROBINSON, are paired upon this question. If present Mr. NEAL would vote "ay," and Mr. ROBINSON "no."

Mr. HAWLEY, of Connecticut. I have been requested to announce that Mr. SMITH, of Ohio, is paired with Mr. HOLMAN, of Indiana. If present I suppose Mr. HOLMAN would vote "ay," and Mr. SMITH would vote "no."

Mr. POTTER. I am paired upon this question with Mr. WILLARD, of Vermont. I do not know how he would vote if he were here; but if I were at liberty to vote I should vote "ay" on this question.

Mr. KNAPP. I am paired with Mr. LAWRENCE, of Ohio; if present he would vote "no," and I would vote "ay."

Mr. McDILL, of Iowa. On this and subsequent votes this evening my colleague, Mr. KASSON, is paired with Judge NIBLACK, of Indiana. If present Mr. KASSON would vote "no" on this question, and Judge NIBLACK would vote "ay."

Mr. EAMES. For an hour longer, or until seven o'clock this evening, my colleague, Mr. PENDLETON, is paired with Mr. STORM, of Pennsylvania, on this and other questions. If present my colleague would vote "no" on this question, and Mr. STORM would vote "ay."

Mr. WILLIAMS, of Michigan. On all these dilatory motions Mr. STANARD, of Missouri, is paired with Mr. COMINGO, of Missouri; if present Mr. STANARD would vote "no," and Mr. COMINGO would vote "ay."

Mr. O'BRIEN. On this motion I am paired with Mr. TREMAIN, of New York; if he were here he would vote "no," and I would vote "ay."

Mr. CONGER. My colleague, Mr. BEGOLE, is paired with Mr. STEPHENS, of Georgia. Mr. BEGOLE if here would vote "no," and Mr. STEPHENS would vote "ay."

Mr. RANDALL. I now call for the yeas and nays on my motion.

The SPEAKER *pro tempore*, (Mr. TYNER in the chair.) The pending motion is that when the House adjourns to-day it be to meet on Friday next.

Mr. CESSNA. That is not the pending motion, but the motion that the House now adjourn.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the motion pending is that when the House adjourns to-day it be to meet on Friday next.

Mr. CESSNA. The Speaker ruled that motion out of order when it was made by my colleague, [Mr. RANDALL.]

Mr. RANDALL. That is my motion, and I call for the yeas and nays upon it.

Mr. BURROWS and others called for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. HAZELTON, of Wisconsin, and Mr. POTTER were appointed.

The House divided; and the tellers reported that there were 42 in the affirmative.

Mr. BUTLER, of Massachusetts. No further count is called for; that is sufficient.

Mr. ELDREDGE. I call for a further count; that is not one-fifth of the whole number of members of this House.

The SPEAKER *pro tempore*. The Chair will decide that one-fifth of a quorum is sufficient to order the yeas and nays; and therefore the yeas and nays are ordered.

Mr. ELDREDGE. Well, I am glad to learn how many it takes to order the yeas and nays.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUTLER, of Massachusetts. Is it in order for two-thirds of the republicans here to go home, and leave one-third to watch proceedings for a time?

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. ELDREDGE. If it is in order, we are willing that they shall all go home until the 3d of March.

The SPEAKER *pro tempore*. The question is upon the motion that when the House adjourns to-day it be to meet on Friday next, on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 59, nays 122, not voting 107; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Leach, Luttrell, Magee, McLean, Milliken, Mills, Nesmith, Perry, Randall, Read, Robbins, Milton Sayler, Schell, Standiford, Stone, Vance, Waddell, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—59.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Barry, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dob-

bins, Donnan, Dunnell, Eames, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hynes, Lawrence, Lewis, Lowe, Lynch, Martin, Maynard, McNulta, Monroe, Moore, Negley, Niles, Orr, Orth, Page, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, Ross, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sener, Sessions, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Sprague, Starkweather, Strait, Strawbridge Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—122.

NOT VOTING—Messrs. Albert, Barnum, Bass, Begole, Bundy, Roderick R. Butler, Chittenden, Freeman Clarke, Comingo, Cox, Creamer, Crooke, Curtis, Danford, DeWitt, Duell, Eden, Farwell, Frye, Garfield, Hamilton, Hancock, Harmer, Hathorn, Havens, John B. Hawley, Hendee, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hunter, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamison, Lamport, Lansing, Lawson, Lofland, Loughridge, Lowndes, Marshall, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Mitchell, Morey, Morrison, Myers, Neal, Niblack, Nunn, O'Brien, O'Neill, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Pierce, Pike, Potter, Purman, Richmond, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, John G. Schumaker, Henry J. Scudder, Shanks, Sheats, Sherwood, Sloss, George L. Smith, John Q. Smith, William A. Smith, Southard, Speer, Stanard, Stephens, St. John, Storm, Stowell, Swann, Sypher, Thompson, Tremain, Walls, Jasper D. Ward, Wells, Wheeler, Whitehouse, Charles W. Willard, Wolfe, and Wood—107.

So the House refused to adjourn over till Friday next.

During the vote,

Mr. NEAL stated that he was paired with his colleage, Mr. ROBINSON, who, if present, would vote in the negative, while he would vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL. I move the House do now adjourn.

The House divided; and there were—ayes 5, noes 122.

Mr. RANDALL demanded tellers.

Mr. CONGER. I demand the yeas and nays.

Mr. ELDREDGE. I am glad we have recruits coming from the other side.

Mr. RANDALL. I demand tellers on the motion to adjourn.

Mr. BUTLER, of Massachusetts. The yeas and nays have been demanded.

Tellers were ordered; and Mr. RANDALL, and Mr. BUTLER of Massachusetts, were appointed.

Mr. BUTLER, of Massachusetts. Does not the demand for the yeas and nays take precedence of the demand for tellers?

The SPEAKER *pro tempore*. The Chair did not hear the demand for the yeas and nays.

Mr. CONGER. I demanded them.

The SPEAKER *pro tempore*. The tellers will take their places.

The House divided; and the tellers reported—ayes 51——

Mr. BUTLER, of Massachusetts. I do not ask for a further count, but demand the yeas and nays on the motion to adjourn.

Mr. RANDALL. I want the negative vote counted.

The SPEAKER *pro tempore*. The tellers will resume their places.

The count was resumed; and the tellers reported in the negative 90.

Mr. RANDALL demand the yeas and nays.

Mr. BUTLER, of Massachusetts, demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 50—more than one-fifth of those present.

So the yeas and nays were ordered.

Mr. ELDREDGE. I move that when the House adjourns it adjourn to meet on Saturday next.

The SPEAKER *pro tempore*. It is not in order, as the House is dividing.

Mr. ELDREDGE. It is not dividing now.

Mr. CESSNA. The roll-call has been commenced and it is not in order.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

The question was taken; and it was decided in the negative—yeas 67, nays 142; not voting 79; as follows:

YEAS—Messrs. Adams, Archer, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hurton, Lamar, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Hosea W. Parker, Perry, Randall, Robbins, Milton Sayler, Schell, J. Ambler Smith, Standiford, Stone, Storm, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Wood, John D. Young, and Pierce M. B. Young—67.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Monroe, Moore, Negley, Niles, O'Neill, Orr, Orth, Page, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—142.

NOT VOTING.—Messrs. Arthur, Barnum, Bass, Begole, Freeman Clarke, Stephen A. Cobb, Cox, Creamer, Crittenden, Crooke, Curtis, Danford, Dawes, DeWitt, Eden, Farwell, Frye, Garfield, Harmer, Havens, John B. Hawley, Hendee, Hersey, George F. Hoar, Hooper, Houghton, Kasson, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lawrence, Lofland, Marshall, Alexander S. McDill, MacDougall, Merriam, Mitchell, Morey, Myers, Niblack, Nunn, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Phelps, Pierce, Pike, Potter, Purman, Read, Richmond, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Henry J. Scudder, Sherwood, Sloss, George L. Smith, H. Boardman Smith, William A. Smith, Southard, Speer, Stephens, Stowell, Swann, Tremain, Walls, Jasper D. Ward, Wheeler, Whitehouse, Ephraim K. Wilson, Jeremiah M. Wilson, and Wolfe—79.

So the House refused to adjourn.

During the vote,

Mr. COBB, of Kansas, stated that he was paired with Mr. HARRIS, of Virginia, who if present would vote in the affirmative, while he would vote in the negative.

Mr. LAWRENCE stated that he was paired with Mr. KNAPP, who if present would vote in the affirmative, while he would vote in the negative.

Mr. PACKARD stated that he was paired with his colleague, Mr. WOLFE.

Mr. PARKER, of Missouri, stated that he was paired with Mr. LAMISON.

Mr. NIBLACK said: On all dilatory motions in reference to the civil-rights bill I am paired with Mr. KASSON, of Iowa. He would vote against them if here, while I would vote for them.

Mr. SPEER stated that he was paired until eight o'clock this evening with Mr. MERRIAM, who if present would vote in the negative, while he would vote in the affirmative.

Mr. BEGOLE stated that he was paired with Mr. STEPHENS.

The vote was then announced as above recorded.

Mr. RANDALL. I move that when the House adjourns it adjourn to meet on Friday next, and on that demand the yeas and nays.

Mr. SHANKS. I wish to present a resolution which I ask to have read.

Mr. ELDREDGE. My friend from Indiana cannot shake his ambrosial curls just now.

Mr. CONGER. I demand tellers on the yeas and nays.

Tellers were ordered; and Mr. CONGER and Mr. RANDALL were appointed.

The House divided; and the tellers reported yeas 42, more than one-fifth of those present.

So the yeas and nays were ordered.

Mr. BECK. I move to amend the pending motion so that when the House adjourns to-day it adjourn till Saturday next, and on that demand the yeas and nays.

Mr. AVERILL. I demand tellers on the question of ordering the yeas and nays.

Tellers were ordered; and Mr. AVERILL and Mr. BECK were appointed.

The House divided; and the tellers reported ayes 53.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 63, nays 146, not voting 79; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Atkins, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Davis, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Luttrell, Magee, McLean, Milliken, Neal, Nesmith, O'Brien, Hosea W. Parker, Perry, Read, Robbins, Milton Sayler, Schell, Speer, Standiford, Stone, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—63.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazleton, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Lansing, Lawrence, Lawson, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Mills, Monroe, Moore, Morey, Myers, Niles, O'Neill, Orth, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Stowell, Strait, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—146.

NOT VOTING—Messrs. Ashe, Banning, Barnum, Barrere, Bass, Beck, Benjamin F. Butler, Carpenter, Clayton, Clements, Cox, Creamer, Crooke, Curtis, Danford, DeWitt, Eames, Eden, Eldredge, Farwell, Frye, Hagans, Harmer, Havens, John B. Hawley, Hendee, George F. Hoar, Hooper, Kasson, Kendall, Killinger, Lamison, Lamport, Lewis, Lofland, Loughridge, Marshall, Alexander S. McDill, MacDougall, Mitchell, Morrison, Negley, Niblack, Nunn, Orr, Packard, Packer, Parsons, Phelps, Pike, Potter, Pratt, Purman, Randall, Rapier, Richmond, William R. Roberts, James C. Robinson, Sawyer, Henry B. Sayler, John G. Schumaker, Sherwood, Sloss, George L. Smith, William A. Smith, Southard, Stephens, Storm, Strawbridge, Swann, Vance, Walls, Jasper D. Ward, Wheeler, Whitehouse, Charles W. Willard, Jeremiah M. Wilson, and Wolfe—79.

So the motion that the House adjourn over until Saturday was not agreed to.

During the call of the roll,

Mr. PENDLETON stated that his colleague, Mr. EAMES, was paired with Mr. ADAMS, of Kentucky.

NEW MEMBER SWORN.

Mr. DAWES. I rise to a question of privilege. I hold in my hand the credentials of Charles A. Stevens, member-elect from the tenth district of Massachusetts. I move that they be read by the Clerk and if there be no objection that he be sworn in.

The credentials were read, and Mr. STEVENS appeared and duly qualified by taking the oath as prescribed by the law of July 2, 1862.

CIVIL-RIGHTS BILL.

The SPEAKER. The pending question is on the motion that when the House adjourns to-day it be to meet on Friday next, on which motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 64, nays 137, not voting 88; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Beck, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Davis, Durham, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, Milton Sayler, Schell, Speer, Standiford, Stone, Storm, Vance, Waddell, Whitehead, Willie, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—64.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crutchfield, Darrell, Dawes, Dobbins, Donnan, Dunnell, Field, Fort, Foster, Garfield, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Killinger, Lansing, Lawrence, Lawson, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Niles, O'Neill, Orth, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Wells, White, Whitthorne, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—137.

NOT VOTING—Messrs. Adams, Banning, Barnum, Barrere, Bass, Begole, Blount, Benjamin F. Butler, Roderick R. Butler, Clements, Clinton L. Cobb, Cox, Creamer, Crooke, Crounse, Curtis, Danford, DeWitt, Duell, Eames, Eden, Eldredge, Farwell, Freeman, Frye, Gooch, Hamilton, Harmer, Havens, Hendee, Hersey, George F. Hoar, Howe, Kasson, Kendall, Lamison, Lamport, Lewis, Lofland, Loughridge, Luttrell, Marshall, Alexander S. McDill, MacDougall, Mitchell, Negley, Niblack, Nunn, Orr, Packard, Packer, Parsons, Phelps, Pike, Potter, Purman, Richmond, William R. Roberts, James C. Robinson, Sawyer, Henry B. Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sheldon, Sherwood, Sloss, Smart, George L. Smith, William A. Smith, Southard, Starkweather, Alexander H. Stephens, Strait, Strawbridge, Swann, Charles R. Thomas, Tremain, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Whiteley, Charles W. Willard, Ephraim K. Wilson, Jeremiah M. Wilson, and Wood—88.

So the motion that the House adjourn over till Friday was not agreed to.

During the call of the roll the following announcements were made:

Mr. HAZELTON, of New Jersey. According to the best of my knowledge and belief, my colleagues, Mr. WARD and Mr. HAMILTON, are paired.

Mr. ADAMS. On this question I am paired with Mr. EAMES, of Rhode Island.

The result of the vote was then announced as above recorded.

Mr. RANDALL. I move that the House do now adjourn; and on that motion I call for the yeas and nays.

Mr. KELLEY. I ask the gentleman to withdraw that motion for a moment. I ask unanimous consent to be excused from further attendance on the session of to-day.

Mr. RANDALL. I have no objection.

Mr. BECK. We will excuse all you gentlemen on that side of the House.

Mr. KELLEY. My throat is in such a condition that I cannot remain in this atmosphere with impunity.

The SPEAKER *pro tempore*, (Mr. CESSNA in the chair.) The gentleman from Pennsylvania asks unanimous consent to be excused from further attendance on the present session of the House. Is there objection? The Chair hears none, and the gentleman is excused.

Mr. BECK. Is there anybody else on the other side who wants to be excused?

Mr. CONGER. If there are any other gentlemen who have sore throats let them come forward now.

Mr. WILSON, of Indiana. I ask unanimous consent that all the gentlemen on the other side of the House be excused from further attendance.

The SPEAKER *pro tempore*. That motion is not in order, although the Chair would be very happy to entertain it.

The question was put on ordering the yeas and nays, and forty members voted therefor.

Mr. BUTLER, of Massachusetts, Mr. KELLOGG, and others called for tellers.

Tellers were ordered; and Mr. RANDALL and Mr. PAGE were appointed.

The House divided; and the tellers reported 55 in the affirmative.

So the yeas and nays were ordered.

Mr. MAYNARD. I rise to a question of order. I ask for the reading of the last clause of the sixty-fifth rule.

Mr. ELDREDGE. I submit that that is not in order when the House is dividing.

The SPEAKER *pro tempore*. The House is not now dividing; and the Clerk will read the last clause of the sixty-fifth rule.

The Clerk read as follows:

Smoking is prohibited within the bar of the House or gallery.

Mr. MAYNARD. I ask to have that rule enforced. I do it for the benefit of various persons within the House.

Mr. RANDALL. That is right.

Mr. SPEER. Do the other side intend to smoke us out?

The SPEAKER *pro tempore*. The gentleman from Tennessee asks for the enforcement of the rule against smoking, and the officers of the House are requested to see that the rule is enforced.

Mr. BECK. I move to amend the motion of the gentleman from Pennsylvania.

The SPEAKER *pro tempore*. A motion to adjourn is not amendable.

Mr. RANDALL. No; but the gentleman proposes to move to fix the time to which the House shall adjourn.

The SPEAKER *pro tempore*. He has not yet made any such motion.

Mr. BECK. I move that when the House adjourns to-day it adjourn to meet on Friday next, and on that motion I call for the yeas and nays.

Mr. BUTLER, of Massachusetts. I call for tellers on the yeas and nays.

Mr. KELLOGG. I would inquire if this was not the last question voted on?

The SPEAKER *pro tempore*. It was the last vote taken, but other business has since transpired.

Mr. KELLOGG. No vote has been taken.

The SPEAKER *pro tempore*. A motion to adjourn has been made and entertained, but a vote has not been taken on it.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. BECK were appointed.

The House divided; and the tellers reported ayes 51, noes not counted.

So the yeas and nays were ordered.

Mr. ELDREDGE. I move to amend the motion of the gentleman from Kentucky by striking out "Friday" and inserting "Saturday" in lieu thereof.

The question was put upon the amendment; and the Speaker *pro tempore* announced that it appeared to be carried.

Mr. SYPHER. I call for tellers on the motion.

Tellers were ordered, fifty-two members voting therefor; and Mr. BUTLER, of Massachusetts, and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported—ayes 94, noes 53.

Mr. ELDREDGE. I call for the yeas and nays.

Mr. BUTLER, of Massachusetts. I call for tellers on the yeas and nays.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported 47 in the affirmative.

So the yeas and nays were ordered.

The question was taken on Mr. ELDREDGE's amendment; and there were—yeas 68, nays 147, not voting 74; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Magee, McLean, Milliken, Mills, Morrison, Myers, Neal, Nesmith, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, Henry B. Sayler, Milton Sayler, Schell, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—68.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Garfield, Gooch, Gunckel, Hagans, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kellogg, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orr, Orth, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, White, Whitely, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—147.

NOT VOTING—Messrs. Archer, Barnum, Barrere, Bass, Roderick R. Butler, Clements, Cox, Creamer, Crooke, Curtis, Danford, DeWitt, Eden, Farwell, Foster, Freeman, Frye, Eugene Hale, Hamilton, Hancock, Harmer, Hendee, Hersey, George F. Hoar, Kasson, Kelley, Kendall, Killinger, Lamar, Lamison, Lamport, Leach, Lewis, Lofland, Marshall, Alexander S. McDill, MacDougall, Mitchell, Niblack, Nunn, Packard, Packer, Parsons, Phelps, Pike, Potter, Purman, Ray, Richmond, William R. Roberts, James C. Robinson, John G. Schumaker, Scofield, Isaac W. Scudder, Sheldon, Sherwood, George L. Smith, J. Ambler Smith, William A. Smith, Southard, Stanard, Starkweather, Alexander H. Stephens, Strawbridge, Charles R. Thomas, Tremain, Walls, Marcus L. Ward, Wheeler, Whitehead, Whitehouse, Charles W. Willard, Wolfe, and Woodworth—74.

So the motion was not agreed to.

The question was upon the motion of Mr. BECK that when the House adjourn to-day it be to meet on Friday next.

Mr. ELDREDGE. Would it be in order now to ask unanimous consent that the House adjourn until to-morrow morning?

The SPEAKER *pro tempore*. It would be in order to make the request.

Mr. ELDREDGE. I do so.

Many members objected.

Mr. ALBRIGHT. Would it be in order to move that the gentleman from Wisconsin [Mr. ELDREDGE] have leave to adjourn?

The SPEAKER. That motion would not be in order. The question is upon the motion of the gentleman from Kentucky, [Mr. BECK,] that when the House adjourns to-day it be to meet on Friday next. On that motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 67, nays 141, not voting 81; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, Milton Sayler, Schell, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—67.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Garfield, Gooch, Gunckel, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kellogg, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orr, Orth, Page, Isaac C. Parker, Pelham, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Charles A. Stevens, Stowell, Strait, Strawbridge, Sypher, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—141.

NOT VOTING—Messrs. Barnum, Barrere, Bass, Blount, Buckner, Roderick R. Butler, Clements, Cox, Creamer, Crooke, Crossland, Curtis, Danford, DeWitt, Eden, Farwell, Foster, Freeman, Frye, Hagans, Eugene Hale, Hamilton, Harmer, John T. Harris, Havens, Hendee, Hersey, George F. Hoar, Hurlbut, Kasson, Kelley, Kendall, Killinger, Lamison, Lamport, Leach, Lewis, Lofland, Marshall, Alexander S. McDill, MacDougall, Mitchell, Myers, Niblack, Nunn, Packard, Packer, Parsons, Phelps, Phillips, Pike, Potter, Purman, Richmond, William R. Roberts, James C. Robinson, Rusk, Henry B. Sayler, John G. Schumaker, Henry J. Scudder, Sheldon, Sherwood, Sloss, George L. Smith, J. Ambler Smith, William A. Smith, Southard, Starkweather, Alexander H. Stephens, St. John, Taylor, Charles R. Thomas, Christopher Y. Thomas, Tremain, Walls, Marcus L. Ward, Wheeler, Whitehouse, Charles W. Willard, Wolfe, and Woodworth—81.

So the motion of Mr. BECK was not agreed to.

During the call of the roll,

Mr. POTTER said: I am paired on this question with Mr. WILLARD, of Vermont.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Pennsylvania, [Mr. RANDALL,] that the House now adjourn. Upon that motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 62, nays 135, not voting 92; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Davis, Durham, Finck, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Lamar, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, Milton Sayler, Schell, Speer, Stone, Storm, Vance, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—62.

NAYS—Messrs. Albert, Albright, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Gooch, Gunckel, Hagans, Robert S. Hale, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, Merriam, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orr, Orth, Pelham, Pendleton, Pierce, Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry J. Scudder, Isaac W. Scudder, Sener, Sheats, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—135.

NOT VOTING—Messrs. Averill, Barnum, Bass, Berry, Roderick R. Butler, Freeman Clarke, Comingo, Cox, Creamer, Crooke, Curtis, Danford, DeWitt, Eden, Eldredge, Farwell, Foster, Freeman, Frye, Garfield, Giddings, Eugene Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamison, Lamport, Leach, Lofland, Marshall, Alexander S. McDill, MacDougall, McNulta, Mitchell, Myers, Niblack, Nunn, Packard, Packer, Page, Isaac C. Parker, Parsons, Phelps, Phillips, Pike, James H. Platt, jr., Potter, Pratt, Purman, Richmond, William R. Roberts, James C. Robinson, Rusk, Henry B. Sayler, John G. Schumaker, Scofield, Sessions, Shanks, Sheldon, Sherwood, Sloss, Smart, George L. Smith, J. Ambler Smith, William A. Smith, Southard, Standiford, Alexander H. Stephens, St. John, Strait, Swann, Tremain, Waddell, Walls, Wheeler, Whitehouse, Wilber, Charles W. Willard, Wolfe, and Woodworth—92.

So the motion to adjourn was not agreed to.

Mr. RANDALL. I move that when the House adjourns to-day it be to meet on Friday next; and on that motion I call for the yeas and nays.

Mr. BUTLER, of Massachusetts. I call for tellers on ordering the yeas and nays.

Mr. MERRIAM. I would like to submit a proposition to the gentleman, if he will allow me.

The SPEAKER *pro tempore*. Is there objection?

Several members objected.

The SPEAKER *pro tempore*. The question is upon ordering tellers upon the call for the yeas and nays.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 51, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. ELDREDGE. I move to amend the pending motion by striking out "Friday" and inserting "Saturday." I need not say that I do this by an arrangement with the other side of the House.

Mr. BUTLER, of Massachusetts. I call for the yeas and nays. We may as well come to that directly.

Mr. ELDREDGE. I knew the gentleman was with us all the time.

Mr. COBB, of Kansas. I call tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. COBB, of Kansas, and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported ayes 49, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken on agreeing to the amendment of Mr. ELDREDGE; and there were—yeas 65, nays 140, not voting 84; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Crittenden, Crossland, Davis, Durham, Eldredge, Fink, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Knapp, Lamar, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Hosea W. Parker, Perry, Potter, Read, Robbins, Milton Sayler, Schell, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—65.

NAYS—Messrs. Albert, Albright, Barber, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Howe, Hubbell, Hunter, Hyde, Hynes, Killinger, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orr, Orth, Page, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Standard, Starkweather, Charles A. Stevens, St. John, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Jasper D. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—140.

NOT VOTING—Messrs. Archer, Averill, Barnum, Barrere, Bass, Roderick R. Butler, Chittenden, Freeman Clarke, Clements, Cook, Cox, Creamer, Crooke, Curtis, Danford, Darrall, Dawes, De Witt, Eden, Foster, Freeman, Frye, Hamilton, Harmer, Hendee, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hunton, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Lamison, Lamport, Lansing, Leach, Lofland, Marshall, Alexander S. McDill, MacDougall, Mitchell, Myers, Niblack, Nunn, Packard, Packer, Isaac C. Parker, Parsons, Phelps, Pike, Pratt, Purman, Randall, Richmond, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Sheldon, Sherwood, Sloan, Sloss, George L. Smith, J. Ambler Smith, William A. Smith, Southard, Speer, Alexander H. Stephens, Strait, Tremain, Wallace, Walls, Marcus L. Ward, Wheeler, Whitehouse, Charles W. Willard, Wolfe, Wood, and Woodworth—84.

So the amendment of Mr. ELDREDGE to the motion of Mr. RANDALL was not agreed to.

During the roll-call,

Mr. SENER said: I am requested by the gentleman from Pennsylvania, Mr. SPEER, and the gentleman from Massachusetts, Mr. HOOPER, to state that they have retired to their respective places of abode, there to indulge in what they hope will be undisturbed slumber. Upon this motion Mr. SPEER, if present, would vote "ay," and Mr. HOOPER would vote "no."

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Pennsylvania, [Mr RANDALL,] that when the House adjourns it be to meet on Friday next, on which motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 61, nays 136, not voting 92; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Davis, Durham, Finck, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Standiford, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—61.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Buckner, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A.

Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dobbins, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Lansing, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Monroe, Moore, Negley, Niles, O'Neill, Orth, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry J. Scudder, Sener, Shanks, Sheats, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strawbridge, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—136.

NOT VOTING—Messrs. Banning, Barnum, Bass, Burchard, Roderick R. Butler, Cason, Chittenden, Freeman Clarke, Clements, Coburn, Cox, Creamer, Crooke, Crossland, Curtis, Danford, Dawes, DeWitt, Donnan, Eden, Eldredge, Farwell, Freeman, Frye, Hamilton, Hancock, Harmer, Hendee, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamar, Lamison, Lamport, Leach, Lofland, Loughridge, Marshall, Alexander S. McDill, MacDougall, Merriam, Mitchell, Morey, Myers, Niblack, Nunn, Orr, Packard, Packer, Parsons, Phelps, Pike, Purman, Richmond, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sheldon, Sherwood, Sloss, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Alexander H. Stephens, Strait, Sypher, Tremain, Walls, Marcus L. Ward, Wells, Wheeler, Whitehouse, Charles W. Willard, Wolfe, Wood, and Woodworth—92.

So the House refused to adjourn over until Friday.

Mr. RANDALL. I move the House adjourn, and on that motion demand the yeas and nays.

Mr. BUTLER, of Massachusetts. And I demand tellers on the yeas and nays.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 48, more than one-fifth of those present.

So the yeas and nays were ordered.

Mr. BECK. I move that when the House adjourns to-day it adjourn to meet on Friday next, and on that motion I demand the yeas and nays.

Mr. BUTLER, of Massachusetts. And I demand tellers.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. BECK were appointed.

The House divided; and the tellers reported ayes 40, more than one-fifth of those present.

So the yeas and nays were ordered.

Mr. LAMAR. I move to amend the motion of the gentleman from Kentucky by making it Saturday instead of Friday, and on that motion demand the yeas and nays.

Mr. ALBRIGHT demanded tellers.

Tellers were ordered; and Mr. ALBRIGHT and Mr. LAMAR were appointed.

The House divided; and the tellers reported there were ayes 48, more than one-fifth of those present.

So the yeas and nays were ordered.

The SPEAKER *pro tempore*. The question will first be taken on the motion to adjourn over till Saturday.

Mr. SHANKS. Mr. Speaker, is it now in order to move to insert the first section of the democratic platform of 1872?

The SPEAKER *pro tempore*. The Chair is of the opinion that it is not germane to the subject under consideration.

Mr. COOK. I am glad the gentleman from Indiana is studying the democratic platform, and I hope it will work some improvement in him.

Mr. BUTLER, of Massachusetts. I ask to have it read.

Mr. SCHELL. I have no objections if you will leave out specie payments.

The SPEAKER *pro tempore*. Is there objection?

Mr. YOUNG, of Georgia. Yes; I object.

Mr. SHANKS. Do I understand there is no objection?

Mr. RANDALL. Let the gentleman also read a plank of the republican platform of 1860.

The SPEAKER *pro tempore*. The Chair will not take advantage of gentlemen if they will only allow him to put the question. The gentleman from Indiana asks unanimous consent——

Mr. YOUNG, of Georgia. And I object.

Mr. SHANKS rose.

The SPEAKER *pro tempore*. The gentleman from Georgia objects and he has the right to object, and the gentleman from Indiana is not in order.

Mr. SHANKS. Do I understand there is objection?

The SPEAKER *pro tempore*. There is.

Mr. SHANKS. A valid objection?

The SPEAKER *pro tempore*. The gentleman from Indiana is not in order.

Mr. FORT. Is it in order now to move to suspend the rules?

The SPEAKER *pro tempore*. Not now. Gentlemen will have to sit here a little while longer before a motion to suspend the rules is in order.

Mr. SHANKS rose.

The SPEAKER *pro tempore*. The gentleman from Indiana will be seated.

Mr. SHANKS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair cannot hear it at this time.

Mr. YOUNG, of Georgia. I withdraw my objection, provided the gentleman will also have read General Sheridan's telegram.

Several MEMBERS. Agreed! Agreed!

Mr. ALBRIGHT. I was going to make that motion.

Mr. RANDALL. I hope we will stop this trifling and go on with the vote.

The SPEAKER *pro tempore*. Gentlemen will preserve order. The gentleman from Georgia cannot make a conditional withdrawal of his objection. The only question is on the motion of the gentleman from Mississippi to adjourn until Saturday next, on which the yeas and nays have been ordered.

Mr. RANDALL. I raised the point of order to prevent trifling here.

The SPEAKER *pro tempore*. No matter what the motive was, the Clerk must proceed with the call of the roll.

Mr. SHANKS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman is too late; the roll-call has commenced.

Mr. SHANKS. All right; I will come in again.

The question was taken; and it was decided in the negative—yeas 63, nays 131, not voting 95; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Coburn, Cook, Crittenden, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Lamison, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Myers, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Standiford, Stone, Storm, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, and Ephraim K. Wilson—63.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Foster, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McNulta, Merriam, Monroe, Moore, Negley, Niles, O'Neill, Orr, Page, Parsons, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Starkweather, St. John, Stowell, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—131.

NOT VOTING—Messrs. Adams, Atkins, Barnum, Bass, Buckner, Burchard, Roderick R. Butler, Chittenden, Freeman Clarke, Comingo, Cox, Creamer, Crooke, Crossland, Curtis, Danford, Dawes, DeWitt, Duell, Eden, Farwell, Freeman, Frye, Garfield, Hamilton, Hancock, Harmer, Havens, John B. Hawley, Hays, Hendee, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Hurlbut, Kelley, Kellogg, Kendall, Killinger, Lamport, Leach, Lofland, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Morey, Nunn, Orth, Packard, Packer, Isaac C. Parker, Phelps, Pike, Poland, Purman, Richmond, William R. Roberts, James C. Robinson, Sawyer, Henry B. Sayler, John G. Schumaker, Henry J. Scudder, Sheats, Sheldon, Sherwood, Sloss, George L. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Alexander H. Stephens, Charles A. Stevens, Strawbridge, Swann, Sypher, Tremain, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Charles W. Willard, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—95.

So the motion was not agreed to.

During the vote the following proceedings took place:

Mr. HAGANS. I move that the reading of the names be dispensed with.

Mr. WILLIE. I object.

The Clerk proceeded to read the names of the members recorded as having voted.

Mr. STORM. Before the vote is announced, I rise to a question of privilege. I heard in the Clerk's reading of the roll-call the name of Mr. GARFIELD recorded as voting in the negative. I submit that the gentleman was not here during the vote and did not vote, and that his name should not be on the list.

The SPEAKER *pro tempore*, (Mr. CESSNA.) The name of the gentleman from Ohio [Mr. GARFIELD] is recorded on the roll-call in the negative. It is impossible for the Chair to know whether the gentleman voted or not.

Mr. STORM. If that principle of voting is adopted, I should like to go home.

Mr. HAZELTON, of Wisconsin. Does the gentleman from Pennsylvania know that the gentleman from Ohio [Mr. GARFIELD] did not vote?

Mr. STORM. Yes.

The SPEAKER *pro tempore*. The Chair is happy to inform the gentleman from Pennsylvania that the vote of the gentleman from Ohio will not change the result.

Mr. STORM. I know that; but I want to know whether a member can go home and at the same time be recorded as voting here?

Mr. BUTLER, of Massachusetts. I agree fully with the gentleman from Pennsylvania, that gentlemen who are not here should not have their names recorded as voting.

The SPEAKER *pro tempore*. The gentleman from Ohio, [Mr. GARFIELD,] if there is an error, will have ample opportunity to correct it to-morrow.

Mr. STORM. The error should be corrected before the vote is announced.

The SPEAKER *pro tempore*. The Chair does not desire to contradict the statement of the gentleman from Pennsylvania; but he does not consider that this is a privileged question to raise at this time.

Mr. LAMAR. I rise to make a parliamentary inquiry. I desire to know of the Chair whether the roll-call cannot be corrected.

The SPEAKER *pro tempore*. The roll-call can be corrected.

Mr. LAMAR. I make the inquiry in good faith.

The SPEAKER *pro tempore*. The Chair has no doubt of that.

Mr. LAMAR. The question of correcting the roll was raised just now, and I understood the Chair to rule that such a question could not be raised at this time.

The SPEAKER *pro tempore*. The question is a question of fact as to whether the gentleman from Ohio [Mr. GARFIELD] voted. That question cannot be raised at this time, because no other question is in order pending this motion to adjourn.

Mr. RANDALL. It is too late to raise the question after the vote is announced.

The SPEAKER *pro tempore*. The gentleman from Ohio can correct the roll-call if his name has been improperly recorded.

Mr. RANDALL. The allegation is that he is not here.

Mr. ELDREDGE. Suppose it should turn out that the gentleman is dead?

The SPEAKER *pro tempore*. In that case his colleague could announce the fact.

Mr. O'BRIEN. Suppose that the vote of the gentleman changed the result?

The SPEAKER *pro tempore*. But it does not.

Mr. O'BRIEN. But suppose it did?

The SPEAKER *pro tempore*. That question can be determined when it arises. The gentleman cannot raise that issue now.

Several members demanded the regular order.

Mr. O'BRIEN. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The gentleman cannot take an appeal from the decision of the Chair.

Mr. RANDALL. The Chair is not entitled to announce the vote of a man who is not here.

Mr. ELDREDGE. What is the object of reading the roll, if it is not in order to correct it?

Mr. O'BRIEN. I recollect distinctly a decision being given by the Speaker—I do not know how long ago it was—of the very question now in issue. His decision was that it was proper to correct the record at the time it was made.

Mr. WILSON, of Iowa. I rise to a question of order. I ask that gentlemen shall be in their seats.

The SPEAKER *pro tempore*. Gentlemen will please be seated. It is impossible for the Chair to determine, as a matter of fact, whether the record of the vote of the gentleman from Ohio be correct or not. The Chair does not know whether the gentleman voted or not.

Mr. STORM. He did not vote.

Mr. LAMAR. I wish to know if the Clerk's call of the roll is conclusive upon the House at the time as to the fact of the presence of the members whose votes are there recorded?

The SPEAKER *pro tempore*. The Chair thinks it is, unless the gentleman himself whose name is recorded makes the correction.

Mr. LAMAR. Then, according to the ruling of the Chair, it is an incorrigible error.

Mr. O'BRIEN. How can a gentleman correct the record of his vote if he is not present?

The SPEAKER *pro tempore*. He will have ample opportunity to do so if he did not vote.

Mr. E. R. HOAR. I wish to call the attention of the Chair to this aspect of the question: Suppose a vote was taken on a motion to adjourn, and declared to be carried in consequence of the vote of a member who was known to all of us not to have been here in the House, and whose name had been recorded by mistake by the Clerk; is it not the privilege of the body, and not merely of the member, that an erroneous entry of the vote shall not be made?

The SPEAKER *pro tempore*. But when and how does the gentleman propose to have that fact ascertained?

Mr. E. R. HOAR. I suppose that if it is brought up as a question of privilege or on a point of order, the correction of the vote at the time may be made by the body if it produced an erroneous result. I suppose when the roll is called, which is for the purpose of all of us hearing it, the proper time to call the attention of the Chair to the error would be at the close of the call, and before the result of the vote was declared.

Mr. BLAINE, (the Speaker.) This, I think, will govern the case. The testimony is all on one side. It is not disputed that there was evidently a mistake. There are no two points in the controversy before the Chair. There is an allegation here that the gentleman from Ohio did not vote; there is no allegation that he did. If there were a disputed point it must, of course, be determined by testimony, but there is no disputed point. The fact stated is uncontradicted, and therefore, with all due respect to the Chair, I think the error should be corrected.

Mr WILSON, of Iowa. I submit on this point, Mr. Speaker, that the gentleman from Ohio, as a member of the House, is entitled to vote, and I question if any man can state authoritatively, beyond all question, that Mr. GARFIELD did not vote.

The SPEAKER *pro tempore*. Who denies it?

Mr. WILSON, of Iowa. I do not know whether he has voted or not.

Mr. WILSON, of Indiana. I say that he was not here to vote.

Mr. STORM. And I say that he did not vote upon the previous vote.

The SPEAKER *pro tempore*. Does any gentleman have knowledge of the fact that Mr. GARFIELD was present and voted?

Mr. SHANKS. It is an affirmative proposition and not a negative one.

The SPEAKER *pro tempore*. The statement is made that Mr. GARFIELD was not here and did not vote. If no member asserts to the contrary, the Chair will direct his name to be stricken from the roll.

Mr. LUTTRELL. The Speaker was in error in this, that parties on the outside of the bar might answer to the name of every absentee and be counted, and by so doing would defraud the House of its rights.

The SPEAKER *pro tempore*. It having been asserted that Mr. GARFIELD was not present and did not vote, and nobody asserting to the contrary, the roll will be corrected accordingly, and his name will be stricken from it.

Mr. WILSON, of Iowa. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair has already decided the question.

Mr. WILSON, of Iowa. I desire to say that it is unwarrantable to take a member from the floor, after having given him the floor, without allowing him to state what he rose to state. You may be making a very dangerous precedent here.

The SPEAKER *pro tempore*. Does the gentleman from Iowa assert that the gentleman from Ohio [Mr. GARFIELD] was present and voted?

Mr. WILSON, of Iowa. The gentleman from Iowa desired to have the floor and had the floor assigned to him; and suddenly, and before he had well commenced what he desired to say, the Chair saw fit to take him from his feet and decided the very question on which he desired to speak.

The SPEAKER *pro tempore*. The gentleman from Iowa was not denied any right that has been accorded to other members.

Mr. WILSON, of Iowa. It would at least have been more courteous to have heard what I had to say before deciding the question.

The SPEAKER *pro tempore*. The question is decided. Upon the motion of the gentleman from Mississippi to amend the motion of the gentleman from Kentucky the yeas were 65 and the nays 134. So the amendment is not agreed to, and the question recurs on the motion of the gentleman from Kentucky that when the House adjourns it adjourn to meet on Friday next.

Mr. SHANKS. Will it now be in order to read the first section of the democratic platform of 1872?

The SPEAKER *pro tempore*. It will not.

Mr. RANDALL. I would like to have read also a passage from the republican platform of 1860.

The SPEAKER *pro tempore*. No motion or business is in order except the motion to adjourn.

Mr. RANDALL. By unanimous consent let us have both these passages from the platforms read.

The SPEAKER *pro tempore*. The Chair cannot ascertain whether there is unanimous consent or not unless gentlemen will come to order and be seated.

Mr. LUTTRELL. I move that the eighth commandment be read.

Mr. ALBRIGHT. I move that the gentleman from California have leave to read the eighth commandment.

Several MEMBERS. Regular order!

The SPEAKER *pro tempore*. Is there objection?

Mr. RANDALL. There would be no objection if they would allow us to read the republican platform of 1860.

Several MEMBERS. Read them both.

Other MEMBERS. Vote! Vote!

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] proposes that by unanimous consent the gentleman from Indiana [Mr SHANKS] be permitted to read what he proposes on condition that some other document be read.

Mr. RANDALL. I only ask that a plank in the platform of the republican party adopted in Baltimore in 1860 be read.

Mr. SENER. I demand the regular order of business.

Mr. WADDELL. I ask unanimous consent that, for the benefit of the gentleman from Indiana [Mr. SHANKS] with the ambrosial curls, the seventh commandment be read.

Mr. CLEMENTS. It would no doubt be beneficial to the other side of the House.

Mr. SENER. I insist on the regular order.

Mr. SHANKS. What became of that proposition in relation to my curls?

Mr. CRITTENDEN. Your curls are out of order.

The SPEAKER *pro tempore*. Objection has been made to anything but the regular order.

Mr. SHANKS. Do I understand that I am allowed to read this portion of the democratic platform?

The SPEAKER *pro tempore*. The gentleman is not.

Mr. SHANKS. O! I thought I was.

The SPEAKER *pro tempore*. Neither the gentleman from Indiana, [Mr. SHANKS,] nor the gentleman from Pennsylvania, [Mr. RANDALL,] has authority to read anything. The only thing in order is the calling

of the roll on the motion of the gentleman from Kentucky, [Mr. BECK,] that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. MYERS. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. MYERS. Unanimous consent was asked by the gentleman from Indiana [Mr. SHANKS] to read a certain paper, and the Chair announced that it was granted.

The SPEAKER *pro tempore*. The Chair did not so announce.

Mr. MYERS. Afterward the Chair stated that objection was made. My point of order is that the objection comes too late.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. MYERS] is mistaken as to the fact; the Chair did not so announce.

Mr. SHANKS. Do I understand now that I may read this platform?

The SPEAKER *pro tempore*. The Chair cannot say what the gentleman from Indiana understands.

Mr. SHANKS. There is so much noise I cannot hear.

The SPEAKER *pro tempore*. The Chair understands fully that the gentleman is not permitted to read it. The Clerk will proceed to call the roll.

A MEMBER. On what?

The SPEAKER *pro tempore*. On the motion of the gentleman from Kentucky, [Mr. BECK,] that when the House adjourns to-day it be to meet on Friday next.

The question was taken; and there were—yeas 63, nays 131, not voting 95; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Lamison, Luttrell, Magee, Milliken, Mills, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, Milton Sayler, Schell, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—63.

NAYS—Messrs. Albright, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Gooch, Gunckel, Hagans, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McLean, McNulta, Merriam, Monroe, Moore, Myers, Negley, Niles, O'Neill, Orr, Packard, Isaac C. Parker, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Poland, Potter, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Sprague, Stanard, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—131.

NOT VOTING—Messrs. Albert, Atkins, Averill, Barber, Barnum, Bass, Buckner, Burchard, Roderick R. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Coburn, Comingo, Cox, Creamer, Crooke, Curtis, Danford, Dawes, DeWitt, Eden, Farwell, Foster, Freeman, Frye, Garfield, Eugene Hale, Hamilton, Harmer, John B. Hawley, Hays, Hendee, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Hurlbut, Kelley, Kellogg, Kendall, Killinger, Lamport, Lansing, Leach, Lofland, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Morey, Morrison, Nunn, Orth, Packer, Page, Parsons, Phelps, Pike, Thomas C. Platt, Purman, Richmond, William R. Roberts, James C. Robinson, Rusk, Henry J. Sayler, John G. Schumaker, Scofield, Sheats, Sheldon, Sherwood, Sloss, George L. Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Standiford, Starkweather, Alexander H. Stephens, Strawbridge, Tremain, Walls, Marcus L. Ward, Wheeler, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, Wood, and Woodworth—95.

Before the result of the vote was announced,

Mr. SNYDER said: On this question I am paired with the gentleman from Texas, Mr. HERNDON; if here he would vote "ay," and I would vote "no."

Mr. BUTLER, of Massachusetts. I rise to a question of the very highest privilege. If the House will come to order I will state it.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman after the announcement of the result of the roll-call just completed.

Mr. BUTLER, of Massachusetts. I desire to have a correction of the roll-call. I have been examining the rolls, and I find that the names of three members are there who have been voted for steadily, or not steadily but interchangeably, for the last three or four roll-calls. They are gentlemen who, to my certain knowledge, are not and have not been in the House, for I have been looking for them.

The SPEAKER *pro tempore*. The gentlemen from Massachusetts [Mr. BUTLER] must confine his point to the roll now before the Chair.

Mr. BUTLER, of Massachusetts. I think we can find means to get at it.

Mr. WILSON, of Iowa. Are the names of those gentlemen on the present roll-call? If so, I would like to read what Cushing says about it.

Mr. BUTLER, of Massachusetts. I desire to say that CHARLES FOSTER, JAMES A. GARFIELD, and EUGENE HALE have been put upon three roll-calls as voting, some of them on four, and they have not been here.

The SPEAKER *pro tempore*. The Clerk informs the Chair that neither of those gentlemen are recorded as having voted on the last roll-call, the only one not announced.

Mr. BUTLER, of Massachusetts. I know that; I made a fuss about it before this roll-call was completed.

The SPEAKER *pro tempore*. The Chair is unable to entertain the point of order in regard to any vote which has already been announced. If there is any objection to any name recorded on this roll-call, the Chair will hear the gentleman.

Mr. BUTLER, of Massachusetts. Well, we will correct it some way; that thing cannot be done in this manner.

The SPEAKER *pro tempore*. The Chair will now announce the result of the last roll-call. On the motion of the gentleman from Kentucky [Mr. BECK] that when the House adjourns to-day it be to meet on Friday next the yeas are 63 and the nays 131. The motion is not agreed to. The question now recurs on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House adjourn.

Mr. LAWRENCE. I move a call of the House.

The SPEAKER *pro tempore*. That motion is not in order. Under the rule read from the chair this morning, no motion is in order at this stage except to adjourn or to fix the time to which the House will adjourn, unless the House should find itself without a quorum, when the motion of the gentleman from Ohio [Mr. LAWRENCE] would be in order.

Mr. BUTLER, of Massachusetts. I suggest that the call of the yeas and nays on the motion to adjourn be withdrawn, in order that a motion may be made to fix the day to which the House shall adjourn; and then let us see whether we can not have a call of the House.

Mr. RANDALL. I have no objection to that.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. BUTLER] moves to reconsider the vote whereby the yeas and nays were ordered on the motion to adjourn.

Mr. BUTLER, of Massachusetts. That is it.

Mr. BECK. I call for the yeas and nays on that motion.

The SPEAKER *pro tempore*. The yeas and nays cannot be taken on the question of ordering the yeas and nays; therefore the motion to reconsider such order cannot be taken by yeas and nays.

The question being taken on the motion to reconsider, it was agreed to.

Mr. BUTLER, of Massachusetts, and Mr. RANDALL. Now put the question on adjournment.

Mr. ELDREDGE. I now move to reconsider the vote by which the House refused to adopt the amendment proposing to fix Friday next as the time to which the House shall adjourn.

Mr. BUTLER, of Massachusetts. The gentleman has not the right to make that motion, because he did not vote with the prevailing side. I make that motion to reconsider.

The SPEAKER, (Mr. BLAINE having resumed the chair.) Will the gentleman from Massachusetts state his motion again?

Mr. BUTLER, of Massachusetts. The House has just refused to fix Friday next as the day to which it will adjourn. I move to reconsider that vote. I voted in the negative.

The SPEAKER. The gentleman from Massachusetts moves to reconsider the vote by which the House refused to order that when it adjourns to-day it adjourn to meet on Friday next.

Mr. ELDREDGE. On that question I demand the yeas and nays.

Mr. BUTLER, of Massachusetts, and Mr. RANDALL. That is right.

The yeas and nays were ordered.

The question was taken; and there were—yeas 72, nays 123, not voting 94; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Barber, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Caldwell, Cason, John B. Clark, jr., Clymer, Stephen A. Cobb, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whiteley, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—72.

NAYS—Messrs. Albright, Averill, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cessna, Amos Clark, jr., Clements, Clinton L. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Dobbins, Donnan, Dunnell, Eames, Field, Foster, Freeman, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Houghton, Howe, Hubbell, Hyde, Hynes, Kasson, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McNulta, Merriam, Monroe, Moore, Myers, Negley, Niles, O'Neill, Orr, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, John Q. Smith, Stanard, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Wallace, Jasper D. Ward, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—123.

NOT VOTING—Messrs. Albert, Atkins, Barnum, Bass, Brown, Buckner, Bundy, Roderick R. Butler, Chittenden, Freeman Clarke, Clayton, Coburn, Comingo, Cox, Creamer, Crooke, Curtis, Danford, Darrall, Dawes, DeWitt, Duell, Eden, Farwell, Fort, Frye, Garfield, Gooch, Hamilton, Harmer, John B. Hawley, Hays, Hendee, Herndon, Hersey, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Hunter, Hurlbut, Kelley, Kellogg, Kendall, Killinger, Lamport, Lansing, Lewis, Lofland, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Morey, Nunn, Orth, Packard, Packer, Parsons, Phelps, Pike, Thomas C. Platt, Purman, Richmond, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Sheldon, Sherwood, Sloan, Sloss, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Starkweather, Alexander H. Stephens, Strawbridge, Tremain, Waldron, Walls, Marcus L. Ward, Wheeler, Whitehouse, Charles W. Willard, Wood, and Woodworth—94.

So the motion to reconsider was not agreed to.

Mr. RANDALL. I move that the House adjourn.

Mr. SHANKS. Would it now be in order for me to introduce the first section of the democratic platform of 1872?

Several MEMBERS. Read it.

The SPEAKER. Is there objection?

Mr. ELDREDGE. I object.

Mr. RANDALL. If gentlemen on the other side are to read our platform, we ought to have the privilege of reading theirs.

The SPEAKER. Is there objection to having both read?

Mr. ELDREDGE. We will consent, provided the gentleman will also have read the essay of our minister to England on poker.

Mr. RANDALL. Let both platforms come in; that is fair.

Mr. SHANKS. I offer this, Mr. Speaker, as a substitute for the bill.

The SPEAKER. The Chair hears no objection to its being read.

Mr. RANDALL. I object, unless both are read.

The SPEAKER. The question is on the motion to adjourn.

Mr. RANDALL. I demand the yeas and nays.

Mr. ELDREDGE. I move that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. That was the last motion.

Mr. ELDREDGE. But business has intervened.

The SPEAKER. But only to confirm it by reconsideration.

Mr. ELDREDGE. Then I will make it Saturday.

Mr. WILSON, of Iowa. Tellers on the yeas and nays have been demanded on the motion to adjourn.

Tellers were ordered; and Mr. PACKARD and Mr. MILLIKEN were appointed.

The House divided; and the tellers reported ayes 50, more than one-fifth of those present.

So the yeas and nays were ordered.

Mr. ELDREDGE. I now move that when the House adjourns to-day it adjourn to meet on Saturday next.

Mr. ROBBINS demanded the yeas and nays.

Mr. SCHELL demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. SOUTHARD and Mr. SENER were appointed.

Mr. E. R. HOAR. I make the point of order that it is the duty of gentlemen to take their seats, so that when we have a division of the House by tellers members shall go from their seats to pass through the tellers.

Mr. ELDREDGE. I do not wish to be appointed teller if they are to go through me.

The SPEAKER. The Chair sustains the point of order.

The House divided; and the tellers reported ayes 45, more than one-fifth of those present.

So the yeas and nays were ordered.

Mr. BECK (at twenty-five minutes to two o'clock a. m.) I move to amend by inserting Friday instead of Saturday, and on that motion demand the yeas and nays.

Mr. STONE demanded tellers.

Tellers were ordered; and Mr. HATCHER and Mr. HYNES were appointed.

The House divided; and the tellers reported ayes 44, more than one-fifth of those present.

So the yeas and nays were ordered.

Mr. ELDREDGE. I rise to a point of order, that after the tellers have reported the affirmative it is not proper any more should be counted on that side until the other side have passed through the tellers.

The SPEAKER. That is a point the Chair has been anxious oftentimes to enforce, but some members will go through and insist on being counted.

Mr. ELDREDGE. If the Chair would only enforce it instead of being anxious about it it would be all right.

The SPEAKER. It is because there are so many gentlemen on the floor like the gentleman from Wisconsin who will not do what the Chair desires.

Mr. CONGER. I think it is due to members to say there were none who desired to vote in the negative.

The question was taken; and it was decided in the negative—yeas 66, nays 134, not voting 89; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Banning, Beck, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, Cessna, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Freeman, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Luttrell, Magee, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—66.

NAYS—Messrs. Albright, Atkins, Averill, Barker, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Lamison, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McNulta, Merriam, Monroe, Myers, Negley, Niles, O'Neill, Orr, Packard, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Charles A. Stevens, St. John, Stowell, Strait, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Tyner, Thompson, Waldron, Wallace, Jasper D. Ward, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—134.

NOT VOTING—Messrs. Albert, Archer, Barnum, Bass, Bell, Buckner, Roderick R. Butler, Chittenden, Freeman Clarke, Clements, Coburn, Cox, Creamer, Crooke, Curtis, Danford, Dawes, DeWitt, Duell, Eden, Farwell, Frye, Giddings, Hamilton, Harmer, Havens, John B. Hawley, Hays, Hendee, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Hurlbut, Kelley, Kellogg, Kendall, Killinger, Lamport, Lansing, Leach, Lofland, Marshall, Alexander S. McDill, MacDougall, McKee, McLean, Mitchell, Moore, Morey, Nunn, Orth, Packer, Parsons, Phelps, Pike, Thomas C. Platt, Purman, Richmond, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Sheats, Sherwood, Sloss, George L. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Starkweather, Alexander H. Stephens, Strawbridge, Sypher, Christopher Y. Thomas, Tremain, Walls, Marcus L. Ward, Wheeler, Whitehouse, Whiteley, Charles W. Willard, Jeremiah M. Wilson, Wood, and Woodworth—89.

So the House refused to adjourn till Friday.

During the vote,

Mr. COBURN stated that he was paired with Mr. BUCKNER, who, if present, would vote in the affirmative, while he would vote in the negative.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*, (Mr. CESSNA in the chair, at ten minutes past two o'clock a. m.) The question now recurs on the motion that when the House adjourns to-day it adjourn to meet on Saturday next, on which the yeas and nays have been ordered.

The question was then taken; and it was decided in the negative—yeas 65, nays 123, not voting 101; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, Hatcher, Hunton, Lamar, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—65.

NAYS—Messrs. Averill, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Killinger, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, James W. McDill, McNulta, Merriam, Monroe, Moore, Myers, Negley, Niles, Orr, Packard, Page, Pelham, Pendleton, Phillips, Pierce, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Charles A. Stevens, Stowell, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Marcus L. Ward, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—123.

NOT VOTING—Messrs. Albert, Albright, Archer, Atkins, Barber, Barnum, Bass, Buckner, Roderick R. Butler, Chittenden, Freeman Clarke, Coburn, Cox, Creamer, Curtis, Danford, Dawes, DeWitt, Duell, Eden, Farwell, Freeman, Frye, Hagans, Hamilton, Harmer, John T. Harris, Hathorn, Havens, John B. Hawley, Hays, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamport, Lansing, Lofland, Loughridge, Marshall, McCrary, Alexander S. McDill, MacDougall, McKee, Mitchell, Morey, Nunn, O'Neill, Orth, Packer, Isaac C. Parker, Parsons, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Purman, Richmond, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Scofield, Sessions, Sherwood, Sloss, Smart, George L. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Starkweather, Alexander H. Stephens, St. John, Strawbridge, Sypher, Tremain, Walls, Jasper D. Ward, Wheeler, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, Jeremiah M. Wilson, Wood, and Woodworth—101.

So the motion was not agreed to.

During the roll-call,

Mr. COBURN said: On this vote I am paired with the gentleman from Missouri, Mr. BUCKNER. If he were present he would vote "ay," and I would vote "no."

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs on the motion that the House do now adjourn, on which the yeas and nays have been ordered.

Mr. O'BRIEN. I move that the House take a recess until ten o'clock.

The SPEAKER *pro tempore*. That motion cannot be entertained.

Mr. O'BRIEN. Would it be in order now to allow the gentleman from Indiana, [Mr. SHANKS,] who I observe has risen for that purpose, to read what he holds in his hand?

Mr. SHANKS. I rise to a personal explanation.

The SPEAKER *pro tempore*. The Chair is obliged to inform gentlemen that no motion except the motion to adjourn and the motion to fix a day to which the House shall adjourn is in order, except by unanimous consent.

Mr. SHANKS. I ask unanimous consent to make a personal explanation.

Mr. SENER and others objected.

The question was taken; and there were—yeas 68, nays 119, not voting 102; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Creamer, Crittenden, Crossland, Davis, Durham, Eldredge, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison,

Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, Milton Sayler, Schell, Sloss, J. Ambler Smith, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—68.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, John W. Hazelton, Hodges, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Lamport, Lawrence, Lawson, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McNulta, Merriam, Monroe, Moore, Myers, Negley, Niles, O'Neill, Orr, Page, Pelham, Pendleton, Pierce, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Taylor, Charles R. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Jasper D. Ward, White, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—119.

NOT VOTING—Messrs. Adams, Albert, Atkins, Barnum, Bass, Buckner, Burchard, Roderick R. Butler, Cain, Chittenden, Freeman Clarke, Clements, Coburn, Cox, Crooke, Curtis, Danford, Dawes, DeWitt, Duell, Eden, Farwell, Finck, Freeman, Frye, Hamilton, Harmer, Havens, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lansing, Lewis, Lofland, Loughridge, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Morey, Nunn, Orth, Packard, Packer, Isaac C. Parker, Parsons, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Richmond, William R. Roberts, James C. Robinson, Rusk, Henry B. Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sherwood, George L. Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Starkweather, Alexander H. Stephens, Sypher, Tremain, Waldron, Wallace, Walls, Marcus L. Ward, Wheeler, Whitehouse, Wilber, Charles W. Willard, Jeremiah M. Wilson, Wood, and Woodworth—102.

So (at three o'clock a. m. Thursday, January 28,) the House refused to adjourn.

Mr. ELDREDGE. I move that when the House adjourns to-day it adjourn to meet on Friday. I think this will meet the views of the House now when we have arrived at this late hour of the night.

The SPEAKER *pro tempore*. The motion is not open to debate.

Mr. ELDREDGE. I was not debating the motion. I was merely making a suggestion.

Mr. CONGER. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair will hear the gentleman's point of order.

Mr. CONGER. My point of order is that the Chair fails to recognize any gentleman on this side of the House to make motions.

The SPEAKER *pro tempore*. The point of order is overruled. It gives the Chair great pleasure to recognize any gentleman on that side of the House.

Mr. SHANKS. Then I ask the Chair to recognize me. I rise to make a personal explanation.

Several members objected.

Mr. ELDREDGE. O, let the gentleman make his explanation.

The SPEAKER *pro tempore*. Objection being made, the Chair cannot entertain the request of the gentleman from Indiana. The question is on the motion that when the House adjourns it adjourn to meet on Friday.

Mr. ELDREDGE. On that motion I demand the yeas and nays.

Mr. WILSON, of Iowa, called for tellers on the question of ordering the yeas and nays.

Tellers were ordered; and Mr. WILSON, of Iowa, and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported ayes 51.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. COBB, of Kansas. I desire to make a parliamentary inquiry. I desire to know whether it is in order to raise the question of consideration? If it is, I will raise that question.

The SPEAKER *pro tempore*. The question of consideration upon what?

Mr. COBB, of Kansas. Upon the pending bill.

The SPEAKER *pro tempore*. That is not in order at present.

Mr. RANDALL. I move to amend the pending motion by striking out "Friday" and inserting "Saturday;" and on that motion I call for the yeas and nays.

Mr. SHANKS. I rise to make a parliamentary inquiry.

Mr. ELDREDGE. Mr. Speaker, I hope you will let the gentleman rise.

Mr. SHANKS. My inquiry is this: Is not a motion to adjourn to a day certain debatable?

The SPEAKER *pro tempore*. It is not.

The question being taken on ordering the yeas and nays, there were ayes 45.

Mr. CONGER. I call for tellers.

Tellers were ordered; and Mr. SHANKS and Mr. RANDALL were appointed.

Mr. LUTTRELL. I move that the gentleman from Indiana [Mr. SHANKS] be required to return the democratic platform.

Mr. SHANKS. If I am to act as teller I ought to have some privileges here.

The SPEAKER *pro tempore*. The tellers will take their places.

The House again divided; and the tellers reported ayes 46.

Several MEMBERS. Count the other side.

The SPEAKER *pro tempore*. There is no occasion for counting the other side, as the affirmative is more than one-fifth of the last vote; and the yeas and nays are therefore ordered under the provisions of the Constitution.

The question was taken; and there were—yeas 60, nays 109, not voting 120; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Henry R. Harris, Hatcher, Hereford, Hunton, Hyde, Lamison, Lansing, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, Hosea W. Parker, Perry, Read, Robbins, Milton Sayler, Schell, Sloss, Standiford, Stone, Storm, Swann, Vance, Whitehead, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—60.

NAYS—Messrs. Albright, Averill, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Hagans, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, John W. Hazelton, Hodges, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Lawrence, Lawson, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, Merriam, Monroe, Moore, Negley, Niles, O'Neill, Orr, Page, Pelham, Pendleton, Phillips, Pierce, Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Henry J. Scudder, Isaac W. Scudder, Sener, Sheats, Sheldon, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, St. John, Stowell, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Jasper D. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, and James Wilson—109.

NOT VOTING—Messrs. Albert, Atkins, Barber, Barnum, Barrere, Bass, Bright, Buckner, Burchard, Roderick R. Butler, Chittenden, Freeman Clarke, Clements, Coburn, Comingo, Cox, Creamer, Crooke, Crossland, Curtis, Danford, Darrall, Dawes, DeWitt, Duell, Eden, Farwell, Freeman, Frye, Gunckel, Eugene Hale, Hamilton, Hancock, Harmer, John T. Harris, Havens, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Hunter, Hurlbut, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamport, Lewis, Lofland, Loughridge, Marshall, Alexander S. McDill, MacDougall, McKee, McNulta, Mitchell, Morey, Myers, Nunn, O'Brien, Orth, Packard, Packer, Isaac C. Parker, Parsons, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Randall, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Scofield, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, George L. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Starkweather, Alexander H. Stephens, Charles A. Stevens, Strait, Strawbridge, Sypher, Tremain, Waddell, Wallace, Walls, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whitthorne, Charles W. Willard, William Williams, Jeremiah M. Wilson, Wood, and Woodworth—120.

So the motion was not agreed to.

The question recurred upon the motion of Mr. ELDREDGE, that when the House adjourns to-day it adjourn to meet on Friday next, upon which the yeas and nays had been ordered.

The question was taken; and there were—yeas 59, nays 115, not voting 115; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clayton, Clymer, Cook, Crittenden, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Lamison, Magee, Milliken, Mills, Neal, Nesmith, Niblack, O'Brien, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Standiford, Stone, Storm, Swann, Vance, Wells, Whitehead, Whitthorne, Willie, Wolfe, John D. Young, and Pierce M. B. Young—59.

NAYS—Messrs. Averill, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Dobbins, Donnan, Duell, Dunnell, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Robert S. Hale, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Killinger, Lawrence, Lawson, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, Monroe, Moore, Negley, Niles, O'Neill, Orr, Page, Phillips, Pierce, Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, White, Whitehouse, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, and William B. Williams—115.

NOT VOTING—Messrs. Adams, Albert, Albright, Atkins, Barber, Barnum, Bass, Buckner, Roderick R. Butler, Chittenden, Amos Clark, jr., Freeman Clarke, Clements, Coburn, Comingo, Cox, Creamer, Crooke, Crossland, Curtis, Danford, Darrall, Dawes, DeWitt, Eames, Eden, Farwell, Field, Frye, Eugene Hale, Hamilton, Harmer, Harrison, Havens, John B. Hawley, Hays, John W. Hazelton, Hendee, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Hurlbut, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamport, Lansing, Leach, Lewis, Lofland, Loughridge, Luttrell, Marshall, Alexander S. McDill, MacDougall, McKee, McLean, McNulta, Merriam, Mitchell, Morey, Morrison, Myers, Nunn, Orth, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Purman, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Sheats, Sheldon, Sherwood, Sloss, George L. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Starkweather, Alexander H. Stephens, Sypher, Tremain, Waddell, Walls, Marcus L. Ward, Wheeler, Charles W. Willard, William Williams, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wood, and Woodworth—115.

So the motion was not agreed to.

Mr. BECK, (at four o'clock and twenty minutes a. m., Thursday, January 28.) I move that the House do now adjourn.

Mr. SHANKS. I rise to a question of privilege. I desire to make a personal explanation.

The SPEAKER *pro tempore*. Are there objections to the gentleman from Indiana making a personal explanation?

Many MEMBERS. O, no.

Other MEMBERS. Object!

Mr. SHANKS. I believe no objection has been made to my proceeding.

The SPEAKER *pro tempore*. The Chair heard a number.

Mr. SHANKS. I have not heard any.

The SPEAKER *pro tempore*. The gentleman may not have heard them, but the Chair heard quite a number.

Mr. ELDREDGE. I think there would be no objection to the gentleman proceeding if my friend from Oregon [Mr. NESMITH] were permitted to reply to him.

The SPEAKER *pro tempore*. Objections are made all round, and the request of the gentleman is not in order. The gentleman from Kentucky has moved that the House do now adjourn.

Mr. BECK. And on that motion I ask for the yeas and nays.

Mr. O'BRIEN. I call for tellers upon ordering the yeas and nays.

Tellers were ordered; and Mr. O'BRIEN and Mr. BECK were appointed.

The House divided; and the tellers reported that there were 46 in the affirmative.

Mr. O'BRIEN. I call for a count of the other side.

The SPEAKER *pro tempore*. More than one-fifth of the last vote having voted for the yeas and nays, they are ordered.

Mr. RANDALL. I move that when the House adjourns to-day it be to meet on Friday next, and on that I call for the yeas and nays.

Mr. PAGE and others called for tellers on ordering the yeas and nays.

Mr. E. R. HOAR, (occupying the seat of Mr. NEGLEY.) I rise to a point of order and ask the Chair to direct gentlemen to take their seats.

The SPEAKER *pro tempore*. Gentlemen will resume their seats.

Mr. ELDREDGE. I raise the point of order that the gentleman from Massachusetts [Mr. E. R. HOAR] is not in his own seat.

The SPEAKER *pro tempore*. The gentleman owning the seat will not complain.

Mr. ELDREDGE. I complain of it.

The SPEAKER *pro tempore*. The Chair overrules the complaint.

Mr. ELDREDGE. I supposed he would; if we had a democrat in the chair he would not.

The SPEAKER *pro tempore*. The Chair overrules that point also.

Mr. ELDREDGE. I supposed the Chair would.

Tellers were ordered upon the call for the yeas and nays; and Mr. PAGE and Mr. RANDALL were appointed.

Mr. RANDALL. Were there not sufficient voting for tellers to order the yeas and nays?

The SPEAKER *pro tempore*. The question was not submitted with that view.

The House divided upon ordering the yeas and nays; and the tellers reported that there were 40 in the affirmative.

The SPEAKER *pro tempore*. That being more than one-fifth of the last vote, the yeas and nays are ordered.

Mr. O'BRIEN. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. O'BRIEN. I desire to say——

Mr. ELDREDGE. I rise to a privileged motion. I move to amend the motion of the gentleman from Pennsylvania [Mr. RANDALL] by striking out Friday and inserting Saturday, and on that I call for the yeas and nays.

Mr. O'BRIEN. Can I be taken off the floor by that motion?

Mr. ROBBINS. I call for tellers on ordering the yeas and nays.

Tellers are ordered; and Mr. ROBBINS and Mr. ELDREDGE were appointed.

The House divided; and Mr. ROBBINS, one of the tellers, reported 43 in the affirmative; and Mr. ELDREDGE, the other teller, reported 53 in the affirmative.

The SPEAKER *pro tempore*. The Chair will accept the report of the teller giving the lowest number, and that will be sufficient to order the yeas and nays; and they are ordered. The question is upon the motion of the gentleman from Wisconsin [Mr. ELDREDGE] to amend the motion of the gentleman from Pennsylvania [Mr. RANDALL] by striking out Friday and inserting Saturday.

The question was taken; and there were—yeas 52, nays 111, not voting 126; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Davis, Durham, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Luttrell, Magee, Milliken, Mills, Morrison, Nesmith, Niblack, O'Brien, Perry, Randall, Read, Robbins, Milton Sayler, Schell, Stone, Vance, Waddell, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—52.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Donnan, Duell, Dunnell, Eames, Field, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Robert S. Hale, Benjamin W. Harris, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hunter, Hyde, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, Merriam, Monroe, Moore, Negley, Niles, O'Neill, Orr, Page, Pendleton, Phillips, Pierce, Poland, Pratt, Rainey, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Henry J. Scudder, Isaac W. Scudder, Sener, Sherwood, Lazarus D. Shoemaker, Smart, John Q. Smith, Charles A. Stevens, St. John, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—111.

NOT VOTING—Messrs. Albert, Atkins, Barnum, Bass, Berry, Buckner, Roderick R. Butler, Chittenden, Freeman Clarke, Clements, Coburn, Comingo, Cox, Creamer, Crooke, Crossland, Curtis, Danford, Dawes, DeWitt, Dobbins, Eden, Eldredge, Farwell, Finck, Fort, Frye, Giddings, Eugene Hale, Hamilton, Harmer, Harrison, John B. Hawley, Hays, Hendee, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Hubbell, Hurlbut, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Leach, Lofland, Loughridge, Marshall, Alexander S. McDill, MacDougall, McLean, McNulta, Mitchell, Morey, Myers, Neal, Nunn, Orth, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Ransier, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Scofield, Sessions, Shanks, Sheats, Sheldon, Sloan, Sloss, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Standiford, Starkweather, Alexander H. Stephens, Storm, Stowell, Strawbridge, Swann, Sypher, Tremain, Walls, Wells Wheeler, Whitehouse, Wilber, Charles W. Willard, George Willard, Jeremiah M. Wilson, Wood, and Woodworth—126.

So the motion of Mr. ELDREDGE was not agreed to.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Pennsylvania, [Mr. RANDALL,] that when the House adjourns to-day it be to meet on Friday next; and upon this question the yeas and nays have been ordered.

The question was taken; and there were—yeas 56, nays 103, not voting 130; as follows:

YEAS—Messrs. Arthur, Ashe, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Davis, Durham, Eldredge, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Lamison, Luttrell, Magee, McLean, Milliken, Mills, Neal, Nesmith, Niblack, O'Brien, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—56.

NAYS—Messrs. Albright, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benajmin F. Butler, Cain, Cannon, Carpenter, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Corwin, Cotton, Crounse, Crutchfield, Darrall, Donnan, Duell, Eames, Fort, Foster, Garfield, Gooch, Robert S. Hale, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hunter, Hyde, Hynes, Killinger, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Niles, O'Neill, Orr, Page, Pendleton, Phillips, Pierce, James H. Platt, jr., Poland, Pratt, Rainey, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheats, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, J. Ambler Smith, Charles A. Stevens, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Waldron, Jasper D. Ward, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—103.

NOT VOTING—Messrs. Adams, Albert, Archer, Atkins, Averill, Banning, Barnum, Bass, Beck, Buckner, Burchard, Roderick R. Butler, Cason, Chittenden, Freeman Clarke, Clements, Clinton L. Cobb, Coburn, Conger, Cox, Creamer, Crooke, Crossland, Curtis, Danford, Dawes, DeWitt, Dobbins, Dunnell, Eden, Farwell, Field, Finck, Freeman, Frye, Giddings, Gunckel, Hagans, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, John B. Hawley, Hays, Hendee, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamport, Lansing, Leach, Lofland, Marshall, Alexander S. McDill, MacDougall, Mitchell, Morey, Morrison, Myers, Negley, Nunn, Orth, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Phelps, Pike, Thomas C. Platt, Purman, Ransier, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Sener, Sessions, Shanks, Sheldon, Sherwood, Sloss, Smart, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Standiford, Starkweather, Alexander H. Stephens, St. John, Stowell, Strawbridge, Sypher, Tremain, Tyner, Wallace, Walls, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whiteley, Charles W. Willard, Wood, and Woodworth—130.

So the motion of Mr. RANDALL was not agreed to.

The SPEAKER *pro tempore*. The question now recurs on the motion of Mr. BECK that the House adjourn, on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 59, nays 104, not voting 126; as follows:

YEAS—Messrs. Adams, Arthur, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, Hatcher, Hereford, Hunton, Lamison, Luttrell, Magee, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Standiford, Stone, Storm, Vance, Waddell, Wells, Whitehead, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—59.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Donnan, Duell, Field, Fort, Freeman, Gooch, Hagans, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Howe, Hubbell, Hunter, Hyde, Hynes, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Moore, Myers, Niles, O'Neill, Packard, Pendleton, Phillips, Pierce, James H. Platt, jr., Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Lazarus D. Shoemaker, Small, A. Herr Smith, J. Ambler Smith, Snyder, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Thompson, Thornburgh, Todd, Townsend, Wallace, Jasper D. Ward, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—104.

NOT VOTING—Messrs. Albert, Archer, Ashe, Atkins, Barnum, Barry, Bass, Buckner, Burchard, Roderick R. Butler, Chittenden, Freeman Clarke, Clements, Clinton L. Cobb, Coburn, Cox, Creamer, Crooke, Crossland, Crutchfield, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Dunnell, Eames, Eden, Farwell, Foster, Frye, Garfield, Gunckel, Eugene Hale, Hamilton, Harmer, John T. Harris, John B. Hawley, Hays, Hendee, Herndon, Hersey, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamport, Lansing, Lawrence, Leach, Lofland, Loughridge, Marshall, Alexander S. McDill, MacDougall, McLean, Mitchell, Monroe, Morey, Negley, Nunn, Orr, Orth, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Phelps, Pike, Thomas C. Platt, Purman, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Sener, Sessions, Sheats, Sheldon, Sherwood, Sloan, Sloss, Smart, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Southard, Speer, Sprague, Stanard, Starkweather, Alexander H. Stephens, Strait, Strawbridge,

Swann, Christopher Y. Thomas, Tremain, Tyner, Waldron, Walls, Marcus L. Ward, Wheeler, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, Wood, and Woodworth—126.

So the motion to adjourn was not agreed to.

During the roll-call,

Mr. POTTER said: I desire to announce that my colleague from New York, Mr. PLATT, went home during the night on account of illness. Had he been here, he would have voted in the negative upon these several motions for adjournment.

The result of the vote was announced as above stated.

Mr. SHANKS. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state his question of privilege.

Mr. SHANKS. It is that I wish to make a personal explanation; and I do it upon the ground that I have been misrepresented by the Speaker of this House.

The SPEAKER *pro tempore*. The gentleman from Indiana asks to make a personal explanation. It requires unanimous consent.

Several members objected.

Mr. RANDALL. I move that when the House adjourns it adjourn to meet on Friday next.

Mr. DURHAM. On that motion I call for the yeas and nays.

Mr. MERRIAM. I ask for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. MERRIAM and Mr. DURHAM were appointed.

The House divided; and the tellers reported ayes 51, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. ELDREDGE. I move to amend the motion of the gentleman from Pennsylvania [Mr. RANDALL] by striking out Friday and inserting Saturday. On this motion I call for the yeas and nays.

Mr. HAZELTON, of Wisconsin. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. HAZELTON, of Wisconsin, and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported ayes 44, more than one-fifth of those present.

So the yeas and nays were ordered.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Wisconsin [Mr. ELDREDGE] to the motion of the gentleman from Pennsylvania [Mr. RANDALL] to strike out Friday and insert Saturday.

Mr. SHANKS. I move to strike out the last word.

The SPEAKER *pro tempore*. The gentleman is not in order.

Mr. SHANKS. I desire to make a personal explanation.

Mr. RANDALL. I object.

Mr. ELDREDGE. Is it not in order for the gentleman to strike himself out?

Mr. WILBER. Is an amendment in order?

The SPEAKER *pro tempore*. It is not.

Mr. WILBER. I am sorry, as we have tried this so many times, and I should like to move another day.

The question was then taken; and it was decided in the negative—yeas 51, nays 97, not voting 141; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Davis, Durham, Finck, Glover, Hancock, Henry R. Harris, Hatcher, Hunton, Luttrell, Magee, McLean, Millikin, Mills, Neal, Nesmith, O'Brien, Perry, Randall, Read, Robbins, Milton Sayler, Schell, Stone, Storm, Vance, Waddell, Wells, Whitehead, Willie, Wolfe, John D. Young, and Pierce M. B. Young—51.

NAYS—Messrs. Albright, Barrere, Barry, Begole, Bradley, Buffinton, Bundy, Burleigh, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Corwin, Cotton, Crounse, Donnan, Duell, Field, Foster, Freeman, Gooch, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hubbell, Hunter, Hyde, Hynes, Lewis, Lowndes, Martin, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Niles, O'Neill, Packard, Page, Pendleton, Phillips, Pierce, Poland, Pratt, Rainey, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Townsend, Waldron, Wallace, Jasper D. Ward, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Ephraim K. Wilson, and James Wilson—97.

NOT VOTING—Messrs. Albert, Atkins, Averill, Barber, Barnum, Bass, Berry, Biery, Buckner, Burchard, Burrows, Roderick R. Butler, Chittenden, Freeman Clarke, Clements, Clinton L. Cobb, Coburn, Conger, Cox, Creamer, Crooke, Crossland, Crutchfield, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Dunnell, Eames, Eden, Eldredge, Farwell, Fort, Frye, Garfield, Giddings, Gunckel, Gunter, Hagans, Eugene Hale, Hamilton, Harmer, John T. Harris, John B. Hawley, John W. Hazelton, Hendee, Hereford, Herndon, Hersey, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Lawrence, Lawson, Leach, Lofland, Loughbridge, Lowe, Lynch, Marshall, Maynard, Alexander S. McDill, MacDougall, Mitchell, Morey, Morrison, Myers, Negley, Niblack, Nunn, Orr, Orth, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Ransier, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Henry B. Sayler, John G. Schumaker, Sessions, Sheats, Sheldon, Sherwood, Sloan, Sloss, George L. Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Standiford, Starkweather, Alexander H. Stephens, Strait, Strawbridge, Swann, Thornburgh, Tremain, Tyner, Walls, Marcus L. Ward, Wheeler, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, Jeremiah M. Wilson, Wood, and Woodworth—141.

So the House rejected the amendment to adjourn till Saturday next.

Mr. SHANKS. I move when the House adjourns to-day it adjourn to meet after the reading of the resolution which I send up to the Clerk's desk. Is that in order?

Mr. RANDALL. I object.

Mr. WILBER. I insist the House on this side——

Mr. SHANKS. I move the gentleman from Pennsylvania [Mr. RANDALL] have the privilege of withdrawing his objection.

Mr. WILBER. I insist the House on the democratic side have been sitting day after day, Friday and Saturday, long enough.

The SPEAKER *pro tempore*. The gentleman will offer his amendment, if he have one.

Mr. WILBER. I move we set the day to which we will adjourn immediately after the passage of the civil-rights bill. We will all agree to that.

Mr. ALBRIGHT. I ask the Clerk to read the following on the proposition now pending——

The SPEAKER *pro tempore*. Debate is not in order unless by unanimous consent. The gentleman from Pennsylvania asks unanimous consent.

Several members objected.

Mr. ALBRIGHT. There will be no objection if my friends on the other side will listen to it for one moment.

The SPEAKER *pro tempore*. The Chair is compelled to inform the gentleman that his friends on the other side will not listen to it.

Mr. ALBRIGHT. I see they are beyond reason.

The SPEAKER *pro tempore*. The question now recurs on the motion that when the House adjourns to-day it adjourn to meet on Friday next, on which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 56, nays 103, not voting 130; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Davis, Durham, Eldredge, Finck, Glover, Hancock, Henry R. Harris, Hatcher, Hereford, Hunton, Lamison, Magee, MacDougall, McLean, Milliken, Mills, Neal, Nesmith, Niblack, O'Brien, Perry, Potter, Randall, Read, Robbins, Milton Sayler, Schell, Stone, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, John D. Young, and Pierce M. B. Young—56.

NAYS—Messrs. Albright, Averill, Begole, Berry, Biery, Bradley, Buffinton, Bundy, Burchard, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Crounse, Crutchfield, Donnan, Duell, Dunnell, Eames, Foster, Freeman, Gooch, Gunckel, Robert S. Hale, Benjamin W. Harris, Harrison, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Howe, Hubbell, Hyde, Hynes, Lawson, Lewis, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Niles, O'Neill, Packard, Packer, Phillips, Pierce, Poland, Rainey, Ransier, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheats, Lazarus D. Shoemaker, Small, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Sprague, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Waldron, Jasper D. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—103.

NOT VOTING—Messrs. Albert, Atkins, Barber, Barnum, Barrere, Barry, Bass, Buckner, Burleigh, Burrows, Roderick R. Butler, Chittenden, Freeman Clarke, Clements, Coburn, Conger, Cox, Creamer, Crooke, Crossland, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Eden, Farwell, Field, Fort, Frye, Garfield, Giddings, Gunter, Hagans, Eugene Hale, Hamilton, Harmer, John T. Harris, Hathorn, John B. Hawley, Hays, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hunter, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamport, Lansing, Lawrence, Leach, Lofland, Loughridge, Lowe, Lowndes, Luttrell, Marshall, Alexander S. McDill, Mitchell, Morey, Morrison, Myers, Negley, Nunn, Orr, Orth, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Purman, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Henry B. Sayler, John G. Schumaker, Sener, Sessions, Sheldon, Sherwood, Sloan, Sloss, Smart, George L. Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Standiford, Starkweather, Alexander H. Stephens, Storm, Strait, Strawbridge, Swann, Tremain, Tyner, Waddell, Wallace, Walls, Marcus L. Ward, Wheeler, Charles W. Willard, Ephraim K. Wilson, Wood, and Woodworth—130.

So the motion was not agreed to.

During the call of the roll,

Mr. POTTER said: On the various votes during the night on which I have not voted I have been paired with Mr. CHARLES W. WILLARD, of Vermont. If he had been here he would on each of those occasions have voted "no," and I would have voted "ay."

The result of the vote was then announced as above recorded.

Mr. BECK. I move that the House do now adjourn.

Mr. SHANKS. I move that the House shall not adjourn until the reading of the following resolution——

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. SHANKS] is not in order.

Mr. SHANKS. I appeal from the decision of the Chair. I have been waiting all night to get in this thing.

Mr. O'BRIEN. I call for the yeas and nays on the appeal of the gentleman from Indiana.

Mr. SYPHER. I move the gentleman from Indiana be allowed to make his speech, and that the gentleman from Maryland be allowed to sing a song.

The SPEAKER *pro tempore*. The Chair has repeatedly ruled, in accordance with the ruling of the Speaker of the House, that there are but three motions in order except by unanimous consent. If the gentleman from Louisiana [Mr. SYPHER] desires to make his motion he can ask unanimous consent. But without that his motion cannot be entertained.

Mr. McKEE. What becomes of the appeal?

The SPEAKER *pro tempore*. The Chair has also ruled, and the

Speaker of the House before him, that no appeal can be taken pending this question.

Mr. SHANKS. Then I am to understand that I am about cleaned out?

The SPEAKER *pro tempore*. The Chair is not responsible for the gentleman's understanding.

Mr. ELDREDGE. I would like to know who is?

The SPEAKER *pro tempore*. The Chair does not suppose that it is the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. O'BRIEN. I move that the House take a recess.

The SPEAKER *pro tempore*. The motion to take a recess is not in order. The question is on the motion of the gentleman from Kentucky, [Mr. BECK,] that the House do now adjourn.

Mr. WILSON, of Iowa. I call for tellers on the motion to adjourn.

Mr. BUTLER, of Massachusetts. And I call for the yeas and nays on the motion to adjourn.

Mr. ROBBINS. I demand tellers on the question of ordering the yeas and nays.

Tellers were ordered; and Mr. ROBBINS, and Mr. BUTLER of Massachusetts, were appointed.

The House divided; and the tellers reported ayes 42.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. RANDALL. I move that when the House adjourns to-day it be to meet on Friday; and on that motion I call for the yeas and nays.

Mr. BUTLER, of Massachusetts. And I call for tellers on the question of ordering the yeas and nays.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. RANDALL were appointed.

Mr. WARD, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. It is not in order to make a parliamentary inquiry when the House is dividing.

Mr. WARD, of Illinois. It will be too late after the House shall have divided.

The House divided; and the tellers reported ayes 41.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. CLYMER. I move to amend the motion of my colleague [Mr. RANDALL] by inserting Saturday instead of Friday; and upon that I demand the yeas and nays.

Mr. BUTLER, of Massachusetts. And I demand tellers on ordering the yeas and nays.

Mr. ROBBINS. I rise to a question of order. I desire to know whether we are allowed mileage for this travel in passing between the tellers?

Mr. BUTLER, of Massachusetts. Only actual expenses.

Mr. WILSON, of Iowa. You have been on a fool's errand all night, and you don't get anything for that.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. CLYMER were appointed.

The House divided; and the tellers reported ayes 40.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The SPEAKER *pro tempore*. There are again three questions pending: first, that the House adjourn; second, that when it adjourns it be to meet on Friday; and, third, that this motion be amended by striking out Friday and inserting Saturday. On all these motions the yeas and nays have been ordered. The first question will be on the amendment of the gentleman from Pennsylvania [Mr. CLYMER] to strike out Friday and insert Saturday.

The question was taken; and there were—yeas 49, nays 112, not voting 128; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Comingo, Cook, Creamer, Crittenden, Crossland, Davis, Finck, Glover, Gunter, Henry R. Harris, Hatcher, Hereford, Hunton, Lamar, Magee, McLean, Milliken, Mills, Morrison, Neal, Niblack, Perry, Read, Robbins, Milton Sayler, Stone, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, John D. Young, and Pierce M. B. Young—49.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cain, Cannon, Carpenter, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Havens, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Howe, Hubbell, Hunter, Hyde, Hynes, Killinger, Lawson, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Monroe, Moore, Negley, Niles, Packard, Page, Pelham, Phillips, Pierce, Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, St. John, Stowell, Strait, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Jasper D. Ward, White, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—112.

NOT VOTING—Messrs. Adams, Albert, Atkins, Barnum, Bass, Berry, Buckner, Benjamin F. Butler, Roderick R. Butler, Cason, Chittenden, Freeman Clarke, Clymer, Coburn, Conger, Cox, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Durham, Eden, Eldredge, Farwell, Freeman, Frye, Garfield, Giddings, Hamilton, Hancock, Harmer, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Hendee, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamison, Lamport, Lansing, Lawrence, Leach, Lewis, Lofland, Loughridge, Luttrell, Marshall, Alexander S. McDill, MacDougall, Merriam, Mitchell, Morey, Myers, Nesmith, Nunn, O'Brien, O'Neill, Orr, Orth, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Randall, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Henry B. Sayler, Schell, John G. Schumaker, Sheats, Sheldon, Sherwood, Sloss, Small, George L. Smith, William A Smith, Snyder, Southard, Speer, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Storm, Strawbridge, Swann, Tremain, Waddell, Wallace, Walls, Marcus L. Ward, Wheeler, Whitelely, Wilber, Charles W. Willard, Charles G. Williams, Ephraim K. Wilson, Wood, and Woodworth—128.

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. MILLS. My colleague, Mr. HANCOCK, is absent in consequence of indisposition, but is paired with Mr. O'NEILL, of Pennsylvania. If here he would vote "ay" upon this question, and Mr. O'NEILL would vote "no."

Mr. WILBER. I desire to state that I am paired with Mr. HARRIS, of Virginia, on this question. If he were here he would vote "ay," and I should vote "no."

The result of the vote was then announced as above recorded.

The question recurred on the motion of Mr. RANDALL, that when the House adjourns to-day it adjourn to meet on Friday next, on which the yeas and nays had been ordered.

The question was taken; and there were—yeas 50, nays 108, not voting 131; as follows:

YEAS—Messrs. Arthur, Ashe, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Creamer, Crittenden, Crossland, Finck, Giddings, Glover, Gunter, Henry R. Harris, Hatcher, Hereford, Hunton, Knapp, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Niblack, Perry, Randall, Read, Robbins, Standiford, Stone, Swann, Vance, Wells, Whitehead, Whitehouse, Willie, John D. Young, and Pierce M. B. Young—50.

NAYS—Messrs. Albright, Archer, Barrere, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Benjamin F. Butler, Cain, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Donnan, Dunnell, Eames, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McKee, Monroe, Myers, Negley, Niles, Page, Isaac C. Parker, Pelham, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, J. Ambler Smith, John Q. Smith, Sprague, St. John, Stowell, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Tyner, Waldron, Jasper D. Ward, White, George Willard, John M. S. Williams, William Williams, William B. Williams, and Jeremiah M. Wilson—108.

NOT VOTING—Messrs. Adams, Albert, Atkins, Averill, Banning, Barber, Barnum, Barry, Bass, Buckner, Burrows, Roderick R. Butler, Cannon, Chittenden, Freeman Clarke, Coburn, Cox, Crooke, Curtis, Danford, Darrall, Davis, Dawes, DeWitt, Dobbins, Duell, Durham, Eden, Eldredge, Farwell, Frye, Robert S. Hale, Hamilton, Hancock, Harmer, John T. Harris, John B. Hawley, Hays, Hendee, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hurlbut, Kelley, Kellogg, Kendall, Killinger, Lamar, Lamison, Lamport, Lansing, Leach, Lofland, Loughridge, Marshall, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Mitchell, Moore, Morey, Nesmith, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Sheats, Sheldon, Sherwood, Sloss, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Starkweather, Alexander H. Stephens, Charles A. Stevens, Storm, Strawbridge, Sypher, Todd, Tremain, Waddell, Wallace, Walls, Marcus L. Ward, Wheeler, Whiteley, Whitthorne, Wilber, Charles W. Willard, Charles G. Williams, Ephraim K. Wilson, James Wilson, Wolfe, Wood, and Woodworth—131.

So the motion was not agreed to.

The question recurred upon the motion that the House adjourn, on which the yeas and nays had been ordered.

Mr. COMINGO. I ask unanimous consent that the House take a recess for one hour.

Mr. ALBRIGHT. No, sir.

Mr. RANDALL. I object.

The question was taken; and there were—yeas 54, nays 102, not voting 133; as follows:

YEAS—Messrs. Adams, Archer, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Eldredge, Finck, Glover, Gunter, Henry R. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Lamison, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Niblack, Perry, Randall, Read, Robbins, Milton Sayler, Standiford, Stone, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Willie, and Pierce M. B. Young—54.

NAYS—Messrs. Albright, Barber, Barrere, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Cotton, Crounse, Crutchfield, Darrall, Donnan, Dunnell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harrison, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Howe, Hunter, Hynes, Kasson, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McKee, McNulta, Monroe, Myers, Negley, Niles, Orr, Page, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Ray, Ellis H. Roberts, James W. Robinson, Rusk, Isaac W. Scudder, Sener, Sessions, Sheldon, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, White, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—102.

NOT VOTING—Messrs. Albert, Arthur, Atkins, Averill, Barnum, Barry, Bass, Begole, Berry, Bright, Buckner, Burchard, Roderick R. Butler, Cain, Chittenden, Freeman Clarke, Coburn, Corwin, Crooke, Curtis, Danford, Davis, Dawes, DeWitt, Dobbins, Duell, Durham, Eames, Eden, Farwell, Frye, Giddings, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, John T. Harris, Havens, John B. Hawley, Hays, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hubbell, Hurlbut, Hyde, Kelley, Kellogg, Kendall, Killinger, Lamport, Lansing, Leach, Lofland, Loughridge, Marshall, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Mitchell, Moore, Morey, Nesmith, Nunn, O'Brien, O'Neill, Orth, Packard, Packer, Hosea W. Parker, Pendleton, Phelps, Phillips, Pierce, Pike, Poland, Potter, Purman, Rapier, Richmond, William R. Roberts, James C. Robinson, Ross, Sawyer, Henry B. Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Shanks, Sheats,

Sherwood, Lazarus D. Shoemaker, Sloss, George L. Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Starkweather, Alexander H. Stephens, Charles A. Stevens, Storm, Strait, Strawbridge, Thornburgh, Todd, Tremain, Walls, Marcus L. Ward, Wheeler, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, Ephriam K. Wilson, Wolfe, Wood, Woodworth, and John D. Young—133.

So the motion to adjourn was not agreed to.

Mr. RANDALL. I move that when the House adjourns it adjourn to meet on Friday next; and on that motion I ask for the yeas and nays.

Mr. BUTLER, of Massachusetts. I call for tellers on ordering the the yeas and nays.

Mr. CONGER. Could not the gentleman from Pennsylvania [Mr. RANDALL] vary the proceeding a little by naming Saturday?

Mr. RANDALL. The old tune is so harmonious that I do not like to change it.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 50, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. ELDREDGE. I move to amend the motion of the gentleman from Pennsylvania [Mr. RANDALL] by striking out Friday and inserting Saturday.

Mr. BURLEIGH. Would it be in order to move to amend by naming Saturday morning at nine o'clock?

The SPEAKER *pro tempore*. That motion is not in order.

Mr. BUTLER, of Massachusetts. I call for the yeas and nays on agreeing to the motion of the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. I knew the gentleman would help us after awhile.

The question being taken on ordering the yeas and nays—

The SPEAKER *pro tempore*. In the opinion of the Chair, there is a sufficient number.

Mr. BUTLER, of Massachusetts. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported ayes 42, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 41, nays 87, not voting 161; as follows:

YEAS—Messrs. Adams, Archer, Ashe, Banning, Bell, Bland, Blount, Bowen, Bromberg, Brown, Caldwell, Clymer, Comingo, Cook, Cox, Creamer, Davis, Durham, Eldredge, Giddings, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Lamar, Lamison, Luttrell, Magee, Milliken, Mills, Randall, Robbins, Milton Sayler, Standiford, Waddell, Whitehead, Whitehouse, Willie, and Pierce M. B. Young—41.

NAYS—Messrs. Albright, Barber, Barrere, Biery, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Crutchfield, Darrall, Dunnell, Field, Foster, Garfield, Gooch, Gunckel, Hagans, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Hodges, Howe, Hubbell, Hyde, Hynes, Lawson, Lewis, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Monroe, Myers, Negley, Niles, Orr, Packard, Page, Parsons, Pelham, James H. Platt, jr., Poland, Rainey, Ransier, Rapier, Ray, James W. Robinson, Rusk, Sener, Sheldon, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sypher, Taylor, Thompson, Thornburgh, Townsend, Waldron, Wallace, Jasper D. Ward, White, George Willard, John M. S. Williams, William Williams, William B. Williams, and James Wilson—87.

NOT VOTING—Messrs. Albert, Arthur, Atkins, Averill, Barnum, Barry, Bass, Beck, Begole, Berry, Bradley, Bright, Buckner, Burchard, Roderick R. Butler, Cain, Chittenden, John B. Clark, jr., Freeman Clarke, Coburn, Crittenden, Crooke, Crossland, Curtis, Danford, Dawes, DeWitt, Dobbins, Donnan, Duell, Eames, Eden, Farwell, Finck, Fort, Freeman, Frye, Glover, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, Hathorn, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hunter, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamport, Lansing, Lawrence, Leach, Lofland, Loughridge, Lowndes, Marshall, Alexander S. McDill, MacDougall, McLean, Merriam, Mitchell, Moore, Morey, Morrison, Neal, Nesmith, Niblack, Nunn, O'Brien, O'Neill, Orth, Packer, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Potter, Pratt, Purman, Read, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, Ross, Sawyer, Henry B. Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Starkweather, Alexander H. Stephens, Charles A. Stevens, St. John, Stone, Storm, Stowell, Strait, Strawbridge, Swann, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Tyner, Vance, Walls, Marcus L. Ward, Wells, Wheeler, Whiteley, Whitthorne, Wilber, Charles W. Willard, Charles G. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, and John D. Young—161.

During the roll-call,

Mr. KNAPP said: On this vote I am paired with the gentleman from Ohio, Mr. LAWRENCE, who, if present, would vote in the negative while I would vote in the affirmative.

The result of the vote was then announced—no quorum voting.

Mr. HEREFORD. Is it in order to move to take up the post-office appropriation bill?

Several MEMBERS. Regular order!

Mr. WARD, of Illinois. I move a call of the House.

The SPEAKER *pro tempore*. The motion for a call of the House is not yet in order. The motion for adjournment comes first.

Mr. RANDALL. I made that motion, and on it demand the yeas and nays.

Mr. MAYNARD. I call for tellers on ordering the yeas and nays.

Mr. RANDALL. Mr. Speaker, what is the condition of the former motions?

The SPEAKER *pro tempore*. They stand precisely where they did before. There are two propositions now pending undecided.

Mr. LUTTRELL. I believe, Mr. Speaker, there was no quorum voting on the last vote.

The SPEAKER *pro tempore*. The Chair understands that very well; and that is the very reason that the Chair will entertain the motion to adjourn.

Mr. MAYNARD. If this motion to adjourn should be voted down, will a motion for a call of the House be then in order?

The SPEAKER *pro tempore*. It will not, if a quorum should be found present.

Mr. WARD, of Illinois. When will the motion for a call of the House be in order?

The SPEAKER *pro tempore*. The Chair will rule on that question when it arises, if it should arise. Should no quorum vote on the motion to adjourn, the Chair will entertain a motion for a call of the House.

Mr. CONGER. I am informed—I do not know whether it is true or not—that no quorum voted on the last vote.

The SPEAKER *pro tempore*. The Chair understood that fully before he made his ruling.

Mr. RANDALL. I withdraw my call for the yeas and nays.

Mr. CONGER. As there was no quorum on the last vote, I would like to inquire whether it is in order to move a call of the House?

The SPEAKER *pro tempore*. It is not at this time, pending the motion to adjourn.

Mr. CONGER. I would ask the Chair the reason of that ruling?

The SPEAKER *pro tempore*. The reason is that there is a motion to adjourn now pending, which takes precedence of the motion for a call of the House.

Mr. CONGER. If the Chair pleases, I would like to have read the rule which prevents a call of the House when we find ourselves without a quorum.

The SPEAKER *pro tempore*. The rule was read at the beginning of the session this morning by the Speaker.

Mr. O'NEILL. It has not been read by the present occupant of the chair. We consider you, sir, the Speaker for the time being, with full power and capacity to rule upon these questions, and you ought to do it.

The Clerk read as follows:

When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or succeeding day; and such motion shall take precedence of all other questions except a motion to adjourn.

Mr. WILSON, of Iowa. That rule, if the Chair pleases, does not touch at all upon the question whether this House, finding itself without a quorum, cannot send for absentees.

Mr. McKEE. Let the rule on that subject be read.

Mr. CONGER. I did not ask for the reading of the rule in regard to priority of motions; and I do not think the reading of it was a proper answer to a proper question.

Mr. WILSON, of Iowa. Let us have the rule on this point read.

The SPEAKER *pro tempore*. The Chair has just had read the rule on this point, the only rule there is governing the subject. There is a motion pending to reconsider, and a motion to adjourn can be entertained for another reason: that is that it does not require a quorum to determine it one way or the other. Perhaps by the time the roll is called upon this question a quorum may be present. If not, it will be time enough then to move a call of the House.

Mr. WILSON, of Iowa. I ask the Chair to read the rule bearing directly on the point I now raise, which is this: When the House of Representatives finds itself without a quorum, a motion to adjourn is in order, I admit; but that motion being voted down, then it is in order for the majority of those present, though less than a quorum, to order that the absentees be sent for.

The SPEAKER *pro tempore*. But whether there be a quorum present or not, upon the consideration of a motion to reconsider, a motion to adjourn is in order. That motion has precedence; and it may be entertained whether there be a quorum present or not. That motion is in order at this time. The pending question is upon the motion to adjourn; upon which the gentleman from Pennsylvania [Mr. RANDALL] called for the yeas and nays.

Mr. WILSON, of Iowa. But, Mr. Speaker, allow me a moment——

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. WILSON, of Iowa. I understood the Chair to rule that after a motion to adjourn had been voted down by less than a quorum, we could not then send for absentees.

The SPEAKER *pro tempore*. The Chair did not so rule, because there has been no motion to adjourn voted down. There was a motion to fix Saturday as the day to which the House would adjourn, which was voted down.

Mr. WILSON, of Iowa, Then I misunderstood the Chair.

The SPEAKER *pro tempore*. The question is on the motion to adjourn, on which the yeas and nays have been demanded by the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I withdraw the call for the yeas and nays.

Several members renewed the call for the yeas and nays.

Mr. MAYNARD. I ask for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. MAYNARD and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 44, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. ELDREDGE. I am ashamed that the republican side of the House should go to filibustering at this late hour of the session.

The question was taken; and there were—yeas 54, nays 91, not voting 144; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Creamer, Crittenden, Crossland, Davis, Durham, Eldredge, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Mills, Randall, Robbins, Milton Sayler, Sloss, Standiford, Stone, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, John D. Young, and Pierce M. B. Young—54.

NAYS—Messrs. Barber, Barrere, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Cain, Cason, Cessna, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crounse, Darrall, Dobbins, Donnan, Dunnell, Field, Garfield, Gooch, Gunckel, Hagans, Harmer, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Hubbell, Hunter, Hyde, Hynes, Lansing, Lawson, Lewis, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, Packard, Page, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Rapier, Ray, Ross, Rusk, Sener, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Stanard, St. John, Stowell, Strawbridge, Charles R. Thomas, Thornburgh, Todd, Townsend, Wallace, Jasper D. Ward, Marcus L. Ward, George Willard, John M. S. Williams, William Williams, William B. Williams, and James Wilson—91.

NOT VOTING—Messrs. Albert, Albright, Archer, Atkins, Averill, Banning, Barnum, Barry, Bass, Begole, Berry, Brown, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Chittenden, Amos Clark, jr., Freeman Clarke, Clements, Comingo, Cotton, Crooke, Crutchfield, Curtis, Danford, Dawes, DeWitt, Duell, Eames, Eden, Farwell, Finck, Fort, Foster, Freeman, Frye, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Harrison, Hathorn, Havens, Hays, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Howe, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamport, Lawrence, Lofland, Loughridge, Lowndes, Marshall, Alexander S. McDill, MacDougall, Mitchell, Morey, Morrison, Neal, Nesmith, Niblack, Niles, Nunn, O'Brien, O'Neill, Orr, Orth, Packer, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Potter, Pratt, Purman, Ransier, Read, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Sawyer, Henry B. Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sherwood, George L. Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Starkweather, Alexander H. Stephens, Charles A. Stevens, Storm, Strait, Swann, Sypher, Taylor, Christopher Y. Thomas, Thompson, Tremain, Tyner, Waldron, Walls, Wells, Wheeler, White, Whiteley, Wilber, Charles W. Willard, Charles G. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodworth—144.

So the House refused to adjourn.

During the vote,

Mr. SPEER said: I paired last night with Mr. HOOPER, of Massachusetts, who has not yet reached the Hall, and therefore I will not vote on this roll-call.

Mr. ATKINS said: I have paired with the gentleman from Alabama, [Mr. HAYS,] who has not yet reached the Hall, and I decline to vote.

Mr. O'NEILL said: I wish to state, Mr. Speaker, that on the last four or five roll-calls I have been paired with Mr. HANCOCK, of Texas, and the pair does not expire until after this vote. He would vote in the affirmative, while I would vote in the negative on this and the other votes to adjourn and adjourn over.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. This vote develops the presence of a quorum; and the question now recurs upon the question during the voting upon which the House found itself without a quorum.

Mr. SENER. How does 52 and 92 make a quorum?

The SPEAKER *pro tempore*. The Chair is advised that it is one over a quorum.

Mr. SAYLER, of Ohio. Fifty-two and 92 do not constitute a quorum of this House.

Mr. SPEER. That would make the full House consist only of 280 members.

The SPEAKER *pro tempore*. One hundred and forty-six members have voted; and, according to information from the Clerk, 145 is a quorum.

Mr. SPEER. One hundred and forty-six have not voted, according to the announcement of the Chair.

Mr. MAYNARD. I demand the regular order.

Mr. SPEER. The regular order is to know whether we have a quorum here or not.

The SPEAKER *pro tempore*. The Chair made a mistake in the announcement; it should be 54 to 91, and not 52 to 92.

Mr. WILSON, of Iowa. Gentlemen who have been in bed all night should have some mercy upon those who have been in constant attendance and have just gone to get their breakfast.

The SPEAKER *pro tempore*. The motion to adjourn is not agreed to; and the question recurs on the amendment to the motion that when the House adjourns to-day it adjourn to meet on Friday by striking out Friday and inserting Saturday, upon which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 56, nays 100, not voting 133; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clarke, jr., Clymer, Cook, Cox, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Leach, Luttrell, Magee, McLean, Milliken, O'Brien, Randall, Robbins, Milton Sayler, Sloss, Standiford, Stone, Storm, Vance, Waddell, Whitehouse, Whitthorne, Willie, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—56.

NAYS—Messrs. Barrere, Barry, Begole, Bradley, Buffinton, Bundy, Burchard, Burleigh, Cain, Cannon, Carpenter, Cason, Cessna, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crutchfield, Dobbins, Duell, Field, Freeman, Gooch, Gunckel, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Howe, Hubbell, Hunter, Hyde, Hynes, Kellogg, Killinger, Lansing, Lawrence, Loughridge, Lowe, Lowndes, Lynch, Maynard, McCrary, Merriam, Monroe, Moore, O'Neill, Orr, Orth, Page, Parsons, Pelham, Phillips, Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Ross, Rusk, Sener, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Sprague, Stanard, Stowell, Strait, Strawbridge, Sypher, Charles R. Thomas, Thornburgh, Todd, Townsend, Wallace, Jasper D. Ward, Marcus L. Ward, White, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, and James Wilson—100.

NOT VOTING—Messrs. Adams, Albert, Albright, Atkins, Averill, Barber, Barnum, Bass, Berry, Biery, Brown, Burrows, Benjamin F. Butler, Roderick R. Butler, Chittenden, Amos Clark, jr., Freeman Clarke, Comingo, Cotton, Creamer, Crooke, Crounse, Curtis, Danford, Darrall, Dawes, DeWitt, Donnan, Dunnell, Eames, Eden, Farwell, Fort, Foster, Frye, Garfield, Eugene Hale, Hamilton, Hancock, Harrison, Hathorn, Hays, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hurlbut, Kasson, Kelley, Kendall, Lamison, Lamport, Lawson, Lewis, Lofland, Marshall, Martin, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Mills, Mitchell, Morey, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Niles, Nunn, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Potter, Purman, Ransier, Read, Richmond, Ellis A. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Sawyer, Henry B. Sayler, Schell, John B. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sherwood, George L. Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Starkweather, Alexander H. Stephens, Charles A. Stevens, St. John, Swann, Taylor, Christopher Y. Thomas, Thompson, Tremain, Tyner, Waldron, Walls, Wells, Wheeler, Whitehead, Whiteley, Charles W. Willard, Charles G. Williams, Ephraim K. Wilson, and Jeremiah M. Wilson—133.

So the House rejected the amendment to adjourn over till Saturday next.

During the vote,

Mr. SOUTHARD said: Mr. Speaker, on all roll-calls on adjournments and adjournments over I have been paired with my colleague, Mr. SHERWOOD, who is still absent. If he were here he would vote in the negative, while I would vote in the affirmative.

The vote was then announced as above recorded.

The question recurred on the motion that when the House adjourns to-day it adjourn till Friday next, on which the yeas and nays had been ordered.

The question was then taken; and it was decided in the negative—yeas 51, nays 125, not voting 113; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, Hatcher, Hereford, Hunton, Lamar, Leach, Magee, McLean, Milliken, Niblack, O'Brien, Robbins, Milton Sayler, Sloss, Speer, Stone, Storm, Vance, Waddell, Wells, Whitehouse, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—51.

NAYS—Messrs. Barber, Barrere, Begole, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hooper, Hoskins, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Kellogg, Killinger, Lansing, Lawson, Loughridge, Lowndes, Lynch, Maynard, McCrary, McNulta, Monroe, Morey, Myers, Nunn, O'Neill, Orr, Orth, Packard, Page, Parsons, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheats, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Stanard, Strait, Strawbridge, Sypher, Charles R. Thomas, Thornburgh, Townsend, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—125.

NOT VOTING—Messrs. Adams, Albert, Albright, Atkins, Averill, Barnum, Barry, Bass, Berry, Biery, Bradley, Benjamin F. Butler, Roderick R. Butler, Caldwell, Amos Clark, jr., Freeman Clarke, Comingo, Cotton, Cox, Creamer, Crooke, Crounse, Curtis, Danford, DeWitt, Eden, Farwell, Fort, Frye, Hancock, John T. Harris, Harrison, Hathorn, Hays, Hendee, Herndon, Hersey, George F. Hoar, Hodges, Holman, Houghton, Hurlbut, Kelley, Kendall, Knapp, Lamison, Lamport, Lawrence, Lewis, Lofland, Lowe, Luttrell, Marshall, Martin, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Mills, Mitchell, Moore, Morrison, Neal, Negley, Nesmith, Niles, Packer, Hosea W. Parker, Isaac C. Parker, Perry, Phelps, Pike, Potter, Purman, Randall, Ransier, Read, Richmond, William R. Roberts, James C. Robinson, Henry B. Sayler, Schell, John G. Schumaker, Sener, Sessions, Shanks, Sheldon, Sherwood, George L. Smith, William A. Smith, Snyder, Southard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, St. John, Stowell, Swann, Taylor, Christopher Y. Thomas, Thompson, Todd, Tremain, Tyner, Waldron, Walls, Wheeler, Whitehead, Wolfe, Wood, and Woodworth—113.

So the motion to adjourn over till Friday was not agreed to.

During the call of the roll the following announcements were made:

Mr. WOLFE. I am paired with Mr. PACKARD, of Indiana. If here he would vote "no," and I would vote "ay."

Mr. MILLS. I am paired with Mr. NEGLEY, of Pennsylvania. If he were present he would vote "no," and I would vote "ay."

Mr. MOORE. I withdraw my vote. I am paired with Mr. HARRIS, of Virginia. He would vote "ay," and I would vote "no."

Mr. LAWRENCE. I withdraw my vote. I am paired with Mr. KNAPP, of Illinois. If here he would vote "ay," and I would vote "no."

Mr. WILSON, of Iowa. If we do not have a quorum I shall object to these withdrawals.

Mr. COX. I am paired with Mr. TREMAIN, of New York, on the

main question of the civil-rights bill. As these motions for adjournment are inconsequential questions, I am not certain whether I am paired on them or not; but I prefer to withdraw my vote.

The result of the vote was then announced as above recorded.

Mr. ELDREDGE. I move that the House do now adjourn. It seems to me that after this long session we ought to adjourn. I think the House is in a temper to do so.

Mr. SYPHER. Has the gentleman had his breakfast?

Mr. CESSNA. I object to debate.

Mr. O'BRIEN. I call for the yeas and nays on the motion of the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. BUTLER, of Massachusetts. And I call for tellers on ordering the yeas and nays.

Mr. MERRIAM. I rise to make a parliamentary inquiry. I want to know if it be in order at the present time to have the bill which is offered for consideration read before the House; for I know that not one in ten of the gentlemen on the floor of the House know what it contains. And I do not think it is courageous for men to fight that which they do not know.

Mr. BECK. We know all about it.

Mr. SPEER. Gentlemen can read the bill themselves.

Mr. BUTLER, of Massachusetts. I announced that the bill was printer's No. 4100.

Mr. MERRIAM. The minority of the House fear that it contains what it does not contain. If they read it, their objections to it I am sure would cease.

Mr. FIELD. If the gentleman had been here last night he would have heard the substitute offered by the gentleman from Indiana, [Mr. SHANKS.]

Tellers were ordered on taking the question by yeas and nays; and Mr. BEGOLE and Mr. WILBER were appointed.

The House divided; and the tellers reported ayes 40.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. BECK. I move that when the House adjourns to-day it be to meet on Friday next.

The SPEAKER. That motion has just been decided and no other business has since intervened.

Mr. ELDREDGE. Has not a motion to adjourn intervened?

Mr. BECK. Then I move that when the House adjourns it be to meet on Saturday.

Mr. O'BRIEN. On that motion I call for the yeas and nays.

Mr. LOUGHRIDGE. And I call for tellers on the yeas and nays.

Tellers were ordered; and Mr. CHITTENDEN and Mr. O'BRIEN were appointed.

The House divided; and the tellers reported ayes 38.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. RANDALL. I rise to a parliamentary question, whether a motion of this sort would be in order, that when the House adjourns to-day it adjourn to meet on Friday; or must the longest time be taken first?

The SPEAKER. That rule only applies to filling blanks.

Mr. BUTLER, of Massachusetts. If we should adjourn now would not the standing rule require us to adjourn until Friday?

The SPEAKER. This is still Wednesday's session.

Mr. BUTLER, of Massachusetts. O, I forgot; it has been long-enough for two days any way.

Mr. RANDALL. I move to amend the motion of the gentleman from Kentucky by striking out Saturday and inserting Friday.

Mr. HAMILTON. And on that motion I call for the yeas and nays.

Mr. BUTLER, of Massachusetts. I call for tellers on the question of ordering the yeas and nays.

Tellers were ordered; and Mr. EAMES and Mr. WILLIE were appointed.

The House divided; and the tellers reported ayes 41.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The SPEAKER. The first question is on the amendment of the gentleman from Pennsylvania [Mr. RANDALL] to the motion of the gentleman from Kentucky, [Mr. BECK,] to insert Friday instead of Saturday as the day to which the House will adjourn.

The question was taken; and there were—yeas 61, nays 140, not voting 88; as follows:

YEAS—Messrs. Arthur, Ashe, Atkins, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Luttrell, Magee, McLean, Milliken, Neal, Niblack, O'Brien, Robbins, Sloss, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—61.

NAYS—Messrs. Albright, Barber, Barrere, Barry, Begole, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Conger, Corwin, Cotton, Crutchfield, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Freeman, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Howe, Hunter, Hurlbut, Hyde, Hynes, Kellogg, Killinger, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Lynch, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Niles, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheats, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Charles A. Stevens, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tyner, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—140.

NOT VOTING—Messrs. Adams, Albert, Archer, Averill, Banning, Barnum, Bass, Berry, Biery, Freeman Clarke, Clinton L. Cobb, Coburn, Cox, Creamer, Crooke, Crounse, Curtis, Danford, Darrall, Dawes, De Witt, Eden, Farwell, Foster, Frye, Hagans, John T. Harris, Havens, Hendee, Hersey, George F. Hoar, Houghton, Hubbell, Kasson, Kelley, Kendall, Lamison, Lamport, Leach, Lewis, Lofland, Marshall, Martin, Alexander S. McDill, MacDougall, Mills, Mitchell, Morrison, Negley, Nesmith, Packer, Hosea W. Parker, Pelham, Perry, Phelps, Pike, Potter, Purman, Randall, Read, Richmond, William R. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Sener, Sessions, Shanks, Sheldon, Sherwood, Smart, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Alexander H. Stephens, St. John, Stowell, Charles R. Thomas, Thornburgh, Tremain, Waldron, Walls, Wheeler, and Willie—88.

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. FARWELL. I am paired upon this question with Mr. MITCHELL, of Wisconsin. If here he would vote "ay," and I should vote "no."

Mr. ARCHER. Upon this question I am paired with the gentleman from Alabama, Mr. PELHAM. If here he would vote "no," and I would vote "ay."

The result of the vote was then announced as above recorded.

The question recurred on the motion of Mr. BECK that when the House adjourns to-day it be to meet on Saturday next, on which the yeas and nays had been ordered.

The question was taken; and there were—yeas 57, nays 102, not voting 130; as follows:

YEAS—Messrs. Arthur, Ashe, Atkins, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Luttrell, Magee, McLean, Milliken, Neal, Nesmith, O'Brien, Randall, Robbins, Sloss, Speer, Stone, Storm, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—57.

NAYS—Messrs. Albright, Averill, Barber, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Cotton, Crounse, Crutchfield, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Gooch, Gunckel, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Howe, Hunter, Hurlbut, Hynes, Kellogg, Lansing, Lawrence, Lawson, Lewis, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Morey, Niles, Nunn, O'Neill, Orr, Orth, Packard, Parsons, Pendeton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sener, Shanks, Sheats, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Charles A. Stevens, St. John, Strait, Strawbridge, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Townsend, Tyner, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—102.

NOT VOTING—Messrs. Adams, Albert, Archer, Banning, Barnum, Barrere, Barry, Bass, Beck, Burchard, Cannon, Freeman Clarke, Clinton L. Cobb, Comingo, Corwin, Cox, Creamer, Crooke, Curtis, Danford, Darrall, Davis, Dawes, DeWitt, Eden, Farwell, Foster, Freeman, Frye, Garfield, Hagans, Eugene Hale, Hancock, Hendee, Hersey, George F. Hoar, Houghton, Hubbell, Hyde, Kasson, Kelley, Kendall, Killinger, Lamison, Lamport, Leach, Lofland, Loughridge, Lowe, Marshall, Alexander S. McDill, MacDougall, Mills, Mitchell, Morrison, Myers, Negley, Niblack, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Phelps, Pike, Potter, Purman, Read, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Sessions, Sheldon, Sherwood, Smart, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Standiford, Starkweather, Alexander H. Stephens, Stowell, Swann, Sypher, Thornburgh, Tremain, Waldron, Walls, Wheeler, Willie, and Wood—130.

So the motion was not agreed to.

During the roll-call the following announcement was made:

Mr. ARCHER. I am paired with Mr. PELHAM, of Alabama, who would have voted in the negative on this question.

The result of the vote was then announced as above recorded.

The question recurred on the motion of Mr. ELDREDGE that the House do now adjourn, on which the yeas and nays had been ordered.

Mr. MCCRARY. Pending that motion I ask unanimous consent to present a resolution for reference to the Committee on the Rules.

Mr. SPEER and Mr. RANDALL objected.

Mr. ELDREDGE. That is the coolest proposition I have heard for a long time.

Mr. KASSON. I rise to make a proper parliamentary inquiry. Should the House now adjourn, it being five minutes to twelve o'clock, and the Speaker should call the House again to order at twelve o'clock, the hour at which by the rules he is required to call it to order, after the reading of the Journal of to-day's proceedings will this business on which we have been engaged during the legislative session of to-day be proceeded with?

The SPEAKER. Of course this business would come up as the unfinished business; but there is nothing that reqnires the session to terminate at twelve o'clock.

Mr. KASSON. I make the point with a view of keeping our records properly.

Mr. WILSON, of Indiana. The records are all right.

Mr. KASSON. I am not aware that the question has ever been ruled upon.

Mr. ELDREDGE. Then it would seem that to-day is yesterday and to-morrow too.

Mr. MAYNARD. There is no question before the House.

Mr. KASSON. I made a parliamentary inquiry.

The SPEAKER. The Chair thinks it is a proper parliamentary inquiry, and, in answer to the gentleman, would say that of course, if the House should now adjourn, the unfinished business would come up at the commencement of its next day's session. The real pending business before the House is the motion of the gentleman from Pennsylvania, [Mr. RANDALL,] or rather the question raised by him of the consideration of the motion made by the gentleman from Massachusetts, [Mr. BUTLER,] which motion is to reconsider the vote by which the House recommited this bill to the Committee on the Judiciary.

Mr. KASSON. That would be the unfinished business.

The SPEAKER. It would, and must remain so, unless disposed of by this House, until the end of this Congress.

Mr. ELDREDGE. I call the regular order, which is the motion to adjourn, on which the yeas and nays have been ordered.

Mr. McKEE. If there should be no adjournment of the House now, will the Speaker, at twelve o'clock, take the chair, and rule that a new day has begun?

The SPEAKER. We are now, according to usage, in the legislative day of Wednesday, January 27. The Chair knows and recognizes the fact that that involves some contradictions and apparent difficulties. At the same time it is the usage long continued and, so far as the Chair knows, unvaried.

Mr. McKEE. Then this day may last a week.

The SPEAKER. That is for the House to determine.

Mr. McKEE. I am glad to know that this is yesterday.

Mr. BUTLER, of Massachusetts. Has not the legislative day sometimes exceeded in length three calendar days?

The SPEAKER. The Chair thinks that on one occasion, in 1854, a single legislative day extended over three calendar days.

Mr. ELDREDGE. There is nothing natural about a legislative day; it is all artificial.

Mr. SCOFIELD. I wish to make a parliamentary inquiry of the Chair.

The SPEAKER. The Chair will hear the gentleman.

Mr. SCOFIELD. It is whether there is any means within the rules of the House whereby the majority of the House may proceed to the consideration of public business, and break up this apparently endless chain of dilatory motions?

Mr. COX. Bring in your appropriation bills; we are ready to consider them.

The SPEAKER. As the rules now stand, it is of course in order to move to adjourn, and to alternate that motion with motions to fix the day to which the House will adjourn; and those motions can be renewed *ad infinitum*.

Mr. SCOFIELD. Could that be obviated by a change of the rules?

The SPEAKER. That is for the House to determine.

Mr. SCOFIELD. Suppose these motions to adjourn and to fix the time to which the House will adjourn are made when a proposition to change the rules is submitted to the House; how could we ever get at the matter then?

The SPEAKER. The Chair has repeatedly ruled that pending a proposition to change the rules dilatory motions could not be entertained, and for this reason: he has several times ruled that the right of each House to determine what shall be its rules is an organic right expressly given by the Constitution of the United States. The rules are the creature of that power, and of course they cannot be used to destroy the power. The House is incapable, by any form of rules, of divesting itself of its inherent constitutional power to exercise its function to determine its own rules. Therefore the Chair has always announced that upon a proposition to change the rules of the House he would never entertain a dilatory motion.

Mr. RANDALL. I raise the point that no notice has been given of a notice to change the rules.

The SPEAKER. There is no proposition pending of that kind; the Chair has only indicated what he would rule when such a proposition was submitted.

Mr. SCOFIELD. I had no proposition of that kind to make, and had not thought of any. I only wanted to know whether there was any way to break up this chain of dilatory motions.

The SPEAKER. The Chair has repeatedly ruled that the House of Representatives is competent, by a vote of the majority, to do what it pleases under the Constitution of the United States; he has always maintained that ground.

Mr. McCRARY. Is it in order now to give notice of a motion to amend the rules?

Mr. ELDREDGE. The regular order is the motion to adjourn.

Mr. McCRARY. If it is in order I desire to give that notice at this time.

The SPEAKER. The Chair thinks the process of amending the rules should be according to some prescribed mode. The gentleman from Iowa [Mr. McCRARY] will observe that it would not do to hold that a proposition to amend the rules, made by any one member on the floor of the House, is a privileged proposition. If that were so, it would only give another form of dilatory motion. If a proposition to change the rules is privileged in the hands of one member, it would be equally privileged in the hands of two hundred and ninety-two members. Therefore the proposition to amend the rules should be through the regular channel of amendment. If amendments of the rules should be entertained upon the motion of any member, that would only give another and interminable form of dilatory motions, because, if it be privileged to amend one rule, it would be equally privileged to amend them all; and if the motion to amend by any one member is privileged, similar motions by all members would be equally privileged; there would be no end to such propositions. The House proceeds through channels of law and regular rules made pursuant to the Constitution of the United States. It is the high function of the House by that constitutional power to change its rules whenever the majority shall see fit to do so.

Mr. McCRARY. When will it be in order to give that notice, or to move to amend the rules?

The SPEAKER. On Monday during the call for bills and joint resolutions for reference.

Mr. ALBRIGHT. Suppose the House should continue the session of to-day until Monday?

The SPEAKER. It is quite in the power of the majority, if they want to do so for any purpose, to effect an adjournment. The Chair only said that a majority could change the rules.

Mr. McCRARY. I am not sure that I have been understood. I desire to give notice that on to-morrow, or on some subsequent day, I will move to amend the rules.

Mr. RANDALL. That notice is not in order pending the motion to adjourn.

The SPEAKER. The Chair has always held, as members know who have observed, that on Monday morning, during the call of States for bills and joint resolutions for reference, concurrent resolutions for printing, and proposed amendments to the rules, are in order, for the reason that if not so receivable, there could be no other mode of getting them regularly before the House; and it never was in contemplation that the House should tie itself up beyond the power of change.

Mr. HAWLEY, of Illinois. Could a proposed amendment to the rules be acted upon except it be reported from the Committee on Rules?

Mr. HYNES. The rules only require one day's notice to be given of a proposed change of the rule.

Mr. RANDALL. How are you to get that notice in?

Mr. HOSKINS. If notice is given on Monday, according to the decision of the Chair, of a proposed amendment of the rules, will it be in order for the Committee on Rules to report upon it at any time?

The SPEAKER. Of course; that is the undoubted function of the Committee on Rules, to report at any time.

Mr. ELDREDGE. I call for the regular order of business; all this is irregular.

The SPEAKER. The pending motion is the motion to adjourn.

Mr. KASSON. It is now after twelve o'clock. If the motion to adjourn should be now carried, could the Speaker again call the House to order until twelve o'clock to-morrow, Friday?

The SPEAKER. The Chair thinks not.

Mr. KASSON. As it is now after twelve o'clock——

The SPEAKER. If the House should now adjourn it would have to adjourn to twelve o'clock on the next calendar day.

Mr. RANDALL. I insist upon the regular order.

The SPEAKER. The regular order is the motion to adjourn, upon which the yeas and nays have been ordered.

Mr. BUTLER, of Massachusetts. Does not the ruling of the Chair that this is a continuous legislative day put us out of the benefit of the clergy? That is, can we have prayers to-day?

The SPEAKER. It is not a new legislative day, though a new calendar day.

Mr. BUTLER, of Massachusetts. And without the benefit of the clergy.

The question was taken on the motion to adjourn; and there were—yeas 70, nays 144, not voting 75; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Freeman, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamison, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Randall, Robbins, Sloss, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—70.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Coburn, Conger, Cotton, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Gooch, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hurlbut, Hynes, Kasson, Kellogg, Lansing, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Parsons, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Henry J. Scudder, Sener, Sessions, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, J. Ambler Smith, Sprague, Stanard, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper

D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—144.

NOT VOTING—Messrs. Adams, Banning, Barnum, Barrere, Cannon, Clements, Clinton L. Cobb, Corwin, Crooke, Curtis, Danford, DeWitt, Eden, Farwell, Frye, Garfield, Gunckel, Hagans, Eugene Hale, Hancock, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Howe, Hunter, Hyde, Kelley, Kendall, Killinger, Lamar, Lamport, Leach, Lofland, Loughbridge, Marshall, Alexander S. McDill, MacDougall, Mitchell, Morey, Myers, Packer, Page, Hosea W. Parker, Isaac C. Parker, Perry, Phelps, Pike, Thomas C. Platt, Potter, Purman, Read, William R. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Isaac W. Scudder, Shanks, Sherwood, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Southard, Starkweather, Alexander H. Stephens, Charles R. Thomas, Thornburgh, Walls, Wells, Wheeler, and William Williams—75.

So the motion to adjourn was not agreed to.

During the roll-call,

Mr. SCHUMAKER, of New York, said: On this question I am paired with my colleague, Mr. CROOKE. If he were present he would vote in the negative, and I would vote in the affirmative.

The result of the vote was announced as above stated.

Mr. RANDALL. I move that when the House adjourns to-day it adjourn to meet on Friday next; and on this motion I ask for the yeas and nays.

Mr. KELLOGG. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. RANDALL and Mr. KELLOGG were appointed.

The House divided; and the tellers reported ayes 44, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. ELDREDGE. I move to amend the motion of the gentleman from Pennsylvania [Mr. RANDALL] by striking out Friday and inserting Saturday.

The question having been taken on the amendment of Mr. ELDREDGE—

The SPEAKER *pro tempore*. The "ayes" appear to prevail.

Mr. ELDREDGE. I call for the yeas and nays.

Mr. HURLBUT. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. HURLBUT and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported ayes 47, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken on the amendment of Mr. ELDREDGE; and there were—yeas 65, nays 128, not voting 96; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Atkins, Bell, Berry, Blount, Bowen, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Lamar, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, Perry, Randall, Read, Robbins, Schell, Sloss, Speer, Stone, Storm, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—65.

NAYS—Messrs. Albert, Albright, Averill, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cessna, Chittenden, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cotton, Counse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Foster, Gooch, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Hays, Gerry W. Hazelton, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hyde, Hynes, Kellogg, Lawson, Lewis, Loughridge, Lowndes, Lynch, Martin, James W. McDill, McKee, McNulta, Merriam, Moore, Negley, Niles, O'Neill, Orr, Orth, Packard, Parsons, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, John Q. Smith, Sprague, Stanard, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Tremain, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—128.

NOT VOTING—Messrs. Ashe, Banning, Barber, Barnum, Beck, Bland, Bright, Buckner, Bundy, Benjamin F. Butler, Cason, Freeman Clarke, Clements, Corwin, Crooke, Curtis, Danford, DeWitt, Duell, Eden, Eldredge, Farwell, Freeman, Frye, Garfield, Gunckel, Hagans, Eugene Hale, Hancock, Havens, Joseph R. Hawley, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Howe, Hunter, Hurlbut, Kasson, Kelley, Kendall, Killinger, Knapp, Lamport, Lansing, Lawrence, Lofland, Lowe, Marshall, Maynard, McCrary, Alexander S. McDill, MacDougall, Mitchell, Monroe, Morey, Myers, Nunn, O'Brien, Packer, Page, Hosea W. Parker, Isaac C. Parker, Phelps, Pike, Potter, Pratt, Purman, William R. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Sessions, Sheldon, Sherwood, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Standiford, Starkweather, Alexander H. Stephens, Swann, Christopher Y. Thomas, Thompson, Tyner, Walls, Jasper D. Ward, Wheeler, Jeremiah M. Wilson, and Wood—96.

So the amendment of Mr. ELDREDGE was not agreed to.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that when the House adjourns it adjourn to meet on Friday next. On this motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 58, nays 106, not voting 125; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Comingo, Cox, Crittenden, Davis, Durham, Finck, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Lamison, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Perry, Potter, Randall, Read, Robbins, Schell, Sloss, Speer, Standiford, Stone, Swann, Vance, Wells, Whitthorne, Willie, Ephriam K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—58.

NAYS—Messrs. Albert, Averill, Bass, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Roderick R. Butler, Cannon, Carpenter, Cessna, Chittenden, Freeman Clarke, Stephen A. Cobb, Coburn, Conger, Cotton, Counse, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Eames, Fort, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Gerry W. Hazelton, Hooper, Hoskins, Houghton, Hubbell, Hyde, Kasson, Kellogg, Lawson, Lewis, Lowe, Lynch, Martin, McKee, McNulta, Negley, Nunn, O'Neill, Orr, Orth, Packard, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, J. Ambler Smith, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strawbridge, Sypher, Taylor, Thornburgh, Townsend, Tremain, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, and James Wilson—106.

NOT VOTING—Messrs. Adams, Albright, Barber, Barnum, Barrere, Barry, Berry, Bland, Bundy, Burrows, Benjamin F. Butler, Cain, Cason, Amos Clark, jr., Clayton, Clements, Clymer, Clinton L. Cobb, Cook, Corwin, Creamer, Crooke, Crossland, Curtis, Danford, Dawes, DeWitt, Duell, Eden, Eldredge, Farwell, Field, Foster, Freeman, Frye, Garfield, Giddings, Glover, Gooch, Gunckel, Gunter, Hagans, Hancock, Havens, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Howe, Hunter, Hurlbut, Hynes, Kelley, Kendall, Killinger, Knapp, Lamar, Lamport, Lansing, Lawrence, Leach, Lofland, Loughridge, Lowndes, Marshall, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Mitchell, Monroe, Moore, Morey, Myers, Nesmith, Niles, Packer, Page, Hosea W. Parker, Phelps, Pike, Thomas C. Platt, Poland, Purman, Richmond, William R. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, John G. Schumaker, Sener, Sessions, Shanks, Sherwood, Smart, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Southard, Stanard, Alexander H. Stephens, Storm, Strait, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Tyner, Waddell, Walls, Wheeler, Whitehead, Whitehouse, Charles G. Williams, Jeremiah M. Wilson, Wood, and Woodworth—125.

So the House refused to agree to the motion to adjourn over till Friday.

During the vote,

Mr. FOSTER stated that he was paired with Mr. WADDELL, of North Carolina, who if present would vote in the affirmative, while he would vote in the negative.

The vote was then announced as above recorded.

Mr. RANDALL (at ten minutes to two o'clock p. m., January 28) moved that the House adjourn; and on that motion demanded the yeas and nays.

Mr. PARSONS called for tellers.

Tellers were not ordered, 25 only voting in the affirmative.

The yeas and nays were ordered.

Mr. BECK moved that when the House adjourns to-day it adjourn to meet on Friday next, on which he demanded the yeas and nays.

The yeas and nays were ordered.

Mr. ARCHER moved to amend so that when the House adjourns to-day it adjourn to meet on Saturday next, on which he demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 54, nays 122, not voting 113; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Beck, Bell, Berry, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Crittenden, Crossland, Durham, Finck, Gunter, Hamilton, Hancock, Henry R. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Morrison, Neal, Niblack, O'Brien, Perry, Potter, Randall, Robbins, Milton Sayler, Southard, Stanard, Stone, Swann, Vance, Wells, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D Young, and Pierce M. B. Young—54.

NAYS—Messrs. Albert, Albright, Averill, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cessna, Chittenden, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Cotton, Darrall, Dawes, Dobbins, Donnan, Dunnell, Eames, Fort, Garfield, Gooch, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Hays, Gerry W. Hazelton, Hooper, Houghton, Hunter, Hurlbut, Hyde, Kasson, Kellogg, Lansing, Lawson, Lewis, Loughridge, Lowndes, Lynch, McCrary, McKee, McNulta, Merriam, Moore, Morey, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Page, Parsons, Pelham, Pendleton, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Isaac W. Scudder, Shanks, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, J. Ambler Smith, John Q. Smith, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Thompson, Thornburgh, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—122.

NOT VOTING—Messrs. Adams, Atkins, Banning, Barber, Barnum, Bland, Brown, Cason, Amos Clark, jr., Freeman Clarke, Clements, Clymer, Comingo, Conger, Cook, Corwin, Cox, Creamer, Crooke, Counse, Crutchfield, Curtis, Danford, Davis, DeWitt, Duell, Eden, Eldredge, Farwell, Field, Foster, Freeman, Frye, Giddings, Glover, Gunckel, Hagans, Robert S. Hale, John T. Harris, Havens, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hynes, Kelley, Kendall, Killinger, Knapp, Lamar, Lamport, Lawrence, Lofland, Lowe, Marshall, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, Mills, Mitchell, Monroe, Myers, Nesmith, Packer, Hosea W. Parker, Isaac C. Parker, Phelps, Phillips, Pierce, Pike, Purman, Read, William R. Roberts, James C. Robinson, Henry B. Sayler, Schell, John G. Schumaker, Henry J. Scudder, Sener, Sessions, Sheats, Sherwood, Sloss, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Speer, Standiford, Alexander H. Stephens, Storm, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Waddell, Walls, Jasper D. Ward, Wheeler, Whitehead, Whitehouse, and Wilber—113.

So the House refused to amend by adjourning to Saturday instead of Friday.

During the vote,

Mr. WHITTHORNE stated that Mr. ATKINS was paired with Mr. CRUTCHFIELD, and, if present, the latter would vote in the negative, while the former would vote in the affirmative.

The vote was then announced as above recorded.

Mr. McLEAN. wish to make a correction. I am not recorded as

having voted on two roll-calls last night. I voted every time, and I desire that the correction may go into the RECORD that I voted every time.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, notified the House that that body had passed without amendment a bill (H. R. No. 4162) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States, from Winnemucca in the State of Nevada to the Columbia River, via Portland, in the State of Oregon.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 411) for the relief of the Holy Cross Mission, in the Territory of Dakota;

A bill (S. No. 940) granting $641\frac{64}{100}$ acres of land to the widow and heirs of James Sinclair, deceased;

A bill (S. No. 959) providing for the appointment of a commissioner to ascertain the right of subjects of Great Britain to lands in the territory which was the subject of the award of the Emperor of Germany under the treaties of 1846 and 1871 between the United States and Great Britain; and

A bill (S. No. 1204) for the payment of interest on the 3.65 bonds of the District of Columbia.

CIVIL-RIGHTS BILL.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Kentucky, [Mr. BECK,] that when the House adjourns it adjourn to meet on Friday next, upon which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 51, nays 107, not voting 131; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Banning, Beck, Bell, Berry, Bowen, Bright, Bromberg, Caldwell, John B. Clark, jr., Crittenden, Crooke, Durham, Finck, Giddings, Gunter, Hamilton, Henry R. Harris, Hatcher, Hereford, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Morrison, Neal, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Southard, Standiford, Stone, Vance, Wells, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—51.

NAYS—Messrs. Albert, Albright, Averill, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cessna, Chittenden, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cotton, Crounse, Darrall, Dawes, Dobbins, Donnan, Dunnell, Eames, Field, Gooch, Gunckel, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, John W. Hazelton, Hodges, Hooper, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kellogg, Lawson, Lynch, Maynard, McCrary, McKee, McNulta, Merriam, Moore, Morey, Negley, Orr, Orth, Packard, Page, Parsons, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, Ross, Rusk, Sawyer, Henry J. Scudder, Shanks, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, J. Ambler Smith, Snyder, Sprague, Stanard, Charles A. Stevens, Strawbridge, Taylor, Thompson, Thornburgh, Townsend, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—107.

NOT VOTING—Messrs. Ashe, Atkins, Barber, Barnum, Bass, Bland, Blount, Brown, Buckner, Bundy, Burchard, Burrows, Cason, Amos Clark, jr., Freeman Clarke, Clements, Clymer, Comingo, Cook, Corwin, Cox, Creamer, Crossland, Crutchfield, Curtis, Danford, Davis, DeWitt, Duell, Eden, Eldredge, Farwell, Fort, Foster, Freeman, Frye, Garfield, Glover, Hagans, Eugene Hale, Hancock, John T. Harris, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Houghton, Howe, Hynes, Kelley, Kendall, Killinger, Lamport, Lansing, Lawrence, Lewis, Lofland, Loughridge, Lowe, Lowndes, Marshall, Martin, Alexander S. McDill, James W. McDill, MacDougall, Mills, Mitchell, Monroe, Myers, Nesmith, Niblack, Niles, Nunn, O'Neill, Packer, Isaac C. Parker, Pelham, Phelps, Pike, Purman, Ray, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sessions, Sheats, Sheldon, Sherwood, Sloss, Small, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Speer, Starkweather, Alexander H. Stephens, St. John, Storm, Stowell, Strait, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Tyner, Waddell, Walls, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, and William Williams—131.

So the House refused to adjourn over till Friday next.

During the vote,

Mr. VANCE stated that his colleague, Mr. ROBBINS, was paired with Mr. BURCHARD, of Illinois, who would vote in the negative, while his colleague would vote in the affirmative.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*, (Mr. POTTER in the chair.) The question recurs upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House now adjourn, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 48, nays 119, not voting 122; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Beck, Bell, Berry, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Cox, Creamer, Crossland, Durham, Finck, Hancock, Henry R. Harris, Hatcher, Hereford, Holman, Hunton, Knapp, Lamar, Leach, Luttrell, Magee, Milliken, Neal, Hosea W. Parker, Perry, Potter, Randall, Read, Speer, Stone, Vance, Wells, Whitehouse, Whitthorne, Willie, Wolfe, John D. Young, and Pierce M. B. Young—48.

NAYS—Messrs. Albert, Albright, Barrere, Bass, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Cessna, Chittenden, Amos Clark, jr., Clayton, Stephen A. Cobb, Coburn, Conger, Crounse, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hoskins, Houghton, Howe, Hunter, Hyde, Hynes, Kellogg, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Martin, Maynard, McCrary, James W. McDill, McNulta, Merriam, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orr, Orth, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, Thomas C. Platt, Poland, Pratt, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Scofield, Henry J. Scudder, Sheldon, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—119.

NOT VOTING—Messrs. Atkins, Averill, Barber, Barnum, Barry, Begole, Bland, Brown, Burchard, Cain, Cason, Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Comingo, Cook, Corwin, Cotton, Crittenden, Crooke, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, DeWitt, Eden, Eldredge, Farwell, Foster, Freeman, Frye, Giddings, Glover, Gunter, Hagans, Hamilton, John T. Harris, Havens, John B. Hawley, Hendee, Herndon, Hersey, George F. Hoar, Hodges, Hooper, Hubbell, Hurlbut, Kasson, Kelley, Kendall, Killinger, Lamison, Lamport, Lewis, Lofland, Lynch, Marshall, Alexander S. McDill, MacDougall, McKee, McLean, Mills, Mitchell, Morrison, Myers, Nesmith, Niblack, Nunn, O'Brien, Packard, Packer, Phelps, Phillips, Pike, James H. Platt, jr., Purman, Rainey, Ransier, Robbins, William R. Roberts, James C. Robinson, Rusk, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Sloss, Small, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Stanard, Standiford, Alexander H. Stephens, St. John, Storm, Stowell, Strawbridge, Swann, Charles R. Thomas, Todd, Tremain, Waddell, Walls, Wheeler, White, Whitehead, Whiteley, Wilber, Ephraim K. Wilson, and Wood—122.

So the motion to adjourn was not agreed to.

During the call of the roll the following announcements were made:

Mr. VANCE. On this question my colleague, Mr. ROBBINS, is paired with Mr. BURCHARD, of Illinois.

Mr. KELLOGG. My colleague, Mr. BARNUM, is absent at home, detained by sickness. I presume if here he would vote "ay" on this question.

Mr. BECK. You guess right.

Mr. HAMILTON. On this question I am paired with Mr. COTTON, of Iowa; if here he would vote "no," and I would vote "ay."

Mr. RANDALL. I move that when the House adjourns to-day it be to meet on Friday next.

Mr. GARFIELD. I desire to make a suggestion.

Mr. SPEER. I object.

Mr. GARFIELD. It is on another subject than this.

Mr. SPEER. I object.

Mr. GARFIELD. I want to ask about a bill on the Speaker's table, and ask the attention of the House to it for a single moment.

The SPEAKER *pro tempore*, (Mr. CESSNA.) It requires unanimous consent.

Mr. SPEER. I object.

Mr. GARFIELD. I believe that in all honorable warfare men listen at least to a proposition for a truce.

Mr. SPEER. I will submit to no criticisms from the gentleman.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Pennsylvania, [Mr. RANDALL,] that when the House adjourns to-day it be to meet on Friday next; on which he calls for the yeas and nays. His colleague, Mr. ALBRIGHT, asks for tellers upon ordering the yeas and nays.

Mr. SPEER. I raise the point of order that this being Thursday, it is not in order to move to adjourn until Friday.

The SPEAKER *pro tempore*. The Chair overrules the point of order. This is the legislative day of Wednesday, and the proceedings of the House of this day are so journalized.

Mr. SPEER. As a matter of fact the Chair must acknowledge that this is Thursday.

The SPEAKER *pro tempore*. That no doubt is true, but it is the legislative day of Wednesday.

Tellers were ordered; and Mr. ALBRIGHT and Mr. RANDALL were appointed.

The House divided; and the tellers reported that there were 43 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. BECK. I move to amend the motion of the gentleman from Pennsylvania [Mr. RANDALL] by striking out Friday and inserting Saturday; and on that motion I call for the yeas and nays.

Mr. TYNER. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. TYNER and Mr. BECK were appointed.

The House divided; and the tellers reported that there were 35 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The SPEAKER *pro tempore*. The first question is upon the motion of the gentleman from Kentucky [Mr. BECK] to amend the motion of the gentleman from Pennsylvania [Mr. RANDALL] by striking out Friday and inserting Saturday.

The question was taken; and there were—yeas 46, nays 107, not voting 136; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Beck, Bell, Berry, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Cox, Crossland, Finck, Hancock, Henry R. Harris, Hatcher, Hereford, Holman, Hunton, Lamar, Leach, Magee, Milliken, Morrison, Neal, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Sloss, Speer, Stone, Swann, Vance, Wells, Whitthorne, Willie, Ephraim K. Wilson, Wood, and John D. Young—46.

NAYS—Messrs. Albert, Albright, Averill, Barrere, Biery, Bradley, Buffinton, Burleigh, Burrows, Roderick R. Butler, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Stephen A. Cobb, Coburn, Conger, Crounse, Donnan, Duell, Dunnell, Eames, Field, Fort, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Harrison, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton,

John W. Hazelton, E. Rockwood Hoar, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kellogg, Lansing, Lawrence, Lawson, Lowndes, Martin, Maynard, McNulta, Monroe, Morey, Myers, Niles, O'Neill, Orr, Orth, Page, Isaac C. Parker, Parsons, Pelham, Pierce, Thomas C. Platt, Poland, Pratt, Rapier, Richmond, Ellis H. Roberts, Ross, Rusk, Sawyer, Henry J. Scudder, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, J. Ambler Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—107.

NOT VOTING—Messrs. Atkins, Barber, Barnum, Barry, Bass, Begole, Bland, Brown, Bundy, Burchard, Benjamin F. Butler, Cain, Cannon, Amos Clark, jr., Clements, Clymer, Clinton L. Cobb, Comingo, Cook, Corwin, Cotton, Creamer, Crittenden, Crooke, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, DeWitt, Dobbins, Durham, Eden, Eldredge, Farwell, Foster, Freeman, Frye, Garfield, Giddings, Glover, Gooch, Gunter, Hamilton, Benjamin W. Harris, John T. Harris, John B. Hawley, Hays, Hendee, Herndon, Hersey, George F. Hoar, Hodges, Hooper, Hynes, Kelley, Kendall, Killinger, Knapp, Lamison, Lamport, Lewis, Lofland, Loughridge, Lowe, Luttrell, Lynch, Marshall, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McLean, Merriam, Mills, Mitchell, Moore, Negley, Nesmith, Niblack, Nunn, Packard, Packer, Pendleton, Phelps, Phillips, Pike, James H. Platt, jr., Purman, Rainey, Ransier, Ray, Read, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Small, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Southard, Standiford, Alexander H. Stephens, Storm, Stowell, Strawbridge, Charles R. Thomas, Todd, Tremain, Waddell, Walls, Marcus L. Ward, Wheeler, White, Whitehead, Whitehouse, Charles W. Willard, Jeremiah M. Wilson, Wolfe, and Pierce M. B. Young—136.

So the motion of Mr. BECK was not agreed to.

During the call of the roll,

Mr. VANCE said: My colleague, Mr. ROBBINS, is paired with Mr. BURCHARD, of Illinois.

The SPEAKER *pro tempore*, (Mr. CESSNA.) The question recurs upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] that when the House adjourns to-day it be to meet on Friday next, on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 46, nays 97, not voting 146; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Cox, Creamer, Crossland, Finck, Giddings, Henry R. Harris, Hatcher, Hereford, Herndon, Hunton, Lamar, Lamison, Magee, McLean, Milliken, Neal, Niblack, O'Brien, Perry, Randall, Sloss, Speer, Stone, Vance, Wells, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, and Wood—46.

NAYS—Messrs. Albert, Albright, Averill, Biery, Bradley, Buffinton, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Chittenden, Freeman Clarke, Clayton, Stephen A. Cobb, Conger, Crounse, Donnan, Duell, Dunnell, Eames, Gooch, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, John W. Hazelton, E. Rockwood Hoar, Hoskins, Houghton, Howe, Hurlbut, Hyde, Kellogg, Lawrence, Lawson, Lowe, Lowndes, Martin, Maynard, McCrary, McNulta, Monroe, Moore, Myers, Niles, O'Neill, Orr, Orth, Parsons, Pelham, Pierce, Poland, Rapier, Ray, Richmond, Ellis H. Roberts, Ross, Rusk, Sawyer, Scofield, Henry J. Scudder, Sheats, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, J. Ambler Smith, Snyder, Stanard, Charles A. Stevens, St. John, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, Jeremiah M. Wilson, and Woodworth—97.

NOT VOTING—Messrs. Banning, Barber, Barnum, Barrere, Barry, Bass, Begole, Brown, Bundy, Burchard, Cannon, Carpenter, Cason, Amos Clark, jr., Clements, Clymer, Clinton L. Cobb, Coburn, Comingo, Cook, Corwin, Cotton, Crittenden, Crooke, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, DeWitt, Dobbins, Durham, Eden, Eldredge, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Glover, Gunckel, Gunter, Robert S. Hale, Hamilton, Hancock, John T. Harris, Havens, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Hodges, Holman, Hooper, Hubbell, Hunter, Hynes, Kasson, Kelley, Kendall, Killinger, Knapp, Lamport, Lansing, Leach, Lewis, Lofland, Loughridge, Luttrell, Lynch, Marshall, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Mills, Mitchell, Morey, Morrison, Negley, Nesmith, Nunn, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pendleton, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Pratt, Purman, Rainey, Ransier, Read, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Sherwood, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Southard, Sprague, Standiford, Starkweather, Alexander H. Stephens, Storm, Stowell, Swann, Charles R. Thomas, Todd, Tremain, Waddell, Walls, Wheeler, White, Whitehead, Charles W. Willard, William Williams, William B. Williams, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—146.

So the motion that when the House adjourns to-day it be to meet on Friday next was not agreed to.

Mr. RANDALL. Did a quorum vote upon the last call of the roll?

The SPEAKER *pro tempore*. A quorum did not vote.

Mr. SPEER, (at four o'clock and forty-five minutes p. m.) I now move that the House adjourn.

Mr. RANDALL. On that motion I call for the yeas and nays.

Mr. BUTLER, of Massachusetts. And I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. RANDALL were appointed.

The House divided; and the tellers reported that there were 38 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. BECK. I move that when the House adjourns to-day it be to meet on Saturday next.

The SPEAKER *pro tempore*. That motion is not now in order. The last vote showed no quorum voting, and no motion is now in order except the motion to adjourn, which is now pending.

Mr. WHITEHOUSE. I desire to ask a question for information. Would it not be better for this House to adjourn now and get some rest, and then come back prepared to attend to the regular business?

The SPEAKER *pro tempore*. The Chair is of opinion that that inquiry is in the nature of debate; and the motion to adjourn is not debatable.

The question was taken on the motion to adjourn; and there were—yeas 48, nays 109, not voting 132; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Atkins, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Cox, Creamer, Crossland, Durham, Finck, Giddings, Henry R. Harris, Hatcher, Hereford, Holman, Hunton, Knapp, Lamar, Leach, Magee, McLean, Millikin, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Randall, Speer, Standiford, Stone, Swann, Vance, Wells, Whitthorne, Willie, Wood, and John D. Young—48.

NAYS—Messrs. Albert, Albright, Barber, Barrere, Barry, Bass, Biery, Bradley, Buffinton, Bundy, Burleigh, Benjamin F. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Clayton, Stephen A. Cobb, Coburn, Conger, Crounse, Dawes, Donnan, Dunnell, Eames, Field, Fort, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, E. Rockwood Hoar, Hubbell, Hurlbut, Hyde, Kasson, Kellogg, Lamison, Lansing, Lawrence, Lawson, Lewis, Lowe, Lowndes, Martin, Maynard, McCrary, McNulta, Merriam, Monroe, Moore, Myers, Nunn, Orr, Orth, Page, Parsons, Pelham, Pendleton, Phillips, Poland, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Sener, Sheats, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Starkweather, Charles A. Stevens, St. John, Strait, Sypher, Taylor, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, and Woodworth—109.

NOT VOTING—Messrs. Ashe, Averill, Barnum, Begole, Berry, Brown, Burchard, Burrows, Roderick R. Butler, Cannon, Amos Clark, jr., Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Comingo, Cook, Corwin, Cotton, Crittenden, Crooke, Crutchfield, Curtis, Danford, Darrall, Davis, DeWitt, Dobbins, Duell, Eden, Eldredge, Farwell, Foster, Freeman, Frye, Glover, Gunter, Robert S. Hale, Hamilton, Hancock, John T. Harris, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, Hersey, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hunter, Hynes, Kelley, Kendall, Killinger, Lamport, Lofland, Loughridge, Luttrell, Lynch, Marshall, Alexander S. McDill, James W. McDill, MacDougall, McKee, Mills, Mitchell, Morey, Negley, Nesmith, Niles, O'Neill, Packard, Packer, Isaac C. Parker, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Pratt, Purman, Rainey, Ransier, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheldon, Sherwood, Sloss, Small, George L. Smith, William A. Smith, Snyder, Southard, Stanard, Alexander H. Stephens, Storm, Stowell, Strawbridge, Charles R. Thomas, Christopher Y. Thomas, Waddell, Waldron, Walls, Wheeler, White, Whitehead, Whitehouse, Charles W. Willard, George Willard, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, and Pierce M. B. Young—132.

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. MILLIKEN. On this question the gentleman from Ohio, Mr. BERRY, is paired with the gentleman from Pennsylvania, Mr. SMITH. If present Mr. BERRY would vote "ay," and Mr. SMITH "no."

Mr. SCUDDER, of New Jersey. On this question I am paired with the gentleman from Pennsylvania, Mr. STORM, who, if here, would vote for the adjournment, while I would vote against it.

Mr. FARWELL. I am paired with the gentleman from Wisconsin, Mr. MITCHELL. He, if present, would vote "ay" upon the question, and I would vote "no."

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. This vote demonstrates the presence of a quorum; and the question recurs on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that when the House adjourns it adjourn to meet on Friday next; and on that motion the yeas and nays have already been ordered.

Mr. BECK. I move to amend the motion of the gentleman from Pennsylvania [Mr. RANDALL] by striking out Friday and inserting Saturday.

The SPEAKER *pro tempore*. The question has already been taken on striking out Friday and inserting Saturday, and that motion has been negatived. But when the motion was taken on the original proposition no quorum voted. The Chair orders that the vote be again taken on that motion; which was that when the House adjourns to-day it adjourn to meet on Friday next.

The question was taken; and there were—yeas 44, nays 94, not voting 151; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Cox, Crossland, Durham, Finck, Giddings, Henry R. Harris, Hatcher, Hereford, Holman, Knapp, Lamar, Lamison, Leach, Magee, McLean, Milliken, Morrison, O'Brien, Hosea W. Parker, Randall, Standiford, Stone, Vance, Wells, Whitehouse, Whitthorne, Willie, John D. Young, and Pierce M. B. Young—44.

NAYS—Messrs. Albert, Barber, Barrere, Bass, Biery, Buffinton, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cason, Cessna, Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Donnan, Dunnell, Eames, Field, Fort, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, Houghton, Hubbell, Hurlbut, Hyde, Hynes, Kellogg, Lawson, Lewis, Loughridge, Lowe, Lowndes, Martin, Maynard, McCrary, McNulta, Merriam, Monroe, Moore, Myers, O'Neill, Orth, Page, Parsons, Pelham, Pendleton, Phillips, Ransier, Rapier, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Sener, Lazarus D. Shoemaker, Sloan, Smart, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, St. John, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tyner, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Charles G. Williams, John M. S. Williams, and Woodworth—94.

NOT VOTING—Messrs. Albright, Atkins, Averill, Barnum, Barry, Begole, Berry, Bradley, Brown, Burchard, Burleigh, Cain, Cannon, Carpenter, Chittenden, Amos Clark, jr., Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Comingo, Cook, Cotton, Creamer, Crittenden, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, DeWitt, Dobbins, Duell, Eden, Eldredge, Farwell, Foster, Freeman, Frye, Glover, Gunter, Robert S. Hale, Hamilton, Hancock, Harmer, John T. Harris, Havens, John B. Hawley, John W. Hazelton, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Howe, Hunter, Hunton, Kasson, Kelley, Kendall, Killinger, Lamport, Lansing, Lawrence, Lofland, Luttrell, Lynch, Marshall, Alexander S. McDill, James W. McDill,

MacDougall, McKee, Mills, Mitchell, Morey, Neal, Negley, Nesmith, Niblack, Niles, Nunn, Orr, Packard, Packer, Isaac C. Parker, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Purman, Rainey, Ray, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloss, Small, A. Herr Smith, George L. Smith, William A. Smith, Southard, Speer, Stanard, Alexander H. Stephens, Storm, Stowell, Strawbridge, Swann, Sypher, Thompson, Tremain, Waddell, Waldron, Walls, Wheeler, White, Whitehead, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, and Wood—151.

During the roll-call the following announcements were made:

Mr. ADAMS. I am requested by the gentleman from Pennsylvania, Mr. SPEER, to announce that on this question he is paired with his colleague, Mr. THOMPSON.

Mr. MCCRARY. I desire to announce that my colleague, Mr. KASSON, and the gentleman from New York, Mr. WOOD, are paired on all the pending questions and dilatory motions from five o'clock p. m., January 28, to ten o'clock and thirty minutes a. m., January 29.

Mr. HOLMAN. I merely wish to announce that the gentleman from Iowa, Mr. COTTON, is paired with the gentleman from New Jersey, Mr. HAMILTON. If they were present they would vote as heretofore.

The result of the vote was then announced as above recorded.

Mr. O'BRIEN and others. No quorum has voted.

The SPEAKER *pro tempore*. The Chair understands that.

Mr. RANDALL. Then I move that the House do now adjourn.

Mr. BUTLER, of Massachusetts. I call for the yeas and nays on that motion.

Mr. TYNER. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. TYNER and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 40, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 46, nays 107, not voting 136; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Bell, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, Clymer, Cox, Crossland, Durham, Finck, Giddings, Henry R. Harris, Hatcher, Hereford, Holman, Hunton, Lamar, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, O'Brien, Hosea W. Parker, Randall, Stone, Vance, Waddell, Wells, Whitehouse, Whithorne, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—46.

NAYS—Messrs. Barrere, Barry, Biery, Bradley, Buffinton, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Crounse, Dawes, Dobbins, Donnan, Dunnell, Eames, Field, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Houghton, Howe, Hubbell, Hurlbut, Hynes, Lawson, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, McNulta, Merriam, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Page, Parsons, Pendelton, Phillips, Thomas C. Platt, Poland, Ransier, Rapier, Richmond, Ross, Rusk, Sawyer, Scofield, Sener, Sessions, Shanks, Lazarus D. Shoemaker, Sloan, Smart, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Starkweather, St. John, Strait, Strawbridge, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Townsend, Tyner, Wallace, Jasper D. Ward, Marcus L. Ward, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—107.

NOT VOTING—Messrs. Albert, Albright, Atkins, Averill, Barber, Barnum, Bass, Beck, Begole, Berry, Brown, Bundy, Burchard, Burleigh, Chittenden, John B. Clark, jr., Freeman Clarke, Clements, Clinton L. Cobb, Comingo, Cook, Cotton, Creamer, Crittenden, Crooke, Crutchfield, Curtis, Danford, Darrall, Davis, DeWitt, Duell, Eden, Eldredge, Farwell, Fort, Foster, Freeman, Frye, Glover, Gunter, Robert S. Hale, Hamilton, Hancock, Harmer, John T. Harris, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Hunter, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamport, Lansing, Lawrence, Lewis, Lofland, Marshall, Alexander S. McDill, MacDougall, McKee, Mitchell, Monroe, Morey, Neal, Nesmith, Niblack, Niles, Nunn, Packer, Isaac C. Parker, Pelham, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Potter, Pratt, Purman, Rainey, Ray, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sheats, Sheldon, Sherwood, Sloss, Small, A. Herr Smith, George L. Smith, William A. Smith, Southard, Speer, Sprague, Stanard, Standiford, Alexander H. Stephens, Charles A. Stevens, Storm, Stowell, Swann, Sypher, Thompson, Thornburgh, Tremain, Waldron, Walls, Wheeler, White, Whitehead, Whiteley, Wilber, Jeremiah M. Wilson, Wolfe, Wood, and Woodworth—136.

So the motion to adjourn was not agreed to.

Mr. LOUGHRIDGE. I ask to have a telegram read as a matter of privilege.

The Clerk read as follows:

To Hon. JAMES G. BLAINE——

Mr. COX. What is that?

Mr. RANDALL. I object.

Several MEMBERS. Let it be read.

The SPEAKER *pro tempore*. Objection is made to the reading of the paper, and the Chair must rule it out.

Mr. BECK. I move that when the House adjourns to-day it be to meet on Friday next; and on that motion I call for the yeas and nays.

Mr. PAGE. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. PAGE and Mr. BECK were appointed.

The House divided; and the tellers reported ayes 40, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. BLAND. I move to amend the motion of the gentleman from Kentucky [Mr. BECK] by striking out Friday and inserting Saturday. On this motion I call for the yeas and nays.

Mr. HUBBELL. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. HUBBELL and Mr. BLAND were appointed.

The House divided; and the tellers reported ayes 33, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken on the motion of Mr. BLAND; and there were—yeas 39, nays 106, not voting 141; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Bell, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Clymer, Crossland, Durham, Finck, Henry R. Harris, Hatcher, Hereford, Hunton, Lamar, Lamison, Luttrell, Magee, McLean, Milliken, Mills, Neal, Niblack, O'Brien, Randall, Stone, Vance, Waddell, Whitehouse, John D. Young, and Pierce M. B. Young—39.

NAYS—Messrs. Barber, Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Conger, Crounse, Dobbins, Donnan, Dunnell, Eames, Field, Foster, Garfield, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hodges, Hoskins, Howe, Hubbell, Hunter, Hynes, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Myers, Negley, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ellis H. Roberts, Ross, Rusk, Sawyer, Scofield, Sener, Shanks, Lazarus D. Shoemaker, Sloan, Smart, H. Boardman Smith, John Q. Smith, Stanard, Starkweather, St. John, Strait, Strawbridge, Taylor, Christopher Y. Thomas, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—106.

NOT VOTING—Messrs. Albert, Albright, Atkins, Averill, Barnum, Bass, Beck, Begole, Berry, Brown, Burchard, Burleigh, Roderick R. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Coburn, Comingo, Cook, Corwin, Cotton, Cox, Creamer, Crittenden, Crooke, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, De Witt, Duell, Eden, Eldredge, Farwell, Fort, Freeman, Frye, Giddings, Glover, Gooch, Gunter, Robert S. Hale, Hamilton, Hancock, Harmer, John T. Harris, Harrison, John W. Hazelton, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Houghton, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamport, Leach, Lewis, Lofland, Lowndes, Marshall, Alexander S. McDill, MacDougall, Mitchell, Monroe, Moore, Morey, Morrison, Nesmith, Niles, Nunn, Packer, Hosea W. Parker, Pelham, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Potter, Pratt, Purman, Ray, Read, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sherwood, Sloss, Small, A. Herr Smith, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Standiford, Alexander H. Stephens, Charles A. Stevens, Storm, Stowell, Swann, Sypher, Charles R. Thomas, Thompson, Thornburgh, Todd, Tremain, Walls, Wells, Wheeler, White, Whitehead, Whiteley, Whitthorne, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, and Wood—144.

So the amendment of Mr. BLAND was not agreed to.

During the roll-call,

Mr. PLATT, of New York, said: My colleague, Mr. LAMPORT, is paired with the gentleman from Georgia, Mr. STEPHENS.

The result of the vote was announced as above stated.

The question recurred on the motion that when the House adjourns to-day it adjourn to meet on Friday, on which the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 44, nays 107, not voting 138; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Durham, Finck, Giddings, Hatcher, Hereford, Hunton, Knapp, Lamar, Lamison, Luttrell, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Randall, Read, Stone, Vance, Waddell, Wells, Whitehouse, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—44.

NAYS—Messrs. Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Conger, Corwin, Crounse, Dobbins, Donnan, Dunnell, Eames, Field, Foster, Garfield, Gunckel, Hagans, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hodges, Hoskins, Howe, Hunter, Hyde, Hynes, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, Ross, Rusk, Sawyer, Scofield, Sener, Sessions, Lazarus D. Shoemaker, Smart, H. Boardman Smith, John Q. Smith, Stanard, Starkweather, St. John, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, White, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—107.

NOT VOTING—Messrs. Adams, Albert, Albright, Ashe, Atkins, Averill, Barber, Barnum, Bass, Begole, Berry, Brown, Burchard, Burleigh, Benjamin F. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Coburn, Comingo, Cotton, Creamer, Crittenden, Crooke, Crossland, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, DeWitt, Duell, Eden, Eldredge, Farwell, Fort, Freeman, Frye, Glover, Gooch, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Harrison, Havens, John W. Hazelton, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Houghton, Hubbell, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamport, Leach, Lewis, Lofland, Lowndes, Magee, Marshall, Alexander S. McDill, MacDougall, Mitchell, Monroe, Morey, Nesmith, Niles, Nunn, Packer, Hosea W. Parker, Pelham, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Potter, Purman, Ray, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheats, Sheldon, Sherwood, Sloan, Sloss, Small, A. Herr Smith, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Standiford, Alexander H. Stephens, Charles A. Stevens, Storm, Stowell, Swann, Sypher, Taylor, Charles R. Thomas, Thompson, Tremain, Wallace, Walls, Wheeler, Whitehead, Whiteley, Whitthorne, Willie, Jeremiah M. Wilson, Wolfe, and Wood—138.

So the motion was disagreed to.

During the vote,

Mr. HYNES stated that his colleague, Mr. SNYDER, was necessarily absent, and would if present vote in the negative.

Mr. SLOAN stated that he was paired with his colleague, Mr. HARRIS, who if present would vote in the affirmative, while he would vote in the negative; and further, that the pair lasted until to-morrow morning at ten o'clock on all motions to adjourn and to adjourn to a specific day, upon which his colleague would vote in the affirmative, while he would vote in the negative.

Mr. ROBBINS stated that he was paired from two o'clock to-day until ten o'clock to-night with Mr. BURCHARD, of Illinois.

The vote was then announced as above recorded.

Mr. RANDALL. I move the House adjourn, and on that motion demand the yeas and nays.

Mr. BUTLER, of Massachusetts, called for tellers.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 36, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. ARCHER. I move that when the House adjourns to-day it adjourn to meet on Friday next, and on that motion I demand the yeas and nays.

Mr. BUTLER, of Massachusetts, called for tellers.

Mr. COBB, of Kansas. I would like to know whether we cannot get to some agreement to vote on an adjournment to some other day than Friday or Saturday.

Objection was made.

Tellers were ordered; and Mr. ARCHER and Mr. ORTH were appointed.

The House divided; and the tellers reported ayes 37.

So (more than one fifth of those present having voted in the affirmative) the yeas and nays were ordered.

Mr. CLYMER. I move to amend by striking out Friday and inserting Saturday, and on that motion demand the yeas and nays.

Mr. PARKER, of Missouri, demanded tellers.

Tellers were ordered; and Mr. PARKER, of Missouri, and Mr. CLYMER were appointed.

The House divided; and the tellers reported ayes 36, more than one-fifth of those present.

So the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 51, nays 115, not voting 123; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Crossland, Durham, Finck, Giddings, Hatcher, Hereford, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, McLean, Milliken, Mills, Morrison, Nesmith, Niblack, Randall, Read, Milton Sayler, Schell, Standiford, Stone, Wells, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—51.

NAYS—Messrs. Barber, Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Crounse, Darrall, DeWitt, Dobbins, Dunnell, Eames, Field, Fort, Foster, Garfield, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Hooper, Hoskins, Howe, Hubbell, Hunter, Hyde, Hynes, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, McKee, McNulta, Merriam, Moore, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, Ross, Rusk, Sawyer, Scofield, Sener, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Smart, H. Boardman Smith, John Q. Smith, Stanard, Starkweather, St. John, Strait, Strawbridge, Thornburgh, Todd, Townsend, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—115.

NOT VOTING—Messrs. Albert, Albright, Atkins, Averill, Barnum, Bass, Begole, Berry, Burchard, Burleigh, Benjamin F. Butler, Chittenden, Freeman Clarke, Coburn, Comingo, Cotton, Creamer, Crittenden, Crooke, Crutchfield, Curtis, Danford, Davis, Dawes, Donnan, Duell, Eden, Eldredge, Farwell, Freeman, Frye, Glover, Gooch, Gunter, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Harrison, Havens, Hays, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Houghton, Hurlbut, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamport, Lofland, Lowndes, Magee, Marshall, Alexander S. McDill, MacDougall, Mitchell, Monroe, Morey, Neal, Niles, O'Brien, Packer, Hosea W. Parker, Pelham, Perry, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Potter, Purman, Ray, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sheats, Sherwood, Sloan, Sloss, Small, A. Herr Smith, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Alexander H. Stephens, Charles A. Stevens, Storm, Stowell, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Tremain, Tyner, Vance, Waddell, Walls, Wheeler, Whitehead, Whiteley, Jeremiah M. Wilson, Wolfe, and Wood—123.

So the amendment of Mr. CLYMER to the motion of Mr. ARCHER was not agreed to.

During the vote,

Mr. PLATT, of Virginia, stated that he was paired with his colleague, Mr. HARRIS, from four o'clock this afternoon till nine o'clock this evening.

The vote was then announced, as above recorded.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Maryland [Mr. ARCHER] that when the House adjourns to-day it adjourn to meet on Friday next, on which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 48, nays 114, not voting 127, as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Beck, Bell, Bland, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Durham, Finck, John T. Harris, Hatcher, Holman, Hunton, Knapp, Lamar, Leach, Luttrell, McLean, Milliken, Mills, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Randall, Milton Sayler, Schell, Sloss, Standiford, Stone, Vance, Wells, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—48.

NAYS—Messrs. Averill, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Benjamin F. Butler, Roderick R. Butler, Carpenter, Cason, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hooper, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kellogg, Killinger, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, McKee, McNulta, Merriam, Moore, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Parsons, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, Ross, Rusk, Scofield, Henry J. Scudder, Sener, Sheats, Lazarus D. Shoemaker, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, St. John, Stowell, Strait, Strawbridge, Todd, Townsend, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, White, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—114.

NOT VOTING—Messrs. Adams, Albert, Albright, Atkins, Banning, Barber, Barnum, Bass, Berry, Blount, Buckner, Burchard, Burleigh, Burrows, Cain, Cannon, Cessna, Chittenden, Freeman Clarke, Clayton, Comingo, Corwin, Cotton, Creamer, Crooke, Crossland, Crounse, Crutchfield, Curtis, Danford, Davis, DeWitt, Eden, Eldredge, Farwell, Freeman, Frye, Giddings, Glover, Gooch, Gunter, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, Harrison, Havens, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Houghton, Hynes, Kasson, Kelley, Kendall, Lamison, Lamport, Lansing, Lofland, Loughridge, Magee, Marshall, Alexander S. McDill, James W. McDill, MacDougall, Mitchell, Monroe, Morey, Morrison, Nunn, Packer, Isaac C. Parker, Pelham, Perry, Phelps, Phillips, Pike, Potter, Purman, Read, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Sawyer, Henry B. Sayler, John G. Schumaker, Isaac W. Scudder, Sessions, Shanks, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Alexander H. Stephens, Charles A. Stevens, Storm, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Tremain, Waddell, Wallace, Walls, Wheeler, Whitehead, Whiteley, Jeremiah M. Wilson, Wolfe, and Wood—127.

So the motion that the House adjourn over till Friday was not agreed to.

During the vote,

Mr. ROBBINS said: Mr. Speaker, I am paired with Mr. BURCHARD, of Illinois, from two o'clock till ten o'clock to-night, and after that I shall resume voting. He would vote in the negative, while I would vote in the affirmative.

The vote was then announced as above recorded.

The question then recurred on the motion of Mr. RANDALL that the House adjourn; on which the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 53, nays 86, not voting 150; as follows:

YEAS—Messrs. Arthur, Ashe, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Davis, Durham, Eldredge, Finck, Giddings, John T. Harris, Hatcher, Hereford, Holman, Hunton, Knapp, Lamar, Leach, Luttrell, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Randall, Milton Sayler, Sloss, Speer, Standiford, Stone, Vance, Wells, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—53.

NAYS—Messrs. Albert, Albright, Barber, Barrere, Begole, Biery, Bradley, Buffinton, Bundy, Burrows, Benjamin F. Butler, Cannon, Cason, Clements, Clinton L. Cobb, Coburn, Conger, Dawes, Donnan, Duell, Dunnell, Eames, Field, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hodges, Hoskins, Hubbell, Hunter, Hyde, Kellogg, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, McCrary, James W. McDill, MacDougall, McNulta, Moore, Morey, Niles, O'Neill, Orth, Page, Parsons, Pendleton, Pierce, James H. Platt, jr., Poland, Pratt, Rapier, Ellis H. Roberts, Ross, Sheldon, Smart, H. Boardman Smith, J. Ambler Smith, Stanard, St. John, Strait, Taylor, Thompson, Todd, Townsend, Marcus L. Ward, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—86.

NOT VOTING—Messrs. Adams, Archer, Atkins, Averill, Banning, Barnum, Barry, Bass, Berry, Burchard, Burleigh, Roderick R. Butler, Cain, Carpenter, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Comingo, Corwin, Cotton, Creamer, Crooke, Crossland, Crounse, Crutchfield, Curtis, Danford, Darrall, DeWitt, Dobbins, Eden, Farwell, Fort, Freeman, Frye, Glover, Gunter, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Hays, John W. Hazelton, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hooper, Houghton, Howe, Hurlbut, Hynes, Kasson, Kelley, Kendall, Killinger, Lamison, Lamport, Lansing, Lawrence, Lofland, Magee, Marshall, Maynard, Alexander S. McDill, McKee, Merriam, Mitchell, Monroe, Myers, Negley, Nunn, Orr, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Phelps, Phillips, Pike, Thomas C. Platt, Potter, Purman, Rainey, Ransier, Ray, Read, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, George L. Smith, John Q. Smith, William A. Smith, Snyder, Southard, Sprague, Starkweather, Alexander H. Stephens, Charles A. Stevens, Storm, Stowell, Strawbridge, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Tremain, Tyner, Waddell, Waldron, Wallace, Walls, Jasper D. Ward, Wheeler, Whitehead, Whiteley, Charles W. Willard, Jeremiah M. Wilson, Wolfe, Wood, and Woodworth—150.

So the House refused to adjourn.

During the vote,

Mr. MERRIAM stated that he was paired with Mr. SCHELL (who would vote in the affirmative, while he would vote in the negative) till ten o'clock to-morrow morning.

The vote was then announced as above recorded.

Mr. BECK. Is there a quorum on the last vote?

The SPEAKER *pro tempore*, (Mr. PARSONS in the chair.) No quorum voted.

Mr. BUTLER, of Massachusetts. I move that there be a call of the House.

Mr. ELDREDGE. It is not necessary to have a quorum on the motion to adjourn.

Mr. RANDALL I move that the House adjourn.

The SPEAKER *pro tempore*. You cannot make that motion.

Mr. ELDREDGE. That is the only motion that can be put.

The SPEAKER *pro tempore*. The only motion is a motion that there be a call of the House.

Mr. ELDREDGE. Or a motion to adjourn.

The SPEAKER *pro tempore*. The House has refused to adjourn, and no motion to adjourn is now in order, no business having intervened.

Mr. ELDREDGE. The motion that there be a call of the House is business.

Mr. BECK. Is not a motion for a call of the House business?

Mr. ELDREDGE. This ruling of the Chair is in exact contradiction to the ruling of the Presiding Officer of last evening—or early this morning—I do not know which it is.

The SPEAKER *pro tempore*. The Chair understands the rule to be well settled that when the House moves to adjourn, and finds itself without a quorum, and a call of the House is moved, no other business is in order except if the House orders a call of the House to proceed with it.

Mr. ELDREDGE. The Presiding Officer last evening decided exactly the contrary on this very question.

The SPEAKER *pro tempore*. The only question before the House is the motion that there be a call of the House.

Mr. ELDREDGE demanded the yeas and nays.

Mr. BECK demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. BECK, and Mr. BUTLER of Massachusetts, were appointed.

The House divided; and the tellers reported ayes 44.

So (more than one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 74, nays 69, not voting 146; as follows:

YEAS—Messrs. Albert, Averill, Barber, Barrere, Barry, Biery, Bradley, Bundy, Burrows, Roderick R. Butler, Cannon, Carpenter, Cason, Clements, Coburn, Conger, Darrall, Dawes, Donnan, Duell, Dunnell, Fort, Foster, Gooch, Gunckel, Hagans, Eugene Hale, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Houghton, Howe, Hunter, Hyde, Lawrence, Loughridge, Lowe, Lynch, Martin, Maynard, MacDougall, McKee, McNulta, Negley, O'Neill, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Pierce, James H. Platt, jr., Poland, Pratt, Rapier, Ellis H. Roberts, Ross, Sheats, Sheldon, John Q. Smith, Sprague, Thornburgh, Todd, Townsend, Tyner, Jasper D. Ward, White, Wilber, Charles W. Willard, John M. S. Williams, and Woodworth—74.

NAYS—Messrs. Archer, Arther, Ashe, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caldwell, John B. Clark, jr., Clymer, Clinton L. Cobb, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, John T. Harris, Hatcher, Hereford, Holman, Hoskins, Kellogg, Knapp, Lamar, Lamison, Leach, Lowndes, Luttrell, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Read, Milton Sayler, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, Speer, Stanard, Standiford, St. John, Stone, Taylor, Thompson, Vance, Wells, Whitehouse, Whitthorne, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, John D. Young, and Pierce M. B. Young—69.

NOT VOTING—Messrs. Adams, Albright, Atkins, Banning, Barnum, Bass, Begole, Berry, Burchard, Burleigh, Benjamin F. Butler, Cain, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Comingo, Corwin, Cotton, Creamer, Crooke, Crounse, Crutchfield, Curtis, Danford, Dobbins, Eames, Eden, Farwell, Field, Freeman, Frye, Garfield, Glover, Gunter, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Hathorn, Havens, Hays, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hooper, Hubbell, Hunton, Hurlbut, Hynes, Kasson, Kelley, Kendall, Killinger, Lamport, Lansing, Lawson, Lewis, Lofland, Magee, Marshall, McCrary, Alexander S. McDill, James W. McDill, Merriam, Mitchell, Monroe, Moore, Morey, Myers, Niles, Nunn, Orr, Packer, Hosea W. Parker, Pelham, Perry, Phelps, Phillips, Pike, Thomas C. Platt, Potter, Purman, Rainey, Randall, Ransier, Ray, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Southard, Starkweather, Alexander H. Stephens, Charles A. Stevens, Storm, Stowell, Strait, Strawbridge, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waddell, Waldron, Wallace, Walls, Marcus L. Ward, Wheeler, Whitehead, Whiteley, George Willard, Charles G. Williams, William Williams, Jeremiah M. Wilson, Wolfe, and Wood—146.

So the motion was agreed to.

During the call of the roll the following announcements were made:

Mr. ROBBINS. I am not sure that my agreement with Mr. BURCHARD, of Illinois, to pair with him until half past ten o'clock to-night, would apply to such a vote as this. I wish to keep it in the spirit of it; and for fear it might apply to this vote, I decline to vote.

Mr. BELL. My colleague, Mr. HENRY R. HARRIS, is detained from the House by illness.

Mr. SLOAN. I am paired with my colleague, Mr. HENRY R. HARRIS, who has gone home sick. If here he would vote "no" on this motion, and I would vote "ay."

Mr. HAZELTON, of Wisconsin. I am requested to state that my colleague, Mr. SAWYER, is paired with Mr. CREAMER, of New York, until to-morrow morning at nine o'clock.

Upon the announcement of the result as above recorded,

Mr. CLYMER moved that the House adjourn.

Mr. BUTLER, of Massachusetts. Is that motion in order?

The SPEAKER *pro tempore*. The Chair thinks the motion is in order.

Mr. CLYMER. I will withdraw the motion.

Mr. CONGER. Then I suppose the next business in order is the call of the roll to ascertain who are the absentees.

The SPEAKER *pro tempore*. The call of the roll having been ordered by a vote of the House, the Clerk will proceed to call the roll.

The Clerk called the roll; and the following members failed to answer to their names:

Messrs. Adams, Banning, Barnum, Barry, Bass, Begole, Berry, Burchard, Burleigh, Cain, Cessna, Chittenden, Freeman Clarke, Clayton, Comingo, Corwin, Cotton, Creamer, Crooke, Curtis, Danford, Duell, Eden, Freeman, Frye, Garfield, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, Harrison, Hathorn, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hurlbut, Hynes, Kasson, Kelley, Kendall, Killinger, Lamport, Lansing, Lofland, Lowndes, Lynch, Marshall, Alexander S. McDill, Mitchell, Morey, Nunn, Orr, Packer, Hosea W. Parker, Pelham, Perry, Phelps, Phillips, Pike, Thomas C. Platt, Potter, Purman, Rapier, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Schell, Isaac W. Scudder, Shanks, Sherwood, Sloan, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Southard, Starkweather, Alexander H. Stephens, Charles A. Stevens, Storm, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Tremain, Walls, Wheeler, Whiteley, William Williams, Jeremiah M. Wilson, Wolfe, and Wood.

The SPEAKER. The call of the roll shows the presence of 192 members.

Mr. BUTLER, of Massachusetts. I move now that further proceedings under the call be dispensed with, having brought so many of our democratic friends here. And now I desire, they being here, to submit to them a proposition. I ask them if there is any hour or any day on which they will agree that this bill shall be taken up for consideration, to be open to amendment and proper discussion? If so and they will name the day, we will agree to it on our side of the House.

Mr. RANDALL. We prefer to take up the appropriation bills; we can take up the civil-rights bill afterward.

Mr. BUTLER, of Massachusetts. Name any time.

Mr. RANDALL. Whenever we have disposed of all the appropriation bills, it will then be time to talk about the civil-rights bill.

Mr. BECK. I call for the yeas and nays on the motion to dispense with further proceedings under the call.

The yeas and nays were ordered.

Mr. ELDREDGE. I move that the House now adjourn.

Mr. SAYLER, of Ohio. And on that motion I call for the yeas and nays.

Mr. BUTLER, of Massachusetts. I call for tellers on ordering the yeas and nays.

Mr. CONGER. I rise to make a parliamentary inquiry. It is whether the rule does not require that the doors shall be closed under a call of the House after the list of absentees has been called?

The SPEAKER. It does. The Doorkeeper will close the doors of the Hall.

Mr. TYNER. Are excuses for absentees now in order?

Mr. DAWES. Wait until they are called for excuses.

Mr. ELDREDGE. I rise to a question of order. A motion to suspend proceedings under the call was made previous to the order of the Speaker to close the doors of the Hall.

The SPEAKER. That was a neglect which the Chair has since corrected.

Mr. CONGER. Several members went out of the Hall before the Chair ordered the doors to be closed; and they are now continually going out. Would it be in order to have the roll again called?

The SPEAKER. It would not.

Mr. DAWES. I think the officer in charge of the door ought to be called to order. I am informed that more members have gone out of the Hall than have come in since the order was made for a call of the House.

Mr. LAWRENCE. That is a fraud on the roll-call.

Mr. CONGER. In view of that fact, I ask that the roll be again called.

The SPEAKER. The gentleman from Massachusetts, [Mr. BUTLER,] immediately upon the announcement by the Chair of the number of members who had responded to their names, moved that further proceedings under the call be dispensed with, and the Chair supposed that his motion would meet with no resistance. But the gentleman from Kentucky [Mr. BECK] called for the yeas and nays on that motion, and the gentleman from Wisconsin [Mr. ELDREDGE] interposed a motion to adjourn, which prevented the House from finishing proceedings under the call.

Mr. DAWES. I understand now that I was mistaken; outsiders are going out of the Hall, not members.

The SPEAKER. The Chair supposed that it was confined principally to persons not entitled to the floor. It is a matter of honor for a member to remain in the Hall after he has answered to his name upon the roll-call.

Mr. LAWRENCE. If the roll should be again called, it will be seen that a great many members have gone out of the Hall.

The SPEAKER. Then they have left thoughtlessly and without consideration, doing that which under the rule they should not do. The Chair does not know that any one has done so to-night.

Mr. CONGER. I make the point of order that the motion to adjourn and the motion to dispense with further proceedings under the call were both irregular under the rule, which required the doors to be closed.

The SPEAKER. The intervening period is very brief.

Mr. CONGER. I make the point that neither of those motions were in order, and are not now pending.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] makes the point of order that the motion to dispense with further proceedings under the call and also the motion to adjourn were made

before the doors were ordered to be closed. The rule is that upon a call of the House being ordered, "the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over. The doors shall then be shut." The Chair thinks the point of order is well taken.

Mr. CONGER. The Chair having decided that point, I ask now that the names of the absentees be called for excuses.

The SPEAKER. They are not presumed to be here to give excuses.

Mr. CONGER. Then I will move that Mr. WILLIAM A. WHEELER, of New York, be excused, as he is absent on business of the House.

The SPEAKER. He is absent by order of the House, and therefore constructively present. No excuse is needed for him.

Mr. DAWES. Is it not customary for the list of absentees to be called for excuses?

The SPEAKER. The Chair thinks the practice is to call the list of absentees and afterward to issue orders for arrest of the absent members not excused if the proceedings are persisted in.

Mr. DAWES. My recollection is that the list of absentees has been called the second time on these cases for the rendering of excuses. I ask that Mr. PIKE, of New Hampshire, be excused. He left on pressing call of business before this voting commenced. I promised him that I would ask an excuse for him of the House, and I have omitted to do so.

Mr. CONGER. I think the gentleman from Massachusetts [Mr. DAWES] should ask for leave of absence for Mr. PIKE, and not for an excuse.

Mr. WILBER. I ask that my colleague, Mr. TREMAIN, be excused on account of poor health.

Mr. FIELD. I object. I suppose Mr. TREMAIN can be here as well as some of us.

Mr. ELDREDGE. I move now that further proceedings under the call be dispensed with, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ELDREDGE. I now renew the motion that the House adjourn, and on that I call for the yeas and nays.

Mr. ALBRIGHT. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. SHOEMAKER, of Pennsylvania, and Mr. BUCKNER were appointed.

The House divided; and the tellers reported that there were 52 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. CONGER. I raise the point of order that members are coming into the Hall, although the doors have been ordered to be closed.

Mr. BECK. I move that when the House adjourns to-day it be to meet on Friday next.

The SPEAKER. That motion is not now in order.

Mr. BLAND. I would inquire if the doors of the House are open or shut under the rule?

The SPEAKER. They are shut.

Mr. RANDALL. And I ask attention to be called to the rule prohibiting smoking in the Hall of the House.

Mr. O'BRIEN. I think the doors of the Hall are open; I see persons going out.

The SPEAKER. They are open for the exit of persons not entitled to remain on the floor. The question is upon the motion to adjourn, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 53, nays 103, not voting 133; as follows:

YEAS—Messrs. Archer, Ashe, Atkins, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Eldredge, Giddings, Glover, Gunter, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Lamar, Luttrell, Magee, McLean, Milliken, Mills, Neal, Nesmith, Niblack, O'Brien, Read, Robbins, Milton Sayler, Speer, Standiford, Stone, Vance, Waddell, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, and John D. Young—53.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burrows, Benjamin F. Butler, Carpenter, Cason, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Crounse, Crutchfield, Dawes, Dobbins, Donnan, Dunnell, Field, Fort, Foster, Gooch, Hagans, Eugene Hale, Benjamin W. Harris, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, James W. McDill, MacDougall, McKee, Monroe, Moore, Negley, O'Neill, Orth, Packard, Page, Isaac C. Parker, Parsons, Pierce, James H. Platt, jr., Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Henry J. Scudder, Sener, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Smart, John Q. Smith, Sprague, St. John, Stowell, Strawbridge, Taylor, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Woodworth—103.

NOT VOTING—Messrs. Adams, Arthur, Banning, Barnum, Bass, Begole, Berry, Burchard, Burleigh, Roderick R. Butler, Cain, Cannon, Cessna, Chittenden, Freeman Clarke, Clayton, Coburn, Comingo, Corwin, Cotton, Creamer, Crooke, Curtis, Danford, Darrall, Duell, Durham, Eames, Eden, Farwell, Finck, Freeman, Frye, Garfield, Gunckel, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, Harrison, Hathorn, Havens, Gerry W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Leach, Lofland, Longbridge, Marshall, Maynard, McCrary, Alexander S. McDill, McNulta, Merriam, Mitchell, Morey, Morrison, Myers, Niles, Nunn, Orr, Packer, Hosea W. Parker, Pelham, Pendleton, Perry, Phelps, Phillips, Pike, Thomas C. Platt, Potter, Purman, Randall, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sherwood, Sloan, Sloss, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Stanard, Starkweather, Alexander H. Stephens, Charles A. Stevens, Storm, Strait, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thompson, Tremain, Walls, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whiteley, Charles W. Willard, William Williams, Jeremiah M. Wilson, Woife, Wood, and Pierce M. B. Young—133.

So the motion to adjourn was not agreed to.

During the call of the roll the following announcements were made:

Mr. ROBBINS. The time for my pair with Mr. BURCHARD, of Illinois, (half past ten o'clock p. m.,) having expired, I feel at liberty to vote on this motion, and I vote "ay."

Mr. PARKER, of Missouri. My colleague, Mr. HAVENS, is necessarily absent on account of sickness.

Mr. GUNCKEL. On this question I am paired with Mr. WELLS, of Missouri, who if present would vote "ay," and I would vote "no."

Mr. TOWNSEND. I desire to announce that Mr. EAMES, of Rhode Island, is paired with Mr. ARTHUR, of Kentucky; and that Mr. PENDLETON, of Rhode Island, is paired with Mr. SLOSS, of Alabama.

Mr. O'BRIEN. My colleague, Mr. SWANN, is absent from the House this evening because he is slightly unwell.

Mr. STANARD. On this question I am paired with Mr. MORRISON, who if present would vote "ay" and I would vote "no."

Mr. SLOSS. On this question I am paired with Mr. PENDLETON, of Rhode Island, who if present would vote "no," and I would vote "ay."

Mr. STRAIT. On this question I am paired with Mr. WELLS, of Missouri, who if present would vote "ay," and I would vote "no."

The SPEAKER. The question recurs upon the motion of the gentleman from Wisconsin [Mr. ELDREDGE] to dispense with further proceedings under the call; upon that question the yeas and nays have been ordered.

The question was taken; and there were—yeas 108, nays 41, not voting 140; as follows:

YEAS—Messrs. Adams, Albert, Archer, Ashe, Atkins, Averill, Barrere, Barry, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caldwell, Carpenter, Amos Clark, jr., John B. Clark, jr., Clymer, Clinton L. Cobb, Cox, Crooke, Crossland, Crounse, Crutchfield, Davis, Dawes, DeWitt, Dobbins, Dunnell, Eldredge, Foster, Giddings, Glover, Gunckel, Gunter, Hagans, Benjamin W. Harris, Hatcher, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hereford, Herndon, Hooper, Hoskins, Houghton, Hunter, Hunton, Hurlbut, Hynes, Lamar, Lawson, Leach, Luttrell, Magee, McLean, McNulta, Milliken, Mills, Monroe, Myers, Neal, Nesmith, Niblack, O'Neill, Page, Parsons, Pierce, Poland, Ransier, Read, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Milton Sayler, Henry J. Scudder, Sener, Sheldon, Lazarus D. Shoemaker, Smart, John Q. Smith, Stone, Stowell, Strait, Townsend, Vance, Waddell, Waldron, Jasper D. Ward, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Woodworth, and John D. Young—108.

NAYS—Messrs. Barber, Biery, Bradley, Bundy, Burrows, Cason, Stephen A. Cobb, Coburn, Conger, Field, Fort, Eugene Hale, Hays, Howe, Hyde, Lawrence, Lowe, Lowndes, Lynch, Martin, Maynard, James W. McDill, MacDougall, Moore, O'Brien, Orth, Packard, Isaac C. Parker, James H. Platt, jr., Rainey, Rapier, Ray, Shanks, Sheats, Speer, Sprague, St. John, Thornburgh, Todd, Tyner, and White—41.

NOT VOTING—Messrs. Albright, Arthur, Banning, Barnum, Bass, Begole, Berry, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cessna, Chittenden, Freeman Clarke, Clayton, Clements, Comingo, Cook, Corwin, Cotton, Creamer, Crittenden, Curtis, Danford, Darrall, Donnan, Duell, Durham, Eames, Eden, Farwell, Finck, Freeman, Frye, Garfield, Gooch, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Harrison, Hathorn, Havens, Hays, Gerry W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hubbell, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lewis, Lofland, Longbridge, Marshall, McCrary, Alexander S. McDill, McKee, Merriam, Mitchell, Morey, Morrison, Negley, Niles, Nunn, Orr, Packer, Hosea W. Parker, Pelham, Pendleton, Perry, Phelps, Phillips, Pike, Thomas C. Platt, Potter, Pratt, Purman, Randall, William R. Roberts, James C. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sherwood, Sloan, Sloss, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Storm, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Tremain, Wallace, Walls, Marcus L. Ward, Wells, Wheeler, Whiteley, Wilber, William Williams, Jeremiah M. Wilson, Woife, Wood, and Pierce M. B. Young—140.

So the motion was agreed to.

The SPEAKER. All further proceedings under the call are dispensed with, and the Doorkeeper will open the doors of the Hall.

Mr. ELDREDGE. I move that the House now adjourn. I hope that motion will be agreed to; it seems to me it ought to be now.

Mr. BUTLER, of Massachusetts. I move that when the House adjourns to-day it be to meet on Saturday next.

Mr. ELDREDGE. That motion belongs to our side; you ought not to take it away from us.

Mr. ELDREDGE and others called for the yeas and nays on Mr. BUTLER's motion.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 14, noes 64; not one-fifth in the affirmative.

Before the result of the vote was announced,

Mr. ELDREDGE called for tellers on ordering the yeas and nays.

Tellers were not ordered, there being but 18 in the affirmative; not one-fifth of a quorum.

The yeas and nays were not ordered.

The motion of Mr. BUTLER, of Massachusetts, was then agreed to.

The question recurred upon the motion of Mr. ELDREDGE that the House now adjourn.

Mr. BUTLER, of Massachusetts. I hope not.

Mr. SPEER. I thought the gentleman was going with us now.

Mr. BUTLER, of Massachusetts. O, no; I never thought of such a thing.

Mr. SPEER. You took our motion to adjourn until Saturday.

Mr. BUTLER, of Massachusetts. I did not want you to insist upon occupying all day Monday in the reading of the Journal of to-day's proceedings and roll-calls.

The question was taken on the motion to adjourn; and upon a division there were—ayes 48, noes 69.

Before the result of this vote was announced,

Mr. O'BRIEN called for the yeas and nays.

Mr. BIERY and others called for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. GUNCKEL and Mr. GIDDINGS were appointed.

The House divided; and the tellers reported that there were 45 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. RANDALL. I move that when the House adjourns to-day it be to meet on Friday next; and on that motion I call for the yeas and nays.

Mr. SHANKS. It seems to me that we have been voting on that motion for at least four days.

Mr. HYNES. If the House should vote to adjourn now, would not that adjourn the House till Friday?

The SPEAKER. It would adjourn the House to the next calendar day, which would be Friday.

Mr. HYNES. That being the fact, is it in order to move that when the House adjourns to-day it be to meet on Friday next?

The SPEAKER. It may make a little confusion in the Gregorian calendar, but the Chair thinks the motion is admissible under the rule. Whether you consider to-day as Wednesday or Thursday, there are two days to either of which the House can determine to adjourn.

Mr. SPEER. Under the Constitution either House can adjourn for three days without the consent of the other. Does not the ruling of the Chair just made practically annul that provision of the Constitution, by preventing the House from voting on a motion to adjourn for that length of time?

The SPEAKER. It does not. The Chair does not know how, according to parliamentary usage, the proceedings now taking place can be journalized otherwise than of Wednesday, January 27.

Mr. SPEER. If the House should continue in session without adjourning until Monday next at noon, will it be in order during all that time to move that "when the House adjourns it be to meet on Friday next;" that is, Friday, January 29, even after that Friday shall have passed?

The SPEAKER. The motion could be made to adjourn until "the day after to-morrow," or the day after that; and then trust to the Journal to determine what that means.

Mr. RANDALL. I call for the yeas and nays on my motion that when the House adjourns to-day it be to meet on Friday next.

Mr. ELDREDGE. And I call for tellers on ordering the yeas and nays.

Mr. RANDALL. I move that when the House adjourns to-day it be to meet to-morrow; and on that I call for the yeas and nays.

The SPEAKER. There is no necessity for that motion, for the House can adjourn at once if it chooses to do so.

Mr. RANDALL. Then I will say "the day after to-morrow."

The SPEAKER. The House has already determined to do that. The House has voted that when it adjourns to-day it will meet on Saturday next. The Chair thinks there are motions enough pending now to confuse the ordinary mind.

Mr. SPEER. Is it in order to appeal from the decision of the Chair on the point of order the gentleman from Arkansas [Mr. HYNES] submitted a few minutes since?

The SPEAKER. Not pending these motions, for it would simply be multiplying the number of dilatory motions.

Mr. ELDREDGE. I move to reconsider the vote by which the House agreed that when it adjourned to-day it would adjourn to meet on Saturday next.

Mr. BUTLER, of Massachusetts. And I move to lay that motion on the table.

Mr. SPEER. I call for the yeas and nays on the motion to lay on the table.

Mr. HYNES. Is that motion in order pending all these other motions?

The SPEAKER. The Chair thinks it is.

Mr. FIELD. I hope some one will keep count of all these motions.

The yeas and nays were ordered.

Mr. SPEER. Will the Chair state the order in which the pending motions are to be put?

The SPEAKER. The first question is upon laying on the table the motion to reconsider the vote by which the House agreed that when it adjourned to-day it would adjourn to meet on Saturday next. On that motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 95, nays 51, not voting 143; as follows:

YEAS—Messrs. Albright, Barber, Barrere, Biery, Bradley, Buffinton, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Crooke, Crounse, Dobbins, Dunnell, Field, Fort, Foster, Gooch, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, O'Neill, Packard, Isaac C. Parker, Parsons, Pierce, James H. Platt, jr., Poland, Rainey, Ransier, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Henry J. Scudder, Sener, Shanks, Sheats, Lazarus D. Shoemaker, Small, John Q. Smith, Sprague, St. John, Stowell, Strawbridge, Taylor, Thompson, Thornburgh, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Wilber, George Willard, John M. S. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, and Woodworth—95.

NAYS—Messrs. Archer, Atkins, Beck, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Crutchfield, Davis, DeWitt, Eldredge, Giddings, Glover, Gunter, Hancock, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Leach, Magee, McLean, Milliken, Mills, Neal, Nesmith, Niblack, Hosea W. Parker, Potter, Read, Robbins, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, and Willie—51.

NOT VOTING—Messrs. Adams, Albert, Arthur, Ashe, Averill, Banning, Barnum, Barry, Bass, Begole, Blount, Burchard, Burleigh, Caldwell, Carpenter, Cessna, Chittenden, Freeman Clarke, Clayton, Conger, Corwin, Cotton, Cox, Creamer, Curtis, Danford, Darrell, Dawes, Donnan, Duell, Durham, Eames, Eden, Farwell, Finck, Freeman, Frye, Garfield, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Holman, Hoskins, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Lawrence, Lofland, Loughridge, Luttrell, Marshall, Maynard, McCrary, Alexander S. McDill, Merriam, Mitchell, Morey, Morrison, Myers, Negley, Niles, Nunn, O'Brien, Orr, Orth, Packer, Page, Pelham, Pendleton, Perry, Phelps, Phillips, Pike, Thomas C. Platt, Pratt, Purman, Randall, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sheldon, Sherwood, Sloan, Sloss, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Strait, Sypher, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Walls, Marcus L. Ward, Wells, Wheeler, White, Whiteley, Charles W. Willard, Charles G. Williams, William Williams, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—143.

So the motion to reconsider the vote by which the House agreed to adjourn over until Saturday was laid on the table.

During the call of the roll the following announcements were made:

Mr. SLOSS. I am paired with Mr. PENDLETON, of Rhode Island. If he were here he would vote "ay," and I would vote "no."

Mr. STRAIT. I am paired with Mr. WELLS, of Missouri. If he were here he would vote "no," and I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. SMITH, of Ohio. I desire to make a parliamentary inquiry. If the House shall now adjourn, when will it meet? What would be the effect of adopting a motion to adjourn now?

Mr. E. R. HOAR. Do not make that motion now.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The question recurs on the motion that when the House adjourns to-day it be to meet on Friday.

Mr. SMITH, of Ohio. Has not the vote just taken covered that?

The SPEAKER. Why?

Mr. SMITH, of Ohio. We have resolved that when the House adjourns it be to meet on Saturday, and the motion to reconsider that vote has been laid on the table.

The SPEAKER. But if the House should now agree to the motion to adjourn until Friday, that, by the usage of the House, would neutralize the vote just taken. The last vote controls. The Chair would be compelled to adjourn the House to the day named by the last action of the House.

The question was taken; and there were—yeas 48, nays 98, not voting 143; as follows:

YEAS—Messrs. Archer, Atkins, Beck, Bell, Berry, Bland, Blount, Bright Bromberg, Brown, Buckner, John B. Clark, jr., Clymer, Comingo, Cook, Crittendon, Davis, DeWitt, Eldredge, Glover, Gunter, Hancock, John T. Harris, Hatcher, Hereford, Herndon, Lamar, Magee, McLean, Milliken, Mills, Neal, Niblack, Hosea W. Parker, Potter, Read, Robbins, Speer, Stone, Storm, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, and Wolfe—48.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crooke, Crounse, Dawes, Dobbins, Donnan, Dunnell, Field, Fort, Foster, Gooch, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, O'Neill, Packard, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, James H. Platt, jr., Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Sener, Shanks, Sheats, Lazarus D. Shoemaker, Small, Smart, John Q. Smith, Sprague, St. John, Stowell, Strawbridge, Taylor, Thompson, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Whiteley, Wilber, George Willard, John M. S. Williams, William B. Williams, James Wilson, and Woodworth—98.

NOT VOTING—Messrs. Adams, Albert, Arthur, Ashe, Banning, Barnum, Barry, Bass, Begole, Bowen, Burchard, Roderick R. Butler, Caldwell, Carpenter, Cessna, Chittenden, Freeman Clarke, Clayton, Corwin, Cotton, Cox, Creamer, Crossland, Crutchfield, Curtis, Danford, Darrall, Duell, Durham, Eames, Eden, Farwell, Finck, Freeman, Frye, Garfield, Giddings, Gunckel, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Hunton, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lawrence, Leach, Lofland, Loughridge, Luttrell, Marshall, Maynard, McCrary, Alexander S. McDill, Merriam, Mitchell, Morey, Morrison, Myers, Negley, Nesmith, Niles, Nunn, O'Brien, Orr, Orth, Packer, Page, Pendleton, Perry, Phelps, Pike, Thomas C. Platt, Purman, Randall, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Strait, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Walls, Marcus L. Ward, Wells, Wheeler, White, Charles W. Willard, Charles G. Williams, William Williams, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—143.

So the motion to adjourn over till Friday was not agreed to.

During the call of the roll the following announcements were made:

Mr. STRAIT. On this question, and all others touching adjournment, I am paired with Mr. WELLS, of Missouri, till six o'clock this morning. If he were here, on this motion he would vote "no," and I would vote "ay."

Mr. RANDALL. I paired on all these votes with Mr. GARFIELD, of Ohio. On this motion he would vote in the negative, and I would vote in the affirmative.

Mr. TOWNSEND. I am requested to state that Mr. EAMES, of Rhode Island, is paired with Mr. ARTHUR, of Kentucky, until half past nine o'clock this morning.

The result of the vote was then announced as above recorded.

ENROLLED BILL SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. No. 3823) making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876; when the Speaker signed the same.

CIVIL-RIGHTS BILL.

The question recurred upon the motion that the House do now adjourn, upon which the yeas and nays had been ordered.

The question was taken; and there were—yeas 45, nays 92, not voting 152; as follows:

YEAS—Messrs. Archer, Atkins, Beck, Bell, Berry, Bland, Bright, Bromberg, Brown, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Davis, DeWitt, Eldredge, Glover, Gunter, Hancock, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Lamar, Leach, Magee, Milliken, Mills, Moore, Neal, Hosea W. Parker, Potter, Read, Robbins, Speer, Stone, Storm, Thompson, Vance, Whitehead, Whitehouse, Willie, and Wolfe—45.

NAYS—Messrs. Albright, Averill, Barrere, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cannon, Cason, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Crooke, Crounse, Dobbins, Donnan, Field, Fort, Foster, Gooch, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lawrence, Lawson, Lowe, Lowndes, Lynch, Martin, Maynard, James W. McDill, MacDougall, McKee, McNulta, Monroe, O'Neill, Packard, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, James H. Platt, jr., Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Henry J. Scudder, Sener, Shanks, Lazarus D. Shoemaker, Small, Smart, John Q. Smith, St. John, Stowell, Taylor, Thornburgh, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Whiteley, Wilber, George Willard, John M. S. Williams, William B. Williams, James Wilson, and Woodworth—92.

NOT VOTING—Messrs. Adams, Albert, Arthur, Ashe, Banning, Barber, Barnum, Barry, Bass, Begole, Blount, Bowen, Buckner, Burchard, Roderick R. Butler, Cain, Caldwell, Carpenter, Cessna, Chittenden, Freeman Clarke, Clayton, Conger, Corwin, Cotton, Cox, Creamer, Crossland, Crutchfield, Curtis, Danford, Darrall, Dawes, Duell, Dunnell, Durham, Eames, Eden, Farwell, Finck, Freeman, Frye, Garfield, Giddings, Gunckel, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lewis, Lofland, Loughridge, Luttrell, Marshall, McCrary, Alexander S. McDill, McLean, Merriam, Mitchell, Morey, Morrison, Myers, Negley, Nesmith, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packer, Page, Pendleton, Perry, Phelps, Pike, Thomas C. Platt, Purman, Randall, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Sprague, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Strait, Strawbridge, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Waddell, Walls, Marcus L. Ward, Wells, Wheeler, White, Whitthorne, Charles W. Willard, Charles G. Williams, William Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—152.

So the House refused to adjourn.

During the roll-call the following announcement was made:

Mr. RANDALL. I am paired upon this question with the gentleman from Ohio, [Mr. GARFIELD.]

The result of the vote was then announced as above recorded.

Mr. RANDALL. I move that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. ROBBINS. I second that motion.

Mr. ELDREDGE. I demand the yeas and nays upon it.

Mr. BUTLER, of Massachusetts. And I call for tellers on the yeas and nays.

Mr. SPEER. Is the motion of my colleague from Pennsylvania in order, when the last vote disclosed the fact that no quorum was present?

Mr. BUTLER, of Massachusetts. It is too late to raise that question, other business having intervened.

Mr. CONGER. I demand the regular order.

The SPEAKER. The Chair did not observe that no quorum voted on the last vote; but a quorum is not necessary on a motion to adjourn, whether it be decided in the affirmative or in the negative.

Mr. SPEER. No, sir; but upon a motion to adjourn to another day it is necessary that there should be a quorum present.

Mr. RANDALL. Well; we will find out when the vote is taken on that question whether there is a quorum.

Mr. SPEER. My point is that when the last vote discloses the fact that no quorum is present the House cannot proceed to business.

The SPEAKER. It can test the question whether there is a quorum present by the vote on the motion of the gentleman's colleague.

Mr. HYNES. I rise to a question of order. The roll-call just taken has developed the absence of a quorum. Nothing is in order but a motion to adjourn, or for a call of the House. We have just voted on a motion to adjourn, and therefore it cannot now be repeated. I therefore move to reconsider the vote by which the House refused to adjourn.

The SPEAKER. That is not in order; you can never reconsider a motion to adjourn.

Mr. HYNES. No, sir; but the House can reconsider the vote by which the House refused to adjourn.

The SPEAKER. That is not in order.

Mr. HYNES. Then I do not think anything is in order but a call of the House.

The SPEAKER. Yes; a motion that when the House adjourns it adjourn to meet on Friday next is in order.

Mr. CONGER. Would it not be in order to take up the original motion to reconsider the vote by which the civil-rights bill was recommitted to the Committee on the Judiciary?

Mr. ELDREDGE. O, no; that will not do; do not let the public business suffer.

Mr. HYNES. When the absence of a quorum is disclosed, the minority of the House present can only adjourn from day to day. They cannot adjourn till Friday.

The SPEAKER. It depends upon whether a quorum would vote upon the motion of adjourning till Friday, and that can only be determined by taking the vote upon that question.

Mr. HYNES. But the proposition cannot be entertained under the Constitution.

The SPEAKER. A quorum did not vote on the last vote taken, it is true; *non constat* that a quorum may not vote upon the next motion.

Mr. ROBBINS. We will have a quorum next time.

The SPEAKER. A quorum is not needed to adjourn or refuse to adjourn, and it cannot be determined whether a quorum will vote on the next question until the vote is taken.

Tellers were ordered on ordering the yeas and nays; and Mr. FIELD and Mr. SPEER were appointed.

The House divided; and the tellers reported 35 in the affirmative; more than one-fifth of the last vote.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 38, nays 90, not voting 161; as follows:

YEAS—Messrs. Archer, Atkins, Beck, Bell, Berry, Bland, Blount, Bright, Bromberg, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Davis, DeWitt, Eldredge, Giddings, Gunter, Hatcher, Hereford, Herndon, Leach, Magee, Milliken, Mills, Neal, Nesmith, Hosea W. Parker, Potter, Read, Speer, Stone, Vance, Whitehead, Whitehouse, Willie, and Wolfe—38.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crounse, Crutchfield, Donnan, Field, Fort, Foster, Gooch, Hagans, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lawrence, Lawson, Lowe, Lowndes, Lynch, Maynard, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, O'Neill, Packard, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, James H. Platt, jr., Poland, Pratt, Rainey, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Henry J. Scudder, Sener, Shanks, Lazarus D. Shoemaker, Small, Smart, John Q. Smith, Sprague, St. John, Stowell, Taylor, Thornburgh, Townsend, Tyner, Jasper D. Ward, Whiteley, Wilber, George Willard, John M. S. Williams, William B. Williams, James Wilson, and Woodworth—90.

NOT VOTING—Messrs. Adams, Albert, Arthur, Ashe, Banning, Barnum, Barry, Bass, Begole, Bowen, Brown, Buckner, Burchard, Roderick R. Butler, Carpenter, Chittenden, Freeman Clarke, Clayton, Clements, Comingo, Corwin, Cotton, Cox, Creamer, Crooke, Crossland, Curtis, Danford, Darrall, Dawes, Dobbins, Duell, Dunnell, Durham, Eames, Eden, Farwell, Finck, Freeman, Frye, Garfield, Glover, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Hunton, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Lewis, Lofland, Loughridge, Luttrell, Marshall, Martin, McCrary, Alexander S. McDill, McLean, Merriam, Mitchell, Morey, Morrison, Myers, Negley, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packer, Page, Pendleton, Perry, Phelps, Pike, Thomas C. Platt, Purman, Randall, Ransier, Ray, Richmond, Robbins, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Storm, Strait, Strawbridge, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Tremain, Waddell, Waldron, Wallace, Walls, Marcus L. Ward, Wells, Wheeler, White, Whitthorne, Charles W. Willard, Charles G. Williams, William Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—161.

During the call of the roll,

Mr. RANDALL said: On this vote I am paired with the gentleman from Ohio, Mr. GARFIELD. If he were here he would vote "no," and I would vote "ay."

The SPEAKER. On the motion that when the House adjourns to-day it be to meet on Friday the ayes are 38 and the noes are 90. No quorum has voted.

Mr. MAYNARD. I move that there be a call of the House.

Mr. TYNER. And pending that I move that the House do now adjourn.

Mr. MAYNARD. On that motion I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 34.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 53, nays 94, not voting 142; as follows:

YEAS—Messrs. Atkins, Beck, Bell, Berry, Bland, Blount, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Davis, DeWitt, Eldredge, Giddings, Glover, Gunter, Hancock, John T. Harris, Hatcher,

Hereford, Herndon, Hunton, Lamar, Leach, Lowndes, Luttrell, Magee, Milliken, Mills, Neal, Niblack, O'Brien, Hosea W. Parker, Potter, Read, Robbins, Sener, Speer, Stone, Storm, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, and Wolfe—53.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crooke, Crounse, Crutchfield, Donnan, Field, Fort, Foster, Gooch, Hagans, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lawrence, Lawson, Lowe, Lynch, Maynard, James W. McDill, McKee, McNulta, Monroe, Moore, O'Neill, Packard, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, James H. Platt, jr., Poland, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Henry J. Scudder, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Small, Smart, John Q. Smith, Sprague, St. John, Stowell, Strawbridge, Thornburgh, Townsend, Tyner, Wallace, Jasper D. Ward, Whiteley, Wilber, George Willard, John M. S. Williams, William B. Williams, James Wilson, and Woodworth—94.

NOT VOTING—Messrs. Adams, Albert, Archer, Arthur, Ashe, Banning, Barnum, Barry, Bass, Begole, Bowen, Buckner, Burchard, Roderick R. Butler, Carpenter, Cessna, Chittenden, Freeman Clarke, Clayton, Corwin, Cotton, Cox, Creamer, Crossland, Curtis, Danford, Darrall, Dawes, Dobbins, Duell, Dunnell, Durham, Eames, Eden, Farwell, Finck, Freeman, Frye, Garfield, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lewis, Lofland, Loughridge, Marshall, Martin, McCrary, Alexander S. McDill, MacDougall, McLean, Merriam, Mitchell, Morey, Morrison, Myers, Negley, Nesmith, Niles, Nunn, Orr, Orth, Packer, Page, Pendleton, Perry, Phelps, Pike, Thomas C. Platt, Purman, Randall, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Tremain, Waldron, Walls, Marcus L. Ward, Wells, Wheeler, White, Charles W. Willard, Charles G. Williams, William Williams, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—142.

So the motion was not agreed to.

During the call of the roll,

Mr. YOUNG, of Georgia, said: I am paired with Mr. SCOFIELD, of Pennsylvania. If he were here he would vote "no," and I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. SHANKS. I wish to offer a preamble to the bill, if in order.

Mr. SPEER. I object.

Mr. RANDALL. I call for the regular order.

Mr. FIELD. I hope it will be read.

Mr. LAWRENCE. Let it be read for information.

Mr. SPEER. I object, because it is in the Choctaw language.

Mr. STORM. The Chair decided last night that the gentleman from Indiana could not read. What is the use of his trying?

The SPEAKER. The question recurs on the motion of the gentleman from Tennessee [Mr. MAYNARD] that there be a call of the House.

Mr. MAYNARD. Did the last vote disclose the presence of a quorum?

The SPEAKER. It did.

Mr. MAYNARD. I withdraw my motion for a call of the House.

Mr. RANDALL. I move that when the House adjourns it be to meet on Friday; and on that motion I call for the yeas and nays.

Mr. SHANKS. Before that I ask to have this preamble read, and I hope gentlemen will not object to the reading.

The SPEAKER. The question is on the motion that when the House adjourns it adjourn to meet on Friday.

Mr. MAYNARD. I rise to a question of order. Is not that motion now before the House regularly? If my memory is correct it is. This identical question was voted upon by the House, and the House discovered itself without a quorum, and of course that vote was ineffective. Is it not in order to retake the vote now, it being demonstrated that there is a quorum in the House?

The SPEAKER. A quorum is now present, but there is nothing to prevent the House from taking a vote upon that question now or to have a call of the House.

Mr. MAYNARD. Well, I have withdrawn my motion for a call of the House, and I suppose that the regular order is to take a vote again upon the motion on which no quorum was disclosed.

The SPEAKER. Whatever motion is before the House ought to have certification by a majority.

Mr. MAYNARD. My point of order, if I make myself understood, is this: the gentleman from Pennsylvania moved that the House adjourn to meet on Friday next——

Mr. ELDREDGE. O, no; he did not make any such motion. That is an impossible motion.

Mr. MAYNARD. He moved that when the House adjourns it adjourn to meet on Friday next, and my point of order is, that that question is now before the House; for when the House divided upon that question before, it found itself without a quorum; and unless a motion for a call of the House be interposed, the vote must be retaken on it.

Mr. CONGER. The question of a quorum was not raised on that vote, and another motion was made.

The SPEAKER. The Chair does not quite apprehend the point made by the gentleman from Tennessee. Is the gentleman's point that the vote upon the motion of the gentleman from Pennsylvania must be certified on the previous motion without a new motion?

Mr. MAYNARD. Yes, sir.

The SPEAKER. Well, it is quite immaterial as to how it shall be certified, whether upon the former motion or upon the present one.

Mr. MAYNARD. The point is that if this new motion is admitted, then any other might be made; and I submit that before we pass from the previous motion, which was an independent substantive proposition which we were dividing on, we must carry it through to a result by having a decisive vote upon it by a quorum of the House.

The SPEAKER. The Chair was about to have it; there is only one way in which it can be done, by calling the yeas and nays.

Mr. YOUNG, of Georgia. I would inquire if a quorum voted upon the last vote?

The SPEAKER. On the last vote there was a quorum.

Mr. SMALL. If the House agrees to adjourn till Friday, when will that be?

Mr. FORT. I submit that it is Friday now.

The SPEAKER. Friday has become Wednesday.

Mr. ROBBINS. This is the day before yesterday then.

Mr. CONGER. I raise the point of order that determining the day to which the House shall adjourn is other business, and therefore out of order.

Mr. MAYNARD. My point will be made by calling for the regular order, if the Speaker will state what it is.

Mr. FORT. I think the proposition of the gentleman from Indiana [Mr. SHANKS] will settle this whole difficulty.

Mr. CONGER. I demand the yeas and nays on the motion to reconsider the vote by which the civil-rights bill was recommitted to the Committee on the Judiciary.

Mr. RANDALL. It is not time for that yet.

Mr. LAWRENCE. I hope leave will be granted to the gentleman from Indiana [Mr. SHANKS] to read the resolution from the democratic platform of 1872.

Mr. ROBBINS. I hope we shall do something for the gentleman from Indiana; he has been very faithful.

Mr. SPEER. I withdraw my objection to the reading of the Choctaw treaty by the gentleman from Indiana.

Mr. LAWRENCE. Now let it be read.

Mr. RANDALL. I renew it.

Mr. CONGER. I demand the yeas and nays on the pending motion to reconsider.

The SPEAKER. The pendingm otion is that when the House adjourns to-day it adjourn to meet on Friday.

Mr. CONGER. That motion had not been entertained when I first made my call.

The SPEAKER. It was entertained before the motion to adjourn was made, but the vote disclosed the fact that there was no quorum. Then the only motions in order were either for a call of the House or to adjourn. A motion to adjourn was made and negatived, and the vote disclosed the fact that a quorum was present. Thereupon the gentleman from Tennessee withdrew his motion for a call of the House. The question then recurred upon certifying the vote which was short of a quorum on the motion that when the House adjourns to-day it adjourn to meet on Friday.

Mr. CONGER. I understood the Chair to say it was immaterial whether that vote was certified.

The SPEAKER. O, no; the Chair said it was immaterial whether it was certified upon the old motion or upon a new motion of the same purport.

Mr. CONGER. Then I misunderstood the Chair. I understood the Chair to say that it was immaterial whether it was certified or not.

Now, if I have the floor, I yield it to the gentleman from Indiana, [Mr. SHANKS.]

Mr. RANDALL. I call for the regular order. I object to debate.

Mr. SHANKS. I hope the regular order will not be insisted on. For thirty-six mortal hours I have struggled for the floor.

Mr. RANDALL. I insist on the regular order.

Mr. SHANKS. I believe the House wants to hear this.

Mr. RANDALL. I object. The gentleman may as well take his seat.

The SPEAKER. The gentleman from Indiana [Mr. SHANKS] is not in order.

The pending motion is that when the House adjourns it be to meet on Friday.

Mr. CLEMENTS. I rise to a question of order. That is one week from to-day, and the motion cannot be properly made under the provisions of the Constitution.

Mr. RANDALL. I will accept the ruling of the Chair on that point.

The SPEAKER. If the motion should prevail, and after that a motion to adjourn should prevail, although this be Wednesday, the House would meet at twelve o'clock to-day.

The question was taken; and there were—yeas 27, nays 84, not voting 178; as follows:

YEAS—Messrs. Atkins, Bland, Bright, Bromberg, Brown, Crittenden, Davis, DeWitt, Giddings, Gunter, Hatcher, Lamar, Leach, Luttrell, Magee, Milliken, Hosea W. Parker, Potter, Robbins, Speer, Stone, Storm, Vance, Whitehead, Whitehouse, Whitthorne, and Ephraim K. Wilson—27.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Biery, Bradley, Buffinton, Bundy, Burleigh, Benjamin F. Butler, Cannon, Cason, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Crooke, Crounse, Crutchfield, Field, Fort, Foster, Gooch, Hagans, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hodges, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Maynard, James W. McDill, McKee, McNulta, Monroe, Moore, O'Neill, Packard, Isaac

C. Parker, Parsons, Pelham, Phillips, Pierce, Poland, Pratt, Rainey, Rapier, Ellis H. Roberts, James W. Robinson, Ross, Henry J. Scudder, Sessions, Shanks, Lazarus D. Shoemaker, Small, Smart, Sprague, St. John, Stowell, Thompson, Thornburgh, Townsend, Tyner, Jasper D. Ward, Wilber, George Willard, John M. S. Williams, William B. Williams, James Wilson, and Woodworth—84.

NOT VOTING—Messrs. Adams, Albert, Archer, Arthur, Ashe, Banning, Barnum, Barry, Bass, Beck, Begole, Bell, Berry, Blount, Bowen, Buckner, Burchard, Burrows, Roderick R. Butler, Cain, Caldwell, Carpenter, Cessna, Chittenden, John B. Clark, jr., Freeman Clarke, Clayton, Clymer, Coburn, Comingo, Cook, Corwin, Cotton, Cox, Creamer, Crossland, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Eden, Eldredge, Farwell, Finck, Freeman, Frye, Garfield, Glover, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hereford, Herndon, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hunton, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lofland, Loughridge, Marshall, Martin, McCrary, Alexander S. McDill, MacDougall, McLean, Merriam, Mills, Mitchell, Morey, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packer, Page, Pendleton, Perry, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Purman, Randall, Ransier, Ray, Read, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sheats, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Waddell, Waldron, Wallace, Walls, Marcus L. Ward, Wells, Wheeler, White, Whiteley, Charles W. Willard, Charles G. Williams, William Williams, Willie, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—178.

The SPEAKER. On this motion the yeas are 27, and the noes are 84.

Mr. RANDALL. Is that a quorum?

The SPEAKER. It is not.

Mr. ELDREDGE. Would it be in order now to move that the House adjourn?

The SPEAKER. That is the only thing now that is in order, except that there be a call of the House.

Mr. WHITEHOUSE. Would it be in order to move to take a recess.

The SPEAKER. It would not.

Mr. WHITEHOUSE. By unanimous consent?

The SPEAKER. Anything can be done by unanimous consent.

Mr. WHITEHOUSE. I ask that, by unanimous consent, we take a recess, that the Hall may be cleaned, and that we may be in a better condition to proceed to business.

Mr. RANDALL. I object.

Mr. ELDREDGE. Would it be in order for the clerks to commence now to read the Journal? That might facilitate the public business.

The SPEAKER. There is no motion pending.

Mr. MAYNARD. In order to demonstrate the fact whether there is a quorum or not, I will make the motion that there be a call of the House.

Mr. ELDREDGE. And pending that I move that the House do now adjourn.

Mr. SPEER. I hope the gentleman from Wisconsin will withdraw his motion. Let us have a call of the House. It will be a good thing for members to make them get up early. It is the early bird that catches the worm.

Mr. ELDREDGE. I have no objection to the House going on with business; but if we are not to do business, it seems to me we ought to adjourn. We have been evidently earning our money sitting here, and I hope our services to the country will be appreciated.

Mr. SHANKS. Shall I now offer this preamble?

Mr. LEACH. Yes; I wish to hear it.

Objection was made.

The question being taken on the motion to adjourn, it was not agreed to.

The question recurred on Mr. MAYNARD'S motion, that there be a call of the House.

Mr. MAYNARD. Let us have the yeas and nays on that.

On the question of ordering the yeas and nays, there were ayes 4; not a sufficient number.

Accordingly the yeas and nays were not ordered.

The motion for a call of the House was agreed to.

The roll was called, and the following members failed to answer to their names:

Messrs. Adams, Albert, Arthur, Ashe, Banning, Barry, Bass, Begole, Buckner, Burchard, Cain, Carpenter, Cessna, Chittenden, Freeman Clarke, Clayton, Corwin, Cotton, Cox, Creamer, Curtis, Danford, Darrall, Dawes Dobbins, Duell, Dunnell, Durham, Eames, Eden, Farwell, Finck, Freeman, Frye, Garfield, Gunckel, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lofland, Loughridge, Marshall, Martin, McCrary, Alexander S. McDill, MacDougall, McKee, McLean, Merriam, Mitchell, Morey, Morrison, Negley, Niblack, Niles, Nunn, Orr, Orth, Packer, Page, Pendleton, Perry, Phelps, Pike, Thomas C. Platt, Pratt, Purman, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sherwood, Sloan, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Walls, Marcus L. Ward, Wells, Wheeler, White, Charles W. Willard, Charles G. Williams, William Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, John D. Young.

The SPEAKER. The roll-call shows the presence of one hundred and fifty-four members. The doorkeepers will now close the doors.

Mr. TYNER. Is it in order now to present excuses for absentees? If so, I desire to say that my colleague, Mr. SAYLER, is detained from the session of the House to-night by the serious illness of his wife, and I move that he be excused.

Mr. RANDALL. I call for the regular order.

Mr. TYNER. This is the regular order.

Mr. RANDALL. No; the regular order is to go back and vote on the motion upon which the House found itself without a quorum.

Mr. WILSON, of Iowa. I desire to state that Mr. BEGOLE, of Michigan, is absent on account of indisposition.

Mr. ELDREDGE. I desire to state that Mr. FINCK was too sick to remain in the House, and I ask that he be excused.

Mr. COMINGO. My colleague, Mr. WELLS, is sick and unable to attend the session of the House, and I move that he be excused.

Mr. SPEER. I call for the regular order.

Mr. BELL. My colleague, Mr. HARRIS, is detained from the House by sickness, and I move that he be excused.

Mr. WHITEHOUSE. I desire to state that Mr. HAMILTON left the House in consequence of indisposition, and I trust he will be excused.

Mr. SPEER. I insist on the regular order. There are too many motions piling up. The House should dispose of one before another is entertained. I for one object to any one being excused unless the yeas and nays are called upon it. I want the yeas and nays in each case, although I hope that every gentleman who is sick or has sickness in his family will be excused.

Mr. MAYNARD. I made my motion, not for the purpose of moving upon the absentees or in any way of discommoding gentlemen who were here all last night and are absent in consequence, but for the purpose of securing a quorum; and as it seems to have been demonstrated that a quorum is present, I am not disposed to press the call any further. In order to test the sense of the House, I will move that all further proceedings under the call be dispensed with, and that we proceed to vote upon the question on which no quorum was developed.

Mr. LAWRENCE. Is that a debatable question?

The SPEAKER. It is not.

Mr. LAWRENCE. I hope we shall not dispense with the call. We have a right to the presence and advice of these absent gentlemen.

Mr. ELDREDGE. There is a difference among the elect.

Mr. POLAND. If it is in order to move excuses for absentees, I desire to move that my colleague, Mr. WILLARD, be excused on account of the state of his health.

Mr. LAWRENCE. Now let the gentleman from Indiana [Mr. SHANKS] read the first section of the democratic platform of 1872.

Mr. RANDALL. I call for the regular order.

Mr. WILSON, of Iowa. Is it understood that all these gentlemen have been excused?

The SPEAKER. The adoption of the motion of the gentleman from Tennessee will excuse them.

Mr. WILSON, of Iowa. But the House may not agree to that.

The SPEAKER. The motion takes precedence of all others.

The question was taken on Mr. MAYNARD'S motion, and it was not agreed to.

The SPEAKER. It is now the duty of the Chair to send out warrants for the absentees.

Mr. MAYNARD. Is it not necessary that the names of the absentees be called for excuses before that is done? *Non constat* that some of the absentees are not absent by leave of the House.

Mr. NESMITH. *Non constat* has been here all day, and voted on the last vote.

Mr. MAYNARD. I ask as a parliamentary question if it is not necessary that the names of the absentees be called for excuses?

The SPEAKER. The usual mode is to direct the Sergeant-at-Arms to send for the absentees.

Mr. MAYNARD. I think the roll of absentees is usually called for the purpose of hearing excuses

The SPEAKER. The Chair has never known it to be done.

Mr. SPEER. I would inquire whether the rules do not require that the debates in this House shall be conducted in the English language? An expression was used by the gentleman from Tennessee which was not understood on this side of the House.

Mr. ELDREDGE. What was that?

Mr. SPEER. *Non constat.*

Mr. ELDREDGE. He is not a member of the House.

Mr. POLAND. I desire to move that my colleague, Mr. CHARLES W. WILLARD, be excused on account of the state of his health. Every one knows that he is in feeble health, and that he was not able to stay here to-night.

Mr. SPEER. I hope the motion to excuse Mr. WILLARD will prevail.

Mr. SENER. Does the gentleman have a physician's certificate as to the state of his colleague's health?

Mr. CLEMENTS. It would be a good idea to excuse the gentleman. When here he objects to everything.

Mr. BECK. I want the yeas and nays on that.

The SPEAKER. The mode under the call, gentlemen will observe, is that when the House has got through the call and has refused to dismiss proceedings under it the proceeding then becomes an executive one which the Sergeant-at-Arms has to enforce. Of course if the yeas and nays were to be taken on every motion that a gentleman be excused it would be impossible to get to the end of the pro-

ceeding. The duty of the Sergeant-at-Arms is to take the list of absentees and peremptorily bring them before the House.

Mr. STORM. The practice has been first to make excuses for gentlemen who are absent, and warrants are not made out for those who are excused by the House.

Mr. FIELD. I move that my colleague, Mr. BEGOLE, be excused. He was present during last night's session and was compelled to leave on account of the state of his health.

The SPEAKER. The pending motion is the motion of the gentleman from Vermont to excuse his colleague, Mr. WILLARD.

Mr. BECK. And on that motion I call for the yeas and nays.

Mr. SPEER. Let us have a division.

Mr. POLAND. I do not make this motion from any other idea than that Mr. WILLARD is unable to be here at this time of the night.

Mr. BUTLER, of Massachusetts. Mr. WILLARD came to me this evening and said, "I do not know how I can stand here any longer." I think he ought to be excused.

Mr. SPEER. He ought to be excused. There is no doubt that he is in delicate health.

Mr. RANDALL. He is no more in delicate health than I am.

The motion to excuse Mr. WILLARD, of Vermont, was agreed to—ayes 61, noes 17.

Mr. FIELD. I repeat my motion that Mr. BEGOLE be excused.

The motion was agreed to.

Mr. BELL. I move that my colleagues, Mr. STEPHENS and Mr. HARRIS, be excused on account of indisposition. Mr. HARRIS left the House yesterday afternoon extremely unwell.

The motion was agreed to.

Mr. ELLIS H. ROBERTS. I ask that my colleague, Mr. LAMPORT, be excused.

There was no objection, and Mr. LAMPORT was excused.

Mr. ELDREDGE. I move that Mr. FINCK, of Ohio, be excused.

The motion was agreed to.

Mr. CLARK, of New Jersey. I move that my colleague, Mr. WARD, be excused on account of indisposition.

There was no objection, and the motion was agreed to.

Mr. SHANKS. I move that my colleague, Mr. WILLIAMS, be excused on account of indisposition.

Objection was made.

Mr. BUTLER, of Massachusetts. My colleague, Mr. HOOPER, was here until twelve o'clock. He then came to me, and also spoke to the Speaker, and said he could not stay any longer.

There was no objection, and Mr. HOOPER was excused.

Mr. STORM. I move that Mr. SCUDDER, of New Jersey, be excused.

The motion was agreed to.

Mr. LOWNDES. I ask that my colleague, Mr. ALBERT, be excused on account of indisposition.

There was no objection.

Mr. WHITEHOUSE. I move that my colleague, Mr. SCHELL, be excused.

The motion was agreed to.

Mr. WHITEHOUSE. I move that my colleague, Mr. WOOD, be excused on account of pressing engagements which are known to the House.

Objection was made.

The question being taken, the motion was agreed to—ayes 58, noes 17.

Mr. HAWLEY, of Connecticut. I move to excuse every absentee.

Mr. McDILL, of Iowa. I second the motion. When so many are being excused, all ought to be.

Mr. MAYNARD. Would not that be tantamount to dispensing with further proceedings under the call?

The SPEAKER. It would amount to about the same thing.

The question being taken on the motion of Mr. HAWLEY, of Connecticut, it was not agreed to.

Mr. HERNDON. I move that Mr. SWANN, of Maryland, be excused. He is in very weak health.

Mr. ELDREDGE. Mr. SWANN stated to me, as he went out of the House, that he was completely worn out and that he was sick besides.

The question being taken on excusing Mr. SWANN, there were ayes 62, noes not counted.

So the motion was agreed to.

Mr. WILBER. I move that my colleague, Mr. TREMAIN, be excused on account of ill health.

Mr. LAWSON. Mr. TREMAIN is paired with Mr. COX.

Mr. BUTLER, of Massachusetts. That does not excuse him. These pairs are the reason why we have not a quorum.

The motion to excuse Mr. TREMAIN was agreed to.

Mr. LAWSON. I move that my colleague, Mr. PERRY, be excused on account of his age.

The motion was agreed to.

Mr. VANCE. My colleague, Mr. ASHE, is a gentleman somewhat advanced in years. I move that he be excused.

The motion was agreed to.

Mr. GLOVER. Mr. KNAPP, of Illinois, left the House very ill. I move that he be excused.

The motion was not agreed to.

Mr. SMALL. My colleague, Mr. PIKE, is necessarily at home in New Hampshire. I move that he be excused.

Mr. SPEER Is he absent by leave of the House?

Mr. STORM. I object.

The motion to excuse Mr. PIKE was not agreed to.

Mr. HAYS. I move that Mr. WHITE, of Alabama, be excused on account of indisposition.

Mr. CALDWELL. I object. He told me this evening that he never tired.

The question being taken on the motion to excuse Mr. WHITE, there were—ayes 56, noes 27.

So the motion was agreed to.

Mr. BUNDY. I ask that my colleague, Mr. DANFORD, be excused. He is very sick.

The SPEAKER. Mr. DANFORD is absent by leave of the House.

Mr. SOUTHARD. I move that my colleague, Mr. SAYLER, be excused. He left the House late last evening very much broken down.

The motion was not agreed to.

Mr. CLEMENTS. I move that Mr. CORWIN be excused on account of ill health.

The motion was agreed to.

Mr. MAYNARD. There is another gentleman here, a member of the House, who was a contemporary of Mr. WHITE, of Alabama, as a member of the House many years ago—Mr. CURTIS, of Pennsylvania. I move that he be excused.

The motion was agreed to.

Mr. STRAWBRIDGE. I move that my colleague, Mr. CESSNA, be excused. He is quite worn out by his service here.

Mr. SPEER. I heard Mr. CESSNA say that he would not leave the House unless he got a pair. I think he would enjoy being here now very much.

The motion to excuse Mr. CESSNA was agreed to.

Mr. FORT. I move that Mr. CLAYTON, of California, be excused. I know that he is unwell.

The motion was agreed to.

Mr. MOORE. I ask that my colleague, Mr. TODD, be excused.

Objection was made.

Mr. HAZELTON, of New Jersey. I move that my colleague, Mr. DOBBINS, be excused.

The motion was agreed to.

Mr. BUTLER, of Massachusetts. My colleague, Mr. STEVENS, arrived here on Wednesday night, and was sworn in and remained here all night after traveling the night before and has not been able to continue his attendance. I move that he be excused.

Mr. CONGER. Mr. STEVENS said last night that he enjoyed being here very much. I hope that enjoyment will be continued to him.

The motion was not agreed to.

Mr. HERNDON. I move that my colleague, Mr. McLEAN, be excused, as he is in a very feeble condition.

The question was taken, and the motion was not agreed to.

Mr. BROWN. I move that my colleague, Mr. YOUNG, be excused on account of sickness.

The motion was agreed to.

Mr. SHANKS. I move that my colleague, Mr. WILSON, be excused.

The motion was not agreed to.

Mr. SPEER. I have just learned that Mr. TODD left the House to-night quite unwell. I move therefore that he be excused.

The motion was agreed to.

Mr. WILBER. I ask that my colleague, Mr. MACDOUGALL, be excused. He only got back to the city to-day, having been necessarily absent from it.

The SPEAKER. He is already excused.

Mr. AVERILL. I move that my colleague, Mr. DUNNELL, be excused. I do not ask this on the ground of old age, but he has been here to-night and I know that he is indisposed, and I hope he will be excused.

The motion was not agreed to.

Mr. LAWSON. I move that my colleague, Mr. BASS, be excused. He has a very sore throat and his wife is quite ill.

The motion was agreed to.

Mr. RANDALL. I move that my colleague, Mr. SCOFIELD, be excused.

The motion was not agreed to.

Mr. CLARK, of Missouri. I desire to renew the motion of the gentleman from Connecticut, [Mr. HAWLEY,] as this seems to be a very sick Congress, to excuse all the absentees.

Mr. VANCE. *Non constat* included.

Mr. FIELD. O! we cannot afford that.

The motion was not agreed to.

Mr. COMINGO. I move that Mr. WELLS be excused for reasons I have already stated.

Several MEMBERS. What are those reasons?

Mr. COMINGO. He is sick.

The motion was not agreed to.

Mr. PARKER, of Missouri. I move that my colleague, Mr. HAVENS, be excused. He was compelled to leave the Hall on account of sickness.

The motion was not agreed to.

Mr. CLEMENTS. I move that my colleague, Mr. MORRISON, be excused. He is in bad health, and is unable to be here.

Mr. RANDALL. He had to be in Florida the whole of last winter.

The motion was agreed to.

Mr. NESMITH. I move that Mr. Cox be excused.

The motion was not agreed to.

Mr. CONGER. I am informed that Mr. Cox's family is sick. He has been here most of the time, but was necessarily called away.

Mr. SPEER. What member of his family?

Mr. CONGER. His child.

Mr. SPEER. He has no children.

Mr. LUTTRELL. I move that the gentleman from Missouri, Mr. BUCKNER, be excused. I know that he has been sick for several days, and is unable to be here.

The motion was agreed to.

Mr. RANDALL. I move to excuse Mr. HOLMAN, of Indiana.

Mr. SHANKS. O! I object to that; he is too full of objections for us to be able to afford to excuse him.

Mr. SPEER. He ought to be excused; he is paired with Mr. HOOPER, of Massachusetts, who has been excused this evening.

The question was taken; and the motion was not agreed to.

Mr. LAWSON. I hope Mr. Cox will be excused. He has paired with Mr. TREMAIN, who has been excused this evening.

Mr. FIELD. Mr. COX told me he felt very well to-day.

Mr. PACKARD. I move that my colleague, Judge ORTH, be excused on account of general indisposition.

Several MEMBERS. To be here?

The motion was not agreed to.

Mr. CONGER. Now, if there is no other business, while the Sergeant-at-Arms is preparing the list, I should like to ask leave for the gentleman from Indiana [Mr. SHANKS] to make his remarks.

Mr. SPEER. O, no; I move that the gentleman from Indiana be excused.

Mr. AVERILL. I move that Mr. SAWYER be excused, because I know that he went home sick. I make this motion in good faith, and I hope he will be excused.

The motion was agreed to.

Mr. MAYNARD. I offer the customary order in such cases:

Ordered, That the Sergeant-at-Arms be directed to arrest and bring to the bar of the House such members as are absent without the leave of the House.

Mr. LAWRENCE. I move that all the members on the other side of the House be excused, and then we can pass the civil-rights bill.

Mr. BECK. I move that Mr. KNAPP, of Illinois, be excused. He left the House at ten o'clock to-night because he was too ill to remain.

The motion was agreed to.

Mr. WHITEHOUSE. I move that Mr. HAMILTON be excused. He left the House quite indisposed.

The motion was not agreed to.

Mr. LUTTRELL. Following the example of the gentleman from Ohio, [Mr. LAWRENCE,] I move that all the members on the other side of the House be excused, as they are suffering from a very severe attack of civil rights.

Mr. BUTLER, of Massachusetts. I move to reconsider all the votes taken upon these motions, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. WHITELEY. I move that my colleague, Mr. FREEMAN, be excused. He left the Hall quite sick.

The motion was agreed to.

Mr. BUTLER, of Massachesetts, moved to reconsider the vote by which Mr. FREEMAN was excused; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. VANCE. I understand that Mr. NUNN, of Tennessee, has received a telegram stating that his family is sick, and has to leave the city. I move that he be excused.

A MEMBER. He was in the Hall to-night.

Mr. THORNBURGH. He expects to leave to-morrow morning.

The motion was agreed to.

Mr. SHANKS. I move that Mr. COX be excused for the reason that the democratic party, in their convention in 1872, adopted the following resolution——

Mr. SPEER. I object to debate, except on the Choctaw claim. I withdrew my objection on the ground that the gentleman should read nothing but the Choctaw treaty, and he has violated his contract with me.

Mr. CONGER. Does it need any further motion to enable the Sergeant-at-Arms to perform his duties?

The SPEAKER. It does not.

Mr. WHITELEY. I move to excuse my colleague, Mr. SLOAN, on account of general debility.

The motion was not agreed to.

Mr. PELHAM. I move that my colleague, Mr. SHEATS, be excused. He is in the Speaker's room now quite sick.

The motion was not agreed to.

Mr. LAWSON. I move that my colleague, Mr. FREEMAN CLARKE, be excused on account of his age. I think he ought to be excused from attendance at a night session.

Mr. CONGER. I would inquire what was the result of the call as to the number present?

The SPEAKER. The call showed the presence of 154 members.

Mr. CONGER. And is not 146 a quorum?

The SPEAKER. It is.

Mr. CONGER. Then I move that all further proceedings under the call be suspended.

Mr. SPEER. O, no! Let us send for the absentees. We may as well spend the morning in this way as in any other.

Mr. LUTTRELL. Would it be in order to move that the House take a recess until ten o'clock in order to give the Sergeant-at-Arms time to make his report?

The SPEAKER. It would not.

Mr. CLARK, of Missouri. Would it be in order to move for a new call of the House, in order to see if any of the sick have been overlooked?

The SPEAKER. It would not.

The motion of Mr. CONGER was not agreed to.

Mr. HUBBELL. I move that all further proceedings under the call be dispensed with.

Mr. SPEER. That motion has just been made and lost, and no business has intervened.

Mr. TYNER here took the chair as Speaker *pro tempore*.

Mr. CONGER. I ask leave to make another motion. I do it at the suggestion of several gentlemen. There are several more members present than a quorum, and there was an understanding which I heard of myself, on both sides of the House, that persons who were up last night would have an opportunity to rest to-night.

Mr. CLYMER. I was here all last night.

Mr. CONGER. I find that those who were here last night and staid here patiently and performed their duties are ready to excuse those who are absent on this call. I will therefore make this motion, that the remaining absentees under this call be excused.

Several MEMBERS. O, no!

The motion was not agreed to.

Mr. BLAINE, (the Speaker.) I desire to say one word. I have never known an instance, and I do not believe such an instance can be found anywhere, that when upon a call of the House a quorum was found to be present the proceedings under it were continued. The House exercises its power to send for absentees because finding itself without a quorum it is incompetent to do business. But the House with one hundred and fifty-four members present has as full power to do business as it ever could have. You may wake one hundred men and take them out of their beds and bring them here, but when you have done so you will not have a particle more power than you have at this moment.

Mr. CROUNSE. When it is now a question of endurance, and those who are here are suffering all the inconvenience of attending this long session of the House, is it not right that those gentlemen who have gone home to bed should be brought here under the call?

Mr. BLAINE. That would not make the endurance of those who are here a particle less.

Mr. CROUNSE. But as a matter of fair play it is right that the others should be here.

Mr. BLAINE. Whether that be the case or not the records of the House ought to show some reason for sending for the absentees, and the record shows the presence of a quorum when the roll was called.

Mr. CONGER. I submit that it might be better for us all to dispense with proceedings under the call. We who are here now may want the same indulgence next night.

Mr. BLAINE. I have no desire, as one member of the House, to evade any responsibility. But I do want the records of the House to show that the precedents of the House have been followed, and the precedent of the House which is based upon principles of common sense is that if the House on the call of the roll finds itself in possession of a quorum that should be the end of the proceeding.

Mr. HAWLEY, of Connecticut. I desire to make an inquiry. If I understand correctly the rules of the House and the law, it is the duty of every member of the House, unless sickness detains him, to be here in his place; and if two hundred and ninety are present and two absent, the two hundred and ninety would have the absolute right to send for the two absentees.

Mr. BLAINE. If the gentleman got the House of Representatives to enforce that, it would never do anything else.

Mr. HAWLEY, of Connecticut. There is reason for enforcing it when the House is engaged in a struggle like this.

Mr. BLAINE. Do you change the result one particle by bringing the absentees here?

Mr. HAWLEY, of Connecticut. We would exercise the right of having the men here who ought to be here. I do not care whether we adjourn now or not, but I do insist that we have a right to have all the members here.

Mr. BURROWS. The reasons for the call are indicated in this statement in the Digest:

The members brought in by him are then severally arraigned by the Speaker and interrogated by him as to what excuses they may have to offer for being absent from the sitting of the House without its leave.

Mr. BLAINE. Let me read from the Digest further on that point:

The order of arrest is not usually made by the House unless a quorum cannot otherwise be obtained; and upon the appearance of a quorum a motion is usually made and carried that "all further proceedings in the call be dispensed with;" and this motion is held to be in order at any period of the proceedings.

Mr. SPEER. That motion when made may be lost.

Mr. BLAINE. Of course, it may be lost. I am not disputing the power of the House to reject the motion, or that the power of the

House, as has been suggested by the gentleman from Connecticut, can be used by the two hundred and ninety members to bring the two absentees here.

Mr. RANDALL. I desire to propose a compromise: That we proceed to consider the special order of to-day, the post-office appropriation bill.

Mr. FORT. If in order, I move that all further proceedings under the call be dispensed with.

Mr. SPEER. I rise to a question of order. Does the Chair entertain that motion?

The SPEAKER *pro tempore*, (Mr. TYNER.) The Chair does entertain the motion. Does the gentleman from Pennsylvania raise a question of order upon it?

Mr. SPEER. I raise the question of order that that motion is not in order, having been already put and lost, and no motion having intervened.

The SPEAKER *pro tempore*. The Chair answers the gentleman's question of order by saying that since the motion was previously put to suspend all further proceedings under this call another motion was made by the gentleman from Michigan, [Mr. CONGER,] to excuse all the absentees who had not already been excused. That motion was acted upon, and therefore the motion of the gentleman from Illinois [Mr. FORT] is in order.

Mr. CONGER. Mr. Speaker——

Mr. AVERILL. Is the question debatable?

The SPEAKER *pro tempore*. It is not.

Mr. BECK. I call for the yeas and nays on the motion of the gentleman from Illinois.

Mr. CONGER. I rise to a question of order. It is this: That the motion I made has not been decided.

The SPEAKER *pro tempore*. The Chair does not agree with the gentleman from Michigan. The gentleman from Michigan made the motion, and the Chair put it and declared it lost.

Mr. WILSON, of Iowa. I rise to a question of order. Are the motion to dispense with further proceedings under the call and the motion to excuse all absentees equivalent motions?

The SPEAKER *pro tempore*. They may be substantially. There may be nothing left for the House to do under the call after the motion to excuse all absentees is carried; but it would not dispense with all proceedings under the call.

The Chair rules that the motion of the gentleman from Illinois is in order.

Mr. SPEER. May I ask the Chair whether the Journal shows that the motion of the gentleman from Michigan [Mr. CONGER] was acted on?

The SPEAKER *pro tempore*. The Journal is not yet made up, and the Chair is unable to say what appears on it.

Mr. SPEER. Cannot the journal clerk inform the Chair whether this was entered on the Journal?

Mr. ELDREDGE. I rise to ask a parliamentary question.

Mr. BUTLER, of Massachusetts. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman from Wisconsin is recognized by the Chair.

Mr. ELDREDGE. I wish to put this question: Whether, if no action had been taken by the House and we had waited for the Sergeant-at-Arms for half an hour or any other period of time to appear with the absentees, it would not be in order again to put the same motion to suspend further proceedings under the call, even although no other motion had intervened?

The SPEAKER *pro tempore*. A response to that question is immaterial.

Mr. ELDREDGE. I do not think it is immaterial.

The SPEAKER *pro tempore*. The Chair thinks it is; because the Chair has already decided that other business has intervened.

Mr. ELDREDGE. I do not wish any such parliamentary precedents to be established as that we cannot get rid of the proceedings under the call at any time when we see fit to do so.

The SPEAKER *pro tempore*. The present occupant of the chair does not feel called upon to decide any question not properly before the House.

Mr. BECK. I demand the yeas and nays on the motion to dispense with further proceedings under the rule.

On the question of ordering the yeas and nays there were ayes 43.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 50, not voting 169; as follows:

YEAS—Messrs. Ashe, Atkins, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buffinton, Bundy, Burleigh, Cain, Caldwell, Cason, Amos Clark, jr., John B. Clark, jr., Clymer, Clinton L. Cobb, Comingo, Cook, Crooke, Crossland, Crutchfield, Davis, Donnan, Eldredge, Field, Fort, Foster, Glover, Gunter, Hancock, John T. Harris, Hays, Hereford, Herndon, Hyde, Lawson, Luttrell, Magee, Maynard, James W. McDill, Milliken, Mills, Monroe, Moore, Neal, Hosea W. Parker, Parsons, Potter, Pratt, Read, Robbins, Ellis H. Roberts, James W. Robinson, Stone, Storm, Tyner, Vance, Waddell, Whitehead, John M. S. Williams, Willie, Ephraim K. Wilson, Wolfe, and Woodworth—70.

NAYS—Messrs. Albright, Averill, Barrere, Biery, Burrows, Benjamin F. Butler, Cannon, Clements, Conger, Cronnse, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, John W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hurlbut, Lawrence, Lowndes, McKee, McNulta, O'Neill, Packard, Isaac C. Parker, Pelham, Phillips, Pierce, James H. Platt, jr., Poland, Rainey, Rapier, Ross, Sener, Shanks, Lazarus D. Shoemaker, J. Ambler Smith, Speer, Sprague, St. John, Strawbridge, Waldron, Jasper D. Ward, Whiteley, William B. Williams, and James Wilson—50.

NOT VOTING—Messrs. Adams, Albert, Archer, Arthur, Banning, Barber, Barnum, Barry, Bass, Begole, Buckner, Burchard, Roderick R. Butler, Carpenter, Cessna, Chittenden, Freeman Clarke, Clayton, Stephen A. Cobb, Coburn, Corwin, Cotton, Cox, Creamer, Crittenden, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Duell, Dunnell, Durham, Eames, Eden, Farwell, Finck, Freeman, Frye, Garfield, Giddings, Gooch, Gunckel, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Hunton, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Loughridge, Lowe, Lynch, Marshall, Martin, McCrary, Alexander S. McDill, MacDougall, McLean, Merriam, Mitchell, Morey, Morrison, Myers, Negley, Nesmith, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packer, Page, Pendleton, Perry, Phelps, Pike, Thomas C. Platt, Purman, Randall, Ransier, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sherwood, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Southard, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Stowell, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Wallace, Walls, Marcus L. Ward, Wells, Wheeler, White, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William Williams, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—169.

So the House agreed to dispense with further proceedings under the call.

During the call of the roll,

Mr. SLOSS said: I am paired with Mr. PENDLETON, of Rhode Island. If he had been present he would have voted on this question as he thought best. I would have voted "ay."

The result of the vote was then announced as above recorded.

Mr. POLAND. I have remained here for two nights endeavoring to make a struggle for what we considered principle upon our side. It was perfectly well understood yesterday that gentlemen who were not here the night before should be here last night to give those of us who remained here during the whole of the first night an opportunity to have some rest; and not a man of them has been here. The men who were here the first night are the very same men who have been here to-night. I do not consider it my duty to stand this any longer, and I move that the House adjourn.

Mr. PLATT, of Virginia, and others called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 40.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 64, nays 86, not voting 139; as follows:

YEAS—Messrs. Archer, Ashe, Atkins, Averill, Beck, Bell, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Creamer, Crittenden, Crossland, Davis, Eldredge, Foster, Giddings, Glover, Gunter, Eugene Hale, Hancock, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Lamar, Leach, Luttrell, Magee, McLean, Milliken, Mills, Neal, Nesmith, O'Brien, Hosea W. Parker, Poland, Potter, Read Robbins, Ellis H. Roberts, Sener, Speer, Stone. Storm, Tyner, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, George Willard, Willie, Ephraim K. Wilson, and Wolfe—64.

NAYS—Messrs. Albright, Barber, Barrere, Berry, Biery, Buffinton, Bundy, Burleigh, Benjamin F. Butler, Cain, Cannon, Cason, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crooke, Cronnse, Crutchfield, Donnan, Field, Fort, Gooch, Hagans, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hodges, Howe, Hubbell, Hunter, Hurlbut, Hyde, Lawrence, Lawson, Lewis, Lowe, Lynch, Maynard, James W. McDill, McKee, McNulta, Monroe, Moore, O'Neill, Packard, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, James H. Platt, jr., Pratt, Rainey, Ransier, Rapier, James W. Robinson, Ross, Henry J. Scudder, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Small, Smart, J. Ambler Smith, John Q. Smith, Snyder, Sprague, St. John, Stowell, Strawbridge, Thornburgh, Townsend, Wallace, Jasper D. Ward, Whiteley, Wilber, John M. S. Williams, James Wilson, and Woodworth—86.

NOT VOTING—Messrs. Adams, Albert, Arthur, Banning, Barnum, Barry, Bass, Begole, Buckner, Burchard, Burrows, Roderick R. Butler, Carpenter, Cessna, Chittenden, Freeman Clarke, Clayton, Corwin, Cotton, Cox, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Duell, Dunnell, Durham, Eames, Eden, Farwell, Finck, Freeman, Frye, Garfield, Gunckel, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lofland, Loughridge, Lowndes, Marshall, Martin, McCrary, Alexander S. McDill, MacDougall, Merriam, Mitchell, Morey, Morrison, Myers, Negley, Niblack, Niles, Nunn, Orr, Orth, Packer, Page, Pendleton, Perry, Phelps, Pike, Thomas C. Platt, Purman, Randall, Ray, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Southard, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Tremain, Waldron, Walls, Marcus L. Ward, Wells, Wheeler, White, Charles W. Willard, Charles G. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—139.

So the motion to adjourn was not agreed to.

Mr. BUTLER, of Massachusetts. I ask that the yeas and nays be called upon the motion to reconsider.

Mr. RANDALL. Pending that, I move that when the House adjourns to-day it adjourn to meet on Friday.

A MEMBER. It is Friday now.

Mr. ELDREDGE. It is not Friday. The Speaker has held that over and over again.

Mr. RANDALL. Let us understand what the motion of the gentleman from Massachusetts [Mr. BUTLER] is.

The SPEAKER. If the gentleman from Pennsylvania [Mr. RANDALL] should withdraw his motion, the question immediately to be voted upon would be on the consideration of the motion to reconsider.

Mr. RANDALL. To reconsider what?

The SPEAKER. The question would be on the gentleman's own

proposition raising the question of consideration of the motion to reconsider the vote by which the civil-rights bill was recommitted.

Mr. RANDALL. I insist on the motion I have just made.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves that when the House adjourns it adjourn till Friday next.

Mr. BUTLER, of Massachusetts. What Friday?

The SPEAKER. The Friday next after Wednesday, January 27.

Mr. RANDALL. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER, of Massachusetts. I rise to a point of order. If I understand the motion, it means that Friday after the termination of this legislative day; and as this legislative day has not terminated and may never terminate so far as I can see, what Friday will that be?

The SPEAKER. If the House should adjourn——

Mr. ELDREDGE. I do not think it is fair to put such conundrums to the Speaker.

The SPEAKER. The Chair does not object.

Mr. BUTLER, of Massachusetts. If the motion means any other Friday than this, then it is beyond the constitutional power of the House.

Mr. RANDALL. This is not Friday, but Wednesday.

Mr. BUTLER, of Massachusetts. And if it means to-day, then it would be senseless.

The SPEAKER. The motion of the gentleman from Pennsylvania might have a very direct effect. The House now stands recorded as having voted that when it adjourns it will adjourn to meet on Saturday. If the motion of the gentleman from Pennsylvania should prevail, it would rescind that; and if the House should thereafter adjourn prior to twelve o'clock m. of this Calendar day, it would meet on the day preceding Saturday.

Mr. BUTLER, of Massachusetts. Let me put a case in order to get my point before the Chair. The hour of daily meeting, according to the rules of the House, is twelve o'clock. Suppose this legislative day should not terminate till after twelve o'clock noon to-day, Friday——

Mr. ELDREDGE. This is not Friday.

Mr. BUTLER, of Massachusetts. It is Friday by the calendar. In the calendar there is no such designation known as a "legislative day." You cannot call it anything else than Friday, and as we may not adjourn till after twelve o'clock noon, (I do not see any hope of it, nor have I any wish for it while the present posture of affairs continues,) if we do not adjourn till after twelve o'clock, then to what time would the House stand adjourned according to this motion?

The SPEAKER. The whole difficulty which the gentleman presents would apply equally to Saturday when we reach it—the time to which the gentleman's own motion applies.

Mr. BUTLER, of Massachusetts. Pardon me, no; because my motion was that we should adjourn to meet next Saturday; and that was next Saturday, whether you call this Friday or Wednesday.

The SPEAKER. So the legislative day of Friday, January 29, is just as much Friday at this moment as next Saturday is Saturday, because the legislative day does not begin till twelve o'clock noon. If after twelve o'clock there should be any difficulty in the matter, it will be time enough then to unravel it.

Mr. ELDREDGE. I would like to put a parliamentary inquiry, since that seems to be the order. Can the House be deprived of the right to agree to an adjournment for three days by any sort of legerdemain, legislative or otherwise? Have we not the right under the Constitution to adjourn for any number of days not exceeding three, and can we be deprived of it by any sort of parliamentary tactics? Have we not that right under all circumstances?

Mr. BUTLER, of Massachusetts. We cannot adjourn backward; that is the trouble.

Mr. ELDREDGE. The gentleman might adjourn backward, I think; but I could not.

Mr. BUTLER, of Massachusetts. We cannot adjourn to a day past.

The SPEAKER. The legislative day of Friday is still future.

Mr. ELDREDGE. Whatever legislative day this may be, Friday or not, we have the right under the Constitution to adjourn for not exceeding three days; and we cannot be deprived of that right under any circumstances. Now, whether or not we can do so by the form of the motion which is proposed, we certainly can adjourn under the Constitution for not exceeding three days.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I am not trying to put this as a mere conundrum; I am endeavoring to get rid of one of these dilatory motions. Now, the way to test the matter is this: If this is Wednesday, then the gentleman from Pennsylvania might move to adjourn till Thursday—that is yesterday, a day passed—just as well as to Friday. There is the difficulty. We are tied up by a legislative fiction; worse than that, for I am willing the fiction shall exist until it necessarily passes out of existence. Now, the day called by legislative fiction Wednesday has passed over into Friday; and therefore we cannot adjourn to Friday.

The SPEAKER. We have not yet reached the legislative day of Friday.

Mr. ELDREDGE. The answer to the gentleman from Massachusetts is this: If this be Friday, then we have a right to make a motion that when the House adjourns it be to meet on Monday.

Mr. BUTLER, of Massachusetts. I will discuss that motion when it is made.

Mr. ELDREDGE. Whether it be Wednesday or Friday, we have a right to an adjournment for three days; and we cannot be deprived of that constitutional right by a "legislative fiction," as the gentleman styles it, nor by any legislative tactics or legerdemain. Whichever way you look at the question, this constitutional right remains. If this be Wednesday in contemplation of law or parliamentary usage, then we have a right to adjourn until Saturday; if it be Thursday, then we have a right to adjourn for three days from Thursday; and if it be Friday, we have a right to adjourn until three days after Friday. Whatever you may call it—legislative day or calendar day—we have the constitutional right to adjourn for three days; of that we cannot be deprived under any circumstances.

Mr. BUTLER, of Massachusetts. My proposition (and I will not trouble the Chair and the House on this question much longer) is this: The rule under which the House is required to meet at twelve o'clock on Friday cannot be repealed in this way. We are now in session on the day known in the calendar (which is part of the common law) as Friday; and the rule says that the House shall meet at twelve o'clock on that day. Now, how can we by simply staying here repeal that rule?

The SPEAKER. According to the rule, there must be an adjournment before the current legislative day can terminate; and an adjournment does not take place by reason of the arrival of the time for the regular daily meeting of the House. That is the rule. The Chair thinks that it would be a very great improvement if the rules were changed so that at the end of each calendar day, or rather upon the arrival of the hour of meeting on each calendar day, the House, if in session, should be declared adjourned and should then immediately be called to order again, to begin a new daily session. This would at all times insure the correct date in the proceedings of the House. But the rule has been otherwise; and it is the duty of the Chair to administer the rule as he finds it, not as he thinks it ought to be.

Mr. ELDREDGE. It seems to me that the object of the existing rule is perfectly apparent. It is to continue legislative action which, if an adjournment should take place, might fall; so that business pending in the House may not be suspended or terminated by the arrival of a subsequent calendar day.

The SPEAKER. The gentleman from Massachusetts will himself observe how the construction of the rule as stated by the Chair might be very important for maintaining in its place the very measure which the gentleman from Massachusetts is seeking to have passed. For example, suppose the legislative day of Friday had been assigned to the consideration of some special order to the exclusion of all other orders. Then, if an adjournment were effected, the position which the gentleman's measure now holds would be lost; but by a continuous session it holds its place. Thus it may often be very important for the priority of a certain order that it should run in this way.

Mr. BUTLER, of Massachusetts. But this measure would stand as unfinished business.

The SPEAKER. That does not matter. If the rules had been suspended to declare that a certain other measure should be taken up on Friday at one o'clock to the exclusion of all other orders, it would exclude this bill along with everything else.

Mr. LAWRENCE. But, Mr. Speaker——

Mr. BECK. I call for the regular order. This whole thing has been flung in for "buncombe," and is kept up for that. We had better work it out.

Mr. LAWRENCE. It seems to me the legislative day may continue for the puuposes stated by the Speaker; but——

Mr. BECK. I call for the regular order.

Mr. LAWRENCE. I make the point of order that it is not in order now to move to adjourn to meet on Friday, because Friday has arrived. It is now twenty-five minutes after five o'clock on Friday morning, January 29, 1875. I have a realizing sense of that. I have been constant in my attendance here since these proceedings commenced on Wednesday, without sleep, and only absent for meals.

The SPEAKER. The legislative day of Friday, however, does not begin till twelve o'clock m.

Mr. LAWRENCE. That is true; but if the claim which is made here is good, then the right to make such a motion would be the same after twelve o'clock m. on Friday. Therefore I submit that the "legislative day" cannot continue for all purposes. The hour and the day of adjournment are always noted in the RECORD, and this will show that the "legislative day" can only exist for certain purposes, but not for all. Wherever the actual calendar day is material it must be regarded according to the fact——

The SPEAKER. The Chair at half past five a. m. will not rule upon what may take place in the afternoon of the same day. It will be time enough to rule on that when the question arises.

Mr. ELDREDGE. If the position of the gentleman from Ohio [Mr. LAWRENCE] is correct, he is not speaking upon the subject now under consideration, but he is speaking upon some subject that will come up on the calendar day of Friday.

Mr. LAWRENCE. I am not speaking at all now.

Several MEMBERS. O yes, you are!

The SPEAKER. The gentleman from Wisconsin [Mr. ELDREDGE] is addressing the House.

The question was then taken on the motion of Mr. RANDALL, that

when the House adjourns it adjourn to meet on Friday next; and there were—yeas 17, nays 79, not voting 193; as follows:

YEAS—Messrs. Ashe, Bell, Berry, Bright, Comingo, Crossland, Gunter, Hatcher, Hereford, Lamar, Milliken, Mills, Read, Speer, Vance, Waddell, and Wolfe—17.

NAYS—Messrs. Albright, Barber, Barrere, Biery, Bradley, Buffinton, Bundy, Burleigh, Benjamin F. Butler, Cain, Cannon, Cason, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crooke, Crounse, Crutchfield, Field, Fort, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Howe, Hubbell, Hunter, Hurlbut, Lawrence, Lawson, Lewis, Lowe, Lynch, Maynard, McKee, McNulta, Moore, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, James H. Platt, jr., Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, Ross, Henry J. Scudder, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Small, J. Ambler Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strawbridge, Thompson, Townsend, Wallace, Jasper D. Ward, Wilber, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—79.

NOT VOTING—Messrs. Adams, Albert, Archer, Arthur, Atkins, Averill, Banning, Barnum, Barry, Bass, Beck, Begole, Bland, Blount, Bowen, Bromberg, Brown, Buckner, Burchard, Burrows, Roderick R. Butler, Caldwell, Carpenter, Cessna, Chittenden, John B. Clark, jr., Freeman Clarke, Clayton, Clymer, Cook, Corwin, Cotton, Cox, Creamer, Crittenden, Curtis, Danford, Darrall, Davis, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Eden, Eldredge, Farwell, Finck, Foster, Freeman, Frye, Garfield, Giddings, Glover, Gooch, Gunckel, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Herndon, Hersey, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Hunton, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Leach, Lofland, Loughridge, Lowndes, Luttrell, Magee, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McLean, Merriam, Mitchell, Monroe, Morey, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Niles, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Pendleton, Perry, Phelps, Pike, Thomas C. Platt, Poland, Potter, Purman, Randall, Ray, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sessions, Sherwood, Sloan, Sloss, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Southard, Stanard, Standiford, Alexander H. Stephens, Charles A. Stevens, Stone, Storm, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Waldron, Walls, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—193.

During the roll-call,

Mr. MYERS said: On this question I would vote "no" were I not paired with the gentleman from Ohio, [Mr. LAMISON.]

The vote was then announced as above stated, no quorum voting.

Mr. LEACH. I call the attention of the Chair to the fact that no quorum has voted.

The SPEAKER *pro tempore*, (Mr. TYNER in the chair.) The gentleman is right; there was no quorum voting.

Mr. SENER. I move that there be a call of the House.

Mr. BUTLER, of Massachusetts. It is not necessary that a call of the House should be ordered. That comes of course, by the order of the Speaker, if I understand it.

Mr. SPEER. A motion to adjourn would be in order.

Mr. BUTLER, of Massachusetts. But if no motion to adjourn is made the Chair must order the roll to be called.

The SPEAKER *pro tempore*. The Chair will order the roll to be called.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Messrs. Adams, Albert, Arthur, Ashe, Averill, Banning, Barnum, Barry, Bass, Begole, Buckner, Burchard, Burrows, Roderick R. Butler, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Corwin, Cotton, Cox, Crooke, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Finck, Foster, Freeman, Frye, Garfield, Gunckel, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lofland, Loughridge, Marshall, Martin, McCrary, Alexander S. McDill, MacDougall, Merriam, Mitchell, Monroe, Morey, Negley, Niblack, Niles, Nunn, Orr, Orth, Packard, Packer, Page, Pendleton, Perry, Phelps, Pike, Thomas C. Platt, Poland, Purman, Ray, Richmond, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sherwood, Sloan, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Sprague, Stanard, Standiford, Alexander H. Stephens, Charles A. Stevens, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Waldron, Walls, Marcus L. Ward, Wheeler, White, Charles W. Willard, Charles G. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young.

Mr. BUTLER, of Massachusetts. Should not the doors now be closed?

Mr. ASHE. I desire to state that my name appears among the absentees, but that I was present and failed to answer to my name, as I was not attending to the roll-call at the time.

The SPEAKER *pro tempore*. The gentleman's name appears among the absentees. The roll-call develops the presence of 149 gentlemen, and the Chair directs that the doors of the Hall be shut.

The doors of the Hall were accordingly closed.

Mr. SPEER. There is a quorum present, I believe.

The SPEAKER *pro tempore*. Yes, 149 is a quorum; but it is for the House to determine what further action they will take under the call.

Mr. SPEER. I move to dispense with further proceedings under the call.

Mr. BUTLER, of Massachusetts. O, no; this is the third call we have had. We have a call of the House and get in just a quorum, and the moment the doors are opened they all go away and we can have no vote.

Mr. SPEER. Not all.

Mr. BUTLER, of Massachusetts. There are just enough left for seed. There are 147 absentees. I have sat up here to do the public business for two nights, answering to my name on every roll-call.

Mr. FORT. And two days.

Mr. BUTLER, of Massachusetts. Pardon me; only one day; but I have answered on every roll-call so far as I know, and I am determined for one——

Mr. ELDREDGE. I object to debate.

The SPEAKER *pro tempore*. This is proceeding by unanimous consent.

Mr. SPEER. What subject is the gentleman from Massachusetts discussing?

Mr. BUTLER, of Massachusetts. I am discussing the necessity of sending for members and making them attend to their duties.

Mr. SPEER. You are discussing yourself.

Mr. BUTLER, of Massachusetts. Not at all.

The SPEAKER *pro tempore*. For the information of the House the Chair directs the Clerk to read a passage from Barclay's Digest, to show the House that the Chair has no power in the premises.

Mr. ELDREDGE. I am glad that the House is to be shown something at last.

The Clerk read as follows:

Upon calls of the House, the names of the members shall be called over by the Clerk, and the absentees noted. After which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers to be appointed for that purpose.

The question was taken on the motion of Mr. SPEER, and it was not agreed to.

Mr. SENER. I now move that the Sergeant-at-Arms be directed to bring the absentees to the bar of the House.

Mr. ELDREDGE. I ask for the yeas and nays on that question.

Mr. BUTLER, of Massachusetts. I call for tellers on the yeas and nays.

The question was put on ordering the yeas and nays, and 36 members voted therefor.

Mr. ELDREDGE. I make the point of order that the gentleman from Massachusetts was premature in his demand for tellers. He should have waited until the Chair had counted the House to ascertain if the yeas and nays were ordered.

The SPEAKER *pro tempore*. The Chair holds that the gentleman from Massachusetts was entitled all the time to the most perfect count that could be had.

Mr. ELDREDGE. But the gentleman demanded tellers before the Chair had decided whether the yeas and nays were ordered.

The SPEAKER *pro tempore*. The Chair thinks the demand for tellers was properly made.

Tellers were ordered; and Mr. ELDREDGE, and Mr. BUTLER of Massachusetts, were appointed.

The House divided; and the tellers reported 41 in the affirmative.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 58, not voting 157; as follows:

YEAS—Messrs. Albright, Barber, Barrere, Biery, Bradley, Bundy, Benjamin F. Butler, Cain, Cannon, Amos Clark, jr., Clements, Clymer, Coburn, Conger, Crooke, Crounse, Crutchfield, Field, Eugene Hale, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Howe, Hubbell, Hunter, Hurlbut, Lawrence, Lewis, Lowe, Lowndes, Lynch, Maynard, McKee, McNulta, Moore, O'Neill, Isaac C. Parker, Parsons, Pelham, Phillips, James H. Platt, jr., Pratt, Rainey, Ransier, Rapier, Ross, Henry J. Scudder, Sener, Shanks, Sheats, Lazarus D. Shoemaker, Smart, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Thornburgh, Townsend, Tyner, Wallace, Jasper D. Ward, Whiteley, Wilber, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—74.

NAYS—Messrs. Archer, Ashe, Atkins, Beck, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Caldwell, John B. Clark, jr., Clinton L. Cobb, Comingo, Cook, Creamer, Crittenden, Crossland, Davis, Durham, Eldredge, Fort, Giddings, Glover, Gunter, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Hosea W. Parker, Potter, Randall, Robbins, Ellis H. Roberts, Southard, Speer, Stone, Thompson, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, George Willard, Willie, and Wolfe—58.

NOT VOTING—Messrs. Adams, Albert, Arthur, Averill, Banning, Barnum, Barry, Bass, Begole, Bell, Buckner, Burchard, Burleigh, Burrows, Roderick R. Butler, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Stephen A. Cobb, Corwin, Cotton, Cox, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Finck, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Lawson, Leach, Lofland, Loughridge, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Mitchell, Monroe, Morey, Myers, Negley, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packard, Packer, Page, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Purman, Ray, Read, Richmond, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sheldon, Sherwood, Sloan, Sloss, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Stanard, Standiford, Alexander H. Stephens, Charles A. Stevens, Storm, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Waldron, Walls, Marcus L. Ward, Wheeler, White, Charles W. Willard, Charles G. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—157.

So the motion was agreed to.

During the call of the roll the following proceedings took place:

Mr. BUTLER, of Massachusetts. I rise to a question of order. I

object to the gentleman from Ohio, Mr. FINCK, voting; because when the doors were closed that gentleman was not in the Hall.

A MEMBER. How did he get in.

Mr. FINCK. The Sergeant-at-Arms allowed me to come in. I was excused on a former call.

Mr. BUTLER, of Massachusetts. Has the gentleman voted?

The SPEAKER *pro tempore*, (Mr. TYNER.) The name of Mr. FINCK is on the roll-call as having voted. Does the gentleman from Massachusetts make the point of order on the gentleman's vote?

Mr. BUTLER, of Massachusetts. Yes, sir; I desire to raise the point of order. There is no difference as to the fact. I was going out under leave, and the gentleman from Ohio was coming in after the doors were closed.

The SPEAKER *pro tempore*. The gentleman from Massachusetts raises the point of order that the gentleman from Ohio was not present when the roll was called for absentees.

Mr. FINCK. That is true. I was not present at the call of the absentees, but I was excused during the night. I was here before the roll was called on the present vote.

Mr. BUTLER, of Massachusetts. The gentleman was excused under the other call, but that does not give him the right to vote here.

The SPEAKER *pro tempore*. The Chair is under the impression that the excuse of the gentleman on the other call does not entitle him to vote now, when the doors are closed.

Mr. CLYMER. I am informed that two other gentlemen, Mr. SPRAGUE, of Ohio, and Mr. SNYDER, of Arkansas, who have voted on this question were not in the House when the doors were closed. I appeal to these gentlemen to know if I have been correctly informed?

The SPEAKER *pro tempore*. Does the gentleman desire to raise the point of order against those two gentlemen voting?

Mr. CLYMER. If that is to be the rule, I desire to have it applied all around.

Mr. BUTLER, of Massachusetts. I am willing to waive the point of order.

Mr. ALBRIGHT. I renew the point of order against the vote of the gentleman from Ohio, Mr. FINCK, being received.

Mr. SNYDER. I desire to say that I was present when the roll was called for absentees and answered to my name, which the record will show.

Mr. CLYMER. I have no knowledge of the fact myself. I was merely told that the gentleman was absent.

Mr. SPRAGUE. I desire to say that I have not been out of the Hall this morning or during the whole of last night. My name appears on the roll as being present when the absentees were called.

Mr. CLYMER. I was informed by gentlemen all around me that the gentleman from Ohio and the gentleman from Arkansas were not present at the call of the roll for absentees. I believe now that my information is incorrect, and regret that I have done them an injustice, and cheerfully make this retraction and withdraw the point of order.

The SPEAKER *pro tempore*. The Chair is informed that Mr. FINCK was one of the absentees when the roll was called.

Mr. FINCK. That there may be no question about it, I withdraw my vote.

The SPEAKER *pro tempore*. Is there objection to the gentleman from Ohio [Mr. FINCK] being allowed to withdraw his vote?

Mr. POTTER. I desire to say just a single word about that. The gentleman from Ohio was excused by order of the House for the night. He returned here and was within the bar when the roll was last called. I am inclined to think he had a right to vote.

Mr. FINCK. I prefer to have my vote withdrawn, that there may be no question about it.

There was no objection; and Mr. FINCK's vote was withdrawn.

Mr. CLYMER. I change my vote from "no" to "ay."

The result of the vote was then announced as above recorded.

Mr. CLYMER. I rise to make a privileged motion. I move to reconsider the vote by which the Sergeant-at-Arms has been directed to bring absentees to the bar.

Mr. SENER. I move to lay the motion to reconsider upon the table.

Mr. CLYMER. On that motion I demand the yeas and nays.

On ordering the yeas and nays there were ayes 38.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. ELDREDGE. I rise to a question of order. There was not a quorum on the last vote.

Mr. SPEER. A quorum was not required.

The SPEAKER *pro tempore*. The Chair will suggest to the gentleman from Wisconsin that less than a quorum is competent to take charge of all proceedings in connection with a call of the House.

Mr. ELDREDGE. I move that the House now adjourn.

Mr. BUTLER, of Massachusetts. Is that motion in order?

The SPEAKER *pro tempore*. It is a privileged motion.

Mr. LUTTRELL. On that motion I call for the yeas and nays.

Mr. BUTLER, of Massachusetts. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported ayes 33, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. SENER. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SENER. Is it allowable for the Sergeant-at-Arms, the Doorkeeper, or any other officer of the House during a call to admit to the floor without the permission of the House any member who did not answer to his name on the roll-call?

The SPEAKER *pro tempore*. The Chair will answer the gentleman from Virginia [Mr. SENER] by saying that the Chair directed the doors to be shut, and he has not since ordered them to be opened.

The question being taken on the motion of Mr. ELDREDGE that the House adjourn, there were—yeas 45, nays 82, not voting 162; as follows:

YEAS—Messrs. Archer, Ashe, Atkins, Beck, Bell, Berry, Bland, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Glover, Gunter, Hancock, John T. Harris, Hatcher, Herndon, Hunton, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Potter, Speer, Stone, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, and Wolfe—45.

NAYS—Messrs. Albright, Barrere, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Amos Clark, jr., Clements, Clinton L. Cobb, Coburn, Conger, Crooke, Crounse, Crutchfield, Field, Fort, Gooch, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hodges, Howe, Hubbell, Hunter, Hurlbut, Hyde, Lawrence, Lewis, Lowndes, Lynch, Maynard, McKee, McNulta, Moore, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, Ross, Henry J. Scudder, Sener, Shanks, Sheats, Lazarus D. Shoemaker, Small, Smart, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Thompson, Thornburgh, Townsend, Tyner, Wallace, Jasper D. Ward, Whiteley, Wilber, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—82.

NOT VOTING—Messrs. Adams, Albert, Arthur, Averill, Banning, Barber, Barnum, Barry, Bass, Begole, Blount, Bowen, Buckner, Burchard, Roderick R. Butler, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Stephen A. Cobb, Corwin, Cotton, Cox, Creamer, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Finck, Foster, Freeman, Frye, Garfield, Giddings, Gunckel, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hereford, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Lawson, Leach, Lofland, Loughridge, Lowe, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Mitchell, Monroe, Morey, Myers, Negley, Niblack, Niles, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Pendleton, Perry, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Randall, Ray, Read, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Southard, Stanard, Standiford, Alexander H. Stephens, Charles A. Stevens, Storm, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Waddell, Waldron, Walls, Marcus L. Ward, Wheeler, White, Charles W. Willard, George Willard, Charles G. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—162.

So the motion to adjourn was not agreed to.

At the conclusion of the roll-call, and before the result of the vote was announced,

Mr. E. R. HOAR said: I wish to inquire of the Chair whether the gentleman from Ohio, Mr. BANNING, is recorded as voting upon this roll-call?

The SPEAKER *pro tempore*. The Clerk informs the Chair that Mr. BANNING is recorded as voting in the affirmative.

Mr. E. R. HOAR. Mr. BANNING is not present in the Hall and has not been during this call of the roll.

Mr. POTTER. His name ought to be stricken off.

Mr. E. R. HOAR. He is not in the House. There is no dispute about that fact.

The SPEAKER *pro tempore*. According to the understanding of the Chair, no one questions the statement made by the gentleman from Massachusetts, [Mr. E. R. HOAR;] and Mr. BANNING's name will be struck out.

A MEMBER. He voted from the gallery.

The result of the vote was then announced as above stated.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Virginia [Mr. SENER] to lay on the table the motion to reconsider the vote by which the House ordered the absentees to be brought to the bar. On this question the yeas and nays have been ordered.

The question was taken; and there were—yeas 78, nays 41, not voting 170; as follows:

YEAS—Messrs. Albright, Biery, Bradley, Buffinton, Bundy, Benjamin F. Butler, Cain, Amos Clark, jr., Clements, Coburn, Conger, Crooke, Crounse, Crutchfield, Field, Fort, Gooch, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hodges, Howe, Hubbell, Hunter, Hurlbut, Hyde, Lawrence, Lewis, Lowe, Lowndes, Lynch, Maynard, McKee, McNulta, Moore, O'Neill, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, Ross, Henry J. Scudder, Sener, Shanks, Sheats, Lazarus D. Shoemaker, Small, Smart, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Thornburgh, Townsend, Tyner, Wallace, Jasper D. Ward, Whitehouse, Whiteley, Wilber, George Willard, William Williams, James Wilson, and Woodworth—78.

NAYS—Messrs. Ashe, Atkins, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, Clymer, Clinton L. Cobb, Comingo, Cook, Crittenden, Davis, Durham, Glover, Hancock, John T. Harris, Hatcher, Herndon, Hunton, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Potter, Stone, Vance, Wells, Whitehead, Whitthorne, Willie, and Wolfe—41.

NOT VOTING—Messrs. Adams, Albert, Archer, Arthur, Averill, Banning, Barber, Barnum, Barrere, Barry, Bass, Beck, Begole, Buckner, Burchard, Burleigh, Burrows, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Chittenden, John B. Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Corwin, Cotton, Cox,

Creamer, Crossland, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Eldredge, Farwell, Finck, Foster, Freeman, Frye, Garfield, Giddings, Gunckel, Gunter, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hereford, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Lawson, Leach, Lofland, Loughridge, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Mitchell, Monroe, Morey, Myers, Negley, Niblack, Niles, Nunn, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Pendleton, Perry, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Randall, Ray, Read, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Southard, Speer, Stanard, Standiford, Alexander H. Stephens, Charles A. Stevens, Storm, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Tremain, Waddell, Waldron, Walls, Marcus L. Ward, Wheeler, White, Charles W. Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—170.

So the motion to reconsider was laid on the table.

Mr. BUTLER, of Massachusetts. I ask that the Sergeant-at-Arms be now directed by the Chair to execute the order of the House.

The SPEAKER *pro tempore*. The Chair will have that attended to.

Mr. SPEER. Mr. Speaker, would it not be well to consider now the excuses of absentees before the warrant is made out and placed in the hands of the Sergeant-at-Arms?

Mr. BUTLER, of Massachusetts, and others. O, no.

The SPEAKER *pro tempore*. The Chair holds that it would be in order to consider the excuses of absent members now.

Mr. BUTLER, of Massachusetts. Before they get here?

The SPEAKER *pro tempore*. The Chair holds that under the rule——

Mr. CONGER. If the Chair pleases, I would like to make a single remark.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. CONGER. I think our Speaker decided last night that that would be the rule, but that as it was in the middle of the night, and much inconvenience would arise in bringing members, he would adopt that construction; but otherwise the rule would be to have them arrested and brought here.

The SPEAKER *pro tempore*. The Chair thinks that the custom has been uniform to receive the excuses of absentees, even without their presence; otherwise the House might frequently send for gentlemen who were very sick.

Mr. SPEER. There are members of the House who are absent by order of the House—for instance, the committee at New Orleans—and others are absent by leave of the House at home; and if this resolution were adopted, the Sergeant-at-Arms would have to pursue them to New Orleans and elsewhere and to their homes.

The SPEAKER *pro tempore*. The solution of that difficulty is easy. It is the duty of the Clerk in making up the roll to note all gentlemen who are absent by order of the House, and only to make out warrants for the arrest of those who are not absent by leave of the House, as shown by the record.

Mr. BUTLER, of Massachusetts. Allow me to make a single suggestion. The reason for allowing excuses for members was in order that the fine in olden times might not be collected. The object of this proceeding now is to have these members present so as to form a quorum, so that the question of excusing them ought never to take precedence of their presence.

The SPEAKER *pro tempore*. The Chair will direct the Clerk to read again a clause from Barclay's Digest in relation to this subject, and he asks the careful attention of the House to it.

The Clerk read as follows:

> Upon calls of the House, the names of the members shall be called over (alphabetically) by the Clerk, and the absentees noted. After which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers to be appointed for that purpose.

The SPEAKER *pro tempore*. The gentleman from Massachusetts will see by the language of the Digest that it is entirely competent to receive excuses of absentees before their arrest.

Mr. SPEER. That is the very point I made.

Mr. SENER. But in this case the arrest has already been ordered.

The SPEAKER *pro tempore*. No; the House simply ordered in general terms the arrest of all absentees. Now it is competent for the House to determine whether these gentlemen are all absent in a sense that justifies their arrest. The Chair is clear in this ruling.

Mr. BELL. I move that the Hon. ALEXANDER H. STEPHENS be excused on account of feeble health.

The motion was agreed to.

Mr. BELL. I also move that my colleague, Hon. HENRY R. HARRIS, be excused for the same reason. He left the Hall last night to my personal knowledge on account of indisposition.

Mr. WILLIAMS, of Indiana. I object.

Mr. BUTLER, of Massachusetts. What is the excuse?

Mr. BELL. Sickness; my colleague is sick.

The SPEAKER *pro tempore*. The gentleman reports that his colleague, Mr. HARRIS, is absent by reason of sickness.

The question was taken on the motion of Mr. BELL, and it was agreed to.

Mr. BUNDY. I move that my colleague, Mr. DANFORD, be excused; he is sick of a fever at Willard's Hotel.

Mr. BRADLEY. I wish to say one word upon that motion in the way of a suggestion. It strikes me that the Sergeant-at-Arms, if he finds any of these gentlemen in a condition of health which renders it impossible for him to bring them before the bar of the House, will report the facts to the House for its action.

The SPEAKER *pro tempore*. The Chair responds to that by saying that the Sergeant-at-Arms of the House can exercise no discretion whatever in excusing any absentee. He can only report the fact of the illness of an absentee to the House.

Mr. CONGER. That is just what I had risen to say. It is the idea I wished to express; but more beautifully expressed by the Chair.

Mr. ELLIS H. ROBERTS. I move that my colleage, Mr. LAMPORT, be excused; he is sick.

The motion was agreed to.

Mr. HANCOCK. I move that Mr. ASHE, of North Carolina, be excused. He was in his seat at the time his name was called but failed to answer to it and is now on the floor.

The motion was agreed to.

Mr. FIELD. I move that Mr. HODGES, of Arkansas, be excused. He was asleep when his name was called and failed to answer.

Mr. SENER. I object; it is the duty of a member to make his excuse personally if he is present.

Mr. FIELD. But he is still asleep.

The motion was agreed to.

Mr. CLARK, of New Jersey. My colleague, Governor WARD, left the House very unwell last evening, and I move that he be excused.

The motion was agreed to.

Mr. MOORE. I move that my colleague, Mr. TODD, be excused for the same reason. He went home shortly before midnight in consequence of indisposition.

The motion was agreed to.

Mr. LUTTRELL. I move that the House excuse those old gentlemen, Mr. SCHELL, Mr. HOOPER——

The SPEAKER *pro tempore*, (Mr. TYNER.) Let the gentleman make his motion with reference to one at a time.

Mr. O'NEILL. Those are not old gentlemen.

Mr. LUTTRELL. I move that Mr. SCHELL be excused.

Mr. BUTLER, of Massachusetts. O, no. Mr. SCHELL can be here just as well as you and I, and he would not thank the gentleman for making that excuse for him. I call for a division.

Mr. LUTTRELL. He has been excused already to-night on the previous call.

The question being taken on the motion to excuse Mr. SCHELL, there were—ayes 36, noes 64.

Mr. ELDREDGE. I demand the yeas and nays.

Mr. McKEE. I rise to a point of order, that the yeas and nays cannot be ordered on this question. It is not in order, and is an unheard of proceeding in any parliamentary body.

Mr. SENER. The Speaker of the House so ruled during the night.

The SPEAKER *pro tempore*. The Chair thinks there is no question whatever of the right of any gentleman, under the Constitution, on a question of this sort to ask for the yeas and nays, or of the right to order them if a sufficient number of the members shall vote for it.

Mr. CONGER. I wish to make a remark upon this question.

Mr. CREAMER. I object to argument.

Mr. CONGER. I do not desire to submit an argument, but merely a remark.

Mr. ELDREDGE. I object.

The SPEAKER *pro tempore*. If the gentleman from Michigan is rising to a question of order, the Chair will hear him.

Mr. CONGER. I have risen on this question as to the order of business and wish to make a remark in regard to it.

Mr. ELDREDGE. I object to debate.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Michigan.

Mr. CONGER. I will say in regard to this order of business that I think the members here have not the right to place a member of this House in a false position toward his constituents and the country by claiming for him what he would certainly not claim for himself, that he was unfit to perform his duties here whether he was old or young.

Mr. SHANKS. Male or female.

The SPEAKER *pro tempore*. All that is a question which the House can determine by its vote.

Mr. ELDREDGE. I desire to say that the gentleman from New York [Mr. SCHELL] has been quite sick.

Mr. ALBRIGHT. He has been in the House during a considerable portion of the time that the House has been in continuous session.

Mr. HALE, of Maine. I desire to ask the Chair what is the present condition of the proceedings? Is the action of the Sergeant-at-Arms in arresting and bringing the absentees here all suspended by these proceedings; or is the Sergeant-at-Arms acting under the order of the House directing him to arrest the absentees?

The SPEAKER *pro tempore*. The Chair will answer the gentleman's question by saying that the warrant has not yet issued.

Mr. HALE, of Maine. Then I ask the Chair for the reason why the Sergeant-at-Arms has not acted upon the order of the House directing him to arrest and bring here the members who are outside?

The SPEAKER *pro tempore*. Because the Sergeant at Arms is furnished with a list of names and it requires some time to make out the warrant. And further, the Chair holds that while proceedings are going on in the House with reference to the excusing of gentlemen for absence it is competent to withhold the warrant until the House shall have concluded that business.

Mr. HALE, of Maine. Then the result is if the yeas and nays are called upon every excuse that is offered for a member we may never get to the end of the proceeding.

The SPEAKER *pro tempore*. The Chair is forced to say that in his judgment that is unfortunately the fact.

Mr. WILBER. I rise to ask a parliamentary question.

Several members called for the regular order.

Mr. HALE, of Maine. I appeal from the decision of the Chair.

Mr. BUTLER, of Massachusetts, and Mr. CESSNA rose.

The SPEAKER *pro tempore*. The Chair will recognize the appeal of the gentleman from Maine from the decision of the Chair, but will listen to the gentleman from Pennsylvania, [Mr. CESSNA.]

Mr. CESSNA. I desire first to know from the Chair if I am in a condition to say a word upon this question.

The SPEAKER *pro tempore*. Was the gentleman an absentee?

Mr. CESSNA. I was not present when the roll was called for absentees. But with the permission of the Chair I desire to submit a parliamentary inquiry. The constitutional provision which directs that a certain number of members shall have the right to have the roll called——

Mr. CREAMER. I object to debate.

The SPEAKER *pro tempore*. The gentleman is stating a parliamentary question. The Chair will hear him.

Mr. CESSNA. We have demonstrated that there is no House now present. I think if the ruling of the Chair in regard to the ordering of the yeas and nays should be enforced the suggestion of the gentleman from Maine [Mr. HALE] is a very pertinent one. If the roll is to be called on accepting excuses when there is no House present it would become impossible to enforce the order for the attendance of absentees.

Mr. HALE, of Maine. I think the Chair will allow me to make a further suggestion upon this point. The occupant of the chair is a distinguished parliamentarian, I admit; but if the rule under which the House is now acting is again read, it does seem to me it will be apparent that after the order of the House directing the Sergeant-at-Arms to bring the absentees to the bar of the House nothing is in order except to receive excuses.

Mr. CREAMER. I object to debate. The present occupant of the chair is as competent as any man on this floor to rule upon this question.

The SPEAKER *pro tempore*. The Chair will give his decision upon the point. The Clerk will read the rule under which the House is acting.

The Clerk read as follows:

Upon calls of the House, the names of members shall be called over (alphabetically) by the Clerk, and the absentees noted. After which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers to be appointed for that purpose.

The SPEAKER *pro tempore*. The gentleman from Maine will observe that the rule, which has just been read at the Clerk's desk, directs that after the doors shall be shut excuses may then be offered. When these excuses are heard it is not for the Chair to determine whether or not they are sufficient. That can be done by the House alone. And the Chair will again call attention to another clause of the rule, which will throw some light upon this point.

The Clerk read as follows:

It is not in order for the House to take a recess during a call of the House; indeed, no motion, except to adjourn or with reference to the call, is ever entertained during a call.—*Barclay's Digest*, page 36.

Mr. HALE, of Maine. But, Mr. Speaker, must not all these proceedings in the nature of excuses take place before the House orders the Sergeant-at-Arms to bring in absentees?

Mr. ELDREDGE. I hope the Chair will be allowed to make his decisions without being interrupted.

The SPEAKER *pro tempore*. The Chair is of opinion that under this rule, which authorizes any motion with reference to the call to be made and decided during proceedings in a call, a motion as to the excuse of an absentee is a motion having reference to the call.

Mr. PARSONS. But I submit that no excuse can be made after the order has been issued to the Sergeant-at-Arms to bring in absentees.

Mr. HALE, of Maine. That is the point. The proposition to excuse members must be made before that order.

Mr. BUTLER, of Massachusetts. I wish to call the attention of the Chair to a parliamentary point which, in my judgment, covers all these difficulties. Who authorizes men here to offer excuses for those who are absent? What do these men here know about the matter?

Mr. ELDREDGE. One of these gentlemen absent asked me when he went away to make excuse for him.

Mr. BUTLER, of Massachusetts. How do we know the authority by which any such request is made? Should not each man be allowed to make his own excuse? Now, here is an attempt on the part of some gentlemen to have a man excused because, they say, he is too old to be here. His constituents are the best judges whether he can come into the House at eight o'clock in the morning or not. If not, he ought to be sent home for good. I do not believe he will thank anybody for pleading that he is too old to be here. He is younger than many of the men who are asked to vote to excuse him.

Mr. WARD, of Illinois. I rise to a question of order. I submit that this is not the House in any correct parliamentary sense, and it can only entertain motions necessary under a call to secure the attendance of absent members. It has no authority to call the yeas and nays except upon the one main proposition. If the Chair after consideration holds to the decision he has made, I must respectfully appeal from it.

The SPEAKER *pro tempore*. The Chair overrules the point of order made by the gentleman from Illinois; but the gentleman from Maine, [Mr. HALE,] as the Chair understands, has taken an appeal from the decision of the Chair on this point, and the Chair will now submit to the House the question, Shall the decision of the Chair stand as the judgment of the House?

Mr. ELDREDGE. I move that the House adjourn, and on that motion I call for the yeas and nays.

Mr. POTTER. Will the Chair state upon what point the appeal from his decision is taken?

The SPEAKER. Upon the point that the yeas and nays may be taken upon a motion to excuse an absentee.

Mr. POTTER. Or on any other motion when less than a quorum is present. The uniform practice of the House since I have been here has been to allow the yeas and nays to be taken in such cases.

Mr. ALBRIGHT. Here is a case in the Journal of the House that meets this point precisely.

The SPEAKER *pro tempore*. Pending the question on the appeal, the gentleman from Wisconsin has moved that the House adjourn.

Mr. ALBRIGHT. I raise a question of order. I desire to have read for the information of the House a precedent from the proceedings of the House of Representatives, covering the precise point of this decision.

Mr. ELDREDGE. I demand the regular order, which is to vote upon the motion that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair respectfully requests the gentleman from Wisconsin to withhold his demand for a vote on that motion until this extract from the Journals can be read by the Clerk.

Mr. ELDREDGE. I cheerfully accede to the suggestion of the Chair.

Mr. ALBRIGHT. If there is any precedent on this question I think the House ought to have it; and I believe the case appearing in this volume of the Journals is precisely in point.

Mr. McKEE. And there are plenty more of such precedents.

The SPEAKER *pro tempore*. The Clerk will read from the Journal of the House of Representatives of February 25, 1859.

The Clerk read as follows:

The names of all the absentees having been called over for excuses,

On motion of Mr. Stanton,

Ordered, That the Sergeant-at-Arms be directed to arrest and bring to the bar of the House such members as are absent without the leave of the House.

Mr. Moore moved (at seven o'clock and twenty-five minutes p. m.) that the House adjourn; which motion was disagreed to.

Mr. John Sherman moved that all further proceedings in the call be dispensed with; which motion was disagreed to.

Mr. Clark B. Cochrane moved (at seven o'clock and thirty-seven minutes p. m.) that the House adjourn; which motion was disagreed to.

The Sergeant-at-Arms appeared at the bar of the House, having in custody Messrs. Abbott, Bliss, Bryan, and John B. Clark.

The said members having been arraigned,

Mr. John B. Clark was excused for non-attendance; and Messrs. Abbott, Bliss, and Bryan were severally excused upon the payment of fees.

Mr. Seward moved, at seven o'clock and forty-eight minutes p. m., that the House adjourn; which motion was disagreed to.

Mr. Winslow moved that all further proceedings under the call be dispensed with; which motion was disagreed to.

Mr. SPEER. That has no application whatever to this case.

Mr. McKEE. Let the Clerk read from the previous page.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. ALBRIGHT] desire this Journal to be further read?

Mr. McKEE. The page preceding that will show that excuses are offered prior to ordering the Sergeant-at-Arms to bring in absentees.

Mr. LUTTRELL. I wish to put an inquiry to the Chair. The House last night excused certain gentlemen. For what length of time does that excuse last?

The SPEAKER *pro tempore*. The decision of the Chair would be that those gentlemen were excused only for the call then pending, not for any subsequent call. The gentleman from Wisconsin [Mr. ELDREDGE] moves that the House do now adjourn.

Mr. HALE, of Maine. It is right, I think, that the Chair——

Several MEMBERS. Regular order!

Mr. HALE, of Maine. I rise to a point of order. In order that my point may be stated correctly, I desire to say that I do not take an appeal from the decision of the Chair as to the call of the yeas and nays on excusing members, but from the ruling of the Chair, that after the direction to the Sergeant-at-Arms the House can receive excuses from members present before the Sergeant-at-Arms brings in the recusant members.

Mr. ELDREDGE. When the gentleman from Maine gets through with all his little speeches, let us have the regular order of business.

Mr. BLAND. I call for the yeas and nays on the motion to adjourn.

Mr. SPEER. I rise to a point of order.

The SPEAKER *pro tempore*. Bearing upon the question of adjournment?

Mr. SPEER. Yes, sir. It is that after the yeas and nays have been ordered on the motion to excuse the gentleman from New York, [Mr. SCHELL,] pending that the motion to adjourn is not in order.

The SPEAKER *pro tempore*. The answer to that is that the roll-call had not commenced, and previous to the commencement of the roll-call the Chair holds that a motion to adjourn is in order.

Mr. CESSNA. Before the commencement of the roll-call I desire to ask the House to be excused for delinquency up to this time.

The SPEAKER *pro tempore*. The Chair decides that the motion to adjourn is a question of higher privilege than that.

Mr. CESSNA. It is, I know, unless there is unanimous consent.

Mr. BROMBERG. I object, as objection was made in the case of Mr. FINCK, of Ohio.

The yeas and nays were ordered.

The question was taken; and there were—yeas 42, nays 62; not voting 185; as follows:

YEAS—Messrs. Archer, Ashe, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Comingo, Cook, Crittenden, Davis, Durham, Eldredge, Glover, Gunter, Hancock, John T. Harris, Hatcher, Herndon, Hunton, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Hosea W. Parker, Potter, Robbins, Stone, Vance, Waddell, Wells, Whitehead, Whitthorne, and Willie—42.

NAYS—Messrs. Albright, Barrere, Biery, Bradley, Buffinton, Bundy, Cannon, Amos Clark, jr., Clements, Clinton L. Cobb, Coburn, Conger, Crooke, Crounse, Crutchfield, Field, Fort, Gooch, Hagans, Eugene Hale, Benjamin W. Harris, Joseph R. Hawley, John W. Hazelton, Hodges, Howe, Hubbell, Hunter, Hurlbut, Hyde, Lowndes, Lynch, Maynard, McKee, McNulta, Moore, O'Neill, Parsons, Pelham, Pierce, Pratt, Rainey, Rapier, Ellis H. Roberts, Ross, Henry J. Scudder, Lazarus D. Shoemaker, Small, Smart, Snyder, Sprague, Starkweather, St. John, Stowell, Strawbridge, Thompson, Townsend, Wallace, Jasper D. Ward, Wilber, John M. S. Williams, William Williams, and James Wilson—62.

NOT VOTING—Messrs. Adams, Albert, Arthur, Atkins, Averill, Banning, Barber, Barnum, Barry, Bass, Beck, Begole, Blount, Buckner, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Clymer, Stephen A. Cobb, Corwin, Cotton, Cox, Creamer, Crossland, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Finck, Foster, Freeman, Frye, Garfield, Giddings, Gunckel, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Hereford, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lampert, Lansing, Lawrence, Lawson, Leach, Lewis, Lofland, Loughridge, Lowe, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Mitchell, Monroe, Morey, Myers, Negley, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pendleton, Perry, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Randall, Ransier, Ray, Read, Richmond, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Speer, Stanard, Standiford, Alexander H. Stephens, Charles A. Stevens, Storm, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Waldron, Walls, Marcus L. Ward, Wheeler, White, Whitehouse, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—185,

So the House refused to adjourn.

The question recurred on the appeal taken by Mr. HALE, of Maine, from the decision of the Chair.

Mr. HALE, of Maine. I have been asked to reduce my appeal to writing, and have done it; so that it may be seen clearly what my point is in justice to the Chair and myself.

The SPEAKER *pro tempore*. The appeal will be read.

The Clerk read as follows:

The appeal is taken from the decision of the Chair that after the House has ordered absent members to be taken into custody by the Sergeant-at-Arms excuses of absent members may be considered, on motion of members on the floor, before the return of the Sergeant-at-Arms.

Mr. ELDREDGE. I move that all further proceedings under the call be dispensed with.

Mr. HALE, of Maine. Is that in order before the question on the appeal is decided.

The SPEAKER *pro tempore*. The Chair will hold that it is in order. The rule expressly provides for two motions which may be made pending a call of the House; one to adjourn and the other to dispense with further proceedings under the call, and the gentleman from Wisconsin has made the latter motion.

Mr. McKEE. I have a higher question to present—a question of the highest privilege. One and a half hours ago this House ordered the arrest by the Sergeant-at-Arms of certain parties. Has the warrant issued?

Mr. ELDREDGE. What has that to do with it?

The SPEAKER *pro tempore*. It has nothing to do with the pending question.

Mr. SENER. I desire to make this point: that the House, having directed its absent members to be brought to the bar and their excuses there to be offered, and the House having laid on the table the motion to reconsider that vote and no excuses having been offered by such members, this is an equivalent motion to the motion to reconsider, and therefore is not in order until some proceedings under the call.

The SPEAKER *pro tempore*. The question of the highest privilege is the one made by the gentleman from Wisconsin, [Mr. ELDREDGE,] that all further proceedings under the call be dispensed with.

Mr. McKEE. Does the Chair rule that it is a question of higher privilege than the question whether the order of the House has been obeyed?

The SPEAKER *pro tempore*. The Chair holds that the highest question of privilege at the present stage of proceeding is the motion to dispense with further proceedings under the call.

Mr. McKEE. The Chair does not hold that on that account my motion is out of order?

The SPEAKER *pro tempore*. The Chair may answer the question at another time when it is more pertinent.

Mr. McKEE. Does the Chair rule that it is impertinent to ask whether the orders of the House have been obeyed?

The SPEAKER *pro tempore*. By no means.

Mr. McKEE. The Chair said that the question was not pertinent.

The SPEAKER *pro tempore*. But the Chair did not thereby mean to intimate that it was impertinent in the sense of being insolent.

Mr. McKEE. I know that difference well enough.

Mr. WARD, of Illinois. At the distance I sat from the Chair I did not distintly hear what the Chair stated after the reading of the appeal, to the effect that certain things alone could be done. I should like to know what it was that the Chair stated.

The SPEAKER *pro tempore*. The only thing the Chair now decides is that the motion to suspend all further proceedings under this call is a motion of the highest privilege, and that it can only be cut off by one other motion, the motion to adjourn. And the motion to adjourn is not now in order, because no other business has intervened since the House refused to adjourn.

Mr. WARD, of Illinois. I understood the Speaker to say that certain things were all this body, constituted as it is, could now do.

The SPEAKER *pro tempore*. Not at all.

Mr. WILSON, of Iowa. I submit the point of order that pending these proceedings the Chair must either peremptorily settle all questions of appeal or have the House to settle them. Now, if the Chair had decided that no appeal could be taken from his decision pending these proceedings, the House would have been compelled to submit. But the Chair held that an appeal could be taken, and I raise the point of order that that must first be settled either by the Chair himself determining that no appeal can he taken, or that, if an appeal can be taken, it must be at once settled by the House.

The SPEAKER *pro tempore*. The Chair holds, though an appeal can be taken from the decision of the Chair, that motions under proceedings for a call of the House may intervene and cut off for the time being the question of appeal. Suppose the House does not sustain the motion of the gentleman from Wisconsin, [Mr. ELDREDGE,] then the next thing in order will be for the House to pass upon the appeal from the decision of the Chair.

Mr. WILSON, of Iowa. Such motions as that of the gentleman from Wisconsin can come up *ad infinitum*.

The SPEAKER *pro tempore*. Without further argument, the Chair will make a special request of the gentleman from Wisconsin that he will withdraw his motion for suspending the proceedings under the call till the House can act on the appeal of the gentleman from Maine, which will settle the whole question. Does the gentleman withdraw his motion?

Mr. ELDREDGE. I have a great respect for the gentleman who occupies the Chair, and would do almost anything to oblige him, but I cannot do what he now requests.

The SPEAKER *pro tempore*. Then the Chair will be bound to entertain the motion of the gentleman from Wisconsin.

The question being put on Mr. ELDREDGE'S motion to suspend further proceedings under the call, the Speaker *pro tempore* declared that in the judgment of the Chair the motion was lost.

Mr. ELDREDGE called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 36.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. McKEE. I desire to make a parliamentary inquiry. Could we not always under the ruling of the Chair prevent the orders of the House from being executed by interposing motions of this kind?

The SPEAKER *pro tempore*. The Chair will decide each question of order as it arises.

Mr. McKEE. This question has arisen, that the orders of this House have not been obeyed.

The SPEAKER *pro tempore*. The Chair holds that it is entirely competent for this House to determine whether or not it will suspend all further proceedings under this call, and thereby suspend the execution of the warrants issued for the arrest of absent members. The Chair holds that this a question of the highest privilege, and that is the question now before the House.

Mr. BLAND. Would it be in order to move that the House adjourn?

The SPEAKER *pro tempore*. That motion would not now be in order.

The question was taken; and there were—yeas 37, nays 63, not voting 189; as follows:

YEAS—Messrs. Archer, Ashe, Bell, Bland, Blount, Bowen, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Clinton L. Cobb, Comingo, Cook, Creamer, Crossland, Davis, Durham, Eldredge, Glover, Gunter, John T. Harris, Hatcher,

Hunton, Magee, Milliken, Mills, Morrison, Neal, Nesmith, Potter, Robbins, Stone, Vance, Wells, Whitehead, and Willie—37.

NAYS—Messrs. Albright, Barrere, Biery, Buffinton, Cain, Cannon, Amos Clark, jr., Clements, Coburn, Conger, Crooke, Crounse, Field, Fort, Gooch, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Havens, Hays, John W. Hazelton, Hodges, Hubbell, Hunter, Hurlbut, Hyde, Lewis, Lowndes, McKee, McNulta, Moore, O'Neill, Parsons, Pelham, Phillips, Pierce, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, Ross, Henry J. Scudder, Sener, Shanks, Lazarus D. Shoemaker, Small, Smart, John Q. Smith, Starkweather, Stowell, Thornburgh, Townsend, Tyner, Wallace, Jasper D. Ward, Marcus L. Ward, Wilber, George Willard, John M. S. Williams, William Williams, and James Wilson—63.

NOT VOTING—Messrs. Adams, Albert, Arthur, Atkins, Averill, Banning, Barber, Barnum, Barry, Bass, Beck, Begole, Berry, Bradley, Bright, Buckner, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Stephen A. Cobb, Corwin, Cotton, Cox, Crittenden, Crutchfield, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Finck, Foster, Freeman, Frye, Garfield, Giddings, Gunckel, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Howe, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Lawrence, Lawson, Leach, Lofland, Loughridge, Lowe, Luttrell, Lynch, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McLean, Merriam, Mitchell, Monroe, Morey, Myers, Negley, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Randall, Ray, Read, Richmond, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Standiford, Alexander H. Stephens, Charles A. Stevens, St. John, Storm, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Tremain, Waddell, Waldron, Walls, Wheeler, White, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—189.

So the motion was not agreed to.

The SPEAKER *pro tempore*. The Sergeant-at-Arms is now at the bar of the House with certain gentlemen taken into custody as absentees, and is ready to make return on the writ ordered by the House.

The SERGEANT-AT-ARMS. Mr. Speaker, in obedience to the order of the House, I now have at its bar Mr. FINCK, Mr. ADAMS, Mr. ARTHUR, Mr. BUCKNER, Mr. BANNING, Mr. STANDIFORD, Mr. PAGE, Mr. HAZELTON, of Wisconsin, Mr. WILSON, of Indiana, and Mr. DOBBINS.

The SPEAKER *pro tempore*. Mr. FINCK, at a call of the House made by its order you failed to respond to your name and were recorded as an absentee. What excuse have you to offer for being absent from the sitting of the House without its leave?

Mr. FINCK. Mr. Speaker, at the hour of ten o'clock last evening, by an arrangement with gentlemen upon the democratic side of the House, in order that we might relieve each other, I was one of those detailed to go to bed; and at the hour of ten o'clock promptly, in obedience to our arrangement, I repaired to bed and slept from that time till about six o'clock this morning, when I made my appearance in the House. I will also add that at the time I repaired to my hotel I was physically in a condition that required me to go there, having remained in the House during its continuous session, over thirty hours. I do not, however, plead this as an excuse; I only want to stand honorably by the arrangement which I made with my colleagues. I will state further that I had paired with Governor WARD, of New Jersey.

Mr. COBB, of North Carolina. I move that the gentleman from Ohio [Mr. FINCK] be excused.

The motion was agreed to.

Mr. HALE, of Maine. The return of the Sergeant-at-Arms having obviated the necessity for my appeal from the decision of the Chair, I withdraw it.

The SPEAKER *pro tempore*. The Chair suggests to the gentleman the propriety of withholding the withdrawal until the return upon the writ shall have been fully heard by the House.

Mr. HALE, of Maine. So far as I am concerned, I do not care to press the appeal any further.

The SPEAKER *pro tempore*. The Chair will understand, then, if there be no objection, that the appeal of the gentleman from Maine from the decision of the Chair is withdrawn.

There was no objection.

Several MEMBERS. Regular order!

The SPEAKER *pro tempore*. Mr. ADAMS, at a call of the House made by its order you failed to respond to your name and were recorded as an absentee. What excuse have you to offer for being absent from the sittings of the House without its leave?

Mr. ADAMS. I imagine I have pretty much the same excuse that almost every other absentee has. I had remained here for over thirty-six hours continuously. I found it necessary to refresh myself with a little sleep, and went home for that purpose. I must say that I rather overslept myself. That is the cause of my absence.

Mr. HAYS. I move that the gentleman from Kentucky [Mr. ADAMS] be excused.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. ARTHUR, at a call of the House made by its order you failed to respond to your name and were recorded as an absentee. What excuse have you to offer for being absent from the sittings of the House without its leave?

Mr. ARTHUR. All I have to say is that I had not changed my linen or slept during forty hours. I went home to get a change of linen, and returned as speedily as I could.

Mr. FIELD. I move that the gentleman from Kentucky [Mr. ARTHUR] be excused.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. BUCKNER, at a call of the House made by its order you failed to respond to your name and were recorded as an absentee. What excuse have you to offer for being absent from the sittings of the House without its leave?

Mr. BUCKNER. Mr. Speaker, I was here until about one o'clock this morning, and intended to remain as long as any one. But Mr. HOOPER, a venerable and respectable gentleman on the other side of the House, was very anxious to get some one to pair with him, and I agreed to pair with him, and did so.

A MEMBER. How many did you pair with?

Mr. BUCKNER. I paired with nobody else. I did so the more readily because, under the arrangements which had been made on my side of the House, I was regarded somewhat as a supernumerary.

Mr. CONGER. I have this only to say, that I think the offense of the gentleman instead of being excused is aggravated by his having taken away a gentleman from our side of the House; but I understand this is his first offense.

Mr. ELDREDGE. We would have as much reason to complain on our side of the delinquency of the gentleman from Massachusetts [Mr. HOOPER] in that respect.

There being no objection, Mr. BUCKNER was excused.

The SPEAKER *pro tempore*. Mr. BANNING, of Ohio, at the call of the House made by order of the House you failed to respond to your name and are recorded as an absentee. What excuse have you to offer for being absent from the sittings of the House without its leave?

Mr. BANNING. I went home with the ten o'clock democratic relief. I had been here for about thirty-six hours before. I overslept myself this morning, so that I am here a little late. That is about the only excuse I have to offer.

Mr. CLEMENTS. Since the democrats are running the House and giving general leave of absence, I suppose the gentleman's excuse must be held sufficient. I move that he be excused.

Mr. FIELD. I desire to make one observation.

The SPEAKER *pro tempore*. Does the gentleman from Michigan object to the gentleman being excused?

Mr. FIELD. I will object unless there be some further explanation given. I wish to know whether this democratic relief is an unlawful combination?

Mr. BANNING. Not at all. It is a wing of the democratic party.

Mr. CRUTCHFIELD. The gentleman from Ohio, Mr. BANNING, was present at the roll-call and voted from the gallery.

Mr. CONGER. I object to the gentleman being excused until he makes a still further explanation. I desire the gentleman to explain under what construction of our rules he assumed the right to vote from the gallery.

The question being taken on the motion to excuse Mr. BANNING, it was agreed to.

The SPEAKER *pro tempore*. Mr. STANDIFORD, at a call of the House by the order of the House you failed to respond to your name and were recorded as an absentee. What excuse have you to offer for being absent from the sittings of the House without its leave?

Mr. STANDIFORD. I am about in the same condition with my friend from Ohio, [Mr. BANNING.] I was here forty hours without any sleep and was suffering from a very severe cold, and therefore thought I would go home and rest a little. I wanted also to put on clean linen.

Mr. BANNING. I move that the gentleman be excused.

The motion was agreed to.

Mr. ELDREDGE. I must insist on the point of order that the sheep shall be separated from the goats. I ask that the gentlemen who are not at the bar shall be directed to resume their seats.

The SPEAKER *pro tempore*. Gentlemen will please be seated.

Mr. PAGE, of California, at a call of the House by the order of the House you failed to respond to your name and were recorded as an absentee. What excuse have you to offer for being absent from the sittings of the House without its leave?

Mr. PAGE. I have been here continuously for forty hours. I needed rest and went home, and returned about six o'clock.

Mr. LUTTRELL. I move that the gentleman be excused.

Mr. PARSONS. I move that all further proceedings under the call be dispensed with.

Several MEMBERS. That is not in order.

The SPEAKER *pro tempore*. The Chair, before entertaining the motion of the gentleman from Ohio, [Mr. PARSONS,] will first submit the motion of the gentleman from California [Mr. LUTTRELL] that his colleague be excused.

Mr. CONGER. I have no objection if the gentleman will turn over a new page.

Mr. PAGE. I have done that already.

The motion that Mr. PAGE be excused was agreed to.

Mr. PARSONS. I now move that further proceedings under the call be dispensed with.

Mr. ELDREDGE. On that motion I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 45.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. PARSONS. I withdraw the motion.

Mr. ELDREDGE. I object to the gentleman withdrawing the motion.

Mr. SPEER. The gentleman has a right to withdraw his motion.

The SPEAKER *pro tempore*. The Chair does not understand that the gentleman has the right to withdraw the motion if objection be made.

Mr. SHANKS. During the time the democrats were before the House there was no objection to their being excused; but as soon as a republican appears the gentleman from Wisconsin calls for the yeas and nays.

Mr. ELDREDGE. The gentleman is mistaken. We make no difference between republicans and democrats in that respect. This side of the House wants to excuse all of them.

Mr. SPEER. I wish to understand the Chair. Does the Chair rule that a single objection prevents a gentleman, the yeas and nays having been called, from withdrawing his motion?

The SPEAKER *pro tempore*. The Chair's decision is this: That after the yeas and nays have been ordered upon a motion, that motion can only be withdrawn by unanimous consent.

Mr. SPEER. The Chair is in error. I do not want to appeal from his decision, but the Chair is certainly in error.

The SPEAKER *pro tempore*. The Chair, then, will agree with the gentleman from Pennsylvania and decide that the gentleman from Ohio [Mr. PARSONS] has the right to withdraw his motion, leaving it to any gentleman who chooses to appeal from the decision.

No objection being made, the motion was withdrawn.

The SPEAKER *pro tempore*. Mr. HAZELTON, of Wisconsin, at a call of the House by order of the House you failed to respond to your name and were recorded as an absentee. What excuse have you to offer for being absent from the sittings of the House without its leave?

Mr. HAZELTON, of Wisconsin. I was here in continuous session for about thirty-four hours, and I should have staid through the night, but I found all the lounges occupied, and I wanted to get more comfortable lodgings. I came back early this morning, as soon as I could.

Mr. FIELD. I move that Mr. HAZELTON, of Wisconsin, be excused.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. DOBBINS, upon a call of the House you have been recorded absent. What excuse have you to offer for being absent from the sessions of the House without its leave?

Mr. ELDREDGE. How has the motion of the gentleman from Ohio [Mr. PARSONS] been disposed of?

The SPEAKER *pro tempore*. The Chair will hear the excuse of the gentleman from New Jersey first.

Mr. DOBBINS. Mr. Speaker, I think there is great force in the old adage that the first law of nature is self-preservation. I was here at the opening of the session Wednesday morning last and have been continuously from that time to the present, except for about five and a half hours. I left this morning at four o'clock and went to my room and took a very comfortable nap, appreciated it very highly, and immediately afterward got my breakfast and came directly back. I wish further to say my age requires I should at least rest five hours out of forty-five.

Mr. SPEER. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER *pro tempore*. The Chair wishes to state that on subsequent reflection he decides the gentleman from Ohio [Mr. PARSONS] had the right to withdraw his motion.

Mr. ELDREDGE. If the Chair had made that decision originally I would have renewed the motion.

Mr. WARD, of Illinois. Mr. Speaker, I ask to be permitted to make a brief statement prefacing a motion I intend to make.

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. WARD, of Illinois. I do not know how much I may speak for my associates, but I think it is demonstrated that it is beyond the power of human endurance to legislate under rules such as exist here. We have sought fairly, earnestly, and continuously to accomplish an end which met with the approval of the majority of the House, as our friends on the other side will agree, but it is now demonstrated beyond the possibility of doubt that legislation is impossible as long as the rules of the House remain as they are. To the extent of human endurance have we carried on this attempt in good faith and in fairness, and I am happy to say in good spirit toward our opponents, who availed themselves as they might of the advantages of the present rules. I for one do not desire to continue longer this torture for the purpose of attempting to accomplish an impossibility, and I therefore move the House do now adjourn.

Mr. ALBRIGHT demanded the yeas and nays.

The House divided; and there were—ayes 25, noes 92.

So (more than one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

Mr. CESSNA. Before the roll is called, I ask unanimous consent to make a request personal to myself.

There was no objection.

Mr. CESSNA. I went away last evening at the request of the Speaker of the House, who stated his desire I should retire for a time, as he wished to make further use of my services in the Chair. I now ask to be excused for any absence which may be reported against me up to this time.

The SPEAKER *pro tempore*. The Chair hears no objection, and the gentleman from Pennsylvania is unanimously excused.

Mr. RANDALL. Why, Mr. Speaker, the gentleman was excused during the night, when he was reported absent on the call of the House.

The SPEAKER *pro tempore*. That is so.

The question was taken; and it was decided in the affirmative—yeas 76, nays 60, not voting 153; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Burleigh, Caldwell, John B. Clark, jr., Clements, Clymer, Cook, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Gunter, Eugene Hale, Hancock, Henry R. Harris, Hatcher, Joseph R. Hawley, Hereford, Hubbell, Hunton, Hurlbut, Lamar, Lowndes, Luttrell, Magee, McLean, Milliken, Mills, Moore, Morrison, Neal, O'Brien, Hosea W. Parker, Potter, Randall, Robbins, Sener, Small, J. Ambler Smith, John Q. Smith, Speer, Standiford, Stone, Strawbridge, Thompson, Tyner, Vance, Waddell, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, George Willard, William B. Williams, Willie, and Wolfe—76.

NAYS—Messrs. Albright, Barrere, Begole, Biery, Buffinton, Bundy, Cain, Cason, Cessna, Amos Clark, jr., Clinton L. Cobb, Coburn, Conger, Crooke, Crounse, Crutchfield, Dobbins, Field, Fort, Gooch, Hagans, Benjamin W. Harris, Harrison, Hays, Gerry W. Hazelton, John W. Hazelton, Hunter, Hyde, Lawrence, Lewis, Lynch, Maynard, McKee, McNulta, Myers, O'Neill, Page, Parsons, Pelham, Phillips, Pierce, Pratt, Rainey, Ransier, Rapier, Ellis H. Roberts, Ross, Henry J. Scudder, Shanks, Lazarus D. Shoemaker, Smart, Sprague, Starkweather, Thornburgh, Townsend, Wallace, Marcus L. Ward, John M. S. Williams, William Williams, and Woodworth—60.

NOT VOTING—Messrs. Albert, Averill, Barber, Barnum, Barry, Bass, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Chittenden, Freeman Clarke, Clayton, Stephen A. Cobb, Comingo, Corwin, Cotton, Cox, Creamer, Curtis, Danford, Darrall, Dawes, DeWitt, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Foster, Freeman, Frye, Garfield, Glover, Gunckel, Robert S. Hale, Hamilton, Harmer, John T. Harris, Hathorn, Havens, John B. Hawley, Hendee, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lawson, Leach, Lofland, Loughridge, Lowe, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Mitchell, Monroe, Morey, Negley, Nesmith, Niblack, Niles, Nunn, Orr, Orth, Packard, Packer, Isaac C. Parker, Pendleton, Perry, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Ray, Read, Richmond, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Southard, Stanard, Alexander H. Stephens, Charles A. Stevens, St. John, Storm, Stowell, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Tremain, Waldron, Walls, Wheeler, White, Whiteley, Wilber, Charles W. Willard, Charles G. Williams, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—153.

During the roll-call,

Mr. RANDALL said: I move to dispense with the reading of the names.

Mr. ALBRIGHT. I object.

The yeas and nays were read.

Mr. SCUDDER, of New Jersey, stated that he was paired with Mr. STORM, who if present would vote in the affirmative, while he would vote in the negative.

Mr. SNYDER stated that he was paired with Mr. HERNDON, of Texas, who if present would vote in the affirmative, while he would vote in the negative.

Mr. HARRIS, of Georgia. Mr. Speaker, I paired with my colleague, Mr. SLOAN, until ten o'clock this morning, and that time having expired I will vote in the affirmative.

Mr. FORT. I wish to put this question to the Chair: Can gentlemen who have been brought in by the Sergeant-at-Arms under arrest be allowed to vote on this roll-call? I see that the gentleman from New York [Mr. COX] and others voted just as soon as they got into the House, although they have been reported absent without the leave of the House.

The SPEAKER *pro tempore*. The Chair will respond to the gentleman from Illinois by saying that, in his judgment, members under arrest for absence from the House have not the right to vote on the pending motion.

Mr. SPEER. The gentleman from Massachusetts [Mr. BUTLER] was not in the Hall during the roll-call, and I want to know whether his name is upon the list?

Mr. RANDALL. Announce the result.

Mr. BUTLER, of Massachusetts. I withdraw my vote.

The SPEAKER *pro tempore*. The Chair cannot recognize all who are under arrest and have not been excused.

Mr. BUTLER, of Massachusetts. I withdraw my vote.

Mr. FORT. I desire to have the name of Mr. COX called, to see whether he voted on this motion or not.

Mr. COX. Of course I did, as I was here during the roll-call.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. COX] has voted.

Mr. FORT. He is not entitled to vote, as he was not in the Hall when the last name was called, and besides is under arrest.

Mr. RANDALL. Mr. STEVENS, of Massachusetts, who came in with Mr. COX, also voted.

The SPEAKER *pro tempore*. The Chair decides those who were absent on the call of the House and are under arrest and who came into the Hall during this roll-call are not entitled to vote.

Mr. PAGE. Those who were excused have a right to vote?

The SPEAKER *pro tempore*. Certainly.

Mr. COX. I went to see a sick colleague, and when I came back here the roll was being called as I came in. I voted; but if any member objects, I will withdraw my vote.

Mr. CONGER. I ask unanimous consent that all the proceedings under this call be dispensed with.

The SPEAKER *pro tempore*. The adjournment decides that point. If the House adjourns, the call of the House falls with it.

Mr. WARD, of Illinois. The point having been made that several gentleman voted, no doubt unintentionally, who were not entitled to vote, and as the rule as I understand it has been carried out in one instance and the gentleman from New York [Mr. COX] compelled to withdraw his vote, I think it only fair it should be carried out to the furthest extent. There are two or three other gentlemen whom I recognize as having been absent during the call of the House, and I have been here long enough to know them, who inadvertently, I have no doubt, voted on this roll-call; and if one member is compelled to withdraw his vote, I think all who were not entitled to vote because absent without leave should also withdraw their votes.

The SPEAKER *pro tempore*. The Chair responds by saying that he was not aware of the fact any members had voted who were not entitled to vote.

Mr. SMITH, of New York. I was absent at the time the call of the House was ordered, having paired with a gentleman on the other side, but I do not understand I am under arrest. If, however, there be any objection to my voting under the circumstances, I will withdraw my vote.

The SPEAKER *pro tempore*. The Chair understands the gentleman from New York is among the number of those who are on the list of the Sergeant-at-Arms reported absent without the leave of the House.

Mr. SMITH, of New York. I withdraw my vote.

Mr. STANARD. I was not in the House when the call of the House was ordered, but I came here before the motion to adjourn was decided, and my name being called I voted. I supposed I had the right to vote when my name was called, but if I am not entitled to vote I ask my name be withdrawn.

Mr. STEVENS, of Massachusetts. I withdraw my vote.

Mr. WARD, of New Jersey. I understand that I was excused on the call of the House; and if so, of course I had the right to vote.

The SPEAKER *pro tempore*. The gentleman had the right to vote, he being excused.

Mr. DARRALL. I entered the Hall without interruption and voted, as I supposed I had the right to.

The SPEAKER *pro tempore*. I think the gentleman was absent without leave on the call of the House.

Mr. DARRALL. I was; I withdraw my vote.

Mr. BUTLER, of Tennessee. I withdraw my vote.

Mr. CESSNA. Let me ask a parliamentary question. I want to know whether all persons under arrest and not excused are not precluded from voting on this motion to adjourn, while all who were under arrest and excused are entitled to vote?

The SPEAKER *pro tempore*. That is so.

Mr. MAYNARD. The use of the phrase "under arrest" is the cause of all this trouble.

Mr. STANARD. I certainly was not under arrest, though paired and not here during the call of the House.

The SPEAKER *pro tempore*. All who were absent and not excused are not entitled to vote.

Mr. WILSON, of Indiana. There seems to be an attempt to discriminate and make a distinction between those formally arrested by the Sergeant-at-Arms and those absent subject to arrest. Now I apprehend, Mr. Speaker, that in regard to these two classes of persons there can be no possible difference so far as the legal right of the parties to vote is concerned. The mere formal matter of the arrest can make no possible difference. If a member can be deprived of his vote at all it is because he is a delinquent and has been so pronounced by a vote of the House. The mere fact that he has not been arrested can make no possible difference whatever.

But before this proceeding goes further, I want to know (and although I have not been, I presume, formally arrested by order of the House, I am one of the delinquents and stand here confessing that fact in the presence of the House)—I want to know upon what principle it can be held that a member of the House who is here in his seat when the roll is called shall be deprived of the privilege of voting.

The SPEAKER *pro tempore*. The Chair answers the gentleman from Indiana by saying that all the proceedings up to the point to which he alludes are proceedings under a call of the House. One object of a call of the House, as the gentleman well knows, is to determine who are and who are not present; and when that call develops the absence of any gentleman, then, in the judgment of the Chair, that gentleman, until he shall have been excused by the House, is not entitled to vote upon any proceeding pertaining to the call. It is upon that point alone that the ruling of the Chair is made.

Mr. WILSON, of Indiana. Now, Mr. Speaker——

Mr. HALE, of Maine, and others. Regular order!

Mr. ELDREDGE. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair will say further to the gentleman from Indiana that the legal presumption under such circumstances is that the gentleman is out of doors—not in the Hall; and if the Chair had been disposed to apply that rule strictly to the gentleman from Indiana, it is possible that he might have been sustained in refusing to recognize the gentleman until the House had passed upon his case, or until, by an adjournment, all proceedings in regard to the call of the House had been wiped out.

Mr. WILSON, of Indiana. The Chair will understand——

Many MEMBERS. Regular order!

The SPEAKER *pro tempore*. The Chair will entertain no further discussion upon this point. If the gentleman from Indiana or any other gentleman in the same situation desires to vote, the Chair will submit to the House the question whether he shall be allowed to do so.

Mr. ELDREDGE. The question of order I have been seeking to raise is that the gentleman from Indiana has no more right to speak in the House than to vote.

Mr. SHANKS. Before the vote is announced I would like an opportunity to read a declaration from the democratic platform of 1872.

Several MEMBERS. O, no! Regular order!

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*, (at ten o'clock and twenty-five minutes a. m., Friday, January 29.) The motion to adjourn having been agreed to, the House stands adjourned until Saturday at twelve o'clock.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBRIGHT: The petition of Lewis W. Pryor and 23 others, soldiers in the late war, for an amendment of the homestead law, to the Committee on the Public Lands.

Also, the petition of citizens of Weatherly, Carbon County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. AVERILL: The petition of citizens of Du Luth, Minnesota, for an appropriation to improve the harbor of Du Luth, to the Committee on Commerce.

By Mr. BASS: The petition of the Buffalo Iron and Nail Works and others, of similar import, to the Committee on Ways and Means.

By Mr. BECK: The petition of Walter Wheatly, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. BUFFINTON: Two remonstrances of manufacturers of cotton in Fall River, Massachusetts, against the renewal of patent for Wellman's self-strippers for cotton-cards, to the Committee on Patents.

By Mr. BUNDY: The petition of Lot Davies and 52 others, of Buckeye Furnace, Jackson County, Ohio, for the restoration of the 10 per cent. reduction of duties made in 1872, to the Committee on Ways and Means.

Also, the petition of citizens of Lawrence County, Ohio, for an increase of currency and reorganization of the Treasury Department, to the Committee on Ways and Means.

Also, petitions of citizens of Jackson County, Ohio, and of Bloom Furnace, Scioto County, Ohio, for the restoration of the 10 per cent. reduction of duties made in 1872, and against a duty on tea and coffee, to the same committee.

By Mr. BURCHARD: The petition of Rachel Roads, of Logan County, Illinois, for a pension, to the Committee on Invalid Pensions.

By Mr. BUTLER, of Massachusetts: Memorial of Robert Erwin, of Savannah, Georgia, asking that his case may be reinstated in the Court of Claims, to the Committee on the Judiciary.

By Mr. CANNON, of Illinois: The petition of citizens of Decatur, Illinois, of similar import, to the Committee on Ways and Means.

By Mr. CESSNA: Remonstrances of citizens of Franklin and Cambria Counties, Pennsylvania, against the imposition of a duty on tea and coffee, to the Committee on Ways and Means.

By Mr. COBURN: The petition of officers of District of Columbia Volunteers, in relation to commissions, to the Committee on Military Affairs.

Also, the petition of William G. Ford, administrator of the estate of John G. Robinson, for relief, to the Committee on War Claims.

By Mr. COTTON: Petition of citizens of Clinton, Iowa, for the location of the proposed Hennepin canal above the Rock Island Rapids, to the Committee on Railways and Canals.

By Mr. DANFORD: The petition of citizens of Irondale, Ohio, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. DUELL: The petition of workingmen of Geddes, New York, for the restoration of the 10 per cent. reduction of duties made in 1872, to the Committee on Ways and Means.

Also, the petition of William A. Sweet and 60 others, workers in the Sweet Manufacturing Company, Syracuse, New York, of similar import, to the same committee.

By Mr. FARWELL: The petition of 221 citizens of Chicago, Illinois, of similar import, to the Committee on Ways and Means.

By Mr. GUNCKEL: The petition of John Curtin, formerly private Ninety-fifth New York Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. HALE, of Maine: The petition of Sarah T. Johnson, for a pension, to the Committee on Invalid Pensions.

By Mr. HARMER: The petition of 108 spring and steel makers of Frankford, Pennsylvania, of similar import, to the Committee on Ways and Means.

By Mr. HAWLEY, of Illinois: Petitions of 550 citizens of Rock Island County, Illinois; of 500 citizens of Will County; of citizens

of Joliet and of Henry Counties, Illinois, praying Congress to provide for the construction of the Rock Island and Hennepin Canal, to the Committee on Railways and Canals.

By Mr. E. R. HOAR: The petition of John S. Fay, of Marlborough, Massachusetts, for an amendment of the pension law, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of several hundred operatives in factories and workshops of Messrs. John and James Dobson, of Philadelphia, of similar import, to the Committee on Ways and Means.

Also, two petitions of citizens of Schuylkill County, Pennsylvania, of similar import, and further, for the passage of the currency bill submitted by Hon. W. D. KELLEY, providing for the issue of 3.65 convertible bonds, to the Committee on Ways and Means.

By Mr. LAMPORT: Petitions of the South Baptist church of the city of New York; of the Fulton Division Sons of Temperance; and of Seneca Howland, chaplain at Fort Hamilton, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. McKEE: The petition of 135 citizens of Rankin County, Mississippi, for the refunding of the cotton tax, to the Committee on Ways and Means.

By Mr. MORRISON: The petition of Charles Reiss and others, of Monroe County, Illinois, for equalization of bounties, to the Committee on Military Affairs.

By Mr. O'BRIEN: Memorial of M. A. Newell, superintendent of education State of Maryland, William R. Creesy, superintendent of public schools of Baltimore, William Elliott, principal Baltimore City College, and others, asking aid from Congress for the American Printing House for the Blind and the American University for the Blind, to the Committee on the District of Columbia.

By Mr. O'NEILL: Two petitions of citizens of Philadelphia, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. PHILLIPS: The petition of citizens of Kingsley, Kansas, for the location of a United States land office at Kingsley, to the Committee on the Public Lands.

By Mr. PLATT, of Virginia: The petition of ship-builders and others, for an appropriation to secure an exhibition of American woods in manufactured forms at the centennial exhibition, to the Committee on Appropriations.

By Mr. RANDALL: The petition of Elizabeth Taylo , for a pension, to the Committee on Invalid Pensions.

Also, the petition of employés in the rolling-mill of C. Winch, of Philadelphia, for the restoration of the 10 per cent. reduction of duties made in 1872, and against a tax on tea and coffee, to the Committee on Ways and Means.

By Mr. SAWYER: The petition of citizens of Green Lake County, Wisconsin, for increased appropriations for the improvement of the Fox and Wisconsin Rivers, to the Committee on Commerce.

By Mr. SCUDDER, of New York: Remonstrance of the supervisors of Richmond County, New York, and 1,000 citizens of said county, against the mode of improving the Kill von Kull, between Staten Island and the New Jersey shore, to the Committee on Commerce.

By Mr. SENER: The petition of Elizabeth A. Bryant, of Westmoreland County, Virginia, to be compensated for losses incurred during the war, to the Committee on War Claims.

By Mr. SMITH, of Pennsylvania: The petition of laboring men of Marietta, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. SMITH, of Virginia: Paper relating to the claim of Edward O. Watkins, for war supplies, to the same committee.

By Mr. STORM: Petitions of citizens of Easton, Weatherly, and Hellertown, Pennsylvania, of similar import, to the Committee on Ways and Means.

By Mr. SPEER: Petitions of citizens of Hollidaysburgh, Pennsylvania, and of Matilda Furnace, Pennsylvania, for the repeal of so much of the act of 1872 as reduced the duties on imported goods 10 per cent., and remonstrating against the restoration of the duty on tea and coffee, to the Committee on Ways and Means.

By Mr. YOUNG, of Georgia: The petition of employés of Etna Furnace, Georgia, of similar import, to the same committee.

IN SENATE.

THURSDAY, *January* 28, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WASHBURN presented a memorial of the Methodist Episcopal church of Miller's Falls, signed by the pastor and officers; a memorial of the First Methodist Episcopal church of Westfield, Massachusetts, signed by the pastor and officers; and a memorial of the North New Salem Methodist Episcopal church of Massachusetts, signed by the pastor and officers, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which were referred to the Committee on Finance.

Mr. BOGY presented the petition of Mijamin Templeton, of Louisiana, Pike County, Missouri, praying to be allowed a pension for services rendered in the war of 1812; which was referred to the Committee on Pensions.

He also presented the petition of Christy Jordan, praying to be allowed a pension and a land warrant on account of services rendered in the war of 1812; which was referred to the Committee on Pensions.

He also presented papers relating to the claim of Charles Sanguinet to Cabaret Island, in the Mississippi River; which were referred to the Committee on Private Land Claims.

Mr. JOHNSTON presented a memorial of citizens of Wythe County, Virginia, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. DENNIS presented a petition of citizens of Baltimore, Maryland, praying that the duties on tea and coffee be not restored, and that the 10 per cent. reduction of duties on foreign goods be repealed; which was referred to the Committee on Finance.

He also presented a memorial of Charles H Ashburner, J. Webster Stuart, William J. Williams, and 55 others, citizens of Baltimore, Maryland, remonstrating against the restoration of duties on tea and coffee or any revival of internal taxes; which was referred to the Committee on Finance.

He also presented a petition of Barnett T. Swart, of the District of Columbia, praying compensation for the use of his farm northwest of Washington by the Army of the United States during the rebellion, and for property taken and destroyed by the Army; which was referred to the Committee on Military affairs.

He also presented the petition of James A. Stewart, Daniel M. Henry, J. Wilson Byrne, and 61 others, asking an appropriation for the improvement of the harbor of Cambridge, Maryland; which was referred to the Committee on Commerce.

He also presented a petition of American merchant seamen of the port of Baltimore, Maryland, in favor of the present system of carrying on the marine-hospital service; which was referred to the Committee on Commerce.

Mr. HAMILTON, of Maryland, presented a memorial of T. H. Brown and others, citizens of Elk Ridge Landing, Maryland, praying for the repeal of so much of the act of June 6, 1872, as reduced the duties on certain imports 10 per cent.; which was referred to the Committee on Finance.

Mr. SAULSBURY presented a memorial of Thomas McCorkle, jr., and others, citizens of Wilmington, Delaware, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

Mr. SCOTT presented petitions from citizens of Easton, Allegheny City, and Hollidaysburgh, and of Clarion County, Pennsylvania, remonstrating against the restoration of the duty on tea and coffee, and praying a repeal of the law which reduced duties on certain foreign goods 10 per cent.; which were referred to the Committee on Finance.

Mr. SHERMAN presented a petition of citizens of Jackson County, Ohio, remonstrating against the restoration of the duty on tea and coffee, and praying for the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which was referred to the Committee on Finance.

He also presented the petition of Andrew B. Battelle, a resident of Marietta, Ohio, and George D. Evans, a resident of the State of West Virginia, praying compensation for the loss of certain hides and tallow; which was referred to the Committee on Claims.

Mr. HAMLIN. I present the memorial of A. M. Roberts and others, citizens of Bangor, Maine, asking for additional laws to enforce the judgments of the United States courts in cases where municipal officers by resignation evade compliance with the judgments of the courts. I move that the memorial be referred to the Committee on the Judiciary; and I want to take this occasion to repeat to that committee that there is an alarming condition of things in the country that demands investigation and relief if it be possible.

The motion was agreed to.

Mr. LOGAN presented a memorial signed by 221 persons employed in the North Chicago Rolling-Mills, remonstrating against the restoration of the duties on tea and coffee and the revival of internal taxes, and asking the repeal of the act of 1872 which reduced the duties on certain imports 10 per cent.; which was referred to the Committee on Finance.

Mr. CAMERON. I present twelve petitions from different sections of the State of Pennsylvania, signed by workingmen in different iron-works in various parts of the State who remonstrate against the duties being restored on tea and coffee and desiring to have the 10 per cent. reduction of duties on foreign goods restored. I move that these memorials be referred to the Committee on Finance.

The motion was agreed to.

Mr. DORSEY presented a petition of 270 citizens of the Indian Territory and State of Arkansas; a petition of officers of the State

government of Arkansas; a petition of 60 citizens of Bowie County, Texas; and a petition of citizens of Arkansas living adjacent to the Indian Territory, praying Congress to pass the bill providing for the organization of the Territory of Oklahoma; which were referred to the Committee on Territories.

Mr. MORTON presented the petition of Ernestine H. Stevens and Thomas S. Rhett, admistrators of the estate of Walter H. Stevens, deceased, asking payment for six thousand tons of coal taken possession of by Mexican troops at Vera Cruz, Mexico, in July, 1867; which was referred to the Committee on Foreign Relations.

Mr. CONKLING presented the petition of Henry Mentz, late a private of Company L, First New York Cavalry Regiment, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a memorial of residents of Buffalo, New York, remonstrating against the reimposition of duties on tea and coffee and suggesting other means of increasing the revenue; which was referred to the Committee on Finance.

He also presented a memorial of the Seventeenth Street Methodist Episcopal church of the city of New York, signed by the pastor, Rev. W. H. Boole, and by Rev. J. H. Boice, secretary of the quarterly conference, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

He also presented the petition of John B. Miller, late captain of Company M, First Regiment Illinois Light Artillery, residing at Albion, Orleans County, New York, praying for the passage of an act granting him full pension from June 4, 1871; which was referred to the Committee on Pensions.

Mr. HITCHCOCK presented a petition of citizens and property-holders of the District of Columbia and along the road or public highway leading from the navy-yard bridge to the District line by way of Good Hope, remonstrating against the bill now pending for a charter for a street railroad to be run by steam or dummy engines; which was referred to the Committee on the District of Columbia.

He also presented a petition of citizens of Nebraska, praying for the establishment of a branch mint at Omaha, in that State; which was referred to the Committee on Finance.

Mr. BOREMAN presented a petition of soldiers who served in the late war, now residents of West Virginia, praying for the passage of an act for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. SARGENT. I present a petition of two thousand citizens of the District of Columbia. The shortest statement I can make is to ask that it be read at the Clerk's desk.

The Secretary read as follows:

To the honorable the Senate and House of Representatives of the United States:

We, the undersigned, citizens and tax-payers residing in the District of Columbia, respectfully petition your honorable bodies to pass the amendment to Senate bill No. 963 "for the better government of the District of Columbia" introduced in the Senate by Hon. A. A. SARGENT. We believe this bill provides a more practical, fairer, less expensive, and more equitable form of government than any yet proposed, and that it will be more satisfactory to, and meet the approval of, the greater majority of our citizens.

And your petitioners will ever pray, &c.

Mr. SARGENT. I also present the petition of 107 citizens of the county of Washington, District of Columbia, to the same import. I move that these petitions be laid on the table.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DENNIS, it was

Ordered, That the petition and papers of Miss Rebecca L. Wright be taken from the files and referred to the Committee on Military Affairs.

Mr. CHANDLER. I move that the petition of officers of the Fifth Michigan Cavalry Volunteers be taken from the files of the Secretary of the Senate and referred to the Committee on Military Affairs in connection with the accompanying papers which I now present containing additional evidence.

The motion was agreed to.

Mr. INGALLS. I offer the following order:

Ordered, That Mrs. Winslow, the widow of Rear-Admiral Winslow, have leave to withdraw the papers on file with her application for an increase of pension.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. INGALLS. There has been.

The PRESIDENT *pro tempore*. The order will be made if there be no objection, copies of the papers being left on the files.

REPORTS OF COMMITTEES.

Mr. LOGAN. On the day before yesterday there was referred to the Committee on Military Affairs a resolution calling on the Secretary of War for information relative to the arrest and imprisonment of John S. Carr, United States customs officer in Alaska. I am instructed by the committee to report it back, and if there be no objection I ask that it be passed. It merely calls for information.

Mr. SPRAGUE. I must object to the consideration of any resolution at this time.

The PRESIDENT *pro tempore*. Objection is made to the present consideration of the resolution. It will lie over.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of William A. Wise, praying for an amendment of the pension laws so as to allow arrears of pension in certain cases, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 1175) extending the provisions of the act approved June 4, 1872, entitled, "An act granting a pension to A. Schuyler Sutton," submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Hiram Sawtelle, guardian of Lydia J. Church, orphan child of the late Nathaniel G. Church, late private in Company E, Third Regiment Maine Volunteers, praying that a pension may be granted said child, submitted a report accompanied by a bill (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. SARGENT, from the Committee on Naval Affairs, who were instructed by a resolution of the Senate to inquire into the expediency of reducing the number of navy-yards and of naval hospitals, and authorized to visit the different navy-yards and naval hospitals on the Atlantic coast for the purpose of such inquiry, submitted a report; which was ordered to be printed.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1075) for the protection of the postal rights of the inmates of insane asylums, reported it without amendment.

Mr. MORRILL, of Maine. I am directed by the Committee on Appropriations, to whom was referred the petition of Peter O'Farrell and others, corresponding committee of the workingmen of Kansas, praying compensation for two hours' extra labor per day performed for the Government from May 19, 1869, to August 15, 1872, to report the same back and ask to be discharged from its further consideration, because it does not relate to any of the duties that are properly devolved upon that committee. I suggest that it be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. That change of reference will be made, if there be no objection.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (S. No. 1196) making an appropriation for the improvement of the military wagon-road from Scottsburgh, Oregon, to Camp Stewart, Oregon, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. MORRILL, of Maine. I am directed by the same committee, to whom was referred the bill (S. No. 1081) to reimburse the State of Oregon for moneys paid by said State in the suppression of Indian hostilities during the Modoc war, in the years 1872 and 1873, to report it back and ask to be discharged from its further consideration, inasmuch as there is no law authorizing such appropriation, and the investigation involved in it does not belong to the Committee on Appropriations. I suggest that it go to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The committee will be discharged, and the bill will be referred to the Committee on Military Affairs, if there be no objection.

Mr. FERRY, of Michigan, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of Nathaniel G. Smith, postmaster at Flemington, New Jersey, praying relief from liability incurred by loss of postage-stamps stolen by burglars, submitted a report accompanied by a bill (S. No. 1206) for the relief of Nathaniel G. Smith, postmaster at Flemington, New Jersey.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. FERRY, of Michigan, from the same committee, to whom was referred the petition of Elijah J. Woolum, of Alabama, praying the passage of an act for his relief to pay for certain mail service performed from June 1 to November 1, 1865, under military orders and contract, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 4141) to make East Pascagoula, in the State of Mississippi, a port of delivery in the district of Pearl River, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 976) to promote economy and efficiency in the marine-hospital service, reported it without amendment.

Mr. BOUTWELL subsequently said: I ask the Senate to allow a bill reported from the Committee on Commerce in regard to the marine-hospital service which was placed on the Calendar this morning, to be recommitted to the committee.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

THE 3.65 BONDS OF THE DISTRICT OF COLUMBIA.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (S. No. 1204) for the payment of interest

on 3.65 bonds of the District of Columbia, instruct me to report the same back. I ask unanimous consent of the Senate to allow this bill to be passed at the present time, inasmuch as the faith of Congress is pledged to the payment of this interest, and it falls due on Monday next, and the coupons go to protest unless we can pass this bill in season to get it through the House of Representatives in order to meet that contingency. With that statement, I ask that it may be read, and I trust to get the unanimous consent of the Senate for its consideration.

Mr. SPRAGUE. I desire to observe that if the consideration of the bill excites comment, I shall object. I wish to reserve that right.

Mr. MORRILL, of Maine. The Senator will have that right anyway. I shall not interfere with the business of his committee which comes up this morning.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill. It appropriates $182,500, or so much thereof as may be necessary, for the payment of the interest on the bonds of the District of Columbia, known as 3.65 bonds, due on February 1, 1875, issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874. This interest is to be paid by the Treasurer of the United States, or the assistant treasurer of the United States in New York, on surrender of the proper coupons. The sum thus appropriated is to be considered and adjusted as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia, and toward the payment of the interest on the funded debt of the District.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. MORRILL, of Maine, it was

Ordered, That the Committee on Printing be discharged from the further consideration of the bill (H. R. No. 4531) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and that it be referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1207) to restore Lieutenant George M. McClure to the active list of the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1208) for the relief of John S. Chapman; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1209) making an appropriation for the improvement of the Coquille River, in Oregon, by the construction of a canal connecting its waters with those of the Pacific Ocean; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1210) to provide for the distribution of the regular official editions of certain public documents and of the CONGRESSIONAL RECORD; which was read twice by its title, referred to the Committee on Printing, and ordered to be printed.

Mr. RANSOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1211) to refer to the Court of Claims certain claims growing out of the war of the Revolution; which was read twice by its title, referred to the Committee on Revolutionary Claims, and ordered to be printed.

PACIFIC MAIL SUBSIDY.

Mr. BOGY. I offer a resolution which I send to the Chair.

The Secretary read the resolution, as follows;

Whereas the subsidy granted to the Pacific Mail Steamship Company in 1872 was obtained by improper means and influences: Therefore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the legality and expediency of repealing the act of June 1, 1872, authorizing a subsidy to the said Pacific Mail Steamship Company.

The reading of the resolution was interrupted by

Mr. SPRAGUE. Is that subject to an objection?

The PRESIDENT *pro tempore*. After it is read.

Mr. SPRAGUE. If my objection will prevent its reading, I desire to interpose it now, merely because the resolution takes time.

The PRESIDENT *pro tempore*. The Senator objects.

Mr. BOGY. In presenting the resolution I might have read it myself. I shall claim that right.

The PRESIDENT *pro tempore*. The resolution can be read. If the Senator desires it to be read, it will be read.

The reading of the resolution was concluded.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island object to the resolution being referred?

Mr. SPRAGUE. No, sir.

Mr. BOGY. I desire that it be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. It will be so referred.

BUSINESS OF COMMITTEE ON PUBLIC LANDS.

The PRESIDENT *pro tempore*. If there be no further resolutions, the Senate will proceed under the order to the consideration of bills from the Committee on Public Lands.

Mr. SPRAGUE. I move that the Senate postpone indefinitely the following bills, which are reported unfavorably by the Committee on Public Lands. I desire their indefinite postponement in order to clear the Calendar of them. The first is the bill (S. No. 174) for the relief of certain settlers upon homestead and pre-emption lands.

Mr. CLAYTON. I should like to inquire what bill that is.

Mr. WRIGHT. I should like to have the bill read, to see what it is before we postpone it indefinitely.

The PRESIDENT *pro tempore*. The bill will be read.

The Secretary read the bill. It provides in the first section that in all cases where settlers upon public lands under the provisions of the pre-emption and homestead laws of the United States shall have paid double minimum price by reason of their location within any designated railroad route, which route shall be so changed by the final location of the road as to exclude said lands from the limits within which double minimum price is to be charged, the excess above $1.25 per acre shall be refunded to the person so paying the same, or his legal representatives.

The second section provides that settlers under the homestead laws who, by reason of such withdrawal and subsequent change, have received but eighty acres of land shall be entitled to eighty acres additional, to be selected from any of the public lands of the United States open to settlement or pre-emption at the minimum price.

Mr. WRIGHT. I should like to inquire of the chairman of the Committee on Public Lands whether they report against this bill because there is legislation already covering it or because they are opposed to the principle of the bill? On which ground is it?

Mr. SPRAGUE. Somewhat on both grounds. It reverses the whole policy of the land system. The Senator, if he has an interest in the bill, will favor it more by having a new one referred to the committee than taking up time with this. I trust he will permit me to get this off the Calendar.

Mr. WRIGHT. I suggest to the chairman that he had better pass it over by letting it stand on the Calendar. There can be no harm done by that.

Mr. SPRAGUE. Very well.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. SPRAGUE. I move to postpone indefinitely the bill (S. No. 309) to extend the time for proof and payment on pre-emption claims upon the public lands.

Mr. INGALLS. I should like to hear that bill read.

The bill was read.

Mr. SPRAGUE. This bill embraces all the lands that are pre-empted, whereas we have occasionally given relief in special cases. I trust that this bill will be indefinitely postponed, and I make that motion.

The motion was agreed to.

Mr. SPRAGUE. I now move to postpone the bill (S. No. 904) to provide revenue from the sale of public lands.

The motion was agreed to.

Mr. SPRAGUE. Now I move to postpone indefinitely the bill (S. No. 872) to quiet the title of settlers on certain railroad lands.

The motion was agreed to.

OREGON CENTRAL RAILROAD.

Mr. SPRAGUE. I have four railroad land-grant bills before me. They grant nothing but the right of way, and they are in accordance with the policy of the Senate. I ask that they may be passed by their titles. If any Senator desires a reconsideration, I shall take pleasure in moving a reconsideration if he finds that they grant anything more. The first is Senate bill No. 584.

The bill (S. No. 584) providing for the permanent location of the southern terminus of the Oregon Central Railroad, and to amend the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, was considered as in Committee of the Whole.

The SECRETARY. The Committee on Public Lands reported an amendment in the nature of a substitute for the bill. The words to be inserted are:

That for the purpose of aiding in the construction of a railroad and telegraph line from the terminus near McMinnville, as fixed and established by the act of which this is amendatory, to some suitable point on the line of the Oregon and California Railroad, not farther south than Eugene City, nor farther north than Junction City, in the State of Oregon, such terminus within said limits to be selected by the company within six months from the passage of this act, there is hereby granted to the Oregon Central Railroad Company, now engaged in constructing said road, and to its successors and assigns, the right of way through the public lands of the width of one hundred feet on each side of said road, and the right to take from the adjacent public lands materials for constructing said road, and also the necessary lands for depots, stations, side-tracks, and other needful uses in operating the road, not exceeding forty acres at any one place; and also each alternate section of the public lands, not mineral, excepting coal or iron lands, designated by odd numbers, nearest to said road, to the amount of ten such alternate sections per mile, on each side thereof, not otherwise disposed of or reserved, or held by valid pre-emption or homestead right at the time of the passage of this act. And in case the quantity of ten full sections per mile cannot be found on each side of said road within the said limits of twenty miles, other lands, designated as aforesaid, shall be selected,